



July 3, 2003

Mr. Charlie Lyall, Chairman

&

Mr. M.. Hempenstall
Bathurst Inlet Port & Road Project
c/o Nuna Logistics Limited
540 Park Place, 666 Burrard Street
Vancouver, BC
V6C 2X8

and

Distribution List

Re: Re-Screening of Bathurst Inlet Port & Road (BIPAR) Project

Dear Proponent and Parties:

The Nunavut Impact Review Board (NIRB or Board) has received comments from regulators and other parties in response to NIRB's letter, dated May 30, 2003, to the proponent. The intent of the letter was to solicit input from the regulators as to the completeness of the application from their perspective. The major regulators that responded (NWB, INAC, EC, KIA) believed the Project Description provided sufficient detail to move forward to a re-screening. NIRB agrees.

In all, the Board has received comments from the Nunavut Water Board, Kitikmeot Inuit Association, Indian and Northern Affairs Canada, Environment Canada, Canadian Arctic Resources Committee, and the Yellowknife Dene First Nation (Land and Environment Committee) in regards to the issues raised in the preceding paragraph. All written submissions are available on NIRB's ftp site at: <ftp://ftp.nunavut.ca/nirb/>

At this time NIRB is asking all parties to assist NIRB in the *re-screening* of the BIPAR project.

The screening options that are available pursuant to the Nunavut Land Claims Agreement are found in section 12.4.4 which reads:

- a) the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out Section 12.2.5;
- b) the proposal requires review under Part 5 or 6; NIRB shall identify particular issues or concerns which should be considered in such a review;
- c) the proposal is insufficiently developed to permit proper screening, and should be returned to the proponent for clarification; or
- d) the potential adverse impacts of the proposal are so unacceptable that it should be modified or abandoned

Essentially, in the Board's opinion, only options (a) (b) or (d) are available to NIRB at this point in time. Before NIRB reaches its decision as per 12.4.4 of the NLCA, the Board would like each party to review the BIPAR project description (May 2003 version located on the ftp site) and to review Minister Nault's letter to the Board dated April 10, 2003. The letter is attached for your convenience.

When NIRB will send Minister Nault the Board's re-screening decision, based on submissions and its own judgment, the Board will attempt to address the April 10th issues raised by the Minister. Therefore comments received by parties on both issues are important to NIRB. We thus look forward to your written submissions, which, again, should: (a) respond to the Minister's April 10th concerns and (b) assist the Board with its re-screening decision. Your submissions should be based on the BIPAR May 2003 project description, letters/submissions currently on NIRB's ftp site relating, and any other matter of fact, law, or policy that you believe is important to support your screening conclusion. **The deadline for written submissions is Monday August 11, 2003.**

Finally, you may or may not be aware of NIRB's Part 5 EIS Requirements released by NIRB on October 16, 2002 as a Memo of Guidance (also attached). The EIS Guidelines would apply to this project if, following your submissions, the Board concludes that a Review is appropriate (12.4.4(b)). Of course, it would be up to the Minister to agree to send the project to NIRB for a Part 5 Review. Again, the Board has *not* made any re-screening determination, but wanted all

parties to be aware of the Part 5 EIS requirements in the event that it was relevant to your August 11th submission.

If you have any questions, please call me at (867) 983-2593.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie Briscoe".

Stephanie Briscoe
Executive Director

cc: Minister Nault
Enclosures: Minister Nault April 10th letter, Part 5 EIS Guidelines