



NIRB File No.: 09MN003

December 17, 2013

Ron Robillard
President, Athabasca Denesuline Né Né Land Corp.
Box 23126, South Hill PO,
Prince Albert, SK S6V 8A7

Sent via email: rrobillard@adnlc.ca

Re: Nunavut Impact Review Board's Response to Athabasca Denesuline Correspondence Regarding "Significant Change" to AREVA's Proposed Kiggavik Project, NIRB File No. 09MN003

Dear Ron Robillard:

Thank you for your correspondence provided on behalf of the Athabasca Denesuline dated December 4, 2013 and received by the Nunavut Impact Review Board (NIRB or Board) on December 9, 2013. While your correspondence identifies general issues with respect to the Athabasca Denesuline's overarching 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.

At the outset, you noted that:

The Athabasca Denesuline were recently made aware that there have been significant changes in AREVA's proposed Kiggavik Uranium Mine proposal. These changes, namely the decision to now fly the yellowcake from Kiggavik to Points North in Northern Saskatchewan, are of major concern to the Athabasca Denesuline (AD).

You have characterized this transportation method as a "significant change in the project" for which the communities were not consulted. Although the Board cannot speak to consultation activities of the Federal Crown or the Project Proponent, AREVA Resources Canada Inc. (AREVA), that have been conducted outside the NIRB's assessment for the Kiggavik project proposal (NIRB File No. 09MN003), the Board does note that this transportation option was identified at the initial project proposal stage in November 2008 and was referenced in the Board's initial screening decision report in March, 2009 that recommended to the Minister that the project undergo a review under Article 12, Part 5 or Part 6 of the Nunavut Land Claims Agreement (NLCA). As indicated in the NIRB's public registry, the Athabasca Denesuline did

provide comments to the Board regarding the project proposal at the time of the NIRB's screening and has participated on an on-going basis in the subsequent review.

Although the NIRB recognizes that the Athabasca Denesuline may wish to provide more specific comment with respect to this aspect of the project, the Board does not agree that this transportation option is a "significant change" to the original project proposal that was not previously included or accounted for in the review of this project proposal. As noted in the *Final Scope for the NIRB's Assessment of the Kiggavik Project Proposal Project*, issued in February 2011:


In addition, two possibilities have been proposed for the transportation of the yellowcake from Kiggavik to southern Canada. 1) Direct air transport from Kiggavik to Churchill, or to Points North, Saskatchewan. The yellowcake would then be transported via rail (Churchill) or truck (Points North) to southern Canada. 2) Truck transport to Baker Lake and shipped with returning barges to Churchill. The yellowcake would then be transported via rail to its final destination.

Similarly, in December 2011 when the Draft Environmental Impact Statement was submitted to the NIRB by AREVA, there were references throughout to this aspect of the project, including in the Summary of Project Activities (Tier 2, Volume 2, p. 20-7 of the Draft Environmental Impact Statement), Alternatives Assessment, Yellowcake Transport Alternatives (Tier 3, Appendix 2A, Section 13).

Reflecting this background, it is the Board's view that this aspect of the project has been included in the scope of the assessment since the receipt of the Kiggavik project proposal and does not constitute a significant change to the project as proposed, as screened, as scoped or as currently reviewed. The NIRB does however wish to encourage the Athabasca Denesuline to provide the Board with any specific comments and concerns it may have regarding this aspect of the proposed project and also encourages the Athabasca Denesuline to engage in further discussions with the Project Proponent and applicable regulatory agencies regarding questions or additional information you may require to develop subsequent submissions to the Board on these points.

If you have any questions or require further clarification from the Board regarding this matter, please feel free to contact me directly at (867) 983-4608 or via email at rbarry@nirb.ca.

Sincerely,



Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Diane Martens, AREVA Resources Canada Inc.
Tammy Van Lambalgen, AREVA Resources Canada Inc.
Caroline Ducros, Canadian Nuclear Safety Commission
Earl Evans, Beverly and Qamanirjuaq Caribou Management Board
Chief Earl Lidguerre, Fond du Lac Denesuline First Nation
Chief Rick Robillard, Black Lake Denesuline First Nation
Chief Bart Tsannie, Hatchet Lake Denesuline First Nation
Hugh Ikoe, Baker Lake Hunters' and Trappers' Organization
Kiggavik Distribution List