





## NUNAVUT IMPACT REVIEW BOARD MISSION:

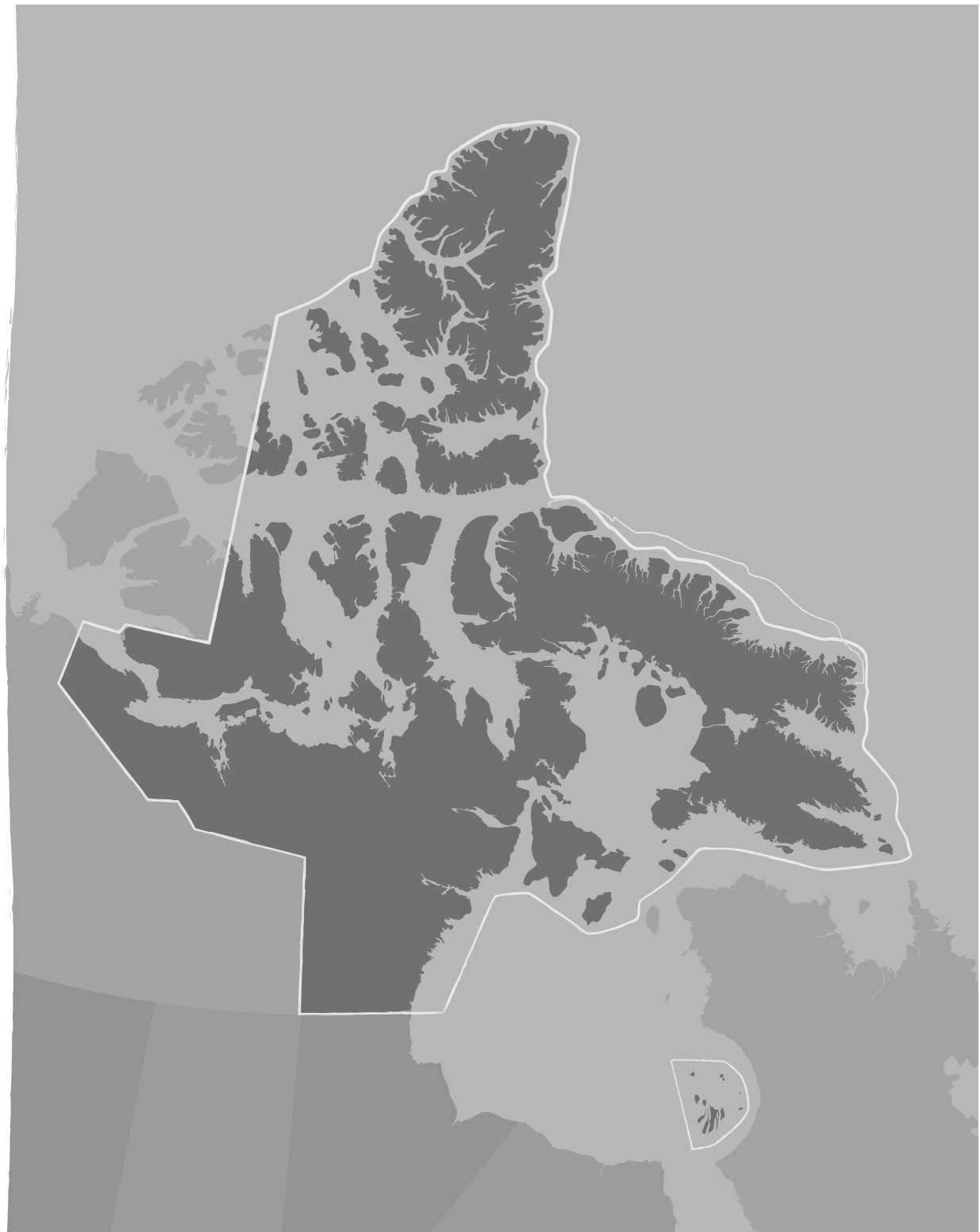
To protect and promote the well-being  
of the environment and Nunavummiut  
through the impact assessment process.

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Cover Photo:  
Baffinland Exploration Camp Mary River  
Photo: Marc Pike © Baffinland Iron Mines 2012

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Solomon Qanatsiaq (at mic) and Levi Qaunaq (right) of Hall Beach at the Baffinland Mary River Final Hearing, Iqaluit 2012 Photo: Marc Pike © Baffinland Iron Mines

## Full REVIEW PROCESS

The Nunavut Impact Review Board (NIRB) has established a clear step by step process for projects sent for a full Review in the Nunavut Settlement Area. Participation by the public is the foundation of an effective Review.

Learn when and how you can participate in the Review process. Get involved. Your ideas, knowledge and perspective will help the NIRB make decisions on project approvals, and determine what proponents need to do in order to reduce negative impacts and benefit Nunavut for the future.

