



27 September 2013

Ms. Lori Skitt
Species at Risk Biologist
Ministry of Natural Resources - Regional Operations Division
Northwest Region, Red Lake District
227 Howey Street, PO Box 5003
Red Lake Ontario P0V 2M0

Re: Gold Canyon Resources Inc., Permit for activities with conditions to achieve overall benefit to the species - ESA s.17(2)(c) - EBR Registry Number 011-9719

Dear Lori:

Thank you for the opportunity to provide comments on the proposed overall benefit permit for the Springpole Gold Access Corridor Project. I do so as a caribou scientist who has been engaged in research and recovery of boreal caribou in Ontario and nationally, and as a member of the Provincial Caribou Technical Committee (PCTC).

This is the first overall benefit permit under the ESA for caribou (at least that I am aware of) and will serve as an important precedent for future permit applications in northern Ontario. My main interest in commenting relates to how this permit application reflects the implementation of the provincial range management policy -- a central pillar of the Caribou Conservation Plan that is meant to direct how cumulative disturbance within caribou population ranges will be managed by MNR. The views expressed here compliment other comments I've made on EBR postings, e.g., the range management policy (Sept. 16, 2013, EBR # 011-9448) and overall benefit permits (June 13, 2011, EBR # 011-2842).

It is unclear what MNR is asking of the general public by posting this "information notice" on the EBR. The absence of details on what this overall benefit permit will look like, by listing all measures as "potential" and lacking any detail, suggests the permit in question is still in the progress of being negotiated or designed. So, as a reviewer, I am not so sure what exactly I am responding to. Of even more concern is that there is little indication of MNR's own stance or analysis of the risks associated with this permit application as they relate to its caribou recovery commitments. For example, the MNR Caribou screening report referenced multiple times throughout Gold Canyon's ESR (referred to as

"Cumulative Effects Assessment and Proposal Screening Report") , is not publicly available, and so we are reliant on the proponent's interpretation of any MNR direction contained therein. This is in contrast to Gold Canyon's publicly available documentation (the Final Environmental Study Report [ESR]), which I have reviewed.

My comments briefly touch on three subjects: 1) the lack of permitting alternatives, 2) the lack of regard for the poor condition of the Churchill Caribou Range, and 3) the lowering of the standard to minimizing impact to caribou rather than achieving overall benefit. I discuss each in turn:

1) Lack of permitting alternatives

The EBR posting considers only one option for this project: an overall benefit permit under the ESA , s. 17(2)(c). There is no discussion or even mention, either in the EBR posting itself or in the Gold Canyon documentation, of whether and in what manner an alternative permit under the ESA was considered, namely under s. 17(2)(d) (where the "main purpose of the activity authorized by the permit is not to assist in the protection or recovery of the species specified in the permit, but.... the activity will result in a significant social or economic benefit to Ontario") . According to the EBR posting, "overall benefit is grounded in the protection and recovery of the species at risk and must include more than mitigation measures or 'replacing' what is lost." Yet, the relatively poor condition of both the Churchill Caribou range and the resident caribou population (as described, albeit with no detail, in the EBR posting), combined with the proponent's own discussion, should suggest to most that the prospects for achieving overall benefit to the species are less-than-straightforward.

At the same time, the proponent articulates the rationale for the project in light of "provincial objectives" (which are socio-economic in nature, p. 6) and claims that building a road is the only reasonable alternative. The project's stated objective is "year-round land-based access" (p. 3) and hopes to proceed to development and production. Nowhere is it possible to find any analysis by MNR on whether such stated socioeconomic benefits are more important than the negative impacts to species at risk -- a reasonable question. The Range Management Policy and the Draft Guidance for Assessing Impacts of Activities on Woodland Caribou and Their Habitat only provide guidance with respect to one type of permit -- overall benefit (c) -- and offer no other options for consideration that might be more appropriate in this circumstance.

On a similar note, according to Gold Canyon's ESR a decision was made at some point that this project would be a Category C environmental assessment under the Class EA, yet there is no indication why this is the most suitable category in the context of risk to species like caribou, and how other alternatives were considered (why not a D category, for example)? Moreover, the concerns that elevated this project from a B to a C category were (according to the ESR) "anticipated concerns from the tourism operators in the region as well as anticipated potential concerns from Aboriginal communities", with no mention of biological/conservation concerns that one would expect MNR to have in this caribou range. This underscores the disconnect and lack of coordination between various decision-making nodes within MNR that collectively have bearing on habitat supply for caribou and other species at risk in the province.

2) Lack of regard for the poor condition of the Churchill Caribou Range

I have commented elsewhere on the poor direction provided in the Range Management Policy and the Guidance for Assessing Impacts, and the risk that this places on achieving MNR's caribou recovery obligations. It is my observation from a careful reading of Gold Canyon's ESR that the proponents have followed direction provided to them in MNR-issued materials, have done due diligence with respect to following process and producing documentation, and are sincere in both acknowledging and addressing potential impacts to caribou from this project. However, in large part due to misguided direction, (detailed in my EBR comments on the range management policy), the assessment of impact to caribou by this project (essential for designing appropriate permitting conditions) has some serious shortcomings.

