

Guide 4

Project Monitoring

This guide explains the NMRIRB's monitoring process. For approved projects, monitoring is conducted over the life of the project, including after the project is closed, to keep track of the environmental and socio-economic impacts of a project.





Photo by Felix Willie

Inside this Guide:

What is Project Monitoring? [1](#)

What are the NILCA Provisions for Project Monitoring? [1](#)

What is the Purpose of a Project-Specific Monitoring Program? [2](#)

What can a Project-Specific Monitoring Program Include? [2](#)

What are the Specific Requirements Related to Monitoring Programs Established as a Result of a Project Certificate or Screening Decision? [3](#)

Participation in the Monitoring Process [5](#)

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 Project Monitoring?

Monitoring is the systematic observation or tracking of an activity to determine whether it is proceeding and functioning as expected or required. Through monitoring, the accuracy of environmental impact predictions is assessed and a feedback loop for future decisions is established.

Project monitoring, pursuant to Article 7, Part 7.7 of the Nunavik Inuit Land Claims Agreement (NILCA), is an important tool for checking the accuracy of predictions made during an environmental assessment and determining the effectiveness of measures taken to mitigate any potential adverse environmental effects.

Two types of monitoring activities are identified below:

- 1 Effects Monitoring:** the process of measuring and interpreting changes to environmental and socio-economic parameters to identify relevant project effects, and may involve assessing the accuracy of impact predictions contained in the project impact statements; and
- 2 Compliance Monitoring:** the process of determining whether, and to what extent, the land or resource use in question is carried out according to regulatory requirements, including the terms and conditions contained in the NMRIRB project certificates and/or screening decisions.

In addition to project-based monitoring, as per the NILCA 7.7.6 there is a requirement for general monitoring to collect and analyze information on the long term state and health of the ecosystemic and socio-economic environment in the NMR. Government, working in co-operation with the NMRPC, shall be responsible for developing a general monitoring plan and for directing and coordinating general monitoring and data collection.

What are the NILCA Provisions for Project Monitoring?

The NMRIRB has the authority to establish project-specific monitoring programs as a result of a screening or review of a project proposal.

Specifically, section 7.7.1 of the NILCA states that the terms and conditions contained in:

- ❖ a NMRIRB project certificate issued pursuant to NMRIRB or Federal Environmental Assessment Panel Review (Sections 7.5.12 and 7.6.17)
- ❖ a recommendation of the NMRIRB pursuant to NMRIRB Screening (Section 7.4.4.(a)); or
- ❖ an approval issued by the Nunavut Water Board may provide for the establishment of a monitoring program for that project which may specify responsibilities for the Proponent, the NMRIRB or Government.

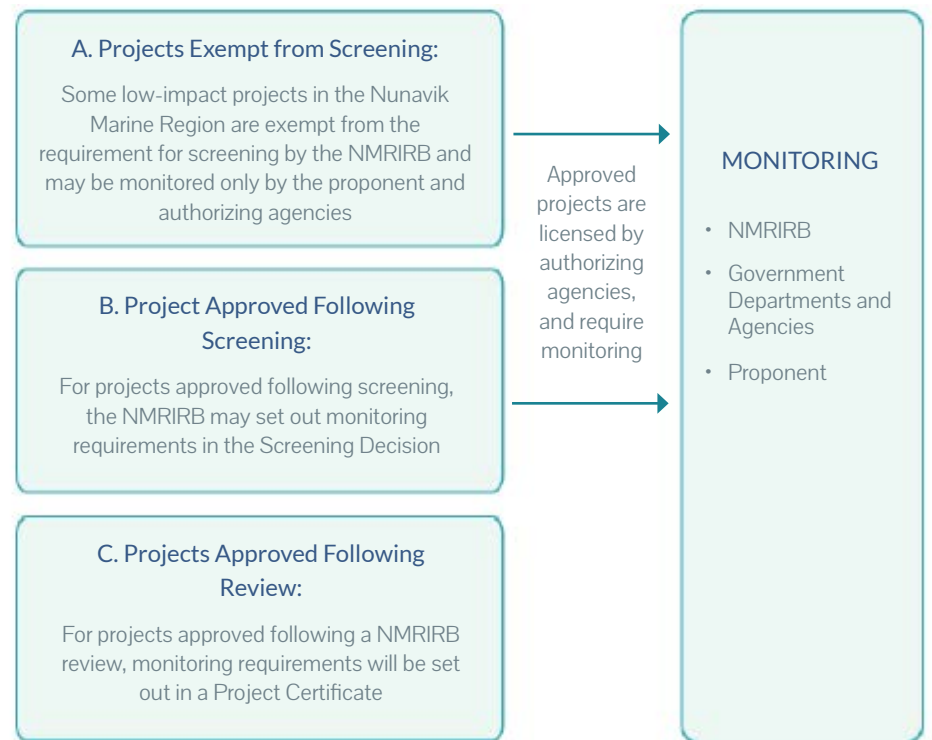


Figure 1. Project monitoring in the Nunavik Marine Region



Photo by Emma Cain

What is the Purpose of a Project-Specific Monitoring Program?

