



NIRB File No.: 15EN009

May 14, 2015

Grand Chief Eddie Erasmus
Tłıchq Government
P.O. Box 412
Behchokq, NT X0E 0Y0
Fax: (867) 392-6389

Sent via regular mail and fax

Re: Nunavut Impact Review Board's Response to Tłıchq Government Correspondence Regarding Tundra Copper Corporation's – Coppermine Exploration Project Proposal, NIRB File: 15EN009

Dear Grand Chief Erasmus:

Thank you for your correspondence provided on behalf of the Tłıchq Government to the Nunavut Impact Review Board (NIRB or Board) on April 16, 2015. While your correspondence identifies general issues with respect to the Tłıchq Government's overarching constitutionally-protected rights to consultation, which extend beyond the NIRB's processes and which I will not address as a result, the Board is able to provide clarification on some of the technical and NIRB process points raised in your letter.

In particular, you stated the following:

We are also enormously troubled by the manner in which we became aware of this proposed exploration activity. We only learned of it because another party that was in receipt of the NIRB screening notice undertook to forward it to one of our staff. To be clear, none of NIRB, the Government of Nunavut, the Government of Canada or the project proponent has so much as contacted Tłıchq Government with respect to this proposed activity, let alone consulted with us or attempted to accommodate our rights and interests in a substantive and meaningful way. It is particularly troubling given that NIRB has previously invited submissions from Tłıchq Government when proposed mining activity in Nunavut had the potential to detrimentally impact the migratory caribou herds on which we rely. Thus NIRB is—or should have been—fully aware of the potential impacts of this project on our rights, and yet utterly failed to even initiate communication with us. This is entirely unacceptable and is totally inconsistent with the honour of the Crown and the Crown's obligations to the Tłıchq people.

I wish to clarify that the NIRB's handling of this file, including the notification of parties identified as potentially affected by the project proposal, was completely in keeping with the Board's past practices and included the Board posting all project information to an online public registry and distributing notice of the project proposal and opportunity for public comment to the Board's email distribution list for the region. The Board's distribution list for this file was inclusive of federal, territorial and municipal governments, Inuit organizations, transboundary groups and other interested parties which had previously identified an interest in receiving such screening notices from the NIRB. A full listing of parties who received an email notice regarding the public commenting period for this screening is included as Appendix A to this correspondence.

In the past, the NIRB has offered to include the Tłıchǫ Government in its general distribution list so that that all notices of NIRB screening assessments in the Kitikmeot Region are received by the Tłıchǫ Government. The Tłıchǫ Government could then determine which of the proposed projects in the region are of concern to the Tłıchǫ Government and warrant further participation and comment. It is my understanding that the Tłıchǫ Government had previously elected to have one contact person (Joline Huskey) included in the Board's general distribution list specifically for projects with potential for water-related impacts to the Northwest Territories only, and this contact was subsequently used in the initial distribution of the screening notice for NIRB File No. 15EN009. When concerns were raised by the Tłıchǫ Government regarding the NIRB's distribution of the screening notice, the Board promptly expanded its distribution to include additional transboundary groups and subsequently extended the public commenting period.

With respect to the Bluenose-East caribou herd and related matters, contacts within the Government of Nunavut and the Government of Northwest Territories departments responsible for co-management of several caribou herds within the Kitikmeot Region of Nunavut were included in the distribution list for this particular screening. On this basis, and given the preference previously expressed by the Tłıchǫ Government for receiving screening notices from the NIRB, the Board did not directly contact the Tłıchǫ Government to solicit their comments specifically on this matter. Should the Tłıchǫ Government wish to update its desired contacts and preferences for receiving NIRB screening notices in the future, I would like to encourage you to return the enclosed request form to the NIRB's office so that we may ensure this is appropriately addressed.

With respect to the next steps in the Board's consideration of Tundra Copper Corporation's – "Coppermine Exploration" project proposal, the NIRB appreciates the receipt of your comments to date; the Board will ensure the comments of the Tłıchǫ Government are given consideration, along with all comments and concerns received to date as well as any replies or further information filed by the Proponent prior to concluding the Board's screening. Following the Board's consideration of the project proposal, the Board will issue a Screening Decision Report which will be provided to the relevant Ministers and will be made available to all parties through circulation of a public notice of indication and by posting publicly on our online registry.

