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August 8, 2007

Mr Martin Haefele
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board ("MVEIRB")
P.O. Box 938, 5102 - 50th Ave
Yellowknife, NT
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By Fax: (867) 766-7074 4 pages in total originals to follow by mail

Dear Mr Haefele;

Re. Information Requests 1.1 and 1.2, Proposed Hunter Bay Resources Work in Edaiila

1. Purpose

I write on behalf of the Déline Renewable Resources Council (the "DRRC"), and in regards to your request to the DRRC, dated July 27/07, for more information on DRRC concerns regarding Hunter Bay Resources' proposed mineral exploration/drilling work within the proposed Edaiila (Caribou Point) conservation zone and protected area. This letter is in addition to correspondence you have already received from Ed Reeves, the DRRC's Office Manager.

I understand that you need a reply by 5:00 pm MDT today. The DRRC only received your request yesterday, August 7/07, and I have only received the request today, so this reply is by necessity somewhat rushed.

2. Public Concern: Recommendations to Date to Protect Edaiila

Recommendations to protect the Edaiila (Caribou Point) proposed conservation zone and protected area, within which Hunter Bay Resources proposes to do mineral exploration/drilling work, are already well documented:

- a. The Sahtu Heritage Places and Sites Joint Working Group was mandated by Part 26.4 of the Sahtu Dene and Metis Comprehensive Land Claim Agreement (the "SLCA"). In its *Rakekée Gok'é Godi: Places we take care of* report (1999), the Joint Working Group recommended that Edaiila be designated as a Critical Wildlife Area to protect caribou, while allowing local harvesting; that it be given special consideration in the land use planning process; that further oral history and archaeological research be undertaken within it; and that the surface of documented heritage sites be protected.
- b. The Great Bear Lake Working Group's *"The Water Heart": A Management Plan for Great Bear Lake and its Watershed* (2005) (the "GBL Management Plan") was three years in the making. This Plan involved extensive work on the part of Déline's Elders, authorized Déline organizations, regional management bodies, several territorial and federal department representatives and an ENGO. It represents an important consensus among all of these parties. In May 2005, the Working Group

recommended that Edaiila be designated in the Sahtu Land Use Plan as a conservation zone; that it be given immediate priority for the development and application of improved caribou protection measures; and that Edaiila be considered as a candidate National Wildlife Area under the PAS. I presume that your office has a copy of the GBL Management Plan. Please see Parts 2.4, 5.5 and 5.6, including section 5.6.4, for more a fuller statement of the GBL Working Group's recommendations regarding Edaiila.

- c. In its draft Sahtu Land Use Plan (2007) (the "SLUP"), the Sahtu Land Use Planning Board recommended that Edaiila be protected as a conservation zone.

It is strange that the MVEIRB appears to pay so little heed to these published documents as indicators of the public interest and, in the case of exploration within proposed conservation zones/protected areas, indicators of implied public concern. In any case, let me confirm that the DRRC is very strongly concerned with any mineral exploration/drilling program within Edaiila, including that proposed by Hunter Bay Resources. It recommends a full environmental assessment, with public review, of all mineral exploration/drilling proposals within Edaiila, including that proposed by Hunter Bay Resources.

3. Scope of the Assessment: Importance of Edaiila

Your letter dated July 27/07, which the DRRC received on August 7/07, suggests that impacts on caribou are the only substantive concern of the DRRC in any environmental assessment of Hunter Bay Resources' proposed work program.

The DRRC is strongly concerned about potential impacts of the proposed exploration program on the Bluenose-East caribou herd, whenever caribou occupy Edaiila, and particularly during the period mid-July to end-October, when the herd typically concentrates in Edaiila. Déline is strongly dependent on this herd for food and related cultural values.

But potential impacts on the Bluenose-East caribou herd are only one of the DRRC's substantive concerns. The DRRC is also concerned about potential impacts on harvesting, on cultural/heritage resources, and (more generally) on community well being. The importance of Edaiila to Déline has again already been documented in the GBL Management Plan. Please see Parts 5.3 and 5.6, and particularly section 5.6.4 of that Plan for documentation of the very high wildlife/habitat importance, harvesting importance, and cultural/heritage resources/community well-being importance of Edaiila to Déline.

