



SCREENING DECISION REPORT NIRB FILE No.: 20YN018

NPC File No.: 149365

August 18, 2020

Following the Nunavut Impact Review Board's (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of Institut National de la Recherche Scientifique's "Access to Safe Drinking Water in a Changing Arctic" 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 Ministers accepts this Screening Decision Report.

OUTLINE OF SCREENING DECISION REPORT

REGULATORY FRAMEWORK	2
PROJECT REFERRAL	3
PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS	3
ASSESSMENT OF THE PROJECT PROPOSAL IN ACCORDANCE WITH PART 3 OF NUPPAA	6
VIEWS OF THE BOARD	7
RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS	9
CONCLUSION	10

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 Ministers. 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 May 27, 2020 the Nunavut Impact Review Board (NIRB) received a referral to screen Institut National de la Recherche Scientifique's (INRS) "Access to Safe Drinking Water in a Changing Arctic" project proposal from the Nunavut Planning Commission (Commission), with an accompanying positive conformity determination with the North Baffin Regional Land Use Plan and noting that part of the proposal is located in a portion of Nunavut without a 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 **20YN018**.

PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS

1. Screening Process Timelines

The following key stages were completed for the screening process:

Date	Stage
May 27, 2020	Receipt of project proposal with an accompanying positive conformity determination with the North Baffin Regional Land Use Plan and noting that part of the proposal is located in a portion of Nunavut without a land use plan
May 27, 2020, June 5, 2020	Request to complete public registry online and provide information pursuant to s. 144(1) of the <i>NuPPAA</i>
June 16, 2020	Receipt of online application from Proponent
June 16, 2020	Scoping pursuant to s. 86(1) of the <i>NuPPAA</i>
July 2, 2020	Public engagement and comment request
July 13, 2020	Receipt of public comments

Date	Stage
July 30, 2020	Ministerial extension requested from the Minister of Community & Government Services and Minister Responsible for Nunavut Arctic College, Government of Nunavut
August 18, 2020	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/125539.

Project:	Access to safe drinking water in a changing Arctic
Region:	Qikiqtani and Kitikmeot
Location:	Within hamlet boundaries
Closest Community:	Cambridge Bay, Resolute Bay, and Pond Inlet
Summary of Project Description:	The Proponent intends to conduct sampling and analysis of community drinking water for risks caused by permafrost thawing using a community-based participatory water quality sampling program.
Project Proposed Timeline:	September 2020 to March 2023

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

- Collecting water samples from community water sources, water treatment plants, holding tanks (such as delivery tanks), and taps (public and houses);
- Identifying and testing other water sources based on community interest;
- Evaluating water quality with field tests and laboratory analysis;
- Use of all-terrain vehicles or trucks to access sampling sites;
- Use of vehicle fuel from community sources;
- Removal of combustible wastes; and
- Work with communities to conduct a community-based participatory water quality sampling program.

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 2, 2020 to community organizations in Cambridge Bay, Resolute Bay, and Pond Inlet, 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 13, 2020 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 13, 2020 the NIRB received comments from the following interested parties:

- **Crown-Indigenous Relations and Northern Affairs Canada**

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:

Crown-Indigenous Relations and Northern Affairs Canada

- Recommended the following to be considered for project planning:
 - Incorporation of Inuit knowledge and Inuit Qaujimajatuqangit in the project design; and
 - Briefing community representatives on planned activities.

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.

5. Time of Report Extension

Due to the additional time required to ensure adequate consultation due to limitations on parties' capability to comment due to the current pandemic, the NIRB was not able to provide its screening decision report to the responsible Ministers within 45 days as required by Article 12, Section 12.4.5 of the *Nunavut Agreement* and s. 92(3) of the *NuPPAA*. Therefore, on July 30, 2020 the NIRB wrote to the Minister of Community & Government Services and Minister Responsible for Nunavut Arctic College, Government of Nunavut, seeking an extension to the 45-day timeline for the provision of the Board's Report.

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.	<ul style="list-style-type: none"> ▪ The physical footprint of the proposed project components are minimal, consisting only of taking water samples at municipal drinking water sources and possibly other water sources. ▪ The proposed project would take place within habitats of far-ranging wildlife species such as migratory and non-migratory birds, Arctic fox, Arctic hare, and Species at Risk such as Polar Bears.
The ecosystemic sensitivity of that area.	<ul style="list-style-type: none"> ▪ No specific areas of ecosystemic sensitivity have been identified by the Proponent within the physical footprint of the proposed project.
The historical, cultural, and archaeological significance of that area.	<ul style="list-style-type: none"> ▪ No specific areas of cultural and archaeological significance have been identified by the Proponent or the Government of Nunavut within the physical footprint of the proposed project.
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"> ▪ A zone of influence of up to 5 kilometres from the most potentially-disruptive project activities was selected for the NIRB's assessment. ▪ With adherence to the relevant regulatory requirements and application of the mitigation measures recommended by the NIRB, no significant residual effects are expected to occur.
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"> ▪ The NIRB has not identified any past, present, and reasonably foreseeable projects at this time; however, the mitigation measures recommended by the NIRB have been designed to reduce

Factor	Comment
	cumulative effects should projects occur in the area in the future.
Any other factor that the Board considers relevant to the assessment of the significance of impacts.	<ul style="list-style-type: none"> The research carried out by the project would benefit Nunavummiut by verifying the quality of drinking water.

