



April 20, 2017

To: Nunavut-wide Distribution List

Sent via email

Re: Comment Request for the Refining of the NIRB's Project Specific Monitoring Framework

Dear Parties:

On April 6, 2017 the Nunavut Impact Review Board (NIRB) facilitated a workshop at the Nunavut Mining Symposium about the NIRB's Project Certificate Monitoring Framework or appendices based on the direction to parties provided on March 3, 2017 (Appendix A). The goal of the workshop was to inform the development of, or improve, the development of the monitoring framework. During the workshop, the NIRB and various parties discussed the list of items as outlined in Appendix B.

As a result of the discussion that occurred at the workshop and requests from parties that were unable to attend the workshop, the NIRB is allowing parties to provide any additional comments or items for consideration to the NIRB via email at info@nirb.ca, via fax at (867) 983-2594 by **May 12, 2017**.

As noted during the workshop, the comments received from the workshop and from parties will be included in the report that will be issued by the NIRB by the beginning of June.

Should there be questions regarding the workshop or questions regarding what was discussed during the workshop, please contact the undersigned at kgillard@nirb.ca or call (867) 983-4619.

Sincerely,



Kelli Gillard
Manager, Project Monitoring
Nunavut Impact Review Board

cc: Stéphane Robert, Agnico Eagle Mines Ltd.
Ryan Vanengen, Agnico Eagle Mines Ltd.
John Roberts, TMAC Resources Inc.
Todd Burlingame, Baffinland Iron Mines Inc.
Stanley Anablak, Kitikmeot Inuit Association
Wynter Kuliktana, Kitikmeot Inuit Association
Luis Manzo, Kivalliq Inuit Association
P.J Akeagok, Qikiqtani Inuit Association
Stephan Williamson Bathory, Qikiqtani Inuit Association
David Hohnstein, Nunavut Water Board
Amy Robinson, Government of Nunavut
Robert Chapple, Government of Nunavut
Ken Wasylshen, Government of Nunavut
Darren Flynn, Government of Nunavut
Timoon Toonoo, Government of Nunavut
Sylvie LeBlanc, Government of Nunavut
Jamal Shirley, Nunavut Research Institute
Tracey McCaie, Indigenous and Northern Affairs Canada
Georgina Williston, Environment and Climate Change Canada
Veronique D'Amours-Gauthier, Fisheries and Oceans Canada
Rachelle Besner, Natural Resources Canada

Jamie Quesnel, Agnico Eagle Mines Ltd.
Manon Turmel, Agnico Eagle Mines Ltd.
Oliver Curran, TMAC Resources Inc.
Wayne McPhee, Baffinland Iron Mines Inc.
Geoffrey Clark, Kitikmeot Inuit Association
David Ningeongan, Kivalliq Inuit Association
Maria Serra, Kivalliq Inuit Association
Salamonie Shoo, Qikiqtani Inuit Association
Joel Fortier, Qikiqtani Inuit Association

Karén Kharatyan, Nunavut Water Board
Lou Kamermans, Government of Nunavut
Kevin Niptanatiak, Government of Nunavut
Ralph Ruediger, Government of Nunavut
Randy Mercer, Government of Nunavut
Alexander Stubbing, Government of Nunavut
Moshá Cote, Nunavut Research Institute
Tineka Simmons, CANNOR
Lisa Pirie-Dominix, Canadian Wildlife Services

Jane Chisholm, Parks Canada

Rob Johnstone, Natural Resources Canada

Transport Canada

Attachments (2): Appendix A: NIRB Letter to Parties Direction to Parties, Direction to Parties Re: Upcoming NIRB Workshop at Nunavut Mining Symposium, March 3, 2017
Appendix B: Items Discussed During the NIRB Workshop

APPENDIX A
NIRB LETTER TO PARTIES
DIRECTION TO PARTIES RE UPCOMING NIRB WORKSHOP AT NUNAVUT MINING SYMPOSIUM



March 3, 2017

To: Nunavut-wide Distribution List

Sent via email

Re: Direction to Parties Re Upcoming NIRB Workshop at Nunavut Mining Symposium

Dear Parties,

The NIRB currently maintains 5 Project Certificates for mining and milling projects in Nunavut. Of the 5 Project Certificates currently active, 4 of the 5 certificates have been newly issued or recently amended, and as a result still require the Project Certificate Monitoring Framework, or Appendices, to be issued. In preparation for (re)issuing these appendices, the NIRB considers it important to check in with parties to ensure its participation in the monitoring process is optimized, that it provides effective information to all parties involved, and allows for maximum coordination between agencies.

