



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

### *1. What is an Environmental Impact Statement (EIS)?*

The EIS document is a tool used by NIRB to evaluate the potential environmental and socio-economic impacts of a project proposal and to ensure the integrated planning of development proposals. The Proponent of a project proposal, prior to major decisions and commitments being made, prepares this in-depth document that identifies, predicts, evaluates and communicates information about the impacts of a development proposal on human health and the well being of the ecosystem. An EIS also includes the identification and development of mitigation measures, which are measures designed to control, reduce or eliminate potentially adverse impacts of an activity or project and enhance positive impacts. An EIS also contains monitoring and reporting methods to verify the accuracy of impact predictions.

It is important to note that, although the Nunavut Land Claims Agreement (NLCA) uses the term "impact statement", this document uses the term "environmental impact statement". NIRB assumes these terms to be interchangeable.

### *2. What is the process for developing an EIS?*

In situations where NIRB determines, and the Minister agrees, that a review by the Board under Part 5 of the NLCA is necessary, NIRB issues project-specific guidelines to the Proponent for the preparation of an EIS.

In the development of guidelines, NIRB will notify interested Parties and members of the public to request recommendations and guidance according to their specific areas of knowledge and expertise. Upon completion, all Parties will be notified and provided with copies of the guidelines. The Proponent may then prepare the EIS in accordance with the guidelines.

In some situations, the original project proposal submitted by the Proponent for screening may contain the information required for an EIS. In these circumstances, Section 12.5.2 of the NLCA allows the Board to accept the original project proposal instead of requiring the preparation of an EIS. In this case, the project proposal is considered to be a draft EIS until the Board decides otherwise.

In addition to requirements established through the development of project-specific guidelines, Proponents must comply with some general requirements in the preparation of the EIS. These requirements are binding upon the Proponent and are discussed below.

### *3. What requirements must Proponents comply with in the preparation of an EIS?*

Section 12.5.2 of the NLCA sets out a list of information that must be included in an EIS and authorizes NIRB to include “any other matters that NIRB considers relevant.” Accordingly, NIRB has developed a number of principles and requirements to guide Proponents in the preparation of an EIS.

To ensure the document conforms to all requirements, Proponents must refer to, and comply with, the following when developing an EIS:

1. Project Specific Guidelines
2. Minimum EIS Requirements
3. General EIS Principles
4. EIS Format

These are discussed in the next section.

#### **PROJECT-SPECIFIC GUIDELINES**

As indicated above, NIRB will develop guidelines for Proponents on a project-by-project basis, in order to address the unique circumstances of each proposed development. In order to develop the guidelines NIRB may hold a scoping meeting with interested Parties and the Proponent. Project guidelines will be issued to the Proponent as well as the interested Parties prior to EIS development.

#### **10 MINIMUM EIS REQUIREMENTS**

The following are the minimum required elements for an Environmental Impact Statement required under a Part 5 Review:

##### **1. Statement of Consultation Principles and Practices**

Pre-project consultations with locally affected persons must meet or exceed usual consultation practices in Canada. When at all possible, information about the project must be distributed and comments collected with a view to resolving any differences. Discussions should include, but not be limited to, land uses, policies, resource uses, archaeological areas, infrastructure, and terrain sensitivities. Inuit cultural concerns must be highlighted throughout. All comments from the public must be summarized, documented, and presented in the EIS.

##### **2. Definition of Project**

A definition of the project must include a discussion of any connected or down-the-road related projects in order to reveal the primary purpose and better understand complex or multi-staged related proposals.

### **3. Statement of Project's Purpose**

Based on the concepts of the precautionary principle and sustainable development, an EIS must contain a statement explaining the need for, and the purpose of the project. Where further economic development is needed for a given area, the Board expects the deficiencies in the economic status quo to be stated.

### **4. Anticipated Impacts Analysis**

A comprehensive impact assessment must be carried out which includes, but is not limited to, environmental effects that are likely to result from the project in combination with other projects or activities that have been, or will be, carried out. Anticipated impacts include short and long-term, direct and indirect, positive and negative, cumulative, socio-economic, archaeological and cultural impacts. This element of the EIS must include a mitigation analysis that explains how the impacts could be avoided, minimized, cured, eliminated, or compensated.

### **5. Cumulative Effects Analysis (CEA)**

Cumulative effects must be analyzed for all Part 5 Reviews. A project proposal causes a cumulative effect if, when added to other projects in the region, or projects reasonably foreseeable in the region, will cause an additive effect. A comprehensive examination of all cumulative effects must be included in an EIS.

### **6. Significant Effects Analysis**

The Board must be advised of the significant impacts of the project. This should be based upon:

- a. the project setting, taking into account the location's unique ecosystemic characteristics, and
- b. the severity of the impacts, taking into account public health, land use plans, protected areas, habitat, or species, public concern, etc.

Ultimately, the Board will decide which effects are significant and report to the Minister accordingly.

### **7. Project Alternatives**

This requirement includes, but goes well beyond, alternative means of carrying out the project that might be economically and technically feasible and the environmental effects of those alternative means. This assessment must include the "no-go" or "no-build" alternative, as well as the "preferred" alternative. The "no-go" alternative is not only a potentially stand-alone option; it also serves as a baseline for comparison with other development alternatives that might reasonably be proposed in the circumstances.

