



NIRB File No.: 03MN107

January 27, 2009

To: Meadowbank Distribution List

Re: NIRB Public Hearing regarding the 12.8.2 Reconsideration of Term and Condition 32 of the Meadowbank Gold Mine Project Certificate (No. 004)

Dear Parties:

On September 12, 2008 the Nunavut Impact Review Board (NIRB or Board) received correspondence from the Hamlet of Baker Lake (Hamlet) requesting that the NIRB consider relocating access restrictions which are required along the All-Weather Private Access Road (AWPAR) from the Hamlet to the Meadowbank Gold Mine Project. The installation of locked gates at bridges 1 and 4 along the AWPAR is a requirement of Agnico-Eagle Mines Ltd (AEM or the Proponent), in accordance with Condition 32 of the Meadowbank Project Certificate (PC) issued by the NIRB December 30, 2006¹. The NIRB interpreted the Hamlet's request to be an application pursuant to Section 12.8.2 of the Nunavut Land Claims Agreement (NLCA) for the NIRB's reconsideration of Condition 32 of the Meadowbank Project Certificate (No. 004). Section 12.8.2 of the NLCA reads:

NIRB may on its own account or upon application by a DIO, the proponent, or other interests, reconsider the terms and conditions contained in the NIRB certificate if it is established that:

- a) The terms and conditions are not achieving their purpose;*
- b) The circumstances relating to the project or the effect of the terms and conditions are significantly different from those anticipated at the time the certificate was issued; or*
- c) There are technological developments or new information which provide a more efficient method of accomplishing the purpose of the terms and conditions.*

¹ Condition 32. Cumberland shall operate the all-weather road as a private access road, and implement measures to limit public access to the road, including:

- a. The installation of locked gates at bridges 1 and 4;
- b. The posting of signs in English and Inuktitut at each gate, each major bridge crossing, and each 10 kilometres of road, stating that public use of the road is prohibited;
- c. The posting of signs in English and Inuktitut along the road route to identify when entering or leaving Crown land;
- d. Prior to the opening of the road, advertise and hold at least one community meeting in the Hamlet of Baker Lake to explain to the community that the road is restricted to mine use only;
- e. Place notices on the radio and television to inform the residents of the Hamlet of Baker Lake that the road is restricted to mine use only;
- f. Require all mine personnel using the road to monitor and report unauthorized non-mine use of the road, and collect and report this data to NIRB one (1) year after the road is opened and annually thereafter; and
- g. Report any information received, including accidents or other safety incidents on the road, including the locked gates, to the GN, KivIA, and the Hamlet immediately, and to NIRB annually.

Furthermore, in correspondence dated July 29, 2008, AEM (the Proponent responsible for the Meadowbank Project and current holder of the PC), indicated that a road gate and gatehouse were installed and were in use, at Km 5 of the AWPAP, beyond the last private cabin along the road right of way. On August 13, 2008, AEM formally requested that the Board reconsider Condition 32(a) of the PC pursuant to Section 12.8.2 of the NLCA. AEM requested that consideration be given to the replacement of the two locked gates with the currently installed manned gatehouse.

On October 1, 2008, the NIRB requested comments from interested parties with respect to the Hamlet and AEM's requests for the reconsideration of Condition 32 pursuant to Section 12.8.2 of the NLCA.

Copies of the Hamlet and AEM's requests for reconsideration of Condition 32 of the Meadowbank PC, all comment submissions, and other correspondence related to the 12.8.2 (NLCA) applications are available on the NIRB's ftp site at:

<http://ftp.nirb.ca/MONITORING/03MN107-MEADOWBANK/01-PROJECT%20CERTIFICATE/12.8.2%20AMENDMENTS/CONDITION%2032/>.

On October 14, 2008, the Kivalliq Inuit Association (KIA), after consulting with the local Community Lands and Resources Committee (CLARC) and AEM, advised the Board that the Hamlet's request for reconsideration did meet the requirements of Section 12.8.2(b) of the NLCA – that the circumstances relating to the project or the effect of the terms and conditions are significantly different from those anticipated at the time the certificate was issued.

In correspondence dated October 15, 2008, the Department of Fisheries and Oceans (DFO) indicated that Condition 32 was drafted in such a manner as to mitigate those concerns identified through the extensive environmental assessment of the Meadowbank project. As such, DFO further requested that any reconsideration of Condition 32 take into account, those issues identified through the NIRB's Part 5 Review of the Meadowbank Project.

The Project Certificate is the product of an extensive review process which provided opportunities for public comment through both written submissions and participation in the public hearings which took place in Baker Lake June 6-7, 2005 and March 27-29, 2006, respectively. Parties in attendance at these hearings included the Government of Nunavut (GN); federal government departments including Indian and Northern Affairs Canada (INAC) and the Department of Fisheries and Oceans (DFO); the Kivalliq Inuit Association (KIA); and the Hamlet of Baker Lake. Members of the general public including residents of Baker Lake were also in attendance. The matter of public access to the road was a significant issue throughout the NIRB's review of the Meadowbank Gold Mine project. The importance of road-related issues was further highlighted by direction provided to the NIRB from then-INAC Minister Andy Scott² in correspondence dated September 7, 2005:

² Correspondence dated September 7, 2005 from then-INAC Minister Andy Scott which provided direction to the NIRB regarding its Part 5 Review of the Meadowbank Project.

"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."

