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August 7, 2002

Honourable Robert Nault  
 Minister of Indian Affairs and Northern Development  
 Ottawa ON  
 K1A 0H4

**Re: Bathurst Inlet Port and Road Project**

Dear Minister Nault

We are writing to urge you to exercise your authority under s. 12.4.7(a) of the Nunavut Land Claims Agreement (NLCA) and refer the Bathurst Inlet Port and Road Project (BIPRP) to a federal environmental assessment panel (Part 6 Review).

We are aware of the July 8, 2002 letter from the Nunavut Impact Review Board on this project. The Board stated in its letter that the majority of interested parties supported a Part 5 (NIRB only) review and that "the Board agrees that local concerns can be best-addressed and local knowledge most effectively utilized by conducting a public review under Part 5 of the NCLA, we defer, as we must to your discretion..." It is clear that the NIRB supports a Part 5 review.

We take issue with the NIRB's interpretation of CARC's submission dated May 10, 2002. CARC strongly urged NIRB to recommend a Part 6 review, primarily because this project has the potential to create enormous impacts on the environment and economy of the Northwest Territories (NWT). We asked that NIRB recommend a Part 6 review because of the transboundary issues, when a screening decision was possible. At that point, CARC was of the view that NIRB was not in a position to make an informed decision on a screening. We suggested more time was needed, borne out by the fact that NIRB took more than the 45 days prescribed in section 12.4.5 (c).

As Minister, you have personally dealt with Diavik and other developments in the Slave Geological Province, the on-going Cumulative Effects Assessment and Management Framework, the West Kitikmeot-Slave Study and several other initiatives. You are well aware of the public interest and concern with resource development and cumulative effects in this region.

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There is strong movement towards better planning and managing for the Bathurst caribou herd that has calved in recent years in the area covered by the BIPRP. Your Department has been leading a cumulative effects study in the Coppermine River basin where the proposed Izok Lake base metal mine would be located. The significant investment and economic development in the NWT that has been generated by the winter road to Lupin might also be jeopardized by the BIPRP.

Canada's international reputation and credibility will also be on the line as Alaskan political leaders in favour of oil and gas development in the Arctic National Wildlife Refuge watch very closely as we contemplate development in Canadian caribou calving grounds.

The strong public interest and concern over the Bathurst caribou herd, water quality, and sustainable economic development on both sides of the NWT-Nunavut boundary, demands a thorough and comprehensive process for reviewing this very significant project.

In the interest of a comprehensive and fair environmental assessment of the BIPRP, it is difficult to see how a Part 5 review could work. There are several limitations to a Part 5 review, as follows:

- no provisions for appointments to the panel from outside Nunavut;
- no requirements for public hearings outside Nunavut;
- no legal authority for NIRB to consider the ecosystemic and socio-economic impacts outside of Nunavut; and
- no requirements for participant funding.

We are of the strong view that the best approach to deal with potential transboundary and cumulative effects and significant public concern on both sides of the NWT and Nunavut border, is to refer the BIPRP to a Part 6 review. A Part 6 review would allow a *Canadian Environmental Assessment Act (CEAA)* panel with a continuing role for the NIRB in the preparation of guidelines (s. 12.6.5 NLCA), review of an impact statement (s. 12.6.6 NLCA), and review of the panel report (s. 12.6.10 NLCA). A Part 6 review might also avoid any duplication should the Mackenzie Valley Environmental Impact Review Board decide to conduct its own review of the BIPRP. A federal environmental assessment panel could ensure adequate opportunities to deal with significant public concerns and cumulative effects on both sides of the NWT-Nunavut boundary.

We would also like to raise the issue of participant funding at this early stage. We raised the issue with the NIRB in our initial submission of May 10, 2002. CARC has continually expressed concern over the absence of any programs for participant funding in the NWT or Nunavut.

This is not just an issue for CARC, as the absence of any participant funding programs jeopardizes the ability of communities and other interests to participate in a meaningful

manner. It is now accepted as standard practice in the *CEAA* as leading to better environmental assessment and ultimately, better decisions.

In your letter to us dated December 10, 2001 you indicated that it was up to each of the environmental assessment boards to submit a budget and work plan for additional resources, including participant funding. We expect that your Department will demonstrate some leadership in overcoming this continuing obstacle to better environmental assessment that is blatantly unfair to northern residents and interests.

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

Sincerely,



Karen Wristen  
Executive Director

cc. Ms. Elizabeth Copeland, Chairperson, Nunavut Impact Review Board  
Tom Kudloo, Chair, Nunavut Water Board  
Hon. David Anderson, Minister of Environment  
Hon. Robert Thibeault, Minister of Fisheries and Oceans  
Hon. Paul Okalik, Premier of Nunavut  
Hon. Stephen Kakfwi, Premier of the NWT  
Hon. Ethel Blondin-Andrew, MP Western Arctic  
Nancy Karetak-Lindell, MP Nunavut  
Cathy Towtongie, President, Nunavut Tunngavik Inc.  
Charlie Evalik, President, Kitimeot Inuit Association  
Todd Burlingame, Chair, Mackenzie Valley Environmental Impact Review Board  
Sid Gershberg, President, Canadian Environmental Assessment Agency  
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  
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**Date:** August 7, 2002  
**From:** Karen Wristen, Executive Director  
**Pages:** 4, including cover

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