



May 12, 2017

VIA EMAIL

The Honourable Carolyn Bennett  
Minister of Indigenous and Northern Affairs  
10 Wellington North Tower  
Gatineau, Quebec K1A 0H4

Dear Ms. Bennett:

**Re: Ministerial Decision on the Kiggavik Project, Nunavut dated July 14, 2016**

I am writing on behalf of AREVA Resources Canada and its partners in the Kiggavik Project to express our immense disappointment in the decision that was made on our project by the federal Ministers and delivered by you as the Minister of Indigenous and Northern Affairs.

Last July, following an intensive 8-year review period at a cost to AREVA and its partners of approximately \$60,000,000, you accepted the Nunavut Impact Review Board's ("NIRB") recommendation to not allow the Kiggavik Project to proceed on the grounds that there was not a firm start date for the project.<sup>1</sup> Your decision, in our view, demonstrates that the environmental assessment process in Nunavut is unstable and unpredictable for resource development. If approval to proceed had been granted, the Kiggavik Project would still have required further licensing under the Nunavut Water Board as well as the Canadian Nuclear Safety Commission, thus even further extending the timeframe in which the approval process would occur. The Kiggavik Project, a potential uranium mine and mill in the Kivalliq region of Nunavut, would contribute significantly to the economy through royalties, taxes, business development and employment, creating approximately 750 jobs during construction and between 400 – 600 jobs during operation.

It is our view that in making this decision the Ministers ignored the evidence provided by the environmental assessment and in the NIRB hearings and were uninformed by the conclusions of their own departments and the various departments and agencies contributing to the evaluation of the project. Of particular importance to the decision, is the failure to recognize that the various department and agencies discussed at length the lack of fixed start date for the project and addressed this in proposed terms and conditions under which the Kiggavik Project could proceed.

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<sup>1</sup> Correspondence dated July 14, 2016 from Hon. Minister Bennett, Indigenous and Northern Affairs Canada to Ms. Copland, Board Chair Nunavut Impact Review Board.

It is well understood in Canada that environmental assessments should be conducted as early as possible in the planning stage of a designated project in order for the proponent to be able to consider the analysis in the proposed plans. As is stated by the Government of Canada, undertaking an environmental assessment early supports better decision making and results in many benefits including, among other things:

- minimization of adverse environmental effects,
- reduced project costs and delays, increased government accountability and harmonization, and
- informed decisions that contribute to responsible development of natural resources.<sup>2</sup>

AREVA believes strongly that the Ministers made an ill-informed decision by basing their decision on lack of a firm start date for the Kiggavik Project and in so doing negated the purpose of an environmental assessment and created uncertainty for the resource sector.

As you are aware, the mining industry is cyclical. In 2008, when the decision was made to launch the EA process, the uranium spot price was near \$90 USD/lb with it dropping steadily to \$35 during the NIRB hearings. AREVA was aware of the falling market price impact on project feasibility and communicated them transparently to stakeholder, continuing in the environmental assessment process because of its value as a planning tool. At the time the Minister's Decision was made in July 2016 the uranium spot price was in the mid-\$20 range and bottomed out at \$18 in November 2016, far below the price in which the Kiggavik Project would be economic. Accordingly, given the significant timelines associated with approvals for uranium mining and the variable nature of commodity pricing, requiring of certainty in start dates during the environmental assessment process is untenable.

