



March 2, 2010

Jody Snortland, Wek'èezhìi Renewable Resources Board
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Yellowknife, NT
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Caribou Management Actions in Wek'èezhìi – Industry Submission

Dear Jody,

We acknowledge receipt of the Wek'èezhìi Renewable Resources Board's letter of January 28, 2010, giving reasons why the Chamber's first and second intervener applications were not granted. We note that the Public Hearing will only focus on Management Actions 1–5 of the Joint Proposal, which deal with proposed harvesting restrictions.

The issue which the proposed harvesting restrictions seek to address, namely the reported decline in the caribou herds, is of interest to our members and particularly if one of the implied or suggested causes of such decline is the cumulative effects of non-natural stressors such as mining and exploration and [mine] access roads.

If the caribou herds are in decline, and if such decline is caused by over harvesting, or if over harvesting is contributing to such decline, BUT the cause of such decline is wrongly attributed to mining or exploration activities, OR if it is suggested that mining and exploration activities are contributing to such decline, then we submit that a discussion of harvesting is a legitimate subject on which the minerals industry should be entitled to participate.

In any event, the Chamber wishes to participate in the Proceeding and wishes to contribute to and participate in the development of any Management Action Plans.

Attached herewith is our Submission for the consideration of the Board. You will note that our Submission also addresses the other proposed Management Actions Items. A representative of the Chamber will attend the Hearing.

The Chamber of Mines, and its members, looks forward to continued dialogue with your Board, with ENR staff and with the Tlicho Government on wildlife management issues.

Yours truly,

John F. Kearney
President, NWT & Nunavut Chamber of Mines



Submission to Wek'èezhì Renewable Resource Board

Caribou Management Actions in Wek'èezhì

March 2, 2010

A) Background

On November 5, 2009 the Department of Environment and Natural Resources ("ENR") of the Government of the Northwest Territories, ("GNWT") and the Tłı̄cho Government submitted a Joint Proposal to the Wek'èezhì Renewal Resource Board ("WRRB" or the "Board") on proposed caribou management actions affecting the Bathurst herd and its western and eastern neighbours the Bluenose East and the Ahiak herds. This proposal was posted on November 13, 2009.

The Joint Proposal was developed following a letter sent by the WRRB to the Tłı̄cho Government and ENR encouraging both Governments to engage in a new round of discussions to generate a comprehensive management proposal for barren ground caribou.

The WRRB have scheduled a Hearing to consider specific Action Items 1 – 5 on Appendix A to the Joint Proposal entitled "Proposed Management Actions to help the Bathurst, Bluenose and Ahiak Herds Recover".

The NWT & Nunavut Chamber of Mines (the "Chamber") submitted an application dated December 2, 2009 to become an Intervener at the Hearing which, application was denied by letter dated December 4, 2009. Subsequently the Chamber made a second intervener request by letter dated January 8, 2010 which request was denied by the Board in a letter to the Chamber dated January 28, 2010 in which the Board gave some reasons or explanation of its decision.

Nevertheless, the Board encouraged the Chamber to make a Submission to the Hearing and to participate in the Proceeding.

The Chamber of Mines

The NWT & Nunavut Chamber of Mines is the north's primary mining association and representative organization. It represents all sectors of the industry from exploration to mine development, including associated service sectors, in both NWT and Nunavut. The Chamber is an advocate for responsible mineral development and promotes clarity and consistency in the regulatory environment. The mineral industry is a major contributor to the economy, infrastructure and life of the NWT and Nunavut.

B) Reasons for Submission

The Chamber acknowledges that Action Numbers 1 – 5 of the Joint Proposal, being actions to reduce harvest pressure, should not directly affect Chamber members or the mineral industry. The Chamber also acknowledges that developing appropriate harvesting levels is not a decision in which the Chamber or its members should be directly involved (other than where appropriate in a personal capacity). Such levels are more appropriately determined by those directly concerned with harvesting, including Aboriginal peoples, government, and hunters.

However, the Chamber is concerned with caribou management actions which may either directly or indirectly affect the mineral industry in the NWT or Nunavut. Of particular concern would be if any management actions are developed in response to declines in the caribou herds and it is suggested or inferred that such population decline is a result of the mining and mineral exploration activities, including the operation of access roads that supply mineral activities or industrial projects, and not by overharvesting or other causes (natural or otherwise).

Further, the mineral industry recognizes the importance of caribou to the people of the North, particularly the Aboriginal and local communities, and wishes to see a healthy and sustainable caribou population, and would strongly support reasonable and appropriate actions designed to assist the caribou herds to recover.

The Chamber suggests that the mineral industry, or parts thereof, are able to play a meaningful role in the monitoring of the caribou herds and would request to be part of and involved in the development of any comprehensive management plans that might be proposed.

