



NIRB File No.: 08MN053

December 10, 2012

Mr. Bill Erasmus
Dene National Chief
Dene National Office – Assembly of First Nations
5125- 50th Street
P.O. Box 2338
Yellowknife, NT X1A 2P7

Sent via email: berasmus@afn.ca

Re: NIRB Response to Dene Nation Request for Extension to the Commenting Period for the Screening of MMG's "Izok Corridor Project Proposal"

Dear Bill Erasmus:

As you are aware, on November 9, 2012 the Nunavut Impact Review Board (NIRB or Board) provided Notice of the Board's screening of MMG Resources Inc.'s Izok Corridor project proposal (NIRB File No. 12MN043) under Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA) and invited interested parties to provide comments to the NIRB on or before **November 30, 2012**. On November 23, the Board received a request from the Kitikmeot Inuit Association and from the Athabasca Denesuline to extend the comment period. Having considered the requests to be reasonable, the NIRB issued an e-mail response to the distribution list for the file on November 23 extending the comment period by an additional week to **December 7, 2012**.

In the afternoon of December 7, the NIRB also received a request from the Dene Nation, an Aboriginal Governmental Organization serving the 29 Dene Chiefs and communities in Denendeh to further extend the comment period from December 7, 2012 to December 21, 2012. In the correspondence provided by the Dene Nation, the following concerns were identified:

The proposed Izok Corridor Project is located within the Bathurst Caribou Herd Calving Grounds. Caribou are the main source of sustenance for Dene and the dene way of life. The Bathurst herd rotate back and forth across the Northwest Territories – Nunavut border and have always been harvested by Dene people. It is important to the Dene to protect the Bathurst Caribou herd especially the calving grounds. Consequently it is imperative to have all Dene communities and chiefs give comments on all proposed projects especially within the Bathurst caribou migration areas.

As stated previously by the Board in this, and in other screenings, the NIRB takes its obligation to provide and promote opportunities for public engagement for all of its Screening, Review and Monitoring functions very seriously, and we welcome the contributions of the Dene Nation to this process. However, the Board is also mindful of the requirements for timely and predictable processes when the NIRB carries out its functions. The timelines that have been developed by the NIRB for projects undergoing assessment are prescribed under the NLCA or are the product of extensive public consultation and efforts to ensure parity with other northern jurisdictions in the assessment of development projects, while allowing for appropriate levels of public engagement and issue resolution. In the screening stage, which is the initial stage of the NIRB's environmental assessment process, absent the specific approval of the Minister, the NIRB is required to review the project proposal, solicit comments and provide the Minister with its decision as to how the project proposal should be handled under Section 12.4.4 of the NLCA within 45 days of receiving the project proposal referral.

In the case of the Izok Corridor Project Proposal, the NIRB received the referral on November 2, 2012. Consequently, having already granted a comment extension to December 7, if the Board granted the request of the Dene Nation for an extension to December 21 the NIRB would be unable to meet the NLCA timeline and would require Ministerial approval to extend the 45 day period. As all parties can appreciate, recognizing that the two weeks immediately following the requested extension are the holiday break for both the Board Members and staff, as well as most intervenors, therefore granting the requested two week extension would not just add two additional weeks to the timelines, but realistically could add a month or more.

In the interests of fulfilling our obligations to provide timely, predictable and inclusive assessment, the NIRB cannot grant the further comment extension requested by the Dene Nation. However, the NIRB has considered, in association with all the comments received to date, the concerns expressed by the Dene Nation in relation to the potential for project impacts on the Bathurst Caribou Herd. The NIRB also wants to clarify for all interested parties that if the Izok Corridor Project Proposal would become subject to a review under Part 5 or Part 6, Article 12 of the NLCA there would be a number of opportunities given to all interested parties throughout the review process to provide their comments, request additional information of the project proponent and provide their own contributions to the process, including any traditional knowledge and detailed technical review comments they consider to be appropriate. Further if the Izok Corridor Project Proposal is required to proceed through a review, the Board would welcome the on-going participation of all interested parties, including the Dene Nation as the Board firmly believes that active and effective participation in our impact assessments yields the best possible information and contributes to effective and appropriate decision-making.

The next step in the NIRB process will be the submission of the Board's screening decision and report to the Minister on or before **December 17, 2012**. Once the Screening Decision Report has been issued, the NIRB will also provide copy of the decision to all parties on its distribution list for this file.

In closing, thank you for taking the time to write the NIRB and share the initial concerns of the Dene Nation with respect to the Izok Corridor project proposal. The NIRB appreciates the

commitment of all parties to provide the Board with their comments with respect to this project proposal, and we will ensure that they are given due consideration in the Board's decision making process. If you have any questions or require additional clarification regarding the NIRB's process or next steps, please contact Amanda Hanson, the NIRB's Director of Technical Services at (867) 983-4615 or via email at ahanson@nirb.ca.

Sincerely,

A handwritten signature in black ink that reads "Ryan Barry". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Scott Trusler, MMG Resources Inc.
Camilia Zoe-Chocolate, Dene Nations
Distribution List