In the interim, if you have any further questions regarding the Board's processes in general, or this file specifically, please contact me directly at (867) 983-4608 or via e-mail at rbarry@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: Hon. Bernard Valcourt, Minister of Aboriginal Affairs and Northern Development Canada
Hon. Johnny Mike, Minister of Environment, Government of Nunavut
Hon. J. Michael Miltenberger, Minister of Environment and Natural Resources, Government of the Northwest Territories
Mr. Nigel Luckman, Tundra Copper Corporation
Steve Vanry, Tundra Copper Corporation
Mr. B. Matthew Hornor, President and CEO, Kaizen Discovery Incorporated
Laura Duncan, Tłchq Executive Officer, Tłchq Government

Attachment: Appendix A: NIRB Screening Distribution List for File No. 15EN009

Enclosed: Request Form for Addition to NIRB Distribution Lists

Appendix A: NIRB Screening Distribution List for File No. 15EN009

ORGANIZATION	NAME(S)	When to distribute
Nunavut Tunngavik Incorporated	Carson Gillis	always
Nunavut Water Board	Phyllis Beaulieu	always
Nunavut Wildlife Management Board	Adam Schneidmiller	wildlife related
	Joe Justus	always
Kitikmeot Inuit Association	Geoff Clark	always
	Luigi Torretti	always
	Wynter Kuliktana	always
	Tannis Bolt	always
	Helen Tungilik	always
Aboriginal Affairs and Northern Development Canada - Environment	Joanne Laskey	always
	Jennifer Walsh	always
	Tanya Trenholm	always
	Erika Marteleira	always
	Michael Sewchand	always
	James Neary	always
	Rowan Novinger	always
	Eva Paul	always
	Laura Harris	always
	Felexce Ngwa	always
	Katie Sheridan	Exploration + remediation
Aboriginal Affairs and Northern Development Canada - Lands	General	always
	Tracey McCaie	always
Aboriginal Affairs and Northern Development Canada - Water	Murray Ball	always
	Ian Rumbolt	always
	David Abernethy	exploration + activities
	Tanya Trenholm	exploration + activities
	David Abernethy	NWB-related files
	Peter Kusugak	AANDC land lease
Aboriginal Affairs and Northern Development Canada - Environment Coordinator	Rachel Theoret-Gosselin	always
Aboriginal Affairs and Northern Development Canada - Environment Coordinator	Danica Kwong	always
Aboriginal Affairs and Northern Development Canada - Environmental Policies and Studies Division	Eric Hopkins	always
Aboriginal Affairs and Northern Development Canada - Operations	Ian Parsons	always
Canadian Wildlife Services	Jean-Francois Dufour	always
	Lisa Pirie	always
Canada Border Services Agency	France Audet	always
Canadian Northern Economic Development Agency (Cannor)	Tanika Simmons	always
	Sean Waites Jr.	always
	Seth Reinhart	always
Canadian Environmental Assessment Agency	General Contact	Transboundary impacts especially marine-based projects
Canadian Nuclear Safety Commission	Aimee Rupert	always
	Candida Cianci	always

Environment Canada	John Price	always
	Michael I. Mohammed	always
	General	always
Fisheries and Oceans Canada	General Officer	always
Health Canada	Gregory Kaminski	always
	Kelly Senkiw	always
Justice Canada	Ken Landa	always
	Sina Muscati	always
	Gavin Willins	always
Natural Resources Canada	John Clarke	Exploration and Mining
	Amie Baker	Exploration and Mining
	Kathleen Cavallaro	always
	Rob Johnstone	Exploration and Mining
Parks Canada	Allison Stoddart	always
Parks Canada - Heritage Rivers	Donald Gibson	Canadian Heritage Rivers
Transport Canada	John Cowan	always
	Kim Pawley	always
	Sean Steller	always
	Regional Administrator	always
Government of Nunavut - Department of Environment	Dee Karadag	always
	Jean Daniel Blouin	always
	Drikus Gissing	always
	Denise Baikie	always
	Chris Down	always
	Agnes Simonfalvy	always
	Conor Mallory	always
	Mathieu Dumond	always
	Lou Kamermans	always
	Jean Daniel Blouin	always
	Janelle Kennedy	always
	Lisa Marie Leclerc	exploration, mining, research, tourism, caribou calving grounds
Government of Nunavut - Minerals	Hugh MacIsaac	exploration + activities
Government of Nunavut - Airports Division	F Fast	always
	Hilary Angidlik	always
Government of Nunavut - Economic Development & Transportation	Ed McKenna	always
	Dianne Lapierre	exploration + activities
	Clayton Lloyd	always
	Michael Beauregard	always
	Hugh Nateela	always
	Avery Henderson	exploration + mining
	James Rogers	always
	Linda Ham	Exploration & Mining and Research
Government of Nunavut - Community and Government Services	Roy Green	always
Government of Nunavut - Education	Brad Chambers	always
Government of Nunavut - Culture and Heritage	Doug Stenton	always
	Sylvie LeBlanc	always

