



NIRB File No.: 03UN114

January 17, 2013

To: The BIPR Distribution List

Sent via Email

Re: Potential Re-Engagement of the NIRB's Review of the Bathurst Inlet Port and Road (BIPR) Project

Dear Parties:

As indicated via email to this distribution list on December 19, 2012, the Nunavut Impact Review Board (the NIRB or Board) received a request to re-engage the NIRB's Review of the Bathurst Inlet Port and Road Project (BIPR or Project) as well as a revised BIPR Project Description from Xstrata Zinc Canada (Xstrata) and Sabina Gold and Silver Corp. (Sabina) (enclosed). The current correspondence provides a summary of the previous file history and invites parties to consider the proposed re-engagement of the NIRB's Review of the BIPR project and to provide comments to our office on or before January 31, 2013.

PROCEDURAL HISTORY

In May 2003 the Bathurst Inlet Port and Road (BIPR) Joint Venture Ltd. (JV) submitted the BIPR Project to the NIRB for assessment. In September 2003 the NIRB provided its Screening Decision to the Minister of Indian and Northern Affairs (The Minister; now Minister of Aboriginal Affairs and Northern Development) recommending that the project proposal undergo a Review pursuant to Part 5 or 6 of Article 12 of the Nunavut Land Claims Agreement (NLCA).

In May 2004 then-Minister Andy Mitchell issued his decision for the Project concurring and referring the project proposal to the NIRB for Review under Part 5 of Article 12 of the NLCA. The Minister specifically identified transboundary effects and the facilitation of public participation from a broad audience as issues to be considered by the NIRB in its Review.

The NIRB Review consisted of the following BIPR components and/or activities:

- A marine port in Bathurst Inlet with a wharf to serve 50,000 tonne ice class vessels;
- A dock to handle barges serving Kitikmeot communities [Kugluktuk, Bathurst Inlet, Cambridge Bay, Umingmaktok, Gjoa Haven and Taloyoak];
- A 180 million litre fuel oil tank farm at the port;
- A 150 person camp at the port;
- A truck and trailer maintenance shop at the port;

- A 1200 metre airstrip at the port; and
- A 211 kilometre all-weather road to Contwoyto Lake;

The following table describes the major milestones for the BIPR Review since the May 2004 referral by the Minister:

December 6, 2004	The NIRB issued Guidelines for the Preparation of an Environmental Impact Statement (EIS Guidelines) to the BIPR JV.
January 3, 2008	BIPR JV submitted a <i>Draft EIS</i> to the NIRB.
August 1, 2008	BIPR JV requested to suspend further technical review of the Project until the Project's schedule and the schedule of its potential users could be reassessed in 2009.
August 29, 2008	The NIRB commenced a 60 day technical review of the <i>Draft EIS</i> for the Project, but determined that no Technical Meeting or Pre-Hearing Conference would be scheduled until BIPR JV indicated it was ready to proceed further.
November 25, 2008	The NIRB forwarded Information Requests (IRs) to BIPR JV and formally suspended further proceedings until BIPR JV chose to re-engage the Review process with an IR Response Submission.
June 18, 2009	BIPR JV requested further suspension to the Part 5 Review until late 2010.
July 20, 2011	BIPR JV advised the Board that it did not have a commitment from remaining potential users at that time and that, therefore, it was not BIPR JV's intent to re-engage the Review Process.
December 1, 2011	Sabina submitted a letter to the NIRB which advised that it had completed the purchase of the BIPR Project and requested additional time (until March 31, 2012) to reconsider the future development options for BIPR.
March 31, 2012	Sabina and Xstrata jointly submitted a letter to the NIRB which expressed their interest to re-engage the NIRB's Review process for the BIPR Project.
April 5, 2012	The NIRB responded to Xstrata and Sabina to inform them of the next steps in the process and also advised that given the significant lapse in times since Review commencement (2004) and suspension (2008) as well as the change in ownership, additional discussions with Xstrata and Sabina and with responsible agencies would be warranted prior to confirming the best process and requirements for the potential re-engagement of the Review process.

All relevant documentation for this project is available from the NIRB's online registry at:
<http://ftp.nirb.ca/02-REVIEWS/ACTIVE%20REVIEWS/03UN114-BIPR/>.

REQUEST FOR COMMENTS

Prior to determining whether the BIPR Review can be re-engaged as proposed by Xstrata and Sabina, the NIRB must assess whether the revised Project Description is consistent with the scope of the original BIPR project proposal as screened by the NIRB and as referred to the NIRB for Review by the Minister. At this time, the Board invites interested parties to make submissions to the Board in regard to the following:

- Does the amendment to the scope as presented by Xstrata and Sabina on December 19, 2012 significantly change the scope of the original proposal as referred to Review by the Minister on May 6, 2004;
- Confirmation from responsible authorities as to the types of authorizations that would be required for the implementation of the new Project scope, including a consideration given to recent legislative changes which may affect the necessary regulatory instruments; and
- Any further comments regarding the proposed project amendment and/or re-engagement of the BIPR Review.

The NIRB also requests guidance from Aboriginal Affairs and Northern Development Canada (AANDC) regarding how the participant funding process would be expected to proceed if the proposal to re-engage the BIPR Review is approved by the NIRB.

The NIRB requests that comments on the proposed re-engagement of the BIPR Review be submitted to the NIRB on or before **January 31, 2013**.

NEXT STEPS

The NIRB proposes the following steps and associated timeline for consideration of Xstrata and Sabina's re-engagement proposal:

1. Parties to submit comments pertaining to the re-engagement of the BIPR review by January 31, 2013.
2. The NIRB will endeavour to provide its determination regarding Xstrata and Sabina's proposal to re-engage the NIRB's Review of the BIPR Project by February 11, 2013.
3. If the NIRB approves the re-engagement of the BIPR Review, further steps in the process would be provided by February 29, 2013.

Interested parties are invited to submit comments regarding the proposed re-engagement of the Board's Review of the BIPR Project to the NIRB at info@nirb.ca or by fax at (867) 983-2594, on or before **January 31, 2013**.

If you have any questions regarding the Board's Review of the BIPR Project, please contact Kelli Gillard, Technical Advisor, at (867) 983-4619 or kgillard@nirb.ca.

Sincerely,



Amanda Hanson
Director, Technical Services
Nunavut Impact Review Board

cc: Denis Hamel, Xstrata Zinc Canada
Matthew Pickard, Sabina Gold & Silver Corp.
Geoff Clark, Kitikmeot Inuit Association
Karen Costello, Aboriginal Affairs and Northern Development
Jeff Mercer, Aboriginal Affairs and Northern Development
Tracey McCaie, Aboriginal Affairs and Northern Development
Derrick Moggy, Fisheries and Oceans Canada
John Clarke, Natural Resources Canada
Meighan Andrews, Transport Canada

Enclosure (1): Xstrata and Sabina Correspondence to NIRB Regarding the Proposed Re-engagement of the Review of BIPR Project (*December 19, 2012*)