Views of the Board

In considering the factors as set out above in the screening of the project proposal, the NIRB has identified a number of issues below and respectfully provide the following views regarding whether or not the proposed project has the potential to result in significant impacts. In addition, the NIRB has proposed terms and conditions that would mitigate the potential adverse impacts identified.

The NIRB has listed specific Acts and Regulations below that may be applicable to the project proposal but this list should not be considered as a complete list and the Proponent is responsible to ensure that it follows all Acts and Regulations that may be applicable to the project proposal.

Ecosystem, wildlife habitat and Inuit harvesting activities:

Valued Component	Migratory and non-migratory birds, and terrestrial species
Potential effects:	Potential adverse effects to migratory and non-migratory birds and terrestrial species such as Arctic fox from transportation of personnel and equipment via all-terrain vehicles or truck to potential sampling locations outside municipalities.
Nature of Impacts:	The potential for impacts is considered to be limited due to infrequent and temporary activities and activities primarily taking place within municipalities. Any resulting impacts would be expected to be reversible.
Mitigating Factors:	The majority of project activities would occur within municipal boundaries in areas with established infrastructure (e.g., roads).
Proposed Terms and Conditions:	6 through 11
Related Acts and/or Regulations:	<ol style="list-style-type: none"> 1. The <i>Migratory Birds Convention Act</i> and <i>Migratory Birds Regulations</i> (http://laws-lois.justice.gc.ca/eng/acts/M-7.01/). 2. The <i>Wildlife Act (Nunavut)</i> and its corresponding regulations (http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html).

Valued Component	Inuit harvesting and traditional land use activities
Potential effects:	No specific concerns or impacts to public and traditional land use activities in the area have been identified; however, the Board is recommending terms and conditions to ensure project activities are informed by available Inuit Qaujimaningit and that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.
Nature of Impacts:	
Mitigating Factors:	The majority of project activities would occur within municipal boundaries in areas with established infrastructure.
Proposed Terms and Conditions:	12, 13
Related Acts and/or Regulations:	1. The <i>Nunavut Act</i> (http://laws-lois.justice.gc.ca/eng/acts/N-28.6/).

Socio-economic effects on northerners:

Valued Component	Water quality, local employment
Potential effects:	The project would provide communities with more information on the water quality of their municipal water as well as other water sources they may use and provide training to carry out their own sampling and testing.
Nature of Impacts:	The increase in local capacity by training local residents in water sampling and basic field testing is considered positive.
Mitigating Factors:	
Proposed Terms and Conditions:	12, 14
Related Acts and/or Regulations:	

Significant public concern:

- No significant public concern was expressed during the public commenting period for this file.

Technological innovations for which the effects are unknown:

- No specific issues have been identified associated with this 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. Institut National de la Recherche Scientifique (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.: 149365), and the NIRB (Online Application Form, June 16, 2020). 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.

Waste Management

6. The Proponent shall manage all hazardous and non-hazardous waste including food, domestic wastes, debris and petroleum-based chemicals (e.g., greases, gasoline, glycol-based antifreeze) in such a manner to avoid release into the environment and access to wildlife at all times until disposed of appropriately or at an approved facility.

Wildlife – General

7. The Proponent shall not substantially alter or damage or destroy any wildlife habitat in conducting this operation unless otherwise authorized by the appropriate authorizing agencies.
8. The Proponent shall not chase, weary, harass or molest wildlife. This includes persistently circling, chasing, hovering over, pursuing or in any other way harass wildlife, or disturbing large groups of animals.
9. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired.

Migratory Birds and Raptors Disturbance

10. The Proponent shall carry out all phases of the project in a manner that protects migratory birds and avoids harming, killing or disturbing migratory birds or destroying, disturbing or

taking their nests or eggs. In this regard, the Proponent shall take into account Environment and Climate Change Canada's *Avoidance Guidelines*. The Proponent's actions in applying the *Avoidance Guidelines* shall be in compliance with the *Migratory Birds Convention Act, 1994* and with the *Species at Risk Act*.

11. The Proponent shall not disturb or destroy the nests or eggs of any birds. If active nests of any birds are discovered or located (i.e., with eggs or young), the Proponent shall avoid these areas until nesting is complete and the young have naturally left the vicinity of the nest by establishing a protection buffer zone¹ appropriate for the species and the surrounding habitat.

Other

12. The Proponent should engage with local residents regarding planned activities in the area and should solicit available Inuit Qaujimaningit and information regarding current recreational and traditional usage of the project area which may inform project activities. Posting of translated public notices and direct engagement with potentially interested groups and individuals prior to undertaking project activities is strongly encouraged.
13. The Proponent shall ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.
14. The Proponent should, to the extent possible, hire local people and access local services where possible.

CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the Institut National de la Recherche Scientifique's "Access to Safe Drinking Water in a Changing Arctic". The NIRB remains available for consultation with the Ministers regarding this report as necessary.

Dated August 18, 2020 at Baker Lake, NU.



Kaviq Kaluraq, Chairperson

¹ Recommended setback distances to define buffer zones have been established by Environment and Climate Change Canada for different bird groups nesting in tundra habitat and can be found at www.ec.gc.ca/paom-itmb.