#### **Minister's Decision Erroneous – Alternative Remedies Available**

In previous correspondence from AREVA to the Minister of Aboriginal Affairs and Northern Development<sup>3</sup>, AREVA requested the Minister to consider all of the options provided by the Nunavut Land Claims Agreement (NLCA). In particular, we urged the Minister to reject the NIRB Final Hearing Report pursuant to Section 12.5.7(d) of the NLCA and return the Report to the NIRB to consider the inclusion of appropriate terms and conditions to a project approval. We reiterate our assertion that the environmental assessment for the Kiggavik Project strongly demonstrated that the Project met all the requirements for an approval and that there were no significant, unresolvable issues related to the Kiggavik Project. It is AREVA's position that the Minister erred in accepting the recommendation of NIRB which did not contain any substantive explanation on the reasons for its recommendation, based in science or the evidence that was placed before it. Accordingly, given the time and expenses involved both for the project

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<sup>2</sup> Government of Canada, <https://www.canada.ca/en/environmental-assessment-agency/services/environmental-assessments/basics-environmental-assessment.html#gen01>

<sup>3</sup> Correspondence dated July 3, 2014 from Mr. Vincent Martin, President and CEO AREVA Resources Canada to Hon. Valcourt, Minister of Aboriginal Affairs and Northern Development.



proponent and for the participating parties, AREVA recommends that the Minister reject as deficient any NIRB recommendation which does not justify why the existing remedies are not sufficient.

**Deficient Report – Minister's Decision Made in the Absence of Fulsome Information**

In our July 3, 2014 correspondence, AREVA requested consideration be given to omissions in the NIRB Final Hearing Report<sup>4</sup>. We believe that the NIRB Final Hearing Report was flawed in that it failed to include the conclusions of the Interveners. Previous Final Hearing Reports from NIRB such as Baffinland and Meliadine included Intervener conclusions and positions on whether the project could proceed, within the jurisdiction of each entity. The NIRB Final Hearing Report for the Kiggavik Project did not include the responsible regulatory organization statements regarding the adequacy of the environmental impact statement and confidence in predictions, which concluded that there was an absence of significant, unresolvable issues and that the Project should proceed. AREVA has provided a summary of intervener conclusions as an attachment to this letter. Some examples of the conclusions are:

- Aboriginal Affairs and Northern Development Canada, Canadian Nuclear Safety Commission, Environment Canada, Natural Resources Canada, Transport Canada and the Department of Fisheries and Oceans, provided evidence that there were no identified issues under their mandates that should prevent project approval.
- The Government of Nunavut acknowledged the importance of the Kiggavik Project to the region and provided suggested terms and conditions for a project certificate.
- The Kivalliq Inuit Association expressed their active engagement in the review and provided suggested terms and conditions for a project certificate.

Given that Inuit, Territorial, and Federal technical reviewing organizations, agencies, and departments found no unresolvable issues that would prevent project's ability to proceed, the failure of the NIRB Final Hearing Report to adequately provide this information to you in making your decision was a great omission that impacted the completeness of the decision at hand. AREVA recommends that the Minister reject future NIRB reports as deficient if conclusions of the Interveners are not presented to inform the Minister's decision.

**Uncertain Start Dates – Remedies were available to address**

As was previously stated in our July 3, 2015 correspondence, having start date uncertainty is not unique to the Kiggavik Project. As a company that values transparency with all stakeholders, AREVA chose to be transparent about the uncertainties facing the Kiggavik start date and this transparency should be rewarded, rather than punished, as is the perception as a result of the NIRB recommendation and the Minister's decision. During the hearing, there was extensive discussion regarding the lack of a fixed start date. AREVA submitted options for conditions that

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<sup>4</sup> Correspondence dated May 8, 2015 from Ms. Elizabeth Copland, Chair of NIRB to Minister of Aboriginal Affairs and Northern Development

could have been attached to the decision to address these. Conditions, such as updating assessment information in the event of a project delay, were supported by the federal and territorial interveners that were represented at the NIRB hearings. As a result, it was a surprise to AREVA when the NIRB Final Hearing Report was issued in which its recommendation was based entirely on the lack of start date rather than the plethora of science, Traditional Knowledge and evidence that had been placed before it.

