

NWB 4-other BAT - Road & Port

CANADIAN ARCTIC RESOURCES COMMITTEE**NORTHERN OFFICE**

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**FAX COVER SHEET****TO:**See below**FROM:** Kevin O'Reilly, Director of Research, CARC**DATE:** May 10/02**PAGES:** 3 (including cover)**MESSAGE:**

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May 10, 2002

Stephanie Briscoe
Executive Director
Nunavut Impact Review Board
Cambridge Bay NU
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Re: Bathurst Inlet Port and Road Project

Dear Ms. Briscoe

Thank you for the opportunity to comment on the proposed course of action by the Nunavut Impact Review Board as outlined in your letter dated April 26, 2002 to the Nunavut Water Board.

INTERNAL	
PG	<i>[Signature]</i>
LA	
OM	
TA	
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ED	
CEO	
BRD	
	<i>Forward to EA</i>

We have had time to briefly review the project description as supplied to us by Mr. Tony Keen on behalf of the Bathurst Inlet Port and Road Joint Venture dated March 2002. We subsequently asked Mr. Keen to supply us with a copy of the Fisheries Authorization application and this was provided. We have also had the chance to discuss the proposed development with several regulators.

CARC is concerned with the amount of time that has been allowed to review this material, for public comment, and for a decision by NIRB on this proposal that has the potential for significant effects, including transboundary effects, and significant public concern. We note that the Nunavut Land Claims Agreement (NLCA) s. 12.4.5 requires NIRB to make a screening decision within 45 days receipt of a proposal description unless the Minister of IAND provides an extension. NIRB shall then make one of the decisions set out in s. 12.4.4. It is our understanding that the Nunavut Water Board made the referral of the water licence and project proposal on April 20, 2002 so NIRB now has up to June 4, 2002 to conduct the screening. We would suggest that NIRB allow for greater public comment by extending the May 10, 2002 deadline for comments on the options set out in s. 12.4.4.

We are concerned that the proponent has not submitted supporting documentation for some of their regulatory approvals and that some of them have not been accepted in their current form. The lack of supporting data for the Fisheries Authorization and Land Use Permits is of greatest concern. It is our understanding that the Bathurst Inlet Port and Road Joint Venture is not yet incorporated in Nunavut although an application was received on May 8, 2002. There is considerable uncertainty around the primary purpose of the proposal, community resupply or mining, and the potential tie-in with the Lupin ice road through the NWT.

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-2-

In the event that NIRB does not elect to request an extension from the Minister to the 45 day period for a screening, we do not see how NIRB can discharge its duty under s. 12.4.4 to complete a screening with due regard to the principles set out in s. 12.4.2. A decision on a Part 5 or 6 review with recommendations for terms and conditions would be premature at this point. Without an extension, we urge NIRB to follow s. 12.4.4(c) and recommend to the Minister that the proposal be returned to the proponent for clarification.

Please note that we would strongly recommend a Part 6 review, when and if there is sufficient information to carry out a screening decision, given the potential for significant environmental effects and public concern as there are transboundary issues. We would also like to raise the issue of participant funding at this early stage.

We would be pleased to discuss any of this with you at your convenience.

Sincerely,



Kevin O'Reilly
Research Director

cc. Hon. Robert Nault, Minister of Indian Affairs and Northern Development
Hon. Robert Thibeault, Minister of Fisheries and Oceans
Hon. Paul Okalik, Premier of Nunavut
Hon. Stephen Kakfwi, Premier of the NWT
Cathy Towtongie, President, Nunavut Tunngavik Inc.
Charlie Evalik, President, Kitimeot Inuit Association
Tom Kudloo, Chair, Nunavut Water Board
Todd Burlingame, Chair, Mackenzie Valley Environmental Impact Review Board
Grand Chief Joe Rabesca, Dogrib Treaty 11 Tribal Council
Chiefs Rick Edjericon and Peter Liske, Yellowknives Dene First Nation
Chief Archie Catholique, Lutsel K'e First Nation
Clem Paul, President, North Slave Metis Alliance