To inform the development and issuance of these appendices, the NIRB has come to an agreement with the steering committee to moderate a session held in conjunction with the 2017 Nunavut Mining Symposium, where parties should mostly be in attendance. The session will occur on the morning of Thursday, April 6, 2017, from 8:30 a.m. to 12:00 p.m. at the Frobisher Inn Astro Theater, and be open to the public but constitute a NIRB facilitated discussion focused on key stakeholders (proponents, regulatory authorities, and Regional Inuit Associations) to inform further development of the monitoring frameworks. The enclosed abstract is presented as the basis for the agreement, and is provided to parties to further detail the expectations of the event.

The NIRB is expecting representation from government agencies, federal and territorial, Inuit associations, and companies holding the Project Certificates and interested parties. These specific guests may have as many people in attendance as they wish, however will be expected to designate one representative to sit at the front of the theater and participate in the focus discussion. Parties will not be required to provide any formal presentation, but are encouraged to be prepared to make strategic points to the group on issues affecting participation in the monitoring process, barriers or communication/reporting issues currently providing challenges to participation, and opportunities for additional coordination.

The following is a draft agenda for the session (start time, end time, and break to align with NMS sessions):

1. Introduction to parties, workshop goals, and deliverables;
2. NIRB presentation: NIRB role in the monitoring process, direction in Nunavut Agreement and NuPPAA, roles of other parties;
3. Facilitated discussion:
 - a. Strategic questions to Proponents,
 - b. Strategic questions to Responsible Authorities,
 - c. Discussion on cost of monitoring activities vs. results delivered,
 - d. Considerations for regulatory authorities (including NWB) with respect to opportunities to coordinate in the assessment, development and implementation of monitoring programs;
4. Session wrap up – results of discussions, reporting expectations, next steps in process.

Should there be questions regarding the sessions, please direct the comments to Tara Arko, Director of Technical Services with the Nunavut Impact Review Board at tarko@nirb.ca or call (867) 983-4611 direct.

Sincerely,



Tara Arko
Director, Technical Services
Nunavut Impact Review Board

cc: Stephane Robert, Agnico Eagle Mines Ltd.
 Jamie Quesnel, Agnico Eagle Mines Ltd.
 Manon Turmel, Agnico Eagle Mines Ltd.
 John Roberts, TMAC Resources Inc.
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 David Hohnstein, Nunavut Water Board
 Karén Kharatyan, Nunavut Water Board
 Lou Kamermans, Government of Nunavut
 Robert Chapple, Government of Nunavut-Community and Government Services

Ken Wasylyshen, Government of Nunavut-Community and Government Services
Ralph Ruediger, Government of Nunavut-Community and Government Services
Darren Flynn, Government of Nunavut-Community and Government Services
Randy Mercer, Government of Nunavut-Community and Government Services
Timoon Toonoo, Government of Nunavut-Community and Government Services
Alexander Stubbing, Government of Nunavut-Culture and Heritage
Sylvie LeBlanc, Government of Nunavut-Culture and Heritage
Denise Baikie, Government of Nunavut-Environment
Moshia Cote, Nunavut Research Institute
Tineka Simmons, CANNOR
Tracey McCaie, Indigenous and Northern Affairs Canada
Lisa Pirie-Dominix, Canadian Wildlife Services
Georgina Williston, Environment and Climate Change Canada
Jane Chisholm, Parks Canada
Elizabeth Patreau, Fisheries and Oceans Canada
Rob Johnstone, Natural Resources Canada
Rachelle Besner, Natural Resources Canada
Transport Canada

Enclosure (1): Event Summary



NIRB Workshop Proposal: Further development of Project Specific Monitoring Framework for Projects regulated through a NIRB Project Certificate

