

Guide 2

The Nunavik Marine Region Impact Review Board Screening Process

This guide explains the NMRIRB's screening process. Screening is conducted to determine whether a project can be approved, to identify any terms and conditions or whether a full review is required.





Photo by Linda Amidlak

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This document is intended as a guide and as a public communications tool; it is not a NMRIRB governing document or legally binding. Proponents and parties before the NMRIRB are directed to review and rely on the provisions of the Nunavik Inuit Land Claim Agreement, the NMRIRB by-laws and the NMRIRB Rules of Procedures, as those documents legally binding and are the governing documents of the NMRIRB.

Note:

The abbreviations 'NMRIRB' and 'the Board' are used interchangeably throughout this document in reference to the Nunavik Marine Region Impact Review Board.

Cover Photo by Felix Willie

What is Screening?

Projects in the Nunavik Marine Region (NMR) must be assessed by the relevant agencies to see what permits, licences and approvals are needed before a project can proceed.

When a project comes to the NMRIRB for screening, the Board asks these questions:

- ❖ Could the project have significant adverse effects on the environment or Nunavik Inuit harvesting?
- ❖ Could the project have significant adverse effects on the well-being of northerners?
- ❖ Could the project cause significant public concern?
- ❖ Does the proposal involve new technologies with unknown effects?

The Part 4 of Article 7 of the Nunavik Inuit Land Claims Agreement (NILCA) provides for the screening of project proposals by the NMRIRB to determine whether a project proposal has significant impact potential, and therefore requires a review under Article 7, Part 5 or 6.

What is a Project?

A project, although not defined in the NILCA, is defined in the Nunavut Land Claims Agreement as a physical work that a proponent proposes to construct, operate, modify, decommission, abandon, or otherwise carry out, or a physical activity that a proponent proposes to undertake or otherwise carry out. A proponent can be an individual, company or government department.



Photo by Emma Cain

The types of projects screened in the NMR could include:

- ❖ Marine infrastructure
- ❖ Hydro-electric
- ❖ Oil and gas
- ❖ Research
- ❖ Tourism
- ❖ Mining and mineral exploration

What Projects are Exempt from Screening?

For projects which are unlikely to cause public concern and for which either adverse effects on people or the environment are unlikely, or the type of adverse effects are predictable, screening may not be required. There are also specific types of projects that are exempt (see Schedule 7-1 of the NILCA):



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- ✓ Land use activities that do not require a permit or authorization from the Government of Canada or Territorial Government.
- ✓ Land use activities requiring only a Class B permit under the Territorial Land Use Regulations (SOR/77-210 4 March 1977).
- ✓ All construction, operation and maintenance of all buildings and services within an established municipality, except for the bulk storage of fuel, power generation with nuclear fuels, or hydro power and any industrial activity.
- ✓ All hotels, motels or tourist facilities of 20 beds or less outside the boundaries of a municipality.
- ✓ Water uses that do not require a public hearing under section 13.7.3 of NLCA.
- ✓ Prospecting, staking or locating a mineral claim unless it requires more than a Class B permit mentioned in item 2.
- ✓ Such other categories of activities and projects as may be agreed upon by the NMRIRB and the appropriate Minister.

Who do I Contact about my Project Proposal?

Proponents are encouraged to contact potential authorizing agencies (AAs). It is up to the proponent to evaluate what authorizations, permits and licenses may be required and what authorizing agencies are responsible for granting the authorization, permits and licenses.

Authorizing Agencies

The proponent must contact all of the AAs responsible for issuing any authorization (any letter, permit, license, lease, certificate, or other written or verbal communication that authorizes a project or a component of a project to proceed) associated with the project proposal. It is important to note that a project proposal may require more than one authorization. While it is important to have a complete list of permits required, permits are not issued until after the NMRIRB screening is complete.

For example, a project proposal involving the construction of a port facility may require the following authorizations:

- ❖ A right of use or other land use authorization from a Local landholding corporation, Makivik Corporation and/or Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)
- ❖ Permits or other authorizations from the Department of Fisheries and Oceans, Transport Canada and Environment Canada.
- ❖ Other authorizations depending on the scope of activities included in the project proposal.



