

NUNAVUT MINING SYMPOSIUM FROM THE GROUND UP

IPG Coordination Updates and Initiatives

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Overview

- NPC and NIRB Legislation
- NIRB and NWB Cooperation Initiatives
- NWB Regulations
- NPC, NIRB and NWB Cooperation
- Cooperation with INAC and GN
- NPC, NIRB, NWB & NWMB – Nunavut Marine Council



Nunavut Impact Review Board (NIRB)

- Roles and Responsibilities
 - Set out in Article 12 of the NLCA – Development Impact
 - Conducts Environmental Assessments on all development project proposals within Nunavut (except for those within Schedule 12-1 which are exempt*)
 - Screen and review project proposals
 - Determine whether or not project proposals should proceed, and if so, under what terms and conditions
 - Monitor projects



Nunavut Impact Review Board (NIRB)

- Principles
 - Integrity and protection of the ecosystem of Nunavut
 - Cooperation with Parties
 - Protecting the future well being of Nunavut residents and Canadians outside Nunavut
 - Sustainable Development



Nunavut Impact Review Board (NIRB)

- Mission
 - To protect and promote the well being of the Environment and Nunavummiut through the Impact Assessment process



NPC and NIRB new legislation

- Legislative working group includes:
 - Indian and Northern Affairs Canada (INAC)
 - Government of Nunavut (GN)
 - Nunavut Tunngavik Incorporated (NTI)
 - NPC
 - NIRB
- First public draft April 2009, second draft August 2009.



NPC and NIRB new legislation

- Highlights of the *Draft Nunavut Planning and Project Assessment Act (NUPPAA)*
- NPC
 - One window approach
 - Proposing timelines conformity determination
 - Enforcement Powers
 - Public Registry
 - Language requirements
 - Determine 12-1 exemptions
 - Refer to NIRB on potential for cumulative effects



NPC and NIRB new legislation

- Highlights of the *Draft Nunavut Planning and Project Assessment Act (NUPPAA)*
- NIRB
 - CEAA no longer applies in Nunavut
 - Set Panels
 - First law to define “significance”
 - Cumulative effects assessment mandatory
 - Transboundary powers
 - Provisions for amendment with significant modifications
 - Projects suspended after two years
 - Written Reasons for decision



NPC and NIRB new legislation

- Highlights of the *Draft Nunavut Planning and Project Assessment Act (NUPPAA)*
- NIRB
 - New provisions for exemptions for emergencies
 - Time limits (i.e. 45 days to file Hearing reports)
 - New coordination language with IPG's and others
 - Agencies with specialist or expert information must assist NIRB
 - Public Registry requirements
 - Enforcement powers
 - NPC and NIRB can defer matters to Courts for assistance in answering questions (prefer Nunavut)
 - Provisions for: regulations, project, transitional



Benefits and Impacts

- Benefit clarity of process - enhance the land claim
- Greater certainty will encourage development
- Increase socio-economic benefits
- Royalties to federal government
- Impact - Need for Enforcement clarity from INAC



Nunavut Water Board (NWB)

- Roles and Responsibilities
 - Set out in Article 13 of the NLCA – Water Management
 - Responsibilities and powers over the regulation, use and management of fresh water in the NSA
 - *Nunavut Waters and Nunavut Surface Rights Tribunal Act (Act) - Nunavut*
 - Adopted NWT Water Regulation in 2002



Nunavut Water Board (NWB)

- Primary function
 - To licence uses of water and deposits of waste.
 - Water Use
 - Regulate amount of water withdrawn from a source
 - Waste Deposit
 - Type and quality of waste that can be released



NIRB and NWB Cooperation

- Project specific request from proponents to proceed in a coordinated manner commencing at the development impact review phase
- Forecasted development - coordination is necessary to ensure respective capacities to fulfill mandates in a timely efficient manner
- Objective – to provide clarity, transparency and timelines for a coordinated approach



NIRB and NWB Cooperation

- Legislative basis for coordination:
 - 13.5.2 – *“Where the water application is referred for review under Article 12, the NWB and the review body shall coordinate their efforts to avoid unnecessary duplication in the review and processing of the application. Legislation may provide for joint hearings or authorize the NWB to forego public hearings on any water application where it has participated in a public review of the relevant water application pursuant to Article 12.”*
 - 13.6.1 - *“The NPC, NIRB and the NWB shall co-operate and co-ordinate their efforts in the review, screening and processing of water applications to ensure they are dealt with in a timely fashion.”*



NIRB and NWB Cooperation

- December 2008
 - Initial Draft Framework released for consultation
- September 2009
 - Revised *Detailed Coordinated Process Framework for NIRB Part 5 Reviews and NWB Licensing* (DCPF) released as Appendix to Baffinland Iron Mines Corporation (BIMC) Mary River Project for Mine Development
- Internally NIRB and NWB final stages of signing a Memorandum of Understanding

