



NWB Tools

Phyllis Beaulieu <phyllis.beaulieu@nwb-oen.ca>

NWB Referrals: NWB File Nos. 8BC-MEL--- ; 1BR-CLI0914 and 2BE-MEA1318.

1 message

Jaida Ohokannoak <johokannoak@nirb.ca>

Fri, Aug 28, 2015 at 3:52 PM

To: Phyllis Beaulieu <Phyllis.beaulieu@nwb-oen.ca>

Cc: Dave Hohnstein <david.hohnstein@nwb-oen.ca>, Robin Ikkutisluk <robin.ikkutisluk@nwb-oen.ca>, Brian Aglukark <aglukark@nunavut.ca>, Tara Arko <tarko@nirb.ca>

Dear Phyllis Beaulieu,

On July 15, 2015, August 12, 2015 and August 24, 2015 the Nunavut Impact Review Board (NIRB or Board) received referrals from the Nunavut Water Board (NWB) for the following files: NWB File No. 8BC-MEL--- ; NWB File No. 1BR-CLI0914 and NWB File No. 2BE-MEA1318 respectively. The NIRB would like to note that the NWB letters for these files contain wording that is inconsistent with the amendments made to the Nunavut Land Claim Agreement (NLCA) on June 18, 2015 and under the Nunavut Planning and Assessment Act (NuPPAA).

The NWB letters have the following clause:

"Also, by copy of this letter to the Nunavut Impact Review Board ("NIRB"), the NWB requests that if the project proposal requires screening, the NIRB provide the NWB with a determination pursuant to Section 13.5.1 of the NLCA. If the project is exempt from screening pursuant to Schedule 12-1 of the NLCA, the NWB requests written confirmation from the NIRB that the project proposal is in fact exempt from screening"

In accordance with the amended changes to the NLCA (Section 12.3.5) and NuPPAA the NIRB is unable to commence screening of a project proposal until it is sent to the NIRB directly by the NPC. NLCA Amendment Change 5: Section 12.3.5 of the Agreement is replaced with the following: 12.3.5 *"Where there is no approved land use plan applicable to a proposed project, the NPC shall, subject to Sections 12.3.2., 12.3.3 and 12.4.3., forward the project proposal to NIRB for screening."*

Under NuPPAA S. 78 (1) *"If the Commission determines that the project proposal is in conformity with any applicable land use plan, it must verify whether the project is exempt from screening."* And under S. 79 *"If a project is not exempt from screening, the Commission must send the project proposal to the Board in order to conduct screening."*

It should also be noted that under NLCA Amendment 11.5.9 A and S. 76 (1) of NuPPAA, the proponent of a project (to be carried out, in whole or in part, in the designated area) shall submit a proposal directly to the Nunavut Planning Commission (NPC or Commission).

We thank you for your referrals, however, NIRB will not be proceeding on the above noted files until NPC has completed its determination and only when they forward the applications to NIRB for assessment.

If you require further clarification please contact myself at (867) 983-4609 or johokannoak@nirb.ca.

Best Regards,

Jaida Ohokannoak

Manager, Technical Administration/Atanguyak Avatilikinikun Ihoakhaeyi

Nunavut Impact Review Board/Nunavumi Avatilikiyin Katimayin

P.O. Box 1360/Titigakakvikmi Kiyokun 1360

Cambridge Bay/ Ikaluktutiak, NU X0B 0C0

Phone/Hivayaota: [\(867\)983-4609](tel:8679834609)

Fax/Kayumiktokun: [\(867\)983-2594](tel:8679832594) or [\(867\)983-2593](tel:8679832593)

Toll Free/Aketokun: [1-866-233-3033](tel:18662333033)

Website/Kungeakhami kagitaoyami: www.nirb.ca

Online Registry: [ftp.nirb.ca](ftp://ftp.nirb.ca)