

NUNAVUT IMPACT REVIEW BOARD

Dorris North Pre-Hearing Conference

Cambridge Bay, Nunavut

April 14, 2003

9:00 PM – 12:00 PM

Meeting called to order at 9:19 at the Cambridge Bay community hall. Chair Copland went through the agenda and referenced the five main questions the pre-hearing conference was intended to address. She then provided a brief project description. There was no public in attendance. Chair Copland recognized absent Board members Ryan St. John, Albert A. and Marta A. She then introduced staff, counsel, interpreters, and Thomas Kudloo Chair of the Nunavut Water Board.

Nunavut Impact Review Board Members

Percy Kabloona from Wale Cove Marry Avalak from Cambridge Bay Peter Paniak from Clyde River Pauloosie Paniloo from Iqualuit. Elizabeth Copland- Chair

Purpose of the Pre-Hearing was to obtain information to answer five key questions:

1. Does the Draft EIS conform to the guidelines?
2. When should the final EIS be filed?
3. What should NIRB consider as a major issue?
4. Has NIRB identified all the major parties of not who has been left out?
5. Has NIRB missed any important item?

Representation

Proponent

1. Hugh Wilson – Manager Environmental Affairs
2. David Long – Legal Counsel
3. Laurie McNeil – Robert Hornell Socio-economic
4. Ben Hubert – Hubert and Associates Wildlife
5. Gary Ash Golder RNL –Fisheries
6. Larry Connell – AMEC

NTI

7. Stefan Lopatka

KIA

8. Charlie Evalik – President
9. Jeff Clark - Environmental Screener

DSD

10. John Morrison – Environmental Protection Officer

INAC

11. Mr. Stevens Manager of Environment in Iqualuit
12. Janice Trainer
13. Neil Hutchison Gartner Lee Consultants

EC

14. Steve Harbicht

DFO

15. Gordon DeGroot – Habitat Biologist only with written comments

Miramar Hope Bay Ltd. Presentation

Hugh Wilson of Miramar described the project location the location of the Hope Bay geological belt. And the unique nature of the project given it was on Inuit owned surface and subsurface land. That was followed with a brief overview of the infrastructure layout.

Larry Tom of AMEC provided the ore processing overview and the effluent treatment process. Particular attention paid to the Caro's acid cyanide destruction process. It converts Cyanide to Cyanate.

The current size and scope of Tail Lake and its outflow was presented. That was followed with a brief description of the proposed dam at Tail Lake. A water balance was presented as was the metallurgical test work on tailings leaving the plant focusing on arsenic concentrations, copper concentrations, total cyanide, Nickel, Lead. ARD was identified as a key issue. Mr. Tom said there was extensive ABA and humidity cell testing. Rock from the quarry sites has low Sulphur content. There is sulphur around the ore body and the ore itself. Two of the three quarries were tested for ARD potential. Miramar intends to backfill the ore containing gold as it has the highest ARD generation potential. Miramar then presented its environmental policies and its environmental studies.

Fisheries presentation – There are only lake trout and stickleback in Tail Lake. That was followed with a water quality and sediment quality. The proposed fisheries enhancement area – clearing of a boulder field to facilitate fish movement.

Wildlife presentation with Caribou and Raptors presented as the VECs. Three caribou herds use the area. The Queen Maud Gulf herd, the Bathurst Caribou herd, and the Victoria Island Herd. He noted there was some calving going on the study area. Presentation emphasized the separation between the calving grounds. Noted Muskoxen distributed throughout the area. Ringed seal in the sea system, 51 bird species, 101 known raptor nest sides in the study area, and most of them in the northern half of the belt where the topography is more rugged.

Socio-economic Benefits

Mr. Hugh Wilson presented benefits of the exploration work to date and potential benefits associated with the proposed project. Inuit employment, local hiring from communities, fiscal distribution to each community. Total NWT, NU expenditures. Benefits Jobs, training, contracts and royalty payments to NTI. Of \$92M \$52M could go to NU. They are also working on several other areas. The company wants all permits in place by the end of 2003 and start ore processing by 2005 and finish up by 2007.

David Long concluded the presentation. He believes that the EIS conforms to the guidelines and that the final EIS should be available by July of 2003. He does not believe there are any outstanding major issues and that all appropriate parties are identified as all responsibilities that Miramar has in the review process.

NTI Presentation

Stefan Lopatka referenced work prepared by Jacques Whitford and placed that information on the public registry. He read his submission.

KIA Presentation

Jeff Clark, Jack Kaniak Lands Manager, and Charlie Evalik of the KIA presented. The KIA is responsible for surface owned Inuit lands, NTI for subsurface resources. The KIA and NTI submission were very similar and relied on the consulting involvement of the Jacques Whitford. The KIA prefers to have the final hearing in mid to late September.

Responsibilities of the proponent include the surface leases on Inuit owned land (Article 19 and 21), water use fees and compensation, Land (Article 20) and water security negotiated and IIBA (Article 26).

KIA wants to present final water issues to the NWB but wants to have the NWB hold a separate hearing after the Minister of INAC responds to NIRB. It would submit its evidence regarding Inuit water rights that will be substantially affected at that time.

