



NIRB File No.: 09MN003

December 7, 2012

Nunavummiut Makitagunarningit
Box 1554
Iqaluit, NU XOA OHO

Sent via Email: NunavummiutMakitagunarningit@gmail.com

Re: **NIRB Response to Issues Raised in December 3, 2012 Correspondence from Nunavummiut Makitagunarningit (Makita) with Respect to Anticipated Revised Timeline for the NIRB Review of AREVA's Kiggavik Project Proposal**

Dear Makita Members:

Thank you for your letter of December 3, 2012 to the Nunavut Impact Review Board (NIRB or Board), in which you provided your comments and requests in relation to the anticipated revised timeline (September 20, 2012) for the NIRB's Review of AREVA Resources Canada's (AREVA) Kiggavik Project Proposal. In your letter you requested that in order to avoid meetings taking place in the community of Baker Lake in the spring (the Technical Meeting and Pre-hearing Conference are tentatively proposed in the revised timeline for late in April and early May) that the NIRB delay community meetings until the fall of 2013. Your correspondence also indicated that to allow the parties to conduct a more thorough analysis of AREVA's Draft Environmental Impact Statement (DEIS) and responses to Information Requests (IRs) the Board should add a second information request period following the receipt of AREVA's IR response package on January 31, 2013 to the proposed process and schedule.

At the outset, although the NIRB does consider requests for flexibility in its timelines and processes on a case by case basis, the Board also recognizes that the NIRB's established general processes and timelines, while allowing for appropriate levels of public engagement and issue resolution, are also the product of extensive public consultation and efforts to ensure parity with other northern jurisdictions in the assessment of major development projects. As a result, the NIRB is mindful of the potential effects on the efficiency, predictability and timeliness of Board processes when considering requests for project-specific alterations.

Specifically with respect to Makita's expressed concerns regarding the potential for the Board to hold a Technical Meeting and Pre-Hearing Conference in Baker Lake during the spring time, given the importance of encouraging public participation, it is the NIRB's practice to consult with affected communities prior to scheduling any community meetings in order to recognize and accommodate community-specific scheduling conflicts to the extent possible. However, to

automatically exclude spring and/or summer seasons from any steps involving community participation in all of the NIRB's processes would impose an unreasonable limitation on the Board's ability to fulfill our mandate for a period of several months every year.

As noted in the Board's September 20th letter to AREVA, the NIRB believes strongly that impact assessment processes must be both timely and predictable to be effective and major changes to Review timelines have significant implications for all the participants in the process, not only the Proponent or the affected communities. In addition, the Board's ability to budget, plan for and coordinate the various stages in both this Review and the Board's other Reviews, screenings and monitoring files are adversely affected by protracted or indeterminate timelines. Consequently, the Board cannot automatically exclude a particular season or seasons from any of our review timelines, including this Review.

However, as is the Board's practice for all Reviews, prior to the NIRB finalizing the schedule for any community activities in this Review (including the DEIS Technical Meeting and Pre-hearing Conference) the NIRB will engage with the community and parties to ensure that, where possible, specific scheduling conflicts can be addressed, that appropriate notice is provided to encourage community participation and that opportunities are given to community members who may be on the land or otherwise unable to attend to have their questions and comments before the Board throughout this process. Recognizing that future timelines for this Review are dependent on a number of factors, including the timing of and completeness of contributions from the Proponent, technical reviewers and the public that have yet to take place, the Board will consult regarding the anticipated Review schedule as contributions are received and confirmation of next steps can occur.

With respect to Makita's request to add a second round of Information Requests (IRs) following the receipt of the Proponent's IR response package in January, the NIRB reminds participants that this Review is only at the preliminary stage of analyzing the Draft Environmental Impact Statement (DEIS) and that, given the structure of NIRB's Review process with both DEIS and Final Environmental Impact Statement (FEIS) stages, there will continue to be significant opportunities for information exchange as the Review proceeds. In the Board's view, opportunities for technical review at both the DEIS and FEIS stages establishes a more iterative environmental assessment process that includes on-going opportunities for input from the public, government, Inuit organizations, affected communities and other interested parties, supports the parties in ensuring necessary information is brought into the Review and provides several opportunities for information exchange, clarification of issues and provision of technical comment prior to the Final Hearing. This structure also encourages resolution of issues as the Review proceeds, however, it does not mean that all disagreements between the participants and the Proponent on the need for information, the level of information required or the analyses and conclusions presented by the Proponent are expected to be resolved, and it is generally the case that unresolved issues may persist throughout the Review from the DEIS stage through to the Final Hearing.

On this basis, the Board does not, at this time, anticipate that there will be a need to add a second IR round in advance of the provision of technical comments on the DEIS. The Board may, however revisit Makita's request in light of the IR response package submitted by the Proponent

and may also invite further comment on the specific need for changes to the anticipated timelines and processes as the Review progresses. Although the NIRB has declined to add this additional step to the Review at this time, the Board continues to encourage the parties to work together to address and resolve, wherever possible, the issues brought forward at this stage in the Review. The Proponent's upcoming IR Response Package and the subsequent technical review are steps that are intended to support this on-going work, and the Board appreciates the efforts and commitment of all parties in this regard.

If you have any questions or require further clarification please contact Amanda Hanson, Director of Technical Services at (867) 983-4615 or ahanson@nirb.ca.

Sincerely,

A handwritten signature in black ink that reads "Ryan Barry". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Diane Martens, AREVA Resources Canada
Kiggavik Distribution List