It is well known that the legislative intent of environmental assessments is to be a planning tool, as is evidenced by post-assessment regulatory requirements. AREVA observes that the Minister indicated to the NIRB that provisions under NUPPA negated the use of timeline uncertainty as a basis for rejecting projects. By choosing timeline uncertainty as the basis for rejecting the Kiggavik Project, the NIRB has avoided making any determination on the acceptability of the Project as presented, and the Ministers have enabled this behavior, leaving AREVA uncertain as to whether any deficiencies existed in the project as designed and invalidating environmental assessment as a planning tool.

#### **NIRB Final Hearing Report Recommendations**

In Section 7 of the NIRB Final Hearing Report, NIRB offers four items that may assist a future consideration of the proposed Kiggavik Project. These four items are:

- development of Inuit language applicable to uranium mining;
- broader understanding of caribou and marine wildlife baseline information;
- advancement of educational programs; and
- development of monitoring programs.

These recommendations cross several departmental and governmental mandates. AREVA recommends that the Department of Indigenous and Northern Affairs work with the related authorities to further the implementation of these recommendations.

#### **Timelines**

The time associated with approval for all mining project is lengthy but even more so for uranium mining projects. In the case of the Kiggavik Project, following the 8-year NIRB process we were likely looking at a further 3 years of licencing, including public hearings for the Canadian Nuclear Safety Commission licence. This timeline, compounds the issue identified above. As a whole, AREVA requests that the Department of Indigenous and Northern Affairs work with the remainder of the Federal Government to address the issue of regulatory certainty in Canada and in this instance, Nunavut, needs to be addressed if Canada is to remain competitive for future mining investment. In conclusion, I would reiterate that the use of environmental assessment as a planning tool has been invalidated by the process and ultimately the decision that was made on the Kiggavik Project.



AREVA and its partners have decided to respect the decision made by Ministers. We do not believe that a challenge would be reflective of our ultimate goal for this project, to build a long-term relationship with Nunavut, its people and its organizations. We have learned from this experience and before we re-enter the process we will need reassurances that:

- The environmental assessment is respected as a planning tool with mechanism in place to make a determination of project acceptability independent of the long timelines needed for uranium development;
- A commitment is made for evidence-based decision making on behalf of the responsible federal Ministers; and,
- Nunavut has made progress on the recommendations in Section 7 of the NIRB Final Hearing report, stated above.

I would be very pleased to meet with you to discuss the future opportunities for AREVA in Nunavut and the project specific issues that I have raised herein. We look forward to your response.

Yours truly,

A handwritten signature in blue ink, appearing to read 'V. Martin', with a horizontal line underneath.

Vincent Martin  
President and C.E.O.

Encl:

Correspondence dated July 3, 2015 from Mr. Martin to Hon. Bernard Valcourt  
Kiggavik Final Hearing intervener Conclusions

cc:

The Honourable Dominic LeBlanc, Minister of Fisheries and Oceans, Government of Canada  
The Honourable Jim Carr, Minister of Natural Resources, Government of Canada  
The Honourable Marc Garneau, Minister of Transport, Government of Canada  
The Honourable Hunter Tootoo, Member of Parliament for Nunavut  
Dr. Michael Binder, President, Canadian Nuclear Safety Commission  
The Honourable Peter Taptuna, Premier, Nunavut  
The Honourable Joe Savikataaq, Minister of Community and Government Services and Environment  
The Honourable Monica Ell, Minister of Economic Development and Transportation and Energy  
Aluki Kotierk, President, Nunavut Tunngavik Incorporated  
David Ningeongan, President, Kivalliq Inuit Association  
Elizabeth Copland, Chairperson Nunavut Impact Review Board



July 3, 2015

The Honourable Bernard Valcourt  
Minister of Aboriginal Affairs and Northern Development  
10 Wellington, 21 Floor  
Gatineau, Quebec K1A 0H4

Dear Mr. Valcourt:

**Re: Final Hearing Report from the Nunavut Impact Review Board Regarding the Kiggavik Uranium Mine Project (NIRB File No. 09MN003) dated May 8, 2015 (the Report)**

