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Department of
Sustainable Development

Ikupigvilirijikkut

Ministère du Développement
Durable

April 12, 2002

Stephanie Briscoe
Executive Director
Nunavut Impact Review Board
P.O. Box 2379
Cambridge Bay, NU
X0E 0C0

Dear Ms. Briscoe,

Re: Screening of the Closure and Reclamation Plan for the Nanisivik Mine

In response to correspondence from the Nunavut Impact Review Board dated March 20th, 2002, the Territorial Government would like to urge you to pursue the Single Review concept that was contemplated in January 2002, and agreed to in principle.

Progress has already been made in the form of a draft Terms of Reference, circulated in February 2002, which would provide a framework for a Single Review Process. While the specific details of how that review process still need to be worked out among the parties, we believe that provisions within the draft Terms of Reference will satisfy your organization's mandate within the context of an overall "Single Review Process".

We propose that the next step in finalizing the Single Review should be a meeting of representatives from the participating regulators and agencies within the next 14 – 20 days. It is important for participating agencies to take steps necessary to establish a clear set of expectations about the topics to be covered, process used, and standards to be met by Breakwater/CanZinco in the Single Review Process, and that we jointly communicate that information to Breakwater/CanZinco as soon as reasonably possible.

In response to the questions posed in your correspondence, in our view Article 12.4.4 (b) indicates the appropriate outcome for this screening: a NIRB review pursuant to Part 5. The considerations required by Article 12.4.2 support this, as impacts on the environment and local Inuit are likely, and because some of the technologies proposed for reclamation are uncertain as to their results or the standards that would adequately minimize adverse impacts. Finally we believe that a public review is required because of the significant public concern expressed about this mine closure.

Breakwater/CanZinco's reclamation activities do require a variety of GN permits and authorizations (see Schedule A, attached), and will involve significant impacts on the land and surrounding environment, such as quarrying.

From our perspective, public participation in a review of the project proposal will be particularly important because the mine's current A&R plan appears "interim" in nature, lacking the public, and regulatory input required to finalize their proposals for certain aspects of the reclamation. Our hope is that the Single Review Process will accommodate a dialogue about these matters.

As to particular issues of focus, pursuant to Article 12.4.4(b), GN regulators are convinced that the Single Review Process can and should address both environmental and socio-economic impacts related to the closure and reclamation of the entire site impacted by this development. In the attached document, we have listed the areas where GN permits or approvals are required.

Our vision of the Single Review Process is:

- All regulatory interests identified in agency responses to you, including our GN response will be included;
- For greater certainty, the agencies participating are DIAND, GN, DFO, NIRB and NWB;
- No reclamation will occur until all of the agencies participating in the Single Review have provided their approval or certification as authorized by law;
- In GN's case, GN approval will reflect the fact that all of the GN regulators listed in Schedule A have provided individual approvals, including those required pursuant to the *Strathcona Agreement*, and GN recommendations will reflect the individual concerns, terms and conditions recommended by the GN regulators listed in Schedule A.

Authorities and circumstances in favor of a Single Review Process include:

- NLCA, Article 13.5.2;
- The practical and financial circumstances of the proposer may not tolerate the administrative and financial demands of multiple reviews;

- The political direction based on Ministerial dialogue is in favour of a coordinated approach.

Please feel free to contact Bernie MacIsaac (867) 975-5914 at your earliest convenience regarding the scheduling and format of our proposed meeting to discuss and finalize the terms for engaging in a Single Review Process, or any other concerns about coordinating regulators responses concerning Nanisivik.

Sincerely,

Bernie MacIsaac
Senior Advisor, Mineral Development

c.c. Various GN Agencies
Susan L. Hardy, GN Legal Counsel
Phillippe di Pizzo, Executive Director, Nunavut Water Board
Paul Smith, Manager, Water Resources – DIAND
Carl Mclean, Manager, Land – DIAND
Jordan DeGroot – Habitat Biologist – DFO

SCHEDULE A

GN agencies seeking to review and comment on plans or schedules relating to Breakwater/CanZinco's decommissioning activities, based on statutory authorities or the Strathcona Agreement, include:

Agency	Authority Exercised
Community Government and Transportation	Abandonment and Reclamation as required by Commissioners' Land Leases and to meet the requirement for CGT approval pursuant to the <i>Strathcona Agreement</i>
Sustainable Development - Environmental Protection	Abandonment and reclamation of any Commissioner's Land (i.e. leased or adjacent lands) not covered by the Water License, so as to satisfy the requirements of the Nunavut <i>Environmental Protection Act</i> , in order to meet the requirement for Sustainable Development approval pursuant to the <i>Strathcona Agreement</i> .
Sustainable Development – Wildlife	Ensure that reclamation measures ensure no anthropogenic threat to wildlife as the result of the mine's operation and closure, as required by the Nunavut Wildlife Act, and otherwise meets the requirement for Sustainable Development approval pursuant to the <i>Strathcona Agreement</i> .
Health & Social Services – Environmental Health	Ensure that the health and safety of the public is protected from impacts of operation, reclamation or post-closure activities. This authority is derived from the Public Health Act and regulations, including the Sanitation Regulations and Water Supply Regulations. Ensure that abandonment plans meet the requirement for Health approval pursuant to the <i>Strathcona Agreement</i> .
Public Works / Finance / Nunavut Housing Corporation	Ensure appropriate compliance with leases, contracts, and other obligations binding the Mine, in order to comply with the requirement for agency approval as required by the <i>Strathcona Agreement</i> .

The *Strathcona Agreement* contains various terms for the protection of government interests, including the right to review and approve proposed terms of reclamation or abandonment relating to,

- (a) *disposal of materials, equipment and buildings, including housing, under its ownership or title, within a time period, and in a manner, satisfactory to the Minister and the Commissioner;*
- (b) *plans and schedules for the abandonment, clean up and restoration of the entire site. The abandonment, clean up and restoration shall be undertaken in a manner socially, aesthetically and environmentally acceptable to the government agencies concerned...(Strathcona Agreement, section 24)*