

**PUBLIC REVIEW  
of  
COMMANDER RESOURCES LTD.  
PROPOSED  
DIAMOND EXPLORATION PROGRAM,  
VICTORIA ISLAND, NT**

**FINAL REPORT OF  
A PANEL OF THE  
ENVIRONMENTAL IMPACT REVIEW BOARD**

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## **REVIEW of COMMANDER RESOURCES LTD. PROPOSED DIAMOND EXPLORATION PROGRAM, VICTORIA ISLAND, NT**

### **PANEL'S FINDINGS AND RECOMMENDATIONS**

Following a referral from the Environmental Impact Screening Committee (EISC) on September 6, 2002, the Environmental Impact Review Board (EIRB) initiated a public review of a Development entitled Commander Resource Ltd.'s *Proposed Diamond Exploration Program, Victoria Island, NT*. The findings and recommendations made by the Panel of EIRB members, including terms and conditions are set out below. The EIRB's and the Panel's mandate, a summary of the development under consideration, and the Panel's reasons for reaching its decision are presented in the main body of this report.

#### **Panel's Findings**

The Panel finds that the Development, with appropriate mitigative measures, will not significantly harm the environment or the harvesting activities of the Inuvialuit. It recommends to the Minister of Indian Affairs and Northern Development that the Development be permitted to proceed subject to the following terms and conditions.

#### **Panel's Recommendations**

[Note: Numbers in brackets correspond to the sections of this document from which the terms and conditions were taken]

#### **The Panel recommends to the Government of Canada:**

- that Commander Resources Ltd. ground operations be restricted to a period to begin no earlier than August 1 and that work start at the northern most sites and progresses to the south. (4.5) (also 7.3.3)
- that the Department of Indian and Northern Affairs Development (DIAND) issue a land use permit only after they receive a copy of the contract between the Olokhaktomiut Hunters and Trappers Committee (OHTC) and the company which provides for wildlife and environment monitoring by the resident(s) of Holman. (5.4)
- that, because there are real concerns about this operation by the people of Holman and, because it has been some time since an operation such as this one has taken place in the vicinity of Holman, DIAND inspect the drilling operations while they are in progress at least twice. (7.1.3)
- that inspectors invite a member of the Holman Elder's Committee to accompany them on their visits to the operation so that the elder may observe the drilling operation, first-hand. (7.1.3)
- that a representative from the OHTC be invited to participate on the final DIAND inspection. (7.2.3)

#### **The Panel recommends to the Developer:**

- that Commander Resources Ltd. conduct its helicopter-borne magnetic survey before May 15; (4.5)
- that Commander Resources Ltd. accept the offer of Resources, Wildlife and Economic Development (RWED) to coordinate a reconnaissance survey in advance of commencing the helicopter-borne magnetic survey, to determine whether the survey areas are devoid of caribou concentrations; (4.5) (also 5.4)
- that at a minimum, a wildlife monitor should be utilized during all phases of the Development and the duties and authorities of the monitor should be reached through an agreement with Uluhaktok Adventures Ltd (a business branch of the OHTC); (5.4)

- that records of all caribou sightings, both from the ground and air should be recorded and submitted to the OHTC and the IGC through the Joint Secretariat. The Panel further recommends that all migratory birds and muskox sightings be included in the records. (5.4)
- that, should it be necessary for Commander Resources Ltd. to kill a bear in self-defense in the Inuvialuit Settlement Region (ISR), and that bear kill results in a reduction of the allowable hunt for the OHTC, Commander Resources Ltd. reimburse the OHTC a sum of \$16,000– which represents the loss of income to the community of a polar bear sports hunt. (9.2)

**The Panel recommends to the EIRB:**

- that the EIRB and the EISC enter into an arrangement with their sister organization, the Nunavut Impact Review Board (NIRB), to ensure that information on developments on either side of the ISR/NU border is shared between the parties and the potentially impacted communities. (8.3)

## **1.0 THE PUBLIC REVIEW**

### **1.1 Establishment of the EIRB**

The *Inuvialuit Final Agreement* (IFA), dated June 5, 1984, settled the land claim of the Inuvialuit in the Western Arctic Region of Canada. This Agreement was "approved, given effect and declared valid" by subsection 3(1) of the *Western Arctic (Inuvialuit) Claims Settlement Act*, being Chapter 24, 32-33, Elizabeth II of the Statutes of Canada.

The Act further provided in subsection 3(2) that the beneficiaries under the IFA "shall have the rights, privileges and benefits set out in the Agreement", and in section 4 that the provisions of the Act and of the IFA will prevail over any other law applying to the Territory in the event of inconsistency or conflict.

Being a land claims settlement within the meaning of section 35 of the *Constitution Act, 1982*, the IFA is thereby affirmed as an existing aboriginal right. In consequence of these statutory provisions, the terms of the IFA are given a preferred status over all other federal and territorial laws within the defined ISR in the Western Arctic.

The IFA provides the basis of the jurisdiction of the EIRB to review Commander Resources' Ltd.'s "Proposed Diamond Exploration Program, Victoria Island, NT" (the Development).

### **1.2 Mandate of the EIRB**

Under the IFA the Development is a "development" within the meaning of section two and, as such, was subject to screening by the EISC, pursuant to the provisions of sections 11 and 13 of the IFA. IFA subsections 11(16) and 13(10) authorize the EISC to refer the development to the EIRB for a public review and environmental impact assessment if the EISC determines that the development could have significant negative environmental impact, or negative impact on present or future wildlife harvesting.

On September 6, 2002, the EISC Panel, constituted to screen Commander Resources Ltd.'s Development decided "*the development could have significant negative environmental impact and is subject to assessment and review under the Inuvialuit Final Agreement [IFA s. 11 (13)(b)]*".

By a letter dated September 12, 2002, William Klassen, Chair of the EISC, informed Robert Hornal, Chair of the EIRB, of the EISC Panel's September 6, 2002, decision. The EISC Panel made the referral because, in determining the Development's potential for significant environmental impact, it decided there was a potential for conflict with traditional Inuvialuit harvesting, in particular of caribou.

### **1.3 Procedures of the EIRB**

The EIRB has enacted By-Law No. 1 and published its *Operating Procedures* dated June 18, 2001, pursuant to the powers given to it by subsection 11(23) of the IFA to establish and adopt by-laws and rules for its internal management and procedures. Together with the IFA, these documents contain the rules and guidelines that constitute the procedures of the EIRB.

### **1.4 The Review Process**

In accordance with subsection 12.4 of the *Operating Procedures*, the Secretary to the EIRB issued a Public Notice of Referral dated September 16, 2002, to the News/North and Inuvik Drum newspapers (Appendix A). The notice announced the referral of Commander Resources Ltd.'s Development to the EIRB and invited individuals and/or organizations to become Registered Participants. A list of Registered Participants is provided in Appendix B. The Secretary distributed all documents submitted by Commander Resources Ltd. and all written comments from Registered Participants to all other parties and Registered Participants.

The EIRB retained Peter Krizan as Technical Advisor and Debra Fendrick of Austring, Fendrick, Fairman & Parkkari as Legal Counsel. Mr. Krizan is a Wildlife Biologist who has completed numerous projects throughout Canada and abroad.

In addition, the Joint Secretariat, which provided administrative services to the Panel, hired Barbara Berg as the Environmental Impact Assessment - Resource Person Assistant and Myrna Button as the Procedures Clerk. These individuals, along with Jonathan W. Allen, the EIRB Secretary, made up the Panel's staff for the public review.

The *Operating Procedures* permit the EIRB, at its discretion, to determine whether the proposed development may be treated as a "Small Scale Development" ("SSD") or as a development requiring a "Standard Public Review" ("SPR").

At its meeting on October 29, 2002, the EIRB considered the criteria in subsection 13.1 of its *Operating Procedures* and decided that the Development should be directed into the SSD review procedure, subject to certain variation, under sections 13 and 15 of the *Operating Procedures*. The EIRB requested any questions or comments on this direction from Registered Participants to be submitted no later than November 29, 2002. No questions or comments were received.

The EIRB identified the major issue before it as the interference of the proposed Development on the caribou harvest by the people of Holman, NT. The EIRB also identified secondary issues including the disposal of drilling wastes and the possible impact on wildfowl.

To address the issues under the SSD procedure, the EIRB arranged for a workshop in Holman, NT to identify a worst case scenario. As well, they scheduled public meetings in Holman, NT to hear evidence concerning the possible impacts from the Development. The Panel struck by the Chair of the EIRB held hearings on two consecutive evenings in Holman, namely, February 5 and 6, 2003. A list of Holman residents attending each hearing, is included in the Appendix C of this report.

On November 27, 2002, the EIRB received a document entitled *Revised Project Description and Draft Environmental Impact Statement for a Proposed Diamond Exploration Program, Victoria Island, NT October 2002* from Commander Resources Ltd. as their draft EIS, in accordance with the *Operating Procedures*.

The *Operating Procedures* call for the Chair of the EIRB to select a Review Panel once the EIRB accepts the Environmental Impact Statement (EIS). The Review Panel is to include the Chair, two EIRB Members appointed by the Inuvialuit Game Council, one EIRB Member nominated by the Government of Canada and one EIRB Member nominated by the Government of the Northwest Territories or the Government of Yukon.

On December 9, 2002, the EIRB accepted Commander Resources Ltd.'s EIS as suitable for use under the SSD review procedure. At the same time, the Chair appointed the following Members as the Review Panel for the review of this Development:

Robert Horal - Chair

Jack Akhiatak  
Peter Bannon  
Richard Binder  
Tom Butters

Once designated, a Panel will conduct the Public Review and represent the EIRB for the purposes of the Review.



## 2.0 PROJECT DESCRIPTION

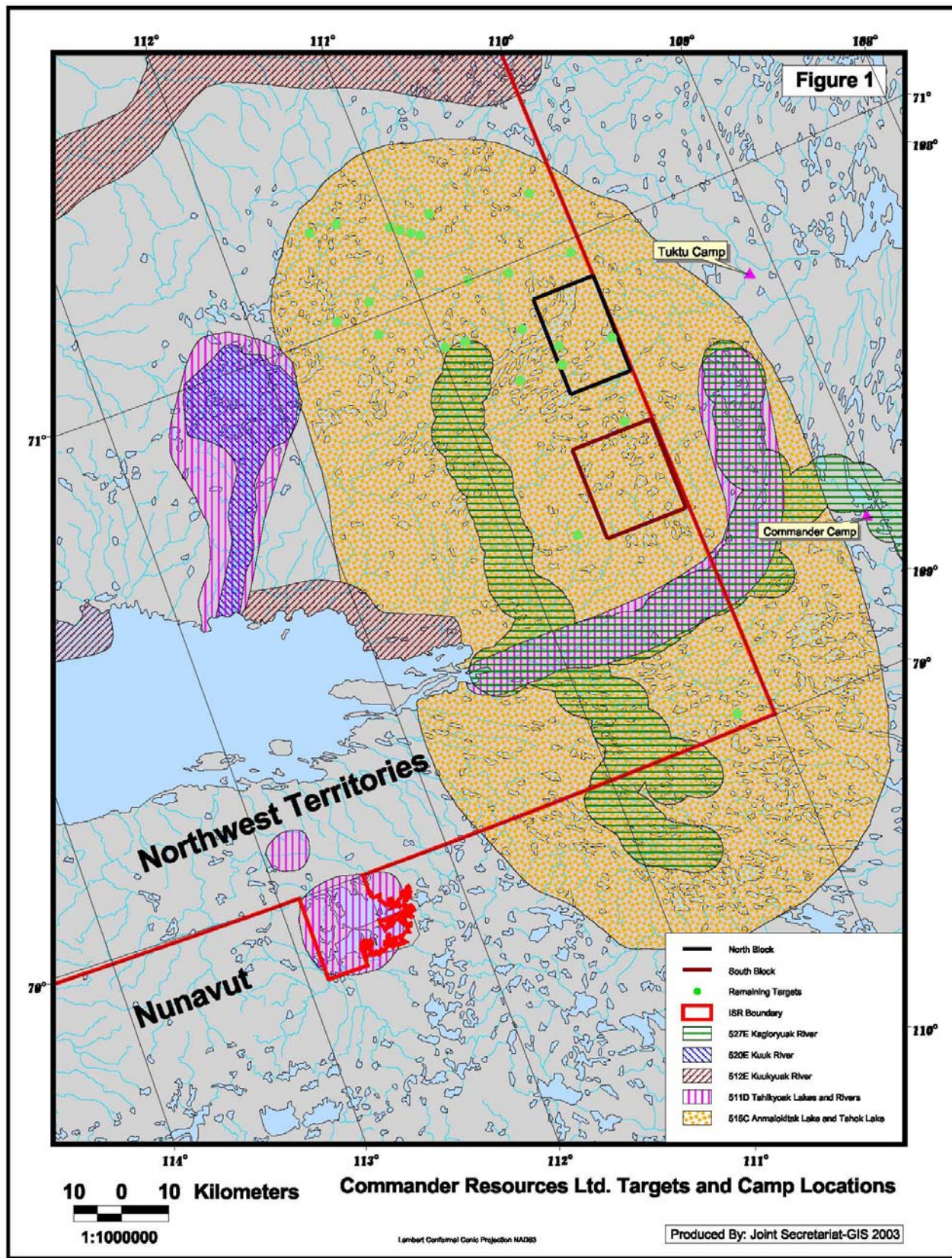
The proposed project is the continuation of ongoing efforts of diamond exploration on Victoria Island. The project is designed to locate and analyze kimberlite occurrences on the NT portion of the island for their diamond potential. The following summarizes Commander Resources Ltd.'s *Revised Project Description and Draft Environmental Impact Statement for a Proposed Diamond Exploration Program, Victoria Island, NT*.

