



Recent Changes to Nunavut's Regulatory System

Updates to NIRB processes and resources

Nunavut Mining Symposium, Iqaluit, 2016

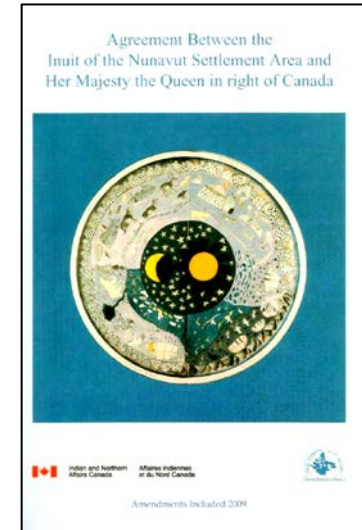
**“Ch-ch-ch-ch-changes,
turn around and face the strange”**

David Bowie (1947-2016)

Nunavut



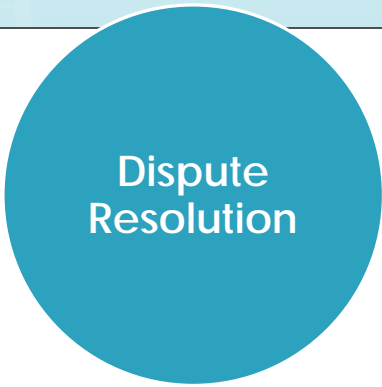
Legislative basis



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



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NUNAVUT SURFACE RIGHTS TRIBUNAL
KANGGANIITONIK ANGGIKTITAJUITIT
LE TRIBUNAL DES DROITS DE SURFACE DU NUNAVUT



Dispute
Resolution



Water Use
Licencing



Wildlife
Management



Impact
Assessment



Land Use
Planning



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Nunavunmi Parnaiyit
Nunavut Planning Commission
Commission d'Aménagement

Nunavut's Regulatory System

- Development proposals must satisfy the requirements of:
 - Land use planning
 - Environmental Impact Assessment
 - Water Licensing

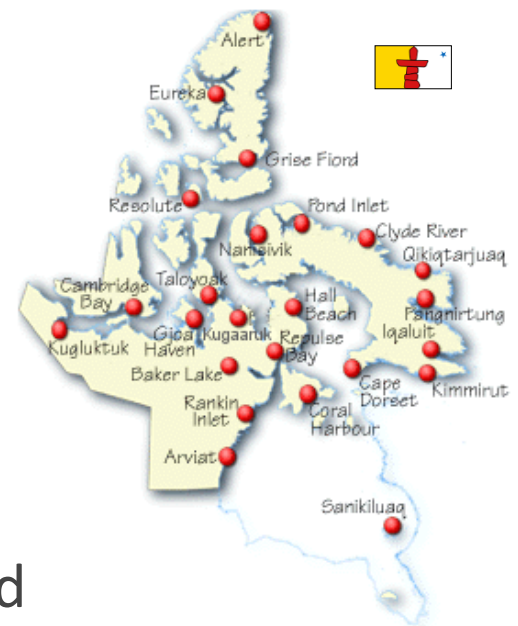


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NIRB's Role

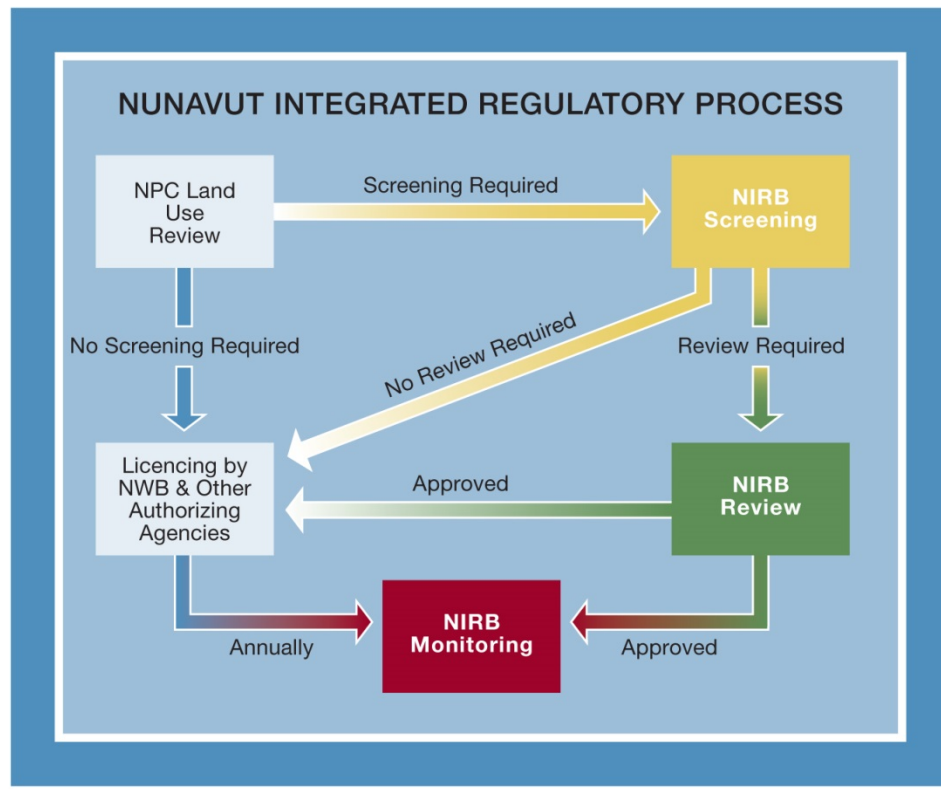
- Screen project proposals to determine whether or not a review is required
- Gauge and define the extent of regional impacts
- Review ecosystemic and socio-economic impacts of project proposals
- Determine whether project proposals should proceed, and if so, under what terms and conditions
- Monitor projects that have been approved to proceed