Photo by Emma Cain

The Nunavik Marine Region Planning Commission (NMRPC) is responsible for determining whether a project proposal is in conformity with the land use plan and to determine whether a project is exempt from screening. Details related to this phase of project screening are described in step 2 of the screening process (see also Figure 1 on page 6 of this guide).

All project proponents must submit their projects to the NMRPC for an evaluation of conformity to the land use plan and to evaluate project exemptions.

A Proponent can contact the NMRPC directly if they have questions regarding the applicability of land use plans related to their project.

When Does the NMRIRB Receive the Project Proposal?

The NMRIRB acknowledges receipt of a Project Proposal once it receives:

- (a) Confirmation that a permit, license or authorization is required from an AA; and
- (b) From the NMRPC:
 - ❖ Land use plan determination of conformity or variance, as appropriate; and
 - ❖ Acknowledgment that the project is not exempt from screening under Schedule 7-1 or that there are concerns of cumulative effects; and
- (c) A complete proposal submission from the project proponent.

The project proponent is required to submit the project information to the online proponent application system and once complete, the NMRIRB issues the project proposal a NMRIRB file number, begins the screening process, and will issue its determination within 45 days unless:

- (a) The Minister has approved an extension to the 45 days period; or
- (b) There is a legal requirement for a licensing authority to make a decision within a certain time period. In that case, the NMRIRB will complete the screening within a time period that allows the licensing authority to conform with that requirement.

To access the online proponent application system, go to:

<https://www.nmrirb.ca/portal/login.aspx>



Photo by Robbie Ningiuruvik

Before approving an extension, the NMRIRB must request an extension from the Minister in writing. For example, an extension could be requested to provide additional time to the proponent to address deficiencies identified during the checking of completeness stage of the screening process or to address an information request from a member of the distribution list.

What Information does the NMRIRB Require to Screen a Project Proposal?

Although the level of detail is expected to vary (depending on the stage of project development, scope, size, cost, and duration) project proposals submitted to the NMRIRB for screening must contain the following general information:

- (a) Proponent / applicant information;
- (b) Project information (project type, project schedule);
- (c) Project Activities;
- (d) Description of public informing, engagement and consultation efforts and outcomes (community involvement);
- (e) Authorizations required (permits, licenses, authorizations);
- (f) Non-technical project proposal description (Inuktitut, English, French);
- (g) Material use, water use, waste;
- (h) Additional project information (description of environment, cumulative effects);
- (i) Identification of environmental impacts (physical, biological, socio-economic);
- (j) Map of the project (local and regional scale) in electronic format. GIS files in decimal degrees are preferred.

In screening a project proposal and making a decision, the NMRIRB uses both Inuit Traditional Knowledge (ITK) and recognized scientific methods. Accordingly, the proponent must state whether information was gathered through ITK or by recognized scientific methods.

Proponents are advised to submit the NMRIRB's project proposal information requirements as soon as possible to facilitate completion of the NMRIRB's screening process in a timely manner. Timing of the NMRIRB process is affected by incomplete project submissions and the NMRIRB may request additional information which affects the overall timing or the screening process.



Photo by Felix Willie

To assist proponents with the submission of a complete project proposal, which includes sufficient information for screening, the NMRIRB has an online proponent application system. Proponents are required to open an account and fill out all required information so that the NMRIRB can conduct the project screening. Applications do not need to be completed during one session. The online proponent application can be found on the NMRIRB website at:

<https://www.nmrirb.ca/portal/login.aspx>

What Steps are Involved in the NMRIRB's Screening Process?

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STEP 1: PROPONENT SUBMITS PROPOSAL

The proponent submits the project proposal to the NMRPC for an evaluation of conformity and exemption.