C) Joint Proposal

The Chamber understands that the Joint Proposal was developed following discussions and meetings between ENR staff and a caribou working group established by the Tłı̄cho Government and reflects the results of consultation between the two Governments.

The Chamber wishes to clarify for the record that it was not consulted in these discussions despite the fact that there is the perception that mining and mineral exploration activities may have an effect on the caribou population.

Further, to the knowledge of the Chamber, information was not sought by ENR from the various mining companies operating within the NWT, despite the fact that such companies have extensive information on caribou as a result of their wildlife monitoring programs.

It should also be noted that the Joint Proposal states:

“Preliminary results suggest that cumulative effects of non natural stressors on caribou such as mining activities in the range of the Bathurst herd (beyond calving grounds) have not had a significant negative influence on overall mortality of caribou” [emphasis added]

This conclusion is supported by ENR’s own analysis which has showed that disturbance effects of the mines on the Bathurst Caribou herd appear to be limited.

“Overall, effects of the mines to date have been limited and are unlikely to have been a major contributing factor in the rapid Bathurst decline from 2006 to 2009”. (Adamczewski et al, *Decline in the Bathurst Caribou Herd in 2006 – 2009: A Technical Evaluation of Field Data and Modeling*, December 17, 2009).

Notwithstanding the foregoing, the Joint Proposal in the submission proposes that “this type of monitoring (assessment of cumulative effects of natural and non natural stressors such as mining and exploration and [road] access), however, will continue on a permanent basis to ensure that no unexpected effect goes undetected.”

It is noted that details of any such monitoring were not provided in Appendix ‘B’ “Proposed Actions to monitor the Bathurst, Bluenose East and Ahlak herds for trends”.

The minerals industry is concerned with harvesting of caribou to the extent that overharvesting may be contributing to any decline in caribou herds but the causes of such decline are attributed to the mineral industry, whether as a direct effect of mining or exploration activity or because access roads provide easier and new access to hunters (both aboriginal and non aboriginals), access which may facilitate potential overharvesting.

i) *Protection of Calving Grounds*

The Joint Proposal states:

“Protection for all calving grounds will have to be maintained to ensure that no exploration or mining activities take place during the calving and post-calving periods”

This is identified as Action Item No. 8 on Appendix ‘A’ to the Joint Proposal, which requires consultation and collaboration between GNWT and Nunavut to ensure current levels of protection is maintained. The rationale is that calving and post-calving areas for all herds is critical to ensure early survival of cows and calves after birth. The Joint Proposal recognizes that consultation and collaboration with the Nunavut Government and co-management groups will be needed to ensure that proper protection has been maintained for each calving ground, as the Bluenose East, Bathurst and Ahlak calving grounds are all in Nunavut.

The Chamber and the mineral industry supports proper and appropriate management of calving grounds provided that proper definitions are developed and specific calving and post-calving grounds are clearly identified. Both science and traditional knowledge confirms that caribou calve in other areas besides their traditional calving grounds. The “post calving” period will need to be defined. In addition other methods of any mitigation deemed to be required must be researched and developed and appropriate policies and management plans should be developed for the protection of calving grounds.

Strict protection of calving grounds and post calving areas, which would prevent exploration or mining activities from occurring, would remove a substantial geographical expanse of the Slave Geological Province from exploration in both NWT and Nunavut. Any land protection measures that prohibit mineral activity across large land areas would have a major negative impact on the minerals exploration industry and its continued ability to be a significant economic contributor to the peoples of both the NWT and Nunavut. If, as part of the Proceeding, the Board is considering such protection measures, the Chamber submits that there needs to be careful consideration of any such proposals and that consultation with and input from the minerals industry is essential.

The Chamber of Mines would support and participate in a multi-stakeholder forum to provide practical solutions (e.g., development of Best Management Practices for Mineral Exploration), or other mitigative measures.

ii) Data Management

The fundamental assumptions upon which the Joint Proposal is based is that “the Bathurst caribou herd has declined rapidly in the last three years”.

The data was apparently generated by ENR using a 2009 photo census conducted by ENR of the Bathurst herd and compared to a 2006 photo census.

A photo census attempt of the Bluenose East herd in July 2009 was not successful. The latest census of this herd took place in 2006 and the suggested decline is based on biological sightings.

The Aniak herd was never properly photo censused and suggestions that this herd is also declining are based on a preliminary trend analysis conducted by a statistician.

The reliability of this data as a basis for properly evaluating management actions is not conclusive. There is a striking lack of consensus among contributors on the accuracy of the data. Members of the Chamber have had many communications from aboriginal elders and hunters which contradict the data and indeed also question the trends highlighting declining caribou populations.