Terms and conditions contained in a NMRIRB project certificate may require the establishment of a monitoring program for a project which may specify responsibilities for the Proponent, the NMRIRB or Government agencies. As set out in Section 7.7.2 of the NILCA, the purpose of a monitoring program is to:

- ❖ measure the relevant effects of projects on the ecosystemic and socio-economic environments in the Nunavik Marine Region;
- ❖ determine whether and to what extent the land or resource use in question is carried out within the predetermined terms and conditions;
- ❖ provide the information base necessary for agencies to enforce terms and conditions of land or resource use approvals; and
- ❖ assess the accuracy of predictions contained in the project impact statements.

What can a Project-Specific Monitoring Program Include?

Section 7.7.3 states that the monitoring program set up pursuant to Section 7.7.2 may include:

- ❖ a requirement that regulatory agencies and the proponent supply the NMRIRB with reports and information respecting project operations and impacts, and the implementation of mitigative measure;
- ❖ a requirement for a periodic evaluation by the NMRIRB of monitoring programs for projects; and
- ❖ based on its evaluation, a requirement that the NMRIRB compiles a report on the adequacy of the monitoring program and on the ecosystemic and socioeconomic impacts of the project.

Sections 7.7.4 and 7.7.5 prohibit the NMRIRB from undertaking monitoring and data collection responsibilities already assigned to Government agencies and departments.

These sections require the NMRIRB to design monitoring programs in such a way that monitoring activities are coordinated and not duplicated.

What are the Specific Requirements Related to Monitoring Programs Established as a Result of a Project Certificate or Screening Decision?

Permits, certificates, licenses or other government approvals that implement or incorporate the terms and conditions of a NMRIRB project certificate should be enforced by the responsible Government department or agency. The following subsections outline the requirements for those monitoring programs established for projects approved in the Nunavik Marine Region in accordance with terms and conditions issued pursuant to Sections 7.7.1(a) and (b). The terms and conditions issued by the NMRIRB may include requirements for the development and implementation of a project-specific monitoring program.

When issuing a project certificate, the NMRIRB typically describes the project-specific monitoring program, which will be required to commence within six (6) months of issuance of all regulatory authorizations.

In the Project Certificate, the following responsibilities are generally identified for the NMRIRB, the Proponent and Government departments and agencies in the monitoring program:

NMRIRB's Responsibilities Related to the Monitoring Program:

The NMRIRB acts as a coordinator of the Monitoring process, so every group knows who is responsible for which aspect of a Monitoring program, and duplication of reporting is avoided.

A small project may only be required to submit an annual report, which the NMRIRB files on its public registry, and distributes to the appropriate groups. Large projects may require a wide range of reporting in addition to an annual report, including regular site visits and community updates. For very large projects, the NMRIRB may designate a Monitoring Officer to ensure the Monitoring plan is followed.

Whether a project is large or small, the NMRIRB staff ensures project-specific Monitoring information is distributed between the Board, the proponent, authorizing agencies, the affected communities and is available to the public through the public registry. This information may be used by agencies to enforce terms and conditions of land or resource use approvals. This includes information collected and submitted by the proponent and applicable authorizing agencies, as well as any project specific certificate requirements. The Board evaluates a project proponent's reports and produces recommendations to the proponent for follow up as required.

