



NIRB File No.: **03MN107**

April 24, 2006

Mr. Craig Goodings  
Cumberland Resources Ltd.  
#950-505 Burrard Street  
Box 72, One Bentall Centre  
Vancouver, BC V7M 1M4

Via Email: craigg@telus.net

Dear Mr. Goodings:

**RE: Meadowbank Part 5 Review**

As you recall, on March 31, 2005, the Nunavut Impact Review Board's (NIRB or Board) Acting Chairperson, Elizabeth Copland stated that she was going to "leave the record open" and get back to the parties in a few weeks, to explain the next steps in NIRB's review (either ask for more information, or close the record). The Board has met, reached its decision, and has given me instructions to communicate this decision to you.

Based on the nature of the project and its range of impacts, the Board has decided that, without more information in three (3) areas, it cannot discharge its mandate and reach a decision that it can report to the Minister. As you know, the Board needs sufficient evidence so it can do a proper analysis of the impacts and reach a decision. Without this further information, the Board is left with an uncertainty in three (3) key areas which at this point NIRB believes can be cured by collection and presentation of more information and data.

In short, NIRB does not want to delegate its impact assessment function to regulators (nor could it) and the Board does not want to speculate upon the project effects in areas where information is lacking.

Those areas where the Board needs more detailed information, and which are still incomplete are, in order of priority:

1. All-weather road;
2. Socio-economic impacts; and
3. Consultation with Chesterfield Inlet residents.

1. **All weather road**

From the Hearing, the Board understands there is the position taken that the road to be assessed is merely a “private” road, or an “access road” and that the road will be removed in roughly 10 years. The Board also understands that the views of some parties or witnesses is that the all weather road will be open for non-mine uses, or at least that non-mine uses will not be totally banned, such as hunting and recreational use of the road. It is the impacts from the latter position that the Board believes the Minister intended the Board to consider more fully. In his letter of September 7, 2005, Minister Scott said this:

*“Pursuant to Section 12.5.1 of the Nunavut Land Claims Agreement, I would like to identify a particular issue for the Board to consider. An all-weather road of this scale would be the first of its kind in Nunavut. Given the fact that the road is connected to the community of Baker Lake, it is essential that the environmental and socio-economic effects of its construction, use and eventual abandonment, be fully considered as well as possible future options for the road.”*

And while several Parties appear to have assessed a more narrow perspective of the road, the Board is struck by the Minister’s instruction that the impacts be “...fully considered...” as it applies to the road and its environmental and socio-economic effects. Further, the Minister’s reference to the community of Baker Lake leads the Board to believe the study of these effects should address the road’s likely impacts on the community of Baker Lake including the potential uses of the road by residents, how impacts will be mitigated such as accidents while using the road, and impacts from all increased uses of the road on sensitive species such as wolverines and bears. The Board interprets the Minister’s direction this way for several reasons including the likelihood for the significance of impacts to increase with the increased use of the road by the Public.

The Board notes that Cumberland Resources Ltd. (CRL) and others intend to put together a revised Terrestrial Ecosystem Management Plan (TEMP) over the next few months. While that is a good idea, and while it may discuss those impacts, it should be forwarded to the Board before the hearing resumes, not after NIRB reports to the Minister.

Finally, the Board wants more information on the possible future options for the all weather road. Essentially, beyond ownership, what the environmental and socio-economic impacts would be should the road remain open, for whatever reason, beyond mine closure. For example, even if culverts were removed, and the road scarified, would the trail be used?

2. **Socio-economic effects.**

This point is related to the access road but it goes beyond that. Part of the effects of the road, if it is incidentally used by residents of Baker Lake, include increased hunting, fishing, potential for accidents as discussed above, and so on. At this point, the Board has heard these impacts will likely occur, unless the KIA and governments ban all private travel, which evidence the Board did not hear.

Additionally, the IIBA, now final, deals with some of the socio-economic effects for Inuit, yet the IIBA was not filed as an Exhibit (for understandable confidential reasons). The result of this approach--completing and finalizing the IIBA in advance of a NIRB Hearing-- ended up in the Board's mind with a deficient Article 12 examination of the mechanisms proposed to mitigate socio-economic impacts to Inuit and the socio-economic assessment on the balance of the non-Inuit residents—as evidenced in part by some dissatisfaction by governments that the impacts upon non-Inuit still need to be addressed.

