



# Selkirk First Nation

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January 25, 2010

Yukon Water Board  
106-419 Range Road  
Whitehorse, YT  
Y1A 3V1

Re: Water Use Application QZ08-084, Carmacks Copper Ltd.

APPL. NO. QZ08-084  
2010 JAN 25 PM 3:08  
YUKON WATER BOARD

Selkirk First Nation has traditional interests in the area of this project. This undertaking will affect our interests in the land, the water and the environment both during its proposed active life and for the decades and centuries after mining and processing have ceased. We have only recently begun to review this project, but have watched our neighbors, the Little Salmon Carmacks First Nation (LSCFN), as they have worked on the assessment of this project. We support their efforts and concerns and know that as adjacent First Nation communities and particularly as a downstream neighbor, their concerns must also be ours.

SFN has reviewed portions of the submitted documents and those of the reviewers that have followed this project through the Environmental Assessment phase that preceded this license application. We believe that the Water Board, through its public review process, must thoroughly and if necessary, iteratively consider the application, and then, if it is deemed appropriate, carefully and diligently regulate this project with detailed and enforceable license conditions.

We believe that the Board should have the following in order for it adequately consider and properly regulate or authorize this project:

- 1/ documentation of the proposed project which allows for the detailed review of the proposal and plans adequate to detail how it will be constructed, together with Quality Assurance/Quality Control (QA/QC) protocols to document and ensure compliance with the project that the Board is considering for approval.

2/ documentation that clearly establishes that an ability, to properly and adequately abandon the project, exists, is able to be undertaken within reasonable and economic, time and cost constraints, and that the remaining conditions will be verifiable.

Our review indicates that substantial work has been undertaken by the company to delineate site conditions, evaluate construction material properties and available volumes, and locate and size project components, but as yet no detailed plans implementing this work, together with protocols for detailed construction QA/QC are available. We believe that where the Board approves a project, it should clearly establish what project it is approving and set out a licensing regime that to the extent possible requires that the project is implemented and documented with state-of-the-art professionalism.

Plans documenting and clearly establishing that the project can meet condition two (above) were not found. We rely on the reviews of many others, including LSCFN in this subject area, but we would urge the Board to ensure that they have comprehensive and conclusive abandonment plans and protocols in hand before allowing the company to proceed. We must all recognize that it is unfair to allow a project to proceed where the proponent could become financially damaged by having to meet objectives that are not clear, attainable and economic and it would also be unfair for others to be left with financial obligations for long term water treatment because the task of detoxification was not a realistic task. It is also mandatory that whatever program for detoxification is undertaken, that the process assures that the task of detoxification has been competently carried out. Protocols for determining satisfactory detox must be both clear and conclusive.

Our review indicated that aspects of the proposed heap leach system design did not implement the same level of containment control over heap leach solutions as were employed at the Brewery Creek mine. This may be due to the lack of a complete design being put before the Board but in particular it was noted that the liner system discussion proposed that leak detection would be provided only under a portion of the heap, and that this liner would not be a composite liner, as was provided under all of the Brewery Creek cyanide heap leach project. The limitation of the areal extent of the leak detection system and the use of a simple synthetic liner will potentially lead to undetected and unrecoverable leakages from the ore leaching process. The Brewery Creek project was initiated nearly fifteen years ago (1995) and yet it implemented a more robust design than what is in the drafts before the Board in 2010. It is SFN's opinion, that as this project works to proceed through to operation, that all aspects of the project should be designed and implemented in ways that are equal to or better than that carried out at Brewery Creek.

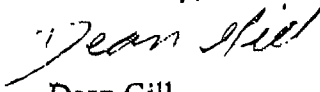
Any contaminants resulting from this project will be easily transmitted to groundwater and/or surface water, and could easily become an environmental and financial liability to the whole Yukon Territory.

Selkirk First Nation would like the proponent to put up adequate amount of financial security for decommissioning at any stage of the project to cover the costs of any unforeseen events that may arise. The amount should go up if the project goes along.

At present, it is SFN's opinion, that this project does not have the level of certainty of success, or the detail of plans that should exist prior to licensing approvals.

We thank the Board for the opportunity to provide comment on this process and we urge the Board to diligently undertake its responsibilities.

Yours truly,



Dean Gill  
YESAA Officer