There is a clear need for more and better data and information. The Chamber notes that a calving ground photo census is planned for June 2010 in a shared effort between GNWT and the Government of Nunavut

The Chamber also notes with concern that ENR has not shared the underlying data or published it for peer review. As such the Chamber submits that the data currently available is inconclusive for sound long-term management decision making. In January 2008 the Alberta Research Council recommended that ENR Reports should be peer reviewed with other scientists before wide release and before conclusions become treated as fact. In its “Management Response” to the Alberta Research Council dated May 2009 ENR agreed with these recommendations.

The mineral industry has caribou information to contribute. Several mining and mineral exploration companies in the NWT and Nunavut have sponsored government caribou studies including collaring programs to help develop accurate baseline information on the health and distribution of the herds in certain project areas.

Mining companies also conduct monitoring of wildlife, with talented professional biologists, and have a wide range of experience in management of caribou. The mineral industry can make valuable contributions to the decision making process and the Chamber seeks to make a positive contribution to this important discussion.

The Joint Proposal recognizes the Diamond Mines, Wildlife and Environmental programs and states that “these will be redesigned to adjust for results and findings acquired through several years of data collection.” The Joint Proposal also states that new proposed monitoring will be presented to the Tlicho Government and communities for their inputs. The Chamber submits

such new proposed monitoring should also be presented to the mineral industry for review and comment.

D) Conclusions and Recommendations

The mineral industry recognizes the importance of caribou to the people of the North, particularly the Aboriginal and local communities, and wishes to see a healthy and sustainable caribou population, and would strongly support reasonable and appropriate actions designed to assist the caribou herds to recover.

The mineral industry would generally support the proposed actions in Appendix 'B' to the Joint Proposal to monitor the caribou herds but strongly suggest that the Governments consider how the mining industry may be able to assist in the monitoring. The Chamber offers the expertise of our members to assist in the monitoring by providing the extensive data information collected by mining companies.

It is essential to ensure proper decision making that the design of such monitoring programs be done properly and that all the results, together with the underlying data, be made publicly available and, if appropriate, submitted for peer review and/or verification.

1. The mineral industry will support appropriate and reasonable action plans designed to assist the long term sustainability of the caribou herds. Toward this goal the Chamber offers its' support for the development of a "Barren Ground Caribou Database" which will combine all relevant sources of caribou information and be operated independent of the Territorial Government.
2. The mineral industry supports appropriate and reasonable action plans to monitor caribou herds to generate accurate and relevant data. The Chamber submits that the ENR data currently available is questionable and thus raises issues with its suitability in making long term management decisions. The Board is asked to commit to the application of peer-reviewed science as a basis for decision making and should direct that all monitoring data be made available to the public.
3. The mineral industry would encourage responsible harvesting and the adoption of best management practices.
4. The mineral industry is seeking transparency and wishes to be actively involved in the development of action plans, specifically with respect to Action No. 8, of Appendix 'A' "Protection of Calving Grounds". The Chamber asks the Board to direct the responsible governments to engage with the mineral industry and with other responsible parties in the development of management action plans, particularly where any such plans might impact on or affect the mineral industry and the long term economic viability of the NWT and Nunavut.
5. The Board should order that the Chamber of Mines be added to the distribution list of the Board for all communications related to the Proceeding and concerning caribou management plans.

SCHEDULE 'A'

Historical Contribution of Mining to NWT

Mineral development has had a major impact on the NWT and the modern political and social structure of the North has been influenced by mining. These institutions have evolved alongside active mineral exploration and development. There were few commercial services and no government presence in the NWT (aside from RCMP) until the 1920s when oil was discovered at Norman Wells. Then, aircraft was put to use to explore for mineral resources in the far Arctic. New mineral discoveries and Great Bear Lake (1930) and Yellowknife (1934) put the north on the map and led to new developments.

Many of our largest communities were established because of resource discoveries and continued to grow, for example: Rankin Inlet, Norman Wells, Yellowknife, and Pine Point. There were other benefits to development. Infrastructure built to service the mines have made a lasting legacy: roads, railway to Great Slave Lake, all three hydro projects in the NWT (Bluefish, Taltson, Snare), a modern river transport system (NTCL was started by a mining company), and community facilities built or sponsored by the mines.

Current State of the Economy

Mining now accounts for approximately half of the NWT's GDP. The GNWT Economic Review of 2009 estimates total GDP value of diamond mining is \$1 billion. Value of mineral production in 2008 was \$2.16 billion and mineral exploration was \$147.7 million. There has been a sharp decline in NWT mineral exploration over the last two years. Value of mineral exploration dropped from \$147 million in 2008 to approximately \$28.7 in 2009, an 81% reduction.