NIRB, who needs to write terms and conditions if it recommends approval of the project, shares this concern and thus, NIRB would like a more complete discussion of the socio-economic effects of the project, failing which it cannot report fully to the Minister on those effects and the mitigation of related impacts. It is the view of the Board that it would lose jurisdiction by saying first, that the project's effects are all dealt with in the IIBA, and if they are not, that they will be taken care of later by somebody else.

### **3. Consultation with Chesterfield Inlet Residents**

One of NIRB's 10 minimum EIS requirements is consultation. That requirement reads:

*“The Proponent must conduct pre-project consultations with locally affected persons. Where at all possible, information about the project must be distributed, and comments collected with a view to resolving any differences. Discussions should include, but not be limited to, land use, policies, resources uses, archaeological areas, infrastructure, and terrain sensitivities. Inuit cultural concerns must be highlighted throughout. The Proponent shall explain where, how, why, and with whom it conducted public consultation, and shall demonstrate an understanding of the rights, interests, values, aspirations, and concerns of the potentially affected communities. All comments from the public must be summarized, documented, and presented in the EIS.”*

NIRB's Pre-Hearing decision Issue 6.7 required consultation with Chesterfield Inlet residents as follows:

*“Full explanation of potential impacts from increased shipping traffic and potential for spills, including consultations with Chesterfield Inlet and how and whether or not sections 6.2.2 and 6.2.3 of the NLCA, including the Government of Canada designation of a person who is liable for marine transportation, applies.”*

With this in mind, the Board heard from residents that they still needed more information on the project, and that any consultation that was done, was too brief. Even during the hearing, there appeared to be shifting evidence on: (1) whether Chesterfield resident “monitors” would be able to ride aboard the barge, and (2) the point of bulk fuel transfer which appeared to have changed from Hudson Bay (June 8, 2005 Pre-Hearing Transcript page 00354 lines 1-6) to a point more upstream at Helicopter Island (March 30, 2006 Final Hearing Transcript page 918 line 24).

NIRB would like CRL to respond to these two concerns and specific questions of the residents such as more specific mitigation measures in the event of an accident such as a bulk fuel spill; and respond to questions of the Chesterfield residents as found on pages 620-21 of the Transcript. The Board is requiring this information because, like the two points raised above, NIRB views these unresolved questions to be relevant and the evolving circumstances of changes to the project like bulk fuel offloading (Helicopter Island) to bear directly on the project and its potential impacts on local residents.

### **Format of Submission**

To assist CRL, Appendix A, attached, provides some direction in a list of information that NIRB would like to see included in CRL's response.

### **Timing and the Board's ultimate decision**

On timing, the Board does *not* want to see a long delay in the hearing. Therefore, the Board asks that CRL file a report including the above-noted information with the Board within 90 days of the date of this decision (July 24, 2006). At that point, the Board will give further direction including an opportunity for reply by other Parties, the final hearing instructions, the format that that might take and the venue (if any) for an oral hearing. Regarding the Board's ultimate decision, NIRB wishes to make it clear that the Board has not, through the request for more information, decided that the project should not proceed. The Board is simply saying that it needs more information in these three key areas before it can report to the Minister and make its recommendation on the project proposal, whatever that recommendation is.

For all parties information and reference, the hearing transcripts have been uploaded to NIRB's ftp site at [http://ftp.nunavut.ca/nirb/03MN107-MEADOWBANK\\_GOLD\\_PROJECT/02-REVIEW/09-HEARING/TRANSCRIPTS](http://ftp.nunavut.ca/nirb/03MN107-MEADOWBANK_GOLD_PROJECT/02-REVIEW/09-HEARING/TRANSCRIPTS).

If you have any questions, please do not hesitate to contact me.