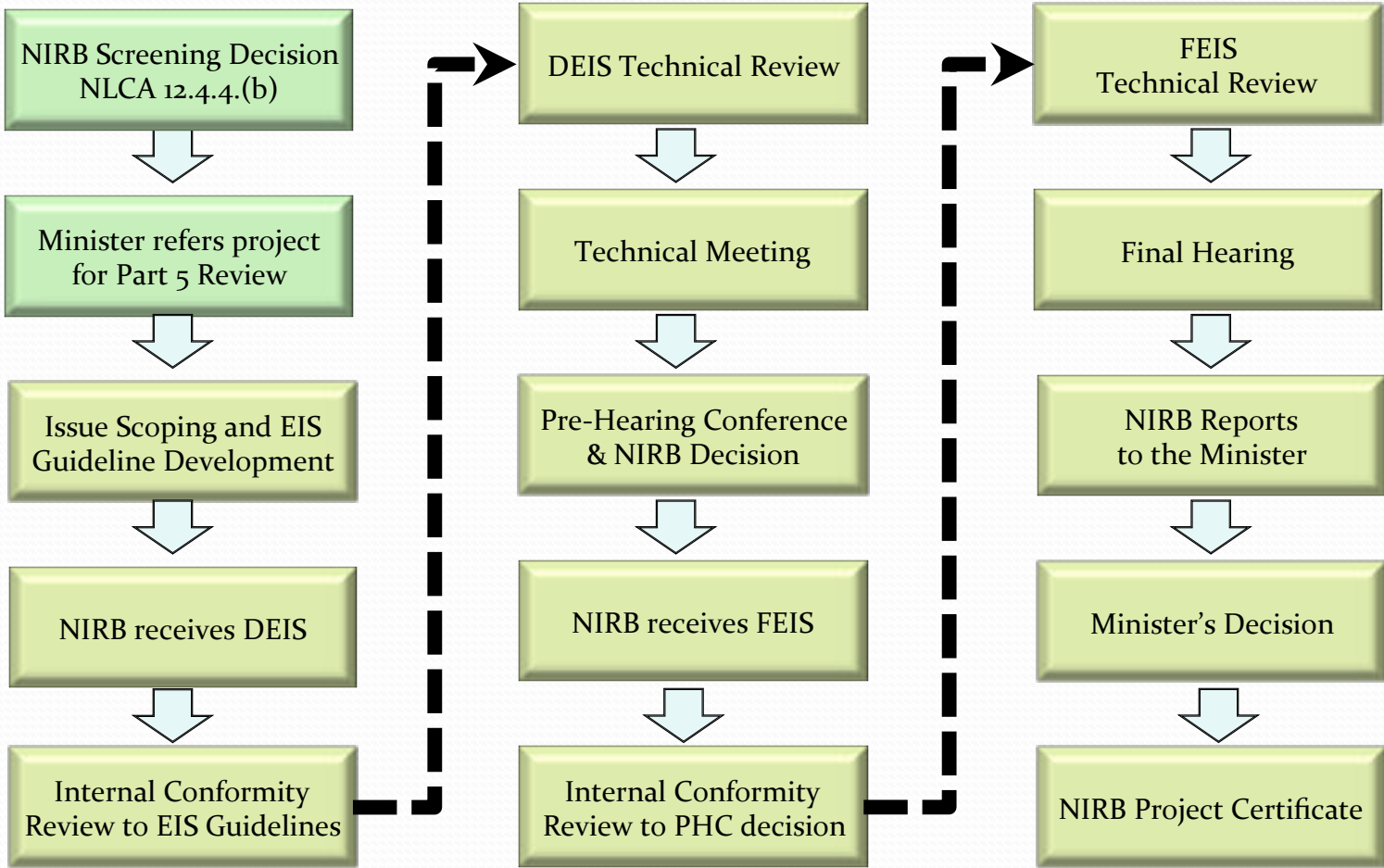


NIRB and NWB Cooperation

- DCPF
 - Relationship between NIRB and NWB
 - 12.10.1 and 13.5.5 prohibits the NWB from issuing a licence to use waters or deposit waste until the NIRB has completed screening the project. Further if the project requires a review , the NWB may not issue a licence until NIRB has completed the review.
 - Exception to this prohibition
 - 12.10.2 indicates that approvals for licence for exploration or development activities related to the project may be issued if:
 - The activity falls within schedule 12.2.1 (type of projects exempt from screening) or the activity can in the judgment of NIRN proceed without review.
 - 13.5.5 NWB similar powers



NIRB Part 5 Review Flow Chart





NIRB and NWB Cooperation

- The detailed coordinated process framework does not provide for a fully joint review regulatory process or joint hearing process
- Framework respects the individual mandates of NIRB, the NWB and the role of the Minister



Benefits and Impacts

- Greater communication, efficiency, transparency
- Procedure coordination
- Subject to capacity issues of other agencies
- Improved timelines
- Dependent on funding
- Clear expectation of information requirements
- Potential for pre-development activities (benefit and risk)



NPC, NIRB and NWB Cooperation

- Legislative Basis for Cooperation:
 - 13.6.1 - *“The NPC, NIRB and the NWB shall co-operate and co-ordinate their efforts in the review, screening and processing of water applications to ensure they are dealt with in a timely fashion.”*
 - 13.4.1 - *“The NWB shall contribute fully to the development of land use plans as they concern water in the NSA by providing recommendations to the NPC.”*