There are two main reasons for the decline: the global economic slowdown of 2008-2009, and locally, a poor regional investment climate. It is important to note that the NWT regulatory system has become increasingly more difficult and time consuming and this is scaring away mineral exploration investment.

Aboriginal involvement in the mining sector is important to highlight and very significant. The diamond mines do a great job at training northerners to fill positions. They operate under preferential hiring and also utilize significant aboriginal owned business. At the three diamond mines in 2008, 51% of workers at the mines were classified as 'Northerners' with 28% being aboriginal. Business investment at the diamond mines is dominated by northern business (74% of the total in 2008) with 36% spent on aboriginal northern business.

The Future of Mining

The two big diamond mines are thought to be half way through their lives and like all mines, will eventually close, unless they find new ore reserves. The minerals industry needs to be out exploring for minerals today to find the new mines for tomorrow. To build a strong economy in the future the North needs a pipeline of exploration projects today. Without a strong economy, there will be little community development and no job prospects for northerners.

The probability of finding a mine is estimated at one in a thousand projects. The next ten years could be seen as a winding down of operations, unless significant new ore reserves are found. The "glory days" of rich diamond mining may be over in the North.

Long History of Mining on the Tundra

There has been a long (70 plus year) history of mineral exploration and mining on the tundra in the vicinity of Courageous/Lac de Gras/Contwoyto Lakes. First gold mines on the tundra were the Tundra and Salmita which were developed in the early 1950s at Courageous Lake. Tundra Mine produced 1964-1968. Salmita Mine was explored and developed but did not produce any gold until the 1980s.

There are oral accounts from former mine employees of the large caribou herds that passed through the Courageous Lake area, regardless of the presence of human traffic and mine infrastructure.

The Lupin deposit at Contwoyto Lake was the scene of a massive staking rush in the early 1960s. The mine produced gold from 1982-2004. It was the first mine in the tundra licensed under permits through which there were early attempts at monitoring/managing caribou and other wildlife.. Photo evidence and oral testimony from past Lupin Mine employees suggest that caribou were not negatively affected by activity at the mine.

Caribou Management at the Mines

Caribou are critical to the health of the northern ecosystem and are important to all people of the North. We know that all wildlife can be potentially affected by development, communities, mines, and roads. Individual species can be displaced, may avoid noise and smells, or conversely, some wildlife such as bears and wolverines, may be attracted to human infrastructure, including caribou trying to escape wolves or find shade.

Science also shows, however, that if human activities are predictable, and if disturbance is minimized during sensitive periods, animals will habituate and adapt.

Caribou migrate through the Lac de Gras region where the large diamond mines and several exploration projects exist. The mining companies have instituted programs to help limit the impact of a mine's footprint on local or migrating wildlife. For example, Caribou have the right of way on all roads; all traffic stops if caribou are crossing or travelling along the haul roads. Speed limits minimize potential of collisions and disturbance. Work and operations may be curtailed if there are caribou in a specific area. There is also strict no feeding the wildlife policies.

Baseline environmental studies and monitoring programs inform wildlife management at exploration camps and mine sites. Permits, licenses and agreements usually include provisions for wildlife monitoring and management programs. The three existing diamonds mines are required to conduct Wildlife and Environment Monitoring Programs (WEMP) as per their Environmental Agreements signed with the GNWT.

Both traditional and scientific knowledge are used with input and advice from elders and science-based regulators.

Monitoring programs add to the database of knowledge on caribou behavioral patterns and how they interact with humans and development sites. Important information is being collected by the diamond mines and industry monitoring programs contribute to knowledge of local wildlife. Industry biologists and other personnel are valuable sources of wildlife information.

The mining industry is a key source for information and contributions for effective wildlife management.

Winter Roads and Caribou

There is a long history of Winter Road access into the tundra. The Tibbitt to Contwoyto Winter Road has been maintained annually since 1983 for mining projects. However, the use of Winter Road corridors into the tundra dates back to the late 1940s. Cat Trains (bulldozers pulling sleigh loads of supplies) operated from Thompson Landing on Great Slave Lake/East Arm north to Mackay Lake to service early gold development in the 1948-1952 period. In the 1960s, a winter road corridor via Yellowknife River-Discovery Mine-Gordon Lake-Lockhart Lake-Mackay Lake was built and used until 1968 to service the Tundra Mine. Metis ice road expert Hughie Arden re-plowed this road in 1979 to bring supplies into the then-under-development Lupin Mine.