## INSIDE:

Overview of the Review process	2
Get involved in each phase	4
Phase 1: Project scoping & guidelines creation	6
Phase 2: Draft Environmental Impact Statement	8
Phase 3: Final Environmental Impact Statement	12
Final Hearing & NIRB Final Report	14
Final decision and project certificate	16

# OVERVIEW OF THE REVIEW PROCESS

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## WHAT PROJECTS REQUIRE AN IN-DEPTH REVIEW?

When the Screening process described in Guide 2 shows that a proposed project in the Nunavut Settlement Area will cause significant public concern, may have significant adverse effects on the environment or Nunavummit, or involves technology whose effects are unknown, the Minister may send a project to the NIRB for full Review.



Photo: © Baffinland Iron Mines

## THREE MAIN PHASES OF THE REVIEW PROCESS

The NIRB has developed a straightforward Review process, divided into three phases:

**Phase 1:** Scoping and Guidelines Creation

**Phase 2:** Draft Environmental Impact Statement (Draft EIS)

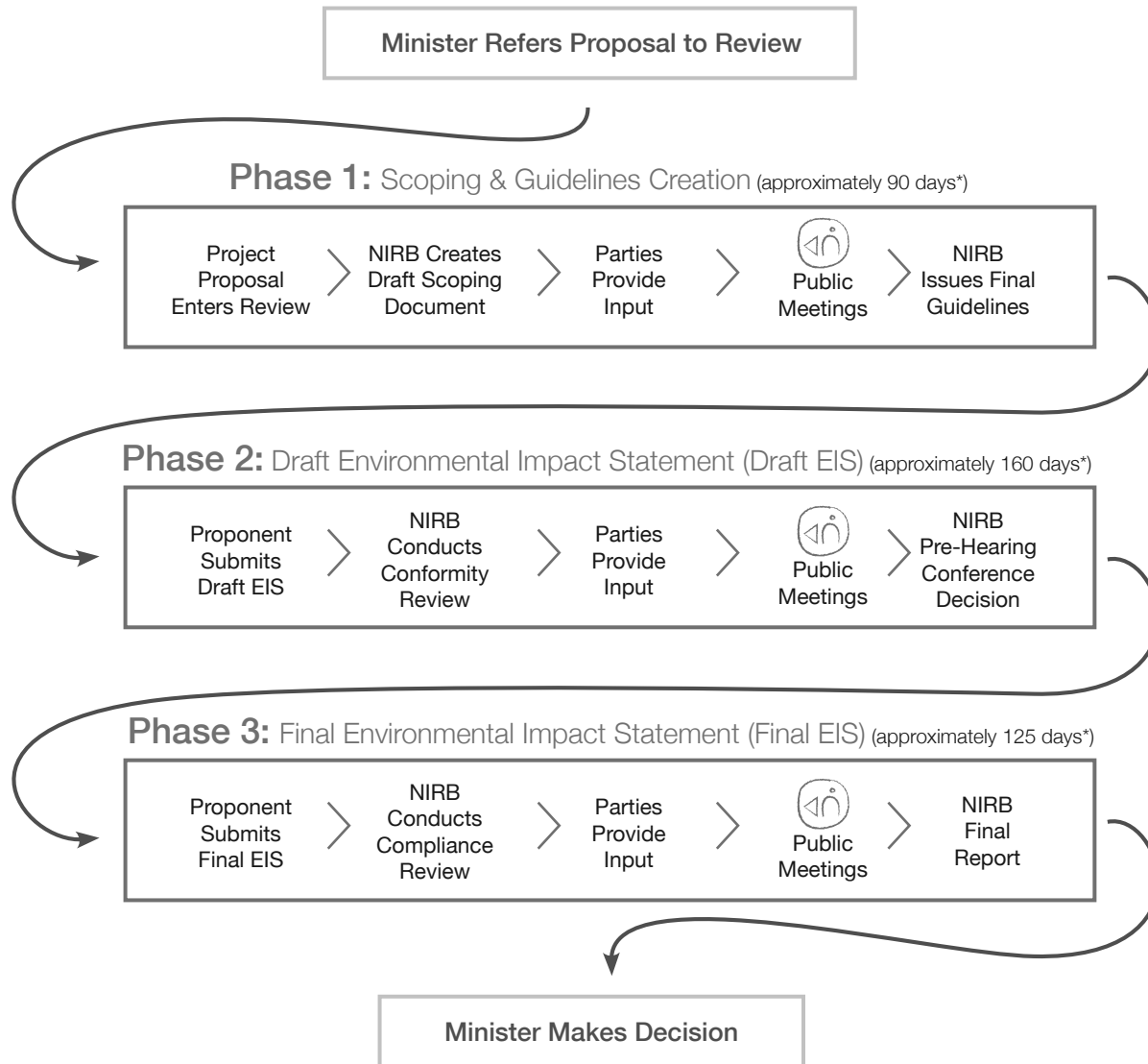
**Phase 3:** Final Environmental Impact Statement (Final EIS)

The Final Hearing is the most visible part of Phase 3 of the Review process, when everyone gets together to review the Final EIS and the Board makes decisions on the project. But there are many opportunities to get involved well before the Final Hearing – and your early input is extremely important for a thorough Review.

