

# CUMBERLAND RESOURCES LTD.

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February 10, 2006

**BY FAX (867 983-2594) and e-Mail**

Ms. Stephanie Briscoe  
Executive Director  
Nunavut Impact Review Board  
P.O. Box 2379  
Cambridge Bay, Nunavut X0B 0C0

Dear Ms. Briscoe:

**Re: Additional Response by CUMBERLAND RESOURCES LIMITED**

**1. Key Issue 6.6:**

In its July 14<sup>th</sup>, 2005 Pre-Hearing Conference Decision, NIRB directed Cumberland to address several "key issues" found at pages 32 through 36 of the decision. Cumberland included responses to these issues in the FEIS. NIRB then conducted an "internal conformity review" comparing the FEIS with the decision and required additional information on several of these issues. Cumberland filed the additional information on December 15<sup>th</sup>, 2005.

By way of a letter dated December 20<sup>th</sup>, 2005 NIRB ruled that Cumberland's FEIS was in conformity with the exception of a response required to key issue 6.6 (b) and (c). NIRB ruled as follows:

"NIRB has determined that the FEIS *conforms* to the Board's Preliminary Hearing Conference decision dated July 14, 2005. This decision has been made subject to Cumberland's response to Key Issue 6.6 (b) and c) which states:

Key Issue 6.6 (b) "Exploration of regulatory aspects of the road, such as traffic control, including consultation with the Hamlet of Baker Lake, the federal government (including INAC if appropriate), and the GN to determine the potential roles all levels of government will play in the regulation of the road."

Key Issue 6.6 (c) "Long term options for the road, including the exploration of options to keep the road open after mine closure and maintenance plans for the road in the event the decision is made to keep the road open."

On December 14, 2005, Cumberland corresponded with Indian and Northern Affairs Canada (INAC), Kivalliq Inuit Association (KivIA), Government of Nunavut (GN), and

the Hamlet of Baker Lake inquiring specifically about these organizations' interests in the regulation of the road and in future involvement with the road, after the Meadowbank Project is completed. NIRB's positive conformity determination is contingent upon Cumberland providing NIRB with the results of any expressions of interest and Cumberland submitting a revised response, if appropriate, to Key Issues 6.6 (b and c) by **February 10, 2006**.<sup>1</sup>

NIRB instructed INAC, the GN, Kiv IA and the Hamlet of Baker Lake to respond to Cumberland's questions about the future of the road by January 20<sup>th</sup>, 2006. At the time of writing, only INAC had responded to the questions about the future of the road set out in the December 14<sup>th</sup> 2005 letter from Cumberland.

## **2. Cumberland's Response:**

Cumberland provided an analysis addressing questions 6.6 (b) and (c) in Appendix A to the FEIS. The relevant portions of which are found at pages A-56 to A-61.

### **Additional Comments on paragraph 6.6(b)-**

In respect of key issue 6.6(b) the INAC letter of January 20<sup>th</sup>, 2006 indicates that consultation between INAC and the Government of Nunavut (GN) resulted in agreement that the administration and control of roads within Nunavut was the responsibility of the GN. The legal basis for this conclusion is as suggested by Cumberland on page A-58 based on provisions of the *Nunavut Act*. It therefore appears that regulation of the road will be the responsibility of the GN and the Hamlet of Baker Lake (for portions inside the municipal area).

If the road is public then, GN legislation will apply to regulate traffic and safety. If the road is operated as a private facility, Cumberland will adopt a traffic management system like that used on the Lupin winter road and access to the road will depend on agreement by users to abide by the traffic management and control system.

### **Additional Comments on paragraph 6.6(c)-**

INAC's letter of January 20<sup>th</sup> is clear. The department has no interest in the future operation or management of the road after mine closure. No other party canvassed by Cumberland expressed any interest or even responded to the questions asked about future operation of the road.

Cumberland's position has been clearly stated to NIRB in the FEIS. Cumberland will abandon and reclaim the road as required by regulatory and land tenure instruments unless some other party steps forward to accept responsibility for this facility. At this time there would appear to be no interested party ready to address future use of the road. Cumberland has done everything it can to respond to this NIRB directive.

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<sup>1</sup> Letter from NIRB to Cumberland Resources Ltd. dated December 20, 2005, page 1.

Cumberland will however, commit to again canvassing the GN, INAC, Kiv IA and Hamlet of Baker Lake 5 years before mine closure to determine whether circumstances have changed.

Yours truly,

CUMBERLAND RESOURCES LTD.

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Craig Goodings  
Manager, Environmental and Regulatory Affairs

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