

APPENDIX B – NIRB/NPC JOINT REVIEW PROCESS FOR THE MARY RIVER PROJECT

Please note, this written description is meant to accompany the process map provided in **Appendix A** of this document, and speaks only to the coordination between the NIRB and NPC as it pertains to the Part 5 Review process; a more detailed discussion of each step in the Part 5 Review process can be found in the NIRB's *Guide 5: Guide to the NIRB Review Process*, available at <http://ftp.nirb.ca/GUIDES>.

Scoping and EIS Guideline Development

The first step in the NIRB's Part 5 Review process is to scope the project proposal and the potential impacts associated with developing the project. On March 13, 2009 the NIRB released the *Draft Scope* of the review of the Mary River Project (the Project) for public comment. This *Draft Scope* included Appendices J and K of the North Baffin Regional Land Use Plan (NBRLUP), unmodified from their published form, to be used in the assessment of the transportation corridor proposed by the Project.

Beginning on March 28, 2009 the NIRB conducted public scoping meetings in communities potentially affected by the Project and/or the proposed amendment to the NBRLUP. Public scoping meetings were held in the following communities: Pond Inlet, Arctic Bay, Resolute Bay, Grise Fiord, Igloolik, Hall Beach, Coral Harbour, Cape Dorset, Kimmirut, Iqaluit and Clyde River. The requirements of the NBRLUP and details on the NIRB/NPC joint review process were emphasized at the public scoping meetings in Grise Fiord, Resolute Bay, Arctic Bay, Pond Inlet and Clyde River (communities included in the NBRLUP). Following the public meetings, NIRB released a summary report, detailing the comments and concerns raised in each community.

Section 12.5.2 of the NLCA directs the NIRB to issue project specific guidelines to the Proponent for the preparation of an Environmental Impact Statement (EIS). This Section also contains a list of information to be included, where appropriate, in an EIS and grants the NIRB the authority to add, "*any other matters that NIRB considers relevant*". Drawing upon information contained within the summary report mentioned above, the NIRB released *Draft Guidelines* for the preparation of an Environmental Impact Statement (*Draft EIS Guidelines*) for the Project on June 24, 2009 requesting interested parties supply their comments to the NIRB on or before July 23, 2009 (later extended to August 4, 2009). After reviewing the comment submissions and integrating those recommendations it considered appropriate, on September 4, 2009 the NIRB released *Revised Draft EIS Guidelines* for a second round of public comment.

It has been noted that many issues pertaining to the NIRB's impact assessment of the railway and of the Project are closely related to the information requirements of the NBRLUP, and may also aid in the NIRB/NPC joint review of the prospective transportation corridor. Section 1.4.1 of the *Revised Draft EIS Guidelines* document speaks to the requirement of the Proponent's future *Draft EIS* (DEIS) submission to address the information required by Appendices J and K of the NBRLUP, with cross-referencing to relevant sections of the DEIS. The DEIS will then serve as the Proponent's formal application to the NPC for an amendment to the NBRLUP, minimizing unnecessary duplication.

A guideline development workshop has been scheduled for September 29-30 in Iqaluit, and will provide additional opportunity to discuss how best to ensure all information requirements pertaining to the proposed transportation corridor are met appropriately and with minimal duplication. Following the receipt of comments on the *Revised Draft EIS Guidelines* and the guideline development workshop, NIRB will make final revisions and then issue *Final EIS Guidelines* to the Proponent; this is anticipated to occur following the NIRB's scheduled Board meeting October 26-27, 2009.

Receipt and Review of a Draft EIS (DEIS)

An EIS is a detailed document prepared by the Proponent in accordance with the *Final* EIS Guidelines issued by the NIRB which identifies, predicts, evaluates, and communicates information about the ecosystemic and socio-economic impacts of a project proposal. The Proponent will develop a DEIS with the NIRB-issued *Final* EIS Guidelines based on its own timetable, making this section of the review completely proponent-driven.

Once the NIRB and the NPC are in receipt of a DEIS submission, the NIRB will conduct an internal review of the submission to determine whether it addresses the provisions of the guidelines (*i.e.* conformity review). The NPC will assist the NIRB in the conformity review of the DEIS against the information requirements of the NBRLUP, as included in the *Final* EIS Guidelines. This conformity review will be conducted within 15 days, and is a presence or absence analysis only; it is not intended to evaluate the quality of the information presented, although it may point out significant deficiencies encountered.

If the DEIS submission is deemed to be satisfactory, the NIRB will distribute the DEIS to the public and commence a technical review period. This technical review period will provide interested parties with an opportunity to analyze the adequacy and quality of the information presented within the DEIS, and provide the NIRB with their technical review comments. During the technical review period, the NIRB and the NPC will evaluate the information in the DEIS pertaining to Appendices J and K of the NBRLUP, and will request that interested parties also provide their analysis within their technical review comments. Upon receipt of technical review comments, the NIRB will forward copies of those comments pertaining to the joint review of the transportation corridor to the NPC.

Pre-Hearing Conference (PHC)

The NIRB may decide to hold a Technical Meeting at the conclusion of the technical review period, to facilitate further discussions on technical matters related to the DEIS. The Technical Meeting is kept as informal as possible in an effort to resolve technical issues prior to the Pre-Hearing Conference (PHC). Immediately following the technical meeting, NIRB will hold the PHC to discuss such matters as: timelines for submissions and the Final Hearing, future meetings, evidence, document exchange, Final Hearing venue(s), Final Hearing format and any other matters related to the logistics of the Final Hearing. At this time, the NIRB and NPC will discuss the results of the joint review of the transportation corridor and whether or not the requirements of the NBRLUP have been satisfied.

Following the PHC, the Board will issue a PHC decision which provides further direction to the Proponent regarding what is required in its *Final* EIS (FEIS) and the procedures for the review of the FEIS and the Final Hearing. The remainder of the Part 5 Review process for the Project is then expected to follow the process map as set out in **Appendix A**, with no further coordination between the NIRB and the NPC required.

Please note that during most of the above noted stages in the review process, the NIRB will also be coordinating its efforts with the Nunavut Water Board (NWB), as illustrated in the process map and described in the Coordinated Process Framework in **Appendix C**. The NIRB's coordination efforts with the NWB are independent of the NIRB/NPC joint review process, and are not anticipated to affect one another.