



NIRB File No. 03UN114

August 29, 2008

To: BIPR Distribution List

Re: **Bathurst Inlet Port and Road (BIPR) Joint Venture Ltd.'s Request to Suspend Further Technical Review of the BIPR project and Commencement of Technical Review Period**

Dear Parties,

On August 1, 2008 the Nunavut Impact Review Board (NIRB or Board) received a request from the Bathurst Inlet Port and Road (BIPR) Joint Venture Ltd. (the Proponent) to suspend further technical review of the BIPR project until the project's schedule and the schedule of its potential users could be reassessed in 2009. On August 7, 2008 the Board solicited input from all Parties participating in the Part 5 Review of the BIPR project, to be submitted by August 20, 2008, later amended to August 27, 2008.

All comment submissions can be viewed using the following link to the NIRB's ftp site:

http://ftp.nirb.ca/REVIEWS/CURRENT_REVIEWS/03UN114-BIPR_PROJECT/02-REVIEW/02-GENERAL%20CORRESPONDENCE/

Comments were received from the following Parties:

- Government of Nunavut
- Bathurst Inlet Road and Port Committee
- Indian and Northern Affairs Canada (INAC)
- Environment Canada
- Transport Canada
- Fisheries and Ocean Canada
- Canadian Arctic Resources Committee
- North Slave Métis Alliance

The NIRB would like to thank all Parties for their comments and the valuable input offered in their submissions. The Board has taken all submissions into consideration. In the interests of procedural fairness, respecting the role of intervenor funding in this Review, and ensuring value is being added to the process, the Board considers it important to allow to intervenors an opportunity to submit information requests and that there is no reason to delay the technical review period due to the Proponent's request. The NIRB considers it in the best interests of all Parties, and the impact assessment process, to proceed with a technical review of the Draft Environment Impact Statement (DEIS) currently before the Board.

However, in light of the Proponent's request, it would not be prudent to schedule a Technical Meeting or Pre-hearing Conference (PHC) at this time. The scheduling of any such public meeting will necessarily wait until the Proponent has formally re-engaged themselves into the process and submitted a response to any outstanding Information Requests (IRs).

Therefore, the Board is announcing a 60-day Technical Review period beginning Tuesday September 2, 2008 for all Parties.

During this time, intervenors who have previously been awaiting intervenor funding from INAC are also encouraged to now submit IRs to NIRB for consideration and forwarding to the Proponent for response. A response submission from the Proponent to these IRs will be a condition of the Proponent re-engaging back into the process and the scheduling of any Technical Meeting or PHC.

The NIRB is requesting that Parties submit their technical review comments to the NIRB in a digital text format (such as Microsoft Word or Adobe PDF), preferably by email. As these technical review comments will form the basis for discussions at the Technical Meeting and PHC, Parties are asked to ensure the submission reflects, where relevant, all previous submissions to the NIRB related to the Part 5 Review of the BIPR Project. Technical review comments should include the following:

- Determination of whether Parties agree/disagree with the conclusions in the DEIS regarding the alternatives assessment, environmental impacts, proposed mitigation, significance of impacts, and monitoring measures – and reasons to support the determination;
- Determination of whether or not conclusions in the DEIS are supported by the analysis – and reasons to support the determination;
- Determination of whether appropriate methodology was utilised in the DEIS to develop conclusions – and reasons to support the determination, along with any proposed alternative methodologies which may be more appropriate (if applicable);
- Assessment of the quality and presentation of the information in the DEIS; and
- Any comments regarding additional information which would be useful in assessing impacts – and reasons to support any comments made.

Parties intending to submit IRs are also reminded that any 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.

Technical review comments, and any IRs, can be submitted to the NIRB's Manager of Environmental Administration, Leslie Payette at lpayette@nirb.nunavut.ca, or by fax (1-867-983-2594). Technical review comments must be submitted no later than **October 31, 2008**.

The NIRB believes this approach to be the best path forward in ensuring the Proponent has adequate information to move forward towards a Technical Meeting and/or a PHC in 2009, in addition to respecting the role of the various intervenors and their use of intervenor funding to date.

The NIRB is also requesting that INAC consider a plan to address the funds that have been allocated to intervenors for participation in the Technical Meeting and PHC which will likely not occur this fiscal year. Upon the Proponent re-engaging into the process with the required notification and IR response, the NIRB must provide the public with 60 days notice of any such public meeting. The NIRB is hopeful that this 60-day period will be sufficient in terms of making the required intervenor funding adjustments in the next fiscal year.

Furthermore, should there be any changes of significance to the project as currently proposed, the Proponent is advised that they must inform NIRB immediately of the changes and would be subject to further direction on any process forward deemed necessary due to the changes.

If there are any questions, comments, or concerns regarding the process forward on this file, please do not hesitate to contact the NIRB's Technical Advisor, Ryan Barry, at 867-983-4608 or via email rbarry@nirb.ca

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Rusk', with a stylized, cursive script.

Jeff Rusk
Director, Technical Services
Nunavut Impact Review Board