



February 25, 2019

Kyle Seeley
A/ADM-Local Government
Community and Government Services,
Government of Nunavut
867-793-3301
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Dear Mr. Seeley:

RE: NPC File # 148907 [Arviat Wind Energy Project]

Thank you for contacting me about the Nunavut Planning Commission's (NPC) review of proposed solar and wind energy projects in Arviat and the requirement for certain activities to be screened by the Nunavut Impact Review Board (NIRB). In an email on February 22, 2019, you noted: "My understanding is that all components of this project will be located within the municipal boundary, and I would like to understand NPC's position on the project and the requirement for a NIRB/environmental assessment."

For reference, the proposed solar and wind activities were submitted to us separately and only the wind energy project proposal was referred to NIRB for screening. You may access materials associated with the wind proposal online at <http://lupit.nunavut.ca/portal/project-dashboard.php?appid=148907&sessionid>

Under the Nunavut Agreement (NA) and the Nunavut Planning and Project Assessment Act (NuPPAA), the NPC is responsible for reviewing "project proposals" to determine if they conform to applicable regional land use plans (NA 11.5.10), and if so, whether the project proposal requires screening by the NIRB (NA 12.3.1). Within municipal boundaries, some activities are not considered "projects" and don't need to be reviewed by the NPC. For example, a "project" does not include *"the construction, operation or maintenance of a building or the provision of a service, within a municipality, that does not have ecosystemic impacts outside the municipality and does not involve the deposit of waste by a municipality, the bulk storage of fuel, the production of nuclear or hydro-electric power or any industrial activity."* So, within municipal boundaries, an "industrial activity" is considered a "project" that must be reviewed by the NPC.

Schedule 12-1 of the NA identifies types of project proposals exempt from NIRB screening¹, and it is noted that under item 3 of Schedule 12-1 an "industrial activity" within municipal boundaries does require screening. However, terms

¹ Excerpts from the NA:

"SCHEDULE 12-1: TYPES OF PROJECT PROPOSALS EXEMPT FROM SCREENING

...

"1. Land use activities not requiring a permit or authorization from the Government of Canada or Territorial Government.

"2. Land use activities requiring only a Class B permit under the Territorial Land Use Regulations (SOR/77-210 4 March 1977).

such as “industrial activity” and “bulk storage of fuel” are not defined in the NA or NuPPAA, and the under the NPC’s Internal Procedures on Conformity Determination,² NPC staff rely on discussions between the NIRB and CGS dating back to 2007 that set out agreed upon definitions for these terms.³ While these definitions make no reference to solar or wind activities, we understand that NIRB and CGS are currently negotiating a formal agreement that will include guidance on these terms in accordance with item 7 of Schedule 12-1 of the NA, and the current draft under discussion proposes that wind turbines over 15m in height would require NIRB screening. In the absence of formally approved definitions, the NPC has chosen to consider the most recent discussions between your organizations on this subject when we determined that the proposed 75 m tall turbine is an “industrial activity” and therefore a “project” that requires screening by NIRB.

Although the NPC is aware that CGS is engaged in ongoing discussions with NIRB regarding achieving greater clarity on what municipal projects will or will not be exempted from screening, we have not been directly involved in those discussions, and suggest that CGS staff on that file may be able to provide you with more information.

I hope this information helps your understanding of why the NPC forwarded this proposal to NIRB for screening. My office would be pleased to discuss this with you if you have further questions. Please do not hesitate to contact me at (867) 857-2242.

Sincerely,



Brian Aglukark
Director, Planning
Nunavut Planning Commission

- CC. Natasha Lear, Nunavut Impact Review Board
Brenda Osmond, Kivalliq Inuit Association
Steve England, Hamlet of Arviat
Robert Chapple, Government of Nunavut, Department of Community & Government Services

“3. All construction, operation and maintenance of all buildings and services within an established municipality, except for bulk storage of fuel, power generation with nuclear fuels, or hydro power and any industrial activity.

“4. All hotels, motels or tourist facilities of 20 beds or less outside the boundaries of a municipality.

“5. Water uses that do not require a public hearing under Section 13.7.3.

“6. Prospecting, staking or locating a mineral claim unless it requires more than a Class B permit mentioned in item 2.

“7. Such other categories of activities and projects as may be agreed upon by NIRB and the appropriate Minister.

² <http://www.nunavut.ca/files/procedures/2015-03-23%20Conformity%20Determination%20Internal%20Procedure.pdf>

³ Excerpt from the NPC Internal Procedure on Conformity Determination:

“Industrial Activity means activities whose aim is the ... exploitation of natural resources.”