

**PROJECT PROPOSALS IN THE EYYOU MARINE REGION (EMR)
PROCESS UNDER THE EYYOU MARINE REGION LAND CLAIMS AGREEMENT (EMR AGREEMENT)**

OVERVIEW

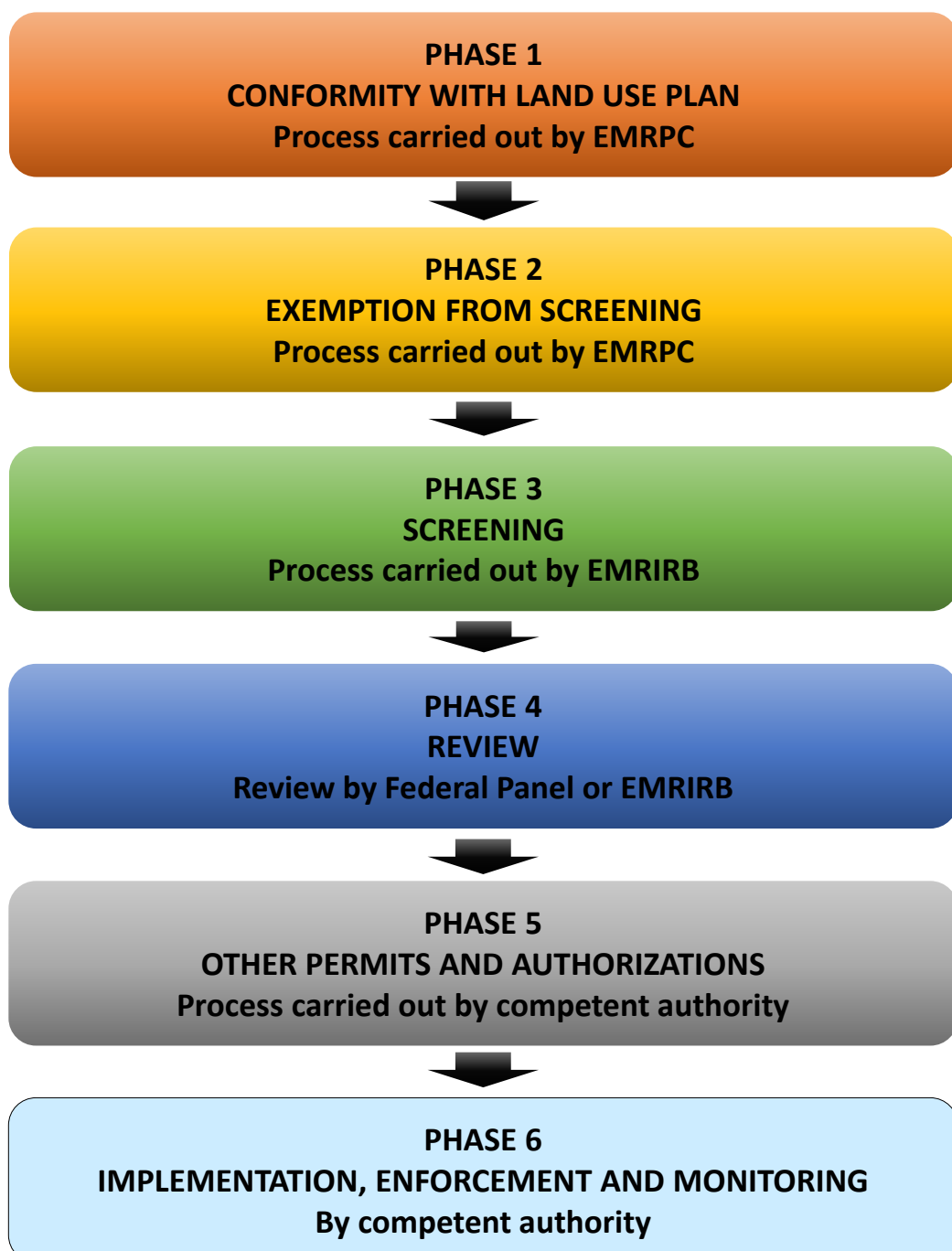
Project Proponents in the EMR must **first submit their Project Proposal to the EMRPC**, along with all supporting information and material.

They must indicate which Minister(s) have **jurisdictional responsibility** for authorizing the Project to proceed, as applicable.

A Project Proposal will be processed in accordance with the six (6) Phases below, as applicable.

At some point throughout these six Phases, the Project Proponent may be informed that the Project may not proceed as is. In such cases, the Proponent may be required to **submit additional information and details**, or to **modify or abandon** the Project as submitted.

