



**VIA EMAIL  
NIRB File No. 09MN003**

January 24, 2014

Mr. Ryan Barry  
Executive Director  
Nunavut Impact Review Board  
PO Box 1360  
Cambridge Bay NU X0B 0C0

Dear Mr. Barry:

**Re: Preliminary Hearing Conference Decision Concerning AREVA Resources Canada's  
("AREVA") Kiggavik Project - Report Dated July 5, 2013 ("PHC Decision")**

On July 5, 2013 the Nunavut Impact Review Board ("NIRB") issued the PHC Decision for AREVA's Kiggavik Project Proposal. The PHC Decision contains the direction for the completion of the final Environmental Impact Statement ("EIS"). The PHC Decision includes commitments made by AREVA in response to technical comments ("PHC Decision Appendix 1"), a list of commitments resulting from open dialogue at the technical meetings ("PHC Decision Appendix 2"). It also contained an additional 25 requirements from the NIRB following the public meetings ("PHC Decision Section 3.2.1"). The NIRB has encouraged AREVA to continue to work with interveners to resolve the balance of issues in the completion of the final EIS. This letter outlines AREVA's proposed approach to address issues identified in the PHC Decision in general and provides our specific approach to the additional requirements outlined in PHC Decision Section 3.2.1, commitments No. 1, 21 and 22.

### **Resolution of Technical and Community Issues**

Consistent with the NIRB, AREVA agrees that the technical issues raised by various parties during the technical review and subsequent community meetings will be largely resolved by addressing the commitments made in the PHC Decision in the finalization of the EIS, through additional data analysis, new data summaries and the inclusion of additional information. Most of the additional requirements outlined by the NIRB in the PHC Decision Section 3.2.1 will also be addressed in the same manner; these include community concerns, the inclusion of an updated terrestrial effects assessment, further assessment and comparisons of access road options, updated labour force projections, and discussion of non-confidential aspects of the Inuit Impact Benefit Agreement.

**Approach to PHC Decision Section 3.2.1 Nos. 1, 21, & 22**

In the PHC Decision the NIRB noted that additional data collection and data analysis were committed to by AREVA for completion following the environmental assessment (EA) during the licensing period but, given time available prior to submission of the final EIS, found it reasonable to advance a number of these project requirements to the final EIS as outlined in PHC Decision Section 3.2.1 No.1. AREVA does not question the need for this information to guide future project decisions but maintains that these are commitments that are appropriately deferred to the licensing stage and are not required to inform an EA decision. In many cases, the information gathered to support licensing will provide focussed, specific and sufficiently detailed information to the design, engineering and construction teams that will result in further minimizing potential environmental impacts from those anticipated during the EA process.

As a result, it is AREVA's intention to address the NIRB requirements No. 1, 21 and 22 in the following manner.

**1. PHC Decision Section 3.2.1. No. 1 - Project Timing and Completion of Certain Work**

Although 15 months span the time between the PHC Decision and the proposed FEIS submission, Nunavut fieldwork is highly dependent on logistical constraints, short field seasons, appropriate timing of baseline collection efforts, and the capacity of authorizing agencies to process approvals to allow for fieldwork to be conducted within the appropriate time frames (e.g. research licenses, wildlife research permits). Following receipt of the PHC Decision on July 5, 2013, AREVA evaluated the additional baseline requirements listed under Section 3.2.1 with consideration for existing and obtainable approvals for work completion, the ability to collect data at an appropriate time given logistics and the direction to update data as appropriate and necessary. Baseline data that could be completed while meeting these criteria took place within the 2013 field season with completion in early September. This newly acquired baseline data will be clearly identified in the final EIS and incorporated into the effects assessment. No fieldwork is anticipated to occur during the 2014 field season.

A number of post-EA commitments referenced in PHC Section 3.2.1 were worded by AREVA with the intention of completion during licensing and therefore, some will be difficult to achieve as worded for the FEIS. For example, the PHC Decision Section 3.2.1 No.1 includes the requirement to complete a number of geotechnical and biological surveys, and AREVA has provided the following information to illustrate how such geotechnical and biological surveys are used to inform access road alignments required for detailed design, rather than for the EA.

*Geotechnical and Environmental Surveys for an Access Road*

Geotechnical drilling and centreline environmental surveys along the access road corridors are not conducted for the purpose of selecting an access road option or assessing potential environmental impacts but rather to guide a specific road alignment within an assessed road corridor.