Commander Resources Ltd. has proposed to conduct a three-phase diamond exploration program within the Inuvialuit Settlement Region (ISR) on Victoria Island. Phase I of the program will involve a helicopter-borne magnetic survey of 25 sites, each approximately 1km x 1km in area. This work is to be undertaken between April 15 and May 15, 2003, and is estimated to take approximately four days to complete.

Phase II of the program will consist of a till sampling program at selected sites identified during Phase I, with a helicopter used for transportation. In Phase II a two or three person ground crew will conduct further electro-magnetic surveys, as well as the manual collection and inspection of rock and soil samples at selected sites. Phase II will take approximately two days per site to complete.

Phase III will involve deployment of a small heliportable drill to obtain 42mm diameter rock core samples from the selected sites. Each hole will be drilled to a minimum of 100m which takes two days to drill, up to a maximum 150m which would take three. Depending on the orientation of the target mineral formation, a small heliportable backhoe may be used for sampling instead of a drill, however, it is likely that most sites will be drilled. Phase II and Phase III are scheduled to commence in August and will take approximately 30 to 45 days to complete.

Figure 1 shows the sites of the magnetic surveys and follow-up activities.



### **3.0 JURISDICTION OF THE EIRB**

#### **3.1 Decision Making Powers of the EIRB**

In reaching its decision on any proposal properly brought before it, the matters which the EIRB must decide are set out in the IFA.

The fundamental duty of the EIRB is set out in section 11(24) of the IFA which states:

“The Review Board shall expeditiously review all projects referred to it and on the basis of the evidence and information before it shall recommend whether or not the development should proceed and, if it should, on what terms and conditions, including mitigative and remedial measures. The Review Board may also recommend that the development should be subject to further assessment and review and if so, the data or information required.”

In this case, the EISC referred the proposed Development to the EIRB because the EISC determined that the development could have a significant negative impact on present or future wildlife harvesting. As a result, the EIRB in making its decision under section 11(24) of the IFA must necessarily consider the requirements set out in section 13(11) of the IFA.

Section 13 of the IFA, in general, deals with wildlife compensation in the event of a development’s negative impact on harvesting. IFA subsection 13(11) specifically provides that:

"Where, pursuant to subsection (10), a proposal is referred to the Review Board, it shall, on the basis of the evidence and information before it, recommend to the government authority empowered to approve the proposed development:

(a) terms and conditions relating to the mitigative and remedial measures that it considers necessary to minimize any negative impact on wildlife harvesting; and

(b) an estimate of the potential liability of the developer, determined on a worst case scenario, taking into consideration the balance between economic factors, including the ability of the developer to pay, and environmental factors."

Liability for damage is defined in IFA subsection 13(15) which in part reads:

"Where it is established that actual wildlife harvest loss or future harvest loss was caused by development, the liability of the developer shall be absolute and he shall be liable without proof of fault or negligence for compensation to the Inuvialuit and for the cost of mitigative and remedial measures..."

Where "actual wildlife harvest loss" means:

"provable loss or diminution of wildlife harvesting, or damage to property used in harvesting wildlife, or both", and

"future harvest loss" means:

"provable damage to habitat or disruption of harvestable wildlife having a foreseeable negative impact on future wildlife harvesting" [IFA subsection 13(8)]."

To clarify, in exercising its decision-making powers, the EIRB *recommends* whether or not the development should proceed. However, the final decision always rests with the appropriate government authority. In certain cases, more than one such authority may be involved.

If the competent government authority is unwilling or unable to accept the EIRB's recommendations, or wishes to modify any of them, reasons must be made public in writing within 30 days of the decision [IFA subsection 11(29)]. Nevertheless, the IFA provides that no licence or approval shall be issued by a government authority that would permit any proposed development to proceed unless the provisions of the Environmental Impact Screening and Review Process under the IFA have been complied with [IFA subsection 11(31)].

### **3.2 The EIRB's Interpretation of its Mandate**

Subsection 3.1 of this document describes the decision-making powers of the EIRB. The EIRB must approve or reject the development and, if approval is given, prescribe terms and conditions on which it may proceed.

In particular, IFA subsection 13(1)(a) requires the EIRB to specify terms and conditions that it considers necessary to minimize any negative impacts on wildlife harvesting. IFA subsection 13(1)(b) requires the EIRB to provide an estimate of the potential liability of the developer.

While the EIRB is mandatorily required to provide recommendations on certain aspects of any proposed development, the factors which the EIRB should consider in reaching its conclusions are not set out. The EIRB must determine the factors for its consideration in each proposal brought before it for review.

To determine these factors, the EIRB considers the principles set out in section 1 of the IFA:

- (a) "to preserve Inuvialuit cultural identity and values within a changing northern society;
- (b) to enable Inuvialuit to be equal and meaningful participants in the northern and national economy and society; and
- (c) to protect and preserve the Arctic wildlife, environment and biological diversity."

and the relevant sections of the IFA, and in particular, with respect to wildlife harvesting, the objectives set forth in subsection 13(1) of the IFA which are as follows:

- (a) "to prevent damage to wildlife and its habitat and to avoid disruption of Inuvialuit harvesting activities by reason of development; and
- (b) if damage occurs, to restore wildlife and its habitat as far as it is practicable to its original state and to compensate Inuvialuit hunters, trappers and fishermen for the loss of their subsistence or commercial harvesting opportunities."

The EIRB notes the order in which these objectives are stated. Clearly, the intention is that priority be given to preventing damage and avoiding disruption of harvesting. Paragraph (b) is intended to apply to provide compensation only if mitigative and remedial measures fail to prevent damage and disruption.

The EIRB interprets its mandate in this review to mean that in deciding to recommend whether or not the development should proceed, its first responsibility is to assess whether the potential adverse impacts of a development on wildlife and its habitat are within acceptable limits of risk. If the EIRB concludes that such risks are not acceptable, it must reject the application. If it considers that the risks are acceptable, the EIRB must specify terms and conditions that, so far as practicable, will mitigate and remedy the damage and disruption. Finally, because compensation is payable for loss of wildlife harvesting under the legal liability provisions of IFA [subsection 13(15)], the EIRB is required to estimate the potential liability of the developer.

### **3.3 Assessment of Risk**

When assessing impacts of Commander Resources Ltd.'s Development, the Panel evaluated the severity of the

identified negative impacts based on the information filed and the evidence presented at the public meetings. Considering the mitigative and remedial measures that it would recommend for the Development, the Panel judged whether the negative impacts, individually or collectively, were within acceptable levels of risk.

In deciding whether the risks associated with a development are acceptable, the EIRB must apply some standard or test, the results of which the EIRB can use to approve or reject the development. With respect to the estimate of potential liability, the IFA says that the test by which liability should be measured should be a "worst case scenario" [IFA subsection 13(11)(b)]. However, as to the more fundamental question of approval or rejection of the development proposal, the IFA is silent as to what test should be applied.

In the Kulluk and Kunnek reviews, the EIRB considered a *probable scenario* as a legitimate test by which to judge whether negative impacts can be minimized to acceptable levels by mitigative and remedial measures. The result is a less stringent test than the worst case scenario and this approach is adopted by the Panel for the purpose of this review.

The less stringent standard says that development risks are acceptable where the more probable scenario establishes that negative impacts can be minimized. To be certain, should the worst case scenario occur, there would be in place a guarantee of financial responsibility to ensure that everything possible would be done to mitigate losses to, and to restore, wildlife and wildlife habitat.

## **4.0 INTERFERENCE WITH HARVESTING**

### **4.1 Views of the Proponent**

Commander Resources Ltd., in its EIS and in verbal submissions to the Panel, believes it has eliminated the possibility of interference with the caribou and with Holman's hunting activities. The timing of the exploration activities were modified by the company as a direct result of consultation carried out in Holman. This consultation included advice from Holman hunters and trappers regarding their concerns of possible interaction between the exploration activity and migration routes, calving and summer feeding activities of the Dolphin and Union caribou herd.

The amended project description, as committed to by Commander Resources Ltd., includes:

- Adjustment of the timing of exploration phases, i.e. the low level airborne survey, would be conducted between April 15 to May 15-prior to caribou being on the Island. Also, ground surveys and drilling in the late summer/early fall will start in the north and move south as the caribou begin to move to the south toward the Coronation Gulf.
- Removal of 16 targets from more environmentally sensitive land management areas and a further 10 targets proximal to Prince Albert Sound which will greatly reduce the potential of human/wildlife interaction.
- Commitment to hire a wildlife monitor to take part in the reconnaissance flights prior to commencement of exploration phases. If concentrations of caribou are observed as a result of these flights the order of target testing will be adjusted to avoid contact and minimize potential effects on wildlife.
- Adhering to flight height restrictions as advised according to *Summary of Advice Received by EISC from the Co-Management Groups for Recommended Environmentally Acceptable Minimum Flight Altitudes*.

During the public meetings Commander Resources Ltd. further clarified the company's commitment to the reduction of the exploration target areas and the company's use of aircraft and helicopters when traveling from its camp in NU to the target sites in NT.

Commander Resources Ltd. indicated to the Panel and the public that, should it be successful in its exploration program, it planned to divest its holding to another company which would undertake further exploration and, possibly, mine development. Commander Resources Ltd. recognized that any future exploration or mine development would be subject to additional environmental assessment.

### **4.2 Views of the Registered Participants**

Mark Ekootak, a Resources, Wildlife and Economic Development (RWED) officer and longtime resident of Holman, wanted to explain to the Panel why the community of Holman was so concerned about caribou. In the late 1970's and early '80's, the Minto Inlet caribou herd found north of the Kuukyoak River were relatively abundant. Eventually, the community noticed that the population was declining. The OHTC and the community decided during public meetings that they would voluntarily place a ban on hunting the caribou in that area. That area was a very important hunting area. The area south of the river was eventually opened for a short period of time each year (15 July to 15 August). Today, it is again open year-round, with the exception of the area north of the river which remains closed. Even though recent estimates of the population are promising, they are still cautious about that herd. Since they have taken steps to protect those caribou as a community, they are very worried about activities that may threaten the remaining herd in and around Prince Albert Sound. These concerns are for present harvesting and future harvests by their children.

In a letter dated August 2, 2002, circulated to, among others, the EIRB regarding "Flight altitudes/routes and interference with Inuvialuit harvesting" the IGC noted that council members have "...been hearing more and more



complaints from harvesters regarding helicopter and fixed wing aircraft.”

Mitigative measures suggested by the IGC in this letter included:

- All flights, unless they have been given special authorization, are to follow the minimum flight altitudes that have been provided to all proponents and aviation companies.
- Where there are several flights to the same location/area, the best possible flight corridor should be selected and used for all flights. This flight corridor should be selected based on avoidance of harvesters and concentrations of wildlife.
- When wildlife is observed, the pilot is not to go off course “to get a closer look.” This is considered harassment of wildlife, puts undue stress on the animal(s), and may affect harvesting.

In its letter of December 18, 2002, to the EIRB, the IGC approved the release on Inuvialuit Harvest Study data and advised the Panel to consider all the harvesting that may be affected by the proposed development.

In her letter of July 18, 2002, to the EISC, Zoe Posynick, RWED Environmental Assessment Technician noted the need to use mitigation measures to ensure there would be no disturbance of caribou or of the harvest activities of the community.

John Nagy, from RWED, made an offer to coordinate an air reconnaissance of the area with Commander Resources Ltd. prior to commencing the Development for the purposes of determining the location of caribou and, especially, if any are located on their target sites.