Government of Nunavut - Health and Social Services	Wilfred Ntiamoah	always
Government of Nunavut - Executive and Intergovernmental Affairs	Rachel Mark	always
	Froeydis Reinhart	always
	Laurie-Anne White	always
Government of Nunavut - Department of Justice	Sutheat Tim	always
Government of Nunavut - Department of Industry, Tourism and Investment	Amy Lizotte	always
Nunavut Parks and Special Places	David Monteith	Parks and Special Places
	David Beamer	Parks and Rivers
Government of Northwest Territories - Environment and Natural Resources	Joel Holder	always
	Monica Wendt	always
	Laurie McGregor	Exploration & Mining only
Government of Northwest Territories - Industry, Tourism and Investment	Catherine Braun Rodriguez	always
Government of Northwest Territories - Lands	Lorraine Seale	always
Nunavut MLA for Kugluktuk	Honorable Peter Taptuna	Kugluktuk area of influence
Nunavut MLA for Cambridge Bay, Bay Chimo, Bathurst	Honorable Keith Peterson	Cambridge Bay, Bathurst and Bay Chimo area of influence
Bathurst Port and Road Committee	Connie Kapolak	Bathurst and Bay Chimo area of influence
Bathurst Inlet HTO	Connie Kapolak	Bathurst and Bay Chimo area of influence
Kugluktuk Hamlet	Senior Administrative Officer	Kugluktuk area of influence
	Sean Wallace	Kugluktuk area of influence
Kugluktuk HTO	General Contact	Kugluktuk area of influence
Nunavut Tourism	Kevin Kelly	always
Kitikmeot Heritage Society	Pamela Gross	always
Workers' Safety and Compensation Commission	Martin van Rooy	Exploration & Mining
Dene Nation	Camilia Zoe-Chocolate	always
NWT Dechi Laott'I First Nation	Jennifer Keith	NWT watershed transboundary issues
Tlicho Government	Joline Huskey	NWT watershed transboundary issues
Athabasca Denesuline	Tina Giroux	NWT transboundary issues
	Ronald Robillard	NWT transboundary issues
Yellowknife Dene	Todd Slack	always
	Todd Slack	always
North Slave Metis Alliance	Shin Shiga	always
	General Mailbox	always
	Charles McGee	always
Joint Secretariat – Inuvialuit Renewable Resource Committees (SAO)	General Contact	NWT transboundary issues
Joint Secretariat – Inuvialuit Renewable Resource Committees (EIRB)	Robin A. Fonger	NWT transboundary issues
Joint Secretariat – Inuvialuit Renewable Resource Committees (EISC)	Barb Chalmers	NWT transboundary issues
Joint Secretariat – Inuvialuit Renewable Resource Committees (FJMC)	General Contact	NWT transboundary issues
Joint Secretariat – Inuvialuit Renewable Resource Committees (Wildlife Management Advisory Council (NWT))	Larry Carpenter	NWT transboundary issues
Joint Secretariat	General Contact	NWT transboundary issues

Mackenzie Valley Environmental Impact Review Board	General Contact	NWT transboundary issues
Beverly Qamanirjuaq Caribou Management Board	Ross Thompson	always
	Leslie Wakelyn	always
Canadian Parks and Wilderness Society - NWT	Kris Brekla	always
	Administration	always
Canadian Arctic Resources Committee	David Gladders	always
	Susan Duncan Scullion	always
NWT/Nunavut Chamber of Mines	Elizabeth Kingston	Mining/Exploration ONLY
Elgin Mining	Karyn Lewis	always
MMG Resources Inc.	Denise Lockett	always
	General Contact	always
	Ryan Denbigh	always
	Glenn Wagner	always
	Sharron Hussey	always
	Lucy Wittrup	always
CKLB Radio/NCS of the NWT	Josh Campbell	always
CBC	Sara Minogue	always
	Shannon Scott	always
Up Here Business Magazine	Herb Mathisen	Exploration, Research, Transportation, Tourism
Nunatsiaq News	Jim Bell	always
	Sarah Rogers	always
	Thomas Rohner	always
	Lisa Gregoire	always
EDI Environmental Dynamics Inc.	Micheal Setterington	always
SRK Consulting	Arlene Laudrum	Exploration and Transportation
SLR Consulting	Tomasz Wlodarczyk	always
Hatfield Consulting	Charlotte Mougeot	always
Sharleen Hamm Consulting Ltd	Sharleen Hamm	always
Consilium Consulting	Neida Gonzalez	caribou calving grounds
Arctic Biological Consultants	D. Bruce Stewart	Exploration/Mining, Research, Tourism
Arktis Solutions Inc.	Jamie VanGulck	always
LGL Limited	Ted Elliot	Always
Unspecified	Bill Napier	always
Unspecified	Pallulauq Friesen	always
Unspecified	Richard Dwyer	always
Unspecified	Lawrence Levy	always
Unspecified	Miroslava Tsoлова	Exploration & Mining, Research, Remediation, Transportation