The final hearing for AREVA Resources Canada Inc.'s (AREVA) proposed Kiggavik Uranium Mine Project (the Project or Kiggavik Project) took place in Baker Lake, Nunavut from March 3 to March 14, 2015 following over eight years of intensive community consultation, technical studies and environmental review. On May 8, 2015 the Nunavut Impact Review Board (NIRB or Board) issued the Final Hearing Report for the Project to the Minister of Aboriginal Affairs and Northern Development Canada (Minister) pursuant to Section 12.5.6 of the *Nunavut Land Claims Agreement* (NLCA). The Board recommended that the proposed Kiggavik Project should not proceed at this time. I am writing on behalf of AREVA and its partners in the Project, JCU (Canada) Exploration Company and DAEWOO Corporation, to express our disappointment in the Board's recommendation and suggest that the Minister not accept the Report and recommendation as written.

Pursuant to Section 12.5.7 of the NLCA the Minister must decide to accept the report (12.5.7(a)), reject the report (12.5.7(d)), or find the report deficient and refer it back to the NIRB (12.5.7(e)). We believe the Minister should reject the Report pursuant to Section 12.5.7(d) of the NLCA and return the Report to the NIRB to consider the inclusion of appropriate terms and conditions to a project approval. We assert that the Minister has grounds to support this determination as the detailed and transparent environmental assessment (EA) which strongly demonstrates that the proposed Project both meets the requirements for development in Nunavut and is in the regional interest. It is our view that in making its recommendation to the Minister the Board did not use the EA process in the NLCA as a planning tool nor did it utilize existing and available remedies to address the Project's lack of firm project start date. To deny the Project approval in the absence of significant, unresolvable issues is inconsistent with current economic strategies and development policies that speak to responsible resource development that can contribute to self-reliance and improved quality of life.

**AREVA Resources Canada Inc.**

P.O. Box 9204 — 817 - 45th Street West — Saskatoon, SK S7K 3X5 — CANADA  
Tel: 1 (306) 343-4500 — Fax: 1 (306) 653-3883 — Web Site: [www.arevaresources.ca](http://www.arevaresources.ca)



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**Project is Absent of Unresolvable Issues and is in the Regional Interest**

It is our view that the Kiggavik Project, demonstrated through the NLCA Part 5 review, is absent of unresolvable project-specific issues. This is supported by the concluding statements of all federal participating departments: Aboriginal Affairs and Northern Development Canada (AANDC), Canadian Nuclear Safety Commission (CNSC), Environment Canada, Fisheries and Oceans Canada, Natural Resources Canada, and Transport Canada, all who concluded that there are no outstanding or unresolvable issues within their mandates that would prevent the proposed Kiggavik Project from receiving approval. In addition, the Government of Nunavut, while highlighting the need for adaptive management, information sharing, and the growing collective understanding of caribou, acknowledged the importance of the Project to the region and Nunavut and recommended terms and conditions to be attached to a project approval that would address their remaining concerns. Lastly, the Kivalliq Inuit Association (KIA) expressed their active engagement in the review and concluded that remaining issues could be adequately addressed as terms and conditions in a Project Certificate.

The NLCA mandates the NIRB not only protect but also promote future well-being. Specifically, Section 12.2.5 states: "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." In the Report the NIRB emphasized potential short-term negative socio-economic effects from the Project, such as short-term inflation and labor force adjustments but conversely did not fully take into consideration and acknowledge that these effects are accompanied by overall, positive, long-term benefits associated with greater opportunity to participate in the wage-economy. As presented in the Project Final Environmental Impact Statement, the Kiggavik Project would directly employ approximately 750 people during construction and 550 people during operations. In addition to indirect benefits to the region, there would also be benefits negotiated through the Inuit Impact Benefit Agreement with the KIA plus approximately \$1 billion of taxes and royalties paid through the life of the Project.

