



VIA EMAIL

MAR 15 2019

Mr. Ryan Barry
Executive Director
Nunavut Impact Review Board
29 Mitik Street
PO BOX 1360
CAMBRIDGE BAY, NU X0B 0C0

Dear Mr. Barry:

Comments and Recommendations on Nunavut Impact Review Board's Draft Standard Impact Statement Guidelines

Thank you for providing the opportunity to comment on the above-noted document. The Government of the Northwest Territories (GNWT) has reviewed the Nunavut Impact Review Board's (NIRB) draft Standard Impact Statement Guidelines and has provided its comments and recommendations in the requested table format.

All GNWT departments with interests related to NIRB were provided with the opportunity to review the draft Standard Impact Statement Guidelines. Comments and recommendations were provided by the GNWT Departments of Lands, Justice, Health and Social Services, and Environment and Natural Resources.

Should the NIRB or any reviewers have questions about this submission, please contact Katie Rozestraten, Project Assessment Analyst, by email at Katie_Rozestraten@gov.nt.ca or by phone at 867-767-9180 (ext. 24022) or Melissa Pink, Manager, Project Assessment Branch, by email at Melissa_Pink@gov.nt.ca or by phone at 867-767-9180 (ext. 24021).

Sincerely,

Lorraine Seale
Director
Securities and Project Assessment
Department of Lands

Attachments

GNWT Consolidated Comments on NIRB Draft Standard Guidelines for the Preparation of an Impact Statement - 2019

Comment Number	Subject	Reference	Priority	Background/Rationale	Recommendation to Address Issues
1	Existing information	Section 4.3 – Use of Existing Information, page 7	Low	Section 4.3 references the use of existing information in preparing the impact statement. It is unclear whether there are any timelines associated with the validity of the data or whether it is up to the proponent to include that within their discussion on limitations of existing data. For example, baseline data may not be valid after a certain point dependent on updated detection limits, sampling techniques, natural trends in the medium, etc.	The Guidelines should clarify if certain data (i.e., baseline data) may be invalid after a certain point or whether this is included in the statement that it is the responsibility of the proponent to provide rationale on the validity of any existing data.
2	Instructions for the structure of the Impact Statement (IS) document	Section 6 – Introductory Sections of the Impact Statement	Low	Section 5.5 of the draft Guidelines provides direction on how the IS document should be structured, providing eight broad categories to include in the IS. It is difficult to follow how the headings in Section 6 relate to the eight broad categories outlined in Section 5.5. For example, Section 5.5 requires the IS to have an introduction and environmental assessment context section, but Section 6 of the Guidelines does not use the same broad category and instead outlines the requirement for a description of the project overview, location, land tenure, proponent information, etc. without clarifying which of the eight broad categories from Section 5.5 this information belongs in.	Revise sections 5 and 6 to provide clear direction on where certain information should be housed within the IS. It may be worth considering a numbering system within the IS Guidelines so that these numbers are consistent between the guidelines and the IS structure. This recommendation is applicable to other sections as well.
3	Application of IS Guidelines to all projects, not just mining projects	8.1.2.1 – Valued Ecosystem and Socio-economic Components, page 20	Low	Section 8.1.2.1 references a list of components relevant to mining projects. The wording of this section could cause readers to conclude that the IS Guidelines are applicable only to mining projects.	Section 8.1.2.1 should clarify that mining components were included in the document because most NIRB environmental assessments are related to mining projects and that the Guidelines do not only apply to mining projects.
4	Spatial boundaries	8.1.2.2 – Assessment Boundaries, page 22	Medium	Section 8.1.2.2 notes that the proponent should consult with “the NIRB, federal and provincial	Section 8.1.2.2 should be updated to include: <ul style="list-style-type: none"> territorial government departments and

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				<p>government departments and agencies, local government and regional Inuit association...” This sentence should reference provincial <i>and</i> territorial governments to be inclusive of potential transboundary implications of a project.</p> <p>Dene, Métis, and Inuvialuit governments and organizations are not mentioned in this list. Depending on the nature and location of the project, it may be highly advisable for the proponent to engage with Dene, Métis, and Inuvialuit governments and organizations whose members may be affected by or have an interest in the project.</p>	<p>agencies as well as provincial government departments and agencies.</p> <ul style="list-style-type: none"> • Dene, Métis, and Inuvialuit governments and organizations whose members may be affected by or have an interest in the project.
5	Baseline	Section 8.4 – Description of the Environment and Baseline Information	Low	<p>Section 8.4 states that the proponent must collect sufficient baseline data to be adequate for temporal and spatial scales. It is unclear if there is additional guidance available from NIRB to determine conformity.</p> <p>It is also unclear if NIRB has identified any third-party guidance that they recommend proponents review and/or adhere to. For example, the GNWT and the Land and Water Boards are currently drafting Guidelines for Developing Baseline Water Quality Monitoring Programs in the NWT. As well, the BCMOE has a Water and Air Baseline Monitoring Guidance Document for Mine and Proponents and Operations. The GNWT acknowledges that these documents may not be fully applicable to the Nunavut biophysical environment, and that NIRB may wish to identify such documents as references rather than requirements.</p>	<p>Consider clarifying how NIRB determines conformity for proponent baseline data.</p> <p>If applicable, NIRB should outline any additional guidance related to baseline data which the proponent should review and/or attempt to adhere to.</p>

