

TO: The Impact Assessment Agency of Canada
FROM: Glenn Wheeler
RE: Valentine Gold – Draft Environmental Assessment Report
DATE: June 22, 2022

Overview

I received participant funding from the Agency to participate in the review of the initial Environmental Impact Statement. We used the funding for a number of activities, including the hosting of a virtual townhall via the podcast Mi'kmaq Matters on the environmental issues raised by the project, and retaining wildlife biologist Brian McLaren and graduate student Richard Huang to provide a professional review of the completeness of the EIS.

One of the key concerns raised by member of the public is the impact on caribou, which was also the focus of the McLaren-Huang review, which is posted in the Agency website. Even before the development of the Valentine Gold project, caribou were a species of concern, in part because of predation by coyotes, which are not native to the island of Newfoundland and appeared about 20 years ago.

As the proponent indicates in its EIS, the risk to caribou is high with probable significant negative environmental effects. A key issue is the location of the project site on or adjacent to migratory routes, especially the Buchans herd. In response to requests from the province of Newfoundland and Labrador for significant additional information, the proponent has provided a specific Caribou Protection and Environmental Affects and Monitoring Plan (CPEAMP).

The Agency has deferred to the province regarding a determination on the adequacy of the CPEAMP. As stated on page 73 of the Draft Environmental Assessment Report – Valentine Gold: “The Agency notes that the Government of Newfoundland and Labrador is the leading expert authority on caribou within the province and that caribou potentially affected by the Project are located entirely on provincial lands. Therefore, the Agency looks to the province to determine the potential effects and any required mitigation measures on caribou.”

However, the Agency has important statutory obligations under the *Species at Risk Act*, which the Agency acknowledges: “As required by the *Species at Risk Act*, the Agency has advised [Environment and Climate Change Canada] of the potential for adverse effects to species at risk, including caribou...” [page 73]. The Draft Report further states: “ECCC confirms that the information available [regarding impact on caribou and mitigation] was appropriate and sufficient, and that the analysis appears sound” [emphasis added].

Considering the potential impact on caribou, neither the Agency nor ECCC has displayed the appropriate rigor or due diligence in its evaluation of the adequacy of the mitigation plan, in particular the reliance on monitors during migration periods, rather than a complete ceasing of construction and mining during this sensitive time.

Complete shutdown is best practice

In their submission to the Agency, McLaren and Huang offered recommendations for “minimal changes to the analyses and mitigative measures,” and listed their recommendations in order of importance. The very first recommendation was as follows: “The mitigating measures cannot rely on the actions of monitors; during a sensitive period before and after calving, all construction and mining operations must cease” [page 8].

Referring to academic research on birth patterns for caribou, Huang and McLaren called for “one week of precaution before the earliest parturition dates for the Buchans Plateau caribou herd, which passes through the mine site in large numbers, and 15 days after the latest parturition date for the Grey River, which calves in the area, *we suggest a period of restricted activities on the mine site occur from 16 May to 24 July*” [emphasis in original]. They also called for “a much later end date for restricted activities, roughly in mid-September. *We recommend that the proponent list this plan and be ready to opt for a second period of restricted activities during the onset of the fall migration or a longer single period of restricted activities*” [emphasis in original].

Their recommendations, state McLaren and Huang, are consistent with a “precautionary approach.” Unfortunately, the approach taken by the proponent in its CPEAMP and endorsed by the Agency is to rely inordinately on monitoring to determine periods of restricted activities, which are vague and too short.

Table 5.2 of the CPEAMP sets out four levels of caribou protection: normal operation, site notification, site alert and *reduction or suspension of Project Activities* [emphasis added]. Therefore, even the highest level of caribou protection does not necessarily require a shutdown of activities as recommended by McLaren and Huang.

Rather than scheduled shutdown periods, reduction or suspension of activities will be “triggered” when GPS-collared caribou cross “virtual fences” 10 and 15 kilometres respectively during the spring and fall migration. “Reduction or suspension *may be implemented* where migrating caribou are observed in close proximity to site features (beyond the Marathon pit and TMF [tailings management facility]” [emphasis added].

With all due respect to the proponent, these measures are too vague, give too much discretion to the proponent whether to reduce or suspend operations, and are not consistent with the precautionary principle. There must be set shutdown periods, as recommended by McLaren and Huang.

Additionally, the proponent’s monitoring plan relies on a relatively small number of GPS collars, remote cameras and human monitors. According to the proponent’s CPEAMP, it has purchased 60 GPS collars and installed 31 remote cameras. As the proponent

acknowledges, “[T]he collar program needs to consider the possibility of collar malfunction and mortality of collared caribou, [therefore] additional collars for relatively rapid replacement of ‘lost’ collars would be needed” [page 72].

Regarding cameras, there would be similar concerns about malfunction, and whether 31 cameras is a sufficient number for such an extensive development and affected wilderness area, especially in the light of the possibility that caribou may change their migration routes because of disturbances along their usual routes.

There is reference in the proponent’s Second Amendment to the EIS to financial support for the hiring of “environmental affects monitor positions” and “financial support for graduate students to study specific Project-related effects, including potential cumulative effects” [page 46]. However, there are no particulars regarding amount of funding, number of hires, qualifications, duties or supervision. Regarding the monitor positions, “[I]t is understood that an agreement will be established for the terms of this arrangement.”

Considering the centrality of these positions to the Proponent’s CPEAMP, this insufficiency of detail is not acceptable. Furthermore, there is a risk of error with human monitors. just as there is a risk of technical failure with cameras and GPS collars.

In summary, we ask the Agency to revisit the Proponent’s CPEAMP and ensure that it reflects best practices in regard to mitigation and the need for shutdown, rather than the highly discretionary, Proponent-driven plan that has been presented.

The need for ongoing transparency

The proponent is proposing two CPEAMP reviews with the Wildlife Division. The first was to have been conducted with the Wildlife Division in March 2022 to review fall 2021 migration data. The second would be conducted in September 2022 to review spring migration data.

It is crucial that the data from these reviews be made publicly available so that concerned members of the public can be aware of impact on caribou, which has become a matter of acute concern. We ask that the Agency require the proponent to make this data available on its website.

Thank you for considering this submission.

Sincerely,



Glenn Wheeler

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