



ENVIRONMENTAL IMPACT REVIEW BOARD

October 22, 2012

Mr. Matthew Spence
Director General
Northern Projects Management Office
PO Box 1500
Yellowknife, NT
X1A 2R3

Dear Mr. Spence,

RE: Federal Recipients of EIRB Final Report -- Inuvik to Tuktoyaktuk Highway Project

As you may be aware, the Environmental Impact Review Board (EIRB) completed its hearings into the captioned project in late September. The proceeding was then extended to allow the introduction of additional evidence by the proponents. Final submissions by interveners are due October 29, 2012, and a reply from the developer is due on November 5, 2012. The EIRB has begun giving consideration to the form and content of its final report. We note on review of submissions from federal departments participating in this proceeding that some questions remain with respect to which of these agencies should be recipients of the Panel's final report.

This environmental impact review is being conducted as a substituted review under the provisions of the Inuvialuit Final Agreement (IFA), but it must also satisfy the requirements of the *Canadian Environmental Assessment Act* (CEAA). During the Inuvik hearings, Infrastructure Canada advised the Panel that it would be coordinating the federal response pursuant to CEAA. Our understanding based on the substitution agreement between the EIRB and the Minister of the Environment is that the Panel is only required to provide a copy of its report to that Minister. We also understand that distribution of the Panel report internal to the government of Canada will be the responsibility of the Minister of Environment.

At the same time, section 11(32) IFA requires that the decision of the Panel be transmitted to the "governmental authority competent to authorize the development". Some federal departments, in their submissions to the Panel, self-identified as "competent governmental authorities". Review of precedents by the Panel indicates that EIRB practice has generally been to identify that particular authority as the Minister of Aboriginal Affairs and Northern Development Canada (AANDC). The Panel has not yet made a determination as to which federal departments might qualify as competent authorities.

We would appreciate any advice that you might provide with respect to Canada's view as to which federal ministers in addition to the Minister of the Environment ought to be a recipient of the Panel report once it is released.

Your assistance in this regard would be appreciated by the Panel.

Yours truly,

A handwritten signature in dark ink, appearing to read "Elizabeth Snider". The signature is fluid and cursive, with the first name "Elizabeth" written in a larger, more prominent script than the last name "Snider".

Elizabeth Snider
Chairperson

cc: Developer and Parties
Public Registry