

Request for Supplementary Information Information Request No. 4

Project Assessment 2017-0083

**BMC Minerals Inc.
Kudz Ze Kayah Project**

YESAB
**Yukon Environmental and Socio-economic
Assessment Board**

May 3, 2018

Prepared by
Executive Committee
Yukon Environmental and Socio-economic Assessment Board

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Request for Supplementary Information – Information Request No. 4

Project No. 2017-0083 – Kudz Ze Kayah Project

1.0 INTRODUCTION

The Executive Committee has reviewed the comments received during the public comment period as part of the screening of the Kudz Ze Kayah Project and has determined that supplementary information is required regarding the proposed project before preparing the Draft Screening Report. This report identifies where supplementary information is required.

The *Screening Rules* provide the Proponent up to two years to either submit the requested supplementary information or to advise the Executive Committee in writing, when it will be submitting the supplementary information. The form and content of the supplementary information submission should comply with all applicable Rules and requirements of the Board, including the general filing requirements.

For questions or comments regarding this report, please contact Daniel Beaudoin, YESAB Senior Assessment Officer assigned for this project, by telephone 867-668-6420, by email at daniel.beaudoin@yesab.ca, or in person at Suite 200 – 309 Strickland Street, Whitehorse, Yukon.

1.1. Acknowledgements

The public comment period was held from January 16 to March 16, 2018. Table 1 lists comments received from First Nations, Decision Bodies, and the public in relation to the Project. In addition, the Executive Committee held public meetings in Watson Lake on March 7 and Ross River on March 8, 2018. The Executive Committee has considered comments received and comments made at the public meetings in preparing this request for supplementary information.

Table 1: Comments received during public comment period

| Party | Document Description | YOR Document # |
|---------------------------------------|---|-----------------|
| Government of Yukon | YG Submission – March 15, 2018 | 2017-0083-264-1 |
| Yukon Conservation Society | YCS Submission – March 16, 2018 | 2017-0083-265-1 |
| Health Canada | Health Canada Submission – March 13, 2018 | 2017-0083-266-1 |
| Lynx Track Farm | Lynx Track Farm Submission – March 13, 2018 | 2017-0083-267-1 |
| Fisheries and Oceans Canada | DFO Submission – March 15, 2018 | 2017-0083-268-1 |
| Natural Resources Canada | NRCan Submission – March 15, 2018 | 2017-0083-269-1 |
| Public | Public Comment Submission – March 15, 2018 | 2017-0083-270-1 |
| Public | Public Comment Submission – March 16, 2018 | 2017-0083-271-1 |
| Public | Public Comment Summary – March 16, 2018 | 2017-0083-280-1 |
| Environment and Climate Change Canada | ECCC Comment Submission – March 23, 2018 | 2017-0083-281-1 |
| Liard First Nation | LFN Comment Submission – March 28, 2018 | 2017-0083-282-1 |

1.2. Summary of Approach to Request for Supplementary Information

This report is a request by the Executive Committee to the Proponent following a determination that additional information is required before continuing the screening.

The Executive Committee developed this supplementary Information Request based on its review of the comment submission received from LFN on March 28, 2018 outlining various concerns (YOR #2017-0083-282-1). The request for supplementary information found below, is divided in three columns: the reference for the comments, a description of the issue and rationale, and the information being requested.

1.3. Further Information for Proponent Consideration in Addressing the Information Request

The Proponent shall follow the directions below when responding to this Information Request:

- a. All information supplied by the Proponent in response to Information Request No. 4 should be informed by traditional knowledge where possible.
- b. Information provided in the project proposal often is identified as being relevant to the “Kaska”. LFN has indicated this information does not necessarily reflect its views. The Executive Committee is required to understand the effects of the Project on both Ross River Dene Council (RRDC) and LFN. Additionally, the Executive Committee needs some clarity as to what information submitted by the Proponent relates to RRDC and what relates to LFN.

If some of the information requested in Information Request No.4, specific to LFN and specific to RRDC, is currently in the project proposal, the Proponent should:

- Identify that information; and
- Extract it from the project proposal.

The extracted information should be organized in a manner that clearly demonstrates to the Executive Committee what the information is, how and where BMC obtained the information, how it specifically relates to LFN and separately to RRDC, and how it was taken into account when informing project design and the effects assessment inclusive of mitigations.

1.4. Additional Information Requests Under Consideration

In both the Adequacy Review Report - Information Request No. 1 and No. 2, the Executive Committee asked that BMC provide additional water-related information prior to the Executive Committee writing the Draft Screening Report. In its responses to our information requests, BMC committed to providing the required information within that timeframe and, as such we are expecting it in the upcoming weeks.

The Executive Committee received numerous comments during the public comment period in relation to water. We are of the opinion that many of these comments, questions, and concerns may be addressed in the information yet to be provided by BMC. Once we have received and reviewed the updated information requested in the Supplementary Information request No. 3 question R3-1, there may be additional information requests related to water.

