



WWF-Canada

245 Eglinton Avenue East
Suite 410
Toronto, Ontario
Canada

Tel: (416) 489-8800
Toll Free: 1-800-26-PANDA
(1-800-267-2632)
Fax: (416) 489-3611
panda@wwfcanada.org
www.wwf.ca

December 17, 2002

The Hon. Robert Nault
Minister of Indian Affairs and Northern Development
Ottawa
Ontario
K1A 0H4

Fax: 819-953-4941

Re: Bathurst Inlet Port and Road Project

Dear Minister Nault:

I understand that you are currently considering whether the Bathurst Inlet Road and Port project proposal should be subject to a Part 5 or Part 6 review under Article 12 (Development Impact) of the Nunavut Land Claims Agreement.

On account of the significant cumulative and trans-boundary implications of this proposal, involving major new transportation corridors and development activity in the terrestrial and marine regions of Nunavut, NWT and beyond, WWF-Canada recommends strongly that this proposal be subject to a Part 6 review. It is only by involving this federal level of assessment that the wider implications of this major development can be properly assessed and hopefully managed.

Earlier this year, we expressed this concern in writing to your staff (see attached copy of the letter to your RDG Wilf Atwood and the Govt. of Nunavut's Earl Baddaloo), and also emphasised the clear need for a 'Conservation First' approach to be taken with such development - establishing a firm connection to the need to reserve an adequate network of protected areas in the affected natural regions prior to completing and approving the development project.

I hope that these comments are helpful to you, and would be pleased to discuss this with you at any stage.

Sincerely yours,

Monte Hummel, O.C.
President
WWF-Canada



cc. Cathy Towtongie, President, Nunavut Tungavik Inc.
Charlie Evalik, President, Kitikmeot Inuit Association
Ms.Elizabeth Copeland, Chairperson, Nunavut Impact Review Board
Tom Kudloo, Chair, Nunavut Water Board
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Suite 410
Toronto, Ontario
Canada M4P 3J1

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(1-800-267-2632)
panda@wwfcanada.org
www.wwf.ca

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To The Hon. Robert Nault
Minister of Indian Affairs and Northern
Development

Fax no. (819) 953-4941 Date December 17, 2002

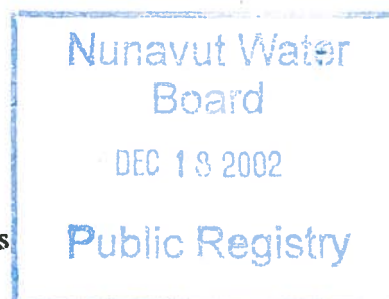
From Monte Hummel, President, WWF-Canada

Subject Re: Bathurst Inlet Port and Road Project No. of pages 8

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September 3, 2002

Wilf Attwood, Regional Director General, DIAND
Nunavut Region
Qimugjuk Building 969, 2nd floor,
P.O. Box 2200
Iqaluit, Nunavut.
XOA OH0

Fax: 867-975-4560

Earl Baddaloo
Director, Environmental Protection Services
Department of Sustainable Development
Government of Nunavut
Box 1000, Station 170
Iqaluit, Nunavut
XOA OH0

Fax: 867-975-5980

Re: Bathurst Inlet Port and Road Project

Dear Sirs:

WWF-Canada has been monitoring the progress of the Bathurst Inlet Port and Road Project, and would like to here register formally our significant concerns and suggestions for a better, balanced approach to this major development proposal. This letter builds on previous discussions we have had with you or your staff on this issue.

In summary, we make two main points:

1. **A proactive, well-balanced approach brings multiple benefits to all stakeholders and decreases risks for the overall initiative. This requires that the 'Conservation First' principle be adhered to, such that an adequate network of representative protected areas in the affected marine and terrestrial natural regions be reserved prior to or in tandem with the development and regulatory approvals.**
2. **Given the location, nature and scope of this project, a full federal Environmental Assessment is required.**



While WWF is not opposed to development of economic opportunity in Canada's north via such industrial development, we do know that any major project of this scale requires very careful attention, planning and new approaches to ensure that adverse social and environmental impacts are avoided or minimised. Only then might such projects in 'frontier' areas/sensitive ecosystems be termed "sustainable" – a central requirement for both your governments of course, and particularly relevant on the world stage at this time.

A proactive approach

Central to our WWF mission to "build a future in which humans live in harmony with nature" is what we call the *Conservation First Principle*. This states that prior to or concurrent with any new major industrial development, an adequate network of ecologically representative protected areas should be identified and reserved for legal protection in the affected natural regions. In the territories, many of these ecologically significant areas would obviously also be of great cultural and spiritual importance to local people. Throughout Canada, the natural region framework has been widely adopted by governments, scientists, planners, etc. as a preferred basis for protected areas planning. The natural region framework used in the Arctic is the Terrestrial Ecoregions of Canada (Ecological Stratification Working Group 1995).

As you may already be aware, in recognition of a solid, defensible and proactive approach to balanced development and conservation, the commitment to complete Canada's network of representative protected areas was made 10 years ago by all levels of government. However, the job is only 1/3 complete at this point for the terrestrial natural regions of Canada, and barely started in Canada's marine regions.

