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Nunavut Water Board

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Technical Hearing

Baker Lake

$\Delta > \sim$ 2008
April 2008

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Kivalliq Inuit Association
&

Nunavut Tunngavik Incorporated

Meadowbank Project

Under the Nunavut Land
Claims Agreement (NLCA)
Nunavut Tunngavik
Incorporated (NTI)
holds Inuit Owned Land (IOL)
In Trust for all Inuit

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Role of KIA

NTI under the NLCA appoints
a Designated Inuit
Organization (DIO) to
administer the IOL surface
parcels in each of the 3
Regions of Nunavut

In the Kivalliq Region the Kivalliq Inuit Association is responsible for this land administration

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Meadowbank Project

- The proposed Meadowbank Gold project is located entirely on IOL except for portions of the all-weather access road and the lay down area in the Hamlet of Baker Lake

Meadowbank Project

- KIA's role in Meadowbank project relates to the following Articles under the NLCA:
- Article 6- Wild Life Compensation
- Article 19 – Licensing/Permitting,
- Article 20- Water Compensation,
- Article 26-IIIBA and,

Meadowbank Project

- KIA and MMC have successfully negotiated an Inuit Impact and Benefits Agreement (IIBA) according to Article 26
- KIA and MMC have successfully signed a Water Compensation Agreement according to Article 20

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Areas of Concern

- KIA and NTI identified the following areas of concern during the Pre-hearing meetings held earlier this year in Baker Lake:

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Areas of Concern

- Dewater Dike, Central
Dike and Tailings Area
Design
- Acid Rock Drainage,
Metal leaching in WR,
Tailings and Water
Quality Predictions
- Abandonment and
Closure

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Dewater Dike, Central Dike and Tailings Area Design

To monitor all aspects of dike performance a “dike safety review committee” has been agreed upon by MMC:

This committee will review and comment on any deficiencies found in the design, construction phase or during operations.

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Dike Safety Review Committee

- qualified technical people,
- provide quarterly reporting to stakeholders (including adaptive engineering” modifications, and
- include one KIA representative

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[illegible]

Acid Rock Drainage, Metal Leaching in Waste Rock, Tailings and Water Quality Predictions

- MMC must closely monitor the thermal regime, seepage and water quality characteristics of the mine waste storage area. A contingency plan must be in place to address “adaptive engineering” changes.

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Abandonment and Closure

- MMC should provide an annual revised Abandonment and Restoration plan for each year of construction and operation.
- This plan would include “adaptive engineering” changes

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Areas of Concern

KIA's and NTI's concerns have been addressed in enough detail with commitments by MMC to monitor and complete "adaptive engineering"

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ᐱᓂᓐᓂᓐᓂᓐ Security

- KIA acknowledges the right of the Nunavut Water Board to require security for this project
- KIA supports the decision of the NWB that security should not be divided between land and water
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Security

- NWB awards security in the name of Minister only
- According to the *Nunavut Waters and Surface Rights Tribunal Act* the Minister may apply the security to compensate persons adversely affected by the project

ኢሚግሬሽን Security

■ Scenario 1

- KIA proposes that security is held in a trust
- KIA could provide adequate evidence that security is in place thus eliminating the need for NWB to order security

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ኢትዮጵያ Security

■ Scenario 1 (con't)

- INAC's Reclamation Policy states:
- *"Consideration should be given to alternate or innovative forms of security, such as mine reclamation trusts, provided they meet certain criteria that protects the government's interests and objectives"*

- $\langle \Delta \rangle^{\text{fb}} \langle \Delta_{\text{eff}} \rangle^{\text{fb}} \approx 1 \quad (b \ll r \ll r_{\text{fb}})$
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ኢትዮጵያ Security

- INAC advised KIA that this option is not possible
- KIA recognizes that the authority of the NWB is to require security” *in the form, of the nature, subject to such terms and conditions and in the amount prescribed by, or determined in accordance with, the regulations or that is satisfactory to the Minister*”
- KIA is forced to consider different ways to security

ኢሚግሬሽን Security

■ Scenario 2

- Security is not separated between land and water, and the board request the Minister to hold security. KIA then must have an acceptable agreement with Canada setting out how the security will be applied.
- KIA has been advised by INAC that such an agreement is not possible.

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ኢትዮጵያ Security

■ Scenario 3

- If NWB awards 100% security to be held by Minister, then KIA would require indemnification against any liabilities for abandonment and reclamation
- INAC indicated they would not provide indemnification

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ኢኮኖሚክስ Security

■ Scenario 4

- NWB awards 100% security to the Minister
- KIA is forced to hold additional security under it's lease
- Proponent is faced with the possibility that it will have to provide security to both the Minister and the land owner with the result the project is over-secured
- This is a result that no party wishes to see

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ኢትዮጵያ Security

■ Scenario 5

- KIA must ask that security be divided between land (KIA) and water (INAC)
- In this scenario, KIA still faces a risk that any security held by the Minister may not be applied to IOL - related reclamation

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KIA Submission

- KIA believes the total amount of security for the Project should be \$43,874,543
- If INAC is unwilling to agree to a trust, KIA's intention is to require the Proponent to provide KIA with security under it's Lease in the amount of \$14,790,118

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KIA Submission(Con't)

- KIA respectfully submits that the NWB award the balance of security \$29,084,426 to be held by the Minister
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KIA Submission(con't)

- This split represents a split based on professional analysis of land and water risks
- If security is awarded this way KIA will be satisfied with its holdings, the Minister will be sufficiently secured and the Proponent will not be forced to provide excess security

Conclusion

-We thank you
Mr.Chairmen, NWB
staff, MMC, the
Community of Baker
Lake and other
interveners for allowing
us to present our
concerns.

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