



## **EYYOU MARINE REGION IMPACT REVIEW BOARD**

### **Special Meeting**

Conference Call  
August 5, 2020

**Wednesday, August 5, 2020**

**Present:** Isaac Masty, Chairperson  
Brian Craik, Vice Chairperson  
Brendan O'Donnell, Member  
  
Pailin Chua-Oon Rinfret, Director

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### **1. WELCOME & QUORUM**

Members present constituting a quorum, the Eeyou Marine Region Impact Review Board meeting was called to order at 1:00 pm.

### **2. Fiber Optic Project**

The conference call started out with the Director outlining the objectives for the session, which were to discuss Phase 2 of Kativik Regional Government's EAUFON Fiber Optic project and whether it is exempt from an EMRIRB screening.

The Director presented 3 different options for the Board in terms of how we can proceed with this project. Option 1 was to consider the project exempt from screening under the first paragraph of Schedule 18-1 of the EMRLCA. This option is in line with the determination that was made in Phase 1 of the project and it is the view of the NMRIRB due to there not being any Minister responsible for the project. Option 2 was for the EMRIRB to argue that the project is not a "land use activity" and therefore does not qualify to be on the Schedule 18-1 exemption list. This option was ruled out as it does not appear to reflect the original purposes in the Nunavut agreement, and also because of the understanding of "land use" in the Land Use Plan. Option 3 was for the EMRIRB to argue that because this is a communication corridor, and because this kind of project is to be considered in the planning policies, priorities and objectives of the EMR Land Use Plan, this project should be screened by the EMRIRB.

The Director will be discussing with the Director of the NMRIRB the potential for Option 3 as this clause for communication corridors is also in their Agreement (NILCA 6.3.1). The Director will see if she can sit in on the NMRIRB meeting to further explain Option 3. The idea is that because the Land Use Plan needs to take into account this kind of project, CIRNAC may have an interest in the EMRIRB to screen the project as they are responsible for approving the Land Use Plan. The screening of the EMRIRB could then highlight the need and expectations for a proposed communication corridor that could in turn inform the development of policies and the land use

plan for the region. However, the legal advice has been that the Land Use Plan must take into account *existing* communication corridors, but that this does not mean communication corridor projects must be screened by the EMRIRB before a Land Use Plan is made.

From these discussions, The Board is of the view that the project is most likely exempt. The Director will discuss with the Director of the NMRIRB the results of their meetings and share this with the EMRIRB.

If the project is exempt, an “informal screening” will allow us to gather the public’s comments but how these will be dealt with will need to be discussed further. If there are concerns for the project and the EMRIRB cannot do a formal screening, these will have to be reported to the Ministers of FDO, TC, because the project did not require any permits even though it is a large project with effects.

A Member also raised concerns for the idea of having one Minister appointed to the EMRIRB. This idea was proposed at the July 28, 2020 meeting and was rejected by Members on the ground that it would likely decrease efficiency. Another option discussed to improve our processes would be a to sign a M.O.U with federal departments to clarify how things will be done for any one case (i.e. develop protocols) and who is in charge on the federal side.

It has been requested for the Director to make a Q&A document for the Chairperson, to be able to answer questions about this project and the EMRIRB screening.

The next step is to see if NMRIRB is of the same view (Option 1). The Director will then report back to the Board the views of the NMRIRB. If the EMRIRB and NMRIRB are in agreement, the next step will be to write out a joint letter to the Proponent stating our determination for the project. Letter will have to be worded out in a way that implies the Proponent’s responsibility (ex. “based on information received”).

The Director will be sharing this conversation and the preparatory legal documents to the EMRPC as it is their responsibility to determine whether projects are exempt under Schedule 18-1. The EMRPC’s “pre-screening questionnaire” has not been built and because we have been in contact with KRG since 2018 it is the EMRIRB who has been in charge of this project. But to be clear and to make sure the EMRPC is kept aware of how this determination was made and why, the Director will be sending these documents to the Director of the EMRPC.