



**NIRB File No.: 09MN003**

AANDC File No.: 5510-5-25-3

DFO File No.: 08-HCAA-CA7-00002

NRCan File No: NT-070

EC File No.: 4703 001 006

KIA File No.: KVPL08D02

January 29, 2013

Baker Lake Hunters and Trappers Organization  
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*and*

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**Re: The NIRB's Response to Information Requests Regarding AREVA Resources Canada Inc.'s Kiggavik project**

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Dear Hunters and Trappers Organization and Makita Members:

On May 4, 2012 the Nunavut Impact Review Board (NIRB or Board) initiated the public technical review period for the *Draft* Environmental Impact Statement (DEIS) submitted by AREVA Resources Canada Inc. (AREVA or Proponent) for the Kiggavik project proposal (the Project). In response to an invitation from the NIRB, interested parties submitted Information Requests (IRs) to the Board on or before June 29, 2012, identifying information gaps within the DEIS which should be addressed to facilitate the development of technical review comments by parties.

All IRs and responses received by the Board can be accessed online at the NIRB's public registry using the following link:

[http://ftp.nirb.ca/02-REVIEWS/ACTIVE%20REVIEWS/09MN003-AREVA%20KIGGAVIK/2-REVIEW/07-IRS%20%26%20TECHNICAL%20REVIEW/.](http://ftp.nirb.ca/02-REVIEWS/ACTIVE%20REVIEWS/09MN003-AREVA%20KIGGAVIK/2-REVIEW/07-IRS%20%26%20TECHNICAL%20REVIEW/)

Following the receipt of IR submissions, the NIRB identified requests from parties which sought clarification on points or issues related to the NIRB's Review process. The NIRB is providing the following response to these outstanding requests in an effort to assist parties with their development of technical review comments and ensure effective participation in the Review process moving forward.

## NIRB IR RESPONSES

### **Baker Lake Hunters and Trappers Organization, IR 35 (a, b, c) to the NIRB**

**Issue:** During the recent NIRB information sessions in Baker Lake, concerns were raised regarding the enforcement of conditions of the NIRB's project certificates for mines in Nunavut. These concerns have also been raised during the Baker Lake Hunters and Trappers Organization's engagement efforts. The Baker Lake HTO therefore requires more information regarding project certificate condition enforcement to properly engage with residents of Baker Lake during the review of AREVA's Kiggavik proposal.

#### **Information Request:**

- a. Please provide an explanation of which institutions are responsible for the enforcement of the different project conditions that NIRB included in the project certificate for the Meadowbank gold mine.
- b. Please indicate if there are likely to be any differences in the enforcement of the project certificate conditions placed on AREVA's Kiggavik mine, if it is ultimately approved.
- c. The Baker Lake HTO would like to submit information requests to these institutions, but, as indicated, we are unsure who to address the information requests to. We are requests the NIRB's assistance in properly submitting information requests to these regulatory institutions. We would like to ask each institution: i) What sort of monitoring activities will your institution commit to if the Kiggavik project is approved? Will representatives from your institution visit the Kiggavik site? If so, how frequently? What activities will be undertaken during a site visit? ii) Under what conditions will AREVA be penalized for failing to conform to the project conditions imposed upon it by the Nunavut Impact Review Board which your institution has the responsibility of enforcing? Would any breach of conditions result in a penalty? iii) What sort of penalties would AREVA be subject to for breaching project conditions?

#### **NIRB Response**

In accordance with Sections 12.9.1 and 12.9.2 of the Nunavut Land Claims Agreement (NLCA), to the extent possible the terms and conditions in Project Certificates issued by the NIRB are to be implemented by government departments and agencies which have a role in overseeing the Project's development:

- s. 12.9.1 Subject to Section 12.9.3, the terms and conditions of NIRB project certificates shall be implemented by all government departments and agencies in accordance with their authorities and jurisdictional responsibilities.*
- s. 12.9.2 Without limiting the generality of Section 12.9.1, the terms and conditions of NIRB project certificates shall, in accordance with the authorities and*

*jurisdictional responsibilities of government departments and agencies, be incorporated in relevant permits, certificates, licences or other government approvals that the proponent may require. Government departments and agencies shall discuss with NIRB how best to implement the terms and conditions of NIRB project certificates and may provide NIRB with drafts of permits, certificates, licences and other government approvals*