Yours sincerely,



Stephanie Briscoe  
Executive Director

cc: Honorable J. Prentice, Minister of Indian and Northern Affairs Canada  
Meadowbank Distribution List

Attachment: Appendix A

## APPENDIX A

### 1. All Weather Road

- a. The environmental and socio-economic impacts from the all weather road should be assessed based on Public Use estimates including:
  - i. An estimate of the percentage of the population of Baker Lake that will likely use the road;
  - ii. An estimate of the frequency for which that portion of the population will likely use the road;
  - iii. An estimate of the types of vehicles used by residents on the road (ATV, snowmobile, truck)
- b. Describe the environmental impacts of Public Use of the road including how this increased use would affect sensitive species such as wolverine and bears.
- c. Provide the revised Terrestrial Ecosystem Management Plan (TEMP) with the following revisions:
  - i. Description of how the first annual monitoring report will address the potential need to expand the Regional Study Area (RSA).
  - ii. A revised acceptable mortality of ungulates and furbearers resulting from road related mortalities of one (1) and a description of reporting and mitigation measures to be implemented for mortalities of all ungulates, furbearers, and other VECs.
  - iii. An analysis of the natural variability of the VECs. Describe how natural trends will be distinguished from project related effects in the TEMP.
  - iv. Describe the method used to monitor the effects of aircraft over flights on VECs including documentation of overhead flight paths and helicopter movements for the potential to correlate wildlife point observations with aircraft disturbances and consideration for ground based behavioural observations to determine the effects of localized disturbances.
  - v. Describe how the TEMP will distinguish cow/calf caribou groups from other groups of caribou.
  - vi. Provide the details of the hunter harvest study used to determine the effect on ungulate populations resulting from increased human access caused by the all weather road.
  - vii. Describe how sufficient information will be collected to delineate populations of VEC potentially affected by increased harvest levels along the all weather road.
  - viii. Details of survey methods.
  - ix. Details on the capability of producing statistically valid survey results.
- d. Provide the framework of the first Wildlife Monitoring Summer Report which CRL committed to providing by March 2007 (March 27 Final Hearing Transcript pg 144 line 16) including as much available 2006 summer data and results as possible.
- e. Describe the socio-economic impacts of Public Use of the road including the potential for collisions or accidents, the indirect effect on local search and rescue, and how these effects would be mitigated.

- f. Describe how the traffic management plan would regulate Public traffic and safety.
- g. Conduct an environmental and socio-economic impact assessment on the all weather road should its life extend that of the mine and mine closure either as a trail or as a road of some kind.

## **2. Socio-Economic Effects**

- a. Provide clear linkages between the socio-economic impacts and the mitigation measures and mechanisms designed to deal with the predicted impacts.
- b. Provide the proposed terms of reference for the Regional Monitoring and Mitigation Committee including goals, objectives and requirements for operation.
- c. Apart from the IIBA, describe how CRL anticipates wellness data on Baker Lake residents to be collected, analysed and shared with the Regional Monitoring and Mitigation Committee.

## **3. Consultation with Chesterfield Inlet Residents**

- a. A better description of barging activities including the exact location of bulk fuel transfer and lightering activities should be provided.
- b. A brief description of the mammals/wildlife in the specific vicinity of Helicopter Island should be provided.
- c. Questions to Chesterfield Inlet residents should address:
  - i. Cabins
  - ii. Hunting areas
  - iii. Wildlife/ marine mammals harvested
  - iv. Locations in Inlet that may be considered dangerous for barge traffic
  - v. Potential spill from barge
  - vi. Options for the residents of Chesterfield Inlet should harvesting of wildlife/marine mammals decrease
- d. Effort should be demonstrated by CRL to resolve differences and address concerns.
- e. The effects and mitigation of a spill from barge traffic should be discussed.
- f. If possible, provide greater details on the compensation procedure contemplated by NLCA Article 6 Section 6.2.2 and 6.2.3 and how it would be executed. Provide an example of how Article 6 would be implemented if there was a spill near Chesterfield Inlet.

**Format**

- a. Report should include an executive summary in English and Inuktitut.
- b. Provide all Parties with one (1) hardcopy and one (1) CD of the forthcoming report by July 24, 2006.
- c. Provide NIRB with ten (10) hardcopies and three (3) CD's of the forthcoming report by July 24, 2006.
- d. NIRB will not consider reference to an ftp site as a submission.