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STEP 2: NMRPC ASSESSES CONFORMITY TO THE LAND USE PLAN

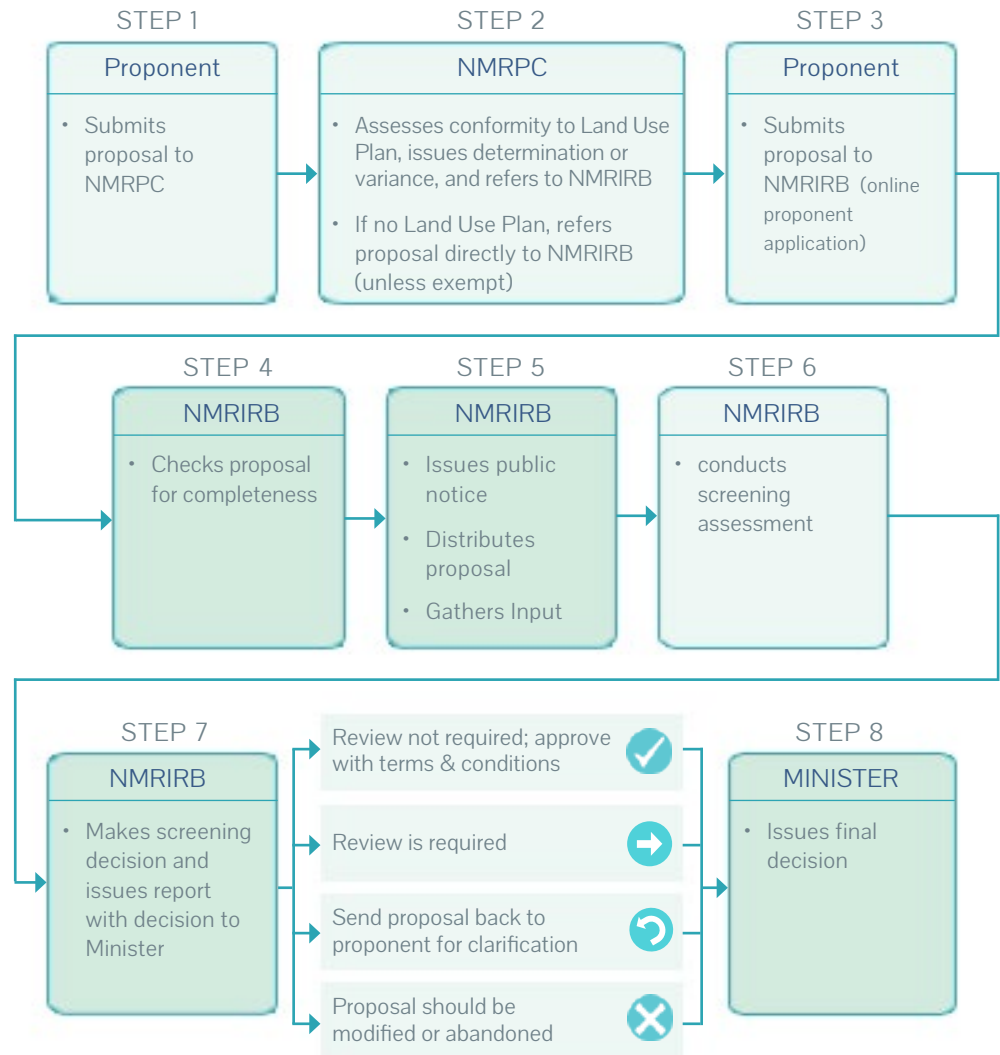
The NMRPC will receive notification of a project proposal submission, and is the first to screen the project proposal. For areas which are subject to a land use plan, the NMRPC will determine conformity with the land use plan and then forward this determination and recommendation on to the NMRIRB for screening. The land use may also permit the NMRPC to approve minor variances. In the absence of a land use plan, all project proposals, other than those that are exempt through Schedule 7-1 (as determined by the NMRPC) unless there are concerns of cumulative impacts, are referred by the NMRPC directly to the NMRIRB for screening.

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STEP 3: PROPONENT SUBMITS PROPOSAL TO THE NMRIRB

If a project proposal requires NMRIRB screening, the project proponent must submit their project on the NMRIRB online proponent application at:

<https://www.nmrirb.ca/portal/login.aspx>



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STEP 4: CHECK FOR COMPLETENESS

Once the NMRIRB has acknowledged receipt of a project proposal, the NMRIRB will conduct an internal check for completion to ensure that the information requirements outlined in Section 6 of this Guide are met in the project proposal. The NMRIRB staff will correspond with the proponent and the AA regarding any deficiencies and attempt to resolve the deficiencies before proceeding with the screening process.