Because I have no access to MNR's screening report, it is impossible to evaluate the extent to which the proponent's lack of consideration for the poor condition of the Churchill Range is influenced by direction provided in the screening report, or by the proponent's own interpretation. The ESR report discusses this in an inconsistent manner. For example, on p. 62 it states (in a description of the province's range assessment, a component of the Screening report) "A range is considered to have a higher probability of observing stable or positive growth of caribou populations if the total amount of disturbance (natural and anthropogenic combined) is less than 35% of the total range." This is an apt description of a risk continuum: the higher the disturbance level, the greater the risk to the persistence of the population, with the suggestion of an upper limit to new disturbance in a landscape that is already subject to high levels of development and fire. Yet, the next paragraph refers to >35% cumulative disturbance in a caribou population range as "moderate" risk and < 35% as "low" risk. These two statements are not equivalent, but as a result of the latter interpretation, the proponent does not appear to consider the current condition of the range as consequential for overall impact to caribou. With respect to the project's own contribution to this state of affairs, it simply states "the disturbance caused by either road option will have a negligible (i.e.<0.001%) impact on disturbance across the entire CCR" [Churchill Caribou Range].

Instead, the proponent's focus is on impact to seasonal habitats (or "subrange components", e.g., calving, wintering, etc.), each of which is discussed separately, in keeping with MNR's Draft Guidance for Assessing Impacts of Activities on Woodland Caribou and Their Habitat. This kind of approach inevitably removes the emphasis on managing as a whole (range management), and as a tool or mechanism is inappropriate for range management, and is inconsistent with current scientific understanding of the relationship between cumulative disturbance and caribou persistence. It is unclear how MNR will coordinate direction for managing development in a high risk situation like the Churchill Caribou range. Here, fire and forest management activities and associated road building is ongoing and the proponent's stated desire to proceed to production at some point will add more disturbance.

With time, the limited policy direction provided by the range management policy will ultimately challenge MNR's ability to meet its commitments to caribou recovery in the province if such permitting decisions are relied upon as the main mechanism for managing cumulative disturbance.

3) Lowering of the standard to minimizing impact to caribou rather than achieving overall benefit

Both the EBR posting and MNR's "Submission Standards for Activity Review and 17 (2)(c) Overall Benefit Permits" define overall benefit, explaining that this must be "grounded in the protection and recovery of the species at risk and must include more than mitigation measures or 'replacing' what is lost." The posting lists separately "potential approaches" to "minimize adverse effects" from those that "achieve an overall benefit for Woodland Caribou". And although Appendix 10 of Gold Canyon's ESR is entitled "Summary of Potential Measures to Achieve an Overall Benefit to Woodland Caribou", the table merely lists a series of "mitigation measures". In actuality, it is highly questionable if any measures listed on the EBR posting or the ESR do more than minimize adverse impacts, and even this is open to discussion, for the following reasons:

1) *Lack of detail*: That all measures are "proposed" means that we have no idea how many will be included in the final permit, which makes it impossible to evaluate the strength of the package. This is also true with respect to the lack of specificity with respect to individual measures. What, for example is meant by "minimum", i.e., "Keep traffic volume to a minimum". What is sufficient to make a difference? Likewise, "where possible" is used for a number of measures. All four measures listed on the EBR may improve the prospects for caribou in the Churchill range, but much more information is needed to understand how they each could possibly provide net benefit to the species in the province.

2) *Many or most are untested*. Few approaches have been subject to any kind of testing to test their efficacy in reducing impact to caribou. For example, how much reduction of the width of a road would make a difference? Where is the evidence that reducing "predator ease of travel" by creating bends in the road or foregoing snow removal has been deployed as a successful strategy. The ESR points to "some success" in Alberta and British Columbia "in reducing caribou mortalities by vehicular collisions by reducing speed limits in key areas of caribou concentrations". How much is "some" success and is this meaningful?

Deploying these measures will be essentially experiments. Rigorous monitoring is therefore necessary, both to understand whether a given approach will require adjustment and to learn from the experience to apply elsewhere. Very little is said in any available documentation about monitoring plans. The high risk condition of the Churchill range will necessitate enhanced monitoring and research by both Ontario and development proponents to measure success of individual mitigation measures and the well-being of this caribou population as overall disturbance levels increase.

In conclusion, although the proponent has made efforts to follow MNR direction and minimize impacts as a result of its activities, the condition of the Churchill range and its apparently declining caribou population make it difficult to understand why it would be a good idea to allow new disturbance (through construction) in some of the few remaining swaths of undisturbed habitat and claim it to be beneficial. Any benefit that may ensue is impossible to evaluate from this posting due to the lack of detail. The process by which this permitting application is formulated, the nature of the guidance provided by MNR, and the permit itself all raise serious concerns about the province's ability to manage cumulative disturbance.

Considering that in much of Ontario caribou range, pressures are mounting and there are high aspirations for multiple developments, permitting decisions will require more explicit direction from the Species At Risk Branch of MNR than simply applying best management practices to all development activities and hoping for the best.

Please let me know if any of these comments are unclear, or if they require follow-up in any other manner.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Ray', with a large, stylized initial 'J' and a smaller 'R'.

Justina C. Ray, Ph.D.
Executive Director and Senior Scientist

cc: Mr. Gordon Miller, Environmental Commissioner of Ontario (commissioner@eco.on.ca)
Mr. Michael Gluck, Manager, Caribou Conservation Section, MNR