In response to the Baker Lake HTO IR 35(a) regarding the enforcement of the terms and conditions contained within the NIRB's Project Certificate issued for the Meadowbank project (File No. 03MN107), NLCA sections 12.9.1 and 12.9.2 require that terms and conditions as issued be incorporated into the authorizations required to allow the project to proceed to development. Each agency as listed below has a regulatory mandate or jurisdiction over some aspect of the Meadowbank project, and where each has issued a licence, permit or other authorization, the same or its designate is responsible for the inspection and/or enforcement of the conditions contained therein:

- Kivalliq Inuit Association – Inuit Impact Benefits Agreement, Production and Commercial Leases, Right of Way Agreement, and Quarry Permits
- Nunavut Water Board – Water Licence(s)
- Government of Nunavut – Community and Government Services Land Leases
- Government of Nunavut – Development Partnership Agreement
- Nunavut Research Institute (Government of Nunavut) – Research Licence(s)
- Aboriginal Affairs and Northern Development Canada – Land Use Permits and Leases
- Fisheries and Oceans Canada – *Fisheries Act* authorizations and
- Environment Canada – Metal Mining Effluent Regulations
- Natural Resources Canada – *Explosives Act* permits
- Transport Canada – *Navigable Waters Protection Act* program

A number of terms and conditions contained within the NIRB Project Certificate for the Meadowbank project are outside the jurisdictional responsibility of any one authorizing agency. The NIRB has a role to monitor the overall effects of the Meadowbank project and compliance with the terms and conditions contained within the Project Certificate, as outlined in its project-specific monitoring program established pursuant to NLCA Section 12.7.1. The NIRB has assigned a staff member as a Monitoring Officer to oversee the Board's monitoring program for the Meadowbank project and to report to the Board on an on-going basis regarding the Proponent's compliance to terms and conditions and the environmental and socio-economic effects that may occur as a result of the projects' development.

With respect to IR 35(b), the Board does not anticipate that the enforcement of project certificate conditions which may be placed upon any potentially approved future project development would be significantly different from the NIRB's established protocol for project-specific monitoring or the expectations upon authorizing agencies to monitor and enforce the conditions contained within their permits or licences.

Authorizing agencies and government departments that may have a jurisdictional or regulatory responsibility for aspects of the Kiggavik project are listed in Table 1.8-1 of AREVA's DEIS. Questions such as those in IR 35(c) may be directed to those agencies and departments directly. Relevant contact information is attached in Appendix A.

## **Baker Lake Hunters and Trappers Organization, IR 36 (a, b, c) to the NIRB**

Issue: It is important that Inuit understand how the Institutions of Public Governance in Nunavut operate. Accordingly, it is important that Inuit know whether or not the Institutions of Public Governance in Nunavut are operating independently, or if they contract aspects of their role in review processes to private consulting firms.

Information Request:

- a. Has the Nunavut Impact Review Board hired any consulting firms to assist them with the review of AREVA's Kiggavik proposal?
- b. If so, which consulting firms have been hired?
- c. If so, what role will they play in the review?

### **NIRB Response**

The NIRB has not contracted any consulting firms to assist with the Review of the Kiggavik proposal at this time. It is anticipated that it may be necessary to do so. If and when any externally sourced assistance is procured by the NIRB, the Board will publically disclose the specific assistance being provided.

## **Nunavummiut Makitagunarningit, IR 7 (1, 2) to the NIRB and AREVA**

Issue: Institutional control is a desirable end-point for care and management of abandoned sites, but must equally include local information and benefit components. It is important that as sites are returned to public, the remaining liabilities, risks and responsibilities are clearly understood.

Information Request:

1. What are the features of the Institutional Control Program?
2. What level of public input into the design and implementation of this program will there be?

### **NIRB Response**

No steps have yet been taken to develop a formal institutional control framework for the long term management of decommissioned mine sites in Nunavut, such as the ICP developed by the Government of Saskatchewan, for example. It is not clear at this time what role the NIRB or the public might play in the development of any such program in Nunavut.

## **Nunavummiut Makitagunarningit, IR 19 to the NIRB**

Issue: Some concern exists regarding whether or not the Nunavut Impact Review Board has the capacity to properly assess a proposal of this magnitude.

Information Request:

How many personnel are assigned to the review of AREVA's proposed Kiggavik proposal, what are their responsibilities and what are their technical qualifications?

