



ENVIRONMENTAL IMPACT REVIEW BOARD

May 24, 2012

Ms. Cheryl Baraniecki
Regional Director, EPO
Environmental Protection Operations
Prairie and Northern
5019 – 52nd Street, 4th Floor
P.O. Box 2310
Yellowknife, NT X1A 2P7

Dear Ms. Baraniecki,

Baseline Data Acquisition and Cumulative Impact Assessment for the HAMLET OF TUKTOYAKTUK, TOWN OF INUVIK AND GNWT - CONSTRUCTION OF THE INUVIK TO TUKTOYAKTUK HIGHWAY, NORTHWEST TERRITORIES [02/10-05]

The Environmental Impact Review Board (EIRB or Review Board) has received all but four responses to the Round 2 Information Requests (IRs) that were directed to the Developer and other Parties. With the information now in hand, the Review Board is now in a position to respond to Environment Canada's letter to the EIRB dated March 9, 2012, that expressed several concerns regarding the Review process, specifically:

1. the Developer's intention to prepare and file baseline and other survey reports in July, August and September 2012 and whether the Parties to the proceedings would have access to these reports prior to the Public Hearings;
2. properly considering impacts and cumulative effects on VECs, VSCs, and on species at risk in the Review; and
3. the process for Parties and the public to provide input to the Review Board for its consideration in making its Review decision.

In response to the first concern, please refer to the Review Board's Directive sent to the Developer on May 24, 2012 (which is posted on the Registry). This Directive outlines the information the EIRB requires from the Developer in order to complete the Review, the timeframe for the Developer to provide the necessary information, and a revised schedule for completing the Review. This Directive will allow all Parties to access the new information being provided by the Developer in advance of Technical Sessions and the Hearing, and allow the Parties to provide their input, in the form of written submissions, to the Review Board.

In response to your Department's second concern, the Review Board issued the Terms of Reference for the Environmental Impact Statement (EIS), with input from the public and all Parties, on November 3, 2010 to address public concerns and to meet Inuvialuit Final Agreement (IFA) and *Canadian Environmental Assessment Act* (CEAA) requirements. The Review Board expects these requirements to be satisfied by the Developer in its EIS or otherwise by the evidence on the Record before completion of the proceeding.

The Review Board notes that Environment Canada issued several IRs during Round 2 to the Developer regarding species at risk. The Review Board further notes the Developer responded to these IRs on April 30, 2012. The Review Board would appreciate receiving an updated evaluation of the available evidence with specific respect to the requirements of the federal *Species at Risk Act* from Environment Canada. In addition, please advise the Board as to whether Environment Canada is now in a better position to satisfy its CEEA requirements based on the Developer's responses of April 30, 2012 and its other wildlife related IR responses filed.

The third concern has also been addressed in the Directive to the Developer dated May 24, 2012.

Please contact me if you have any questions or concerns regarding this letter.

Thank you,

A handwritten signature in blue ink, appearing to read 'Eli Nasogaluak', with a long horizontal flourish extending to the right.

Eli Nasogaluak
Environmental Impact Review Coordinator
Environmental Impact Review Board
Phone: (867) 777-2828
Fax: (867) 777-2610
eirb@jointsec.nt.ca