Air photo interpretation, helicopter surveys and a number of geophysical surveys were completed with evaluations of geotechnical stability, potential maintenance and drainage issues, acid rock drainage potential and borrow source and quarry availability to confirm the feasibility of each proposed road option corridor included in the EA. Geotechnical surveys along the 1 km wide road corridor, used to conservatively assess potential environmental effects, is not effective for an EA. The future geotechnical work under commitment 2ii along the preferred road option was for the purpose of detailed design and should be conducted with centreline surveys post EA in order to focus on the finalized footprint for the road alignment.

The environmental assessment is conservative in calculating a wider loss of habitat than will be realized with the road alignment. The centreline surveys, prior to finalization of the road design and construction, will facilitate direct design-based mitigation to geographically or temporally avoid sensitive habitats in final road alignments decisions as reasonable (commitment 6iii). This work will provide its greatest value in minimizing environmental impacts if it is conducted as close as possible to the time when detailed design is being finalized and construction is about to begin.

Licensing commitments made by AREVA and documented in the PHC Decision appendices 1 and 2, such as those referenced in the example above, will contribute to detailed design and the application of design-based mitigation as more broadly assessed in the EA.

In order to be consistent with the PHC guidance to update data as appropriate and necessary, AREVA will address items under Section 3.2.1 No. 1 by either i) clearly identifying and presenting newly acquired baseline data; ii) updating assessments with more recent data; iii) highlighting the supporting alternate feasibility work completed to support the EA; or iv) providing additional details on the content and delivery of future work and presenting clearly how the concern has been bounded and considered within the assessment. Further, to ensure a smooth transition from EA to licensing, AREVA has committed to include in the final EIS an updated commitments list table that includes post EA commitments (PHC Decision Appendix 2 Commitment #7).



## **2. PHC Decision Section 3.2.1 No. 21 and 22 - On-Going Dialogue and Availability of Information**

PHC Decision Section 3.2.1 No.21 includes a recommendation from the Board to address outstanding issues tabled by the Beverly Qamanirjuaq Caribou Management Board (BQCMB) at the PHC as outlined in PHC Decision Section 2.12. PHC Decision Section 3.2.1 No.22 outlines the requirement to strengthen the use of Inuit Qaujimajatuqangit (IQ) in the final EIS.

PHC Decision Section 1.1 Table 1: Participant Funding Review Committee Recommendations notes the objective of the Beverly Qamanirjuaq Caribou Management Board and the Baker Lake Hunter and Trapper Organization (HTO) to collect and contribute IQ and/or Traditional Knowledge to the Kiggavik review in participant funding applications to Aboriginal Affairs and Northern Development Canada. The Baker Lake HTO restated this intention at the PHC as noted in the PHC Decision Section 2.3 No.1. As a result, AREVA will continue dialogue with the BQCMB and Baker Lake HTO in order to increase AREVA's ability to, and likelihood of, addressing and achieving both the BQCMB and NIRB's expectations with respect to PHC Decision Section 3.2.1 No.'s 21 and 22.

AREVA is appreciative of the many contributors to the Kiggavik specific IQ studies and historical sources that have been considered in the draft EIS. We will continue to advance our understanding of IQ, any further collection and improved IQ integration in ways that acknowledge and reflect the proximity of knowledge holders to the proposed Kiggavik Project and that knowledge which has been generously shared with AREVA.

### **Closing**

AREVA appreciates the coordination of the NIRB during the technical meetings, community roundtable and PHC. The open dialogue with interveners and the public was valuable for AREVA in that it allowed for the opportunity to clarify core concerns and focus final EIS updates and revisions on key issues.

At the conclusion of the technical and public hearings AREVA provided an anticipated FEIS submission date informed by commitments outlined in Appendices 1 and 2 of the PHC Decision. Revisions and updates to the EIS as outlined in this letter will enable AREVA to achieve the anticipated final EIS submission date of September 30, 2014.

Should the Board have any concerns with AREVA's approach to meeting the intention of and conformity with the PHC Decision as described above, AREVA would be happy to participate in a meeting with the technical staff to further discuss Board direction in our preparation of the final EIS.



Please do not hesitate to contact the undersigned or Diane Martens, Regulatory Process Manager Kiggavik Project, at (306) 343-4042 with any questions or concerns.

Yours truly,

A handwritten signature in blue ink that reads 'Lambalgen'.

Tammy Van Lambalgen  
Vice President Regulatory Affairs and General Counsel