



SCREENING DECISION REPORT NIRB FILE NO.: 07EN044

NIRB File No.: 07EN044
KIA File No.: KVCL102J168

July 3, 2007

Tongola Sandy
President – Kivalliq Inuit Association
Rankin Inlet, Nunavut

Via email: tsandy@kivalliqinuit.ca

**Re: Screening Decision for Comaplex Minerals Corporation – Meliadine West Gold
Underground Exploration and Bulk Sample**

Dear President Sandy:

The primary objectives of the Nunavut Land Claims Agreement are set out in section 12.2.5 of the Land Claims Agreement. This section reads:

In carrying out its functions, the primary objectives of NIRB shall be at all times to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, and to protect the ecosystemic integrity of the Nunavut Settlement Area. NIRB shall take into account the well-being of the residents of Canada outside the Nunavut Settlement Area.

Section 12.4.4 of the Nunavut Land Claim Agreement states:

Upon receipt of a project proposal, NIRB shall screen the proposal and indicate to the Minister in writing that:

- a) the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out in Section 12.2.5;
- b) the proposal requires review under Part 5 or 6; NIRB shall identify particular issues or concerns which should be considered in such a review;
- c) the proposal is insufficiently developed to permit proper screening, and should be returned to the proponent for clarification; or
- d) the potential adverse impacts of the proposal are so unacceptable that it should be modified or abandoned.

NIRB Assessment and Decision

After a thorough assessment of all material provided to the Board (please see Procedural History and Project Activities in Appendix B), in accordance with the principles identified within section 12.4.2 of the NLCA, the decision of the Board as per section 12.4.4 of the NLCA is:

12.4.4 (a): the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out in Section 12.2.5

Recommended Project-Specific Terms and Conditions, pursuant to 12.4.4(a) of the NLCA

The Board is recommending the following or similar project-specific terms and conditions be imposed upon the Proponent through all relevant legislation:

1. Comaplex Minerals Corporation (the Proponent) shall otherwise operate in accordance with all commitments stated in all documentation provided to NIRB, namely:
 - a. Correspondence dated June 15, 2007 from Mark Balog to Carolanne Inglis-McQuay regarding the Response to Reviewer Comments – Meliadine West Underground Exploration and Bulk Sampling Program NIRB # 07EN044
 - i. Attachment A: J.S. Redpath letter to NIRB re: Mine Rescue Plan
 - ii. Attachment B: Comaplex Waste Management Plan
 - iii. Attachment D: Nuna / M&T Environmental Procedures Manual
 - b. Application to Conduct Underground Mineral Exploration and Assemble a Bulk Sample, dated May 2007
 - c. Field Operations – Advanced Exploration: Drilling Environmental Management System Meliadine West Gold Project, dated May 2007
 - d. Fuel Management and Spill Contingency Plan Comaplex Minerals Corp. Meliadine West Project, dated January 2007
 - e. Application to Access Inuit Owned Lands and Water Use
2. The Proponent shall maintain a copy of this Screening Decision at the site of operation at all times.
3. The Proponent shall forward copies to NIRB of all authorizations obtained and required for this project prior to the commencement of the project.
4. The Proponent shall operate the project in accordance with all applicable Acts, Regulations and Guidelines.
5. The Proponent shall submit an annual report with copies provided to the NIRB, INAC, the KIA, and the Government of Nunavut – Department of Environment (GN-DOE), by January 31 each year that the project is in operation, commencing January 31, 2008. The report must contain, but not be limited to, the following information:
 - a. A summary of activities undertaken for the year, including any progressive reclamation work undertaken, and a work plan for the following year –site photos should be provided where relevant;
 - b. A summary of how the Proponent has complied with NIRB conditions contained within this Screening Decision.
 - c. Results from the Mitigation and Monitoring Program:

- i. An analysis of the impact of the project upon the bio-physical and socio-economic environments, including the cumulative impacts from other activities within the project area;
 - ii. An analysis of the effectiveness of mitigation measures;
 - iii. The identification of any unanticipated environmental impacts (if any) and any follow-up required (if relevant);
 - iv. Compliance with applicable regulations and all authorizations associated with the project activities, including any exceedences of CCME-FWAL criteria (as reported to Environment Canada, the Nunavut Water Board, and the Department of Fisheries and Oceans Canada)
 - v. Any necessary adaptive mitigation strategies employed (if relevant);
 - vi. Any modifications made to the Mitigation and Monitoring Program;
 - vii. Description of the progress made on the development of component-specific thresholds used to determine the necessity for adaptive mitigation and management strategies.
 - d. A summary of community consultations undertaken and the results; and
 - e. A summary of site-visits by inspectors with results and follow-up actions.
6. Mitigation and Monitoring Program
- a. Prior to commencement of the Underground Exploration and Bulk Sample project proposal activities, the Proponent shall develop a comprehensive Mitigation and Monitoring Program for the project proposal. As indicated in the Application to Conduct Underground Mineral Exploration and Assemble a Bulk Sample, dated May 2007, this is anticipated to be on **July 16, 2007**. This Mitigation and Monitoring Program must be developed for all stages of the project activities, including construction, operation, closure, and post-closure. The Mitigation and Monitoring Program should be developed in accordance with the following objectives:
 - i. To detect unanticipated environmental impacts (if any)
 - ii. To assess the effectiveness of proposed mitigation and the need to modify the measures or implement contingency plans
 - b. The Mitigation and Monitoring Program must monitor in accordance with the Monitoring Plan described on pgs 44 and 45 of the Application to Conduct Underground Mineral Exploration and Assemble a Bulk Sample, dated May 2007 but must be updated to include monitoring for those components identified as being potentially impacted (pg 38):
 - i. Air quality
 - ii. Noise
 - iii. Vegetation
 - iv. Wildlife and critical wildlife habitat
 - v. Water quality including acid rock drainage, metal leaching and ammonia run-off
 - c. The Mitigation and Monitoring Program may contain elements of the Environmental Management System, but must be operated as a stand-alone program.
 - d. The Mitigation and Monitoring Program must identify component-specific thresholds that will be used to determine the necessity for adaptive mitigation and management strategies.
7. The Proponent shall ensure that all hazardous material is managed, removed from site and disposed in accordance with the *Environmental Protection Act (EPA)*, the Nunavut Territorial Regulations and Guidelines, and the Nunavut Hazardous Waste Disposal Manual.

8. The Proponent shall ensure that the disposal of combustible camp wastes comply with the *Canadian Wide Standards for Dioxins and Furans*, and the *Canadian Wide Standards for Mercury*. Efforts made to achieve compliance shall be reported to the NIRB as part of the annual report.
9. Between May 15 and July 15 of each year, the Proponent shall suspend operations (such as blasting, flights by aircraft at any altitude below 610m, and the use of mechanized vehicles) if wildlife monitoring indicates that caribou cows and/or calves are within 1km of project operations.
10. During the migration of caribou, the Proponent shall not conduct any operation so as to block or cause substantial diversion to migration.
11. During the migration of caribou, the Proponent must cease all activities within 1km of migrating caribou.
12. The Proponent is prohibited to conduct aircraft flights below 610m except for takeoffs and landings and is prohibited to allow aircraft take-offs if wildlife monitoring indicates presence of caribou within 1km of the ice airstrip or helipad.

The Proponent shall adhere to conditions stated in attached Appendix A *Archaeological and Palaeontological Resources – Terms and Conditions for Land Use Permit Holders*.

Other NIRB Concerns and Recommendations

In addition to the project-specific terms and conditions, the Board is recommending the following:

1. The Kivalliq Inuit Association (KIA) impose mitigation measures and/or conditions upon the Proponent pursuant to the Commercial Lease (KVCL102J168) which reduce the likelihood of adverse impacts to:
 - a. Water quality – from drilling activities, explosives use, waste rock and portal rock storage and usage, construction activities, waste disposal, fuel storage and fuel transfer
 - b. Vegetation – from water deposition activities and abandonment and restoration activities
 - c. Air quality – from incineration activities
 - d. Wildlife and wildlife habitat – from overland hauling activities, general use of the project area, aircraft activities
 - e. Navigable waters
 - f. Human health and safety – from underground bulk sampling activities
2. The KIA should consider the importance of conducting regular Land Use Inspections, pursuant to the authority of the Commercial Lease (KVCL102J168), while the project is in operation. The Land Use Inspections should be focused on ensuring the Proponent is in compliance with the conditions imposed through the Commercial Lease.
3. The Nunavut Water Board (NWB) must review all geochemical analysis data pertaining to the waste rock and ore body samples prior to the issuance of the amendment to the water license (2BE-MEL0709). The review must consider appropriate conditions, mitigation measures and monitoring protocols to reduce the potential for adverse effects to water quality from Acid Rock Drainage (ARD) and/or Metal Leaching (ML).

4. During the amendment to the water license (2BE-MEL0709), the NWB must ensure an appropriate quality assurance / quality control (QA/QC) program is developed by the Proponent to test for water quality in the run off from waste rock, ore piles, disposal sites and the camp-site. NIRB is recommending the use of berms to collect runoff in the immediate locations around the ore stockpile and waste rock areas. If the collected runoff is deposited onto the tundra through spray irrigation techniques, the Proponent should conduct water quality monitoring downstream of the irrigation locations using the Canadian Council of Ministers for the Environment Guidelines for the Protection of Freshwater Aquatic Life (CCME-FWAL).