At this stage, the marine and terrestrial natural regions which would be directly affected by the Bathurst Port and Road Project contain no protected areas. Yet these landscapes are known to contain some globally significant wildlife populations and the critical habitats upon which they depend. In addition to caribou, there are also a number of designated species at risk (e.g., polar bear, wolverine) whose critical habitat would potentially be affected by the industrial development. These aspects must clearly be adequately addressed, notably through protected areas planning in advance of regulatory approvals for such a major development project.

Furthermore, land use planning has the potential to streamline industrial development approvals by appropriately identifying a range of zones defining levels of intensive use, including sensitive "no development" zones. As you will be well aware, the multi-stakeholder West Kitikmeot Slave Study Society (WKSS) initiative was designed precisely to fill gaps in knowledge of broader ecosystem-



level processes and to assist in strategic planning of development projects in the mineral-rich barrenlands. Unfortunately, in the draft West Kitikmeot Land Use Plan there is as yet little reference to, or reflection of, the collection of information and development of studies regarding cultural and ecological resources and values under the WKSS. Therefore, this draft Land Use Plan has not yet adequately addressed sensitive ecological areas and/or values. Leaving the entire landscape of the affected natural regions open for intensive use dependent on regulatory approvals will undoubtedly ensure continued conflicts on a project-by-project basis.

In addition, we believe that under the 1992 federal Cabinet Directive on Strategic Environmental Assessment (SEA), this initiative (and its federal financial support) should already have automatically been subject to a full SEA. In our view an SEA should be initiated immediately for this large marine and terrestrial project proposal, as required by this Directive, before further planning and investments are undertaken.

A reactive approach

We have been waiting for an opportunity to comment to the NIRB as part of the consultation process for the Bathurst Inlet Port and Road Project. However, since the NIRB has sent a letter to the federal Minister of Indian Affairs and Northern Development asking for a ruling on the scope of the EA for the Project, we must now express our serious concern with an EA conducted by the NIRB under the Nunavut Land Claim Act (NLCA) Article 12, Part 5. WWF-Canada believes strongly that the project should be referred to a federal EA for the following reasons:

1. Impacts to the marine ecosystems affected by the proposed Project cannot be addressed under an EA conducted by the NIRB. Since marine waters are the jurisdiction mainly of the federal Department of Fisheries and Oceans, only a federal EA has the mandate and authority to address potential adverse impacts in marine ecosystems.
2. The potential for cumulative environmental impacts requires a large-scale, long-term approach that can only be provided by a federal EA. One of the stated intentions of the project is to facilitate the development of several mining projects. Therefore the (cumulative) effects of these further developments should be considered at this early stage of overall development in the region.
3. The proposed road crosses an entire terrestrial ecoregion (Ecoregion #41, Takijuk Lake Upland) and part of a second ecoregion (Ecoregion #38, Bathurst Hills) (Ecological Stratification Working Group 1995) and will result in a transportation corridor, connected by winter roads, from Yellowknife, NWT to the Arctic Ocean. This project is not limited to the boundaries of a mine site. Similarly, the BHP Ekati diamond project impacts a much larger area than the limits of the mine site



because of the development of a road. In that case, failure on the part of the environmental review panel to consider a regional approach resulted in the launch of the NWT Protected Areas Strategy. Hence, WWF-Canada recommends a federal EA since there is commitment from the Canadian Environmental Assessment Agency (CEAA) to address the impact of projects on existing protected areas and the potential to complete ecoregion representation.

4. There should be consistency with EAs coordinated by the Mackenzie Valley Environmental Impact Review Board (MVEIRB) in order to properly address transboundary issues. The level of review should be consistent with the rigor and scope undertaken by the MVEIRB in the NWT portion of the Slave Geological Province, such as currently underway for the proposed De Beers Snap Lake Diamond Project. There are a number of transboundary issues that require careful consideration, including the management and monitoring of the Bathurst caribou herd, wildlife movements of top predators such as grizzly bear and wolf, and the development of a transportation corridor from Yellowknife, NWT to Bathurst Inlet, Nunavut.

In conclusion, we reiterate the need to complete an adequate representative protected areas network in the natural regions affected by the proposed Bathurst Inlet Port and Road project in advance of, or concurrent with, development and regulatory approvals. WWF-Canada delivered the same message to the proponents of the project in May 2002 at a meeting in Toronto. This is consistent with the 'Conservation First' approach regarding the proposed Mackenzie Valley gas pipeline and related developments, which has attracted substantial support from industry, communities and governments (through the NWT Protected Areas Strategy).

Outside of protected areas, we have expressed concerns that an environmental assessment should include, at a minimum, a comprehensive natural regions based approach, including a consideration of marine ecosystems. WWF believes strongly that only an EA led by the appropriate federal government authority can provide the scope and mandate necessary to fully consider all necessary impacts.

We would be happy to discuss this issue further with you or your staff at any stage, and would appreciate an early written response to our concerns and suggestions outlined above.

Sincerely,

Peter Ewins, D.Phil.
Director, Arctic Conservation

Josh Laughren
Director, Marine Conservation



cc. Cathy Towtongie, President, Nunavut Tungavik Inc.
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245 Eglinton Avenue E.
 Suite 410
 Toronto, Ontario
 Canada M4P 3J1

Toll Free: 1-800-26-PANDA
 (1-800-267-2632)
 panda@wwfcanada.org
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Fax no.	(819) 953-4941	Date	December 17, 2002
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