The Bathurst herd has had a long time to habituate to the presence of the Winter Road, which has existed in their wintering grounds continuously since 1983 (27 years). Caribou can be observed crossing the Winter Road, walking on the road and feeding beside the road, which suggests that the caribou have habituated to the traffic on the Winter Road. Further, caribou continue to use habitats adjacent to the Winter Road during winter, and have used those habitats since the Winter Road began to operate. There is no conclusive evidence that commercial use of the Tibbitt to Contwoyto Winter Road has altered the movements or habitat use of Bathurst caribou in their winter range.

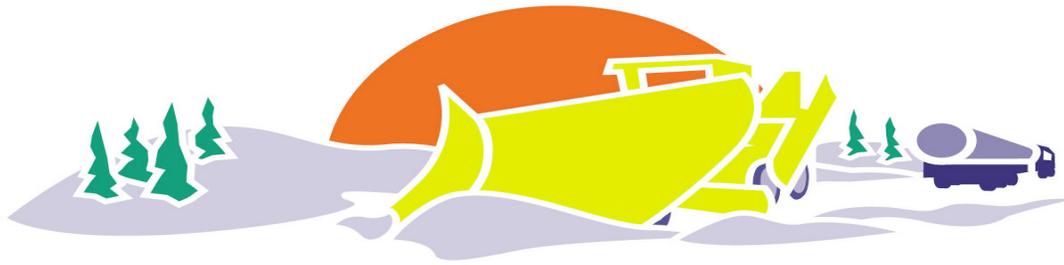
It is recognized that public access provided by the winter road to resident and Aboriginal hunters may provide easier access for hunters and thus increase harvesting activity. The terms of the 'Licence of Occupation' issued by DIAND to the Joint Venture to operate the winter road does not allow for the restriction of public access.

A Question and Answer document related to caribou and the winter road, prepared by the Tibbitt to Contwoyto Winter Road Joint Venture, dated December 18, 2009, is attached hereto.

Mineral Exploration and Caribou

Mineral exploration activity needs temporary, low-impact access to large tracts of land to search for and hopefully find new economic mineral deposits. Work is usually seasonal.

Mineral exploration activity is regulated by land use permits that control how exploration programs interact with the local environment. Environmental protection is a key part of these licenses and many companies enact measures to mitigate any negative interaction with local wildlife. This includes restricted helicopter and aircraft use in sensitive areas. Harassing of all wildlife, including caribou, with aircraft is strictly prohibited. Unless undergoing approved surveys at lower altitudes, all aircraft follow prescribed guidelines, a minimum of 1000' a.g.l.



TIBBITT TO CONTWOYTO
WINTER ROAD JOINT VENTURE

Updated December 18, 2009

Questions and Answers related to Caribou and the Winter Road

Question: Does the operation of the winter road have an effect on the Bathurst Caribou Herd?

Answer: Commercial use of the Tibbitt to Contwoyto Winter Road (see Figure 1) does not have a significant effect on the Bathurst Caribou Herd. Public access provided by the road to resident and Aboriginal hunters does have a mortality effect on the herd.

The Winter Road is normally shut down before April 15th. Only in the year 2000, did the spring migration begin on the same day the Winter Road closed:

Year	Winter Road Operating Period	Start of Spring Migration (From ENR Collard Caribou)
1996	Jan 15 – April 15	April 19
1997	Jan 21 – April 15	April 27
1998	Jan 19 – April 4	April 20
1999	Jan 28 – March 31	April 29
2000	Jan 29 – April 3	April 3
2001	Feb 1 – April 13	May 1
2002	Jan 26 – April 16	No data
2003	Feb 1 – April 2	April 20-22
2004	Jan 28 – March 31	May 9-11
2005	Jan 26 – April 5	April 27-30
2006	Feb 5 – March 26	April 27 – May 2
2007	Jan 27 – April 9	April 26- May 1
2008	Jan 29 – March 31	April 26 to May 1
2009	Feb 1 – March 22	April 27 to May 3

The spring calving period reaches its peak in the second week of June. Shortly thereafter, the caribou spread out on the tundra to feed during the summer months of June through August.

The fall migration generally begins at the end of August, when the caribou start their migration south to their wintering grounds. Unlike the spring migration, the fall migration is gradual; there is not a concerted effort to reach the wintering grounds until late September or early October. By November, most caribou have reached the wintering grounds. The caribou are on their winter range before the winter road starts each winter. The Bathurst herd spends the winter months of November through April in their wintering range, which is in the area of the boreal forest. While caribou have a high fidelity to their calving areas, their seasonal movements and their winter ranges are known to vary annually. In the year 1997 to 1998, the Bathurst did not winter along the Winter Road at all.

