



# **Terms of Reference**

**for**

**EA0708-001 Selwyn Resources –  
Mineral Exploration at Howard's Pass**

# Introduction

## ***Purpose of this Document***

This document describes the environmental assessment (EA) process for the Selwyn Resources Mineral Exploration Program at Howard's Pass, near the NWT-Yukon border in the Sahtu Settlement Area. The developer (Selwyn Resources Ltd.) will use this document as direction on what information to include in the Developer's Assessment Report (DAR) for this EA.

The term *development* has the same broad definition in this document as in the *Mackenzie Valley Resource Management Act* (MVRMA), that is an undertaking on land or water. In this case, the development is a preliminary mineral exploration program whose aim is to delineate a potential resource. The term *impact to the environment* also has the same broad definition as in the MVRMA and includes socio-economic and cultural impacts to people and traditional harvesting activities.

This document should be read with the workplan for this EA, which contains timelines for the EA process.

## ***Referral to Environmental Assessment***

Selwyn Resources Ltd. applied for a land use permit to the Sahtu Land and Water Board (SLWB) on April 2, 2007. The SLWB began a preliminary screening under s.124 of the MVRMA.

On June 12, 2007, the Mackenzie Valley Environmental Impact Review Board (the Review Board) received a letter from the Sahtu Secretariat Inc. referring the development to EA. The Review Board began the EA under s.126 (2) of the MVRMA. The referral was made due to public concern related to potential impacts to the area, located in a proposed conservation zone (in the draft Sahtu Land Use Plan) and proposed park.

## ***Legal Context***

This EA is subject to Part 5 of the MVRMA and is guided by the Review Board's Environmental Impact Assessment Guidelines and Rules of Procedure. All of these documents are available through the Review Board's website at [mveirb.nt.ca](http://mveirb.nt.ca). Additional information or clarification on procedures can be obtained from the Review Board office.

## ***Scope of Development***

This section outlines the scope of the development. The Review Board may request information on additional components of the development during the EA.

- Drilling of up to 100 drill holes in alpine and sub-alpine terrain using diamond drill rigs (some heli-portable, some land-based) within identified claim and lease blocks
- Clearing of vegetation for new CAT trails for access to drill sites at a rate of up to 2 km/year for 5 years
- Helicopter transportation of personnel and equipment from the Yukon to work sites in the NWT
- Off site waste disposal from work sites in the NWT to disposal facilities in the Yukon, as well as on site waste disposal in the NWT
- Reclamation and closure activities at drill sites and trails

## Scope of the Environmental Assessment

The scope of EA determines which issues and items will be examined during the process. The Review Board recognizes that this development was referred because of public concern, and has developed the scope of assessment with this concern in mind as well as factors listed under section 117(2) of the *MVRMA*.

The Review Board requires more information on what specific action the developer plans to take on the ground and what resources are present in the area, namely caribou and heritage resources. The Review Board takes a cautionary approach to assessing activities in caribou ranges, preferring to know as much as possible on migration patterns, habitat uses and life cycle behaviours before making determinations of significance or decisions on impacts and mitigation. This is especially true for Woodland Caribou, a species of special concern, and for caribou in general because of recent declines in NWT populations.

The issue of public concern that brought this development to the attention of the Review Board deals with the potential park lands in the area. The Review Board requires additional information on what impact this development may have on these potential park lands and how the creation of a park may impact this development.

The Review Board may identify other issues for review during the course of this assessment.

## Terms of Reference

### **Overview**

These Terms of Reference (TOR) are the Review Board's instructions to Selwyn Resources Ltd. to what type and amount of information to provide in the DAR. This information is an integral part of understanding the potential impacts of the proposed development and will help the Review Board to determine significance and mitigation strategies for these impacts.

## General Items

Selwyn Resources Ltd. will provide the Review Board with a DAR that gives information on each of the items within the section titled “Specific Items”. For each specific item, where appropriate, Selwyn Resources will:

- Identify the development activity
- Identify the changes this activity produces in the environment
- Identify the potential impacts of these changes (with supporting rationale and evidence, if possible)
- Propose mitigation measures, including the rationale and evidence to show that the mitigation will work
- Predict the impacts that may not be mitigated

When describing impacts, Selwyn Resources should be able to define and explain each relative to:

• Direction	Describe whether the impact is adverse or beneficial.
• Magnitude	Refers to the degrees of change that may be caused and should be discussed in absolute and relative terms.
• Duration	Both the duration of individual events and the overall timeframe during which the impact may occur must be considered. In addition, the length of time effects will last must be reported and considered.
• Frequency	Refers to both the impacts and events that cause impacts, as well as the length of time between occurrences.
• Probability	Refers to the likelihood of the impact occurring.
• Reversibility	Both the reversibility of impacts and the length of time to reverse the impacts should be considered.
• Ecological context	Refers to the type of impact as well as the nature of the affected environmental component. For example, an impact that affects one hundred caribou will be more significant than an impact that affects one thousand mosquitoes.
• Geographic extent	Refers to the area affected. When discussing geographic extent, locational intensity should be considered. This means that effects should not be reported as an average over a geographic area, but according to degree in specific locations.

