

# Moving Forward: Upcoming Process Improvements at the Nunavut Impact Review Board



April 11, 2018 Nunavut Mining Symposium

## Today's Session

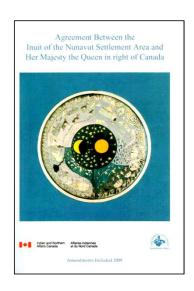


- An introduction to the Board, who "needs no introduction"
- A very quick overview of a few of the process improvements the NIRB is working on in the year ahead, including:
  - A revised series of Guides
  - Standardized EIS Guidelines
  - Updated and Reorganized Rules of Procedure
  - Updated process guidance for the assessment of modifications to previously-approved projects

- A nod to some additional process improvements the NIRB is collaborating on with other parties:
  - Coordinated processes for Type "A" Water Licence with the Nunavut Water Board
  - Nunavut Planning and Project
     Assessment Act implementation
     guidance (with INAC, GN, NTI and
     NPC, NWB)



The Nunavut Agreement establishes an integrated resource management system for the Nunavut Settlement Area



The Nunavut Planning and Project Assessment Act (NuPPAA) provides further details about the Nunavut's land use planning (NPC) and project assessment (NIRB) processes



# NIRB's Place in Nunavut's Integrated Regulatory System

- Development proposals must satisfy the requirements of:
  - Land use planning (NPC)
  - Impact Assessment (NIRB)
  - Water Licensing (NWB)









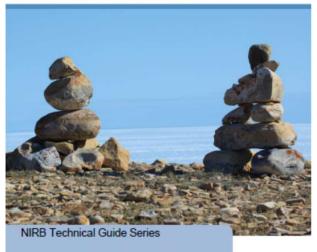
# NEW AND IMPROVED

### **Technical Guides**





#### Terminology and Definitions



- The NIRB will be finalizing the Technical Guide Series that was substantially revamped in 2012-2014 after 3 rounds of comments and a Workshop.
- The series includes:
  - Terminology and Definitions Guide;
  - Proponent's Guide;
  - Intervenors' Guide; and
  - Authorizing Agencies' Guide.

## Draft Standardized EIS Guidelines





STANDARD GUIDELINES FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT<sup>1</sup>

- Reflecting the translation and consultation requirements for EIS Guidelines under the Nunavut Planning and Project Assessment Act (NuPPAA), the NIRB intends to introduce (in draft form, for consultation purposes) a standardized set of EIS Guidelines
- The intention of the NIRB is that, once finalized, the standard EIS Guidelines would provide the basis for review-level assessments, with the NIRB issuing additional projectspecific supplemental guidelines to the extent necessary

<sup>&</sup>lt;sup>1</sup> These Guidelines have been developed to reflect the NiRB's jurisdiction under Article 12, Section 12.5.2 of the Agreement Between the Inuit of the Numorus Settlement Area and Her Majesty the Queen in right of Canada and the requirements of ss. 26 and 101 of the Numorur Planning and Project Assessment Act, Sc. 2013, c. 14.

