

worded, Schedule 3 contains no reference back to these limits to the scope of activities to which the Exemption Agreements apply, and would therefore represent broader categories of exemptions from screening than was intended by the NIRB and PC and the NIRB and the GN.

Accordingly, the NIRB requests that the proposed wording in Schedule 3 be amended to either preface the descriptions of the categories of activities with a reference to the limits on scope of the exemptions and discretion of the parties as further described in the Exemption Agreements or add to the descriptions of the categories of activities exempted from screening the express wording used in the Exemption Agreements to define the limits on the scope of exempted activities.

The NIRB notes that ensuring that these limits to the scope of categories of activities exempted from screening are clearly set out in the wording of Schedule 3 also addresses the concerns of parties expressed to the NIRB during comments on the Exemption Agreements. As you may recall, comment submissions from Nunavut Tunngavik Inc. noted the importance of regulatory authorities bound by such Exemption Agreements, such as PC and the GN, having the discretion to refer activities for screening by the NIRB where public concerns are noted in respect of a proposed activity that would otherwise be exempt from screening under an Exemption Agreement. Consequently, preserving this discretion is a key feature of the Exemption Agreements negotiated by the NIRB to date and should be preserved in the wording chosen for Schedule 3.

In closing, the NIRB appreciates being given the opportunity to comment on the proposed wording of these important additions to Schedule 3, and the NIRB will continue to work with Crown-Indigenous Relations and Northern Affairs Canada to ensure that the wording accurately reflects the scope of the Exemption Agreements. If you have any further questions regarding the Board's views in this regard, please feel free to contact me at my direct line (867) 983-4608 or via e-mail rbarry@nirb.ca.

Sincerely,



Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Laurie Pelly, Nunavut Tunngavik Inc.
Giles Binda, Crown-Indigenous Relations and Northern Affairs Canada
Chris Spencer, Government of Nunavut
Emily Stockley, Government of Nunavut
Allison Stoddart, Parks Canada