



May 8, 2023

Karen Costello
Executive Director
Nunavut Impact Review Board
P.O. Box 1360 (29 Mitik)
Cambridge Bay, NU X0B 0C0

Re: NWT & Nunavut Chamber of Mines Comments on Standard Impact Statement Guidelines

Dear Ms. Costello,

The Northwest Territories and Nunavut Chamber of Mines (Chamber) is pleased to provide this submission to the Nunavut Impact Review Board (NIRB) for its consideration in relation to the ongoing initiative to update the NIRB's Rules of Procedure and to develop Standard Impact Statement Guidelines.

The Chamber's Mission is to promote continued responsible mineral development in Nunavut and Northwest Territories, and includes robust and appropriate assessment of potential impacts associated with minerals projects. Importantly, the Chamber's advocacy supports the creation of significant benefits for Nunavummiut arising from sustained mineral resource development, which is contributing upwards of half of Nunavut's economy. The Chamber's observations benefit from its membership including professionals in mining, exploration, consulting and service provision as well as landowners and Inuit-owned businesses, including many impact assessment practitioners and experts.

Mining and mineral exploration are dynamic activities. Accordingly, mining and mineral exploration success in Nunavut – and the world over – relies on staged program expansion and change over time. This is driven in response to various factors, including, but not limited to, new geological information and other, volatile market conditions, technological innovations and evolving local interests. Thus, changes to existing projects are common and arise for various reasons. In this submission, such proposed changes to a previously approved mineral project are referred to as *Phased Development*.

The growth and maintenance of a successful mineral sector that delivers sustained socio-economic benefits to society requires process certainty and funding certainty. Without process certainty, investment goes elsewhere, mining and exploration declines, as does its flow of benefits to Nunavummiut. As a co-management regime existing pursuant to a modern land claims agreement, Nunavut's regulatory process is appreciated and valued by explorers and miners, as well as their investors. The transparent, iterative and consultative process, and Indigenous decision-making help us all to build better projects. These are very large capital investments that are mobile on a global basis and are attracted to Nunavut in response to the process certainty and stability that this jurisdiction provides. However, the current process guidance is focussed on assessing new projects and does not provide the process agility that existing projects need for growth, evolution and continued success. This results in regulatory duplication, uncertainty for developers and investors and wasted time and effort on the part

of applicants and intervenors. Careful consideration of the process for assessing Phased Development is essential to sustaining the successful mineral exploration, development and operations ecosystem that has developed in Nunavut since the Nunavut Land Claims Agreement was negotiated.

Assessing potential impacts that could result from changes to existing projects (Phased Development) differs from assessing the potential impacts associated with proposals for new projects. Regulatory reviews of existing projects typically have the benefit of an established study area and project footprint that have been used to support a previous assessment and regulatory approval, existing management, mitigation and monitoring measures that have been tried and tested. Any residual effects have previously been evaluated and addressed by statutory decision makers as part of their regulatory approval. However, new projects have none of these attributes and accordingly, require a different level of impact consideration. When considering Phased Development, proposed changes may or may not be a significant modification to an existing approved project. In addition, multiple changes may arise at the same time, and be 'bundled' together in a submission to the NIRB for administrative efficiency and project planning efficacy.

We believe that existing projects, having previously been approved, should not be required to undergo a lengthy (and substantially redundant) review process automatically and unnecessarily. Accordingly, the Chamber respectfully requests the NIRB:

- Develop guidance and procedures specifically designed to provide due process for review of proposed changes to existing projects (Phased Development) as part of the current initiative to revise the Rules of Procedure and develop Standard Impact Statement Guidelines;
- Exercise scrutiny over each application component and apply a review process that is appropriately tailored to consider the potential incremental impacts of each component of the proposed project change *separately* and *adequately*, to enhance procedural certainty, reduce redundancy and support efficient use of limited resources; and
- Moderate assessment of changes to avoid reassessment of previously authorized components and activities, and instead focus on relevant aspects of the proposed change that have the potential to result in incremental impacts over and above those previously assessed.

If actioned, these changes would support stakeholders, intervenors, and communities in their meaningful and efficient participation in impact assessment, reduce financial strain associated with participation in regulatory approval processes and ultimately support the long term success of the mineral industry in Nunavut and the associated benefits to Nunavummiut.

In conclusion, the Chamber urges NIRB to incorporate full consideration of this submission and those of its member companies into the process underway related to the review of Rules of Procedure and development of Standard Impact Statement Guidelines. We look forward to continued collaboration and is committed to continued participation in the NIRB's related engagements.

Sincerely,



Tom Hoefer
Executive Director