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Department of
Sustainable Development

Ikupigvilirijikkut

Ministère du Développement
Durable

file NIRS

*GN
time-Ward
file as indicated
(see dog-ears)*

May 6, 2002

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

Dear Ms. Briscoe,

Re: NIRB's Screening of the A & R Plan for the Nanisivik Mine

In response to your request for further information and clarification on the role that the Government of Nunavut plays in the review and approval of the abandonment & reclamation plan for the Nanisivik mine I draw your attention to Sections 24.2.(a) and (b) of the Strathcona Agreement, which indicates that the site is to be reclaimed in a manner that satisfies both the Minister and the Commissioner, as well as the appropriate government agencies. The Territorial Government agencies involved in determining the satisfactory nature of the plan will be those listed in Schedule A of our previous letter and attached here for your reference.

The Strathcona Agreement is referenced as the "Master Agreement", in Volume 1 Section 1.3 *Licenses & Mineral Titles* of the plan. As the plan submitted to the Water Board clearly indicates how the mine intends to fulfill their reclamation obligations, the GN sees itself as having a role in approving the plan submitted to the Water Board as per this agreement. This plan submitted to the Water Board has been broadened to address the scope of the Agreement encompassing both the Water License requirements, and the mine's requirements under the CG & T land leases.

While there are a number of Acts and Regulations that the plan will have to abide by, we feel that the Strathcona Agreement provides the Territorial Government with the authority to ensure that our issues related to the submitted A & R plan are addressed to the GN's satisfaction.



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Given that the Plan's scope considers the aspects relevant to the GN, the Territorial Government feels that our regulatory and approval obligations will be met through a joint hearing with DIAND and the Nunavut Water Board as contemplated by the Nanisivik Working Group under the group's draft Terms of Reference. As such there is nothing in our opinion requiring a separate screening by NIRB that cannot be addressed in this joint Water Board public hearing.

To address your second question, the GN believes that the quarrying proposal is a component of the Abandonment and Reclamation of the site and would not be subject to an independent screening as per Section 12.4.3 of the NLCA.

I trust that this adequately addresses your request. Should you have any further question or wish to discuss our response in further detail please feel free to contact me at your earliest convenience.

Sincerely,

Paul Partridge
Coordinator, Environmental Assessment.

cc. Bernie MacIsaac, Senior Advisor, Mineral Development
Susan Hardy, GN Legal Counsel
Wayne Winter, Director, Community Planning & Lands
Earle Baddaloo, Director, Environmental Protection Services
Stephen Atkinson, Director, Nunavut Wildlife Service
Bruce Trotter, Environmental Health Specialist



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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)*