



NIRB File No.: 06MN082

March 8, 2007

Hon. Jim Prentice, PC, MP  
Minister of Indian Affairs and Northern Development  
10 Wellington, 21<sup>st</sup> Floor  
Gatineau, Quebec  
K1A 0H4

Via email: [PrenticeJ@parl.gc.ca](mailto:PrenticeJ@parl.gc.ca)  
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Dear Hon. Mr. Prentice:

**Re: Wolfden Resources Inc. High Lake Mine Project Proposal**

This letter is sent to provide you with additional important information concerning the three areas of major importance to the Nunavut Impact Review Board (NIRB or Board) Nunavut Land Claims Agreement (NLCA) decision dated February 20, 2007. In that letter, NIRB spoke to three critical areas: avoiding federal Duplication (pp. 5-6), Intervener funding, and Scoping (pp. 6-7).

On the matters of Intervener funding and Scoping, the party that originally sought funding, the Kugluktuk Hunters and Trappers Organization (HTO), has called NIRB's Office and requested more time and financial resources to properly participate in the NIRB review.

First, NIRB has requested that the HTO put this request in writing, and we anticipate they will do that shortly. NIRB does not want to prejudge its response to the HTO letter without seeking input from the parties but on the matter of extra time for scoping, the Board expects to hear reasons from the HTO shortly. The Board has not made this or any other decision extending scoping deadlines but once the HTO request comes in, NIRB will be shortly writing to all parties for their input and will copy you as usual.

On the more important issue of Duplication, the Board has further contemplated the Wolfden application and statements made in our previous letter to you. Considering the Federal Authorities' (FAs) and Responsible Authorities' (RAs) ongoing position that Comprehensive Studies Report (CSR) provision requirements of the CEAA must concurrently apply for the Wolfden Part 5 Panel review in Nunavut, we have these additional comments for your consideration. Please understand that NIRB is respectfully offering these observations with the goal of expediting the decision-making process.

As a starting point, in our February 20<sup>th</sup> letter, the Board said that for several reasons including constitutional, duplication of processes (CEAA and the NLCA) should not occur in this case. We have contemplated this position further and present the following outlook for your consideration as you decide the level of review (Part 5 or Part 6 Panel) and reflect upon the proposed Transition Agreement.

First, all parties agree that under the NLCA, there are two panels that publicly review projects such as Wolfden, a Part 5 NIRB panel, or a Part 6 federal panel. (Your decision at this point of course is whether

it is a Part 5 or Part 6 but it must be one or the other.) Further, if this project were outside of Nunavut, under CEAA the federal government must choose to do one environmental assessment or the other (either a CSR or a Panel Review). This is a critical point; under the federal system you cannot do both; you cannot require the preparation of a CSR--as the RAs are suggesting--and at the same time, refer the matter to an all-encompassing Panel review. A Panel choice, the only one you can make, eradicates the CSR. Thus, for reasons including constitutional, this inconsistency and misuse of time and money should be avoided. In short, the Board does not believe Parliament eliminated the option of a second environmental assessment elsewhere in Canada but not in Nunavut.

In NIRB's opinion, this additional information makes it easier for your decision on the Wolfden file. Whether or not you pick a Part 5 NIRB or Part 6 federal Panel, both of which are thorough and complete Panel reviews, there is no authority for Canada to also require a CSR. Thus, we encourage you to order a single Panel hearing for a review; it will be less complicated and faster because it is not double-burdened by the second CSR assessment being proposed by the F/RAs. The Transition Agreement remains intact but stronger, because all of the FA and RAs assist NIRB through the NLCA Panel (5 or 6) as they would do elsewhere in Canada.

We are not suggesting for a moment that NIRB becomes a substituted CEAA panel but the record will show that NIRB Part 5 Panels have historically discharged responsibilities that are more than the functional equivalent of CEAA panels, and therefore, it seems easy to conclude that *whether or not* CEAA applies at all in Nunavut, as the Transition Agreement states, and assuming you decide it is a Part 5 Panel as parties suggest, NIRB will fully assume that panel role with not only the responsibilities but, also, the non-duplication privileges Canadian law requires for such levels of review.

Again, NIRB is offering these comments respectfully with the goal of moving forward quickly and fairly.

Yours truly,



Lucasse Arragutainaq  
A/Chairman

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