



NIRB File No.: 05MN047

July 8, 2005
Mr. David Long
Miramar Hope Bay Limited
300-889 Harbourside Drive
North Vancouver, B.C.
V7P 3S1

BY EMAIL (dlong@miramarmining.com)

Re: Conformity Decision on Draft Environmental Impact Statement for Doris North Project

Dear Mr. Long,

On June 17, 2005 the NIRB sent a letter to the Doris distribution list inviting Parties to comment on the Conformity of Miramar Hope Bay Limited's (MHBL) Draft Environmental Impact Statement (DEIS). Interested persons were asked to identify omissions in the DEIS with respect to the directives outlined in each section of the NIRB's final Guidelines, issued on October 15, 2002. More specifically, as per Minister Andy Scott's advice, **parties were instructed to place emphasis on the five key deficiencies ("Key Areas") identified in the Board's August 2004 decision.** These Key Areas were:

1. The wildlife mitigation and monitoring plan including cumulative effects assessment;
2. The Tail Lake water quality and water management strategy;
3. The assessment of alternatives to the use of Tail Lake for tailings disposal;
4. The design of the jetty and related issues including affects on fish habitat, shoreline erosion and the seabed; and
5. The socio-economic impact of the project on affected residents and communities of Nunavut.

On July 4, 2005 the NIRB received comments from Indian and Northern Affairs Canada (INAC), Environment Canada (EC), Department of Fisheries and Oceans Canada (DFO), Transport Canada (TransCan), Natural Resources Canada (NRCan) (received on July 5, 2005), Health Canada (HC), Government of Nunavut Department of Environment (GN-DOE), Government of Nunavut Department of Culture, Language, Elders and Youth (GN-CLEY), Government of Nunavut Department of Economic Development & Transportation (GN-EDT) (received on July 6, 2005), the Kitikmeot Inuit Association (KIA) (received on July 6, 2005), and Nunavut Tunngavik Incorporated (NTI). These submissions have been placed on the NIRB Public Registry and the NIRB ftp site at:

http://ftp.nunavut.ca/nirb/Reviews/05MN047%20-%20DORIS_NORTH/2-REVIEW/06-CONFORMITY_TECH_REVIEW/Conformity_Comments/.

The conformity review was **not** intended to address the quality of the information contained in the DEIS, only its presence or absence. Upon review of the DEIS and taking into consideration the Parties' submissions, NIRB has determined the DEIS **conforms in four of five specific Key Areas** emphasized by the Board and the Minister. The results are highlighted below.

Specific Directive Regarding Key Area	Conformity Result
The wildlife mitigation and monitoring plan including cumulative effects assessment	Conforms
The Tail Lake water quality and water management strategy	Conforms
The assessment of alternatives to the use of Tail Lake for tailings disposal	Conforms
The design of the jetty and related issues including affects on fish habitat, shoreline erosion and the seabed	Conforms
The socio-economic impact of the project on affected residents and communities of Nunavut	<p>Does not conform</p> <p>The socioeconomic impact assessment did not assess changes in traditional and current land use, and cultural impacts – and therefore is missing any proposed mitigation measures for these potential impacts. Also missing is information pertaining to psychological, emotional, spiritual and mental aspects of health.</p>

Additionally, the results of the Conformity Review against the NIRB guidelines indicates the DEIS *generally* conforms, meaning the DEIS captures many, but not all, of the requirements set out in the Guidelines. Consequently, there remain deficiencies which require addressing *prior* to the Technical Review of the Project. Sections highlighted red in the attached Table do not, in the Board's opinion, conform to Guidelines specifically related to the five Key Areas. Sections highlighted yellow in the attached Table have been noted by Parties to be deficient as compared to the original NIRB Guidelines. **MHBL must respond to all of these conformity deficiencies before the Technical Review can begin.**

In anticipation of MHBL satisfying the above, NIRB will consider a short delay to the proposed timeline for Technical Meetings in its June 17, 2005 letter to parties, which were to be the second week of August. The delay could be a couple of weeks or longer, depending on MHBL's response to this letter. Any dates set for Technical Meetings will be highly contingent upon MHBL adequately responding to the conformity deficiencies identified by the Board. The Board is mindful that MHBL needs to respond to the areas of non-conformity *prior* to the official start of the Technical Review, but keeping in mind the direction of the Minister in his December 6, 2004 letter which directed the Board to "...review the Application in a timely and fair manner considering the needs of all Parties, consistent with your [NIRB's] five concerns..., and any new information presented..." the Board is requesting the assistance of all Parties to begin work on the Technical Review of the current DEIS **as best possible** in the areas which received a positive conformity decision. **The Board would like to remind Parties the Technical Review of this Project should stress the five Key Areas identified by the Board and the Minister,** but should, of course, consider the Project in its entirety.

NIRB encourages dialogue between MHBL and Parties to resolve information concerns which may arise during the early stages of the Technical Review, reserving the right for NIRB to make any final decisions. Any resolutions to concerns between the Proponent and Parties should be provided to NIRB for decision, direction and placement on the Public Registry.

If you have any questions, please do not hesitate to contact me. In the meantime, we will be in touch with all parties regarding the date of the Technical Meetings once MHBL responds to this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephanie Briscoe', with a stylized, cursive script.

Stephanie Briscoe, Executive Director
Nunavut Impact Review Board

Attachment: Conformity Decision Table
 MEMO RE: Conformity Decision Table

Cc: Honourable Andy Scott, Minister of Indian and Northern Affairs Canada
 Distribution List