Abstract: The NIRB currently maintains 5 Project Certificates for mining and milling projects in Nunavut. The NIRB's process is directed by the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* (Nunavut Agreement) and *Nunavut Planning and Project Assessment Act* (NuPPAA), and requires the NIRB to undertake both pre-development impact assessment, as well as post-approval monitoring of projects that occur within the Nunavut Settlement Area. Monitoring activities are expected to inform the Board and interested parties regarding how a project is actually being implemented, measure success of mitigation measures imposed during the Review process, and enable the Board to provide annual recommendations to improve compliance and allow adaptive management of projects. In addition to the terms and conditions, which constitute the body of the document, each Project Certificate includes an appendix to define the project specific monitoring framework, which outlines the roles and responsibilities of parties involved in the monitoring process. Of the 5 Project Certificates currently active, 4 of the 5 certificates have been newly issued or recently amended, and as a result still require Appendix A of the documents to be issued. In preparation for (re)issuing these appendices, the NIRB considers it important to check in with parties to ensure its participation in the monitoring process is optimized, that it provides effective information to all parties involved, and allows for maximum coordination between agencies. To inform the development and issuance of these appendices, the NIRB is proposing to moderate a session held in conjunction with the 2017 Nunavut Mining Symposium, where parties should largely be in attendance.

Location: 2017 Nunavut Mining Symposium in Iqaluit, NU, morning of Thursday April 6, 2017.

Format: Although the event will be open to the public, the discussion will occur as a NIRB facilitated session with strategic questions directed to regulators and Proponents in order to assess parties experience participating in the NIRB's monitoring process, where regulators have needs or monitoring functions that could be better coordinated or aligned with the NIRB's monitoring function, and how Proponent's efforts or direction would be best developed further to support effective monitoring and communication of results.

Parties Flagged for Direct Participation: Federal/Territorial regulators, Regional Inuit Associations, Proponents.

Deliverables: summary report outlining workshop expectations, discussions, and steps forward to developing more effective Project Certificate appendices (project specific monitoring frameworks), followed by (re)issuing the 4 outstanding Project Certificate appendices.

**APPENDIX B:
ITEMS DISCUSSED DURING THE NIRB WORKSHOP**

Strategic questions

Proponents

- Identify the most significant barrier your company experiences in participating in the NIRB's monitoring process
- Identify the area(s) of the monitoring program that you think would benefit from greater direction or clarification from NIRB
- Identify those items in the NIRB's yearly monitoring process that create challenges for timing of activities (e.g., where the timing of submission doesn't match up with the availability of information)
- Are there any other improvements to the NIRB monitoring program that would you like to see in future?

Responsible Authorities

- Identify the most significant barrier your organization experiences in participating in the NIRB's monitoring process.
- Identify the most significant limitation to incorporating NIRB monitoring program terms and conditions into permits/authorizations, suggestions as to how these limitations can best be addressed by the NIRB
- Are there mechanisms that could be used to more clearly establish communication between responsible authorities and the NIRB that would make it easier to collect and exchange the information from all the regulators with regulatory monitoring programs for a given Project?

Discussion on cost of monitoring activities vs. results delivered

Proponent Question

- Considering the costs of monitoring, including items such as data collection, in-person meetings/working groups, and processing of data which aspects of your monitoring program would you consider to be: (a) the most costly; (b) most important; and (c) best "value" for the costs incurred?

Responsible Authority Questions

- Considering the costs of monitoring, including items such as data collection, in-person meetings/working groups, and processing of data which aspects of a Proponent's monitoring program would you expect to be: (a) the most costly; (b) most important; and (c) best "value" for the costs incurred?
- On which aspects of the monitoring program does each agency consider that they receive the least/most information from current monitoring processes, and which aspects of monitoring do they find most useful?
- In future refinements of monitoring programs, what issues would they like to see monitored more closely to inform their agency and other ongoing EA processes?

Considerations for regulatory authorities on opportunities to coordinate

- Given direction that the NIRB, Nunavut Planning Commission, and Nunavut Water Board coordinate to reduce duplication, what are some opportunities that Parties would request that the NIRB consider in planning for coordination? What are some challenges that parties have found with coordination processes undertaken to date especially with regards to project monitoring?
- Often the reporting timelines specified in NIRB's monitoring program are intended to line up with the timelines for other regulatory reporting; is this truly a good fit or are there better ways to coordinate monitoring activities, align comment periods, etc.