

April 25, 2012

To: Nunavut Wide Distribution List

Sent via email

Re: Updated NIRB and NWB Detailed Coordinated Process Framework

Dear Parties,

As you may be aware, over the past several years the Nunavut Impact Review Board (NIRB) and the Nunavut Water Board (NWB) have been working together to develop a process to coordinate NIRB's Review process with the Nunavut Water Board's (NWB) regulatory process. The NIRB and the NWB are providing the enclosed *updated* version of the Detailed Coordinated Process Framework (DCPF) for your information.

The NIRB and NWB are Institutions of Public Government created under the Nunavut Land Claims Agreement (NLCA), with responsibilities for conducting environmental impact assessment of proposed development and regulating the use and management of freshwater in the Nunavut Settlement Area, respectively. Relevant sections of the NLCA allowing for the coordination of the Boards' processes are as follows:

Where the water application is referred for review under Article 12, the NWB and the review body shall coordinate their efforts to avoid unnecessary duplication in the review and processing of the application. Legislation may provide for joint hearings or authorize the NWB to forego public hearings on any water application where it has participated in a public review of the relevant water application pursuant to Article 12.<sup>1</sup>

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<sup>&</sup>lt;sup>1</sup> Relevant sections of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* are:

**<sup>37.</sup>** (1) In order to avoid unnecessary duplication and to ensure that projects are dealt with in a timely manner, the Board shall cooperate and coordinate its consideration of applications with the Nunavut Impact Review Board or any federal environmental assessment panel referred to in section 12.4.7 of the Agreement in relation to the screening of projects by that Board and the review of projects by that Board or panel.

<sup>(2)</sup> The Board may, in lieu of conducting a separate public hearing in respect of a licence in connection with a project for which a public hearing is to be held by the Nunavut Impact Review Board or the panel referred to in subsection (1), as the case may be, conduct, in relation to the project, a joint hearing with that Board or panel or participate in the hearing of that Board or panel.

13.6.1 The NPC, NIRB and the NWB shall co-operate and co-ordinate their efforts in the review, screening and processing of water applications to ensure they are dealt with in a timely fashion.

In light of projected estimates for major mining development projects in Nunavut and the processing of other Type "A" water licence applications, the Boards are of the view that a coordinated process is important to ensure each Board maintains the capacity to fulfill its respective mandate in a timely and efficient manner. However, the enclosed DCPF does not provide for a completely joint regulatory process between the NIRB and the NWB. Given the differing nature of the information and the levels of detail required for environmental assessment and water licensing, the Boards are not proposing a fully joint process or joint hearings at this time.

The original DCPF guidance document was released in 2009 and has been developed further through its continued application to Baffinland Iron Mines Corp.'s Mary River project proposal, which has served as the pilot project for the NIRB/NWB coordinated approach. Given that several additional project proponents have also requested that this coordinated approach be applied to the consideration of their respective project proposals and water licence applications, the NIRB and the NWB believe that the release of the enclosed updated DCPF will help to increase certainty for project proponents, interveners and the general public regarding process requirements and timelines moving forward.

Both the NIRB and the NWB encourage the effective participation of the public in our respective processes. If you have questions regarding the enclosed guidance document, please contact the undersigned at <a href="mailto:info@nirb.ca">info@nirb.ca</a> or toll-free at 1-866-233-3033.

Phone: (867) 983-4600 Fax: (867) 983-2594

Sincerely,

Ryan Barry

**Executive Director** 

Nunavut Impact Review Board

cc: Dionne Filiatrault, Executive Director, Nunavut Water Board

Enclosed: NIRB/NWB Detailed Coordinated Process Framework (April, 2012)