

May 19th, 2005

Ms. Karlette Tunaley
Technical Advisor
Nunavut Impact Review Board
P.O. Box 2379
Cambridge Bay, Nunavut
X0B 0C0

BY FAX and e-Mail

Dear Ms. Tunaley:

RE: Meadowbank Gold Project – Clarification of Process for Technical Meeting and Pre--Hearing Conference

Cumberland Resources Ltd. (Cumberland) is preparing for the June Technical Meeting and Pre-Hearing Conference (PHC) and some matters have arisen upon which Nunavut Impact Review Board (NIRB) clarification would be most welcome.

First, it is not completely clear to Cumberland whether we must make a submission along with the other parties on May 20th or whether we have the opportunity to review those submissions and reply. I have assumed that Cumberland would have some time to review the other parties May 20th submissions and reply as set out in your letter of May 5th to me. Can you confirm that my assumption is correct?

Second, review of your letter of May 5th has indicated some discrepancies between the nine points you set out on page 2 and the nine points listed in NIRB's letter of April 26th to Mr. Stephens of the INAC regional office. I reproduce both lists below for your review.

The April 26th list is as follows:

1. Discuss and simplify any issues of law or fact;
2. Discuss and/or identify the need for experts and other witnesses;
3. Discuss disagreements regarding technical evidence;
4. Identify the technical reports and other documents which are needed for the final hearing, and the consideration of any objections to admission;
5. Address the schedule to be followed by the Parties for completion of reports and/or other documents that are needed *prior to* the final hearing;
6. Set the schedule, dates, time, and place(s) of the final hearing;
7. Decide any other matters that may expedite and aid in the disposition of the final hearing;
8. Hear the Parties in any motions that may be needed before the final EIS (FEIS) is filed, or the final hearing commences;

* Practising law through the John Donihee Professional Corporation.

9. If desirable, discuss the segregation of the hearing into different segments (e.g., technical hearing versus non-technical community meetings)

The May 5th list is as follows:

1. The schedule for the PHC exchange of information;
2. Intervenor identification and registration;
3. The list of issues to be dealt with at the Final Public Hearing and clear statements of the issues;
4. Technical reports and other documents needed for the Final Public Hearing;
5. The schedule to be followed by the Parties for completion of reports needed *prior* to the Final Public Hearing;
6. The schedule, dates, times, and place(s) of the Final Public Hearing;
7. Special procedures, if any, to be followed at the Final Public Hearing;
8. Any motions that may be needed before the Final EIS is filed, or the Final Public Hearing commences; and
9. Any other matters that may aid in the simplification of the hearing (ie. the segregation of the hearing into different segments, technical hearing vs. non technical community meetings).

While there are common elements, the lists are not identical. Can you clarify which list Cumberland should use as a basis for its submission?

In response to your letter of May 5th, Cumberland will, of course, be at the Technical Meeting with all of the experts it needs to respond to the issues raised by the other parties in their May 20th submissions to NIRB. We expect that these submissions will include the detail necessary to at least identify the issues which will be raised at the Technical Meeting.

Cumberland will not use its entire technical team for the PHC as the issues to be addressed and the nature of that hearing are different. We will ensure, however, that there is sufficient expertise at the various venues to answer any questions from the Board and public, and to respond generally to the presentations made by other parties.

Upon review of the proposed agenda for the Technical Meeting, we have a few additional observations and suggestions. First, Cumberland's general presentation (agenda # 2) will not take very long. We prefer to provide our detailed presentations under agenda # 4 and will do so based around the points set out in the agenda by NIRB.

Cumberland would also benefit from hearing some detail about the concerns, questions and positions of the other parties. There does not, however, appear to be a time set aside for such presentations on the agenda. We suggest that agenda item # 3 be amended by NIRB to give an opportunity for DIAND, DOE, DFO, NRCAN, the GN and other parties to make an actual presentation of their concerns, if any, arising from their reviews of the DEIS. That agenda item currently only calls for general questions and comments on the Cumberland presentation.

Given that we have 2 days, Cumberland suggests that the process could be better served by having the reviewers make a presentation which sets out some of the details of their concerns. Then Cumberland can then respond in detail under agenda item # 4.

We believe this change would enhance the exchange of technical information and make the Technical Meeting more productive for all parties.

Thank you for your consideration of the points we have raised above. We look forward to any clarification you may provide on the matters we have raised.

Yours truly,

Original Signed By:

John Donihee
Counsel to Cumberland Resources

cc. Craig Goodings