

Note: The abbreviations ‘NIRB’ and ‘the Board’ are used interchangeably throughout this document in reference to the Nunavut Impact Review Board.

1. What is a Project Proposal?

A project proposal, as defined by the Nunavut Land Claims Agreement (NLCA) means:

“a physical work that a Proponent proposes to construct, operate, modify, decommission, abandon, or otherwise carry out, or a physical activity that a Proponent proposes to undertake or otherwise carry out, such work or activity being within the Nunavut Settlement Area...”

This definition applies to all project proposals, with the exception of those that relate to trans-boundary impacts and are dealt with under Section 12.11.1 of the NLCA.

2. Who do I contact about my Project Proposal?

Proponents are encouraged to contact the Authorizing Agencies (AAs) and NIRB about their project proposal.

AUTHORIZING AGENCIES

The Proponent must contact *all* of the Authorizing Agencies (AAs) responsible for issuing any authorization (any letter, permit, license, lease, certificate, or other written or verbal communication that authorizes a project or a component of a project to proceed) associated with the project proposal. It is important to note that a project proposal may require more than one authorization based on land and water (marine or freshwater) jurisdictional responsibilities.

For example, a mineral exploration project proposal may require the following authorizations:

- A land use authorization from a Designated Inuit Organization (DIO) and/or Indian and Northern Affairs Canada (INAC) depending on whether the project proposal is located on Inuit Owned Land (IOL) or Crown Land. If the project proposal is located within a municipal boundary a land use authorization may be required from the Government of Nunavut department of Community Government Services.
- A water license from the Nunavut Water Board (NWB) depending on water requirements for drilling and/or camp use.

- A Right-Of-Way authorization if a road or trail is included in the project proposal
- A quarry permit if source material is required to build a road or other infrastructure
- An archaeological permit from the Government of Nunavut department of Culture, Language, Elders and Youth (CLEY) if the Proponent is conducting archaeological or palaeontological research.
- Other authorizations depending on the scope of activities included in the project proposal.

PROJECT LOCATED WITHIN A LAND USE PLANNING REGION

As of the date of this Guide, August 2007, two (2) regions have approved land use plans, the North Baffin and the Keewatin. If a project is located within a land use planning region, the Proponent should contact the Authorising Agencies, who then will forward the application on to the Nunavut Planning Commission (NPC) in accordance with Section 11.5.10 of the NLCA. If the NPC determines that the project proposal is in conformity with the approved land use plans, or a variance has been approved, NPC forwards the proposal to the NIRB for screening. Project proposals are not forwarded to NIRB if they are exempt from screening under Schedule 12-1 of the NLCA (please see Guide 4: Project Proposals Exempt from NIRB Screening), unless NPC has concerns about the cumulative impact of that project proposal in relation to other development in the planning region. Some Authorising Agencies also send the application to NIRB at the same time as it is sent to NPC, but NIRB **will not** begin the screening process until NPC conformity has been received.

A Proponent can contact NPC directly if they have questions regarding the applicability of land use plans related to their project – 867-983-2730.

PROJECT LOCATED OUTSIDE A LAND USE PLANNING REGION

In the absence of an approved land use plan, all project proposals are referred directly to NIRB for screening from the Authorising Agency, as per Section 12.3.5 of the NLCA.

NUNAVUT IMPACT REVIEW BOARD

Following the application process with the Authorising Agency, Proponents are encouraged to contact NIRB about their project proposal to ensure that NIRB receives the complete scope of a project proposal to enable NIRB to screen the project proposal as a whole. Please see Section 6 of this Guide, *What Information does NIRB Require to Screen a Project Proposal?*

3. What does "screening" mean?

The NLCA, Article 12, Part 4 provides for the screening of project proposals by NIRB to determine whether a project proposal has significant impact potential, and therefore requires a review under Part 5 or 6.

4. When does NIRB receive the Project Proposal?

NIRB acknowledges receipt of a Project Proposal once it receives:

- a) Indication of an authorization that requires screening; and
- b) NPC land use plan conformity determination or variance, where appropriate.

At that time, NIRB issues the project proposal a NIRB file number, begins the screening process, and will issue its determination within 45 days unless:

- a) The Minister has approved an extension to the 45 days period (please see Section 8 of this Guide on *How does NIRB Request an Extension to the Screening Process?*); or
- b) There is a legal requirement for a licensing authority to make a decision within a certain time period. In that case, NIRB will complete the screening within a time period that allows the licensing authority to conform with that requirement.

5. What information does NIRB require to screen a project proposal?

Although the level of detail is expected to vary (depending on the stage of project development, scope, size, cost, and duration) project proposals submitted to NIRB for screening must contain the following general information:

- a) Proponent information
- b) Project proposal description including purpose, scope, timing, authorizations and alternatives
- c) Description of the existing environment (biophysical and socio-economic)
- d) Description of public participation (informing, consulting, participation)
- e) Identification of potential environmental and socio-economic effects

- f) Identification of potential cumulative effects
- g) Identification of mitigation measures and potential residual impacts
- h) Non-technical project summary in English and Inuktitut and/or Inuinnaqtun depending on the region and dialect. This should be 300-500 non-technical words for ease of translation summarizing the information outlined in the above sections (a) to (g).
- i) Map of the project (local and regional scale) in electronic format. GIS files in decimal degrees are preferred.

