



October 18, 2022

Karen Costello
Executive Director
Nunavut Impact Review Board
P.O. Box 1360
CAMBRIDGE BAY NU X0B 0C0

kcostello@nirb.ca

Dear Karen Costello:

Please find Crown-Indigenous Relations and Northern Affairs Canada written deferred response related to questions raised during the Mary River Production Increase Proposal Renewal Project Certificate Workshop.

The Nunavut Impact Review Board (the Board) is seeking clarity on how the new Terms and Conditions affect their role in assessing the monitoring and compliance in Project Certificate No. 005.

The Government of Canada recognizes that it is the Board's role to ensure any project certificate specific requirements are followed and impacts are managed responsibly and, further, that the Board evaluates a proponent's reports and produces recommendations to the proponent for follow up as required.

The Reporting Requirements of Term and Condition 185 are not meant to conflict with the responsibilities of the Board's Monitoring Officer related to the Monitoring of the project. The intent is for the Board to continue to monitor the terms and conditions as they would do normally for all the term and conditions of the Project Certificate, including Term and Condition 185. The Board has the discretion to determine how to best monitor in a manner consistent with the objectives of the *Nunavut Planning and Project Assessment Act (Act)*.

The role of the monitor is intended to be independent of the current monitoring undertaken by the Board and the interested parties. It is meant to compliment the current monitoring of the project and provide further assurances that the Project Certificate is working. The expectation of an independent monitor (once established) would be able to look at areas more in depth that are significant and important to Inuit as identified by the Designated Inuit Organizations.



The Government of Canada recognizes that there are significant implementation details that still need to be worked out and agreed upon with respect to the project monitor, including clarifying how the monitoring work of the future project monitor will compliment the Board's own monitoring activities.

With respect to the reporting requirements in Term and Condition 185, in the event a need for variance or an exceptional circumstance arises, it is expected that all documents and information will be shared with the Board.

In terms of understanding the monitoring role, Terms and Conditions 185 and 189 are meant to be linked, however as noted above, the interim project monitor would not replace but rather supplement the Board's monitoring role. Further, in the event of a dispute regarding activities under Term and Condition 185, the dispute resolution mechanism that is laid out in Term and Condition 189 is intended to be both a general monitoring role, including for an expanded Appendix B, and, a dispute resolution mechanism for 185 and possibly 49 and 77. If a change to the Project Certificate was deemed necessary, then the normal process under the Nunavut Agreement and the Act would still apply.

In addition, Term and Condition 185 and 189 (along with all other Terms and Conditions in the Project Certificate) would be enforceable through Crown-Indigenous Relations and Northern Affairs Canada's Field Operations enforcement unit, and could be subject to the responsibilities of the interim project monitor, recognizing these have yet to be defined.

As the role of the future project monitor becomes more clear, CIRNAC officials will keep the Board apprised of its development to ensure that all monitoring aspects are properly considered.

CIRNAC suggests that some of these details could be added as a clarifying commentary at the Board's discretion. Thank you for the opportunity to provide this written deferred response.

Sincerely,

Joanna Ankersmit
Director General, Natural Resources and Environment
Crown-Indigenous Relations and Northern Affairs Canada