It is well known that consistent and clear regulatory requirements and expectations contribute to investment certainty for project proponents and attract investment. Given that there are no project-specific issues that cannot be addressed in Project Certificate terms and conditions, AREVA believes that a positive EA decision would demonstrate a stable and predictable regulatory process and therefore support Nunavut and Canadian international competitiveness, attracting potential resource development while at all times remaining protective of the biophysical and socio-economic environments. Attracting and advancing responsible resource development that respects the balance of environment, socio-economics, and economics is in the regional interest.

**Environmental Assessment is a Planning Tool**

It is AREVA's position that the NIRB Report fails to recognize the legislative intent of EAs across Canadian jurisdictions, and confirmed by the 2010 Supreme Court of Canada decision, *Mining Watch Canada v. Canada (Fisheries and Oceans)*, 2010 SCC 2, that EAs are intended to be a planning tool. The NIRB also describes EAs as "... a tool used by the NIRB to evaluate the potential environmental and socioeconomic impacts of a project proposal to ensure the integrated planning of development proposals... prior to major decisions and commitments being made..." (NIRB Guide 7, 2006) and it is stated in the Report that estimated start dates are helpful in improving prediction confidence but are not a necessity. Yet it is clear



that uncertainty of start date, transparently communicated by AREVA, was the primary influence in the NIRB recommendation to not approve the Project.

Having start date uncertainty is not unique to the Kiggavik Project. Resource developments across Canada and in other mining jurisdictions routinely advance on timelines different than those originally proposed within EAs. Two relevant recent examples of reviews advancing with start date uncertainty are the Hope Bay Gold Project in the Kitikmeot region of Nunavut and the Kintyre Uranium Mining Project in Western Australia. In 2012 the proponent of the Hope Bay Gold Project transitioned the project into care and maintenance during a NIRB review and, in response to a request for guidance, AANDC advised the Board that the establishment of certain project start dates is difficult and that reviews should continue as long as proponents are actively engaged and information requests can be met (Correspondence dated May 29, 2012 from Honorable J. Duncan to Ms. Copland). In April 2015, the Kintyre Uranium Mining Project in Western Australia was approved by the Australian Federal Minister for the Environment in the absence of a firm project start date. Similar to the Kiggavik Project, the proponent for the Kintyre Uranium Mining Project cited unfavorable market conditions for a lack of a commencement date for the project. It is a standard expectation for proponents to advance projects through regulatory steps as influenced by predicted future markets and internal decisions regarding investment planning. Since the initial 2008 submission of the Kiggavik Project to commence the NCLA review, market conditions have changed substantially. However, AREVA and its partners continued with the EA process as a prudent step to enable a positive development decision when favorable market conditions return.

Further, we note that the legislative intent of EA as a planning tool is evidenced and supported by the numerous post-EA regulatory requirements such as the stringent licensing requirements under the *Nuclear Safety Control Act* and under the *Nunavut Waters and Nunavut Surface Rights Act*. The Report indicates that the NIRB believes the CNSC will provide regulatory oversight that will satisfactorily avoid or mitigate almost all ecosystem effects and the CNSC committed during the final hearing to validate the EA predications to ensure it reflects environmental conditions at the time of licensing (CNSC, Final Hearing Transcript Page 2337). Given that in addition the NLCA and associated legislation directs regulatory bodies, including the NIRB, to fulfill their functions in a manner that is cooperative, integrated and avoids duplication, AREVA believes that by using an uncertain start date to deny an EA approval the NIRB has expanded their oversight beyond the intent of EA and prevented the objective of planning from being achieved.

