



NIRB File No. 03UN114

March 26, 2008

To: Jim Noble, Nunavut Wildlife Management Board
Joe Tetlichi, Porcupine Caribou Management Board
Sara Holzman, Indian and Northern Affairs Canada
Katherine Cumming, Parks Canada
Savanna Levenson, Environment Canada

Via email: jnoble@nwmb.com
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Re: Information Requests for the Review of the Bathurst Inlet Port and Road (BIPR) project

On February 19, 2008 the Nunavut Impact Review Board (NIRB or Board) requested submission of all Information Requests (IRs) related to the Part 5 NLCA Review of the Bathurst Inlet Port and Road (BIPR) Project from Interested Parties by March 20, 2008.

After assessing the submissions with established criteria, the NIRB is forwarding the attached IR submission from the Canadian Arctic Resources Committee (CARC) to your organization as the IRs appear to suggest action be taken by your organization. Please note that, while these IRs are being forwarded to you for information purposes only, they raise concerns that may require information from your organization at some point in the Review process upon further clarification.

If you have any questions or concerns regarding your organization's participation in the assessment of the BIPR project, please do not hesitate to contact NIRB's Technical Advisor, Ryan Barry, directly at (867) 983-4608 or via email at rbarry@nirb.ca.

Sincerely,

Jeff Rusk – Director of Technical Services
Nunavut Impact Review Board

Attachment: CARC IR Submission

Cc BIPR Distribution List

Information Request – Bathurst Inlet Port and Road Project

Date: Thursday - March 20, 2008

From: Canadian Arctic Resources Committee

IR Directed To: Bathurst Inlet Port and Road Joint Venture Ltd. (BIPAR JV)

Issue: **Trans-Boundary Effects Analysis**

Issue Identification:

Volume VIII Appendix G-3 The “Trans-Boundary Effects Analysis” contains no information on trans-boundary effects from other users of the Bathurst Caribou herd and shows no evidence of consultation with the Governments of the Northwest Territories, Nunavut, Saskatchewan or Aboriginal management bodies created by land claims. Nor does the analysis consider international trans-boundary effects.

Rationale:

The proponent is required to according to the DEIS do the following:

1. Consider as stated in Volume II Table of Concordance PDF page 3, 2.1 NIRB Principle bullet 4 “**The well-being of residents of Canada outside the Nunavut Settlement Area must be taken into account.** Significant Trans-boundary Bio-physical and Socio-economic Effects directly related to this Project must be included in the EIS in order to ensure the NIRB’s assessment of the well being of Canadians outside of the Nunavut Settlement Area. Further to this, the Minister of Indian Affairs and Northern Development identified trans-boundary effects as an issue for NIRB to consider in the review of the Project in his letter to NIRB, dated May 4, 2004.”
2. Consult as stated in Volume 1 Draft Environmental Impact Statement – Executive Summary, Socio-Economics PDF pages 17, 18, 19 “...Fifteen communities within Nunavut and the NWT may be affected by the Project. As the proposed Project has generated economic interest in both territories, these communities are a potential source of labour, services, and supplies. NIRB has identified these communities for inclusion in the consultation process to ensure that public concerns are properly addressed, whether within or outside the Nunavut Settlement Area. All fifteen communities constitute the area of influence for this Project (Figure 2).

Communities located within the West Kitikmeot Region include Bathurst Inlet, Omingmaktok, Cambridge Bay, Kugluktuk, Taloyoak and Gjoa Haven. The Akaitcho Dene First Nation inhabits the Traditional Akaitcho Treaty 8

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Territory. The communities of interest for the Project within the Akaitcho Region are Yellowknife and Lutselk'e.

The Tlicho or Dogrib Region is located within the North Slave Region of the NWT. The communities of Rae-Edzo (Behchokò), Rae Lakes (Gamèti), Whatì, and Wekweètì make up this geographic area and are all communities within the Project's area of influence

The Sahtu Dene and Métis Comprehensive Land Claim Area are located to the northwest of the Tlicho Region and to the north of the Dehcho Region, touching the Yukon border. The community of importance in this region is Délîne.

The small community of Reliance is located close to the community of Lutselk'e on the eastern end of Great Slave Lake. Holman is located on the western side of Victoria Island, on Amundsen Gulf and is approximately 925 km north of Yellowknife. Both are within the Project's area of influence.”

3. Information is lacking in Volume II Section A4 Community Consultation - The proponent made enquiries about the socio economic benefits to community representatives but requested no information about the trans-boundary use of the caribou to the individuals nor to the respective wildlife bodies managing the harvesting activities of the users of the caribou herds on the impact of BIPAR in Nunavut nor the Northwest Territories.
4. Information is lacking in Volume VIII Additional Reports, Appendix G 3 Trans-boundary Effects Analysis - The proponent consulted no agencies responsible for caribou management in Nunavut, Northwest Territories nor Saskatchewan to examine domestic or international issues affecting caribou management.

Request:

To address these deficiencies and address the NIRB trans-boundary effect's principle at the local, regional, provincial, territorial, and at the national and international level we request the proponent to:

1. Please provide additional information from the communities named in the above “Rationale”, from the three territorial/provincial governments, and caribou management bodies, i.e. the Nunavut Wildlife Management Board, involved in the management of caribou herds identified in the DEIS about domestic and international issues raised by the BIPAR DEIS in Nunavut, Northwest Territories and Saskatchewan.
2. Please provide additional information from the Government of Canada Department of Foreign Affairs, Indian and Northern Affairs Canada, Parks Canada, Environment Canada and the Privy Council Office with respect to position of the Government of Canada on whether the BIPAR road through the Bathurst Caribou

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calving grounds would affect Canada and the Aboriginal peoples position on no development on the Porcupine caribou calving grounds in the Alaska Arctic National Wildlife Reserve

3. Please provide additional information from the International Porcupine Caribou Board, and the Porcupine Caribou Management Board on how the BIPR proposal for a road through the Bathurst Caribou herd calving grounds will affect the position that there should be no development in Porcupine Caribou heard calving grounds in the Alaska Arctic National Wildlife Reserve.