NPC, NIRB and NWB Cooperation

- Initiatives ongoing:
 - NPC development of project proposal form
 - NWB water management areas as proposed by regulations
 - NWB provided feedback on the Nunavut General Monitoring Plan
 - Initial consultation on common application form November 2009
 - Operational Policy and Strategic Planning development with NPC and NIRB



Benefits and Impacts

- Clarity of processes and information requirements
- Inuit traditional view of interconnectedness of land and water supported in land use planning



NWB Water Regulations

- Adopted NWT Water Regulation in 2002
- December 2003 – Regulatory Advisory Committee (RAC) formed by INAC and NWB with invitation to GN and NTI to begin addressing regulation needs
- September 2006 Nunavut Water Regulation Development Group created to develop work plan and terms of reference
- January 2007 Phase I consultation began



NWB Water Regulations

- Highlights:
 - Water use and application fees
 - Exempting classes from public hearing requirements
 - Security
 - Books and records
 - Annual reports
 - Reporting unauthorized deposit of waste
 - Public registry



NWB Water Regulations

- Nunavut Water Regulations Working Group (NWRWG) Mandate
 - To develop a comprehensive set of Regulations to be promulgated under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (the Act) which reflects the economic, operational, and administrative realities in Nunavut while maintaining a high standard of environmental protection



NWB Water Regulations



- Highlights
 - Establishment of water management areas
 - Approval for water use and deposit of waste without a licence
 - Classification of undertakings
 - Licensing criteria for water use and waste disposal - threshold schedules



Water Regulations

- Status
 - Historical consultation to date
 - Internal review November 2009
- Next Steps
 - Broader consultation
 - NWB Public Hearings
 - Technical Meeting - Iqaluit and Yellowknife
 - Hearing – Iqaluit, Cambridge Bay, and Rankin Inlet
 - Federal consultations
 - Pre-publication and publication in the Canada Gazette



Benefits and Impacts

- Practical set of regulations provides for approvals without a licence
- Clear understanding of all activities occurring in Nunavut
- Improved timelines
- Structure established to allow for input in Land use planning
- Simplified regulations compared to NWT
- Clarity for enforcement officers



Cooperation with INAC and GN

- Ongoing Initiative with INAC
 - Standardization and review of “standard” terms and conditions of water licences and screenings
 - Discussion re: development of a database and data management systems
 - Discussions on “security issues”
- Ongoing Initiative with GN and other regulatory bodies who have a role in Municipal water licensing



Benefits and Impacts

- Improved clarity in terms and conditions
- Improved enforcement
- Practical and understandable terms and conditions for proponents
- Improved access to public registry information
- Elimination of perceived “double standard”



NPC, NIRB, NPC and NWMB – Nunavut Marine Council

- Legislative basis:
- NLCA 15.4.1
 - “The NIRB, the NWB, the NPC, and the NWMB may jointly, as a Nunavut Marine Council, or severally advise and make recommendations to other government agencies regarding the marine areas, and Government shall consider such advice and recommendations in making decisions which affect marine areas.”



NPC, NIRB, NPC and NWMB – Nunavut Marine Council

- Importance of Marine areas to Nunavummiut
 - At least 12 Articles within the NLCA deal directly with marine issues
 - Every community within Nunavut, with the exception of Baker Lake, is a coastal community
 - Travel between communities often takes place by boat in the summer or by snowmobile in winter and spring



NPC, NIRB, NPC and NWMB – Nunavut Marine Council

- Importance of Marine areas to Nunavummiut
 - Importance of marine habitat for marine wildlife species
 - Marine areas are used for harvesting of wildlife year-round
 - Commercial and recreational fishing



NPC, NIRB, NPC and NWMB – Nunavut Marine Council

- Objectives:
 - Increased development pressures expose a need for updated marine policies
 - Many identified issues to discuss
 - Shipping
 - Effluent discharges



NPC, NIRB, NPC and NWMB – Nunavut Marine Council

- What has happened to date?
 - Meeting of IPG's November 2008
 - Memorandum developed and reviewed for presentation to Board's October-December 2009
- What are the next steps?
 - Sign Memorandum
 - Develop terms of reference



Benefits and Impacts

- NMC could act as one voice for marine related issues in Nunavut
- One point of contact
- Draw experience from land use planning, impact assessment, wildlife and water management



Summary

- Legislation and regulations are key to providing clarity of the regulatory processes in Nunavut
- Cooperation is needed on all levels
 - Between the IPG's
 - Between IPG's and territorial government
 - Between IPG's and federal government
- Where possible the IPG's should be one voice on common issues



Summary

- The IPGs are working on other administrative and operational initiatives to improve to regulatory process in Nunavut
 - Guides
 - Policies
 - Supplemental Information Guides
 - Technical Guides
 - Strategic Plans
 - Training
- contact them to find out more

Contact Information

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Thank You

