



## Canadian Arctic Resources Committee

A voice for citizens on the Canadian North for more than 25 years.

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### Fax Cover Sheet

To: Glenda Fralton  
MUEIRB  
766-7074

Date: April 25/03

Pages: \_\_\_\_\_

#### Message:

Glenda

In preparing our opening statement, it appears that none of the attached letters are on the Supp Lake environmental assessment public registry. Please add them when you have a chance. I apologize in advance as I do not have an electronic version of any of this correspondence.

*Kwinn*

June 14, 2001

Hon. Robert Nault  
Minister of Indian Affairs and Northern Development  
House of Commons  
Ottawa ON  
K1A 0A6

Hon. David Anderson  
Minister of Environment  
House of Commons  
Ottawa ON  
K1A 0A6

**Re: Intervenor Funding for Northern Environmental Assessment**

Dear Ministers

As you are aware, CARC has a 30-history of involvement in research, analysis and policy development in the North. We have had experience with environmental assessment and regulation of most of the major resource development projects across northern Canada. Most recently, CARC has participated in:

- the BHP Diamonds EARP Panel review;
- the NWT Water Board licencing of the Ekati mine;
- the negotiation of the BHP Environmental Agreement;
- the Diavik Comprehensive Study Report process;
- the NWT Water Board hearings on the Diavik Project; and
- the Mackenzie Valley Land and Water Board hearing on BHP's water licence amendment to add the Fox pipe to their Ekati operations.

Unfortunately, CARC was not able to directly participate in the pre-hearing conferences recently held by the Nunavut Impact Review Board and the Nunavut Water Board in Kitikmeot communities to consider the Jericho diamond project by Tahera Corporation. We do not have the internal resources to allow us to travel to these meetings and to ensure a thorough review of the materials submitted by Tahera to date.

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01-Jun-21 06:11pm From: NUNAVUT IMPACT REVIEW BOARD

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CARC provided independent technical expertise to many of the above proceedings and added significantly to the rigour of these reviews. We also provided assistance to communities in their reviews of these projects through networking and information sharing, and by making technical experts that we retained available to communities. CARC has also conducted and published independent research on mineral policy and other resource development in the North.

CARC strongly supports the concept of co-management but it has been our experience during the diamond mining rush that the capability and commitment of government to participate in and promote the public interest during environmental assessment has declined rapidly.

Intervenor funding is an important tool in ensuring that environmental assessment is rigorous, comprehensive, open and fair. The federal government has enshrined the principle of participant or intervenor funding in the *Canadian Environmental Assessment Act* for mediations and panel reviews. Bill C-46, which is now before Parliament, would extend this requirement to comprehensive studies and joint panel reviews. However, there are no provisions for participant or intervenor funding under legislation implementing the *Inuvialuit Final Agreement*, the *Nunavut Land Claim Agreement* or the *Mackenzie Valley Resource Management Act*. This leaves the residents of the NWT and Nunavut without access to participant funding when it comes to environmental assessment.

It is our understanding that the Department of Indian Affairs and Northern Development has not made any provisions for intervenor funding for any impact reviews conducted by co-management bodies in the NWT or Nunavut. There are two important provisions in the Nunavut Land Claims Agreement that relate to intervenor funding:

Article 10 Part 9 Section 10.9.1 "This Agreement shall in no way prejudice the ability of Inuit to benefit from any programs of intervenor funding that may be in place from time to time."

Article 12 Part 6 Section 12.6.1 "Where the Minister under Sub-Section 12.4.7 (a) decides to refer a project proposal to the Minister of the Environment for public review by a federal environmental assessment panel, the panel shall conduct its review in accordance with the provisions of this Part and with any other procedures, principles and general practices that provide at least the same opportunities for an open and comprehensive public review as provided by the Environmental Assessment and Review Process Guidelines Order (S.O.R. /84-467, 22 June 1984)." (*emphasis added*)


Clearly it was not the intention of the negotiators of the NLCA to limit public participation in NIRB impact reviews through a failure to make intervenor funding available to communities, environmental organizations, public interest groups and the general public.

The National Round Table on Environment and Economy recently recommended that "the Government of Canada should allocate...\$500,000 per year for intervenor funding" to ensure that the Mackenzie Environmental Impact Review Board "can effectively carry out its mandate".

CARC supports this recommendation and believes there is a moral, if not legal, obligation on the federal government to provide intervenor funding for panel reviews, including the current review of Tahera's Jericho project and any upcoming assessments of oil and gas development and construction of northern pipelines. Access to participant or intervenor funding should not be determined by place of residence. We call upon you to immediately provide intervenor funding to the NWT and Nunavut co-management bodies to allow the public to more effectively and equitably participate in environmental assessment.