As you can see on the diagram on the next page, each phase starts when the proponent submits the appropriate document to start the phase. Then the NIRB invites interested parties and the public to review the information and provide the Board with their comments and advice. After everyone has had an opportunity to be heard, NIRB issues a report to move the project to the next phase.

Read on and learn how you can get involved.

## Three Phases of the Review Process



“Mining is now the largest economic activity occurring in and around our surrounding Kitikmeot communities. The effects of mining thus far in Nunavut, and the efforts that need to be made to make mining a positive influence on Nunavut economic and social development has to be carefully understood by all Inuit in Kitikmeot.”

*(Kugluktuk Angoniatit Association HTO Pre- Hearing Conference submission, Miramar Doris North Project, p. 3, 2006)*



Look for the Atii icon in each of the guides showing you how to participate.

\*All timelines are approximate and can be adjusted depending on the scope of the project, number of potentially affected communities, etc.



## Nunavut Land Claims Agreement

*“NIRB shall, when reviewing any project proposal take into account all matters that are relevant to its mandate, including the following: Whether the Project Proposal reflects the priorities and values of the residents of the NSA...”*  
(s.12.5.5 a, b, c)

*NIRB may conduct its review by means of correspondence, public hearings or such other procedures as it deems appropriate to the nature of the project and range of impacts.*  
(s.12.5.3)

# GET INVOLVED IN EACH PHASE

## THE REVIEW PROCESS NEEDS YOUR INPUT

The information and perspectives that Inuit and other residents of Nunavut can bring to a Review are very important. You live and raise your family in your community and you know and use the land. Projects may affect your region for a generation or longer. Providing the NIRB with your advice and perspective on potential negative impacts and positive benefits is important for you, your family and Nunavut.

## THE EARLIER YOU GET INVOLVED, THE BETTER

You can participate in each of the three phases of the Review so that your comments will be heard when it matters most—when everyone is listening.

**Phase 1: Scoping** If you participate in scoping, you can ensure the guidelines issued to proponents capture your questions and concerns.

**Phase 2: Draft Environmental Impact Statement (Draft EIS)** During the Draft EIS process, you can comment on the quality of the proponent’s answers to your questions and suggest revisions or pose additional questions.

**Phase 3: Final Environmental Impact Statement (Draft EIS)** At the Final EIS Hearing, you can tell the Board directly whether the proponent’s plans for providing benefits and protecting the environment are adequate or not. This Final Hearing is an important opportunity for you to tell the Board if you think the project should be approved to proceed.

See next page for details on each of the activities, and who is involved.



FULL REVIEW STEPS	PROPONENT	NIRB	PARTIES	COMMUNITY	
<b>Phase 1: Scoping &amp; Guidelines Creation</b>					
1. Project Scoping					
Hold community scoping sessions	✓	✓	✓	✓ (public meeting)	⦿
Develop EIS Guidelines		✓	✓		
EIS Guidelines Development Workshop (optional)	✓	✓	✓	* (technical meeting)	⦿
2. Issue EIS Guidelines		✓			
<b>Phase 2: Draft Environmental Impact Statement (EIS)</b>					
3. Prepare and Submit Draft EIS	✓				
4. Review Draft EIS for Conformity with Guidelines		✓			
5. Technical review of Draft EIS					
Preparation of Information Requests		✓	✓		
Prepare and submit response to Info Requests	✓				
Prepare and submit technical review comments			✓		
Hold community information sessions		✓		✓ (information session)	⦿
6. Technical meeting	✓	✓	✓	* (technical meeting)	⦿
7. Pre-Hearing Conference	✓	✓	✓	✓ (public meeting)	⦿
<b>Phase 3: Final Environmental Impact Statement (EIS)</b>					
8. Submission of Final EIS	✓				
9. Compliance review of Final EIS		✓			
10. Technical review of Final EIS	✓	✓	✓	* (technical meeting)	⦿
Hold community Information session		✓		✓ (information session)	⦿
11. Final Hearing	✓	✓	✓	✓ (public hearing)	⦿
12. Issue final report to Minister for decision		✓			

\* Technical meetings are open to the public if you wish to attend. Technical experts working for proponents, parties, and the NIRB attend these working meetings.

