

November 29, 2002

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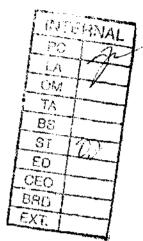
29-Nov-2002 12:10pm

Mr. Ronald Suluk Planning & Lands Administrator. HAMLET OF ARVIAT, P.O. Box 150. Arviat, NU X0C 0E0

Dear Mr. Suluk:







Thank you for your fax letter of November 15, 2002 and your response to the telephone call from Mr. David Sateana of our office regarding the above-named road construction. Ultimately, the question facing the Nunavut Impact Review Board (NIRB or Board), and probably the Hamlet of Arviat (Hamlet) as well, is the extent of the Board's environmental review authority over this project.

Schedule 12-1 of the Nunavut Land Claims Act (NI.CA) exempts certain activities from environmental impact assessment (EIA) review inside municipal boundaries unless the Nunavut Planning Commission (NPC) makes a decision to refer projects to NIRB whose cumulative impact is a concern to NPC. See Article 12.3.3 of the NLCA. Usually however, section 3 of the exemption list provides the following "kick-out" provision meaning these projects are exempt from screening:

> All construction, operation and maintenance of all buildings and services within an established municipality, except for bulk storage of fuel, power generation with nuclear fuels, or hydro power and any industrial activity.

Accordingly, while the construction of a road inside the established municipal boundaries appears to be exempt (subject to NPC planning and cumulative effects considerations), any work outside of municipality boundaries would be subject to NIRB's screening and review authority as long as there is a territorial or federal authorizations required before the road could proceed. Examples of likely approvals to such external roads can include DIAND land use permits, Fisheries Act authorizations, CG & T, Nunavut Water Board (NWB) licences for water uses or deposits of waste (e.g. dirt/rocks) into fresh waters, and etc.

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Therefore, if any of the above land use activities are associated with the road *outside* of established municipal boundaries, that portion of the road must be screened, not to mention IOL permissions granted if KivIA lands are crossed; all of which would require screening by NIRB. In fact, Article 12.10.1 of the NLCA states:

No licence or approval that would be required in order to allow a proposed project to proceed shall be issued in respect of a project that is to be screened by NIRB until the screening has been completed and, if a review pursuant to Part 5 of 6 is to be conducted, until after that review has been completed and a NIRB project certificate has been issued by NIRB pursuant to these provisions.

If you have any questions, or would like to forward to us a letter with more detailed maps and project information, please contact us at (867) 983-2593 or 983-2594 (fax). NIRB does thank you for the map at 1:250,000 but it was hard to read and decipher. Thus, if you or the Hamlet have other maps that are more detailed as per issues raised in this letter, please forward them to NIRB or call if that is not possible.

Yours truly,

Stephanie Briscoe
Executive Director

Nunavut Impact Review Board

cc: Regional Distribution List including NTI and IPGs

## All-Season Road west of Arviat

Nunavut:	Contact Name:	Phone #:	Fax #:
NTI	Director of Lands & Resources	983-2517	983-2723
Kivalliq IA	Chief Land Administrator	867-645-2810	867-645-3855
NPC	Brian Aglukark	867-857-2242	867-857-2243
NWMB	Josee Galipeau	867-979 <b>-</b> 6962	867-979-7785
NWB	Phyllis Beaulieu	867-360-6338	867-360-6369
Keewatin Wildlife Federation	Chairperson	867-857-2695	867-857-2990
Inuit Heritage Trust	William Beveridge	867-979-0731	867-979-6700
Federal:			
DIAND - Nunavut	Michael Immaroitok	867-975-4280	867-979-6445
DIAND- Water	Paul Smith	867-975-4550	867-975-4560
DFO	Jordan DeGroot	867-979-8007	867-979-8039
<b>E</b> C	Paula Pacholek	867-669-4743	867-873-8185
	Colette Meloche	867-975-4639	867-975-4645
CCG	Barry Putt	519-383-1862	519-383-1989
Territorial Government:			
Sustainable Dev.	Paul Partridge	867-975-5911	867-975-5990
HSS	Geraldine Osborne	867-975-5743	867-975-5705
CGT	Todd Romaine	867-645-8100	867-645-8143
CLEY	Dr. Douglas Stenton	867-975-5500	867-975-5504
Other:			
Wildlife Biologist	Mitch Campbell	867-857-2770	867-857-2986
Communities: Arviat: XOC 0E0			
Hamlet HTO	SAO	867-857-2841	867-857-2519
1110	Chairperson	867-857-2636	867-857-2488