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6	Cumulative effects assessment	Section 8.6.3 – Cumulative Effects Assessment, page 30, first sentence	High	The Canadian Council of Ministers of the Environment (CCME) defines cumulative impacts as changes in the environment caused by multiple interactions among human activities <i>and natural processes</i> that accumulate across space and time. Consideration of cumulative impacts during a cumulative effects assessment of a project should not be limited to only the impacts from ‘other past, present and reasonably foreseeable future actions’ as currently stated in the first paragraph of Section 8.6.3. Human disturbance, such as mining development, and natural factors, such as forest fires and climate change, can have equally important and compounding impacts on the environment and valued components.	It is recommended that when conducting a cumulative effects assessment, all potential contributing factors, both from human development and natural processes, are included. As such, the definition of cumulative impacts in the first sentence of Section 8.6.3 should be expanded to include natural processes.
7	Reference of Guide 2: Guide to Terminology and Definitions	p.v Definitions and Terms	Low	Currently references NIRB, 2007 Guide 2; however, this document appears to be updated to Terminology and Definitions NIRB Technical Guide Series December 2018. Have the definitions in this Guide been compared to the definitions used in the draft Rules of Procedure? Will the terminology be consistent across the documents so there is no confusion about how to interpret a defined term?	Update the reference for Guide 2 as it has likely been updated. Ensure that the definitions in Guide 2 and the draft Rules of Procedure contain the same definitions to prevent future confusion with the interpretation of a defined term.
8	Copy edit	p.1 paragraph 3	Low		“he NIRB” should be changed to “the NIRB” in first sentence of third paragraph on page 1.
9	Term: Inuit Elders	p.25 (8.3) final sentence of 2 nd last paragraph	Medium	The reference to “Inuit Elders” should be changed to “Elders” as Traditional Knowledge and Community Knowledge obtained from Elders is presumably not intended to be limited to that obtained from Inuit Elders.	Change reference to “Inuit Elders” to “Elders”.
10	Reference Traditional Knowledge and Community Knowledge	p.33 2 nd paragraph of 9.1	Medium	There should be a reference to “Traditional Knowledge and Community Knowledge” as the applicable Traditional Knowledge and Community Knowledge won’t necessarily be limited to Inuit	Reference “Traditional Knowledge and Community Knowledge,” or a similarly inclusive term, within section 9.1. For greater certainty, this should be included in addition to Inuit Qaujimaningit. The

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				Qaujimaningit.	GNWT understands and agrees that section 9.1 should explicitly refer to Inuit Qaujimaningit.
11	Reference additional impact benefit agreements	p.39 last paragraph of 10.5	Medium	This section does not refer to impact-benefit agreements with non-Inuit Indigenous governments.	Amend the last paragraph of section 10.5 on page 39 to include a reference to non-Inuit Indigenous governments.
12	Inclusion of socio-economic and cultural considerations	Section 2.5 Sustainable Development p.4 #1	Medium	“The extent to which biological diversity is affected by the Project” should be expanded to include the well-being of the people.	Expand the statement to require consideration of the well-being of the people.
13	Inclusion of socio-economic and cultural considerations	Section 5.5 Main Document of the Impact Statement p.10 bullet point 3	Medium	Bullet point 3 states “An overview of expected changes to the environment” but does not explicitly include the human environment.	Explicitly state that this bullet point includes the human environment.
14	Inclusion of socio-economic and cultural considerations	Section 7.1 Project Design p.15 bullet point 4	Medium	There should be a new bullet before bullet point 4 to mirror current bullet point 3. The content in the new bullet point is somewhat expected to be included under bullet 7.2, but these factors should also be considered in project design.	Insert new bullet point: “A discussion of how potential impacts to humans (e.g., social, economic, and health impacts) and communities have influenced the Project design. For example, the potential for increased social stratification, potential for exposure to new infections or diseases, impacts to vulnerable populations, increased stress on local infrastructure such as housing, roads, waste and water management systems, etc.)”