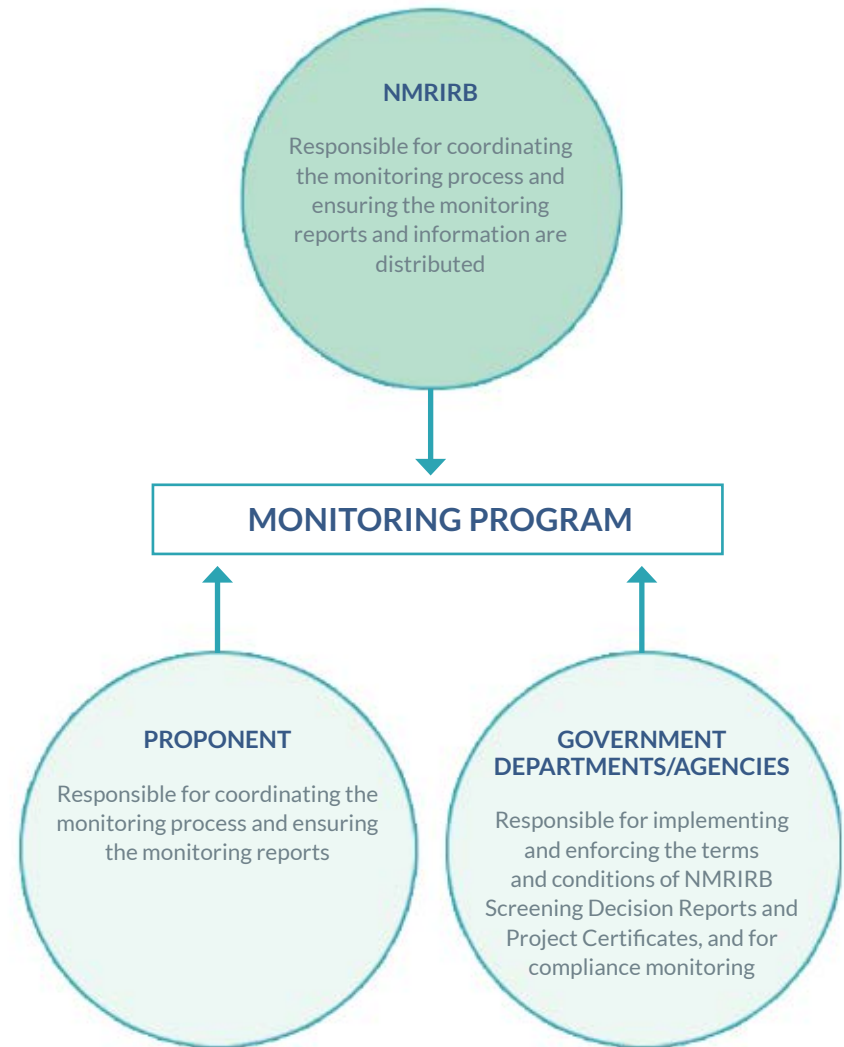


Figure 2. General responsibilities related to the Monitoring Program



Photo by Nellie Amidlak

Proponent Responsibilities Related to the Monitoring Program:

The Proponent is required to develop and implement monitoring programs and track, create and submit various Monitoring reports based on the terms and conditions for the project. Examples of reports include:

- ❖ Specific Monitoring plans according to commitments made in the Final Environmental Impact Statement (Final EIS) and/or the Final Hearing;
- ❖ Annual report to the NMRIRB, every year the project is in operation and during the post-closure phase;
- ❖ Copies of all authorizations obtained for the project as they are received;
- ❖ Reports on implementing other required monitoring programs

Government Departments' and Agencies' Responsibilities Related to the Monitoring Program:

All Government departments and agencies in accordance with their authorities and jurisdictional responsibilities are required to implement the terms and conditions of the NMRIRB project certificates and Screening Decision Reports. This general requirement is subject to NILCA Section 7.9.3, which deals with situations where an independent decision of a regulatory board contains terms and conditions at variance with the terms and conditions of a NMRIRB project certificate. The NMRIRB terms and conditions are to be incorporated in relevant permits, certificates, licenses or other government approvals that the Proponent may require. This, however, does not preclude any regulatory or government agency from reviewing a project and imposing additional or more stringent terms and conditions, or from refusing to issue a license or approval that would be required in order to allow a proposed project to proceed.

Government continues to monitor the project and provide additional authorizations as required. Each authorizing agency involved submits an annual compliance monitoring report to the NMRIRB, showing if the project is in compliance with the permits and authorizations they issued. These reports include, but are not limited to, the following information:

- ❖ How each authorizing agency has incorporated the terms and conditions from the Project Certificate into their authorizations;
- ❖ Whether any inspections have been conducted, and the results of those inspections; and
- ❖ Whether the Proponent is in compliance with any authorizations that have been issued.

Participation in the Monitoring Process

Public participation and the participation of various organizations is strongly encouraged throughout all of the NMRIRB's processes, including during project monitoring. If you live in a community or region with a project that affects you, you are especially encouraged to stay informed and participate in the monitoring programs.

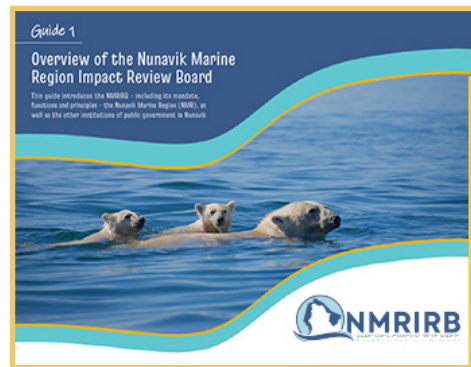
The various ways to participate and stay informed about project monitoring are as follows:

- 1** **Monitor the Public Registry and Access Project-Specific Monitoring Information:** All information gathered during project monitoring is available for anyone to view on the NMRIRB public registry, including monitoring reports.
- 2** **Contact the NMRIRB:** If you have any questions or concerns related to the impacts of a project, the NMRIRB would like to hear from you. In some cases when parties, the proponents and/or community members wish to change the terms and conditions originally issued, they bring to this request to the NMRIRB. The NMRIRB may undertake another hearing process to determine if changes are needed.
- 3** **Stay Involved:** Your earlier involvement in the Screening and Review processes helped to share the monitoring program and your continued involvement will ensure that the monitoring program works as effectively as possible. Your knowledge of the land, the wildlife, and the people of your region can help to ensure the environment is protected. Your ongoing involvement will help Nunavimmiut benefit from development in Nunavik Marine Region for years to come.



Photo by Robbie Ningiurvik

What Additional Information Regarding the NMRIRB EA Process is Available?



Guide 1: Overview



Guide 2: Screening Process



Guide 3: Review Process



Guide 5: Terminology and Definitions

Contact the NMRIRB

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