# PHASE 1: PROJECT SCOPING & GUIDELINES CREATION

## STEP 1: PROJECT SCOPING - AN IMPORTANT TIME TO BE INVOLVED

Sophia Granchinho, NIRB Technical Advisor Photo: Li Wan

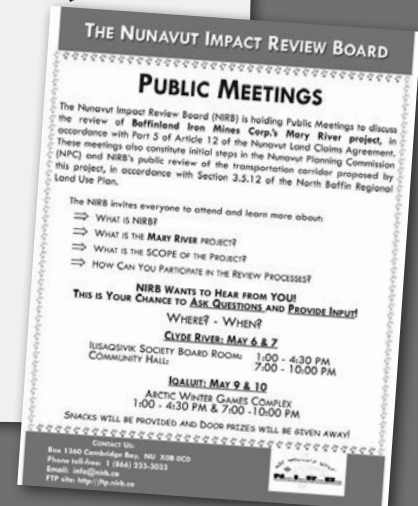
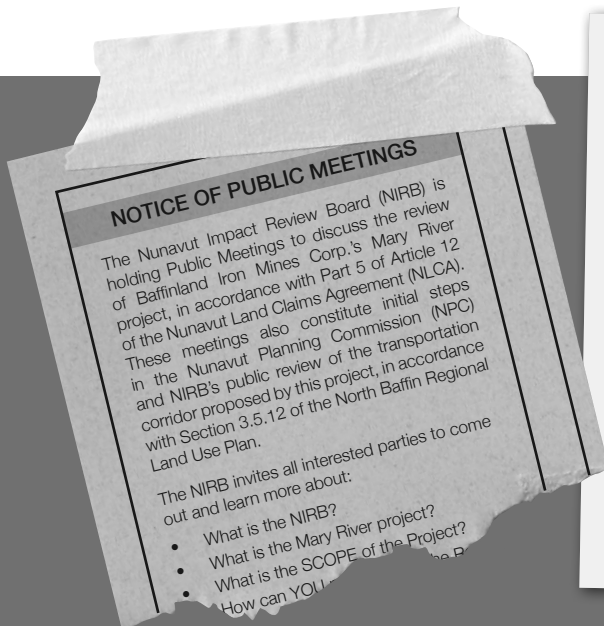
What are you most concerned about? Now is the time to get your questions in front of the NIRB, who will make sure the proponent addresses your concerns.

The purpose of scoping is to identify the most important issues of concern requiring more study and analysis. Your input will help shape the guidelines issued to the proponent. Guidelines are detailed instructions that will be given to the proponent for their preparation of an Environmental Impact Statement (EIS). The NIRB needs to know what concerns you have about a project and what your questions are.



## WATCH FOR NIRB NOTICES OF UPCOMING SCOPING MEETINGS!

- \* NIRB notifies you at least 25 days before a Scoping meeting occurs
- \* posted online at [ftp.nirb.ca](http://ftp.nirb.ca)
- \* sent by email to the NIRB distribution list
- \* posted in newspaper
- \* posted on community bulletin boards
- \* announced on local radio





# PROTECTING WATER

Participants of the Sabina Hackett River project scoping sessions in Umingmaktok expressed “concern regarding spills or other contamination of the Burnside/Hackett Rivers and potential for impacts to Bathurst Inlet.”

*(The NIRB Public Scoping Report, Sabina Silver Corporation’s Hackett River Project, p. 15)*

The NIRB’s EIS Guidelines included many requirements for the assessment of potential impacts on freshwater and marine environments, such as “The Proponent shall assess the potential impacts on surface and ground waters...Moreover, the Proponent shall indicate where day-to-day operational problems might occur, particularly regarding runoff control and treatment, and predict the effects of a worst-case scenario...” *(NIRB EIS Guidelines for Sabina Silver Corporation’s Hackett River Project, 2009)*

## ATTEND THE COMMUNITY SCOPING MEETING

Community Scoping meetings can be held in all communities where the NIRB believes that project impacts could occur. Proponents can attend as observers to listen to what you have to say, but the meeting is run by the NIRB who are there to hear from you directly.

## STEP 2: NIRB ISSUES EIS GUIDELINES TO PROJECT PROPONENT

The NIRB ensures the EIS guidelines capture the issues raised by parties and community members during the project scoping phase. In the next phase the NIRB staff will lead a guideline conformity review to ensure that the Draft EIS contains information to address each question or requirement.

The NIRB then issues Final EIS guidelines to the proponent, so the proponent can start developing the Draft EIS – Phase 2 of the Review process.