Regulatory Requirements

The Proponent is also advised that the following legislation may apply to the project:

1. The *Migratory Birds Convention Act* and *Migratory Birds Regulations* which state that no person disturb or destroy the nests or eggs of migratory birds, and that no person shall deposit or permit to be deposited oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds (<http://laws.justice.gc.ca/en/showtdm/cs/M-7.01>)
2. Section 36(3) of the *Fisheries Act* (<http://laws.justice.gc.ca/en/showtdm/cs/F-14///en>) which states that no person shall deposit or permit the deposit of a deleterious substance in any type in water frequented by fish or in any place under any conditions where the deleterious substance may enter such a water body.
3. The *Canadian Environmental Protection Act* (<http://laws.justice.gc.ca/en/C-15.31/index.html>)
4. The *Species at Risk Act* (<http://laws.justice.gc.ca/en/showtdm/cs/S-15.3>).
5. The *Nunavut Act* (<http://laws.justice.gc.ca/en/showtdm/cs/N-28.6>) which requires that no person alter or disturb any archaeological or palaeontological sites in Nunavut unless permission is first granted through the permitting process.
6. The *Transportation of Dangerous Goods Regulations*, *Transportation of Dangerous Goods Act* (<http://www.tc.gc.ca/tdg/menu.htm>), and the *Environmental Protection Act* (<http://laws.justice.gc.ca/en/C-15.31/text.html>) which present the requirements for the handling, storing, managing and transportation of dangerous goods, including hazardous wastes, fuel and contaminated material.

Validity of Land Claims Agreement

Section 2.12.2

Where there is any inconsistency or conflict between any federal, territorial and local government laws, and the Agreement, the Agreement shall prevail to the extent of the inconsistency or conflict.

Dated July 3, 2007 at Sanikiluaq, NU.



Lucassie Arragutainaq, A/Chair

Appendix A
Archaeological and Palaeontological Resources Terms and Conditions for Land Use Permit Holders



BACKGROUND: Archaeology

As stated in Article 33 of the Nunavut Land Claims Agreement:

The archaeological record of the Inuit of Nunavut is a record of Inuit use and occupancy of lands and resources through time. The evidence associated with their use and occupancy represents a cultural, historical and ethnographic heritage of Inuit society and, as such, Government recognizes that Inuit have a special relationship with such evidence, which shall be expressed in terms of special rights and responsibilities. [33.2.1]

The archaeological record of Nunavut is of spiritual, cultural, religious and educational importance to Inuit. Accordingly, the identification, protection and conservation of archaeological sites and specimens and the interpretation of the archaeological record is of primary importance to Inuit and their involvement is both desirable and necessary. [33.2.2]

In recognition of the cultural, spiritual and religious importance of certain areas in Nunavut to Inuit, Inuit have special rights and interests in these areas as defined by Article 33 of the Nunavut Land Claims Agreement. [33.2.5]

BACKGROUND: Palaeontology

Under the Nunavut Act¹, the federal Government can make regulations for the protection, care and preservation of palaeontological sites and specimens in Nunavut. Under the *Nunavut Archaeological and Palaeontological Sites Regulations*², it is illegal to alter or disturb any palaeontological site in Nunavut unless permission is first granted through the permitting process.

Definitions

As defined in the *Nunavut Archaeological and Palaeontological Sites Regulations*, the following definitions apply:

¹ s. 51(1)

² P.C. 2001-1111 14 June, 2001

“archaeological site” means a place where an archaeological artifact is found.

“archaeological artifact” means any tangible evidence of human activity that is more than 50 years old and in respect of which an unbroken chain of possession or regular pattern of usage cannot be demonstrated, and includes a Denesuline archaeological specimen referred to in section 40.4.9 of the Nunavut Land Claims Agreement.

“palaeontological site” means a site where a fossil is found.

“fossil” includes:

- (a) natural casts
- (b) preserved tracks, coprolites and plant remains; and
- (c) the preserved shells and exoskeletons of invertebrates and the eggs, teeth and bones of vertebrates.

Terms and Conditions

- 1) The permittee shall not operate any vehicle over a known or suspected archaeological or palaeontological site.
- 2) The permittee shall not remove, disturb, or displace any archaeological artifact or site, or any fossil or palaeontological site.
- 3) The permittee shall immediately contact the Department of Culture, Language, Elders and Youth (867) 934-2046 or (867) 975-5500 or 1 (866) 934-2035 should an archaeological site or specimen, or a palaeontological site or fossil be encountered or disturbed by any land use activity.
- 4) The permittee shall immediately cease any activity that disturbs an archaeological or palaeontological site encountered during the course of a land use operation, until permitted to proceed with the authorization of the Department of Culture, Language, Elders and Youth, Government of Nunavut.
- 5) The permittee shall follow the direction of the Department of Culture, Language, Elders and Youth and DIAND in restoring disturbed archaeological or palaeontological sites to an acceptable condition.
- 6) The permittee shall provide all information requested by the Department of Culture, Language, Elders and Youth concerning all archaeological sites or artifacts and all palaeontological sites and fossils encountered in the course of any land use activity.
- 7) The permittee shall make best efforts to ensure that all persons working under authority of the permit are aware of these conditions concerning archaeological sites and artifacts, and palaeontological sites and fossils.
- 8) The permittee shall avoid the known archaeological and/or palaeontological sites listed in Attachment 1.
- 9) The permittee shall have an archaeologist or palaeontologist perform the following functions, as required by the Department of Culture, Language, Elders and Youth:

- a. survey
- b. inventory and documentation of the archaeological or palaeontological resources of the land use area
- c. assessment of potential for damage to archaeological or palaeontological sites
- d. mitigation
- e. marking boundaries of archaeological or palaeontological sites
- f. site restoration

The Department of Culture, Language, Elders and Youth shall authorize by way of a Nunavut Archaeologist Permit or a Nunavut Palaeontologist Permit, all procedures subsumed under the above operations.

Appendix B

Procedural History and Project Activities

Procedural History

On May 3, 2007 the Nunavut Impact Review Board (NIRB or Board) received the Meliadine West Gold Underground Exploration and Bulk Sample (Bulk Sample) project proposal from Comaplex Minerals Corporation (Comaplex). On May 10, 2007 an application for this project proposal was forwarded to NIRB by the Kivalliq Inuit Association, and on May 14, 2007 NIRB was notified by the Nunavut Planning Commission that the project proposal had received a positive conformity determination (Keewatin Regional Land Use Plan). NIRB has assigned this project proposal file number, 07EN044.

NIRB requested that interested Parties review the application and provide NIRB with comments by **June 6, 2007** regarding:

- Whether the project proposal is likely to arouse significant public concern; and if so, why;
- Whether the project proposal is likely to cause significant adverse eco-systemic and socio-economic effects; and if so, why;
- Whether the project is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (please provide any recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

On or before June 6, 2007 NIRB received comments from the following interested Parties (see Comments and Concerns):

1. Health Canada
2. Environment Canada
3. Transport Canada
4. Natural Resources Canada
5. The Government of Nunavut Department of Environment
6. The Government of Nunavut Airports
7. The Kivalliq Inuit Association

All comments provided to NIRB regarding this project proposal can be viewed on NIRB's ftp-site, at the following location: ftp://ftp.nunavut.ca/nirb/NIRB_SCREENINGS/COMPLETED_SCREENINGS/

On June 7, 2007 NIRB provided an opportunity for the Proponent to respond to the Parties' concerns. The Proponent provided a response to each Party's concerns on June 15, 2007. The Proponent responded to the Parties' comments and concerns by providing the following documentation:

1. Correspondence dated June 15, 2007 from Mark Balog to Carolanne Inglis-McQuay regarding the Response to Reviewer Comments – Meliadine West Underground Exploration and Bulk Sampling Program NIRB # 07EN044
2. Attachment A: J.S. Redpath letter to NIRB re: Mine Rescue Plan
3. Attachment B: Comaplex Waste Management Plan
4. Attachment C: Meliadine West camp incinerator specs
5. Attachment D: Nuna / M&T Environmental Procedures Manual
6. Attachment E: site air photo with hydrology

Project Activities

The following is a summary of the *main* project activities³:

- Overburden removal
- Use of existing 2.7km all-weather road
- Increase in personnel use (18-25 people) of existing camp, and construction of minor upgrades to camp (covered under existing permits)
- Transportation to project site of 150-250 tonnes of equipment for underground operations
- Fuel transportation from Rankin Inlet via overland haul route
- Fuel storage of approximately 1 million litres of fuel (diesel, fuel oil, aviation, gasoline, propane)
- Explosives transportation
- Total explosives use of approximately 115,000 kg; on-site storage facilities (magazines) for approximately 36,000kg
- Chemical transportation and storage of approximately 68,000kg of calcium chloride
- Portal and underground ramp construction
- On-site sample processing of approximately 12,860kg of mineralized rock
- Off-site sample processing of a 10 tonne sample of mineralized rock
- Use of some waste rock as construction material for pads and road beds and excess waste rock to be stored on waste rock pad
- Ore storage on ore pad adjacent to ramp portal
- Stockpiles of topsoil, and frozen and unfrozen till
- Abandonment and site restoration

The project is located in the Kivalliq Region, and the nearest communities are Chesterfield Inlet and Rankin Inlet.

³ As described in *May 2007 Project Proposal – Application to Conduct Underground Mineral Exploration and Assemble a Bulk Sample and NIRB Part 1 Summary Application Form in English*