



NIRB File No. 03UN114

May 21, 2008

Mr. Bob Gilroy  
Bathurst Inlet Port and Road Joint Venture Ltd.  
c/o Nuna Logistics Ltd.  
540 Park Place, 666 Burrard Street  
Vancouver, BC, V6C 2X8

Via email: [bobg@nunalogistics.com](mailto:bobg@nunalogistics.com)

**Re: 12.5.1 Direction from Minister**

Dear Mr. Gilroy:

Last week, on May 15<sup>th</sup> 2008, the Nunavut Impact Review Board (NIRB or Board) received a letter from the Hon. Chuck Strahl, dated April 28, 2008. In that letter, the Minister made several comments regarding the process moving forward. For example, he said (p.1):

“Given the passage of time since [then-Minister Mitchell’s decision] was taken, I would like to take this opportunity to clarify my expectations for the review process.... [And] consistent with this earlier direction (focusing on issues) I would ask the Board to consider whether any updates to the guidelines and subsequent documentation are required. The development scenario of the Kitikmeot region has changed and these changes may influence the Board’s consideration of the purpose of the project, its alternatives, and cumulative impacts.”


NIRB’s preliminary views of the Minister’s concerns are that they are in the nature of Ministerial direction for a Review. These directions are normally issued under section 12.5.1 of the Nunavut Land Claims Agreement (NLCA) and, but for the passage of time, we believe these concerns would have been issued when NIRB first received its Part 5 decision.

Accordingly, before moving forward with other matters, including proceeding further with the technical review period of the Draft Environmental Impact Statement (DEIS) , NIRB would like the proponent’s *current* views of three major issues raised by the Minister: (1) the purpose of the project, (2) its alternatives, and (3) cumulative impacts. Updating the Board, and all Parties, on the proponent’s understanding of these issues in relation to the time that has passed since the initial issuance of guidelines is deemed essential to ensuring that the current Part 5 Review enables the best consideration of relevant issues.

NIRB also invites others on this distribution list to comment, if they would like to do so.

The deadline for these comments is **Friday May 30<sup>th</sup> 2008**. Following that, the Board will respond with possible changes to guidelines, and/or other directions, if required.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Stephanie Autut', with a stylized, cursive script.

Stephanie Autut  
Executive Director

cc BIPR Distribution List

Attachment: April 28, 2008 Minister of INAC letter to NIRB Acting Chair

Ministre des Affaires indiennes et  
du Nord canadien et interlocuteur fédéral  
auprès des Métis et des Indiens non inscrits



Minister of Indian Affairs  
Northern Development  
for Métis and Non-Indians

**ANNEX A**

Ottawa, Canada K1A 0H4

**APR 28 2008**

Mr. Lucassie Arragutainaq  
Acting Chair  
Nunavut Impact Review Board  
PO Box 1360  
CAMBRIDGE BAY NU X0B 0C0

Dear Mr. Arragutainaq:

Thank you for your letter of February 19, 2008, regarding intervenor funding for the Bathurst Inlet Port and Road Project (the Project). In your correspondence you reference a letter dated May 2004, from the then-Minister Andy Mitchell regarding the decision on the level of review for the Project. Given the passage of time since that decision was taken, I would like to take this opportunity to clarify my expectations for the review process as well as respond to your specific concerns regarding the availability of intervenor funding.

As noted by my predecessor, the scoping of the project and preparation of the guidelines for the environmental impact statement is critical to enable interested parties in all potentially affected jurisdictions to have an opportunity to provide input. He specifically asked the Nunavut Impact Review Board (the Board) to scope broadly and to "structure the review to enable the best consideration of relevant issues, and to encourage a broad participation of the public." Consistent with this earlier direction, I would ask the Board to consider whether any updates to the guidelines and subsequent documentation are required. The development scenario of the Kitikmeot region has changed and these changes may influence the Board's consideration of the purpose of the project, its alternatives, and cumulative impacts.

Regarding intervenor funding, unfortunately, your suggestion to award interim funding to the applicants to participate in the technical review which is already under way is not possible at this time because of the fiscal year end. I do support your suggestion to establish an intervenor funding committee and agree this is an appropriate mechanism

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to evaluate the applications and maintain the Board's neutrality. Departmental officials have been in contact with your staff and are working co-operatively on the appointments and terms of reference for such a committee, including the advisory role the Board may play. Once the committee is struck, the Department will be able to advise on the funding envelope within which funding allocations for intervenors are to be recommended. Our aim is to ensure intervenors have funding to participate in the assessment early in the new fiscal year, after April 1, 2008.

I understand the Board has already initiated the technical review of the Project. In light of the above, I ask the Board to consider whether adjustments in the timelines that have been established for this part of the process can be made. I consider the meaningful input of intervenors at all critical points in the assessment process essential to the delivery of quality environmental assessments.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Strahl". The signature is written in a cursive, flowing style.

Chuck Strahl