



NIRB File No.: 03UN114

February 19, 2008

BIPR Distribution List

Dear Parties,

On January 21, 2008 the Nunavut Impact Review Board (NIRB or Board) indicated to Parties that the Draft Environmental Impact Statement (DEIS) submission for the Bathurst Inlet Port and Road (BIPR) project conformed to the EIS guidelines issued by the Board on December 6, 2004.

At this point in the Part 5 Review process, the next step would be to commence the technical review period for the DEIS. However, the NIRB received a number of comments expressing concern with beginning the technical review period while the issue of Intervenor Funding is unresolved. The NIRB is now in receipt of Intervenor Funding applications from six Parties. At this time, the NIRB is prepared to commence the entire technical review period for the Part 5 Review of the BIPR project. However, the Board acknowledges the difficulties some Intervenor may have in acquiring the resources necessary to formulate their technical review comments. This letter serves to outline and explain some of the concerns the Board has with this situation.

On the one hand, the Board agrees with Parties that funding should be in place to help those Intervenor who qualify for the assistance. On the other hand, should the technical review period be significantly delayed, particularly the initial 30 day Information Request (IR) period, the Proponent may lose an opportunity to satisfy IRs through seasonal field work and the Board does not want to lose an entire year in its process. (There is the potential for IRs to require additional field research by the Proponent in order to provide an adequate response. Should this be the case, a delayed technical review period could result in the Proponent having insufficient time to conduct the field work during the 2008 summer season, resulting in a one year delay in the review process.)

Therefore, recognizing the importance of procedural fairness to all Parties, the NIRB considers it necessary to commence the 30 day IR period for this file on **Wednesday, February 20, 2008**.

The NIRB remains committed to providing all Parties with sufficient opportunity to review the document and prepare technical review comments. To accommodate this, the Board intends to extend the deadlines for the submission of technical review comments accordingly to ensure the Intervenor Funding issue has been addressed. (Under separate cover, the NIRB will be writing to the Minister regarding further direction on the Intervenor funding issue.)

The next steps for the technical review period are then as follows:

- Submission of IRs directly to the NIRB on or before **5:00 pm MST, Thursday, March 20, 2008** (30 days).
- After considering all IRs and making decisions regarding their suitability, NIRB technical staff will forward all appropriate requests to the Proponent by **Thursday, March 27, 2008**.

- The Proponent will be given until **Thursday, April 03, 2008** to supply the NIRB with a date for their submission of a response to the IRs. This ensures the process remains proponent-driven and will allow the Proponent as much time as necessary to formulate an adequate response.
- Upon receipt of the IR response package from the Proponent, all Parties will be given **60 days** for submission of technical review comments.

All Parties are reminded that IRs must contain the following information:

- To whom the IR is directed;
- Identification of the issue;
- The concern associated with the issue; and
- A clear rationale of the issue's importance to the impact assessment of the proposed project.

Again, please note that the NIRB will make a decision on whether or not the Party to whom the IR is directed must respond. In most cases, however, the IRs will be forwarded to the relevant Party and the NIRB will set a timeframe for Parties to respond. The NIRB will post all responses on the ftp-site (http://ftp.nunavut.ca/nirb/NIRB_REVIEWS/CURRENT_REVIEWS/03UN114-BIPAR_PROJECT/02-REVIEW/08-CONFORMITY%20TECH%20REVIEW/02-INFORMATION%20REQUESTS/02-RESPONSES/) and notify the distribution list.

Please direct all IR submissions to the NIRB's Manager of Environmental Administration, Leslie Payette via email lpayette@nirb.ca or fax (867) 983-2594.

If you have any questions or concerns please do not hesitate to contact Ryan Barry, NIRB Technical Advisor, at (867) 983-4608 or via email rbarry@nirb.ca.

Sincerely,



Jeff Rusk
Director, Technical Services

cc. Minister, Indian and Northern Affairs Canada