



May 8, 2009

VIA EMAIL

Nicole Spencer
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RE: Selwyn Resources' Mineral Exploration Program at Howard's Pass (EA0708-001) - Clarification from GNWT on Recommendation made at Tulita Community Hearing.

Dear Ms. Spencer

The GNWT is providing this letter in response to the Review Board's request for clarifications of the following matter:

The GNWT made a general recommendation in their presentation at the hearing to "*cease development activities during critical times for mountain caribou*" without specifying the critical times or what constitutes a shutdown. In order for the Review Board to move forward and make final recommendations regarding the Selwyn Project Environmental Assessment, it requires clarification on this point.

In IR0708-001-03 the GNWT indicated three periods as important. These are calving, post-calving and fall rut. These periods for the Finlayson Herd were indicated during the Hearings by Selwyn as:

- Calving – May 7 to June 8 [peak May 17]
- Postcalving – June through July
- Rutting – September 25 - October 15 [Selwyn submission to MVLWB]

Selwyn described the Nahanni Mountain Caribou herd and its distribution and characteristics. Selwyn stated that recent Parks Canada satellite data collected from collared animals was not available to them during their analysis of herd distribution. In past submissions to the Mackenzie Valley Land and Water Board, in collaboration with Parks Canada, ENR identified the following windows for the South Nahanni herd as:

- May 1st-July 1st (calving, post calving)
- September 15-October 31st (rut).

Recent unpublished GNWT work indicates part of the Redstone herd also uses the Selwyn Mountains in the area of the project at these critical times of the year. GNWT studies for a portion of the Redstone herd demonstrate some variation, particularly from the Finlayson herd, possibly due to latitudinal or terrain differences:

- Calving – May 26 to June 11
- Postcalving – June 12 to June 26
- Rutting – October 10 - October 26 [September 12 to October 9 is termed the Fall and Pre-Rut period under the GNWT classification]

A comparison of the three sets of data indicates a week to two weeks later onset of calving for the Redstone herd with a corresponding later cessation of rut. This is similar to earlier analysis of some groups in the Nahanni herds. Other periods are similar. As a result, there is clearly a potential for differences in timing of these life history periods among the herds even within the project area. Herds should be analysed separately as further data becomes available to ensure differences are identified. It will be important for the parties to collaborate to better understand the differences.

‘Development activities’ refers to the set of activities conducted by Selwyn in the course of its exploration program within the NWT [note, Selwyn project activities within the Yukon have already been authorized]. As indicated by Selwyn, *“there is less known about potential adverse affects on NMP caribou from anthropogenic effects”* than other ecotypes. While Selwyn described its activity types, it is important to recognize these activities are not necessarily discrete. For example, drilling includes a static activity once a rig is in place as well as helicopter activity at or nearby every 12 hours to exchange crews. As a result, the GNWT did not reference specific activities as the effects on Mountain Caribou likely vary depending on the situation (type of group, gender, previous exposure, time of year, and other stressors such as insect harassment, presence of predators, etc.). The recommendation was intended to provide Selwyn with a mechanism to flesh out its September 16, 2008 “Standard Operating Procedure

for Preserving Wildlife and Wildlife Habitat during Project Activities” [attached to Information Request IR0708-001-03] which lists five (5) species of special concern and instructs the contractors and employees:

“If you observe one of these animals from your work area, cease work immediately and consult onsite environmental specialists. Work can resume once the animal is no longer visible from the work area. DO NOT ENCOURAGE THE ANIMAL TO LEAVE THE AREA. Be sure to report your sighting to onsite Environmental staff”.

In other words, by developing a wildlife protection plan that supports its Standard Operating Procedures, Selwyn could develop a set of procedures focused on specific critical times for the primary species of concern in the project area in order to pre-plan the best response to likely situations. It would also encourage Selwyn to record the behavioural response of animals to particular activities or combination of activities to allow for continual improvement of their procedures regardless of the regulatory regimes their complete project falls under. Over time, as it becomes clearer which activity(ies) cause undesirable effects on Mountain Caribou, the need to cease activities or not will be better determined.

If you have any further questions please contact me by email (gavin_more@gov.nt.ca) or by phone at (867) 920-6595.

Sincerely



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