### **Nunavut Land Claims Agreement**

*“When a project proposal has been referred to NIRB by the Minister for review, NIRB shall, upon soliciting any advice it considers appropriate, issue guidelines to the proponent for the preparation of an impact statement.” (s.12.5.2)*



*Elizabeth Sherlock (Sabina Gold & Silver Corp.) and Mary Kaniak, Sabina Hackett River Scoping Sessions, Umingmaktok Photo: Sophia Granchinho 2008*

## SHARING KNOWLEDGE

The proponent of the Mary River project, Baffinland Iron Mines, hired various specialized firms to help collect input from community members and groups that might be affected by the Mary River mine project. Many of these consultations were held to gather Traditional Knowledge in the preparation of baseline data as directed in the NIRB EIS guidelines issued to the proponent after scoping.

In this photo, Knight Piesold, a firm hired by Baffinland, gathers Inuit expertise that was used in the preparation of Baffinland's Draft EIS.



Caribou workshop in Pond Inlet  
(clockwise from top right corner) Elijah Panipakachoo,  
Sheati Tagak, Jayko Alooooloo, Shelly Elverum, Paniloo  
Sangoya Photo: Jason Prno © Knight Piesold 2008

## PHASE 2: DRAFT EIS

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### STEP 3: PROPONENT PREPARES ITS DRAFT ENVIRONMENTAL IMPACT STATEMENT (DRAFT EIS)

A Draft EIS is a detailed document prepared by the proponent, following the EIS guidelines issued by the NIRB. The purpose of the Draft EIS is to identify, predict, evaluate and communicate information about the potential impacts of a project proposal on the environment, people and economy. The proponent also includes management and monitoring plans that it proposes to use to control, reduce or eliminate potentially negative impacts.

The proponent conducts field studies and community consultations in order to complete the Draft EIS. They must work with Inuit in order to produce a report that properly reflects Inuit Qaujimajatuqangit and available scientific knowledge. This process is led by the proponent, who connects with community members in gathering the necessary information for the development of their Draft EIS.

### STEP 4: NIRB ENSURES PROPONENT'S DRAFT EIS COMPLIES WITH THE GUIDELINES

When the proponent submits the Draft EIS to the NIRB, technical staff assess the document to make sure all of the instructions and requirements of the guidelines have been met. If the information is complete, the NIRB initiates the next step: the technical review of the Draft EIS.

## STEP 5: TECHNICAL REVIEW OF DRAFT EIS

The NIRB sends the Draft EIS to all interested parties, and posts it on their website. Everyone is given an opportunity to review the Draft EIS in detail, and tell the NIRB what they think about the quality and completeness of the information provided by the proponent in the Draft EIS.

The NIRB technical review process asks:

- Are the conclusions in the Draft EIS supported by the analysis?
- Were the appropriate methods used to develop the conclusions?
- What is the quality and presentation of the information in the Draft EIS?
- What comments regarding additional information would be useful in assessing impacts?

The NIRB invites parties to submit Information Requests (IRs) to identify gaps or clarify items in the Draft EIS the proponent needs to address to complete the technical review. The NIRB posts all responses to Information Requests on the ftp-site (<http://ftp.nirb.ca>) and notifies everyone on the distribution list by email.

Once the technical review is complete, the NIRB goes back into the affected communities, and holds a public information session to review the proponent's plans and responses, and encourage community participation in the Review.

## ATTEND THE INFORMATION SESSION ON THE TECHNICAL REVIEW



- \* The NIRB returns to your community, bringing the proponent's "answers" back to the "questions" you asked during scoping.
- \* Learn more about how the proponent plans to address impacts of their project
- \* Find out more about the next steps of the Review process and how to get involved



Community Roundtable in Pond Inlet Photo: Li Wan

# PHASE 2: CONTINUED

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## STEP 6: TECHNICAL MEETING, WITH NIRB, PARTIES AND PROPONENT

This final technical meeting brings the proponent's technical experts and parties' technical experts together to clarify technical issues, mediated by the NIRB staff. In large projects there are often a large number of technical issues to discuss, and sometimes discussions are more productive when everyone is in the same room and working together to reach agreement. The meeting is structured but kept as informal as possible in an effort to resolve as many technical issues

as possible prior to the Pre-Hearing Conference (PHC). The Board is not present.

The NIRB staff will compile a list of commitments made by the proponent regarding items that they will update or address further in the Final EIS. This list is then carried forward to the Pre-Hearing Conference for incorporation into the Board's PHC decision.