In the Report the Board cites diminishing confidence over time related to the predictability of effects of the Project due to the lack of a firm start date. AREVA asserts that the precautionary principle was followed throughout the EA and its onus of proof regarding the acceptability of the project was met. We believe that the Board erred by failing to consider existing and available remedies to address the concerns associated with lack of firm project start date. As stated by AANDC representatives at the NIRB final hearing, "Should NIRB recommend to our minister that the project move forward and a Project Certificate be issued, the Department is confident that Section 12.8 of the Nunavut Land Claim Agreement can adequately manage any potential future changes to the project" (AANDC, Final Hearing Transcript Page 2338). AREVA strongly agrees with AANDC and points to Article 12, Parts 7 to 10 of the NLCA as ensuring that there is an adequate system of monitoring and adapting to ensure the Project has no significant adverse environmental effect throughout its project life.





A number of remedies to address uncertainty with respect to the project start date were presented to NIRB for consideration; however, the Report is unclear on whether any of the remedies were considered prior to their rejection by the NIRB. The Report presents the Board's unsupported view that Project Certificate flexibility described in Section 12.8 of the NLCA "is not a solution to all issues that may arise in relation to the absence of definite start date for the project". The Report provides no evidence that the Project cannot be approved (i) under terms and conditions in a Project Certificate relating to timelines for future review and considerations under NLCA Section 12.8.2, or (ii) with timelines respecting the term (time period) of the Project Certificate.

### Summary

The territory of Nunavut has experienced, and well recognizes, the volatility of the mining industry. With few other sources of economic development on the horizon, the mining industry forms a cornerstone of the North's economic and social development plans with an emphasis on performance and planning. Use of EA as a planning tool and use of available remedies to address uncertainty with project start date can allow for reasonable project and regulatory advancement despite unfavorable markets to mitigate this volatility without compromise to environmental protection.

It is AREVA's strong view that the Report should be rejected by the Minister pursuant to Section 12.5.7(d) of the NLCA and return the Report to the NIRB to consider the inclusion of appropriate terms and conditions that should be attached to a project approval. However, in the absence of a Section 12.5.7(d) determination by the Minister, it is our position that the Report should be referred back to the NIRB pursuant to Section 12.5.7(e) of the NLCA on the basis that the Report contents are deficient, primarily with respect to issues outlined in this letter but also numerous deficiencies including: (i) absence of conclusions from responsible regulatory organizations regarding the adequacy of the environmental impact statement, (ii) absence of full dispositions of motions at the final hearing, and (iii) clarification from the NIRB on how the extensive list of regional capacity issues in Nunavut listed in the Report (e.g. lack of educational achievement, delayed land use planning, and limited regional information base for caribou) has influenced the negative EA recommendation. Should the Minister proceed with the Section 12.5.7(e) referral, we would be pleased to share the detailed review that we have performed, including an evaluation of the views and conclusions presented in the NIRB Report against regulatory submissions and the transcripts recorded during the final hearing.

Should the Minister or his staff have any questions or concerns regarding this submission please do not hesitate to contact myself at (306) 343-4518 or by email at [vincent.martin@areva.com](mailto:vincent.martin@areva.com) or Tammy Van Lambalgen, Vice President Regulatory, CSR & Legal, at (306) 343-4569 or by email at [tammy.vanlambalgen@areva.com](mailto:tammy.vanlambalgen@areva.com).

Yours truly,

A handwritten signature in black ink, appearing to read 'V. Martin'.

Vincent Martin  
President and C.E.O.

cc:

The Honourable Gail Shea, Minister of Fisheries and Oceans, Government of Canada  
The Honourable Greg Rickford, Minister of Natural Resources, Government of Canada  
The Honourable Lisa Raitt, Minister of Transport, Government of Canada  
The Honourable Leona Aglukkaq, Member of Parliament for Nunavut  
Dr. Michael Binder, President, Canadian Nuclear Safety Commission  
The Honourable Peter Taptuna, Premier, Nunavut  
The Honourable Johnny Mike, Minister of Community and Government Services and Environment, Nunavut  
The Honourable Monica Ell, Minister of Economic Development and Transportation and Energy, Nunavut  
Cathy Towtongie, President, Nunavut Tunngavik Incorporated  
David Ningeongan, President, Kivalliq Inuit Association  
Elizabeth Copland, Chairperson Nunavut Impact Review Board