In screening a project proposal and making a decision, NIRB uses both traditional Inuit knowledge and recognized scientific methods. Accordingly, the Proponent must state whether information was gathered through Inuit knowledge or by recognized scientific methods.

To assist Proponents with the submission of a complete project proposal, which includes sufficient information for screening, NIRB has created various forms. Currently available are NIRB's Screening Part 1 Form – Project Proposal Summary in English, Inuktitut and Inuinnaqtun and NIRB's Project Specific Information Requirements (PSIR) in English. **Please note, these forms were updated in June 2007.** Electronic versions of these forms can be downloaded from NIRB's ftp site at <http://ftp.nirb.ca/ADMINISTRATION/>.

The Screening Part 1 form must be completed in English and in the applicable regional dialects. The PSIR need only be completed in English.

Proponents are advised to submit NIRB's project proposal information requirements as soon as possible to facilitate completion of NIRB's screening process in a timely manner.

6. What steps are involved in NIRB's screening process?

Once NIRB has acknowledged receipt of a project proposal the screening process (as outlined by the flowchart in Figure 1) begins.

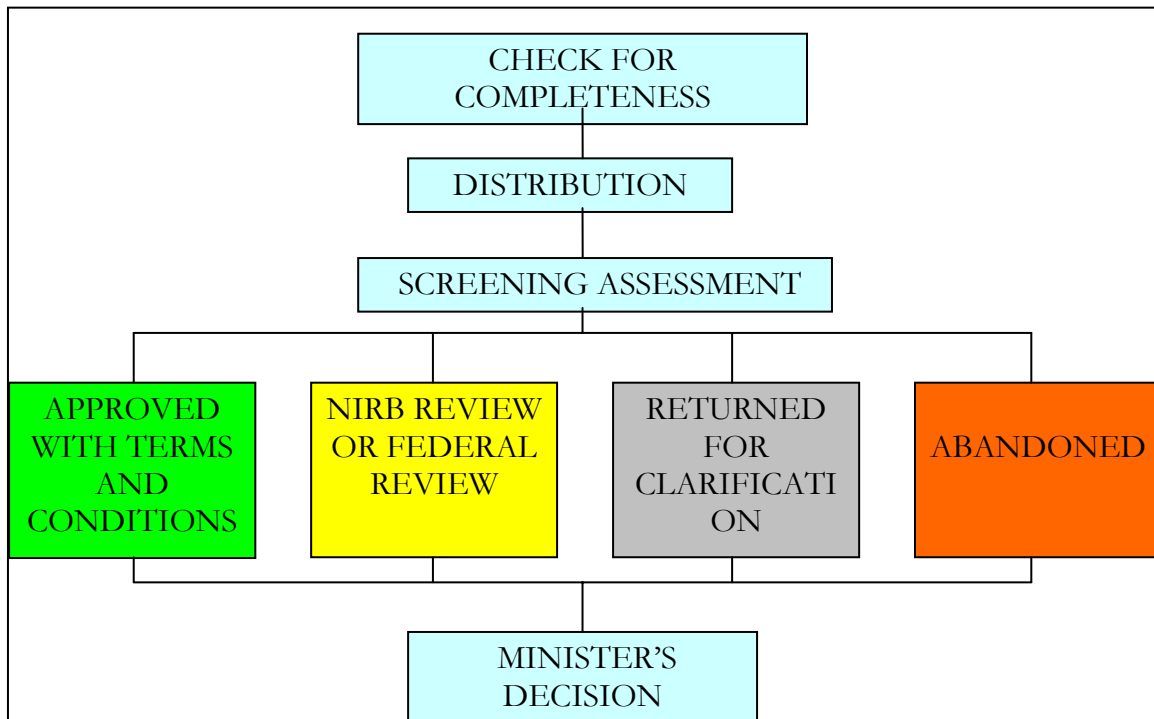


Figure 1: Flowchart of NIRB's Screening Process

CHECK FOR COMPLETENESS

Once NIRB has acknowledged receipt of a project proposal, NIRB conducts an internal check for completion to ensure that the information requirements outlined in Section 5 of this Guide are provided in the project proposal. NIRB staff will correspond with the Proponent and the Authorizing Agencies regarding any deficiencies and attempt to resolve the deficiencies before proceeding with the screening process.

