

Nunavut Regional Office
P.O. Box 2200
Iqaluit, NU, X0A 0H0

Your file - Votre référence
NWB1NAN9702
Our file - Notre référence

April 12, 2002

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

Sent by email to:
sbriscoe@polarnet.ca

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

Dear Ms. Briscoe,

Thank you for your letter dated March 20, 2002. Your letter states that NIRB will be performing a screening of Nanisivik Mine's abandonment and restoration (A&R) plan. The letter also requests comments as to whether or not NIRB should perform a full public review of the project.

Should the A&R plan be subject to a review?

In the opinion of INAC, a full review is not required for the assessment of Nanisivik Mine's A&R plan, hence we have selected option 12.4.4(a)) (may be processed without a review under Part 5 or Part 6). Our justification is as follows:

First, we have reviewed the A&R plan from the point of view of INAC's responsibilities and have not found grounds that the project meets the conditions of Article 12.4.2(a).

12.4.2(a)(i) the project may have significant adverse effects on the ecosystem, wildlife habitat or Inuit harvesting activities.

INAC believes the project, with appropriate mitigation, will not cause significant adverse effects and will, in fact, be beneficial to the ecosystem.

12.4.2(a)(ii) the project may have significant adverse socio-economic effects on northerners.

Although we recognize the closing of the mine will have socio-economic effects in the region, for many years closure has been anticipated. Governments have been working

to identify options for alternate uses of the site infrastructure. We believe options will be found from these studies that can mitigate the socio-economic effects to an acceptable extent.

12.4.2(a)(iii) the project will cause significant public concern.

Closing the mine obviously generates public concern, but INAC believes that the public concerns that have been expressed will likely be satisfied by appropriate mitigation applied to the closure and remediation of the site. Please see our suggestion below for discussing these issues in a public forum.

12.4.2(a)(iv) the project involves technological innovations for which the effects are unknown.

In this case, there are no new technologies or methodologies envisaged for this abandonment and restoration of the mine for which the effects are unknown.

Second, although more details will likely be required for regulatory approval purposes, we believe the A&R plan is sufficiently developed to permit assessment of the impacts of the project and to propose appropriate mitigation measures.

Are any other relevant permits or approvals required?

INAC has two approvals to grant with respect to the abandonment and restoration of the mine. First, the departments must grant approval to the A&R plan with respect to the surface leases issues by INAC on Crown Land. Second, since Nanisivik Mine also requires a Class A water licence, the Minister of INAC must also approve the renewed Water Licence.

We would like to note that you mention National Resources Canada (NRCan) and Transport Canada (TC) on your list as possible government agencies that would have authorization power on the A&R plan, but that you did not include those agencies on your distribution list. INAC has been coordinating the Federal agencies as part of the Federal Coordination Regulations of the *Canadian Environmental Assessment Act (CEAA)* for the purpose of assisting NIRB in conducting its environmental assessment. INAC has been advised that NRCan does not grant any approvals with regards to the abandonment and restoration of the mine, but is offering their expertise to NIRB on the environmental assessment with respect to the dismantling of the explosive shed/factory of the mine.

Finally, we would like to note that at this time we have not been requested by NIRB, nor have we provided, our recommendations concerning appropriate mitigation for the project. We would like to suggest to NIRB an option of presenting this information that

follows the spirit of the draft Terms of Reference for the Nanisivik Working Group, as discussed and agreed to in principal by the various stakeholders following the meeting with Breakwater Resources in January, 2002. To date, the procedural objectives of the Working Group "to promote a unified and publically acceptable approach to address environmental and community infrastructure and socio-economic concerns" have not been fulfilled. While we don't find grounds under Article 12 to suggest NIRB conduct a full public review, we do believe this objective would best be met by holding a public meeting at which all stakeholders may openly discuss the appropriate mitigation for the project with the public and NIRB and NWB representatives.

This approach would allow NIRB to hold an informal screening meeting and then coordinate a formal hearing with the Nunavut Water Board, DFO, the GN and DIAND to ensure a timely public review of the A&R plan and subsequent renewal of the water licence.

If you have any concerns or questions, please feel free to contact me.

Sincerely,

Original Signed By

Stephen Traynor
Director, Operations
(867) 975-4546 voice
(867) 975-4560 fax
traynors@inac.gc.ca