



December 6, 2004

NIRB File No: 03UN114

TO: Mr. A.J. Keen

AND TO: DISTRIBUTION LIST

Project Manager

Bathurst Inlet Port & Road Project
c/o Nuna Logistics Limited
540 Park Place, 666 Burrard Street,
Vancouver, BC
V6C 2X8

Pursuant to Section 12.5.2 of the Nunavut Land Claims Agreement (NLCA) we enclose for you the Final Environmental Impact Statement Guidelines for the proposed Bathurst Inlet Port and Road Project (the Project). At this point, we expect you to complete the Draft Environmental Impact Statement (DEIS), based upon these Final Environmental Impact Statement (EIS) Guidelines. These Final EIS Guidelines have taken into consideration written comments from interveners received on the Draft EIS Guidelines, as well as comments made by the public and interveners during the Scoping period.

The NIRB has made a number of changes to the Draft EIS Guidelines based on extensive comments received from interveners and the general public. Some of the major changes are highlighted below.

Project Review Timelines:

Past experience and the scale of this Project has warranted that the NIRB increase the public review time period of the DEIS from 60 days to 90 days. During this time the NIRB reserves the right to conduct, among other things, conformity checks, and call pre-hearing conferences to resolve matters of evidence and process. The NIRB will only proceed to final public hearings when it has determined that the Final Environmental Impact Statement (FEIS) contains sufficient and adequate information to understand the impacts and allow effective public review of the Project.

Inclusion of Shipping in the EIS:

During the Scoping phase of this review process and during the comment period on the Draft EIS Guidelines, the NIRB was made aware of many concerns surrounding the proposed shipping route. As a result of the significant public concern, and pursuant to its mandate, including

section 12.5.5 (b)¹, the NIRB is directing the Proponent to include in the DEIS potential impacts from shipping from Lancaster Sound (north of Arctic Bay), along the proposed shipping route as per the May 2003 Project Description, to the proposed port location. The shipping activity, as proposed by the Proponent in the May 2003 Project Description, will occur throughout different regional ecosystems, and thus, has the potential to affect a large portion of the environment of Nunavut in the Canadian Arctic. As such, the NIRB feels it is vital to include all aspects of shipping in the DEIS in order to assess any potential impacts to ecosystems within the Nunavut Settlement Area.

Inclusion of Economic Feasibility as part of Purpose and Need:

It is necessary to look at the need for, and purpose of, the Project, as required by section 12.5.2 (a) of the NLCA. Related to this, at least in terms of viability, the Proponent must prove that it has the financial means to mitigate any significant bio-physical and socio-economic impacts that may arise as a result of this Project.

Section 12.2.2 (d) of the Nunavut Land Claim Agreement outlines that, in determining whether or not projects shall proceed, the NIRB has the authority to examine socio-economic impacts unrelated to ecosystemic impacts and make recommendations to the Minister. Part of a responsible socio-economic impact assessment is the determination of project viability as it relates to regional, and probably territory-wide, socio-economic impacts. Vital to the economic viability of this Port and Road project will be the movement of ships into the Port location, following the proposed route in the May 2003 Project Description. Therefore, the NIRB has included in the scope of the DEIS the shipping route from Lancaster Sound (north of Arctic Bay), along the proposed shipping route as per the May 2003 Project Description, to the proposed port location.

Inclusion of Climate Change and related impacts in the DEIS:

Many interveners in the Draft EIS Guideline process identified climate change and its related effects to be important to the assessment of this Project. Recent information regarding climate change and the Canadian Arctic (*Impacts of a Warming Arctic: Arctic Climate Impact Assessment*: 2004) indicates the Canadian Arctic ecosystems are extremely vulnerable to observed and projected climate change and its impacts. As a result, the NIRB feels that the DEIS should include an assessment on the effects of Global Warming on the physical and biological components of the project as well as an assessment of the project's emissions contribution to greenhouse gases.

Consultation with communities in Nunavut and the Northwest Territories:

Section 12.5.5 (a) of the Nunavut Land Claim Agreement, directs the NIRB, "...to take into account all matters that are relevant to its mandate, including whether the project would enhance and protect the existing and future well-being of residents and communities of the Nunavut Settlement Area, taking into account the interests of other Canadians..." Therefore, these Final Guidelines direct the Proponent to consult communities in both Nunavut and in the Northwest Territories. A list has been provided of those communities which the NIRB suggest be consulted.