DISTRIBUTION

Once the completeness of the project proposal has been determined, the project proposal is referred to a distribution list comprised of representatives from Communities, Co-Management Boards, Designated Inuit Organizations, Hunters and Trappers Organizations, Community Councils, Federal and Territorial Government Departments, relevant Wildlife Management Boards as well as other agencies or individuals that the Board feels are appropriate. Information and correspondence related to the project proposal will be uploaded to NIRB's ftp site at http://ftp.nirb.ca/ACTIVE_SCREENINGS/ in the project specific directory.

Members of the distribution list are asked to comment on the project proposal from the perspective of their knowledge area, respective expertise, and mandate within a stated time frame, usually three (3) weeks.

Comments may include but are not limited to: indication of support for or against the project proposal; summary of understanding of the project proposal; summary of regulatory role and/or mandate; indication of approval authority; request for additional information; expression of concern for potential impacts; and recommended terms and conditions including monitoring and mitigation.

SCREENING ASSESSMENT

Once comments have been received from the distribution list and any additionally requested information has been received, NIRB screens the project proposal to determine if it has significant impact potential and therefore requires review either under Part 5 or 6 of Article 12 of the NLCA.

In the screening assessment NIRB gives consideration to the following: the completeness of the project proposal; further information requests from the distribution list; comments from the distribution list; ecosystemic impacts and specific environmental impacts; whether impacts can be mitigated with terms and conditions; and monitoring requirements.

DETERMINATION AND RECOMMENDATION

Once NIRB has completed its screening assessment, it can make one of four determinations in accordance with the NLCA Section 12.4.4:

Option One – A Review is not Required. NIRB will generally determine that a review is not required when, in its judgment, the project is unlikely to arouse significant public concern and

- a) the adverse ecosystemic and socio-economic effects are not likely to be significant; or
- b) the project is of a type where the potential adverse effects are highly predictable and can be mitigated with known technology.

NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out in Section 12.2.5 of the NLCA.

Option Two – A Review is Required. NIRB generally will determine that a review is required, when in its judgment:

- a) The project may have significant adverse effects on the ecosystem, wildlife habitat or Inuit harvesting activities;
- b) The project may have significant adverse socio-economic effects on northerners;
- c) The project will cause significant public concern; or
- d) The project involves technological innovations for which the effects are unknown.

Where NIRB determines that a review is required, particular issues or concerns that should be considered will be identified in NIRB's Screening Decision Report.

Option Three – Proposal Returned for Clarification. Where a project proposal is insufficiently developed to permit proper screening, NIRB will return it to the Proponent for clarification.

Option Four – Proposal Modified or Abandoned. In cases where the potential adverse impacts of a project proposal are so unacceptable, NIRB will inform the Proponent that it should be modified or abandoned.

NIRB will issue its Screening Decision Report to the Minister, the Proponent, and upload the report to NIRB's ftp site at http://ftp.nirb.ca/COMPLETED_SCREENINGS/ in the project specific directory.

MINISTER'S DECISION

Although NIRB recommends an appropriate course of action, it is the Minister responsible for the project that makes the final decision. This will involve consultation with his/her colleagues that may also have decision making responsibilities. In most cases it is the Minister of Indian and Northern Affairs Canada (INAC). In cases where the Board determines, and the Minister agrees that a public review is necessary, the Minister has the authority to send project proposals either to NIRB for a Review under Part 5, or to a Federal Environmental Assessment Panel for a Review under Part 6 of the NLCA. Section 12.4.7 directs the Minister to take into account any relevant law, as well as the national and regional interests when making this decision.

7. How does NIRB request an extension to the screening process?

As mentioned in Section 5 of this Guide, '*When does NIRB receive a project proposal?*', the Minister can approve an extension to the screening process. Before approving an extension, NIRB must request an extension from the Minister in writing with good reason. For example, an extension could be requested to provide additional time to the Proponent to address deficiencies identified during the check completeness stage of the screening process or perhaps to address an information request from a member of the distribution list.

8. What additional information regarding the NIRB EA process is available?

A series of guides have been produced to provide information about NIRB and the NIRB process. They are all available at <http://ftp.nirb.ca/>:

- Guide 1 – The Nunavut Impact Review Board
- Guide 2 – Terminology and Definitions
- Guide 3 – Filing Project Proposals and the Screening Process
- Guide 4 – Projects Exempt from Screening
- Guide 5 – The NIRB Review Process
- Guide 6a – NIRB’s Public Awareness and Participation Programs: The Review Process
- Guide 6b – A Proponent’s Guide to Conducting Public Consultation for the NIRB Environmental Assessment Process
- Guide 7 – Preparation of Environmental Impact Statements
- Guide 8 – Project Monitoring
- Rules of Procedure

9. How can I contact NIRB?

NIRB’s contact information:

Nunavut Impact Review Board
c/o Executive Director
P.O. Box 1360
Cambridge Bay, NU X0B 0C0

Toll Free Telephone: 1-866-233-3023
Fax: (867) 983-2594
Email: info@nirb.ca
Website: <http://www.nirb.ca>

FTP Site: <http://ftp.nirb.ca/>