## **Attachment A: Concluding Statements from Responsible Authorities at the Kiggavik Final Hearing, March 14, 2015, Taken from Transcripts**

Nunavut Impact Review Board's Hearing Regarding the Review of AREVA Resources Canada Incorporated's Kiggavik Uranium Mine Project; File: 09MN003; Hearing held at Baker Lake, Nunavut Volumes 1 to 11, March 3 to 14, 2015

### **Nunavut Tunngavik Incorporated / Kivalliq Inuit Association**

"In my few minutes before you today, I want to remind you all that the Kivalliq Inuit Association and Nunavut Tunngavik Incorporated have been working hard on behalf of beneficiaries to review the Kiggavik project for many years. We have done more than just participate in the Nunavut Impact Review Board's project review process. We engaged the hamlets directly in this uranium issue through a community tour to all seven Kivalliq communities in 2010 and through other meetings (transcript page 2328)."

For the environment, by the time the final environmental impact statement was released in September 2014, our list of outstanding issues had been resolved down to a short list of key issues. Over the past weeks in the lead-up to the final hearing, we have continued to resolve a number of outstanding issues, to the point where we are submitting our remaining issues as suggested terms and conditions for consideration in the Board's weighing of the Kiggavik project net benefit to Nunavummiut (transcript page 2330-2331)."

### **Government of Nunavut**

"Given the importance of this proposed project to Kivalliq, to the Kivalliq region and to Nunavut, we expect to see the proponent meet or exceed industry best-practices and take all reasonable precautions to safeguard Nunavut's people, lands, waters, and wildlife. The Government of Nunavut has therefore provided to the Nunavut Impact Review Board and the proponent recommendations to address our concerns and to meet our expectations (transcript page 2333)."

"For monitoring, the Government of Nunavut has highlighted a need for monitoring, ongoing improvement, and adaptive management as a means to ensure predicted results are verified and managed, and unexpected impacts are identified and mitigated. Socioeconomic monitoring should also ensure that benefits flow to the people of Nunavut.

The Government of Nunavut believes that working together on key issues and solutions is essential to a successful project. Consultation and sharing information among government, industry, regional Inuit associations, communities, and other stakeholders will help ensure positive outcomes.

While there are still outstanding wildlife issues, the Government of Nunavut has provided its position and recommendations previously to the Board throughout this final hearing.

The Government of Nunavut is committed to working with all parties to maximize the long-term benefits and opportunities that this proposed project offers, if approved, and to minimize and mitigate potential negative environmental and social impacts it presents.

We also believe that the significant impacts to the environment, including wildlife and habitats, should not be underestimated. Appropriate monitoring and adaptive management plans must be developed and implemented in accordance with the precautionary principle (transcript pages 2333 and 2334)."

## **Government of Canada**

### **Aboriginal Affairs and Northern Development**

"At this point in time, the Department is satisfied that the company has addressed all issues that we have identified, and all aspects of the project under the Department's mandate can be mitigated.

In our dealings with the company, they have shown a willingness to cooperate and provide additional information when requested. Should NIRB recommend to our minister that the project move forward and a project certificate be issued, the Department is confident that Section 12.8 of the Nunavut Land Claim Agreement can adequately manage any potential future changes to the project (transcript page 2338)."

### **Canadian Nuclear Safety Commission**

"Staff agree with AREVA's conclusions of the final environmental impact statement for topics under our mandate. We do not require any further information. We made several recommendations to the Nunavut Impact Review Board that will improve our knowledge of the project, and AREVA has agreed to them (transcript page 2336)."

