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ACUCA OF THE POLICY IMPACT REVIEW BOARD/NUNAYUTMI KANOGILIYALIANIKOT ELITTOHAIYEOPLOTIK KATIMAYIIT

November 7, 2002

Mr. Jordan DeGroot
Habitat Management Biologist
Fisheries and Oceans Canada
Central and Arctic Region
Eastern Arctic Area
Box 358,
Iqaluit, NU
X0A 0H0

via fax (867) 979-8039 and regular mail

Nunavut Valer
BC
AND
Public Registry

Dear Sir:

## Re: Teck Cominco Ltd., Polaris Operations, Resolute Bay, Nunavut

Thank you for your email to me dated November 1, 2002, requesting more time for the screening of Teck Cominco's Polaris authorization. The Nunavut Impact Review Board (NIRB) is prepared to extend the time period for screening until close of business on November 22, 2002 but subject to the following conditions.

First, we are informed that the Nunavut Planning Commission (NPC) is currently looking at the Polaris application for a conformity review in accordance with Article 11 of the Nunavut Land Claims Agreement (NLCA). By law, the NIRB must wait for the results of the NPC's determination before the NIRB can complete the screening. Accordingly, we are now in this waiting mode.

Second, and subject to the NPC's decision, NIRB does not believe a long extension is proper because the Polaris water license expires on December 31, 2002. Thus, time is becoming of the essence.

Third, the Polaris Plan was before the Nunavut Water Board (NWB) last year for at least partial approval. At that time several submissions were made including those by Environment Canada even over the last two years relative to the issues of Garrow Lake and several other matters. Environment Canada letters are on file and dated October 26, 2001, December 6, 2001, and March 4, 2002. In other words, the Polaris application has already been reviewed and some decisions/approvals have been made by the NWB.

Finally, I note that your November 1, 2002 email indicates that the "DFO is working [with] the proponent Teck Cominco Ltd. to finalize the Fisheries Act authorization for Polaris."

Please be advised as a regulator not to preempt the final decisions, which relative to planning are made by the NPC; for the water license by the NWB, and for screening, by NIRB. Any 'negotiation' of licenses/authorizations in advance of NLCA screenings is not only risky but probably contrary to law: See NLCA section 12.10.1.

If you have any questions about this letter, please contact me at (867) 983-2593.

Sincerely,

Stephanie Briscoe **Executive Director** 

cc. Teck Cominco, IPGs, and distribution list

## Distribution List for NIRB File #: 01MD098 Project Name: Decommissioning of Polaris Mine

Baffin List # of Pages

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