Although the Review Board makes a final determination on significance, the developer should explain their view on significance for each potential impact.

## ***Specific Items***

The Review Board has developed this list of specific items based on information gathered during the scoping phase of this EA. Scoping sessions were held in the communities of Tulita and Norman Wells, NWT with local land corporations and the general public.

### **1. Summary**

- 1.1. *Executive Summary*: Provide a plain language, non-technical summary of the DAR containing the most relevant points for decision-makers and the public. The Review Board may request that the developer translate the executive summary into French and North Slavey.
- 1.2. *Conformity Table*: The DAR should include a table that cross-references the items in the TOR with the relevant section of the DAR.

### **2. Developer**

- 2.1. *Corporate History*: Provide a chronology of the work done in Canada and the north by this company. Include the history of any project partners and former corporate entities.
- 2.2. *Proposed Development*: List all owners of the proposed development.
- 2.3. *Organizational Structure*: Identify corporate and individual responsibilities for the proposed development and associated operations.
- 2.4. *Environmental Record*: Provide a record of the environmental performance of the company and its contractors as well as project partners for any work done in Canada and the north.

### **3. Development Description**

- 3.1. *Context*: Describe the purpose of the exploration program, including consideration of activities on both the Yukon and NWT side of the border.
- 3.2. *Timing*: Provide a schedule of proposed work, identifying any time constraints.
- 3.3. *Access Routes and Drill Sites*: Provide detailed a project map(s) with identifiable features named that locates as specifically as possible proposed drill sites, access routes and stream crossings. This map should include all applicable cartographic features as well as identifying the

Yukon camp sites, claim borders and territorial borders. This map(s) should identify proposed flight routes as well as ground access routes.

- 3.4. *Operations:* Describe the operations in terms of staff and equipment requirements, with operational and transportation timelines and volumes. Provide detailed information on the frequency of helicopter travel. Include a description of any structures (for example, emergency shelters) to be erected during the development activities.
- 3.5. *Drilling Activities:* Provide a description of the manner drilling, including a description of additives used, their potential to create impacts and any mitigation strategies. Describe how drill core will be transported from the drill site and the manner and location of storage, both off and on site.
- 3.6. *Waste Management:* Provide detailed waste management plans, considering all types and quantities of waste resulting from the development. This should include a brief discussion of the proposed waste disposal facilities, regardless of geographic location.
- 3.7. *Water Use:* Provide a brief discussion of water sources and water volumes to be used during drilling activities.
- 3.8. *Clearing and Cutting Trails:* Provide vegetation clearing requirements for drill pads. Provide description of trail cutting activities, including rate per year, line widths and total trail lengths.
- 3.9. *Reclamation:* Describe proposed reclamation plans and strategies for drill pads and trails constructed during the development activity.
- 3.10. *Future development:* Provide a brief description of next steps in the development plan for the Howard's Pass area, considering both negative and positive results of the mineral exploration program.

#### **4. Regulatory Regime**

- 4.1. *Licences, Permits & Authorizations:* Provide a table of all necessary permits, licenses and other authorizations needed for the development.

#### **5. Public Consultation:**

- 5.1. *Consultation:* Provide a summary table of all consultation undertaken with the public, Aboriginal organizations, land owners, federal, territorial and municipal governments. This should include any consultation undertaken since the referral of the development to EA. The table should list the date, manner and outcome of the consultation, along with a list of parties involved. More detailed records of consultation should be included as an appendix to the DAR. Please include consultation undertaken in the Yukon within this appendix.

- 5.2. *Issues Resolution:* Provide a summary table of any issues raised during consultation efforts and identify whether the issue has been resolved or is outstanding. For resolved issues, provide a brief description of the resolution. For unresolved issues, provide a brief description of proposed next steps.

## **6. *Effects of the Environment on the Development***

- 6.1. *Timing:* Describe any impacts the local environment may have on the development that will impact the proposed timing; for example, snow cover, fog, etc.
- 6.2. *Operations:* Describe any impacts the local environment may have on the development that will impact the proposed manner of operations; for example, snow cover, fog, etc.

## **7. *Alternatives:***

- 7.1. *Project Alternatives:* Identify potential alternatives to project components that may potentially mitigate adverse environmental impacts described in the DAR. Identify any and all alternatives program designs considered by Selwyn Resources.