- Nunavut Settlement Area & Outer Land Fast Ice Zone
- Transboundary Impacts

Nunavut's Regulatory System

- Nunavut Land Claims Agreement (Articles 10-13)
- Nunavut Waters and Nunavut Surface Rights Tribunal Act
- Nunavut Planning and Project Assessment Act



NuPPAA

- Nunavut Planning and Project Assessment Act
 - (NuPPAA)
- Project proposals submitted directly to NPC (“one-window approach”)
- Public registry requirements
- Language, privacy, access to information requirements
- Timeline for NPC conformity review
- Timelines for Ministerial Decisions
- Enforcement provisions



Coordination

- ◉ Coordination between Nunavut IPGs and adjacent jurisdictions is made possible through the NLCA and associated legislation
- ◉ Nunavut IPGs maintain regular contact and make efforts to meet as a group annually
- ◉ NIRB, NPC, NWB and NWMB may also coordinate as a Nunavut Marine Council to provide advice and recommendations to government about issues affecting Nunavut's marine areas

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"Working together for a common cause"

Coordination

- Under the NuPPAA:
 - NPC will act as as the one window into the regulatory system
 - NIRB responsible for negotiating screening exemption agreements with Government for low-impact project types
 - NPC responsible for verifying whether project proposals are of a project type exempt from the requirement for screening
 - NPC can refer normally exempt proposals to NIRB for screening where there is a cumulative effects concern
- Definition of “project” under NuPPAA and “project proposal” under NLCA not consistent, creating implementation challenges



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Coordination

- Coordination Agreement for Municipal Type A Water Licences
- Detailed Coordinated Process Framework for major development projects
 - Initiate consideration of Type A Water Licence Application concurrently with NIRB Review of Environmental Impact Statement
 - Detailed plans submitted earlier by proponent, shorter overall EA/Licensing timeline
 - Greater potential for application for proposed amendments to major development projects