In their letter to the EISC dated July 19, 2002, Wildlife Management Advisory Council (Northwest Territories) {WMAC (NWT)} felt that the timing of the development activities were important. They also pointed out that if the caribou did move to avoid the development activities, they would expend energy they would otherwise need for winter survival and disrupt their normal feeding. They also highlighted the need for Commander Resources Ltd. to adhere to *Summary of Advice Received by EISC from the Co-Management Groups for Recommended Environmentally Acceptable Minimum Flight Altitudes*.

DIAND’s letter of January 31, 2003, to the EIRB, advises that RWED’s wildlife concerns regarding a development—outlined in a letter to DIAND—are usually attached to the developer’s Land Use Permit. As well, DIAND advised the Panel that the District Manager can use “closure” to suspend activity in areas where dangers to natural resources are severe. They advise that this could be used if there was an early spring causing equipment to create ruts in the ground or if there were an abundance of animals (such as caribou) in a work area.

#### **4.3 Views of the Public**

When the EIRB Panel met with the community the fears that were expressed by most participants related specifically to:

- the possible development of a diamond mine; and
- the disruption of caribou migration resulting in the subsequent loss of the community’s main source of sustenance and pleasure.

Morris Nigiyok, a long time trapper and Holman elder, told the Panel the following:

“All my life I have hunted. I never did work. We are not only worried about our animals, we are also worried about our children and grandchildren. Some day when we are gone our children will be using the area...”

The only place at the moment where we hunt caribou is Prince Albert Sound due to the Minto Inlet area being closed for caribou harvesting. When a mine starts working by Prince Albert Sound when the caribou are gone where are we going to go? Those miners, if we get no more caribou, will they come and help us find caribou? Where are we going to go? Because I live on this native food, always I am afraid I don't know what I can eat. While my children and grandchildren who are still here if there are no more caribou, what are we going to do?"

Pat Klengenberg, a young Holman hunter, commented on the deep connection Holman has with caribou:

"What your asking us- it hurts all of us inside. Because we love the caribou, you know. Its our life. Its like us asking you to play with your money without losing any of it, right. What you are asking us is too much for us to give. You know, I think a lot of the people here think the same way."

Joseph Haluksit, President of the Holman Community Corporation (HCC) described the monetary demands on a hunter preparing for a caribou hunt from Holman:

"You have to buy your food for a week or more sometimes two weeks, three weeks at the most and you have to buy \$700 of groceries or more. Over that you have to buy your gas. It's about \$200, oil \$100, plus your ammunition you have to buy- that's another \$100. So it comes to over \$1, 000 and if you got a bigger family its higher than that."

The fear and concern Holman residents have for the exploration project becoming a full scale mining operation was addressed by Donald Inuktalik:

"You're really towards mining and bigger things if you find more. We go caribou hunting at that time and the concern that I have is for it to become a mining place. We're afraid the caribou are going to move their route and my fear is that they're going to move farther (away) meaning that we have to go further to go hunt caribou. Yeah, this time we go 130 miles one way but if all these activities start happening and we were right all along that everything is gone - now we have nothing left except we have to go 250 miles now."

Jean Ekpakohak spoke of her thoughts regarding her life in Holman, her mixed concerns for the community, and for the future of the children of the community:

"OK, my name is Jean Ekpakohak. I've lived in Holman all my life. I hunt and trap along with my husband and my family. I've been out on the land most of the time of my life, but since I started working I've been staying in the community and work, but I still go out and hunt. I know every month there is lots of people concerned about the animals they live off. And I've been a very fortunate person-hunting all my life. I've hunted polar bear, caribous, muskox, fish, char, seals and everything off this island here. And I'm really proud to say that we appreciate every animal that we have caught. I'm concerned about animals when that something starts to happen we get scared, thinking that we will loose our animals. No. I don't think that is true. Because, no matter how much we want to live off this land and keep our animals, we cannot stop the world from changing. Because this is someplace somewhere our community has to start developing economically, emotionally and physically, and I would like to respond to the public: I am a hunter, a trapper and a fisher, but I am concerned about the land as well. And I hope everybody that goes out there will monitor wherever you go. How the land is and how everything is. And we know with that knowledge within the community every time you see something wrong or something out of place we go straight to the Hunters and Trappers and tell somebody about it and that is keeping good records because our community is a close knit family and help each other with their food and animals and out on the land. But we cannot stop our community from developing no matter how much we try to live in the past, and go on to the future the same way we



going now. I don't think that is the case it's just that way - look now we've got grade twelve. How many kids are in the school from grade 10 to grade 12 and will be graduating in the next three to four to five years? And what jobs do we have for them? None-unless each one of us is willing to give up the job we have for those high school students. Where are they gonna be?...

...I know I love my animals, I love to live off the land. I promise you as sure as that the land and the animals will not be deeply affected with what their explorations bring or if the diamond mine comes in we know that we have people sitting on different organizations looking after that and we should put our trust in you. Thank you."

Connie Alanak, who served as interpreter/translator at the meetings, closed the oral presentations to the Panel with her own observations:

"...Also like some people were saying, they share the caribou meat when they got a caribou like all of us do. Even though we didn't get very much we still shared what we get. Now the elders really appreciate fresh meat especially fresh caribou for the broth and for the vitamins and for their health that I know of... at one point some years ago, when we couldn't get caribou, we were buying steaks and chicken and all this and could hardly eat it by the end of May...

...We eat a lot of native food. But I would really like to say tonight for all the people here, the boards and the people here, we would really like it, like hearing from people in our community here, people making comments that they would really like if the mining companies don't start because every year, in the fall time everybody gets ready to go hunting caribou. We all excited and as soon as the first person leaves from here everybody has their orange radios on to see if anybody's got caribou. At that time, when our peoples start hearing that somebody's got caribou, everybody starts phoning each other and saying that this person got a couple of caribou or more and everyone in town is very excited about it. I guess all the people that are here tonight knows that. And we always really look forward for them to come back; cause we know that everybody shares the meat and tonight... (has) been emotional for all of us... when you go away from town and you go someplace else, people that are always harvesting out there...they say 'We used to have caribous close by here; once the helicopters and the drilling starts, the caribou moves away.' And then they say, 'We have to travel farther to get caribou.'

...I would really like to see Prince Albert Sound not being touched by the mining; I know that we have kids and grandkids that you know that needs jobs but I don't know if there is any other way to find work for our younger generations and I'm sure there'll be some stuff somewhere or maybe our younger generation is going to go for this, but I'm not sure; but our age group right now who mainly lived on native food...and to have caribou meat at home helps us to have food on the table.

... I know its coming both ways but I would really like to see that there is no mine at the moment."

#### **4.4 Views of the Technical Advisor**

The community has harvested from the Minto Inlet and Dolphin and Union caribou herds for generations, and as such the caribou is not only important to the community of Holman for food, but is central to their cultural identity. The Minto Inlet caribou herd, consisting of animals closely related to the Peary caribou, is currently designated as 'endangered' and is one that, more importantly, has been placed under a voluntary hunting moratorium by Holman hunters and trappers. The Dolphin and Union caribou herd is designated as 'threatened'.

From the report of the Panel's Technical Advisor, the Panel learned of the status and annual migration of the Dolphin and Union caribou herd to Victoria Island and, specifically, to the calving grounds in the Prince Albert Sound area of the island.

The most recent data available (1997) suggests population numbers of the Dolphin and Union caribou herd to be

approximately 28, 000 head. These animals are closely related to the barren-ground caribou. Peter Krizan writes:

“The Dolphin and Union herd migrates in November from Victoria Island to the mainland and returns between April and June to calve and spend the summer on the island. When caribou numbers were low in the early 1900's the migration to the mainland ceased. Since the numbers increased, the migration resumed in recent years. The mechanisms of migration or reasons why this herd may or may not migrate in the fall and spring are unknown.”

The reduction of the Dolphin and Union caribou herd's numbers other than by the harvesting activity of the hunters residing in the NU communities of Kugluktuk and Cambridge Bay, and in the ISR community of Holman, could be the result of wolf predation, starvation following periods of freezing rain or death by falling through the ice of Coronation Gulf during migration.

While the females usually calve sometime in June in the Wollaston Peninsula area, located south of Prince Albert Sound, some of the animals may calve either on the mainland or on the ice, en route to Victoria Island.

During late July and August, caribou begin their migration south and begin crossing the Coronation Gulf to the mainland through November and December.

Inuvialuit Harvest Study data of caribou harvested by Holman hunters provided to the Panel, courtesy of the IGC, for the years when only animals have been harvested from the Dolphin and Union caribou herd (1993 to 2000, missing year 1999) appear to indicate that the average annual harvest by Holman hunters has been 276 animals.

Mr. Krizan reports that the Nunavut Department of Sustainable Development has expressed a concern regarding the sustainability of the Dolphin and Union caribou herd for Victoria Island harvesters.

Information obtained by the Panel's Technical Advisor, from Holman hunters, would suggest that caribou, when calving, “are distributed over a larger area than they would be if they occurred in large post calving aggregates as is the case for the ... Bathurst herd.” On Victoria Island, Mr. Krizan noted “most of the cows forming the 1987-89 study returned to calve within 20km of the previous year's location.”

On the subject of the effects of noise and low level flights, Mr. Krizan advises “Although there has been a substantial amount of research done on the effects of noise and low level flights on wildlife, numerous studies on caribou are inconclusive.” And further, “... it is misleading to assume that studies done on a different herd will provide similar results on the Dolphin and Union caribou herd.”

Regarding the caribou's possible reaction to helicopter engine noise, Mr. Krizan concluded that:

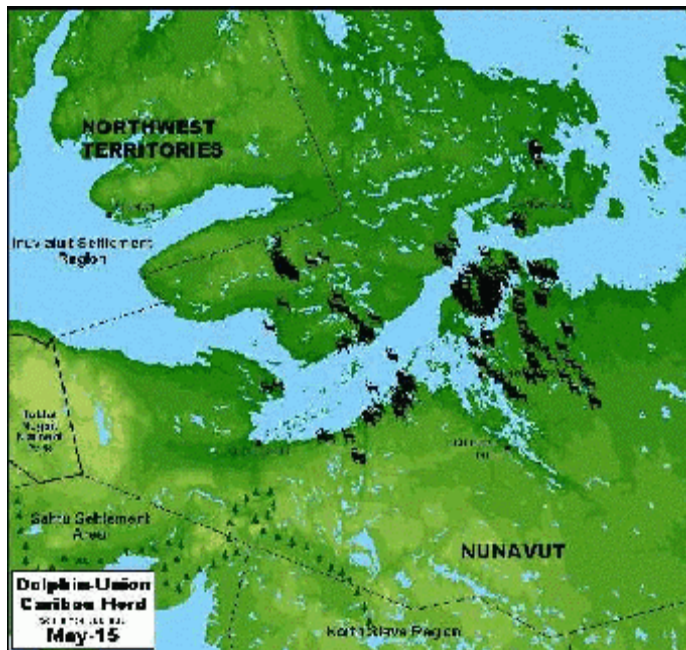
“The type of disturbance that causes wildlife to react seems to vary. Rotary-wing aircraft (helicopters) are thought to be the most disruptive of all types of aircraft. Helicopter noise consists of a complex mixture of continuous engine noise and rapidly repeating impulse noise from the rotor blades. The activity of the helicopter i.e. flying overhead, low level flights, taking off and landing will illicit a different response. The size of the helicopter and number of blades also seem important mainly because they produce different types of noise. Therefore, the reaction to the noise of the aircraft will vary depending on the types of helicopters used, the frequency of flights, the altitude, the frequency of landing and taking off and slinging materials such as the drill rig.”

Figures 2 (a) to (f) show the position of the Dolphin and Union caribou herd at selected times of the year.