### **8. Sustainability Analysis**

The EIS must contain an analysis of the ability of renewable resources affected by the project to sustain current and future generations in Nunavut and Canada.

## **9. Monitoring or Post-Project Analysis (PPA)**

The purposes of a PPA is to:

- a. measure the relevant effects of a project on the eco-systemic and socio-economic environments of the Nunavut Settlement Area;
- b. determine whether and to what extent the land or resource use in question is carried out within the predetermined terms and conditions;
- c. provide the information base necessary for agencies to enforce terms and conditions of land or resource use approvals; and
- d. assess the accuracy of the predictions contained in the project impact statement.

## **10. Trans-Boundary Impact Analysis**

Where relevant, an EIS must include an assessment of all significant adverse ecosystemic or socio-economic trans-boundary effects.

## **11. Any Other Matter Deemed Necessary**

NIRB will always review each project proposal on a case-by-case basis including instructions from the Minister, and may add other requirements as per s. 12.5.2(j) of the NLCA.

### **GENERAL PRINCIPLES**

To achieve the purpose of Article 12 of the NLCA and fulfil the requirements set forth in s.12.5.2, a Proponent must consider the following when preparing an EIS:

- The EIS shall flow logically and be written in plain language.
- Impacts shall be discussed in proportion to their significance.
- The EIS Main Document shall be concise, no longer than 150 pages, numbered, and double-spaced. The EIS main document shall reference supporting documentation where additional information and baseline data can be found.
- The EIS shall contain a concordance table directing reviewers to the location (document, section and page number) where specific information addressing the guidelines and NIRB's 10 minimum EIS requirements can be found.
- The EIS shall state how alternatives were considered in it and decisions based on it, will or will not achieve the requirements of Article 12 and other environmental laws and policies.
- The range of alternatives discussed in the EIS shall fall within NIRB's mandate and encompass options considered by the ultimate decision-making agency.
- Neither Proponents nor Governments shall commit resources prejudicing selection of alternatives before making a final decision.

- The EIS shall serve as the means of assessing the environmental impact of project proposals, rather than justifying decisions already made.

### **EIS FORMAT**

Proponents should use a format for the EIS which will encourage good analysis and clear, concise presentation of the project proposal, including any alternatives considered. The following standard format for EIS' must be followed unless NIRB issues additional or different format guidelines in individual cases:

- a. Cover sheet with project description;
- b. Plain language summary( translated into regional language/s);
- c. One page Executive summary (translated into regional language/s);
- d. Table of Contents;
- e. Concordance table which lists each of the Guideline requirement and location within the EIS;
- f. Purpose of and need for the project;
- g. Detailed project description including potential future development;
- h. Alternatives considered in the development of the project proposal;
- i. Discussion of the public consultation initiatives with the communities potentially affected by the project activity. Provide the results of the public consultation, as well as, evidence that community concerns were addressed in the planning of the project activities;
- j. Baseline of the existing environmental and socioeconomic information, based upon proper studies, given the environment in the region;
- k. Anticipated ecosystemic and socio-economic impacts of the project proposal, including its impacts on the valued ecosystem components (VEC) and valued socio-economic components (VSEC) of the members of the public potentially affected by the project (and as identified by public consultation process);
- l. Anticipated effects of the environment on the project;
- m. Anticipated cumulative effect of the project on the region;
- n. Steps which the Proponent proposes to take to avoid and mitigate adverse impacts, including any contingency plans (spills, fires, floods, etc.) and adaptive management;
- o. Statement of residual impacts and significance;
- p. Steps which the Proponent intends to undertake in order to restore the area affected by the project activities during operation and upon project closure and abandonment;

- q. Steps which the Proponent proposes to take to optimize benefits of the project, with specific consideration being given to expressed community and regional interests;
- r. The monitoring program that the Proponent proposes to establish with respect to ecosystemic and socio-economic impacts;
- s. The interests in lands and waters which the Proponent has secured, or seeks to secure;
- t. List of permits, licenses and authorizations required to undertake the project proposal;
- u. List of consultants or individuals who assisted in preparation of the EIS;
- v. List of agencies, organizations, and persons to whom copies of the EIS will be sent;
- w. Index; and
- x. Supporting documentation and appendices.

#### 4. *What is the procedure for filing an EIS?*

The procedure required by the Board for filing an EIS is as follows:

1. **Submission of a Draft EIS to the Board.** The filing of a Draft EIS with NIRB will be followed by a Guideline conformity review by NIRB and technical review by NIRB, interested Parties and input from the Public. The Proponent is responsible for providing additional information and revising the Draft EIS to address any deficiencies, issues and/or concerns that arise from the conformity **and technical review**<sup>1</sup>

NIRB will decide whether the Proponent has sufficiently addressed any identified shortcomings and incorporated those Parties' comments, which in the judgment of NIRB, should be reflected in the Final EIS.

2. **Submission of a Final EIS to the Board.** Once the Draft EIS review is complete, NIRB will give public notice and request that the Proponent distribute the Final EIS to Parties for review. In addition to fulfilling the general requirements listed above, the final document must identify and incorporate those Parties' comments regarding preferred alternatives, which in the judgment of NIRB, should be reflected in the Final EIS.

Once an EIS is completed in either draft or final form, it is the responsibility of the Proponent to circulate the EIS in hardcopy to all Parties who require them.

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<sup>1</sup> See 'Guide 5 - The NIRB Review Process' for a complete outline of the review process.

*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:

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