



SCREENING DECISION REPORT NIRB FILE No.: 23YN037

NPC File No.: 149957

August 25, 2023

Following the Nunavut Impact Review Board's (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of York University's "Research Water Sampling" is not required pursuant to Article 12, Section 12.4.4(a) of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and s. 92(1)(a) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*).

Subject to the Proponent's compliance with the terms and conditions as set out in below, the NIRB is of the view that the project proposal is not likely to cause significant public concerns, and it is unlikely to result in significant adverse environmental and social impacts. The NIRB therefore recommends that the responsible Minister accepts this Screening Decision Report.

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REGULATORY FRAMEWORK

The primary objectives of the NIRB are set out in Article 12, Section 12.2.5 of the *Nunavut Agreement* and are confirmed by s. 23 of the *NuPPAA*:

Nunavut Agreement, Article 12, Section 12.2.5: In carrying out its functions, the primary objectives of NIRB shall be at all times to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, and to protect the ecosystemic integrity of the Nunavut Settlement Area. NIRB shall take into account the well-being of the residents of Canada outside the Nunavut Settlement Area.

The purpose of screening is provided for under Article 12, Section 12.4.1 of the *Nunavut Agreement* and s. 88 of the *NuPPAA* which states:

NuPPAA, s. 88: The purpose of screening a project is to determine whether the project has the potential to result in significant ecosystemic or socio-economic impacts and, accordingly, whether it requires a review by the Board...

To determine whether a review of a project is required, the NIRB is guided by the considerations as set out under Article 12, Section 12.4.2(a) and (b) of the *Nunavut Agreement* and s. 89(1) of *NuPPAA* which states:

NuPPAA, s. 89(1): The Board must be guided by the following considerations when it is called on to determine, on the completion of a screening, whether a review of the project is required:

- (a) a review is required if, in the Board's opinion,
 - i. the project may have significant adverse ecosystemic or socio-economic impacts or significant adverse impacts on wildlife habitat or Inuit harvest activities,
 - ii. the project will cause significant public concern, or
 - iii. the project involves technological innovations, the effects of which are unknown; and
- (b) a review is not required if, in the Board's opinion,
 - i. the project is unlikely to cause significant public concern, and
 - ii. its adverse ecosystemic and socioeconomic impacts are unlikely to be significant or are highly predictable and can be adequately mitigated by known technologies.

It is noted that under Article 12, Section 12.4.2(c) and s. 89(2) of the *NuPPAA* provides that the considerations set out in s.89(1)(a) prevail over the considerations set out in s. 89(1)(b) of the *NuPPAA*.

As set out under Article 12, Section 12.4.4 of the *Nunavut Agreement* and s. 92(1) of the *NuPPAA*, upon conclusion of the screening process, the Board must provide its written report the Minister. The contents of the NIRB's report are specified under *NuPPAA*:

NuPPAA, s. 92(1): The Board must submit a written report to the responsible Minister containing a description of the project that specifies its scope and indicating that:

- (a) a review of the project is not required;
- (b) a review of the project is required; or
- (c) the project should be modified or abandoned.

Where the NIRB determines that a project may be carried out without a review, the NIRB has the discretion to recommend specific terms and conditions to be attached to any approval of the project proposal pursuant to paragraph 92(2)(a) of *NuPPAA* as follows:

NuPPAA, s. 92(2) In its report, the Board may also

- (a) recommend specific terms and conditions to apply in respect of a project that it determines may be carried out without a review.

PROJECT REFERRAL

On June 5, 2023, the NIRB received a referral to screen York University's (York) "Research Water Sampling" project proposal from the Nunavut Planning Commission (Commission), which noted that the project proposal is outside the area of an applicable regional land use plan.

Pursuant to Article 12, Sections 12.4.1 and 12.4.4 of the *Nunavut Agreement* and s. 87 of the *NuPPAA*, the NIRB commenced screening this project proposal and assigned it file number **23YN037**.

PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS

1. Screening Process Timelines

The following key stages were completed for the screening process:

Date	Stage
June 5, 2023	Receipt of project proposal and referral from the Commission.
June 12, 2023	Request to complete public registry online and provide information pursuant to s. 144(1) of the <i>NuPPAA</i>
July 14, 2023	Receipt of online application from Proponent
July 14, 2023	Scoping pursuant to s. 86(1) of the <i>NuPPAA</i>
July 20, 2023	Public engagement and comment request
July 31, 2023	Receipt of public comments
August 25, 2023	Issuance of Screening Decision Report

2. Project Scope

All documents received and pertaining to this project proposal can be accessed from the NIRB's online public registry at www.nirb.ca/project/125835.

Project:	Research Water Sampling
Region:	Kitikmeot
Location:	Cambridge Bay
Summary of Project Description:	The Proponent intends to conduct water sampling from the municipal water system of Cambridge Bay.
Project Proposed Timeline:	2023 to 2025

As required under s. 86(1) of the *NuPPAA*, the Board accepts the scope of the project as set out by York in the proposal. The scope of the project proposal includes the following undertakings, works, or activities:

- Sampling of water from the municipal water system.

3. Inclusion or Exclusion to Scoping List

The NIRB has identified no additional works or activities in relation to the project proposal. As a result, the NIRB proceeded with screening the project based on the scope as described above.