Once the caribou have reached their winter grounds, they move little. They generally occupy a large area, and travel in small groups within the winter range, rather than as a directed migratory movement. They spend the winter moving short distances between the boreal forest (where they forage for food), and the surface of the frozen lakes (where they seek security from predators, such as wolves, which are an important mortality factor for caribou). The surface of the frozen lakes provides increased security for the caribou, because they can see the wolves from a distance, as opposed to in the boreal forest, where the wolves hunt caribou more effectively. When the caribou winter near the winter road, recreational and subsistence hunting can have a significant effect on animals that are within a few hours snowmobile distance of the ice road. While the lakes may provide protection to the animals from carnivores, resting on the lakes makes the animals very vulnerable to rifles.

In relation to the herd migrations, and the period of time the herd is in its winter grounds, the Winter Road is in operation for a relatively short period of time.

Caribou are complicated but highly adaptable creatures. Like many wildlife species, they can adapt to industrial activity, provided that activity is predictable and consistent. In particular, studies have shown that caribou can adapt to road traffic, provided it is predictable and consistent. Moreover, potential negative effects of traffic disturbance on caribou can be successfully mitigated by appropriate wildlife protection measures.

The Bathurst herd has had a long time to habituate to the presence of the Winter Road, which has existed in their wintering grounds for 27 years. Caribou can be observed crossing the Winter Road, walking on the road and feeding beside the road, which suggests that the caribou have habituated to the traffic on the Winter Road. Further, caribou continue to use habitats adjacent to the Winter Road during winter, and have used those habitats since the Winter Road began to operate.

The Joint Venture has implemented various measures to minimize energetic disturbance and collision mortality for caribou and other wildlife along the road:

- a. Under the Wildlife Plan, all wildlife has the right of way on the Winter Road. Vehicles are required to slow down or stop and wait to permit the free and unrestricted movement of wildlife across the Winter Road at any location.
- b. Under the Rules, the speed limits for commercial trucks travelling along the Winter Road are kept low. For example, the speed limit for trucks travelling on and off lakes is 10 km per hour; south of Lockhart Lake the speed limit for loaded trucks is 25 km per hour and 35 km per hour for empty trucks (basically speeds are similar to a school zone); and north of Lockhart Lake the speed limit for loaded trucks is 30 km per hour and 40 km per hour for empty trucks. In addition, drivers are required to maintain at least 500 m spacing when traveling in convoys. The slow speed limits and spacing between trucks provide the caribou with ample time to see the trucks from a distance, and give the drivers time to react to any caribou on the Winter Road.

Snow bank height is also important because the caribou may not cross the road if they cannot see over the snow bank. In areas and times of known caribou distribution and occurrence, snow bank height should be minimized to allow caribou passage.

Under the environmental management system implemented by the Joint Venture (which includes the WPP; the Rules; the speed limits; spacing of commercial traffic; granting wildlife the right-of-way; snow bank height; education programs developed for Security personnel, truck drivers and camp operators; and any other mitigative measures) the impact of the commercial trucks on caribou is kept relatively low.

Question: What is the effect of hunting along the winter road on the Bathurst Caribou Herd?

Answer: When the caribou winter near the Tibbitt to Contwoyto Winter Road, the road provides public access to the animals. Caribou hunting by both residents and Aboriginals along the winter road is the

single largest road related effect on caribou. To better understand the potential effects of hunting along the winter road, the Joint Venture, which operates the winter road, contributes to ENR's wildlife check point at Ross Lake. The check point data is available from ENR. This effect could be largely mitigated by the control of public access to the winter road.

Question: Has the Joint Venture considered restricting public access to the Tibbitt to Contwoyto Winter Road?

Answer: The terms of the Licence of Occupation issued by the DIAND to the Joint Venture to operate the road does not allow for the restriction of public access. While the JV must provide public access the JV has no authority to regulate use. ENR has the mandate to enforce the NWT Wildlife Act. DIAND may restrict public access for reasons of conservation but has never exercised that prerogative. The JV has on several occasions with the support of the Aboriginal communities, over the years suggested to DIAND that access should be restricted particularly when the caribou are near the road. Government has not responded to these requests. However, on December 18, 2009 the Minister of ENR Mr. Miltenberger announced a ban on hunting the Bathurst Herd from the North Shore of Great Slave lake to the boundary of Nunavut (which would include the winter road). This applies to both non-aboriginal and aboriginal hunters until such time as the Wekeezhii Renewable resources Board comes up with a recovery plan of its own. Since this is a GNWT – ENR initiative it is assumed that ENR enforcement personnel will be responsible for enforcement patrols on the winter road.

The commercial traffic does not have an effect. Low speeds for commercial traffic (10 to 30 km/hr) and giving caribou the right of way prevented any incidents in recent years and limits the potential for incidents in the future.

