



## NUNAVUT IMPACT REVIEW BOARD

---

### Project Monitoring

August 2008

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

### **1. What is project monitoring?**

Project monitoring, pursuant to Section 12, Part 7 of the Nunavut Land Claims Agreement (NLCA), can be an important tool for checking the accuracy of predictions made during an environmental assessment and determining the effectiveness of measures taken to mitigate any potential adverse environmental effects.

Two types of monitoring activities are identified below:

1. **Effects monitoring:** the process of measuring and interpreting changes to environmental and socio-economic parameters to identify relevant project effects, and may involve assessing the accuracy of impact predictions contained in the project impact statements;
2. **Compliance monitoring:** the process of determining whether and to what extent the land or resource use in question is carried out according to regulatory requirements, including the terms and conditions contained in NIRB project certificates and/or screening decisions.

### **2. What are the Nunavut Land Claims Agreement provisions for project monitoring?**

NIRB has the authority to establish project-specific monitoring programs as a result of a screening or review of a project proposal.

Specifically, section 12.7.1 of the NLCA states that the terms and conditions contained in:

- a NIRB project certificate issued pursuant to Section 12.5.12 or 12.6.17; or
- a recommendation of NIRB pursuant to Sub-section 12.4.4.(a),

may provide for the establishment of a monitoring program for that project which may specify responsibilities for the Proponent, NIRB or Government.

### **3. What is the purpose of a project-specific monitoring program?**

As set out in Section 12.7.2 of the NLCA the purpose of a monitoring program is:

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

### **4. What can a project-specific monitoring program include?**

Section 12.7.3 states that the monitoring program set up pursuant to Section 12.7.2 may include:

- a requirement that regulatory agencies and the proponent supply NIRB with reports and information respecting project operations and impacts, and the implementation of mitigative measure;
- a requirement for a periodic evaluation by NIRB of monitoring programs for projects; and
- based on its evaluation, a requirement that NIRB compile a report on the adequacy of the monitoring program and on the ecosystemic and socio-economic impacts of the project.

Sections 12.7.4 and 12.7.5 prohibit NIRB from undertaking monitoring and data collection responsibilities already assigned to government agencies and departments.

These sections require NIRB to design monitoring programs in such a way that monitoring activities are coordinated and not duplicated.

**5. What are the specific requirements related to monitoring programs established as a result of a Project Certificate or Screening Decision?**

The following subsections outline the requirements for those monitoring programs established in accordance with terms and conditions issued pursuant to 12.7.1(a) 12.7.2(b).

**Monitoring program established in accordance to 12.7.1(a) – Reviews**

Pursuant to Section 12.7.1(a) of the NLCA, terms and conditions contained in NIRB project certificates issued pursuant to Section 12.5.12 or 12.6.17 may include requirements for the development and implementation of a project-specific monitoring program.

To date, all project certificates issued by NIRB require NIRB to appoint a Monitoring Officer for the duration of the Projects. The role of the Monitoring Officer, as related to the project, is described in each project-specific Appendix D (below).

When issuing a project certificate, NIRB typically describes the project-specific monitoring program in Appendix D, which is issued within six (6) months of issuance of all regulatory authorizations.

In the project-specific Appendix D, the following responsibilities are *generally* identified for the Proponent, NIRB and Authorizing Agencies (Government):

**Proponent responsibilities related to the Monitoring Program:**

1. Ensure that a comprehensive post-environmental assessment monitoring program (PEAMP) is developed for the project, in accordance with commitments made in the Final Environmental Impact Statement (FEIS) and/or the Final Hearing. This may include the development of certain plans in accordance with the Project Certificate.
2. Provide an annual report to NIRB by April 30th of each year the project is in operation until the post-closure phase. The Annual Report *generally* includes:
  - A summary of evidence indicating how the Proponent has carried out the project in relation to the terms and conditions contained within the Project Certificate;
  - A summary of the results from the PEAMP;
  - Compliance status with all authorizations and applicable regulations and guidelines associated with the project;
  - Identification of all authorizations obtained to date for the project, including any requested renewals, updates, amendments or extensions to existing authorizations;

- A summary of activities undertaken for the year, including any progressive reclamation work undertaken, and a work plan for the activities occurring in the following year – site photos should be provided where relevant;
  - A summary of community consultations undertaken and the results; and
  - A summary of site-visits by inspectors with results and follow-up actions.
3. Forward to NIRB copies of all authorizations obtained and required for the project on an as-received basis.
  4. Any project certificate-specific requirements.

**NIRB’s Monitoring Officer responsibilities related to the Monitoring Program:**

1. Advise the Proponent of the obligation to prepare and submit an annual report, due April 30th of each calendar year.
2. Obtain, compile and review information collected and submitted by the Proponent and applicable Authorizing Agencies.
3. Report annually to the Board with respect to the Monitoring Program as per Section 12.7.3(c) of the NLCA.
4. Provide recommendations to the Board on follow-up action related to the Monitoring Program.
5. Ensure that any recommendations made by the Board regarding the Monitoring Program are provided to the Proponent in a timely fashion.
6. Any project certificate-specific requirements.

**Authorizing Agencies’ (Government) responsibilities related to the Monitoring Program:**

1. Provide any compliance monitoring reports to NIRB’s Monitoring Officer by April 30th of each year. Any compliance monitoring report must contain, but is not limited to, the following information:
  - a. How each Authorizing Agency has incorporated the terms and conditions from the Project Certificate into their authorizations;
  - b. Whether any inspections have been conducted, and the results of those inspections; and
  - c. Whether the Proponent is in compliance with any authorizations that have been issued.
2. Any project certificate-specific requirements.

NIRB ensures that the information obtained through the project-specific monitoring program is available to the public. This information may be used by agencies to enforce terms and conditions of land or resource use approvals.

**Monitoring program established in accordance to 12.7.1(b) – Screenings**

Pursuant to Section 12.7.1(b), a recommended term and condition within the Screening Decision Report may include the requirement for a Proponent to develop a project-specific monitoring program.

## **6. 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 6 – NIRB's Public Awareness and Participation Programs: The Review Process
- Guide 6a – A Proponent's Guide to Conducting Public Consultation for the NIRB Environmental Assessment Process
- Guide 7 – Preparation of Environmental Impact Statements
- Guide 8 – Guide to Project Monitoring
- Rules of Practice for Public Meetings and Hearings

## **7. 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](mailto:info@nirb.ca)

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

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