**Figure 2 (a)** Dolphin-Union Caribou Herd, April 15<sup>1</sup>

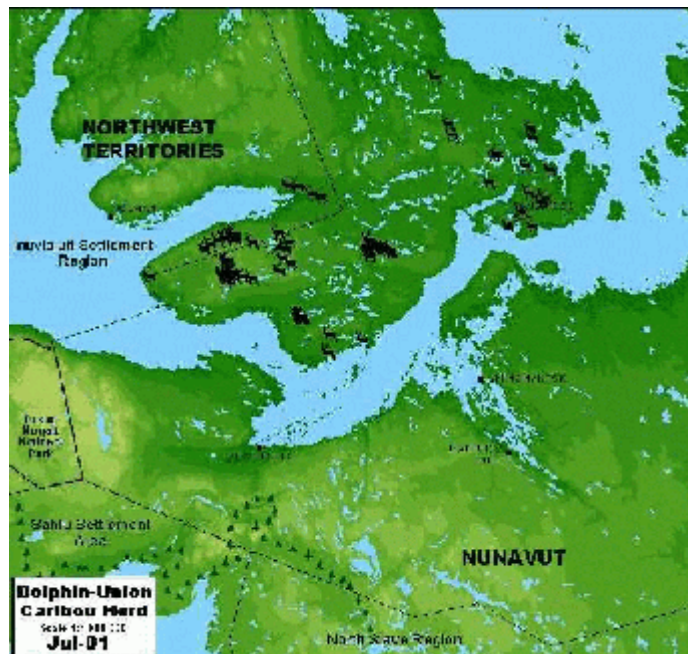


**Figure 2 (b)** Dolphin-Union Caribou Herd, May 15



<sup>1</sup>Figures 2 (a) to (f) taken from “Animated Movements of Barren-ground Caribou Tracked by Satellite” Wildlife Management, Inuvik Region, Department of Resources, Wildlife and Economic Development, Government of Northwest Territories

**Figure 2 (c) Dolphin-Union Caribou Herd, July 1**



**Figure 2 (d) Dolphin-Union Caribou Herd, August 1**

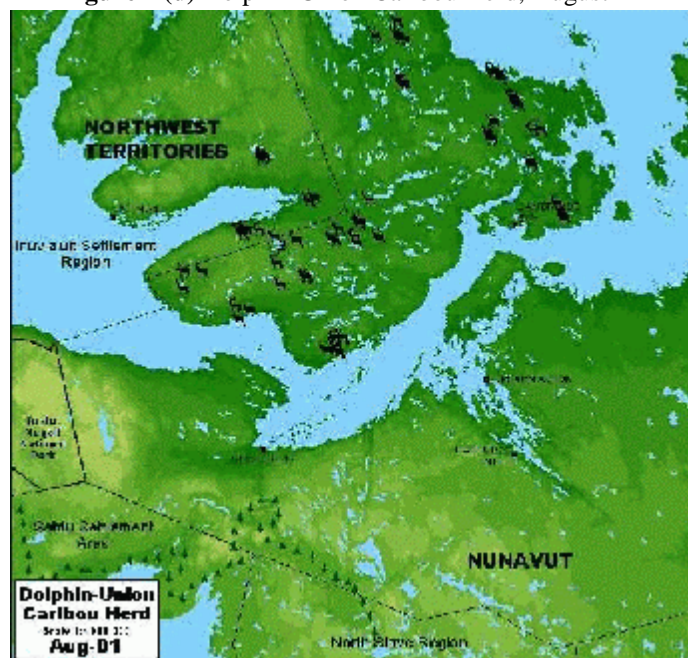
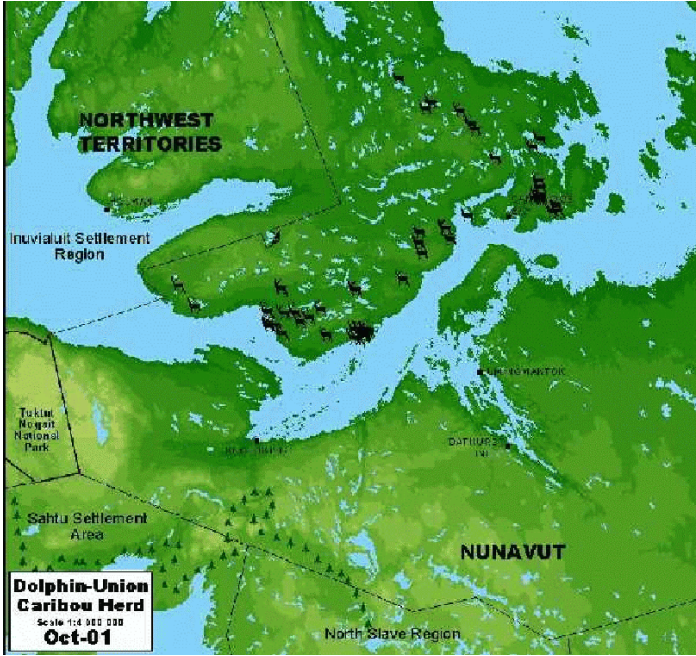




Figure 2 (e) Dolphin-Union Caribou Herd, September 1



Figure 2 (f) Dolphin-Union Caribou Herd, October 1



#### **4.5 Findings of the Panel**

During the public meeting held in the Holman community on the evenings of February 5 and 6, 2003, it became apparent to the EIRB Panel that the concern of Holman residents was for their continued survival as members of a productive, integrated and healthy community.

The Panel heard from many Holman residents that they did not want a mine developed in the Prince Albert Sound area. The Development that the Panel is presently reviewing is not for development of a mine, it is for mineral exploration that may or may not lead to a proposal for a mine. If such a proposal is made, the views of Holman residents will be carefully taken into account.

The Panel has carefully considered the views of Holman residents as they relate to the proposal Development impacting the Dolphin and Union caribou herd's migration or Inuvialuit harvesting.

The Panel accepts Commander Resources Ltd.'s statements that with the mitigative measures it proposes and the introduction of a wildlife/environmental monitor from Holman to guide their efforts the impact on the Dolphin and Union caribou herd and on Inuvialuit harvesting of that herd will be low.

To ensure that the impact remains low the Panel recommends:

- that Commander Resources Ltd. conduct its helicopter-borne magnetic survey before May 15;
- that Commander Resources Ltd. accept the offer of Resources, Wildlife and Economic Development (RWED) to coordinate a reconnaissance survey in advance of commencing the helicopter-borne magnetic survey, to determine whether the survey areas are devoid of caribou concentrations;
- that Commander Resources Ltd. ground operations be restricted to a period to begin no earlier than August 1 and that work start at the northern most sites and progresses to the south.

## **5.0 MONITORING**

### **5.1 Views of the Proponent**

Commander Resources Ltd. acknowledged the need for a wildlife monitor in its EIS. During the course of the public meetings, they expressed a willingness to hire a wildlife monitor on the terms that would best meet the interests of the OHTC. Commander Resources Ltd.'s preference was for the monitor to be employed by Commander Resources Ltd. for insurance and liability reasons.

Commander Resources Ltd.'s environmental consultant, Rick Hoos, commented on the role of the wildlife monitor chosen by the community to protect resident's interests. His comments are as follows:

“For the exploration program I think the most important person is the monitor since that person will be reporting to the company if he sees anything he doesn't like .... it is his responsibility to tell the company about the concerns so that something will be done. Then he will turn around and call his contact in Holman to report on what he saw, what he recommended and how the company responded to it to be sure there is no harm to the environment.”

Commander Resources Ltd. also indicated that prompt communications capability for the monitor would be available through satellite phones.

Commander Resources Ltd. felt that a separate environmental monitor was not required because a wildlife monitor could fulfill both functions. An additional monitor would also cause logistical problems because of the limited capacity of the helicopters.

Commander Resources Ltd. also indicated that the wildlife monitor recommendations would be followed in “almost every case”.

### **5.2 Views of the Registered Participants and Public**

The IGC indicated that the monitoring arrangements for the Development should be arranged to the satisfaction of Holman and the concluding report should be distributed to the IGC, the OHTC and the Joint Secretariat.

WMAC (NWT) in a letter to the EISC dated July 19, 2002, stated that:

“Working with a Holman Wildlife Monitor, chosen by the OHTC, (including having them on survey flights) so that if caribou or harvesters are in a particular area the proponents' activities can be relocated elsewhere is a start to mitigate the effects. We recommend that the proponent further consult with the OHTC to determine more suitable times, or adjustments to the location for these activities.”

Members of the OHTC and other members of the public expressed the need for one or two monitors besides the wildlife monitor (i.e. environmental monitor or a representative of the elders). Most people expressing a view, felt that the wildlife monitor should not be an employee of Commander Resources Ltd. in order to give the monitor the freedom to execute his or her duties.

Some members of the public felt the wildlife monitor should have the authority to direct Commander Resources Ltd. to cease operations if caribou were in the near vicinity and should have the ability to be in direct contact with the OHTC on an as-required basis.

### **5.3 Views of the Technical Advisor**

The Technical Advisor felt that the probability of encountering caribou prior to May 15 is very low. He also recommended that a wildlife monitor should be on the helicopter for all flights. Activities at any sites with caribou

in the vicinity should be terminated. The Technical Advisor also suggested that at all stages of the Development, all caribou sightings, both from the ground and air should be recorded.

#### **5.4 Findings of the Panel**

The Panel is of the view that Commander Resources Ltd. has acted in a very responsible manner to address concerns related to interaction with caribou and that Commander Resources Ltd. will continue to do so during the Development.

The Panel recommends that:

- at a minimum, a wildlife monitor should be utilized during all phases of the Development and the duties and authorities of the monitor should be reached through an agreement with Ulukhaktok Adventures Ltd. (a business branch of the OHTC) ;
- that records of all caribou sightings, both from the ground and air should be recorded and submitted to the OHTC and the IGC through the Joint Secretariat. The Panel further recommends that migratory bird and muskox sightings be included in the records;
- that Commander Resources Ltd. accept the offer of Resources, Wildlife and Economic Development (RWED) to coordinate a reconnaissance survey in advance of commencing the helicopter-borne magnetic survey, to determine whether the survey areas are devoid of caribou concentrations;
- that the Department of Indian and Northern Affairs Development (DIAND) issue a land use permit only after they receive a copy of the contract between the Olokhtomiut Hunters and Trappers Committee (OHTC) and the company which provides for wildlife and environment monitoring by the resident(s) of Holman. (5.4)



## **6.0 WORST CASE SCENARIO**

### **6.1 Views of the Proponent, Registered Participants, Public and Technical Advisor**

Section 13.(11) of the IFA requires the EIRB to establish limits of liability for the project proponent, determined on a worst case scenario, taking into account the balance between economic factors, including the ability of the proponent to pay, and environmental factors. At a workshop held in Holman on December 11, 12 and 13, 2002, representatives of the OHTC, HCC, the Elders Committee, EIRB staff and facilitator and Commander Resources Ltd.'s environmental consultant worked together to identify an appropriate worst case scenario.

Consensus was reached on two worst case scenarios, as follows:

*“ The worst case scenario would be one in which the proposed environmental protection measures were unsuccessful, such that caribou were displaced from the Prince Albert Sound area and were unavailable for community harvest and sports hunts” ; or*

*“ A second worst case scenario would involve a helicopter crash which resulted in loss of life and contamination of the environment.”*

Commander Resources Ltd., the registered participants and the public accepted the worst case scenarios developed at the workshops. The view of Commander Resources Ltd. was that the probability of such a scenario being realized was negligible.

Representatives from the OHTC and the RWED Officer from Holman provided information related to harvesting efforts, including sports hunting, at the public meetings in Holman on February 5 and 6, 2003. Information provided included estimated number of hunters (100), the cost of a typical hunting effort (\$1, 000-\$1, 500) and the number of sports hunts for muskox and caribou (in 2001). The majority of sports hunts were for muskox, but there are also combination hunts, involving muskox and caribou (about 10 per year). Alternative harvesting locations, in the event that caribou were displaced from Prince Albert Sound area, were not readily identified. The consensus was that hunters would have to go further to hunt caribou. Flying hunters to new locations to hunt was identified as a past practice.

Evidence provided through the Inuvialuit Harvest Study data for Holman indicated average caribou harvest levels since 1986 at 440; however, the average annual harvest since 1993 is 276.

At the request of the EIRB, the OHTC later provided more accurate information concerning the number of combination sports hunts (nine in each of 2000, 2001 and 2002), the number of caribou only hunts (one per year) and the revenue the Ulukhaktok Adventures Ltd. receives from a typical muskox and caribou sports hunt (approximately \$3, 400).

### **6.2 Findings of the Panel**

#### **6.2.1 Potential Liability of the Developer**

The Panel is required to estimate the potential liability of the developer for the impacts of the Development, based on a worst case scenario. The Panel believes the first worst case scenario, dealing with the displacement of caribou from the Prince Albert Sound is the most appropriate for this particular Development, although it also recognizes the low probability. The Panel also believes that alternative sites for hunting may not be located on Victoria Island. That is, if caribou were displaced from the Prince Albert Sound despite the introduction of environmental protection measures, the caribou would likely avoid the areas where the operations were actually taking place. Finally, it is assumed that providing harvesting opportunities would likely require air transportation.

The Panel also believes that there is a potential impact of the Development on sports hunting, in particular combination hunts involving caribou.