*Technical meeting held in Iqaluit, prior to the Pre-Hearing Conference in Igloodik and Pond Inlet. Photo: Li Wan*

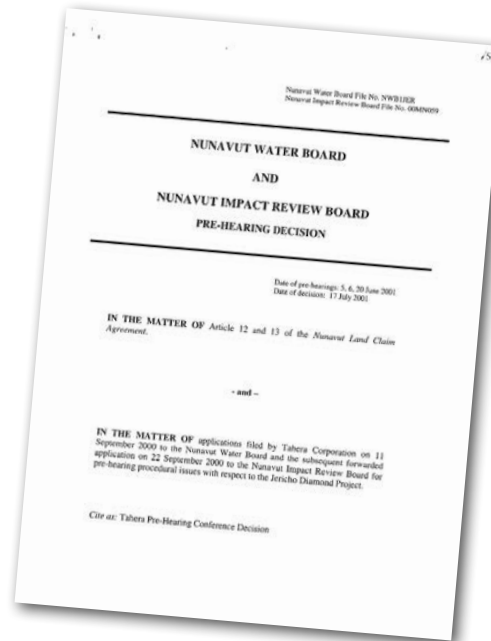
## STEP 7: PRE-HEARING CONFERENCE WITH EVERYONE

After a technical meeting, the NIRB may hold a Pre-Hearing Conference (PHC). PHCs are held in communities closest to the project and the public is invited to attend. This is an opportunity for the Board to hear from you about the quality of the information in the Draft EIS.

Parties present the issues that were resolved during the technical meeting to the Board, and identify any outstanding issues that the Final EIS should address.

The logistics for a Final Hearing are also discussed – including timelines for submissions, future meetings, evidence, and where and when the Final Hearing will be held.

After the PHC, the Board will issue a PHC decision, providing direction to the proponent on what is required in the Final EIS and the procedures for the review of the Final EIS and Final Hearing – the last phase of the Review process.



## INCREASING TRAINING OPPORTUNITIES

“Further points were raised by members of the community...noting that while the Project presents an opportunity for many jobs to be created...it was recommended that Baffinland enter into partnerships that would allow for training of operators or skilled labourers to occur within the communities, on a regional scale.”

*(NIRB's Final Hearing Report, Mary River Project, Baffinland Iron Mines Corp., p. 179, 2012)*

Final NIRB Condition #138 encouraged the proponent to work with Qikiqtani Inuit Association to ensure the timely development of effective Inuit training and work-ready programs.

*(NIRB Final Hearing Report, Mary River Project, Baffinland Iron Mines Corp., p. 287-288, 2012)*



Nunavut Arctic College Trades Access Program student, Nangmalik Pissuk  
Photo: Lorraine Thomas 2012

Baffinland's Mary River project is one of the largest projects to go through all the stages of the NIRB process. The Final Environmental Impact Statement was developed following many public meetings, scoping sessions, technical meetings and community consultations held by the NIRB through the Review process.

The Final EIS contained all the information that was required to understand the project, its possible impacts and the proponent's proposed management plans so that the Board was able to make an informed decision following the Final Hearing.

## PHASE 3: REVIEW OF FINAL EIS

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### STEP 8: PROPONENT SUBMITS FINAL ENVIRONMENTAL IMPACT STATEMENT

The proponent starts the third phase of the Review process by submitting the Final Environmental Impact Statement.

The proponent's Final EIS must explain their plans to meet the commitments developed in the technical meeting in Phase 2. It also must follow the instructions from the Pre-Hearing Conference decision, including the list of commitments approved by the Board.

### STEP 9: NIRB ENSURES FINAL EIS MEETS REQUIREMENTS OF PRE-HEARING CONFERENCE

The NIRB conducts an internal review of the Final EIS, and decides if it has all of the information required to meet the commitments made at the technical meeting and the direction provided by the Board in its PHC decision. If something is missing or clearly does not meet expectations, the NIRB gets the proponent to submit the necessary information before moving forward.

Once the NIRB considers the Final EIS to be complete, the proponent is responsible for circulating printed copies of the Final EIS to all parties involved in the Review.

The NIRB staff make sure all interested parties receive electronic copies, and also post the Final EIS online at [ftp.nirb.ca](http://ftp.nirb.ca) for everyone to access.



Robert Maksagak and Tannis Bolt at the NIRB offices Photo: Kelli Gillard

## STEP 10: TECHNICAL REVIEW WITH NIRB, PARTIES, AND PROPONENT

The final technical review focuses on the quality of the new and revised information presented by the proponent in response to the input in phase 2. It also looks at pre-existing information and the overall project as presented in the Final EIS.

All interested parties are involved. They decide if they agree or disagree with the Final EIS conclusions on alternatives assessment, environmental impacts, proposed mitigation, significance of impacts, and monitoring measures. They also review the evidence supporting the parties' position.