We would appreciate a written response to our concerns and comments.

Sincerely,

  
John Crump  
Executive Director

cc. Elizabeth Copeland, A/Chair, Nunavut Impact Review Board  
Thomas Kudloo, Chair, Nunavut Water Board  
Gordon Lennie, Chair, Mackenzie Valley Environmental Impact Review Board  
Robert Hornal, Chair, Inuvialuit Environmental Impact Review Board  
Hon. Ethel Blondin-Andrew, MP Western Arctic  
Nancy Karatek-Lindell, MP Nunavut  
Larry Bagnall, MP Yukon

Minister of the Environment



Ministre de l'Environnement

Ottawa, Canada K1A 0H3

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JUL 20 2001

Mr. John Crump  
Executive Director  
Canadian Arctic Resources Committee  
7 Hinton Avenue North, Suite 200  
Ottawa ON K1Y 4P1

To Kevin O'Reilly

"Punt"

JL

Dear Mr. Crump:

Thank you for your letter of June 14, in which you expressed concerns about participant funding for environmental assessment review panels, in particular with respect to the Jericho Diamond Mine project in Nunavut.

As you know, one of the purposes of the *Canadian Environmental Assessment Act* is to ensure that there be an opportunity for public participation in the environmental assessment process. In accordance with the Act, the Canadian Environmental Assessment Agency administers a participant funding program to help concerned citizens and organizations participate in the environmental assessment of projects being examined by a review panel or mediator.

In the case of the Jericho Diamond Mine, the project is being assessed as a screening under the *Canadian Environmental Assessment Act*. The screening is being led by the Department of Indian Affairs and Northern Development, which has referred the project to a review panel by the Nunavut Impact Review Board. In this regard, I note that you have also written to my colleague, the Honourable Robert Nault. I trust that Minister Nault will be able to address this matter in further detail.

I appreciate your interest in these issues.

Yours sincerely,

David Anderson, P.C., M.P.

c.c.: The Honourable Robert Nault, P.C., M.P.

Minister of Indian Affairs  
and Northern Development



Ministre des Affaires  
indiennes et du Nord canadien

Ottawa, Canada K1A 0H4

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Print! Over  
to NIRB.

Mr. John Crump  
Executive Director  
Canadian Arctic Resources Committee  
7 Hinton Avenue North, Suite 200  
OTTAWA ON K1Y 4P1

Dear Mr. Crump:

Thank you for your letter of June 14, 2001, co-addressed to my Colleague the Honourable David Anderson, Minister of the Environment, requesting intervenor funding to be provided to the Northwest Territories and Nunavut co-management bodies and, in particular, for the Nunavut Impact Review Board's (NIRB) environmental review of the Jericho diamond project.

Minister Anderson has responded to your concerns with regards to this project, noting that the Canadian Environmental Assessment Agency administers a participant funding program for assessments conducted by panels or mediators under the *Canadian Environmental Assessment Act* (CEAA). The Jericho diamond project, however, is being assessed as a screening under the CEAA, with Indian and Northern Affairs Canada (INAC) acting as the lead responsible authority. The NIRB recommended to me that the project be reviewed under Article 12, Part V of the Nunavut Land Claims Agreement. I concurred with their recommendation and the NIRB is proceeding in the review of the project on this basis. Federal authorities involved in the screening will act to ensure that the NIRB's review meets the requirements for a screening, as laid out in section 16(1) of the CEAA.

In response to the broader question you raise concerning funding for intervenors in the environmental assessment processes in the Northwest Territories and Nunavut, INAC recognizes the participation of intervenors as important to the environmental assessment process. Where the CEAA applies in the North, participants are eligible to apply for funding under participant funding programs established under that Act. With respect to the environmental assessment processes that have been established under the land claim regimes, funding is provided on a case-by-case basis.

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For example, in the case of the Jericho review, the NIRB has the opportunity to submit a budget and workplan to the department for additional resources required above and beyond its annual budget. A similar process is followed for projects that have been referred to the Environmental Impact Review Board under the Inuvialuit Final Agreement, and for projects that have been referred for Environmental Impact Review under the *Mackenzie Valley Resource Management Act*.

I appreciate your interest in this issue, and trust that this response addresses your concerns.

Yours sincerely,



Robert D. Nault, P.C., M.P.

c.c.: The Honourable David Anderson, P.C., M.P.