Department of Sustainable Development (DSD)

There are no DSD authorizations associated with the project. DSD is generally happy with the way the EIS is written and presented but is concerned about gaps in available information and the lack of a plan to systematically fill them. DSD is concerned about the long-term stability of the tailing impoundment structure and facilities; especially given climate change. DSD said there was insufficient baseline information on the tailings pond and its longer term impacts on water flowing from the tailings pond, including bio-accumulation of contaminants especially mercury.

DSD would like a more realistic timeline for the review based on lack of community capacity to review the document and needs at least 3 months to review the final EIS. DSD did not step out and provide actual timelines for NIRB.

INAC

INACs responsibilities are land tenure for the barge dock and approval and enforcement of the water licence. INACs Minister will review NIRBs report and act as responsible authority under CEAA if triggered. The issue is basically how to treat the lease of the dock subsurface lands in the EIS.

INAC concluded that mine methods were poorly described, as was the ore and ore transport method, the characteristics of the rock, tailings material and the quarry rock.

INAC needs more detail on the road to Roberts Bay and the use of the precautionary principle as it applied to global warming and the compliance history of the proponent. INAC also identified a number of other deficiencies in the physical, biological and socio-economic parts the report. The issues with baseline information and project design information carries through into the analysis and evaluation parts of the document. There is an incomplete presentation of impacts. There is no waste rock management plan. Mine site reclamation needs to be improved to meet the guidelines. Reclamation to off site infrastructure needs to be addressed including quarry waste dump management.

INAC needs eight weeks to review the document, one week to assemble a response, one week for approvals and two weeks for translation. They need three months in total after the submission of the final EIS before final comments.

Q: Bill Tilleman – Timing needed to prepare the final EIS. People would like hearings in September, but if the presenters could inform the Board about the time needed to prepare the final EIS and the time needed from submission of the final EIS to the public hearing.

EC

Steve Harbicht said that beyond the written submission EC was concerned about the very tight timelines and suggested that EC would provide additional aquatics conformity and adequacy information as it became available over the next few weeks.

DFO

Gordon DeGroot of DFO expressed significant concern about the tight timelines. This was in part justification for the lateness of the DFO submission. DFO concluded there is insufficient information to allow a determination of the significance of the environmental effects of the project. There is also insufficient information to warrant the destruction of Tail Lake. DFO recommended Miramar consider alternative tail disposal techniques and the preparation of a risk assessment of the waste disposal methods, and to establish a technical advisory committee to assist the Review Board in its decision-making. That way a decision on the most suitable tailings disposal method can be established before the final EIS is established. Suggest three studies:

1. Risk Assessment to justify selection of Tails Lake as a tailings disposal area. The report should consider other tailings disposal techniques.
2. Baseline data of fish habitat use at the north end of Doris Lake.
3. A study to assess numbers of arctic char migrating upstream to Roberts Lake.

Board Questions:

Q: Size of the Tail and Dorris Lakes?

A:

Q: Mitigation so that Caribou will not be impacted?

A: Will net out the fish or sacrifice the fish in the Tail Lake.

A: Regarding wildlife especially caribou and tailings. Level of contamination will be very low and do not expect any individual caribou to be in the project area for very long. So the chance of caribou taking water from the Tail Lake is very low.

A: Gary of Miramar said the fish would be sacrificed so about 2,400 lake trout would die. The compensation was to have the Roberts Lake char passage improved. Also, water would only be released from Tail Lake if it were deemed acceptable by regulators.

Q: Please explain your disclaimer “Important Notice” on page 1 of the EIS. (Chair)

A: Standard consultant liability protection. It does not disqualify the information.

A: If there is something incorrect in the report they don't want everyone in the world to be able to sue the consultant. Only the client can sue the consultant using this type of disclaimer.

Q: Can this board rely on this draft and final EIS (Bill)?

A: Miramar will examine it and get back to the Board.

Q: Three rock quarries – are you studying the ARD? (Chair)

A: On two of the known quarries they did the ARD tests

Q: If you continue for more than 2 years could you just use one larger lake instead of using several smaller lakes? (Chair)

A: The Dam at Tail Lake allows the capacity of 4M tonnes of tailing, so it is designed with the expectation of expansion.

Q: Dock – The dock and jetty after closure, would they would not be removed? (Chair)

A: They would be left for future use if needed and removal would cause more environmental impacts?

Q: Blasting – will it all be done underground and where are you storing the explosives?

A: The explosives will be behind a small rock outcrop and all the mining will be underground.

Q: Neil Hutchinson INAC, Gartner Lee. To Larry regarding water quality for arsenic and redo tests with lower detection limits. For all the metals? For mercury?

A: There is another round of metallurgical test work going on and they are using the MMER guidelines for the mass loadings. Yes for all the metals. Yes for mercury as well.

Q: EC Steve Harbicht resubmission of the entire document or supplemental information. If it takes more then 150 pages to do the work, do it if you need it.

A: Hopefully supplemental in a revised 150 page document. We need the information to do proper evaluation.

Company closing remark

Miramar's legal counsel made the closing comments.