



May 27, 2004

NIRB File No: 03UN114[99]

Mr. A.J. Keen
Project Manager
Bathurst Inlet Port & Road Project
c/o Nuna Logistics Limited
540 Park Place, 666 Burrard Street,
Vancouver, BC B6C 2X8

And To:

BIPAR Distribution List

Via regular mail, email and fax

Re: Bathurst Inlet Port and Road (BIPAR) Project

Dear Mr. Keen:

The BIPAR project is a proposal to facilitate economic development in the Kitikmeot Region, and Nunavut, by opening corridors to resource development and community re-supply.

The Nunavut Impact Review Board ("Board" or "NIRB") received the "Bathurst Inlet Port and Road Project-Project Description, May 2003" following which NIRB screened the project and sent a decision to the Minister of Indian and Northern Affairs ("INAC") on July 8, 2002 recommending a review under Part 5 or 6 of Article 12 of the Nunavut Land Claim Agreement ("NLCA"). Pursuant to section 12.4.7 (b), the Minister referred the proposal back to the NIRB for a review under Part 5, on May 4, 2004.

The major components of BIPAR include the following:

- 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;
- 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 1, 200 meter airstrip at the port;
- A 211 km all-weather road to Contwoyto Lake; and
- A 20-person camp on Contwoyto Lake at km 211.

The construction of a port in Bathurst Inlet and a road from the port to Contwoyto Lake removes a significant barrier to mineral development in the Kitikmeot Region in general and when base metal prices recover, may lead to development and production at Izok.

The port and road will be used to re-supply diesel fuel and bulk supplies to operating mines in Nunavut and the Northwest Territories (NWT). The Tibbit to Contwoyto winter road may also be used for this purpose. Summer barge services from the port facility in Bathurst Inlet may be used to re-supply Kitikmeot communities.

To facilitate the environmental review of the project, the BIPAR proponents should follow the requirements of the agencies with jurisdictional authority over the project. These include, but may not be limited to Indian and Northern Affairs Canada (INAC), Nunavut Water Board (NWB), Kitikmeot Inuit Association (KIA), Department of Fisheries and Oceans (DFO), Natural Resources Canada (NRCan), Environment Canada (EC), Health Canada (HC) and Government of Nunavut (GN). The NIRB will be researching other possible authorizations in the next couple of weeks leading up to the Scoping meeting.

In accordance with the NIRB ***Guidelines to the NIRB Review Process*** the next steps in the review involve first “Scoping” the project and secondly, issuing guidelines for the preparation of an Environmental Impact Statement (EIS).

Essentially, scoping allows the public and government agencies to identify the range of issues that will be caught by the guidelines and eventually drafted into the EIS. The Scoping also allows an opportunity for the proponent to discuss with the public the way in which the project was designed.

1. Scoping

The scoping process will identify those components of the biophysical and social environment that may be impacted by the project and for which there is public concern. NIRB will solicit any advice it considers appropriate in scoping the project in order to determine:

- a) Which components of the project to include in the review and likewise to identify components which do not require further detailed analysis and can be eliminated from the EIS public hearing review;
- b) The temporal, or time related boundaries and spatial, or space related boundaries of the project;

- c) The issues and concerns to be considered in the review including but not limited to the issues specifically identified in the Minister's May 4, 2004 decision;
- d) Areas requiring further study or data collection that might later be analyzed in the EIS;
- e) Funding issues related to public involvement in the review process;
- f) Outline Information Requests needed from the parties and the proponent;
- g) Any other requirements for the assessment of the project proposal.

As stated above, NIRB will want to request information, particularly from the government and proponent, at this scoping session. NIRB would like to have the government and also KIA/NTI and the NPC if possible, identify and inform NIRB of any planning documents relevant to the BIPAR project. NIRB will need rough information on current information characterizing existing environments and habitats. NIRB would like information on how the proposed project will or will not contribute to mining development including how this project interacts with other mines and their infrastructure support. Essentially, NIRB needs any existing information and quantified data that would help describe the effects of this project on the local and trans-border environment and economy, including cumulative effects.

In addition to the Minister's May 4th issues, NIRB will look for a discussion of the design of the road, new information, for example new aerial photos, erosion concerns, and so on. NIRB would look for a discussion of the alternative methods to proceeding with this project that would be suitable to resident and non-resident populations. NIRB would look for input on the breadth of social and economic issues (again, trans-boundary). Some of these issues may include trail uses, aesthetics, emergency services, uses and origins of gravel, damage to recreational and ascetic resources, the potential use of the road for recreation or other purposes.

NIRB will also consult with interested parties to identify valued ecosystem components (VECs) and valued socio-economic components (VSCs) that should be addressed by the proponent's environmental impact statement ("EIS"). In addition the scoping meeting will identify any transboundary issues, which may exist. NIRB will use this public consultation as an opportunity to discuss the community's participation in the environmental assessment process and establish community contacts. A key reason for the scoping meeting being held is to collect public comments on identifying but also eliminating from the EIS Review, those issues that do *not* require further detailed analysis during the public hearings. Additionally, NIRB can identify the need to develop further study or data collection

that might later be analyzed in the EIS.