The Panel recognizes that other factors such as climatic change, ship traffic, natural variations in population, distribution and migration patterns and other development pressures can also contribute towards displacement of caribou. In relation to sports hunting, factors not related to the impacts of the Development, such as travel constraints or higher costs may also affect market interest. The Panel believes that a reasonable cause-and-effect relationship between displacement of caribou to the impacts of the Development must be demonstrated; however, it need not be absolutely conclusive.

The Panel also recognizes that there is a strong cultural value placed on the harvesting of caribou by the Inuvialuit of Holman.

The Panel estimates that should caribou not be available for harvesting during sports hunts, the number of sports hunts would be reduced by five (half the number of caribou hunts now offered). If each hunt represents \$3,400, the loss the community would be \$17,000.

The Panel estimates that if caribou had to be obtained for the community from the vicinity of Kugluktuk, NU through arranged hunts and assuming that a twin otter would be used to move the meat, the cost of replacing 276 caribou for the people of Holman would be about \$125,000.

These figures do not take into account the cultural loss for the estimated 100 hunters in Holman.

Based on worst case scenario, the Panel estimates the potential liability of Commander Resources Ltd. under subsection 13(11)(b) of the IFA to be in the amount of \$142,000 (\$17,000 + \$125,000) per annum for the costs of organized hunts to replace the displaced caribou and lost revenues from combination hunts.

#### **6.2.2 Financial Responsibility of the Developer**

Subsection 13(16) of the IFA states:

*“Subject to subsections (5) and (6), if any developer who has caused actual wildlife harvest loss of future harvest loss is unable to or fails to meet his responsibilities therefore, Canada acknowledges that, where it was involved in establishing terms and conditions for development, it has the responsibility to assume the developer’s liability for mitigative and remedial measures to the extent practicable.”*

The Panel notes that this approach is consistent with the goal expressed by the Inuvialuit and recognized by Canada under section 1 of the IFA—to preserve Inuvialuit cultural identity and values within a changing northern society. The Panel notes that the Government of Canada may need to assume the liability for all hunters who wish to preserve their cultural values through an opportunity to hunt caribou.

The Panel believes that, with the time frames involved and the importance of harvest of caribou to the Inuvialuit of Holman, that the Government of Canada should not rely on a bond or letter of credit from Commander Resources Ltd. to respond to the loss of harvesting and should be prepared to accept its responsibilities under section 13(16) of the IFA, as soon as possible after any displacement of caribou is noted.

### **7.0 ENVIRONMENTAL CONCERNS**

#### **7.1 Drilling Fluids**

During the drilling process a water solution containing calcium chloride, a salt-like substance, and—when necessary—an environmentally approved lubricant, are circulated down the drill hole to lubricate the drill bit and to wash away drill cuttings. Drill cuttings represent about 5% of the volume of the hole.

##### **7.1.1 Views of the Proponent**

Commander Resources Ltd. proposes to let this water solution drain into natural depressions on the surface where it will either be absorbed into the soil or evaporate. Any depression chosen in lieu of a sump shall not drain into any neighboring water body.

The Northwest Territories Water Board has advised Commander Resources Ltd. that a water licence will not be required because the proponent will be using less than 100 cubic metres of water a day and Commander Resources Ltd. will not be depositing waste that can enter a water body.

When asked by the Panel why it did not use empty barrels to contain the drilling wastes, Commander Resources Ltd. stated that this would render the barrels unfit for recycling and would be uneconomical.

### **7.1.2 Views of the Registered Participants and Public**

Several members of the public expressed concerns about the water containing calcium chloride and other substances being allowed to escape from the drill site and enter the environment. They were especially concerned that the solution would reach fish-bearing streams and potentially Prince Albert Sound which would have an impact on fish, especially young fish. The Panel was told that even the very small streams, less than a foot wide, contain fish at certain times of the year. Some expressed concern about the fact that the drill cuttings and calcium chloride would be left at the drill site for caribou and other animals to ingest. The IGC also asked why the empty drums on site could not be filled with drilling fluid and the fluid flown out to an approved landfill.

The Department of Fisheries and Oceans provided the proponent with a Letter of Advice dated June 13, 2002, setting out guidelines the proponent should follow to avoid “*the harmful alteration, disruption or destruction of fish habitat*” (Fisheries Act Subsection 35(1)). The Department will require additional information concerning the water sources the proponent proposes to use when, that information is known to the proponent.

The Environmental Protection Branch of Environment Canada also requested the exact location of the drill sites when they become known. They demand that the “disturbance of the bed or banks of any definable watercourse, or any other terrain in the vicinity of a water body where erosion may result in the introduction of sediments to that water body, must be avoided” (letter from P. Blackall, Jan. 31, 2003). They also ask for appropriate setback distances from water bodies for drill sites, proper fuel storage handling and containment procedures, well-documented and distributed spill plans, appropriate spill clean-up equipment at all locations and a commitment to report all spills to the NT 24 hour spill line. Sumps at drill sites must be located an adequate distance from water bodies and backfilled in such a manner to prevent movement of material out of the sump during spring runoff.

At the Public Meeting DIAND officers advised the Panel that the procedures the company proposed for the deposition of their drilling fluids were standard industry practices and were acceptable to the Department. Officers from DIAND would visit the drilling operations once to confirm that the proponent was conducting the operation in conformity with the regulations and guidelines provided by government agencies.

### **7.1.3 Findings of the Panel**

On the basis of the statements made by several branches of government and from the proponent the Panel is satisfied that government regulations and guidelines and the proponent’s intentions to honour these regulations and guidelines are adequate to prevent drilling wastes from entering watercourses.

The Panel recommends that, because there are real concerns about this operation by the people of Holman and, because it has been some time since an operation such as this one has taken place in the vicinity of Holman, DIAND inspect the drilling operations while they are in progress at least twice.

The Panel recommends that inspectors invite a member of the Holman Elder’s Committee to accompany them on their visits to the operation so that the elder may observe the drilling operations, first-hand.

## **7.2 Site Reclamation**

### **7.2.1 Views of the Proponent**

Commander Resources Ltd. proposes to remove the drill rig, its pad, all excess drilling consumables, garbage and all fuel drums from the site leaving only a small quantity (about 0.14m<sup>3</sup>) of drilling wastes in natural depressions at each site. At the public meeting, Commander Resources Ltd. provided pictures of drill sites after drilling for the Panel's inspection. In its land use permit application of May 2001, the company committed to make every effort to return any disturbed area to its natural condition.

Commander Resources Ltd., and its predecessor, Major General Resources, have been operating on the NU side of central Victoria Island since 1993. Its reclamation efforts to date have met the requirements of regulators (DIAND and the Kitikmeot Inuit Association).

### **7.2.2 Views of the Registered Participants and Public**

Members of the public know of locations on the land used as bases for past exploration efforts and research that have not been properly cleaned up. They are also aware of abandoned mines in southern NT that are costing the government millions of dollars to reclaim. They do not want this to happen as a result of this development. One person made the point that vegetation grows much slower in the Arctic than it does in southern Canada and it will take longer to regenerate.

Morris Nigiyok's commented:

"When you showed pictures of the camp I could not tell if the camp was clean. The picture was too far. At Johnson Point there was two of us cleaning up. We stayed there until it was complete. We heard of these miners. I didn't think there will be anyone from here to monitor. If they are going to do mining, they should get someone from Holman to do the clean-up."

DIAND officials informed the Panel and the public that the Land Use Permit remains open until the company has completed a clean up satisfactory to the Department.

### **7.2.3 Findings of the Panel**

The Panel is satisfied that current regulations will result in adequate reclamation.

The Panel recommends that a representative from the OHTC be invited to participate on the final DIAND inspection.

## **7.3 Impacts on Migratory Birds**

The Kagloryuak River valley is a particularly productive area for nesting migratory birds on Victoria Island. Migratory birds, including King and Common Eiders, Canada and Snow Geese, Tundra Swans, Brant and Long-tailed Ducks nest in this area, as well as numerous shorebird and loon species. These birds move into this area in late May to mid June. Nesting typically occurs between mid June and July, followed by brood-rearing into early August.

### **7.3.1 Views of the Proponent**

Commander Resources Ltd. plans to conduct its helicopter-borne magnetic surveys between April 15 and May 15 to avoid conflicts with nesting birds. It will re-enter the area in early August at which all flights will adhere to Recommended Environmentally Acceptable Minimum Flight Altitudes. The company maintains that as a result of the timing of its operations and its adherence to the recommended flight altitudes its operations will have no impact on birds. As well, the company has dropped all sites in the Kagloryuak River valley.

### **7.3.2 Views of the Registered Participants and Public**

The Environmental Protection Branch of the Department of Environment recommends that activities in the vicinity of bird colonies be restricted to a period after August 31, that adequate distances (1 to 1.5 km) be maintained between aircraft flight lines and concentrations (flocks) of birds. Groups of birds need to be allowed enough time to move away from areas of ground-based operations before drilling and associated activities proceed.

### **7.3.3 Findings of the Panel**

The Panel believes that the timing proposed by Commander Resources Ltd. will adequately mitigate any impact on migrating birds.

The Panel recommends that Commander Resources Ltd. ground operations be restricted to a period to begin no earlier than August 1 and that work start at the northern most sites and progresses to the south.

## **8.0 TRANSBOUNDARY ISSUES**

### **8.1 Views of the Public**

Several members of the Public were surprised to learn that Commander Resources Ltd. held permits to operate on the NU side of the border and had obtained these permits without anyone informing the community of Holman.

### **8.2 Response from the Proponent**

Commander Resources Ltd. said, in response to those comments, that they had not been asked by NU officials to contact the community of Holman.

### **8.3 Findings of the Panel**

The Panel understands the concern of the people of Holman that developments could take place so close to their harvesting areas without their knowledge and without having an opportunity to comment on the development.

The Panel recommends that the EIRB and the EISC enter into an arrangement with their sister organization, NIRB, to ensure that information on developments on either side of the ISR/NU border is shared between the parties and the potentially impacted communities.

The Panel urges all groups working near the ISR/NU border to seek the views of the communities nearest to their operations without regard for borders.

## **9.0 PROBLEM WILDLIFE KILLS**

### **9.1 View of the Proponent**

When asked by members of the Panel, Commander Resources Ltd. said that although is has a gun in their camp, they have not had to kill any animal in self-defense in the eight years they have operated in the area.

### **9.2 View of the Panel**

The Panel accepts that even though it would be an unusual event for Commander Resources Ltd. to encounter a polar bear or a grizzly bear in its exploration efforts in the middle of Victoria Island, it remains a possibility.

The Panel recommends that, should it be necessary for Commander Resources Ltd. to kill a bear in self-defense in the Inuvialuit Settlement Region (ISR), and that bear kill results in a reduction of the allowable hunt for the OHTC, Commander Resources Ltd. reimburse the OHTC a sum of \$16, 000– which represents the loss of income to the community of a polar bear sports hunt.

## **10.0 ALTERNATIVES**

### **10.1 Views of the Proponent**

Commander Resources Ltd. believes that it has adjusted the timing of its operations to the best available schedule and has committed to work with the Holman wildlife monitor to adjust the timing of site visits and drilling, in order to avoid interfering with caribou. The location of the drill targets is dictated by geological conditions and is beyond human control.

### **10.2 Views of the Panel**

The Panel commends Commander Resources Ltd. for its willingness to be flexible in the conduct of its work. The Panel is satisfied with Commander Resources Ltd. proposal to work with a wildlife monitor to avoid disturbance to hunters, caribou and other wildlife.



## **11.0 CUMULATIVE EFFECTS**

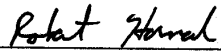
Cumulative environmental effects result from the combination of environmental effects from a number of different developments and/or activities. In determining possible cumulative effects, the Canadian Environmental Assessment Agency (CEAA) recommends that three basic premises be considered.

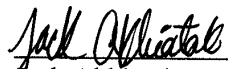
1. There must be an environmental, biophysical, social or cultural impact related to the project.
2. The effect must be demonstrated to operate cumulatively, additively or synergistically with impacts from other projects or activities.
3. The other projects or activities exist or are likely to be carried out and are not hypothetical.

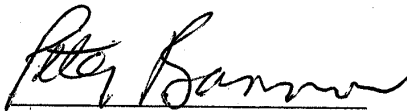
The proposed exploration program represents a continuation of Commander Resources Ltd.'s exploration activities that have been ongoing on Victoria Island since 1993. Apart from Commander Resources Ltd.'s exploration program, no other projects of this nature are being carried out on Victoria Island at this time.