Accordingly, the Board determined that a public hearing in the Hamlet of Baker Lake would be necessary in order to properly reconsider Condition 32 of the Meadowbank Project Certificate, and on October 27, 2008, the Board wrote to the Honourable Chuck Strahl, Minister of INAC, outlining the proposed process for the NLCA 12.8.2 reconsideration. On January 26, 2009, the Board received correspondence from the Honourable Chuck Strahl (attached) which indicated the Minister's support for the Board's decision to proceed with a public hearing in its reconsideration of Condition 32:

"...term and condition 32 was developed following an extensive Part 5 Review of the Meadowbank Gold Project, which focused on the assessment of impacts resulting from the operation of a private road. As such, a decision to amend a term and condition that would allow for increased public access to the road should not be made until a thorough assessment of the environmental and socio-economic effects resulting from increased road usage has been completed."

By copy of this letter, the Board hereby provides formal notification that a Public Hearing shall be held **April 28, 29, and 30, 2009** at the **Baker Lake Community Hall** regarding the NIRB's reconsideration of Condition 32 of the Meadowbank Project Certificate (No. 004) pursuant to Section 12.8.2 of the NLCA.

Further information will follow in the coming months with respect to: an agenda for the hearing; process related issues; a procedure for individuals or agencies wishing to make a presentation at the hearing; and any other matters deemed necessary.

At this time, the Board invites interested Parties to provide written submissions to the NIRB addressing the following issues:

- a. Those socio-economic impacts which require further assessment as a result of the reconsideration of Condition 32;
- b. Those environmental impacts which require further assessment as a result of the reconsideration of Condition 32;
- c. Whether the reconsideration of Condition 32 is likely to cause significant public concern, and if so, why; and
- d. Any other matter deemed to be of importance to the Party as it relates to the reconsideration.

Furthermore, the NIRB invites those Parties interested in making written submissions to the Board to consider and include, where appropriate, discussion and/or comments regarding the following:

1. Identification of the issues to be dealt with at the Public Hearing, to include statements which clearly define these issues;
2. The schedule for the Public Hearing exchange of information;
3. Intervenor identification and registration;
4. Technical reports and other documents required for the Public Hearing;
5. Special procedures, if any, to be followed at the Public Hearing; and
6. Any other matters that may aid in the simplification of the hearing.

The NIRB requests that interested Parties send their submissions to the NIRB's Manager of Environmental Administration, Leslie Payette, at lpayette@nirb.ca, toll free at 1-886-233-3033, or via fax to **867-983-2594**, on or before **March 30, 2009**.

Should you have any questions or require further information, please contact either the NIRB's Director of Technical Services, Jeff Rusk, at 867-983-4606 or jrusk@nirb.ca, or the NIRB's Technical Advisor, Amanda Hanson, at ahanson@nirb.ca or 867-983-4615.

Sincerely,



Stephanie Autut
Executive Director
Nunavut Impact Review Board

cc: The Honourable Chuck Strahl, Minister, *INAC*

Attachment: Correspondence from The Honourable Chuck Strahl to the NIRB (dated January 26, 2009)

Ministre des Affaires indiennes et
du Nord canadien et interlocuteur fédéral
auprès des Métis et des Indiens non inscrits

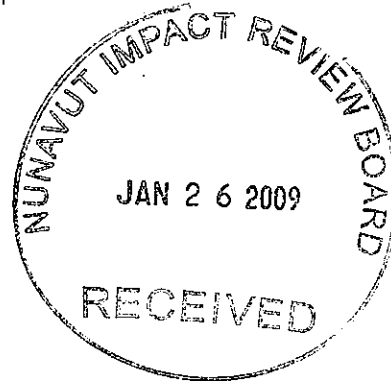


Minister of Indian Affairs and
Northern Development and Federal Interlocutor
for Métis and Non-Status Indians

Ottawa, Canada K1A 0H4

JAN 16 2009

Mr. Lucassie Arragutainaq
Acting Chair
Nunavut Impact Review Board
PO Box 1360
CAMBRIDGE BAY NU X0B 0C0



Dear Mr. Arragutainaq:

Thank you for your letter of October 27, 2008, regarding the Nunavut Impact Review Board's decision to reconsider term and condition 32 of the Meadowbank Gold Mine Project Certificate. As explained in your letter, the Board made this decision following its review of independent applications received from Agnico-Eagle Mines Limited and the Hamlet of Baker Lake to reconsider term and condition 32, and of subsequent comments received from various parties regarding the requests.

As you indicated, term and condition 32 was developed following an extensive Part 5 review of the Meadowbank Gold Project, which focused on the assessment of impacts resulting from the operation of a private access road. As such, a decision to amend a term and condition that would allow for increased public access to the road should not be made until a thorough assessment of the environmental and socio-economic effects resulting from increased road usage has been completed.

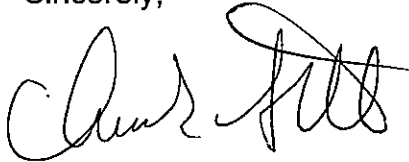
I note that the Board has committed to forwarding all relevant information to the Nunavut Planning Commission for review given that the road was the subject of a previous conformity determination. It is essential that the Board obtain confirmation from the Nunavut Planning Commission that both applications currently before the Board conform to the Keewatin Regional Land Use Plan prior to initiating a reconsideration of term and condition 32. Should the Commission determine that the Agnico-Eagle and Hamlet applications conform to the Plan, I support the Board's view that a public hearing in the Hamlet of Baker Lake is required to facilitate a thorough assessment of the proposed amendments to term and condition 32.

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Following the completion of the Board's reconsideration, I look forward to receiving a report with the recommendations for approval.

Thank you for writing. I trust that this response addresses your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Strahl". The signature is fluid and cursive, with the first name "Chuck" written in a larger, more prominent script than the last name "Strahl".

Chuck Strahl