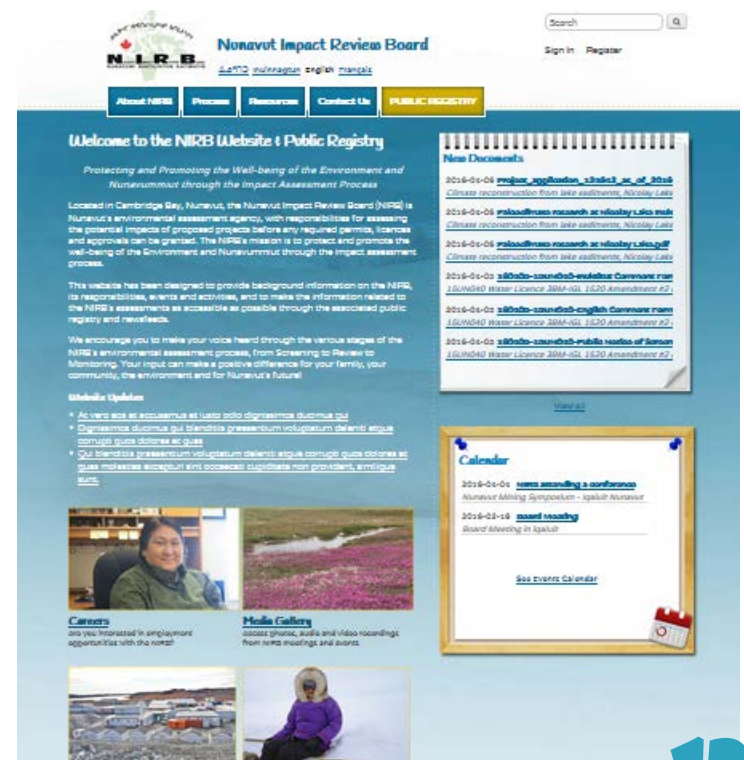
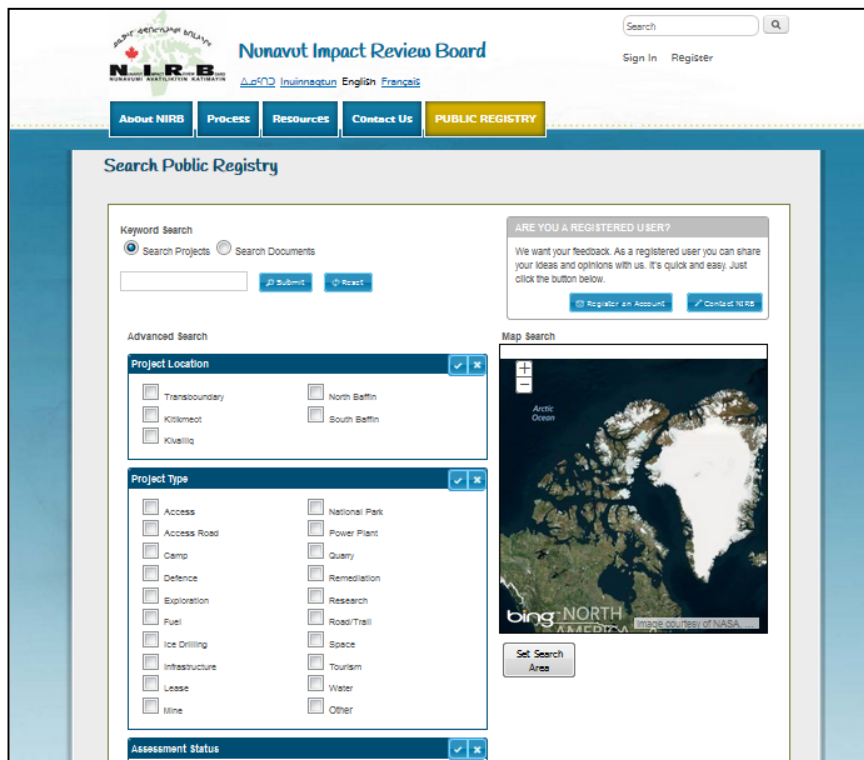


Participant Funding

- Nunavut's regulatory system does not have a participant funding program in place
 - Participant funding for impact assessments in Nunavut has been provided by the Minister on an ad hoc basis to date
 - Recent requests for participant funding have been denied
- Creates potential disparity between public access to impact assessment in Nunavut and areas of Canada where the Canadian Environmental Assessment Act applies
- NuPPAA allows for establishment of a participant funding program through regulations
 - The NIRB strongly believes that a well-designed program would increase access for Inuit organizations and community groups

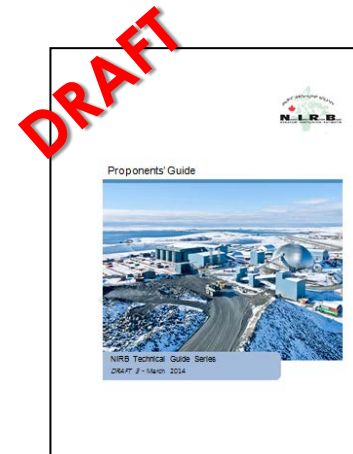
Online Resources

- New public registry online – additional development underway
- Further coordination with NPC/NWB sites planned



Public Guides

- Plain Language Public Guides
- New Technical Guides for Proponents, Intervenors and Authorizing Agencies, Terminology Guide, Process Maps
 - Reflect process under NuPPAA
 - Anticipated release in April 2016



Other Items

- Screening Exemption Agreements
 - Previous agreements with Parks Canada, GN – Culture & Heritage, GN – Environment have been updated
 - Out for final review
- Rules of Procedure require updating
 - Full consultation process planned
- Development of Standardized EIS Guidelines under consideration
 - Would allow for entering regulatory process with Draft EIS

Conclusion

- The NIRB is focusing on a number of initiatives designed to increase regulatory efficiencies:
 - screening exemption agreements, new technical guides, standardized EIS guidelines, updated Rules of Procedure
 - new website & public registry system
- Implementation of new legislation (NuPPAA)
- Precautionary approach and adaptive management techniques critical to impact assessments
- Ensure good working relationships and improve coordination wherever possible

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