¹ Section 12.5.5 (b) of the Nunavut Land Claim Agreement directs the NIRB, under the review process, "...to take into account all matters that are relevant to its mandate, including whether the project would unduly prejudice the ecosystemic integrity of the Nunavut Settlement Area"

The identified communities may be affected by a change to re-supply of supplies and fuel or by potential changes to the Bathurst Caribou herd. In terms of how, where and when to consult, the NIRB feels that the Proponent and/or the Crown will be able to adequately determine the level and degree to which the various communities should be consulted.

Cumulative Effects Assessment:

On May 4, 2004, due to the considerable interest within Nunavut and the Northwest Territories regarding the Project, the Honorable Andy Mitchell identified that transboundary effects and cumulative impacts needed to be considered in the review process (Submission to the NIRB, dated May 4, 2004). Accordingly, the NIRB will consider issues relating to cumulative impacts of Reasonably Foreseeable Future Developments stimulated by this Project. This includes those developments the Proponent anticipates would be expected to use the 211 km all-weather road/and or port. As identified in the May 2003 Project Description, these developments are as follows: Izok, George Lake, Goose Lake, Ulu, Hope Bay and Jericho. Additionally, the NIRB feels it is vital that the Cumulative Effects Assessment also include an analysis of increased marine traffic due to this Project, within the shipping routes.

Detailed Project Requirements, Baseline Information, and Bio-physical and Socio-economic Impacts:

In order for the NIRB to adequately *review the ecosystemic and socio-economic impacts of project proposals* (Section 12.2.2 (c) of the NLCA), the NIRB has requested the Proponent provide in detail: the components and activities relating to the Project; the baseline information on the bio-physical and socio-economic environments; and anticipated impacts to the bio-physical and socio-economic environments. Detailed information pertaining to the above-mentioned sections in the DEIS will assist the NIRB in a comprehensive review required by the Minister, of the ecosystemic and socio-economic impacts of the Project.

Intervener Funding:

Several parties have requested intervener funding and while it has not been approved at this time, the NIRB is hopeful that at least part of the money will be forthcoming in the near future.

Copies of the Draft Environmental Impact Statement (DEIS):

Upon completion of the DEIS, the NIRB is requesting that copies of the Draft be made available as follows:

- 20 copies delivered to the Nunavut Impact Review Board office in Cambridge Bay for distribution amongst NIRB Board members, NIRB staff, NIRB legal counsel, external consultants, and for placement on NIRB's public registry in Cambridge Bay, Gjoa Haven, and Yellowknife
- 5 copies delivered to the following communities (one each to addresses provided as an enclosure to this letter)
 - Cambridge Bay Hamlet Office
 - Kugluktuk Hamlet Office
 - Gjoa Haven Hamlet Office
 - Taloyoak Hamlet Office
 - Bathurst Inlet Committee Representative (Yellowknife) – on behalf of the communities of Kingauk (Bathurst Inlet) and Umingmaktok (Bay Chimo)

Further information regarding distribution to other parties will be provided at a later date.

If you have any questions about these requirements, please do not hesitate to contact me. In the meantime, and subject to NIRB review, you should be applying for all permits/authorisations through relevant agencies, such as the Nunavut Water Board and Article 20 if it applies, DFO, INAC, etc. Please ensure that you send a copy to NIRB of all project-related correspondence, as we will need to know that you have applied for permits/authorisations before moving to the next step of the process, which will be the review of your forthcoming DEIS.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie Briscoe".

Stephanie Briscoe
Executive Director

Enclosure: Hamlet Address Sheet

Draft EIS Delivery Addresses

Nunavut Impact Review Board (Cambridge Bay)
PO Box 2379
Cambridge Bay, NU
X0B 0C0

Nunavut Impact Review Board (Yellowknife)
3526 McDonald Drive
Yellowknife, NT
X1A 2H1

Nunavut Water Board (Gjoa Haven)
PO Box 119
Gjoa Haven, NU
X0B 1J0

Cambridge Bay Hamlet Office
PO Box 16
Cambridge Bay, NU
X0B 0C0

Kugluktuk Hamlet Office
PO Box 309
Kugluktuk, NU
X0B 0E0

Taloyoak Hamlet Office
PO Box 8
Taloyoak, NU
X0B 1B0

Gjoa Haven Hamlet Office
General Delivery
Gjoa Haven, NU
X0B 1J0

Bathurst Inlet Port and Road Committee
c/o Bathurst Inlet Lodge
PO Box 820
Yellowknife, NT
X1A 2N6