



form of preliminary impact assessment, screening determines whether a project has significant impact potential such that it warrants a more detailed assessment, in the form of a review (s. 18.4.1). The EMRIRB will determine a review is required if a project is likely to significantly impact the ecosystem, wildlife habitat, or Cree harvesting activities, have adverse socio-economic consequences, cause public concern, or involve untested technological innovations (s. 18.4.2a). If a project is unlikely to arouse public concern and its potential impacts are judged to be negligible or manageable, it will generally be processed without review (s. 18.4.2b). Within 45 days of its receipt, the EMRIRB must indicate to the Minister (as defined in 18.1.1) and the public whether a project proposal will be greenlighted (s. 18.4.4a), moved to review (s. 18.4.4b), returned for clarification (s. 18.4.4c), or rejected (s. 18.4.4d). The Minister then has 15 days to approve this determination (s. 18.4.6-7).

If the EMRIRB recommends a review is required (s. 18.4.2a, 18.4.8b), the proponent is instructed to prepare an impact statement for the EMRIRB's consideration (the concerns of which are listed under 18.5.2). In conducting its review, the EMRIRB has recourse to correspondence, public hearings, and other procedures it deems fit in order to account for all matters relevant to its mandate (as listed under s. 18.5.5). Based on its review, the EMRIRB issues a public report to the Minister and the proponent containing its impact assessment and verdict as to whether the project should proceed (s. 18.5.6). The Minister can then veto its determination, ask that it reconsider its terms and conditions, or return the report for further review (s. 18.5.7). Projects permitted to proceed are then issued a Project Certificate (as defined in 18.1.1) by the EMRIRB, along with any agreed-upon terms and conditions (s. 18.5.12).

Proposals flagged for review that involve matters of national interest or take place partly outside the EMR may first go to a Federal Environmental Assessment Panel (s. 18.4.8), which must include nominees of the GDO and the Minister of Government of Nunavut, for federal review (s. 18.6.2). The EMRIRB then has 60 days to review the panel's report as it relates to ecosystemic and socio-economic impacts on the EMR and forward its conclusions to the Minister, who can then accept or reject the EMRIRB's recommendations before it issues a Project Certificate (s. 18.6.9-17).

The terms and conditions contained in a Project Certificate may form the basis of a monitoring program for that project (s. 18.7.1) to measure the relevant ecosystemic and socio-economic impacts (s. 18.7.2a), determine whether and to what extent its land or resource use conforms to the predetermined terms and conditions (s. 18.7.2b), and to provide information necessary for agencies to enforce these terms and conditions (s. 18.7.2c). Monitoring is also used to verify the accuracy of any predictions contained in the project's impact statement (s. 18.7.2d). To these ends, the EMRIRB may require reports or conduct periodic evaluations (s. 18.7.3a; b), coordinating its monitoring efforts with other government agencies and departments to avoid redundancy (s. 18.7.5). Additionally, Government, in cooperation with the EMRPC, is responsible for general monitoring of the EMR to assess its state and health over the long term (s. 18.7.6).

Terms and conditions contained in Project Certificates are not set in stone—they may be time- or event-contingent (s. 18.8.1) and they can be reconsidered by the EMRIRB at any time (s. 18.8.2-3). Their implementation extends to all Government departments and agencies (s. 18.9.1), including incorporation into any permits, certificates, licenses, or other approvals the proponent

may require (s. 18.9.2). The EMRIRB works closely with these arms of Government to ensure effective implementation (s. 18.9.2). Regulatory boards must provide justification to the Governor in Council for decisions deviating from EMRIRB Certificate terms and conditions, who then weighs both sides (s. 18.9.3). Barring implication of the regional or national interest, the EMRIRB Certificate will stand (s. 18.9.3-6). That said, there is nothing to prevent Government and regulatory agencies from reviewing a project and imposing their own additional restrictions (s. 18.9.8). If there are doubts as to whether any term or condition has been properly implemented, subsection 18.10.5 grants a GDO standing before an appropriate court to seek remedy or obtain a court order.

The EMRIRB's authority applies to both land and marine areas within the EMR, including Cree lands (s. 18.12). Though the EMRIRB does not have legal authority outside the EMR, it can review project proposals outside its jurisdiction with potential transboundary impacts. Here, Government does its best to ensure collaboration between jurisdictions in the review of proposals (s. 18.11). The Canadian Environmental Assessment Act (CEAA) does not apply in the EMR (s. 18.12.7).