"The Canadian Nuclear Safety Commission understands a license application may not come forward for many years. In such a case, we would require that the environmental assessment be updated to ensure it reflects environmental conditions at that time and any new science. The license application would also need to be updated to include any new methods of mining, milling, effluent treatment, and so on (transcript page 2337)."

### **Environment Canada**

"Environment Canada has provided recommendations in our technical review submission for the Nunavut Impact Review Board to consider in the development of the impact assessment recommendation and potential terms and conditions.

As outlined in our written submission and summarized in our presentation at this hearing, a broad range of concerns were identified by Environment Canada, and a number of these were addressed by the proponent's commitments.

A brief summary of recommended terms and conditions is as follows: Effluent quality predictions are high for total dissolved solids and sulfate concentrations. The proponent must treat effluent to a level which is appropriate for discharge without being in violation of the Fisheries Act. This



is not an issue that would likely lead to significant harmful impacts in Judge Sissons Lake but would lead to localized reduction of sensitive species and changes to the aquatic ecosystem communities due to high total dissolved solids and sulfate.

Environment Canada recommends a condition that would require the proponent to optimize treatment and water management such that effluent quality is non-deleterious at end of pipe.

Improving the baseline data set: The proponent has committed to doing two years of winter baseline data collection in Judge Sissons Lake prior to construction. During the hearings, the proponent agreed to include zooplankton and to identify an appropriate reference lake and concurrently collect reference lake baseline data.

Follow-up monitoring for effects of cadmium and sulfate in Judge Sissons Lake should be done in biota, water, and sediments. This should be planned in advance of the water licensing process so that appropriate baseline data can be collected and the study design planned.

This project proposal is a priority for us, and Environment Canada is available to provide ongoing support to the Nunavut Impact Review Board in the form of expert advice on areas relating to water quality and toxicity testing, aquatic effects monitoring, contingency planning, and review of waste management and other plans.

Environment Canada would like to note that this final hearing, as well as the steps leading up to it, were very constructive, and we appreciate the proponent's initiative in addressing issues we have raised in the course of this process (transcript pages 2340 to 2341)."

### **Fisheries and Oceans Canada**

"In our final written submission, Fisheries and Oceans Canada presented the conclusions of our technical review and our recommendations in the following areas: the aquatic environment, including the effects of blasting, water crossings and water withdrawals; the conceptual fisheries offsetting plan; and management and monitoring plans which relate to fish habitat, fish passage, and the re-flooding of Andrew Lake pit.

AREVA has agreed with all of Fisheries and Oceans Canada's recommendations, as well as the proposed terms and conditions provided to the Nunavut Impact Review Board for their consideration.

During the regulatory phase, if the project is approved, Fisheries and Oceans Canada will continue to work with AREVA to determine which components of the project will require Fisheries Act authorization, in addition to the dewatering of a portion of Andrew Lake. The offsetting plan, which will be required, should be developed in consultation with Fisheries and Oceans Canada and the affected communities (transcript page 2342 and 2343)."

### **Natural Resources Canada**

"Natural Resources Canada is here as a federal department with regulatory responsibilities and also to present its technical review of the information AREVA has presented in its final environmental impact statement.

In this regard, Natural Resources Canada is providing expertise in relation to its administration of the Explosives Act and Regulations, as well as science expertise in the areas of permafrost, groundwater, the potential for acid rock drainage, and metal leaching, and the management of mine waste.

To summarize our final written submission, within our mandate and areas of expertise, Natural Resources Canada has not identified any outstanding issues or new recommendations for the Nunavut Impact Review Board's consideration. AREVA's post-environmental assessment commitments have addressed Natural Resources Canada's recommendations (transcript page 2344)."

### **Transport Canada**

"Transport Canada looks forward to continued cooperation with the Board, other federal and territorial government agencies, stakeholders, and AREVA.

AREVA has been responsive and addressed Transport Canada's recommendations that were raised through the Nunavut Impact Review process (transcript page 2346)."