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## Mackenzie Valley Environmental Impact Review Board

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The Honourable Robert D. Nault, P.C., M.P.  
Minister of Indian Affairs and Northern Affairs Canada  
Government of Canada  
Minister's Office  
10 Wellington St., North Tower  
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The Honourable Minister Joseph Handley  
Minister of Resources Wildlife and Economic Development  
Government of the Northwest Territories  
Box 1320, Yellowknife, NT. X1A 2L9

September 14<sup>th</sup>, 2001

Dear Ministers Nault and Handley:

**Re: Status of GNWT/Canada community capacity building strategy**

In March of 2001, the Mackenzie Valley Environmental Impact Review Board wrote to Canada and the GNWT encouraging your governments to begin working on a coordinated strategy to address community capacity building in anticipation of a Mackenzie Valley pipeline. In that letter, the Board outlined its concern with respect to the shortage of resource management capacity building and training resources available to communities in the NWT.

As you are aware, it is possible that an application to build a pipeline and associated gathering systems in the NWT could be submitted to regulatory authorities with jurisdiction in the NWT as soon as December 2001. All of the responsible authorities for regulatory and environmental assessment approval of a pipeline application are making considerable progress on a Cooperation Plan that will ensure that a "made in the north" process results in a quality and efficient review. However, to ensure a quality "made in the north" process, communities and Aboriginal organizations require the ability to actively participate in a meaningful and substantive manner.



We are aware of the resource management and community infrastructure assistance initiatives that both governments are undertaking, including the commitment from DIAND to renew the Interim Resource Management Agreement (IRMA) Program for one year with support from the GNWT. We are also aware of the additional funds that the Department of Municipal and Community Affairs has made available for capital infrastructure impacts.


While these initiatives are encouraging, specifically the extension of the IRMA program, we remain concerned with respect to the lack of a coordinated gas pipeline-specific strategy that will provide resources and capacity to affected community groups wishing to intervene in the review process. We also understand that the IRMA Program funds will not be made available to Aboriginal organizations in the Inuvialuit, Gwich'in or Sahtu settlement regions. As stated in Minister Handley's letter to the NWTAM (August 13<sup>th</sup>, 01), municipal governments will be represented by the GNWT before the National Energy Board and other regulatory agencies, however, regulatory and approval agencies will need to consult directly with affected community councils and other municipal organizations, which are not eligible for IRMA Program dollars.

All regions of the NWT, whether under settled or unsettled land claims, require additional capacity to become properly engaged in the necessary development consultation and related activities that will undoubtedly occur. Aboriginal organizations in the Inuvialuit, Gwich'in and Sahtu regions do not receive adequate funding from government through their claims implementation plans to adequately participate in resource management processes established under the MVRMA and other legislative processes, which may be applied in the event of a pipeline application.

The Chairs of the Boards and Agencies with responsibility for regulation and environmental assessment of the gas pipeline through the Mackenzie Valley wish to encourage both governments to address the need for a capacity building initiative that can assist all communities and Aboriginal organizations, including those in Inuvialuit, Gwich'in and Sahtu regions, to effectively participate in the environmental assessment and regulatory process, should an application to construct a pipeline be received.

Time is passing quickly. The Board encourages you in your continued efforts in this most important initiative. The quality and timeliness of the environmental assessment and regulatory process will depend on how capable and prepared communities are to participate in the process once it begins.

Sincerely,

  
Frank Pope  
Chair, Mackenzie Valley Pipeline Regulatory and  
Environmental Assessment Chairs' Committee

cc: Chairs' Committee Members  
Pipeline Working Group Members



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February 12, 2003

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Your file - Votre référence

Our file - Notre référence

Kevin O'Reilly  
Research Director  
Canadian Arctic Resources Committee  
3<sup>rd</sup> Floor, 4910 50<sup>th</sup> Street (MacKay Building)  
P.O. BOX 1705  
YELLOWKNIFE, NT  
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Dear Mr. O'Reilly:

**Re: Question on the Targeted Use of Snap Lake Revenue from the  
De Beers Canada Mining Inc. Snap Lake Project**

Indian and Northern Affairs Canada (INAC) is pleased to respond to your question concerning our position on the feasibility and desirability of the targeted use of federal revenues from the De Beers Snap Lake Diamond Project towards the economic diversification and sustainability for the Northwest Territories.

It is general practice that the federal royalties and taxes generated from the Northwest Territories, as with the other territories and provinces, flow to the General Revenue Fund which is then re-distributed through federal programs and transfer payments. I do not foresee the Federal Government altering this practice anytime before the conclusion of the Environmental Assessment Phase of the De Beers Snap Lake Diamond Project.

I would like to thank you for raising this concern with me and if you have any questions please do not hesitate to contact me at (867) 669-2647.

Yours sincerely,

David Livingstone,  
Director, Renewable Resources and Environment

c.c.: Vern Christensen,  
Executive Director, MacKenzie Valley  
Environmental Impact Review Board

Canada

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