2.0 REQUEST FOR SUPPLEMENTARY INFORMATION

| <i>Source</i> | <i>Issue and rationale</i> | <i>Information Request</i> |
|---|--|--|
| TRADITIONAL KNOWLEDGE / TRADITIONAL LAND USE | | |
| YESAB | <p>The project proposal does not contain traditional land use (TLU) information specific to Liard First Nation (LFN). The assumption made that RRDC represents LFN is misplaced, as indicated through LFN's recent letter. YESAB needs to understand the effects of the Project on TLU of the area and how the Proponent considered traditional knowledge in developing the project proposal specific to LFN.</p> <p>The VESECs selected appear confined predominantly to include traditional economy and does not fully address the impact on past, current and future use of the project area by LFN. Specifically, LFN TLU/TK consideration in VESECs needs to be represented.</p> | <p>R4-1 Provide comprehensive information on Liard First Nation's traditional land use (i.e., past and current) including but <u>not</u> limited to traditional economic activities gathered through primary data collection. This information should be in reference to local and regional study areas relevant to the Project. This information is to be presented in the format of a traditional land use study or work of equivalent depth and breadth.</p> <p>R4-2 Demonstrate how traditional land use information has been incorporated into the consideration of effects and how traditional land uses may be impacted by the Project</p> <p>As an example: Demonstrate how the effects of the Project on Caribou traditional harvesting have been considered in the proposal.</p> |
| YESAB | <p>While the project proposal and supporting appendices, including Appendix F-3, contain information pertaining to traditional knowledge and traditional land use for RRDC within the project area, it lacks detail and specificity. Kaska members interviewed to produce various studies are quoted in Appendix F-3, identifying extensive use of the project area for hunting, fishing and trapping.</p> <p>The proposal does not elaborate on how the effects of the Project, such as avoidance by First Nation hunters, or other traditional land use will be addressed. The proposal focusses on traditional economy and does not discuss the specific effects of the Project on traditional land use discussed in Appendix F-3.</p> <p>A lack of clarity around VESEC determination, as informed by traditional land use.</p> <p>Traditional land use information presented does not appear to be fully carried forward or considered as part of the effects characterization.</p> | <p>R4-3 Provide additional comprehensive information, above that which was provided through Appendix F-3 on Ross River Dena Council's traditional land use (i.e., past and current) including but <u>not</u> limited to traditional economic activities, to be gathered through primary data collection.</p> <p>R4-4 Demonstrate how traditional land use information has been incorporated into the consideration of effects and how traditional land uses may be impacted by the Project.</p> |
| YESAB | <p>Concerns have been raised with respect to the various mines that have closed throughout the Kaska territory over the years and the short and long term impacts associated with such closures.</p> | <p>R4-5 Provide information on the past and current environmental and socio-economic effects of previous mine closures (planned or unplanned closures) on the Liard First Nation, Ross River Dena Council, and the residents of Ross River and Watson Lake to the extent that effects are unique to the community.</p> |

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|-------|--|---|
| | | R4-6 Based on this information develop appropriate mitigation measures to eliminate or reduce any potentially significant adverse effects and/or cumulative effects related to reclamation and closure (planned or unplanned) for the Kudz Ze Kayah Project. |
| YESAB | <p>LFN indicated a concern regarding ore-truck traffic affecting their ability to access safely traditional areas along the Campbell Highway due to road condition and the type of traffic (trucks).</p> <p>There is no indication in the proposal regarding mitigations specific to effects of the Project on LFN's and other users' traditional use of the area (where these sites are located, how many sites there is).</p> | <p>The Robert Campbell Highway corridor is used by a multitude of users, including LFN and local residents, to carry out both traditional land use and other land based activities.</p> <p>R4-7 Describe how the Project, namely highway traffic, will affect both traditional land use activities and other uses of the area, particularly on the safety of Liard First Nation and other users of the area and their ability to access traditional sites along the Robert Campbell Highway.</p> |
| YESAB | <p>BMC did not demonstrate convincingly how they incorporated TK for this important value based on LFN, RRDC and other comments received.</p> <p>The document used to describe the importance of water to the Kaska referenced in the Project proposal (Kaska Dena Management Practices) has been developed for the Kaska First Nations in BC and does not make reference to water bodies present in the regional or local areas around the Project. The document mentions that other Kaska Nations and communities may eventually include other areas within the larger Kaska territory but did not include statements specific to RRDC or LFN.</p> | R4-8 Thoroughly demonstrate how traditional knowledge and traditional land use have been incorporated into the consideration of effects to water in the proposal or the identification of mitigations. |
| YESAB | <p>VESECs were developed based in part on Kaska traditional knowledge and traditional land use information. However, given the limited involvement of Liard First Nation and the broad nature of the Kaska documentation used to support the determination of VESECs, a more comprehensive consideration of the VESECs and associated effects assessment specific to information obtained from Liard First Nation is important.</p> | <p>R4-9 Further to the collection of the above requested information:</p> <ol style="list-style-type: none"> a. Confirm current VESECs used in the project proposal and include any new or additional VESECs identified through engaging Liard First Nation (LFN) and Ross River Dena Council (RRDC); b. Demonstrate how traditional land use information has been applied to the determination of VESECs and identification of mitigations. c. Provide a comprehensive effects assessment that: <ol style="list-style-type: none"> i. Is informed by information collected in response to questions R4-1 through R4-6 and through meaningful engagement with LFN and RRDC; ii. Considers how proposed project activities may impact the VESECs that are relevant to LFN and RRDC; and iii. Considers potential mitigation measures ensuring that they are culturally relevant where possible. iv. Where there may be new VESECs, update the sections of the proposal to reflect the effects assessment of those new VESECs |