In its scope, the environmental assessment should address not only potential impacts on the Bluenose caribou herd, but also on harvesting, cultural values, heritage resources and community well being. Further, the assessment should make it plain that further public review will also be needed in future, to assess the potential impacts of mineral development, production and transportation, should Hunter Bay Resources' exploration program show economically-recoverable mineral resources in Edaiila.

4. Improved Caribou Protection Measures

According to your letter dated July 27/07, the GNWT Department of Environment and Natural Resources ("ENR") has recommended something analogous to caribou protection measures for Hunter Bay Resources' proposed mineral exploration/drilling work. Together with the GBL Working Group as a whole, the DRRC has already made recommendations regarding improved caribou protection measures for Edaiila. Please see Part 4.7 and section 5.6.4 of the GBL Management Plan for recommendations related to the GBL Watershed and Edaiila respectively. The DRRC's recommendations on this matter can be summarized as follows:

- a. The caribou protection measures developed from 1978 onwards for the Beverley and Qamanirjuaq caribou herds attached to land use permits and had the legal force of conditions on these permits. They were designed to protect caribou and minimize permitted activities (primarily mineral exploration) when caribou are in an area, and to allow the permitted activities to continue when caribou had left the area.
- b. The original measures attempted to operationalize this objective by designating "Caribou Protection Areas", primarily for caribou calving and post-calving grounds, and by adding further protections for the subsequent migrations and river crossings of a herd.
- c. The original measures had at least two serious limitations:
 - it is difficult or impossible to monitor caribou "from the ground" and ascertain when they are within the large areas typically designated as Caribou Protection Areas without a serious (and expensive) manpower commitment; and
 - the original caribou protection measures protected only designated areas: they did not cover the other parts of the herd's habitat and they did not move with the caribou.
- d. In the GBL Management Plan, the DRRC has therefore recommended "improved caribou protection measures". It now recommends improved caribou protection measures to the MVEIRB. It proposes to work with the MVEIRB, the Sahtu Renewable Resources Board, ENR, DIAND, the Sahtu Land and Water Board and Hunter Bay Resources to develop and institute improved caribou protection measures for the Bluenose-East caribou herd. The concept behind improving the original measures is to:
 - monitor caribou using satellite tracking collars;
 - divide a herd's range up into a large number of smaller electronically-defined cells;
 - communicate the collared caribou's presence in any cell electronically and on an ongoing basis;
 - require the cessation of mineral activities (as a condition of a permit or by regulation) whenever the collared caribou are within a cell; and
 - allow mineral activities to continue when the collared caribou have left a cell.
- e. The DRRC wants improved caribou protection measures developed — as outlined above — within and pursuant to the MVEIRB's public review of Hunter Bay Resources' proposed exploration work within Edaiila.

5. Consultation

In "IR Number 1.2" of your letter dated July 27/07, you raise questions as regards various organizations' consultation to date with the DRRC on Hunter Bay Resources' proposed mineral exploration/drilling work. It is difficult, within the time frame available for this reply, to ascertain all of the facts regarding DRRC consultations to date on Hunter Bay Resources' proposal, and the DRRC reserves the right to return to this subject at a later date, if necessary. Nonetheless, it should be clear from the above that the consultation by Hunter Bay Resources, the SL&WB and/or the MVEIRB with the DRRC has been less than adequate. Suffice it for the present, however, to say that these issues can likely be remedied by a full environmental assessment, with public review, of Hunter Bay Resources' proposed mineral exploration/drilling work.

The DRRC assumes that future consultation with it, as part of the recommended environmental assessment process, would include consultation on the process and scope of the review.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Tom Nesbitt". The signature is written in a cursive, slightly slanted style.

Tom Nesbitt
Counsel to DRRC on Edaiila

cc. Dolphus Tutcho/Ed Reeves, DRRC