



environmental assessment elsewhere in Canada. However, as an institution of public government, NIRB is obligated to comply with Article 12 of the NLCA and wishes to do so in the future without these difficulties. From the beginning, NIRB has wanted to discharge their federal assessment responsibilities in a timely manner and to do so exactly as Article 12 dictates.

For the Wolfden file, NIRB will proceed as soon as we receive your Panel decision. When that happens, NIRB will move forward in accordance with its NLCA authority. We know the federal/responsible authorities are concerned with discharging their CEAA responsibilities at the same time. While judicial review is an option to resolve the issue of duplication of federal law, and likely the best option, the Board's only concern with that option is further delay for the parties to our process.

There are a couple of final points. First, in NIRB's letter of February 20, 2007, the Board attached a Transition Agreement that appeared at the time to offer a temporary solution for proceeding with the environmental assessment of the Wolfden Project. While the Board wanted to rely on the Transition Agreement and found that working toward that agreement was a rewarding exercise, the Canadian Environmental Assessment Agency letter of March 21, 2007 (President Bouchard letter to Lucassie Arragutainaq, in particular, especially p.4, para. one) leads NIRB to regrettably conclude that the Transition Agreement is no longer a workable solution.

Second, to repeat our main point, if the federal family cannot understand and defer to the authority which NIRB sees in the paramount provisions of Article 12, perhaps the NLCA signatories are left with no choice but to quickly amend Article 12 to eliminate the obvious duplication and regulatory bewilderment facing federal officials.

Submitted respectfully,



Lucassie Arragutainaq  
Interim A/Chairperson

cc: Honourable Paul Okalik, Premier of Nunavut  
Paul Kaludjak, President, Nunavut Tunngavik Incorporated  
Jean-Claude Bouchard, President, Canadian Environmental Assessment Agency  
Wolfden High Lake Distribution List