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STEP 5: PUBLIC PARTICIPATION

Once the completeness of the project proposal has been determined, the project proposal will be referred to a distribution list which may be comprised of representatives from communities, the Nunavik Marine Region Wildlife Board, Makivik Designated Organizations, Local Nunavimmi Umajulirijit Katujjiqatigiinningit (LNUKs), Northern Village Councils, Federal, Territorial and Regional Government Departments, as well as other agencies or individuals that the Board feels are appropriate. Information and correspondence related to the project proposal will be uploaded to the NMRIRB's Public Registry at: <http://www.nmrirb.ca/registry/> in the project specific directory.

Members of the distribution list will be asked to comment on the project proposal from the perspective of their knowledge area, respective expertise, and mandate within a stated time frame, usually three (3) weeks.

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STEP 6: SCREENING ASSESSMENT

Once comments from the distribution list and any additionally requested information have been received, the NMRIRB screens the project proposal to determine if it has significant impact potential and therefore requires review either under Part 5 or 6 of Article 7 of the NILCA.

In the screening assessment the NMRIRB gives consideration to the following: the completeness of the project proposal; further information requests from the distribution list; comments from the distribution list; ecosystemic impacts and specific environmental impacts; whether impacts can be mitigated with terms and conditions; and monitoring requirements.

Comments from the members of the distributions list may include, but are not limited to:

- ✓ Indication of support for or against the project proposal;
- ✓ Summary of understanding of the project proposal;
- ✓ Summary of regulatory role and/or mandate;
- ✓ Indication of approval authority;
- ✓ Request for additional information;
- ✓ Expression of concern for potential impacts; and
- ✓ Recommended terms and conditions including monitoring and mitigation.



The NMRIRB will issue its Screening Decision Report to the Minister, the proponent, and upload the report to the NMRIRB's Public Registry at:

<https://www.nmrirb.ca/registry/>



Photo by Nellie Amidlak

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STEP 7: DETERMINATION AND RECOMMENDATION

Once the NMRIRB has completed its screening assessment, it can make one of four determinations in accordance with the NILCA Section 7.4.4:

OPTION 1 – A Review is not Required.

The NMRIRB may recommend specific terms and conditions to be attached to this approval.

OPTION 3 – Proposal Returned for Clarification. Where a project proposal is insufficiently developed to permit proper screening, the NMRIRB will return it to the proponent for clarification.

OPTION 2 – A Review is Required.

The NMRIRB identifies all of the issues and concerns that should be considered in the Review.

OPTION 4 – Proposal Modified or Abandoned.

In cases where the potential adverse impacts of a project proposal are so unacceptable that it should be modified or abandoned, the NMRIRB will so inform the Minister.

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STEP 8: MINISTER'S DECISION

In cases where the Board determines that the proposal may be processed without a Part 5 or 6 review, the Minister may process the proposal or refer it for a review.

In cases where the Board determines that a public review is necessary, the Minister has the authority to send project proposals either to the NMRIRB for a Review under Part 5 of Article 7, or to a federal environmental assessment panel for a Review under Part 6 of Article 7. Section 7.4.7 directs the Minister to take into account any relevant law, as well as the national and regional interests when making this decision.

In cases where the Board determines that the proposal should be returned for clarification, the Minister shall return the proposal to the proponent for clarification and resubmission.

In cases where the Board determines that the proposal should be modified or abandoned, the Minister, in consultation with the NMRIRB, may return the proposal to the proponent for modification and resubmission, refer the project for review, or inform the proponent that the project should be abandoned.

What Additional Information Regarding the NMRIRB EA Process is Available?



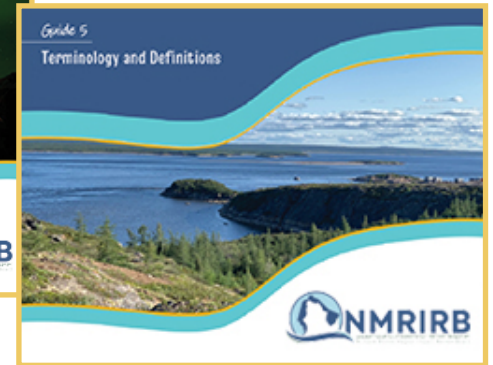
Guide 1: Overview



Guide 3: Review Process



Guide 4: Project Monitoring



Guide 5: Terminology and Definitions

Contact the NMRIRB

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