Scoping provides the Proponent with the opportunity to discuss with the public the overall design of the project and possible alternatives including alternative alignments. Hopefully the scoping process will provide a meaningful discussion of design parameters and other issues such as service areas, fill slopes, cut slopes, drainage patterns etc. Again, NIRB only wants conceptual discussions at this point as the engineering issues will be refined for the draft environmental impact statement.

The scope of the environmental analysis will hopefully result in input from environmental specialists to help give all of us an overview of their assessment of the existing conditions, a brief assessment of the project impacts including a comparison of alternatives, a brief assessment of feasible mitigation measures, and a presentation from KIA/NTI on their initial assessment of the impacts to the cultural, economic and environmental conditions in their area. NIRB would expect a brief discussion of topography, geology, and soil conditions. Also, there will be impacts from wind erosion and less major impacts from construction equipment and so on. There will be an impact on cultural resources from an archaeological viewpoint. There should be a discussion of hydrology including streams, culverts, ponds, ditches, etc. There will also be a discussion of fisheries, wildlife and vegetation. There should be a discussion of recreational resources. There could be a discussion of how utilities might change if only on a localized basis.

Dates and Locations

NIRB provides notice to the Parties that scoping meetings are to be held as follows:

Location	Date	Time
Yellowknife- Explorer Hotel	June 22, 2004	8:30 am - 5:00 pm 7:00 pm-9:00 pm (if needed)
Cambridge Bay - Community Hall	June 23, 2004 June 24, 2004	6:30 pm – 9:30 pm 8:30 am – 12:00 pm

The NIRB has invited all parties outlined in the attached BIPAR distribution list to attend the scoping meetings and requests that government departments and the proponent make themselves available to attend both scoping sessions. The Board appreciates that notice is short, but given the schedule of NIRB for screenings, hearings, and reviews during the summer, this is the only week that these meetings could plausibly be scheduled.

The scoping meeting will provide NIRB with the opportunity to discuss the historical project schedule and future schedule for the scoping decision, and for the development of environmental impact statement guidelines.

The NIRB requests that participants planning to attend the scoping session confirm their attendance with NIRB no later than **June 11, 2004 at 3:00 pm (MST)**.

2. Issuing Guidelines for the Preparation of an Environmental Impact Statement

Section 12.5.2 of the NLCA directs NIRB to issue project-specific guidelines to the proponent for the preparation of an environmental impact statement (EIS). An EIS is a detailed document prepared by the proponent that identifies, predicts, evaluates and communicates information about the ecosystemic and socio-economic impacts of a project proposal. An EIS includes the identification and development of mitigation measures, measures designed to control, reduce or eliminate potentially adverse impacts of an activity or project. In the development of guidelines, NIRB will ask for input from interested parties and will integrate any recommendations it considers appropriate. Section 12.5.2 of the NLCA contains a list of information to be included in an EIS and grants NIRB the authority to add, "any other matters that NIRB considers relevant."

The NIRB refers the proponent to the ***Guide for the Preparation of Environmental Impact Statements*** for more details on this mandatory process and a list of requirements that proponents must comply with.

The procedure required by the Board for filing an EIS is as follows:

- a) Submission of a Draft EIS to the Board. The filing of a Draft EIS will be followed by a 60-day public comment period on the adequacy of the EIS, based normally on EIS Guidelines and the requirements listed in the ***Guide for the Preparation of Environmental Impact Statements***.
- b) Submission of a Final EIS to the Board. In addition to fulfilling the requirements listed in a), the final document must identify and incorporate those parties' comments regarding preferred alternatives, which in the judgment of NIRB, should be reflected in the Final EIS.

Once an EIS is completed in either draft or final form, it is the responsibility of the proponent to circulate the EIS and any hearing submissions, to all parties. At that point, it is the responsibility of all parties to review the EIS.

The Guidelines provide an outline of the four major documents to be complied with when developing an EIS to ensure conformity to NIRB requirements as follows:

- 1) Specific Project Guidelines

- 2) 10 Minimum EIS Requirements
- 3) General EIS Principles
- 4) EIS Format

The referenced NIRB documents can be found in 'Proposal Procedures' of NIRB's website: <http://nirb.nunavut.ca/English/NIRB%20Opening%20Page.htm>

Attached below is the Distribution List for the BIPAR Project. If parties require any changes to the list, please notify Ms. Zainab Moghal at 867-983-2593 or by email zmoghal@nirb.nunavut.ca

Inquiries regarding any other matter can be directed to the undersigned or to Ms. Dionne Filiatrault at 867-360-6338 or email srtech@nwb.nunavut.ca

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephanie Briscoe', with a stylized flourish at the end.

Stephanie Briscoe
Executive Director

ATTACHMENT 1: Bathurst Inlet Port and Road Project (BIRAP) – Distribution List

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