## **8. *Boundaries***

- 8.1. *Spatial:* Provide a rationale for the determination of spatial boundaries used in the DAR.
- 8.2. *Temporal:* Provide a rationale for the determination of temporal boundaries used in the DAR.

## **9. *Subsistence Activities & Traditional Land Use***

Information provided in this section should include a description of how it was gathered, including a description of any traditional knowledge study that may have been used.

- 9.1. *Compatibility:* Provide a map and a description of any subsistence or traditional land use activities within the vicinity of the proposed development, including historical information.
- 9.2. *Timing:* Provide a general description of the timing of any subsistence or traditional land use activities, focusing on potential conflicts with these activities and the proposed development.

## **10. *Fish & Wildlife Resources:***

The developer should particularly focus on Woodland Caribou for this section. The Review Board encourages the developer to consult with the Government of the

Northwest Territories Department of Environment and Natural Resources for wildlife issues and with the Department of Fisheries and Oceans for fish and aquatic habitat issues.

- 10.1. *Local Resources:* Provide a table of all fish and wildlife that use the area and are (a) important to traditional harvesting or (b) species of biological concern.
- 10.2. *Key Species:* Provide basic information for the species identified in section 10.1, including range, population estimates, migration patterns, food sources, preferred habitat, etc.
- 10.3. *Habitat Use:* Identify important habitat the species identified in section 10.1, and describe the timing and nature of the habitat use by fish or wildlife. Provide relevant studies or reports to verify this information. Information provided here should include life stage habitat use, for example, calving or nesting grounds.
- 10.4. *Watershed Characteristics:* Provide a map delineating local sub-watersheds and associated drainage patterns. The map should also include all known watercourses (permanent and intermittent). Identify all fish-bearing water bodies where the stream crossings, water withdrawals and other activities concerning water will occur.
- 10.5. *Direct & Indirect Impacts:* Describe the potential direct and indirect impacts of the development activities on local fish and wildlife. Remember to identify mitigation strategies to avoid or minimize these impacts.
- 10.6. *Helicopter Overflights:* Describe the potential direct and indirect impacts of helicopter traffic on local wildlife.

## **11. Cultural & Heritage Use**

The Review Board encourages the developer to consult with the Prince of Wales Northern Heritage Centre for impacts and mitigation strategies related to this section, while being aware that the information available from this source may be incomplete.

- 11.1. *Local Resources:* Identify archaeological sites, areas of cultural significance and heritage resources within the assessment area. This will include traditional trails, cabins, grave sites, trapping and hunting grounds, and old camps. When reporting this information in the DAR, the sites should be identified by minimum radius to the activity location, and not by a specific location for the protection of the archaeological or heritage resource.

- 11.2. *Direct & Indirect Impacts:* Describe potential direct & indirect impacts of the development on sites identified in 11.1. Propose mitigation strategies for each identified impact.

## **12. Land Use Conflict:**

- 12.1. *Conservation Lands:* The proposed development occurs on lands identified in the Draft Sahtu Land Use plan as *Begadeh* (the headwaters), which has been identified during scoping as an area of potential interest for a national park by Parks Canada. Describe what impact this development will have on the land and water that may impact future park lands. Describe what impact creating park lands in the project area will have on the development.

## **13. Cumulative Impacts:**

- 13.1. This project is in addition to significant activity in an already permitted exploration program in the Yukon Territory. Please describe how the proposed NWT development will contribute to the impacts of the Yukon development and *vice versa*. Also, provide a list of activities currently planned or ongoing in the NWT and describe how those activities may contribute to the impacts of this development and *vice versa*.

## **Deliverables**

In preparing these deliverables, the Review Board encourages the developer to contact Review Board staff with any questions. The lead EAO on this file is Tawanis Testart, who may be contacted at:

Box 938  
5102-50<sup>th</sup> Ave., Suite 200  
Yellowknife, NT X1A 2N7

Tel - (867) 766-7066  
Toll-Free - 1-866-912-3472

Once the DAR has passed a conformity review to determine whether all items contained in the TOR have been addressed, the Review Board requires:

- 10 copies of the DAR
- The DAR in digital format, not exceeding 5MB in size and using low resolution images
- Associated maps in print and digital format, as shape files in accordance with GNWT spatial data warehouse specifications, found [here](http://maps.gnwtgeomatics.nt.ca/portal/publishyourdata.jsp) (<http://maps.gnwtgeomatics.nt.ca/portal/publishyourdata.jsp>) on its web site.

If Selwyn Resources is unclear about any of the requirements of the TOR document, it is encouraged to seek clarification in writing to the above address.