It is the view of both Commander Resources Ltd. and the Panel, based on the fact that no other exploration is taking place on Victoria Island at this time and that the impacts of Commander Resources Ltd.'s operations on the environment are negligible– there will be no cumulative effects as a result of this Development.


The undersigned, members of the Review Panel as selected by the Chairman of the EIRB, respectfully submit the decision and recommendations contained herein.

  
Robert Hornal  
Chair

  
Jack Akhiatak  
Member

  
Peter Bannon  
Member

  
Tom Butters  
Member

  
Richard Binder  
Member

Dated 17 February 2003

## APPENDIX A PUBLIC NOTICE OF REFERRAL

DATED AT INUVIK, NORTHWEST TERRITORIES

Monday, September 16, 2002

On Monday, September 16, 2002, the Environmental Impact Screening Committee (EISC) referred the development proposal known as the *Proposed Diamond Exploration Program, Victoria Island, NT* submitted by Commander Resources Ltd., to the Environmental Impact Review Board (EIRB) for Public Review. This Public Review is being held pursuant to the Inuvialuit Final Agreement (IFA) which has been approved, given effect, and declared valid by the Western Arctic (Inuvialuit) Claims Settlement Act, being Chapter 24 of the Statutes of Canada 32 -33, Elizabeth II (1984).

The purpose of this review is to assess the potential environmental effects of the proposed operation and, as well, for the EIRB to recommend whether or not the development should proceed and, *if it should*, under what terms and conditions— including mitigative and remedial measures. The Review Board may also recommend that the development should be subject to *further* assessment and review and, if so, the data or information required. [IFA 11.(24)]

The Environmental Impact Review Board invites organizations, government agencies, and members of the public to participate in the review and to make submissions to the Review Board concerning these matters.

Individuals and/or organizations that intend to make submissions should register by letter with the Secretary of the Environmental Impact Review Board.

Registered Participants will be placed on a mailing list, and thereafter will receive all documents designated for distribution, including the proponent's environmental impact statement (EIS), subsequent notices, procedural rulings, and other written submissions.

Registered Participants may take part in the public review via their written submission or, in the event of a public forum, by sending a delegation. If a public forum is held, individuals and organizations that do not register an intention to participate may make oral submissions after Registered Participants have been heard.

Anyone wishing further information concerning this public review, or who would like a copy of the Environmental Impact Review Board's Operating Procedures should contact:

Jonathan W. Allen, Secretary  
Environmental Impact Review Board  
Joint Secretariat Inuvialuit Renewable Resources Committees  
P.O. Box 2120, Inuvik, Northwest Territories X0E 0T0  
Telephone: (867) 777-2828  
Fax: (867) 777-2610

## APPENDIX B REGISTERED PARTICIPANTS

### COMMANDER RESOURCES LTD. PROPOSED DIAMOND EXPLORATION PROGRAM VICTORIA ISLAND, NT

| NAME                    | ADDRESS  | Phone #        | FAX #          |
|-------------------------|--|----------------|----------------|
| Pete Cott               | Area Habitat Biologist<br>Dept. of Fisheries & Oceans<br>Box 1781<br>Inuvik NWT X0E 0T0  | (867)-777-7520 | (867)-777-7501 |
| Duane Smith             | Joint Secretariat<br>Box 2120<br>Inuvik NWT X0E 0T0  | (867)-777-2828 | (867)-777-2610 |
| Nelson Perry            | Joint Secretariat<br>Box 2120<br>Inuvik NWT X0E 0T0  | (867)-777-2828 | (867)-777-2610 |
| Alisha Chauhan          | Joint Secretariat<br>Box 2120<br>Inuvik NWT X0E 0T0  | (867)-777-2828 | (867)-777-2610 |
| Katherine Thiesenhausen | Resources Person - WMAC (NWT)<br>Joint Secretariat<br>Box 2120<br>Inuvik NWT X0E 0T0   | (867)-777-2828 | (867)-777-2610 |
| Jason McNeill           | Environmental Assessment Analyst<br>Policy, Legislation, Communication<br>Division<br>RWED - GNWT<br>Box 1320<br>Yellowknife NWT X1A 3S8 | (867)-920-8071 | (867)-873-4021 |
| Gavin Moore             | Environmental Assessment Analyst<br>Policy, Legislation, Communication<br>Division<br>RWED - GNWT<br>Box 1320<br>Yellowknife NWT X1A 3S8 | (867)-920-6392 | (867)-873-0114 |
| Joseph Haluksit         | Chairperson - Holman Comm. Corp.<br>Box 161<br>Holman NWT X0E 0S0  | (867)-396-4701 | (867)-396-3284 |
| Mary Banksland          | President<br>Olokhaktomiut Hunters & Trappers<br>Box 161<br>Holman NWT X0E 0S0   | (867)-396-4808 | (867)-396-3025 |

|  |  |                |                |
|--|--|----------------|----------------|
| Elaine Blais                             | Environmental Scientist<br>DIAND<br>Box 1500<br>Yellowknife NWT X1A 2R3  | (867)-669-2591 | (867)-669-2701 |
| Elizabeth Copeland/<br>Stephanie Briscoe | Chair - Nunavut Impact Review Board<br>Box 1033<br>Cambridge Bay NU X0E 0C0  | (867)-983-2593 | (867)-983-2594 |
| Marc Lange                               | Area Habitat Biologist<br>Dept. of Fisheries & Oceans<br>101 5204-50th Avenue<br>Yellowknife NWT X1A 1E2                         | (867)-669-4912 | (867)-669-4940 |
| Mike Fournier                            | Northern Environmental Assessment<br>Coordinator<br>Environment Canada<br>Suite 301, 5204-50th Avenue<br>Yellowknife NWT X1A 1E2 | (867)-669-4743 | (867)-873-8185 |
| Fraser Fairman                           | Environmental Mgt. Scientist<br>DIAND<br>Box 1500<br>Yellowknife NWT X1A 2R3   | (867)-669-2587 | (867)-669-2701 |
| John Kuneyuna                            | Chairperson<br>Holman Elders & Youth Committee<br>Box 61<br>Holman NWT X0E 0S0   | (867)-396-4701 | (867)-396-3284 |
| Peter Krizan                             | Technical Advisor<br>Box 2294<br>Inuvik NWT X0E 0T0  | (867)-678-2584 |                |
| William Joss                             | Box 105<br>Holman NWT X0E 0S0  |                |                |
| Adam Kudlak                              | Box 12<br>Holman NWT X0E 0S0   |                |                |
| Lillian Kanayok                          | Resource Person<br>Olokhaktomiut Hunters & Trappers<br>Committee<br>Box 161<br>Holman NWT X0E 0S0                                | (867)-396-4808 | (867)-396-3025 |
| Mike Preston                             | Project Leader,<br>Beaufort Sea Conservation<br>WWF-Canada, Arctic Program<br>5017 52nd Street<br>Yellowknife NWT X1A 1T5        | (867)-766-4504 | (867)-873-9306 |

|                            |   |                |                |
|----------------------------|---|----------------|----------------|
| Emily Kudlak               | Box 46<br>Holman NWT X0E 0S0  |                |                |
| Barb Berg                  | Environmental Impact Assessment<br>Resource Person<br>Joint Secretariat<br>Box 2120<br>Inuvik NWT X0E 0T0                   | (867)-777-2828 | (867)-777-2610 |
| Gibson Kudlak              | Box 81<br>Holman NWT X0E 0S0  |                |                |
| Chris Alway                | Joint Secretariat<br>Box 2120<br>Inuvik NWT X0E 0T0   | (867)-777-2828 | (867)-777-2610 |
| Brian Wood                 | Mackenzie Gas Project/<br>Imperial Oil Resources Ltd.<br>237-4Th Avenue S. W.<br>Box 2480 Station "M"<br>Calgary AB T2P 3M9 | (403)-815-3795 | (403)-237-2102 |
| Graham Gill<br>(Proponent) | Project Manager<br>Commander Resources Ltd.<br>1550 - 409 Granville Street<br>Vancouver BC V6C 1T2                          | (604)-685-5254 | (604)-685-2814 |

## APPENDIX C ATTENDANCE AT PUBLIC MEETINGS

February 5 and/ or 6, 2003  
Holman, NT

Angus Banksland  
Mary Banksland  
John Kuneyuna  
Lillian Kanayok  
Joseph Haluksit  
Victoria Akhiatak  
Irene Akhiatak  
Helena Ekootak  
Ada Ekootak  
Winnie Joss  
Allen Joss  
Colin Okheena  
Harold Wright  
Donald Inuktalik  
Pat Klengenberg  
Eddie Okheena  
John Alikamik  
Louise Nigiyok  
Ida Inuktalik  
Bessie Inuktalik  
Elsie Klengenberg  
Walter Olifie  
Harry Egotak  
Jean Ekpakohak  
Pat Ekpakohak  
David Kuptana  
George Alanak  
Donald Notaina  
Morris Nigiyok  
Effie Kataoyak  
Louisa Nigiyok  
Mary Jane Nigiyok  
Darlene Nigiyok  
Jimmy Memogana  
Adam Kudlak  
Buddy Alikamik  
Aaron Kimiksana  
Sadie Joss

Peter Alikamik  
Cora Joss  
Julie Ekpakohak  
Margaret Kanayok  
Patrick Joss  
Gibson Kudlak  
Brian Kudlak  
Larry Olifie  
Helen Olifie  
Molly Banksland  
Peter Malgokak  
Mary K. Okheena  
Janet Kanayok  
Patrick Joss  
Louie Nigiyok  
Connie Alanak  
Laverna Klengenberg  
Diane Alikamik  
Ross Klengenberg  
Willie Akoakhion  
Annie Goose  
Corey Joss  
Judy Okheena  
Lisa Alikamik  
Donna Akhiatak  
Winnie Akhiatak  
Lily Alanak  
Adele Okheena  
Mark Ekootak  
Chris Alway  
Alisha Chauhan  
Elaine Blais  
Andrew Williams  
Herbert Felix  
Rob Walker  
Fraser Fairman  
John Nagy  
Mike Byrne

**APPENDIX D**  
**LIST OF ACRONYMS USED IN THIS DOCUMENT**

| <b>Acronym</b> | <b>Meaning</b>  |
|----------------|---|
| CEAA           | Canadian Environmental Assessment Act   |
| DFO            | Department of Fisheries and Oceans  |
| DIAND          | Department of Indian Affairs and Northern Development   |
| EC             | Environment Canada  |
| EIRB           | Environmental Impact Review Board   |
| EIS            | Environmental Impact Statement  |
| EISC           | Environmental Impact Screening Committee  |
| GIS            | Geographic Information System   |
| HCC            | Holman Community Corporation  |
| IFA            | Inuvialuit Final Agreement  |
| IGC            | Inuvialuit Game Council   |
| IK             | Inuvik, NT  |
| INAC           | Indian and Northern Affairs Canada  |
| ISR            | Inuvialuit Settlement Region  |
| km             | kilometre   |
| NIRB           | Nunavut Impact Review Board   |
| NRO            | Nunavut Regional Office   |
| NT             | Northwest Territories   |
| NU             | Nunavut   |
| m              | metre   |
| mm             | millimetre  |
| OHTC           | Olokhaktomiut Hunters & Trappers Committee  |
| RWED           | Department of Resources, Wildlife and Economic Development<br>(Government of the Northwest Territories) |



|            |  |
|------------|--|
| SAO-JS     | Senior Administrative Officer - Joint Secretariat            |
| SPR        | Standard Public Review                                       |
| SSD        | Small Scale Development                                      |
| WMAC (NWT) | Wildlife Management Advisory Council (Northwest Territories) |
| YK         | Yellowknife, NT  |

