

Mackenzie Valley Environmental Impact Review Board

Box 938
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Yellowknife, NT X1A 2N7

Our file: 620-002, EA99-004

July 26, 1999

Dr. J. Ahmad
Director of Operations
Nunavut Impact Review Board (NIRB)
Box 2379
Cambridge Bay, Nunavut
X0E 0C0

Dear Dr. Ahmad:

Joe

Re: Tahera and BHP projects

As discussed in our recent conversation, I am sending information on the transboundary provisions in the *Mackenzie Valley Resource Management Act*. Enclosed is a copy of our *Interim Guidelines* and a copy of the Act. I would like to draw your attention of pp.38-39 and pp.48-50 of the *Interim Guidelines*.

Tahera:

It is our current understanding that the Tahera project will be carried out completely in Nunavut though mine site supply will likely take place from the Lupin ice road. According to our legislation, this would make the project completely outside the Mackenzie Valley but with potential impacts in the Mackenzie Valley (i.e., GNWT letter to NIRB dated June 9, 1999). This means that our Board would have to receive the DIAND Minister's approval to allow for our participation in your screening process. If in the new project description, there is a component in the Mackenzie Valley then we would be obliged to coordinate activities. At the present time, my Board has been informed of the situation but no decision has been taken on whether or not to seek the Minister's permission to participate in your process. That will be decided after we review the new project description.

BHP:

As indicated in our letter of May 12 (attached) and my email of June 24, our Board is undertaking an environmental assessment of the proposed expansion of BHP. At that time, we asked how NIRB would like to be kept informed of activities relating to projects with transboundary implications. You

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|--------------------|------------------------------------|----------------|
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confirmed during a phone conversation of July 15 that NIRB would not have an involvement an involvement in the BHP expansion. Regardless, in an effort to keep you informed, I would like to say that we are proceeding with the environmental assessment by dealing directly with the effected communities on the Nunavut side (e.g., Kugluktuk).

In closing, given the on-going potential for transboundary projects, at our next Board meeting I will be seeking permission from the Board to develop a cooperation agreement with NIRB. If successful, I will be in touch regarding this agreement. In the meantime, if you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Heidi Klein', with a stylized, flowing script.

Heidi Klein

cc. John Donihee