



October 17, 2016

Angad Hundal
Regional Policy Analyst and Planner
Indigenous and Northern Affairs Canada
969 Qimugjuk Building, 2nd Floor
Iqaluit, NU X0A 0H0

Re: October 7, 2016 Request for Potential Agenda Items—Amended NLCA/NuPPAA Implementation Workshop

Sent via email: angad.hundal@aandc.gc.ca

Dear Mr. Hundal;

As follow up to the September 30, 2016 teleconference that I participated in and in response to your email request of October 7, 2016, please find in the text below the reply of the Nunavut Impact Review Board (NIRB) regarding suggested topics to be included in the agenda for a proposed workshop to discuss issues arising from the implementation of the amended Nunavut Land Claims Agreement (NLCA) and the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14 (*NuPPAA*). I would like to reiterate the NIRB's willingness to participate fully in the proposed workshop, however I note that the workshop's focus should not be limited to cataloguing implementation issues from a variety of perspectives but must also ensure that participants have the willingness and authority to propose and develop solutions and make concrete commitments to address these issues in both the short and long term.

As indicated in the NIRB's previous correspondence to Mr. Stephen Van Dine, Assistant Deputy Minister of Indigenous and Northern Affairs Canada (INAC), the following are viewed by NIRB as key implementation issues that should be addressed in the workshop:

- The implications of a lack of *de minimus* threshold in the definition of "project proposal" under the amended NLCA contrasted with the definition of "project" under *NuPPAA*;
- The process and technical considerations associated with making a determination that a project proposal should be excluded from the definition of "project" under s. 2(1) of *NuPPAA* because the proposal involves manifestly insignificant adverse ecosystem effects; and
- The factors and thresholds associated with referral for NIRB screening of project proposals/projects that would otherwise be exempt from NIRB screening due to cumulative effects concerns.

In addition to these topics already raised in the NIRB's previous correspondence, it is the NIRB's view that all participants may benefit from discussion of the following additional topics:

- Opportunities for alignment and streamlining of content in respect of project proposal and application materials required by the Nunavut Planning Commission, Nunavut Impact Review Board and permitting and authorizing agencies such as the Nunavut Water Board, Nunavut Research Institute, Indigenous and Northern Affairs Canada and Regional Inuit Associations; and
- Discussion of respective roles, responsibilities, process and thresholds associated with determining when changes constitute "significant modifications" as that term is used under *NuPPAA*.

The NIRB values all opportunities to discuss and resolve outstanding implementation issues and appreciates the commitment of all parties to the upcoming workshop and what the NIRB anticipates will be an ongoing process. Should you wish to follow up with the NIRB in this regard, please feel free to contact me directly at (867) 983-4608 or via e-mail at rbarry@nirb.ca.

Sincerely,



Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: David Rochette, Indigenous and Northern Affairs Canada
Sherri Young, Indigenous and Northern Affairs Canada
Sharon Ehloak, Nunavut Planning Commission
Stephanie Autut, Nunavut Water Board
James Arreak, Nunavut Tunngavik Incorporated
Paul Emingak, Kitikmeot Inuit Association
Gabriel Nirlungayuk, Kivalliq Inuit Association
Navarana Beveridge, Qikiqtani Inuit Association
David Akeegok, Government of Nunavut, Department of Environment
Bernie MacIsaac, Government of Nunavut, Economic Development & Transportation
Gary Vivian, NWT & Nunavut Chamber of Mines
Elizabeth Kingston, NWT & Nunavut Chamber of Mines
Dr. Janet King, Canadian Northern Economic Development Agency