**APPENDIX E CHRONOLOGICAL RECORD**  
of the  
**PUBLIC ENVIRONMENTAL REVIEW OF**  
**COMMANDER RESOURCES LTD.**  
**PROPOSED DIAMOND EXPLORATION PROGRAM, VICTORIA ISLAND, NT**

|    | <b>REC'D.</b>        | <b>SENT</b>           | <b>DATED</b>          | <b>FORM</b>                | <b>FROM</b>              | <b>TO</b>  | <b>SUBJECT</b>  |
|----|----------------------|-----------------------|-----------------------|----------------------------|--------------------------|--|---|
| 1. | September 13<br>2002 |                       | September 12,<br>2002 | Submission No.<br>06/02-01 | EISC<br>(Bill Klassen)   | Robert Horal<br>- EIRB<br>cc (excluding<br>enclosures) Gill -<br>Commander, Cockney -<br>DIAND-IK, Cook -<br>DIAND-YK, Dipizzo -<br>Nunavut Water Board,<br>Kaniak - Kitikmeot Inuit<br>Assoc. | referral of development titled<br>Proposed Diamond Exploration<br>Program, Victoria Island, NT -<br>submitted by Graham Gill,<br>Commander Resources Ltd.<br>(Commander).<br>Enclosures (17+) documents<br>concerning the proposed development. |
| 2. |                      | September<br>17, 2002 | September 16,<br>2002 | Letter                     | Jonathan Allen<br>(EIRB) | Amir Hassanzadeh<br>(GIS)  | Request for map on the proposed<br>development  |
| 3. |                      | September<br>17, 2002 | September 16,<br>2002 | Letter                     | Jonathan Allen<br>(EIRB) | Peggy Madore<br>(SAO-JS)   | Press Release   |
| 4. |                      | September<br>17, 2002 | September 17,<br>2002 | Email                      | Peggy Madore<br>(SAO)    | Northern News Service  | Request for quote for Advertising for<br>the Press Release and Purchase Order   |
| 5. |                      | September<br>18, 2002 | September 18,<br>2002 | Email                      | Northern News<br>Service | Peggy Madore<br>(SAO)  | Verification change will be made  |
| 6. |                      | September<br>18, 2002 | September 17,<br>2002 | Letter                     | Jonathan Allen<br>(EIRB) | Distribution List<br>cc P. Madore (SAO) &<br>R. Horal - Chair EIRB   | Re: Government Representative List  |

|     | <b>REC'D.</b>      | <b>SENT</b>        | <b>DATED</b>       | <b>FORM</b>                 | <b>FROM</b>                  | <b>TO</b>  | <b>SUBJECT</b>  |
|-----|--------------------|--------------------|--------------------|-----------------------------|------------------------------|--|---|
| 7.  |                    | September 18, 2002 | September 17, 2002 | Letter                      | Jonathan Allen (EIRB)        | A. Chauhan, R. Fonger, K. Thiesenhausen, L. Graf, K. Bill, A. Horler, N. Perry | Re: Registered Participants List  |
| 8.  |                    | September 18, 2002 | September 17, 2002 | Letter                      | Robert Hornal (Chair - EIRB) | The Honourable Robert Nault  | Re: Advising R. Nault of the referral   |
| 9.  |                    | September 18, 2002 | September 17, 2002 | Letter                      | Jonathan Allen (EIRB)        | Chair and EIRB Members   | Re: (Commander) Proposed Diamond Exploration Program, Encl. Map   |
| 10. | September 17, 2002 | September 17, 2002 |                    | Email                       | Jonathan Allen (EIRB)        | G. Gill - Commander Resources  | How to Download the EIRB's Operating Procedures   |
| 11. |                    | September 19, 2002 | September 19, 2002 | Letter                      | Jonathan Allen (EIRB)        | Graham Gill - Commander Resources  | Acknowledgment of receipt of fax dated September 19, 2002 regarding Initial Samples Yield High Diamond Count from Diamonds North's Blue Ice     |
| 12. |                    | September 24, 2002 | September 23, 2002 | Letter                      | Jonathan Allen (EIRB)        | Ed McLean - Parks Canada   | Re: Registered Participants List  |
| 13. |                    | September 23, 2002 | September 23, 2002 | Letter                      | Robert Hornal (EIRB)         | Elizabeth Copeland - NIRB  | Notice of referral  |
| 14. |                    | September 23, 2002 | September 23, 2002 | Advertisement in News North | Peggy Madore                 | News North   | Public Notice of Referral Dated at Inuvik, Northwest Territories - Monday, September 16, 2002   |
| 15. |                    | September 24, 2002 | September 24, 2002 | Letter                      | Jonathan Allen (EIRB)        | Paula Pacholek Environment Canada cc Peggy Madore (SAO)                        | Re: Registered Participants List for Commander Resources Encl Referral Package Itemized List & Referral Package from EISC Encl. excluded to cc. |

|     | <b>REC'D.</b>      | <b>SENT</b>        | <b>DATED</b>       | <b>FORM</b>                      | <b>FROM</b>                                    | <b>TO</b>             | <b>SUBJECT</b>  |
|-----|--------------------|--------------------|--------------------|----------------------------------|--|-----------------------|---|
| 16. | September 30, 2002 |                    | September 25, 2002 | Letter                           | Colin Okheena - Holman NT                      | Jonathan Allen (EIRB) | Response to Public Notice - voice of opinion  |
| 17. |                    | September 25, 2002 | September 25, 2002 | Letter                           | Jonathan Allen                                 | Joseph Haluksit       | Request to be placed on registered participants list.   |
| 18. |                    | September 26, 2002 | September 26, 2002 | Advertisement in the Inuvik Drum | Peggy Madore                                   | News North            | Public Notice of Referral Dated at Inuvik, Northwest Territories - Monday, September 16, 2002   |
| 19. | September 27, 2002 |                    | September 27, 2002 | Fax                              | Holman Community Corporation                   | Jonathan Allen (EIRB) | The Holman Community Corporation Board of Directors is not in support of the proposed exploration.  |
| 20. | September 27, 2002 |                    | September 27, 2002 | Fax                              | Eric Yaxley - DIAND Environment & Conservation | Jonathan Allen (EIRB) | Thanking EIRB for letter dated September 17, 2002 informing the Dept. of the referral. Main contact info was included                                       |
| 21. |                    | September 30, 2002 | September 30, 2002 | Advertisement in the News North  | Peggy Madore                                   | News North            | Public Notice of Referral Dated at Inuvik, Northwest Territories - Monday, September 16, 2002   |
| 22. | September 30, 2002 |                    | September 30, 2002 | Fax                              | Pete Cott - DFO Inuvik                         | Jonathan Allen (EIRB) | Re: Government Representative List for Commander Resources Ltd. Diamond Exploration Program, Victoria Island - DFO Participation Under Section 12.5 OP-EIRB |

|     | <b>REC'D.</b>   | <b>SENT</b>     | <b>DATED</b>    | <b>FORM</b> | <b>FROM</b>                         | <b>TO</b>   | <b>SUBJECT</b>   |
|-----|-----------------|-----------------|-----------------|-------------|-------------------------------------|---|--|
| 23. |                 | October 3, 2002 | October 2, 2002 | Letter      | Jonathan Allen (EIRB)               | EIRB Chairman- R. Hornal, Members - A.Williams, H.Felix, J. Akhiatak, P.Bannon, R. Binder, T. Butters - Legal Counsel D. Fendrick | Encl. Fax dated September 30, 2002 from DFO, Fax dated September 27, 2002 from Eric Yaxley (DIAND), Fax dated September 27, 2002 from Joseph Haluksit and Letter dated September 25, 2002 form Colin Okheena |
| 24. |                 | October 2, 2002 | October 2, 2002 | Email       | Jonathan Allen                      | Commander (G.Gill)  | Response to Question # 2   |
| 25. | October 4, 2002 |                 | October 3, 2002 | Fax         | Paula Pacholek - Environment Canada | The Joint Secretariat   | Re: Government Representative List - Commander Resources Ref.  |
| 26. | October 4, 2002 |                 | October 4, 2002 | Fax         | Holman Community Corporation        | Jonathan Allen (EIRB)   | Amended Letter Attached - Holman Community Corporation is not in support of the proposed exploration   |
| 27. |                 | October 7, 2002 | October 4, 2002 | Letter      | Paula Pacholek - Environment Canada | Jonathan Allen (EIRB)   | Re: Interest in registered participants List   |

|     | REC'D. | SENT              | DATED             | FORM   | FROM                  | TO   | SUBJECT  |
|-----|--------|-------------------|-------------------|--------|-----------------------|--|--|
| 28. |        | October 21, 2002  | October 21, 2002  | Letter | Jonathan Allen (EIRB) | R. Hornal, P. Bannon, T. Butters, A. Williams, H. Felix, J. Akhiatak, R. Binder<br>cc P. Madore (SAO), D. Fendrick - Legal Counsel | Cover letter and related documents.<br>1. Public Referral<br>2. Letter regarding "Initial Samples Yield High Diamond Count from Diamonds North's Blue Ice"<br>3. September 25, 2002 Letter - Colin Okheena<br>4. September 26, 2002 - Joseph Haluksit - HCC<br>5. Amended Letter - HCC<br>6. Fax - Initial Samples<br>7. Copy of Distribution List - October, 21, 2002 |
| 29. |        | October 24, 2002  | October 24, 2002  | Email  | Jonathan Allen (EIRB) | Peggy Madore   | Updated Registered Participants List   |
| 30. |        | October 28, 2002  | October 28, 2002  | Letter | Jonathan Allen (EIRB) | Registered Participants<br>Peggy Madore  | Updated Registered Participants List   |
| 31. |        | November 8, 2002  | November 7, 2002  | Letter | Jonathan Allen (EIRB) | Registered Participants<br>cc Peggy Madore -SAO-JS   | October 29, 2002 EIRB's decision. - should be directed into the Small Scale Development Procedure  |
| 32. |        | November 12, 2002 | November 8, 2002  | Letter | Jonathan Allen        | Colin Okheena Holman NT<br>cc. P.Madore-SAO-JS<br>R. Fonger - Tech-RP  | Letter of thanks for September 25, 2002 letter   |
| 33. |        | November 12, 2002 | November 12, 2002 | Fax    | Jonathan Allen        | Holman Community Corp - J. Haluksit  | Asking to forward - to Mary Banksland - a letter that was sent on November 8, 2002   |
| 34. |        | November 12, 2002 | November 12, 2002 | Letter | Jonathan Allen        | Registered Participants<br>cc. P. Madore<br>SAO-JS   | Updated Registered Participants List   |

|     | <b>REC'D.</b>     | <b>SENT</b>       | <b>DATED</b>      | <b>FORM</b>            | <b>FROM</b>                     | <b>TO</b>                                       | <b>SUBJECT</b>   |
|-----|-------------------|-------------------|-------------------|------------------------|---------------------------------|---|--|
| 35. |                   | November 21, 2002 | November 1, 2002  | Package of Information | Jonathan Allen                  | Gladys Joudrey                                  | Information on the NIRB final report(s) on Commander screening(s). Operating Guidelines, Procedures and/or Bylaws                                    |
| 36. |                   | November 26, 2002 | November 25, 2002 | Letter                 | Jonathan Allen                  | Angela Kuneyuna - Holman Community Corp.        | Letter confirming that Joseph Haluksit will represent the HCC in these meetings on December 11 and 12.   |
| 37. |                   | November 25, 2002 | November 25, 2002 | Letter                 | Jonathan Allen                  | Registered Participants cc. P. Madore<br>SAO-JS | Updated Registered Participants List   |
| 38. | November 27, 2002 |                   | October 2002      | Package                | Commander Resources Ltd.        | EIRB  | Revised Project Description and Draft Environmental Impact Statement   |
| 39  | November 26, 2002 |                   | November 18, 2002 | Cover Letter           | Commander Resources Ltd. (Gill) | EIRB(Allen)                                     | 11 copies of the Revised Project Description and Draft Environmental Impact Statement for a Proposed Diamond Exploration Program Victoria Island, NT |
| 40  |                   | November 25, 2002 | November 25, 2002 | Cover Letter           | EIRB(Allen)                     | Brian Woods (Mackenzie Gas Project)             | Registered Participants List and seven (7) EIRB documents  |
| 41  | November 26, 2002 |                   | November 26, 2002 | Letter                 | Olokhaktomiut HTC (Kanayok)     | EIRB(Allen)                                     | Re: addition and amendment to the registered participant list  |
| 42  |                   | December 3, 2002  |                   | Poster                 | EIRB(Allen)                     | (EIRB) Akhiatak                                 | Announcement posted in Holman for EIRB presentation on 12/10/02  |
| 43  |                   | December 6, 2002  | December 6, 2002  | Purchase Order         | Joint Secretariat (Madore)      | Northern News Serv.                             | Job Advertisement EIA Resource Person  |
| 44  |                   | December 9, 2002  | December 9, 2002  | Fax                    | EIRB (Allen)                    | EIRB (Bannon, Fendrick, Felix)                  | Peter Krizan's Curriculum Vitae  |