# Reorganization of the NIRB Rules of Procedure



NUNAVUT IMPACT REVIEW BOARD

RULES OF PROCEDURE

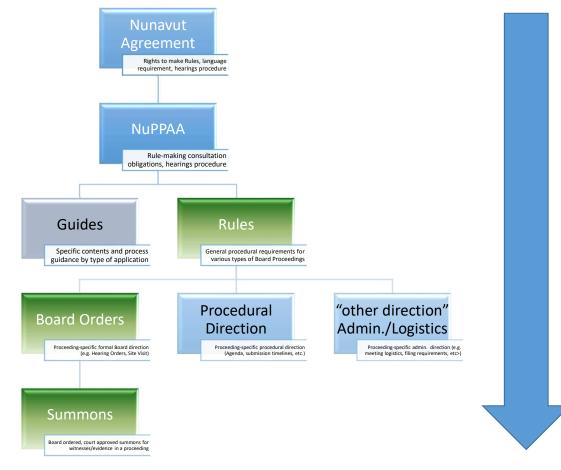
Effective September 3, 2009

#### **Table of Contents**

FUNCTIONS AND PRIMARY OBJECTIVES OF NIRB
INTRODUCTION TO RULES OF PROCEDURE
PART I - GENERAL
1. Citation 2. Definitions 3. Application of Rules 4. Interpretation and Variation of Rules
5. Form
PART II - COMMENCEMENT OF PROCEEDINGS
8. Filing of a Project Proposal and Commencement of Part 4 Screening 9. Filing of an Environmental Impact Statement (EIS) and Commencement of Part 5 Review. 10. Filing of Documents
PART III - HEARINGS
20. Notice of Hearing       1         21. Pre-hearing Conference       1         22. Public Participation and Request for Intervenor Status       1         23. Mediation Meeting       1         24. Formulation of Issues       1         25. Written Questions on Hearing Issues       1         26. Submissions of NIRB Experts       1         27. Site Visit       1         28. Withdrawal of a Project Proposal       1         29. Withdrawal of a Document       1
30. Proceeding in the Absence of a Party1

Increasing level of detail and direction limited to specific Proceedings 90% AROCALAGO BOOK AROC

Proposed Reorganization of Rules<sup>5</sup>



## Tentative Consultation Timelines for Draft Guidelines and ROP



- Currently expect the NIRB to release consultation drafts of the EIS Guidelines and the Rules of Procedure in the early fall
- Comment period expected to be 60-90 days
- Revisions to drafts to reflect comments (30-45 days)

 Hoping to have a workshop to finalize EIS Guidelines and ROP early in Q1, 2019

## Updated Process Guidance: Modifications to Previously-Approved Projects



April 6, 2018

#### Nunavut Impact Review Board Guidance: Approaches to Assessment of Proposed Amendments to Approved Projects



April 6, 20181

NIRB GUIDANCE RE PROCESS FOR SEEKING APPROVAL FOR MODIFICATIONS TO PREVIOUSLY-APPROVED PROJECTS Manifestly Insignificant: to submissions to NPC/NIRB Required

Non-significant Amendment: NIRB Assessment Not Re-

Non-significant Amendment: Screening Not Required; Implications for NIRB Monitoring Program

Significant Amendment: Screening of Independent Project Proposal Required

PC Reconsideration Required

Significant Amendment: Deemed Unacceptable Proposed amendment does not meet the definition of project under the Nunavut Planning and Project Assessment Act (NuPPAA) and is not required to be submitted to the NPC or NIRB.

Minor project amendment proposed and additional authorizations or amendments to authorizations are below the threshold for NIRB Screening and/or reconsideration of Project Certificate terms and conditions. Submission to NPC only required.

Proposed amendment not a significant modification to original project, however, changes may have implications for the NIRB's monitoring program and required reporting. NIRB may invite comments to confirm whether reconsideration of Project Certificate terms and conditions necessary

Proposed amendment is a significant modification to the original project <u>but</u> the proposed modification is not integrally linked to the original project as assessed by the NIRB, and should be assessed as an independent project proposal.

Proposed project amendment is significant <u>and</u> is integrally linked to original project as assessed by the NIRB; assessment of the proposed modification as an independent project proposal is inappropriate; modification assessed via a reconsideration of the Project Certificate.

Proposed amendment is a significant modification to the original project and the NPC determines that the modification is <u>not</u> in conformity with an approved land use plan. Proposal will not be forwarded to the NIRB for further assessment until land use planning requirements are met.

E.g. Routine maintenance or replacement of storage buildings at an approved mine site.

E.g. Archaeological field program for an approved mining development.

E.g. Crown Pillar Recovery amendment to the Doris North Project (NIRB File No. 05MN047)

E.g. Whale Tail Pit Project Proposal (NIRB File No. 16MN056). Many screening files annually.

E.g. Mary River Phase 2 Proposal (NIRB File No. 08MN053)

E.g. amendment to Mary River Phase 2 Proposal (NIRB File No. 08MN053) proposing winter shipping and ice-breaking

# Improvements to Coordinated Processes With the Nunavut Water Board



- Coordination Agreement for Municipal Type "A" Water Licences
- Detailed Coordinated Process Framework for major development projects is being refined and updated



# Joint Work on NuPPAA Implementation Guidance



- Since 2016, the NIRB has been working with:
  - The signatories to the Nunavut Agreement, Indigenous and Northern Affairs Canada, the Government of Nunavut and Nunavut Tunngavik Inc.; and
  - the other members of the integrated regulatory system under the Nunavut Agreement, the Nunavut Planning Commission and the Nunavut Water Board

to address *NuPPAA* implementation issues.



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