Question: The JV has operated an alternate return route for south bound trucks via the old Discovery Mine Winter Road (see Figure 2). Did this new route have any effect on caribou?

Answer: The Discovery Mine Road was built about 1965. It has been open to the public most winters since that time. The JV contracted RTL Robinson Ltd to re-open a section of road from Discovery to Gordon Lake in 2007 and 2008, which had not been used in recent years. RTL Robinson holds valid land use permits for the road Discovery Road including the section to Gordon Lake. Given there has been regular public access to Discovery and the entire route is an established winter road route, the JV use of the road is not creating new access. While the JV is using an existing route, the companies involved realize the importance of understanding the effects of public access on to the caribou winter range and therefore as they have done for years at Ross Lake on the main Tibbet to Contwoyto Road, they also contributed to the establishment of an ENR Wildlife Check Point on the Discovery Mine road on a portage between Prosperous and Bluefish Lake. Management of caribou is a GNWT responsibility.

Question: How many incidents have there been between commercial traffic and caribou on the Tibbitt to Contwoyto Winter Road?

Answer: There was one collision between a commercial truck and six caribou in the late 1990's before the Joint Venture was formed to manage the road. That is the only incident that has either been reported to the JV or observed by winter road security. The low speeds that commercial traffic are allowed to travel and providing caribou the right-of-way has prevented any incidents in recent years and decreases the potential of any incidents in the future.