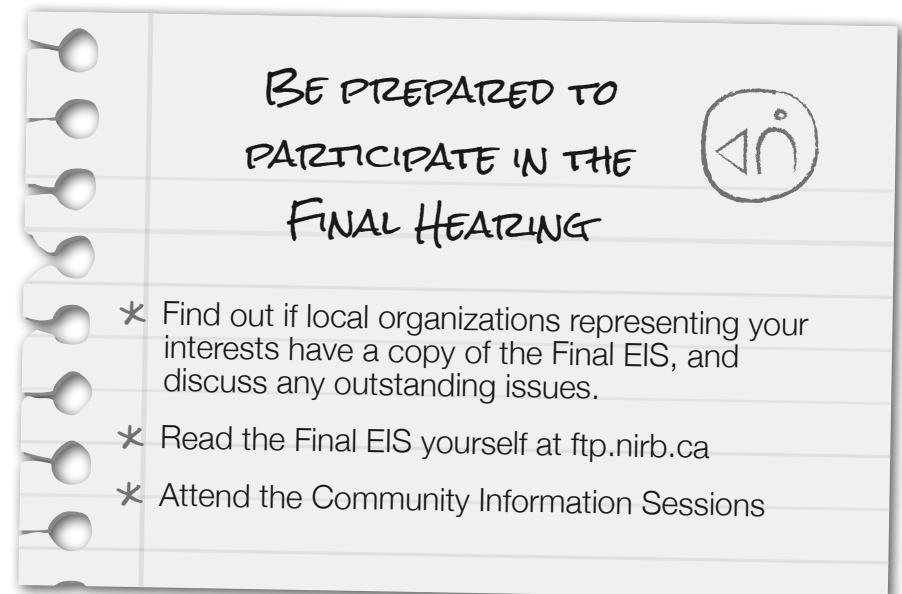
The parties assess the Final EIS carefully, and provide evidence to support each response to the following questions:

- Are the conclusions supported by the analysis?
- Was the appropriate methodology used to develop the conclusions?
- What is the quality of the information presented?
- Are the proposed monitoring measures appropriate? And if not, what would more appropriate alternative monitoring measures be (if applicable)?


Interested parties prepare a written submission in advance of the Final Hearing. The NIRB may also facilitate a second round of Information Requests if necessary at the beginning of the Final EIS technical review phase.

## HOLD INFORMATION SESSION WITH NIRB & COMMUNITY

Before the Final Hearing, the NIRB holds a special Information Session for the host communities. At this Information Session, members of the public can learn what to expect in the Final Hearing, so that everyone feels comfortable and prepared to actively participate.



BE PREPARED TO PARTICIPATE IN THE FINAL HEARING



- \* Find out if local organizations representing your interests have a copy of the Final EIS, and discuss any outstanding issues.
- \* Read the Final EIS yourself at [ftp.nirb.ca](http://ftp.nirb.ca)
- \* Attend the Community Information Sessions

# FINAL HEARING AND FINAL NIRB REPORT

## STEP II: FINAL HEARING WITH EVERYONE

Everything that has been done during the Review process by all the participants comes together in the Final Hearing.

All of the information has been collected from the project proponent, the interested parties and the public during scoping and the detailed review of the Environmental Impact Statement. Everyone has had the opportunity to review each other's input and respond.

Final hearings are formal, like a court, with ordered speaking, swearing in of witnesses and cross-examinations.

The NIRB Final Hearing is your final chance to speak directly to the Board and say what you think about the project, its impacts and benefits. If you have been participating all along in the process, you will be very familiar with the issues.



*Baffinland Mary River Final Hearing, Community Roundtable Session, Igloolik 2012 Photo: Sophia Granchinho*



*Gamallie Kilukishak at Mary River Final Hearing, Community Roundtable Session, Iqaluit Photo: Amanda Hanson*

## COMMUNITY INPUT IS A PRIORITY

The Final Hearing takes the opinions of Elders and community members very seriously and respects Inuit oral communication. The spoken word is considered by the NIRB as evidence in the Final Hearing. Elders have a special standing that allows them to speak at any time during formal proceedings, and the NIRB will ensure they are heard.

The NIRB also arranges for a less formal community roundtable portion, so that community members can speak directly to the Board or ask questions of the proponent and other parties.

The Board members listen carefully and do their best to ensure everyone has a chance to be heard.



## MAKING FORMAL PRESENTATIONS AT HEARINGS

The Designated Inuit Organizations (DIOs) are automatically allowed full standing, which means they have the right to participate as a party in any proceedings before the NIRB. They can make a formal presentation at NIRB Final Hearings on behalf of their membership.

Any individual or group who want to make a formal presentation at the Final Hearing can request intervenor status. This is another way you can participate.

You can register formally as an intervenor at any point up to the deadline set by the Board in its Notice of Hearing. Contact NIRB staff to obtain the form to apply. As an intervenor, you are given a set amount of time on the agenda to present to the Board, with your presentation and any supporting documents entered into evidence. As an intervenor you may participate in the cross-examination of other witnesses before the Board as well.

