



**NIRB File No.: 19TN048**

March 6, 2020

The Honourable Joe Savikataaq  
Minister of Environment for Nunavut  
P.O. Box 2410, Iqaluit  
NU X0A 0H0

Sent via regular mail and email: [jsavikataaq@gov.nu.ca](mailto:jsavikataaq@gov.nu.ca); [dnattaq-haimoui@gov.nu.ca](mailto:dnattaq-haimoui@gov.nu.ca)

**Re: Identification of Responsible Minister under the Nunavut Planning and Project Assessment Act**

Dear Minister Savikataaq:

Thank you for your recent correspondence to the Nunavut Impact Review Board (NIRB) dated February 6, 2020 regarding NIRB File No. 19TN048 in which the Government of Nunavut requested clarification regarding the NIRB's understanding of section 92(4) of the *Nunavut Planning and Project Assessment Act* (NuPPAA). Specifically, the following clarification was requested regarding the designation of "Responsible Minister" and its application to Territorial Ministers with respect to screening assessments undertaken by the NIRB:

*To our knowledge the NIRB has never identified the GN as having Responsible Ministership in the context of section 92(4), or project screening extensions. Should NIRB regard GN as having Responsible Ministership in the context of section 92(4), or project screenings please provide the GN clarification of NIRB's rationale. This information would be useful to all parties to impact assessment processes in Nunavut, as we continue to work together to interpret NuPPAA.*

The following definition of "Responsible Minister" is provided in s. 73(1) of the NuPPAA, under Part 3: Assessment of Projects to be Carried Out in the Designated Area:

**73. (1) The following definitions apply in this Part.**

*"responsible Minister" means*

- (a) the federal minister or the territorial minister, as the case may be, who has the jurisdictional responsibility for authorizing a project to proceed; or*
- (b) the Minister of Indian Affairs and Northern Development, if there is no federal minister or territorial minister who has the responsibility referred to in paragraph (a).*

It is the NIRB's understanding that this definition is applicable throughout Part 3 of *NuPPAA*, including to s. 92(4) which addresses extensions to the time limit for screening level assessments. While there are many instances where a Territorial Minister may be deemed a Responsible Minister under this section, most frequently this occurs for projects which require a scientific research licence from the Nunavut Research Institute or a land use authorization for projects proposed on Commissioner's Lands; in such instances the NIRB reports directly to the Territorial Minister with justification for why an extension is required.

For reference I am enclosing an example of a recent request from the NIRB made under s. 92(4) for the screening of a research project proposal, which was directed to the Government of Nunavut Minister Responsible for Nunavut Arctic College and was subsequently responded to by the Nunavut Arctic College, on behalf of the Responsible Minister. Similar requests and responses are available for reference since the coming-into-force of the *NuPPAA*, and also prior to the *NuPPAA*, under the provisions of the *Nunavut Agreement*, Article 12, Section 12.4.5(b).

I appreciate the opportunity to provide clarification on this matter on behalf of the NIRB, and welcome further discussion with the Government of Nunavut representatives on similar questions or issues as we work together to ensure the effective implementation of Nunavut's impact assessment processes under the provisions of the *Nunavut Agreement* and the *NuPPAA*.

If you have any questions or require additional clarification on this specific matter, please contact the undersigned directly at (867) 983-4608 or [rbarry@nirb.ca](mailto:rbarry@nirb.ca).

Respectfully,



Ryan Barry  
Executive Director  
Nunavut Impact Review Board

Enclosed (2):     1. NIRB Extension Request Re File 19YN018 (June 11, 2019)  
                         2. NRI Response to NIRB Extension Request Re File 19YN018 (June 12, 2019)

cc:     David Akeeagok, Minister of Economic Development and Transportation  
         Natalie O'Grady, Avatilirniq Coordinator, Economic Development and Transportation  
         Jimmy Noble Jr., Deputy Minister of Environment  
         Mary Ellen Thomas, Senior Science Advisor, Nunavut Research Institute