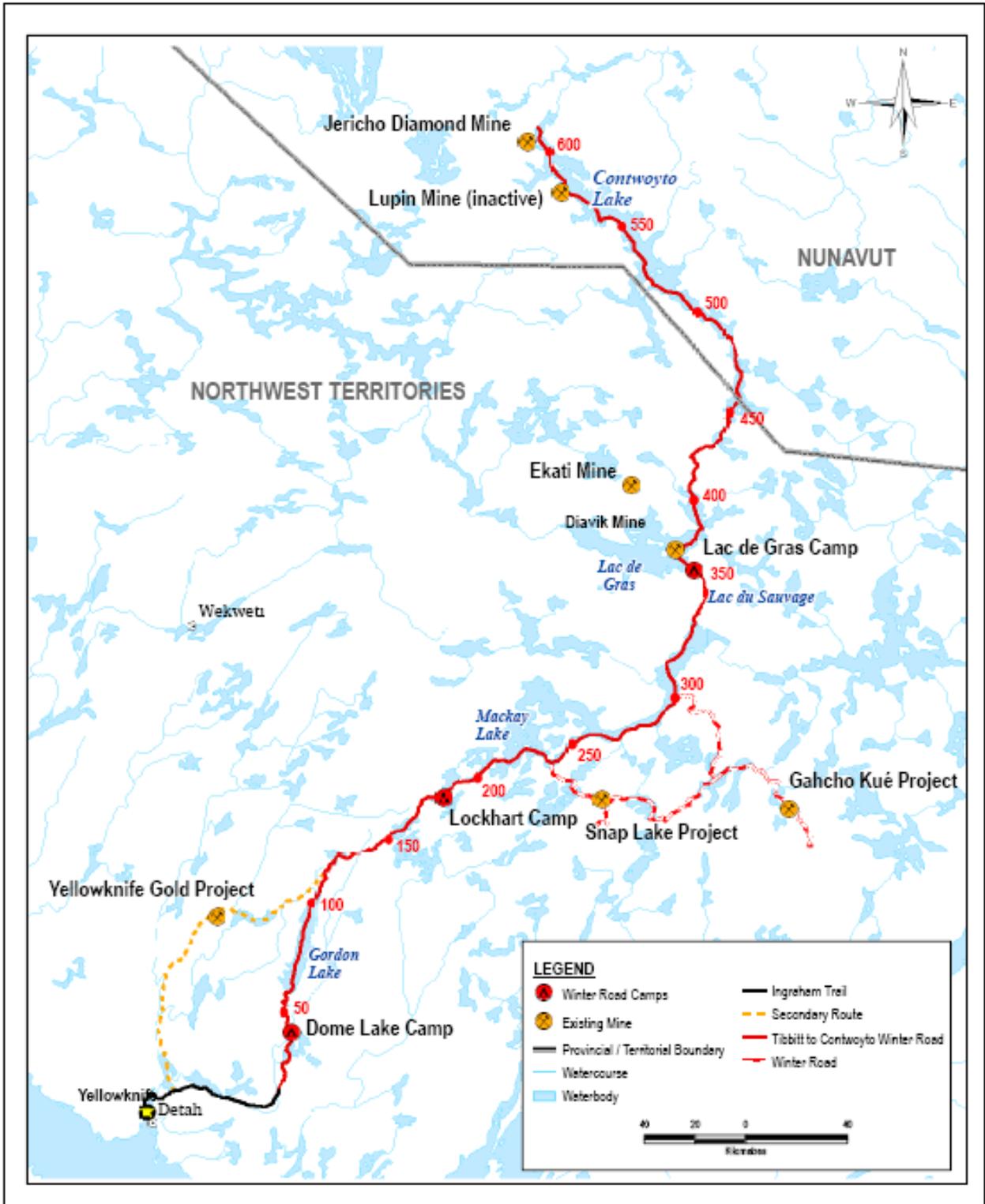


Figure 1 – Tibbitt to Contwoyto Winter Road Route

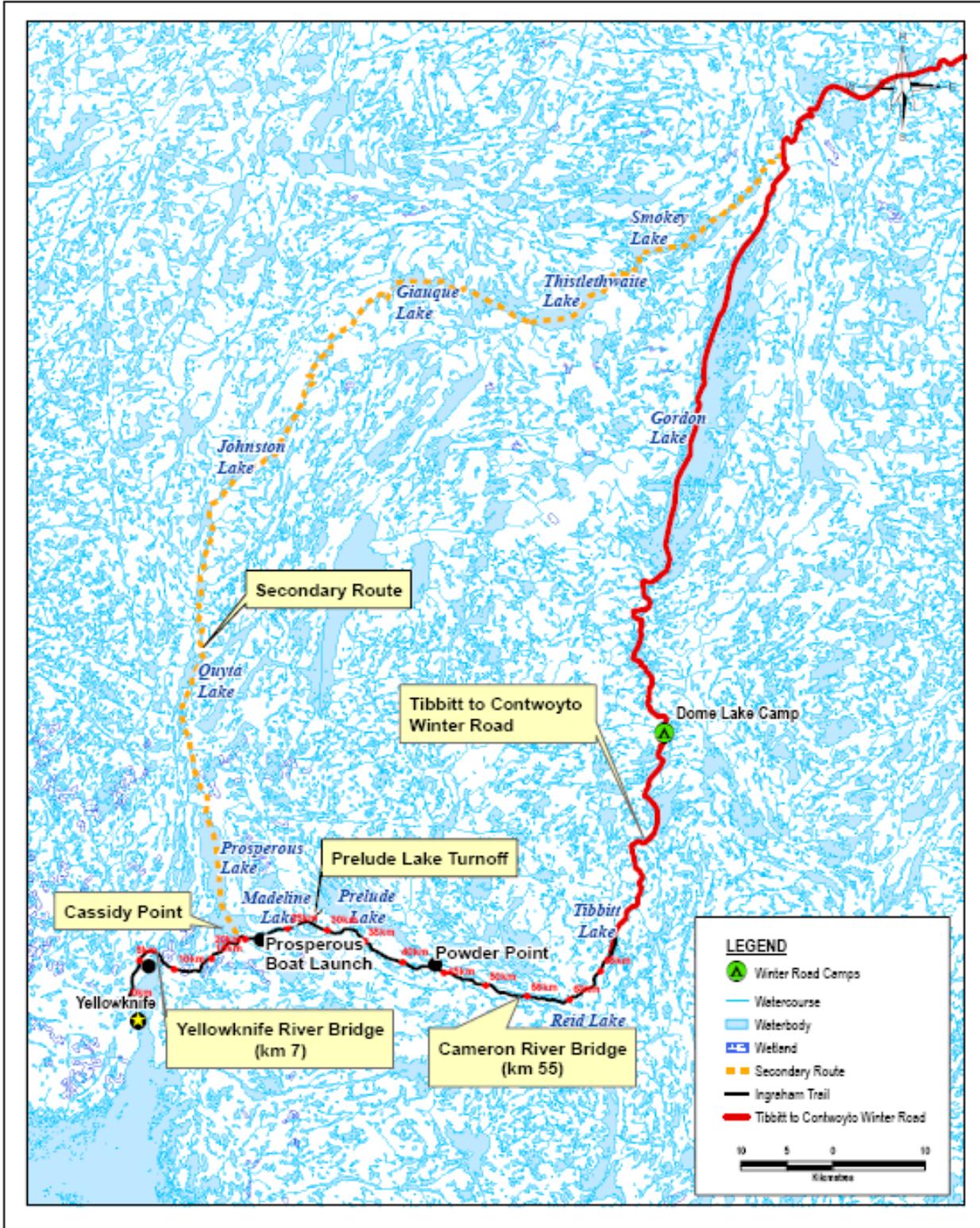


Figure 2 – Alternate – Secondary Route (Discovery Mine Route)