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CIDMS 130007

February 23, 2007

Phyllis Beaulieu
Licensing Administrator
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU, X0A 1J0

**Re: Nunavut Water Board Preliminary Guidelines for Applicant -
Cumberland Resources Ltd. - Meadowbank Project**

Indian and Northern Affairs Canada (INAC) would like to thank the Nunavut Water Board for the opportunity to comment on their Preliminary Guidelines for Applicant (Guidelines). INAC is encouraged to see the progression of project specific guidelines as such documents are key in establishing the framework for all water related dialogue.

INAC is in agreement with additions to the Meadowbank version of the Guidelines, namely: the requirements for improved document craftsmanship, the declaration of application completeness, identification of proposed Surveillance Network Program (SNP) locations and a proposed design by the proponent of the annual report. Under the Guidelines for Abandonment and Restoration Planning for Mines in the Northwest Territories (prepared by the NWT Water Board and INAC, 1990), the monitoring program should be a joint effort between the operator and the regulator with the operator assuming the responsibility during the initial phases.

Under Introduction, the Guidelines refer to Section 70, Part (3) of the Nunavut Waters and Nunavut Surface Rights Tribunal Act, which states "The Board shall, to the extent that it is authorized under this Act to do so, include in a licence the terms and conditions of any project certificate." INAC feels the following terms and conditions from the Meadowbank Project Certificate issued by the Nunavut Impact Review Board (NIRB) apply: 5 to 24, 26, 27, 29, 31, 35, 47, 78 to 80. As the proponent's application for an NWB licence is one part of the regulatory process, INAC recommends the proponent guide the NWB and respective regulators through portions of the application where NIRB's project certificate conditions have been implemented.

INAC recommends the NWB expand and clarify the information on page eight of the Guidelines. The first paragraph on SNP locations should direct the proponent to contact Peter Kusugak, Manager of Field Operations or the inspector when determining the locations of the SNP stations.

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The second paragraph reads: “The applicant is to include a summary table of expected quality and quantity of waters in all sumps . . .” This line should include a temporal aspect and could be rewritten as follows: “The applicant is to include a summary table of expected quality and quantity of waters *over time* in all sumps . . .”

The third paragraph could be expanded to include a second sentence that states; “The annual report should include, but not be limited to, reporting of:

- water related monitoring;
- comparison of water quality and quantity monitoring data to the forecasted information in the summary table attached to the application;
- implementation of the conditions in the NIRB project certificate related to NWB mandate;
- project changes under Adaptive Management; and
- any actions taken to resolve directions from the inspector.

INAC recognizes the NWB does not design documents for the proponent. However, INAC believes these additions are appropriate and would allow the proponent to better prepare for NWB hearings and the eventual conditions set in the ‘A’ class water licence, plus simplify the review of licence compliance by the NWB and INAC.

The NWB Guidelines should direct the proponent to provide an estimate of security as defined under Section 76 of the Act and Section 12 of the NWT Water Regulations. The Guidelines should also direct the proponent to inform the NWB if a compensation agreement is in place as required under Section 58 or to provide an estimate of compensation as suggested under Section 60 of the Act for the Board’s decision.

Finally, INAC believes there would be merit in having an NWB representative present during the NIRB process. This individual would play a valuable role in facilitating the transition from the environmental assessment process into the water licence application.

Should you have any questions or comments, please do not hesitate to contact me at (867) 975-4548 or by email at BathoryS@ainc-ianc.gc.ca.

Sincerely,

Original signed By

Jim Rogers
Manager, Water Resources