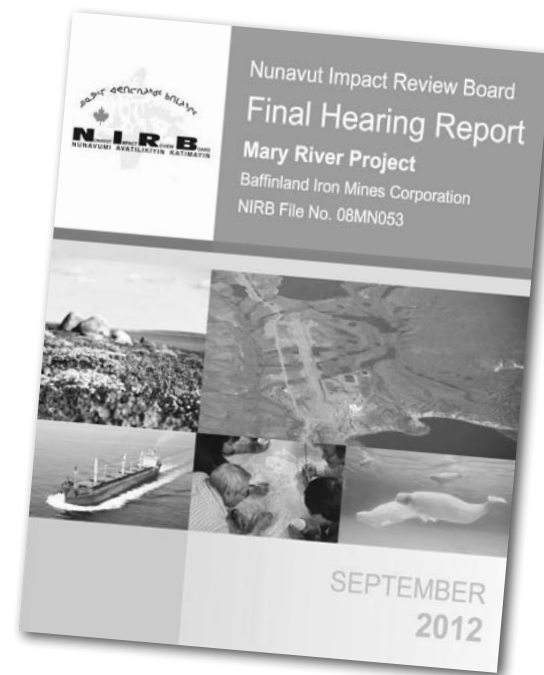


*Intervenor at Baffinland Mary River Final Hearing, Iqaluit  
Photo: Marc Pike © Baffinland Iron Mines 2012*

## STEP 12: NIRB ISSUES FINAL REPORT TO MINISTER

After the Final Hearing the NIRB prepares a Final Hearing Report and sends it to the Minister, the proponent and interested parties.

The production of the final report usually takes up to 45 days after the completion of the Final Hearing. The report contains the Board's assessment of the project and its impacts, and based on this assessment, a determination on whether or not the project should proceed. If the Board's report recommends that the project proceeds, the report will itemize the terms and conditions the project must meet in order to be implemented.



# FINAL DECISION AND PROJECT CERTIFICATE

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## MINISTER'S DECISION

The Minister responsible makes the final decision about a project, based on the NIRB's Final Report. As set out in the Nunavut Land Claims Agreement, the Minister has the following options described below.




### Option 1: Accept the NIRB's Determination to Proceed

Accept the NIRB Report as to whether or not the project should proceed, including any terms and conditions.



### Option 2: Reject the NIRB's Determination to Proceed if not in National interest

Reject the determination that a project should proceed on the basis that the proposal is not in the national or regional interest.



### Option 3: Reject the NIRB's Determination to Proceed if conditions inappropriate

Reject the determination that a project should proceed on the grounds that:

a) any of the terms and conditions are more onerous than necessary or insufficient to mitigate to an acceptable level the ecosystemic and socio-economic impacts; or

b) the terms and conditions are so onerous that they would undermine the viability of a project that is in the national or regional interest.

In this situation the NIRB must reconsider the terms and conditions in light of reasons put forth by the Minister.



### Option 4: Reject the NIRB's Determination to not Proceed if in National interest

Reject the determination that a project should not proceed on the grounds that the project should have been approved because of its importance to the national or regional interest. In this situation, the Minister must send the report back to the NIRB to create terms and conditions.



### Option 5: Refer the report back to the NIRB for further review

Refer the report back to the NIRB for further review or public hearings where the Minister determines that the report is deficient with respect to ecosystemic and socio-economic issues. After additional review or hearings, the NIRB will submit another report to the Minister, which shall be accepted or rejected in accordance with the above reasons.

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## PROJECT CERTIFICATE

If the project is approved by the Minister, the NIRB will organize a workshop with all of the agencies who have regulatory responsibilities for the project so that it is clear to everyone who is responsible for implementing specific terms and conditions from the Board's Final Hearing Report.

Following the project certificate workshop, the NIRB finalizes and then issues a project certificate to the proponent, including any terms and conditions which have been accepted or varied by the Minister.



Trisha Ogina and daughter Olik, Cambridge Bay, 2010 Photo: Sophia Granchinho

## NEXT STEPS

You can continue to be involved once a project is approved for your region, to ensure the project unfolds as everyone expected. Find out how you can participate in the Monitoring process by reading the fourth in the NIRB's series, *Monitoring: Public Guide Stage 3*.

**Stay informed about an approved project's impacts - learn about the Monitoring process for Nunavut's future.**



# NIRB PUBLIC GUIDE SERIES



## Nunavut Impact Review Board

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## NIRB TECHNICAL GUIDES:

- \* Proponent's Guide
- \* Authorizing Agencies Guide
- \* NIRB Rules of Procedure
- \* Environmental Impact Statement Guidelines
- \* Terminology and Definitions