

assessment of the project would be terminated as per subsection 143(4) of the NuPPAA.”¹

- Because the request to suspend the assessment of the Proposal came in before the close of the comment period for the *Draft* Scope List, and *Draft* Environmental Impact Statement (EIS) Guidelines and Summary of the *Draft* EIS Guidelines, if a request to resume the assessment was received, the NIRB would evaluate whether the Proponent and all interested parties would require additional time to complete/update their comments on these documents.
- Upon receipt of a written request from the Proponent for the assessment to resume, the NIRB would consider the circumstances at the time the request was received to provide direction regarding next steps and implications for the previously communicated timelines for the Review.
- **On May 3, 2021** the NIRB received the written request from the KIA to resume the assessment. The KIA noted that it had taken over control and management of Proposal from the Nunavut Resources Corporation. The KIA also indicated that the KIA was conducting analysis that would shape their approach to the carrying out of the Proposal.
- **On May 7, 2021** the NIRB acknowledged the KIA’s written request to resume the assessment and outlined the additional information that the Board required the KIA to provide before the Board could resume the assessment and provide updated procedural guidance, specifically:
 - Comments from KIA on the *Draft* Scope for the Proposal, specifically updates to the description of project ownership and confirmation as to whether the activities outlined in the document remain the same as previously proposed; and
 - Whether the KIA is prepared to continue with the Board’s assessment process while the analysis of the business case for the Proposal was underway but not yet complete.
 - The Board identified that because the next steps in the assessment, as previously identified in the process map involve the NIRB issuance of a *Final* Scope and the *Revised Draft* EIS Guidelines for comment, the submission of any updates to the *Draft* Scope is necessary before the assessment can progress to the finalization of the Scope and revisions to the Draft EIS Guidelines.
- **On June 18, 2021** the KIA provided an update that follow up with the Government of Nunavut to ascertain whether it had any more interest in the Proposal, as well as to engage the consultants required to address NIRB’s questions about the business case and to address the scope of the Proposal was necessary. The KIA noted it would respond to the NIRB’s questions as soon as possible.

While the NIRB appreciates the interim updates from the KIA, the NIRB cannot provide a regulatory path forward and confirm the resumption of the assessment until such time as the KIA provides a firm timeline indicating when the required information will be provided to the NIRB. Please note that if the KIA is unable to provide a specific timeline for when the information necessary to advance the assessment can be provided to the Board by **January 4, 2022**, the Board may have to reconsider whether the Proponent has taken the steps necessary to resume the suspended assessment within the three-year time limit required by s. 143(4) of *NuPPAA*. Although the Board recognizes that the KIA currently has the intention to resume the assessment within the 3-year time limit, the suspended assessment cannot progress, and essentially continues to be

¹ Subsection 143(4) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*).

suspended until KIA supplies the information required for the Board to move forward with the next steps in the assessment process, which triggers the termination of the assessment under s. 143(4).

If the current assessment is terminated because it has been suspended for more than 3 years, in future, when the KIA has developed additional information regarding the Proposal, the KIA could submit a new project proposal for the assessment of the activities. As provided for under s. 143 of *NuPPAA* when an assessment has been terminated, if a Proponent subsequently resubmits the project proposal for assessment in the future, the Board “*must consider, and may rely on, any assessment activities carried out*” in respect of the original proposal.

As a result, the information and comments submitted in respect of the Proposal to the point where the Board’s Review was suspended could be brought forward into the Board’s assessment of the subsequent project proposal submitted to the Board. Should the KIA require additional discussion about the NIRB’s information requirements to advance the current assessment of the Proposal, or the options if an assessment is terminated, please contact the undersigned to arrange follow up.

Sincerely,



Karen D. Costello
Executive Director
Nunavut Impact Review Board

cc: Erica Bonhomme, Nunami Stantec
Wynter Kuliktana, Kitikmeot Inuit Association
Karén Kharatyan, Nunavut Water Board
Agnes Simonfalvy, Government of Nunavut
Adrian Paradis, Canadian Northern Economic Development Agency
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Graham Irvine, Health Canada
Tracey McCaie, Crown-Indigenous Relations and Northern Affairs Canada
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Transport Canada
Grays Bay Road and Port Distribution List