



NUNAVUT IMPACT REVIEW BOARD

Guide to Project Proposals Exempt From Screening

Updated August 2007

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

1. What project proposals are exempt from screening by NIRB?

Schedule 12-1 of the Nunavut Land Claims Agreement lists categories of activities that are exempt from screening. They are:

1. Land use activities not requiring a permit or authorization from the Government of Canada or Territorial Government.
2. Land use activities requiring only a Class B permit under the Territorial Land Use Regulations (SOR/77-210 4 March 1977). To view the applicable section of the Territorial Land Use Regulations online go to <http://laws.justice.gc.ca/en/T-7/C.R.C.-c.1524/181615.html>.
3. All construction, operation and maintenance of all buildings and services within an established municipality, except for the bulk storage of fuel, power generation with nuclear fuels, or hydro power and any industrial activity.
4. All hotels, motels or tourist facilities of 20 beds or less outside the boundaries of a municipality.
5. Water uses that do not require a public hearing under NLCA Section 13.7.3, entitled Water Application Approval, which states:
“From time to time the Governor-in-Council, after consultation with or on the advice of the NWB, may by regulation prescribe certain classes or types of water applications for which a public hearing need not be held.”. Please refer to Section 82 of the Nunavut Waters and Surface Rights Tribunal Act, 2002, c.10 (<http://laws.justice.gc.ca/en/n-28.8/87606.html>).
6. Prospecting, staking or locating a mineral claim unless it requires more than a Class B permit mentioned in item 2.
7. Such other categories of activities and projects as may be agreed upon by NIRB and the appropriate Minister.

2. How is Schedule 12-1 interpreted?

Items 1-7 under Schedule 12-1 should be read and interpreted together, not as stand alone items. This means each item must be considered before a project proposal can be exempted from the NIRB screening process.

3. What are the Schedule 12-1(3) definitions of 'industrial activity' and 'bulk fuel storage'?

Bulk Fuel Storage: storage of fuel for resupply or resale but does not include individual residential or commercial users storing less than 80,000L

Industrial activity: activities whose aim is the manufacture, assembly or processing of goods or commodities or the exploitation of natural resources.

1. This includes the following:

- a. Land farms
- b. Manufacturing plant (steel, metal or chemical)
- c. Recycling Depot
- d. Hazardous waste or chemical storage or use
- e. Quarries – the initial development or the expansion of an existing quarry and the disestablishment thereof where the same was not included as part of the initial screening
- f. Explosives storage
- g. Tanneries
- h. Meat and fish production facilities (establishment or change in operation)
- i. Exploration, bulk sampling, mining and all associated mining activities

2. This excludes the following:

- a. All institutional activities
- b. The following commercial activities
 - i. Building supply centre
 - ii. Animal hospital
 - iii. Custom workshop
 - iv. Construction equipment yard
 - v. Heavy equipment sales and rentals
 - vi. Automotive commercial garage
 - vii. Extraction from existing quarries
 - viii. Home occupations – meaning any occupation, trade, profession, personal service, day care or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building

4. What is the process for exempting a project proposal under Schedule 12-1 (7)?

NIRB will work with Authorizing Agencies (AA) to define categories of activities or projects for exemption in accordance with the Nunavut Land Claims Agreement (NLCA) Schedule 12-1(7). The following steps outline this process:

STEP 1 – Scoping Categories of Activities or Projects for Consideration for Exemption

NIRB and applicable Authorizing Agencies (AAs) would develop a list of all categories of activities or projects that require authorizations and that require screening by NIRB, including descriptions or definitions of such activities or projects.

STEP 2 – Development of a Preliminary Exemption List

NIRB would then review the categories of activities to be considered for exemption in accordance with Schedule 12-1 (7) using the following criteria as a guide before making a decision:

1. The proposed activity will not result in land disturbances that exceed the nature and extent of land disturbances that are acceptable under a Class B land use permit.
2. Any disturbance to the land will be remediated such that the land is returned to its original state.
3. Water uses associated with the proposed activity must not require a public hearing under Section 13.7.3.
4. The proposed activity does not involve the bulk storage of hazardous materials, the bulk storage of fuel, power generation with nuclear fuels, or hydro power and any industrial activity.
5. The proposed activity will not take place in an area that is habitat for any rare, threatened, or endangered, plant, aquatic or animal species, including bird nesting sites and other critical habitats.
6. The proposed activity will not result in any substance entering into surface or ground water.
7. The proposed activity will not occur on land that has cultural or historical significance.
8. The activity will not interfere with Inuit harvesting activities, including travel routes or traditional camp locations.
9. The proposed activity will not have the potential to cause any negative socio-economic effects on northerners, including the movement of peoples.

10. The proposed activity does not involve the use of technological innovations for which the effects may be unknown.
11. The proposed activity is not of a nature that will be inclined to arouse significant public concern.
12. Any harvesting of wildlife associated with the proposed activity is approved by the NWMB pursuant to Article 5 of the NLCA.
13. The proposed activity will not have the potential to cause any negative effects on human health.
14. Overall, the proposed activity is the type where the effects are highly predictable, and any adverse effects will be insignificant and mitigated.

STEP 3 – Development of a Draft Exemption List

NIRB may then initiate discussions with the appropriate AAs on a *Preliminary Exemption List* with the objective of developing a *Draft Exemption List*. Before proceeding to Step 4, and as a general rule, the Nunavut Planning Commission (NPC) will be consulted throughout the entire process as they retain the authority to refer a project proposal to NIRB for screening in accordance with the NLCA.

STEP 4 – Consultation

The *Draft Exemption List* developed between NIRB and the appropriate AAs in Step 3 may be distributed by NIRB to interested persons for a minimum of 30 days for comments as determined in Step 3.

STEP 5 – Exemption List

NIRB may work collaboratively with the AAs to develop an *Exemption List* that takes into consideration comments from interested Parties.

STEP 6 – Recommendation to the Minister

The *Exemption List* will then be brought forward to the Board for approval. If approved, the list will be forwarded to the Appropriate Minister for a final decision. The NLCA requires agreement between the Minister and NIRB to grant exemptions pursuant to Schedule 12-1 (7).

STEP 7 - Implementation

Once the *Exemption List* has been agreed upon between NIRB and the appropriate Minister, it will be published where appropriate by NIRB.

For current information on the status of this exemption process, please refer to NIRB's ftp site at: <http://ftp.nirb.ca/>.

5. 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

6. 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: 1-866-233-3033

Fax: (867) 983-2594

Email: info@nirb.ca

Website: <http://www.nirb.ca>

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