|    | <b>REC'D.</b>     | <b>SENT</b>       | <b>DATED</b>      | <b>FORM</b>    | <b>FROM</b>                     | <b>TO</b>   | <b>SUBJECT</b>   |
|----|-------------------|-------------------|-------------------|----------------|---------------------------------|---|--|
| 45 |                   | December 12, 2002 | December 12, 2002 | Purchase Order | Joint Secretariat (Madore)      | Northern News Serv.   | Press Release Re: Commander Review                           |
| 46 |                   | December 9, 2002  | December 9, 2002  | Fax            | EIRB (Allen)                    | OHTC (Kanayok)<br>HCC (Kuneyuna)<br>Holman Elders (Kuptana) | draft Agenda Worst Case Scenario Workshop                    |
| 47 |                   | December 9, 2002  | December 9, 2002  | Fax            | EIRB (Allen)                    | Commander Resources Ltd. (Gill)                             | Re: EIRB Meetings in Holman                                  |
| 48 |                   | December 10, 2002 | December 10, 2002 | Letter         | EIRB (Allen)                    | Registered Participants                                     | Commander Environmental Impact Statement                     |
| 49 |                   | December 10, 2002 | December 10, 2002 | Letter         | EIRB (Allen)                    | Registered Participants                                     | Peter Krizan, EIRB Technical Advisor                         |
| 50 | December 12, 2002 | December 12, 2002 |                   | Letter         | William Joss                    | EIRB (Allen)  | add to Registered Participants                               |
| 51 | December 12, 2002 | December 12, 2002 |                   | Letter         | Adam Kudlak                     | EIRB (Allen)  | add to Registered Participants                               |
| 52 | December 12, 2002 | December 12, 2002 |                   | Letter         | Gibson Kudlak                   | EIRB (Allen)  | add to Registered Participants                               |
| 53 | December 12, 2002 | December 12, 2002 |                   | Letter         | Emily Kudlak                    | EIRB (Allen)  | add to Registered Participants                               |
| 54 |                   |                   | December 12, 2002 | draft Agenda   | (EIRB) Glaholt                  | EIRB (Allen)  | Worst Case Scenario Workshop                                 |
| 55 |                   | December 17, 2002 | December 17, 2002 | Fax            | EIRB (Allen)                    | Inuvialuit Communications Society (Alunik)                  | Answers to questions regarding the EIRB and Commander Review |
| 56 | December 18, 2002 | December 18, 2002 |                   | Letter         | Inuvialuit Game Council (Smith) | EIRB (Hornal)   | Release of Harvest Data                                      |



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| 57 |                  | December 24, 2002 | December 24, 2002 | Fax         | EIRB (Allen)                          | HCC (Kuneyuna)<br>OHTC (Kanayok)<br>Holman Elders<br>(Kuptana) | draft minutes Worst Case Scenario  |
| 58 | n/a              | n/a               | n/a               | Report      | RWED (Nagy)                           | EIRB (Allen)   | Harvest Study Data and Maps<br>(Holman and caribou)                              |
| 59 |                  | January 6, 2003   | January 6, 2003   | Fax         | EIRB (Allen)                          | Environment Canada<br>(Fournier)                               | Commander Resources Review,<br>Registered Participants List                      |
| 60 |                  | January 7, 2003   | January 7, 2003   | Letter      | EIRB (Allen)                          | EIRB (Board and Staff)   | [EIRB] Commander Resources Ltd.,<br>Worst Case Scenario, Facilitator's<br>Report |
| 61 | January 14, 2003 | January 14, 2003  |                   | Fax         | Commander<br>Resources Ltd.<br>(Gill) | EIRB (Allen)   | Questions regarding meeting minutes<br>from Worst Case Scenario Workshop         |
| 62 | January 15, 2003 | January 15, 2003  |                   | Fax         | Holman Elders and<br>Youth (Kuneyuna) | EIRB (Allen)   | add to Registered Participants list  |
| 63 |                  | January 15, 2003  | January 15, 2003  | Letter      | EIRB (Allen)                          | Holman Elders<br>(Kuneyuna)                                    | added to Registered Participants, will<br>receive EIS                            |
| 64 |                  | January 15, 2003  | January 15, 2003  | Letter      | EIRB (Allen)                          | IGC (Smith)  | EIRB would like to use all harvest<br>study data                                 |
| 65 |                  | January 15, 2003  | January 15, 2003  | Letter      | EIRB (Allen)                          | OHTC (Kanayok)   | added to Registered Participants list,<br>attached EIS                           |
| 66 |                  | January 15, 2003  | January 15, 2003  | Letter      | EIRB (Allen)                          | DIAND (Cockney)  | Commander Resources Review–<br>Caribou Herds and Grounds                         |
| 67 |                  | January 16, 2003  | January 16, 2003  | Letter      | EIRB (Allen)                          | Commander Resources<br>(Gill)                                  | Commander Review: Questions from<br>the Review Panel                             |

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| 68 |                  | January 16, 2003 | January 16, 2003         | Letter      | EIRB (Allen)               | Commander Resources (Gill) | Commander Review: Worst Case Scenario Draft Minutes–Questions from Commander                           |
| 69 | January 17, 2003 |                  | January 17, 2003         | Fax         | Commander Resources (Gill) | EIRB (Allen)               | Answers to Panel Questions   |
| 70 |                  | January 17, 2003 | January 17, 2003         | Letter      | EIRB (Allen)               | Registered Participants    | Reminder of public meetings, forward questions to EIRB   |
| 71 |                  |                  | 11, 12, 13 December 2002 | Minutes     | EIRB (Allen)               | Public File                | Commander Resources: Worst Case Scenario Meetings  |
| 72 | 16 Jan 2003      | 16 Jan 2003      |                          | Fax         | Janice Traynor (NRO)       | Graham Gill (Commander)    | Re: Response Letter from Commander Resources Ltd.  |
| 73 | 17 Jan 2003      | 17 Jan 2003      |                          | Fax         | EIRB (Allen)               | Commander Resources (Gill) | Re: Commander Review   |
| 74 | 17 Jan 2003      | 22 Jan 2003      |                          | Letter      | EIRB (Allen)               | Commander Resources (Gill) | Re: Commander Review   |
| 75 | 21 Jan 2003      |                  |                          | Letter      | EIRB (Krizan)              | Holman HTC (Kanayok)       | Dolphin and Union Caribou Herd   |
| 76 |                  |                  | 21 Jan 2003              | Letter      | EIRB (Allen)               | Registered Participants    | Commander Review: Correspondence (13 attachments of previous from 18 November 2002 to 17 January 2003. |
| 77 |                  |                  | 22 Jan 2003              | fax         | EIRB (Allen)               | CBC Radio                  | Public Announcement  |
| 78 |                  |                  | 22 Jan 2003              | fax         | EIRB (Allen)               | EIRB (Akhiatak)            | Holman Public Announcement and Poster  |
| 79 | 24 Jan 2003      | 24 Jan 2003      |                          | fax         | Fraser Fairman (INAC)      | EIRB (Allen)               | Commander Resources Ltd. Comments from INAC  |
| 80 | 24 Jan 2003      | 24 Jan 2003      |                          | fax         | Commander Resources (Gill) | EIRB (Allen)               | Indian and Northern Affairs Canada Correspondence of January 24, 2003                                  |

|    | <b>REC'D.</b> | <b>SENT</b> | <b>DATED</b> | <b>FORM</b> | <b>FROM</b>                | <b>TO</b>                  | <b>SUBJECT</b>  |
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| 81 | 29 Jan 2003   | 24 Jan 2003 |              | Letter      | Commander Resources (Gill) | EIRB (Allen)               | Indian and Northern Affairs Canada Correspondence of January 24, 2003   |
| 82 |               |             | 27 Jan 2003  | Letter      | EIRB (Allen)               | Mike Fournier (EC)         | Commander Resources Review: EIS, Figures 1 to 5   |
| 83 |               |             | 27 Jan 2003  | fax         | EIRB (Allen)               | Registered Participants    | Final copy of minutes–Worst Case Scenario Meetings, Holman, NT, 11, 12, 13 December 2002  |
| 84 |               |             | 28 Jan 2003  | email       | EIRB (Allen)               | DFO (Cott)                 | Commander Resources: Revised Project Description and Draft Environmental Impact Statement...  |
| 85 |               |             | 28 Jan 2003  | fax         | EIRB (Allen)               | Commander Resources (Gill) | Questions from DFO  |
| 86 |               |             | 28 Jan 2003  | fax         | EIRB (Allen)               | Registered Participants    | Commander Resources' Proposed Diamond Exploration Program, Victoria Island, NT (6 attachments dated 16 Jan 2003 to 24 Jan 2003)   |
| 87 | 28 Jan 2003   | 28 Jan 2003 |              | fax         | DFO (Cott)                 | EIRB (Allen)               | RE: Revised Project Description and Draft Environmental Impact Statement for a Proposed Diamond Exploration Program by Commander Resources Ltd. on Victoria Island, NWT–DFO Comment |
| 88 | 29 Jan 2003   | 29 Jan 2003 |              | fax         | DFO (Wilson)               | EIRB (Allen)               | Project Description Package Needed for Proposed Diamond Exploration Program by Commander Resources Ltd. on Victoria Island, NT  |
| 89 |               |             | 30 Jan 2003  | Memo        | EIRB (Allen)               | IDC (Gruben)               | Holman Public Meetings of the EIRB  |
| 90 | 31 Jan 2003   | 31 Jan 2003 |              | email       | EC (Fournier)              | EIRB (Allen)               | Commander Resources   |

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| 91 | 31 Jan 2003   | 31 Jan 2003 |              | fax         | EC (Blackall)                   | EIRB (Allen)            | Public Meeting February 5 and 6, Holman, NT Regarding Commander Resources Diamond Exploration Program, Victoria Island  |
| 92 | 31 Jan 2003   | 31 Jan 2003 |              | Fax         | INAC (Walker)                   | EIRB (Allen)            | Re: Letter Jan 15 <sup>th</sup> , 2003 – Conditions relating to Caribou   |
| 93 | 31 Jan 2003   | 31 Jan 2003 |              | Fax         | Commander Resources (Gill)      | EIRB (Allen)            | Revised Telephone # list for Fuel Spill Contingency Plan  |
| 94 |               |             | 4 Feb 2003   | Memo        | EIRB (Allen)                    | Registered Participants | Commander Review: Harvest Maps for the Holman Area  |
| 95 |               |             | 4 Feb 2003   | Fax         | EIRB (Allen)                    | Registered Participants | Commander Resources' Proposed Diamond Exploration Program, Victoria Island, NT (5 attachments from previous material from 21 January 2003 to 4 February 2003. |
| 96 |               |             | 4 Feb 2003   | Report      | EIRB Technical Advisor (Krizan) | EIRB                    | Status of the Dolphin and Union Caribou Herd on Victoria Island, NT Prepared for Environmental Impact Review Board  |
| 97 | 6 Feb 2003    |             | 31 Jan 2003  | Letter      | Environment Canada (Blackall)   | EIRB                    | Public Meeting February 5 and 6, Holman, NT regarding Commander Resources Diamond Exploration Program, Victoria Island, NT                                    |
| 98 | 5 Feb 2003    |             | 3 Feb 2003   | Letter      | IGC (Smith)                     | EIRB (Hornal)           | Project Description and Draft Environmental Impact Statement for Commander Resources' Proposed Diamond Exploration Program, Victoria Island, NT               |
| 99 |               |             | 5 February   | Letter      | EIRB (Allen)                    | DFO (Wilson)            | Commander Resources Review  |

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| 100 | 6 Feb 2003    |             | 6 Feb 2003   | Fax          | RWED (McNeill)                  | EIRB (Allen)               | Commander Resources Ltd. Victoria Island Diamond Exploration  |
| 101 | 7 Feb 2003    |             |              | Overhead     | Commander Resources Ltd.        | EIRB                       | Company Profile<br>Corporate Policy Community<br>Corporate Policy Environment<br>Mitigation Commitments                   |
| 102 | 10 Feb 2003   |             | 10 Feb 2003  | Fax          | OHTC (Kanayok)                  | EIRB (Allen)               | {figures for sports hunts}  |
| 103 |               |             | 11 Feb 2003  | Letter       | EIRB (Allen)                    | Office Compliments (Wyman) | Commander Resources Review: Public Meeting Transcripts  |
| 104 |               |             | 11 Feb 2003  | Fax          | EIRB (Allen)                    | Registered Participants    | Commander Resources' Proposed Diamond Exploration Program, Victoria Island, NT (9 attachments of previous correspondence) |
| 105 |               |             | 11 Feb 2003  | FAX          | EIRB (Allen)                    | EIRB and staff             | Commander Resources' Proposed Diamond Exploration Program, Victoria Island, NT (9 attachments of previous correspondence) |
| 106 |               |             |              | Tables       | EIRB Technical Advisor (Krizan) | EIRB and staff             | Inuvialuit Harvest Study Data for Holman (selected species)   |
| 107 | 7 Feb 2003    |             |              | Presentation | Commander Resources Ltd.        | EIRB                       | Full presentation from Holman Public Meetings   |