4. Public Comments and Concerns

Notice regarding the NIRB's screening of this project proposal was distributed on was distributed on July 20, 2023, to community organizations in Cambridge Bay, as well as to relevant federal and territorial government agencies, Inuit organizations and other parties. The NIRB requested that interested parties review the proposal and the NIRB's proposed project-specific terms and conditions, and provide the Board with any comments or concerns by July 31, 2023, regarding:

- Whether the project proposal is likely to arouse significant public concern; and if so, why;
- Whether the project proposal is likely to cause significant adverse eco-systemic or socio-economic effects; and if so, why;
- Whether the project proposal is likely to cause significant adverse impacts on wildlife habitat or Inuit harvest activities; and if so, why;
- Whether the project proposal is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (and providing any recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

On or before July 31, 2023, the NIRB received comments from the following interested parties:

- **Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)**
- **Transport Canada (TC)**

a. Summary of Public Comments and Concerns Received during the Public comment period of this file.

The following provides a summary of the comments and concerns received by the NIRB:

CIRNAC

- Recommended standard terms and conditions regarding employment and consultation.

TC

- No comments.

b. Comments and Concerns with respect to Inuit Qaujimaningit, Traditional, and Community Knowledge

No concerns or comments were received with respect to Inuit Qaujimaningit or traditional and community knowledge in relation to the proposed project. However, Inuit Qaujimaningit and traditional and community knowledge is incorporated into the terms and conditions recommended below based on information collected from prior and similar projects, data collected and mapped by the Commission, and other available sources.

ASSESSMENT OF THE PROJECT PROPOSAL IN ACCORDANCE WITH PART 3 OF *NuPPAA*

In determining whether a review of the project is required, the Board considered whether the project proposal had potential to result in significant ecosystemic or socio-economic impacts.

Accordingly, the assessment of impact significance was based on the analysis of those factors that are set out under s. 90 of the *NuPPAA*. The Board took particular care to take into account Inuit Qaujimaningit, traditional and community knowledge in carrying out its assessment and determination of the significance of impacts.

The following is a summary of the Board's assessment of the factors that are relevant to the determination of significant impacts with respect of this project proposal:

Factor	Comment
The size of the geographic area, including the size of wildlife habitats, likely to be affected by the impacts.	▪ Within the municipality of Cambridge Bay entirely within existing infrastructure and structures.
The ecosystemic sensitivity of that area.	▪ Due to the nature of the project activities and the activities being conducted within the infrastructure and in existing buildings, no areas of ecosystemic sensitivity will be impacted.
The historical, cultural, and archaeological significance of that area.	▪ Due to the nature of the project activities and the activities being conducted within the infrastructure and in existing buildings, there is

Factor	Comment
	no possibility of impact on sites of historical, cultural, and archaeological significance
The size of the human and the animal populations likely to be affected by the impacts.	<ul style="list-style-type: none"> The proposed project is unlikely to result in impacts to local human and animal populations.
The nature, magnitude, and complexity of the impacts; the probability of the impacts occurring; the frequency and duration of the impacts; and the reversibility or irreversibility of the impacts.	<ul style="list-style-type: none"> Due to the nature of the project activities and the activities being conducted within the infrastructure and in existing buildings, no adverse impacts are anticipated.
The cumulative impacts that could result from the impacts of the project combined with those of any other project that has been carried out, is being carried out or is likely to be carried out.	<ul style="list-style-type: none"> Due to the nature of the project activities and the activities being conducted within the infrastructure and in existing buildings, no cumulative effects are anticipated.
Any other factor that the Board considers relevant to the assessment of the significance of impacts.	<ul style="list-style-type: none"> No other relevant factors were identified.

Views of the Board

Responsible authorities or Proponent shall notify the Nunavut Planning Commission and/or Parks Canada as appropriate, and the NIRB of any changes in operating plans or conditions, including phase advancement, associated with this project prior to any such change.

In considering the factors as set out above in the screening of the project proposal, the NIRB has noted that the scope of the proposed project activities and location, namely collecting water samples from the municipal water distribution system, does not have the potential to result in significant adverse environmental or socioeconomic impacts.

The Proponent is responsible to ensure that it follows all Acts and Regulations that may be applicable to the project proposal.

Administrative Conditions:

To encourage compliance with applicable regulatory requirements and assist the Board and responsible authorities with compliance and effects monitoring for project activities, the following project-specific terms and conditions have been recommended: 1-5.

In considering the above factors and subject to the Proponent's compliance with the terms and conditions necessary to mitigate against the potential adverse environmental and social effects, the Board is of the view that the proposed project is unlikely to cause significant public concern and its adverse ecosystemic and socioeconomic impacts are unlikely to be significant or are highly predictable and can be adequately mitigated by known technologies.

RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS

The Board is recommending the following specific terms and conditions to apply in respect of the project:

General

1. York University (the Proponent) shall maintain a copy of the Project Terms and Conditions at the site of operation at all times and make it accessible to enforcement officers upon request.
2. The Proponent shall operate in accordance with all commitments stated in correspondence provided to the Nunavut Planning Commission (NPC File No.: 149957) and the NIRB (Online Application Form, July 14, 2023). This information should be accessible to enforcement officers upon request.
3. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.
4. The Proponent shall ensure that it meets the standards and/or limits as set out in the authorizing agencies' permits or licences as required for this project.
5. The Proponent shall ensure that all personnel, staff and contractors are adequately trained prior to commencement of all project activities, and shall be made aware of all operational plans, management plans, guidelines and Proponent commitments relating to the project.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

In addition to the project-specific terms and conditions, the Board is recommending the following:


Copy of licences, etc. to the Board and Commission

1. The NIRB respectfully requests that responsible authorities submit a copy of each licence, permit or other authorization issued for the Project to the NIRB to assist in enabling possible project monitoring that may be required. Please forward a copy of the licences, permits and/or other authorizations to the NIRB directly at info@nirb.ca or upload a copy to the NIRB's online registry at www.nirb.ca.

CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the York University's "Research Water Sampling". The NIRB remains available for consultation with the Minister regarding this report as necessary.

Dated August 25, 2023 at Baker Lake, NU.


Kaviq Kaluraq, Chairperson