## NIRB Response

The NIRB is funded annually by the federal government in order to allocate technical staff for each ongoing Review on a project-specific basis. The NIRB staffs a multi-disciplinary team of dedicated professionals and utilizes the expertise of all staff in assessing development proposals before the Board. The number of staff working on an assessment such as that for the Review of the Kiggavik project proposal will fluctuate over time as a function of workload and priorities, and may be augmented as necessary by outside technical assistance. Responsibilities of the Board's technical staff are diverse, and involve the oversight and implementation of NIRB's established environmental assessment protocol and procedures. Technical qualifications of NIRB staff are commensurate with staff at similar agencies across Canada, and vary with responsibilities of the position.

### CONCLUSION

The NIRB appreciates the continued participation of the Baker Lake Hunters and Trappers Organization and of Nunavummiut Makitagunarningit in the Board's Review of the Kiggavik project. If you have any questions or require further clarification regarding the NIRB's IR responses, please contact Sophia Granchinho, Senior Technical Advisor at (867) 793-4633 or [sgranchinho@nirb.ca](mailto:sgranchinho@nirb.ca).

Sincerely,



Amanda Hanson  
Director, Technical Services  
Nunavut Impact Review Board

cc: Tammy Van Lambalgen, AREVA Resources Canada  
Diane Martens, AREVA Resources Canada  
Adrian Boyd, Nunavut Planning Commission  
Luis Manzo, Kivalliq Inuit Association  
David Hohnstein, Nunavut Water Board  
John Price, Government of Nunavut – Executive and Intergovernmental Affairs  
Karen Costello, Aboriginal Affairs and Northern Development Canada  
Jean LeClair, Canadian Nuclear Safety Commission  
Derrick Moggy, Department of Fisheries and Oceans  
Mark Dahl, Environment Canada  
Rob Johnstone, Natural Resources Canada  
Tom Calvert, Natural Resources Canada  
Meighan Andrews, Transport Canada  
Kiggavik Distribution List

APPENDIX A: AUTHORIZING AGENCY CONTACT INFORMATION

**Nunavut Planning Commission**

P.O. Box 2101  
Cambridge Bay, NU  
X0B 0C0  
Telephone: (867) 983-4625  
Fax: (867) 983-4626

**Kivalliq Inuit Association**

PO Box 340, 164-1 Mivvik Avenue  
Rankin Inlet, NU  
X0C 0G0  
Telephone: (867) 645-5725  
Fax: (867) 645-2348  
Email address: [reception@kivalliqinuit.ca](mailto:reception@kivalliqinuit.ca)

**Nunavut Water Board**

P.O. Box 119  
Gjoa Haven, NU  
X0B 1J0  
Telephone: (867) 360-6338  
Fax: (867) 360-6369

**Government of Nunavut**

Executive and Intergovernmental Affairs  
P.O. Box 1000 Station 200  
Iqaluit, Nunavut  
X0A 0H0  
Telephone: 1-877-212-6438 or (867) 975-6000  
Fax: (867) 975-6099  
Email address: [info@gov.nu.ca](mailto:info@gov.nu.ca)

**Aboriginal Affairs and Northern Development Canada**

Nunavut Regional Office  
PO Box 2200  
Iqaluit, NU  
X0A 0H0  
Telephone: (867) 975-4500  
Fax: (867) 975-4560  
Email address: [nuinfo@ainc-inac.gc.ca](mailto:nuinfo@ainc-inac.gc.ca)

**Canadian Nuclear Safety Commission**

Uranium Mines and Mills Division  
Saskatoon Office

101 22nd Street E., Suite 520  
Saskatoon, SK  
S7K 0E1  
Telephone: 306-975-6372  
Fax: 306-975-6387

**Department of Fisheries and Oceans**

Central and Arctic Regional Office  
520 Exmouth Street  
Sarnia, ON  
N7T 8B1  
Telephone: (519) 383-1813  
Fax: (519) 464-5128

**Environment Canada**

NWT and NU Regional Office  
150-123 Main Street  
Winnipeg, MB  
R3C 4W2  
Telephone: (204) 984-6203  
Fax: (204) 983-0964

**Natural Resources Canada**

Environmental Assessment Division  
580 Booth St  
Ottawa ON  
K1A 0E4  
Telephone: (613) 943-0773  
Fax: (613) 943-5811  
Email address: [EA@nrcan.gc.ca](mailto:EA@nrcan.gc.ca) or  
[ENENV@nrcan.gc.ca](mailto:ENENV@nrcan.gc.ca)

**Transport Canada**

Prairies and Territories Regional Office  
Box 8550, 344 Edmonton St  
Winnipeg, MB  
R3C 0P6  
Telephone: 1-888-463-0521 or (204) 983-3252  
Fax: (613) 954-4731