

## Richard Dwyer

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**From:** info@nirb.ca  
**Sent:** Tuesday, October 05, 2010 4:59 PM  
**To:** 'Distribution List'  
**Subject:** NIRB 09MN003: NM Letter Requesting NIRB Suspend AREVA Kiggavik Review and NIRB Response  
**Attachments:** 101005-09MN003-NIRB Ltr to NM Re Review Suspension-OCHE.pdf; 101004-09MN003-NM Ltr to NIRB re Review Suspension Request-IT6E.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Parties:

Please see the attached correspondence to the Nunavut Impact Review Board (NIRB) from the Nunavummiut Makitaganarngit and the NIRB's response (including the email below) concerning the AREVA Resources Canada Inc's "Kiggavik" project proposal (NIRB File 09MN003). Please be advised that the attached correspondences are being distributed for information purposes only.

If you have any questions or concerns regarding the summary report or the review of the Kiggavik project proposal please do not hesitate to contact the NIRB's Technical Advisor, Sophia Granchinho at [sgranchinho@nirb.ca](mailto:sgranchinho@nirb.ca) or (867) 983-4607.

Regards,

Tara Arko – Assistant Technical Advisor  
Nunavut Impact Review Board  
29 Mitik, PO Box 1360  
Cambridge Bay, NU  
X0B 0C0  
Tel: 867-983-4600  
Toll-free: 1-866-233-3033  
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Email: [info@nirb.ca](mailto:info@nirb.ca)  
FTP site: <ftp.nirb.ca>

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**From:** info@nirb.ca [mailto:info@nirb.ca]  
**Sent:** October 5, 2010 3:57 PM  
**To:** info@makik.ca  
**Cc:** Stephanie Autut  
**Subject:** NIRB 09MN003: Response to October 4, 2010 Letter Requesting NIRB Suspend AREVA Kiggavik Review

Dear Ms. Inutiq and Ms. Scottie:

Please see the attached response to your letter sent October 4, 2010 requesting the NIRB suspend the AREVA Kiggavik Review.

Should you have any questions, comments or concerns, or wish to discuss the status of the Kiggavik review, please contact NIRB's Technical Advisor, Sophia Granchinho, directly at 1-867-983-4607 or via e-mail at [sgranchinho@nirb.ca](mailto:sgranchinho@nirb.ca).

Best regards,

Tara Arko – Assistant Technical Advisor  
Nunavut Impact Review Board  
29 Mitik, PO Box 1360  
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**NIRB File No. 09MN003**

October 5, 2010

Ms. Sandra Inutiq  
Chairperson  
Nunavummiut Makitagunarningit  
Iqaluit, NU

Ms. Joan Scottie  
Vice-Chairperson  
Nunavummiut Makitagunarningit  
Baker Lake, NU

Send via email: [info@makik.ca](mailto:info@makik.ca)

**Re: Request to Suspend the NIRB's Review of Kiggavik Project**

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Dear Ms. Inutiq and Ms. Scottie:

Thank you for your letter dated October 4, 2010 in which you identified that the Government of Nunavut (GN) may be engaged in a future public forum process to assist the GN in the development of an eventual territorial uranium mining policy. It is my understanding that on this basis, Nunavummiut Makitagunarningit (Makita) has requested the suspension of the Nunavut Impact Review Board's (NIRB) Part 5 Review of AREVA Resources' proposed Kiggavik project until the GN policy has been developed. At the outset I want to make it clear that reflecting our mandate, role and responsibilities, the NIRB will, as appropriate, participate in the general policy and planning process established by the GN in respect to uranium mining in the territory. However, although the NIRB may become a participant as requested in the GN's future process, the NIRB does not have the jurisdiction to suspend an on-going project-specific review pending the outcome of that process.

As you are already aware, the NIRB's handling of the Kiggavik project review is governed by Article 12 of the Nunavut Land Claim Agreement (NLCA) and the specific direction contained in the letter of the Honourable Chuck Strahl, Minister of Indian Affairs and Northern Development (as he then was) dated February 23, 2010, directing the NIRB's current review. While the presence or absence of a GN general uranium policy may become relevant to the NIRB during the review of the Kiggavik project, the development and implementation of a GN general policy is not a precondition to conducting the project-specific review. As set out in the NLCA, the NIRB is responsible for making only project-specific screening and review recommendations to the Minister and is not required to await the development of general regional policy before conducting a project-specific review. In addition, the NIRB has no indication that any general policy that might be developed by the GN in the future would apply to projects currently undergoing a review.

Further, as the NIRB recently indicated in our letter dated September 10, 2010 to Margaux Brisco at Indian and Northern Affairs Canada, the NIRB must ensure its reviews are conducted in a manner that ensures both meaningful and effective public participation, as well as efficient and timely review of proposed projects. As the NIRB has few details regarding the timing, process and potential outcome associated with the GN's proposed public forum process and when, or if, a general policy will be developed by the GN as a result, the NIRB cannot justify delaying the Kiggavik review for an undefined period of time for an indeterminate result. As the NIRB clearly stated in the September 10<sup>th</sup> letter, it is unreasonable for the NIRB to permit indefinite delays to occur without appropriate justification.

Accordingly, the NIRB will not suspend the Kiggavik review pending the outcome of the GN's public forum process and possible future policy development. As the NIRB continues its review in a manner that reflects our mandate under the NLCA and the direction of the Minister's letter, we appreciate the Makita and the GN continuing to keep the NIRB informed regarding relevant developments with respect to a general territorial uranium mining policy. The NIRB also looks forward to the Makita's continued participation in the Kiggavik review as it progresses.

Should you have any questions, comments or concerns, or wish to discuss the status of the Kiggavik review, please contact NIRB's Technical Advisor, Sophia Granchinho, directly at 1-867-983-4607 or via e-mail at [sgranchinho@nirb.ca](mailto:sgranchinho@nirb.ca).

Sincerely,



Lucassie Arragutainaq  
Chairperson

cc: NIRB Board