

NOTE TO FILE

Mackenzie Valley Environmental Impact Review Board

Subject: EA.99-004 BHP

Lupin Winter Road

Date: September 28, 1999

Meeting held on the 8th floor DIAND small meeting room. Louie and Heidi from the Review Board and Steven Traynor, Floyd Adlem and Buddy Williams from DIAND.

DIAND provided a brief history of the winter road from its origins as a series of land use permits and the associated difficulties including private sector issues over payment for construction and maintenance of the road. DIAND noted after consultations in 1990 that it was decided that one entity should control the operations on the winter road. The road was subsequently licenced to Echo Bay Mines, the company that owns the Lupin Mine.

A licence was described as an instrument of non-exclusionary disposition similar to a power line easement where the exclusive right of use is not limited to the power company, but also includes the general public. Other users were permitted to use the winter road (general public), as long as they did not interfere with the end users use of the winter road.

DIAND then pointed out some falsehoods that had existed. They noted that road kills attributable to truck traffic was almost negligible and that the winter road is not a "big" money maker, and that Echo Bay basically recoups its costs. A few operational problems were identified including safety and security associated with people parking their vehicles on the side of the road for extended periods and having snow clearing machinery hit gut piles under the snow. DIAND noted speed limits are enforced by Echo Bay.

DIAND referred to an annual road users meeting that includes users, enforcement and regulatory agencies and those contributing to policing.

The original licence was issued in 1990 under according to the Territorial Lands Act. The licence expires in April 2000. Echo Bay is seeking a 3 to 5 year

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extension so that it can evaluate if it want to continue the winter road. DIAND indicated Lupin mine has a care and maintenance plan as part of their progressive reclamation activities. DIAND also indicated Lupin Mine had an airstrip. Land use permits associated with the winter road include two camps (Lochart and the Dome) and quarry activities associated with the portages. DIAND noted the road had an end user.

The difference between the Federal Real Property Act (FRPA) and the Territorial Lands Act (TLA) is that the FRPA does not require an Order in Council. The licence is specifically geared to the commercial traffic use of the winter road where weight and total number of movements (trucks) are the critical factors governing the transport capacity of the winter road. DIAND pointed out that it deals with Echo Bay mines not nuna logistics.

DIAND noted that all ancillary roads off of the Lupin winter road require land use permits where land use permits are triggered. Land use permits only apply on land.

DIAND indicated that the winter road had contributed to exploration and on-going use of the area. DIAND also indicated that exploration activity had declined and for the most part included low impact activities like til sampling. DIAND also noted that mines were closing down faster then they were opening. Environmental impacts associated with the winter road have focused on spill issues and that the operator has responsibility for environmental impacts as defined by legislation and within the terms of the licence. "Other" environmental effects associated with the winter road such as hunting from the winter road and associated environmental issues were best addressed by the GNWT's Department of Resources, Wildlife and Economic Development and Department of Transport. DIAND did not have jurisdiction over "other" effects of the road.

Land use inspectors inspect the road every couple of weeks in the winter and then there is a fly-over assessment in the summer.