For Project Proposals in the **Joint Inuit/Cree Zone**, the Phases described below must be carried out jointly with the Nunavik Marine Region Planning Commission (NMRPC) and Nunavik Marine Region Impact Review Board (NMRIRB) in accordance with EMR Agreement (paragraph 30.6) and the Overlap Agreement (section 7.3)



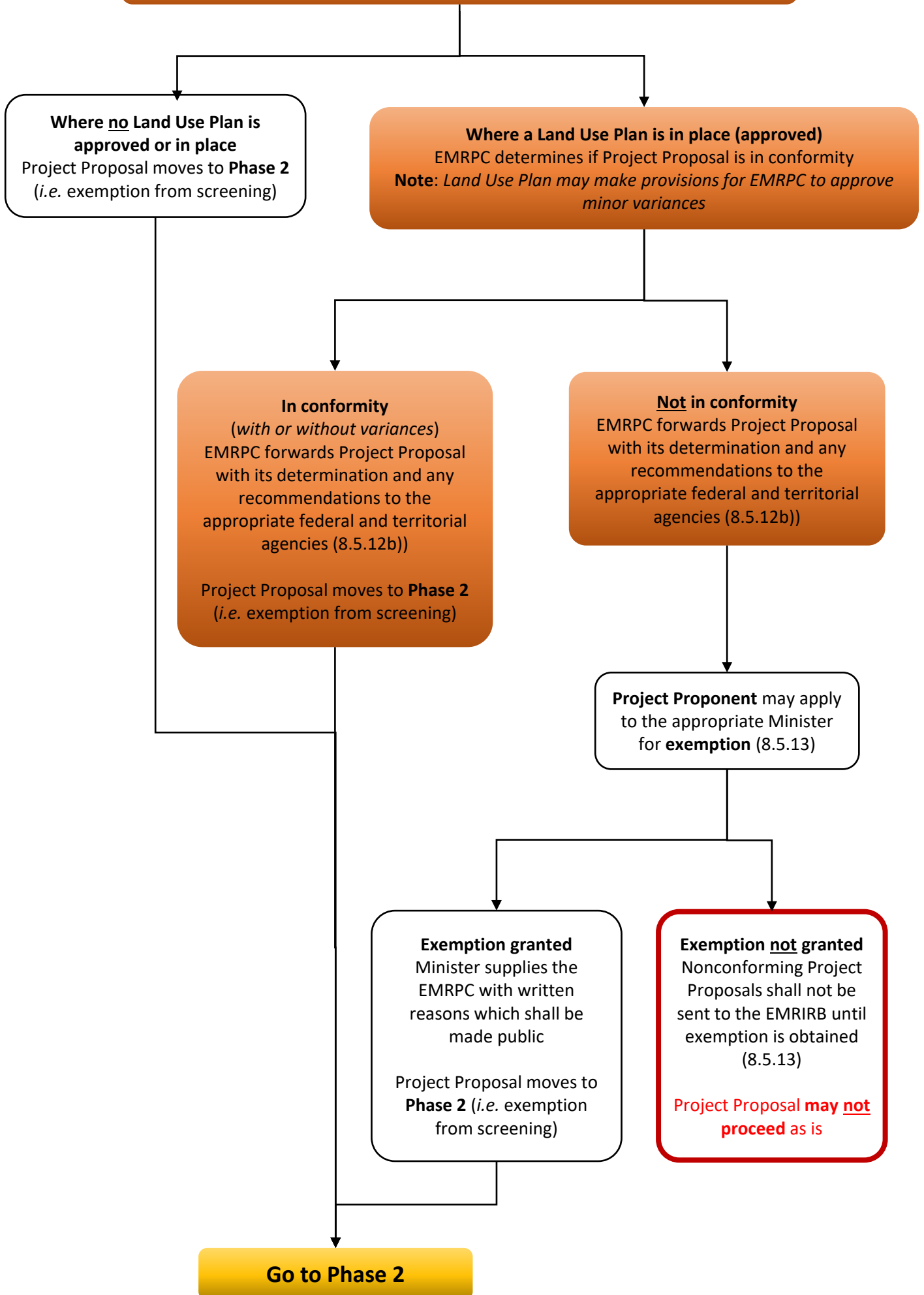
PHASE 1 – CONFORMITY WITH LAND USE PLAN (EMRPC)

All Project Proposals in the EMR must first be submitted to the EMRPC to ensure conformity with the Land Use Plan, as applicable* (8.5.12-8.5.14, 6.2.2, 6.5.3)

Timeline: not specified; best efforts required

*for an established Protected Area/Marine Protected Area, see 6.2.3 and 6.5.4

Upon receipt of a Project Proposal, the EMRPC determines whether it is in conformity with the Land Use Plan (8.5.12a))



PHASE 2 – EXEMPTION FROM SCREENING (EMRPC)

All Project Proposals in Phase 2 must be reviewed by the EMRPC to determine **whether they shall be screened** by the EMRIRB (18.3.1 to 18.3.5)
Timeline: not specified; best efforts required

EMRPC determines whether Project Proposal is exempt from screening per Schedule 18-1

EMRPC may seek input and recommendation from EMRIRB

- Schedule 18-1**
- Types of Project Proposals exempt from screening**
1. Land use activities not requiring a permit or authorization from Government.
 2. Land use activities requiring only a Class B permit under the *Territorial Land Use Regulations*, C.R.C., c. 1524 as it read on February 15, 2012.
 3. All construction, operation and maintenance of all buildings and services within an established community, except for bulk storage of fuel, power generation with nuclear fuels, or hydro power and any industrial activity.
 4. All hotels, motels or tourist facilities of twenty (20) beds or less in all.
 5. Water uses that do not require a public hearing under subsection 13.7.3 of the Nunavut Land Claims Agreement.
 6. Prospecting, staking or locating a Mineral claim unless it requires more than a Class B permit mentioned in point 2 above.
 7. Such other categories of activities and projects as may be agreed upon by the EMRIRB and the appropriate Minister.

Not exempt from screening
 Project Proposal does not fall within Schedule 18-1

EMRPC forwards Project Proposal to EMRIRB (18.3.1 and 18.3.5)

Project Proposal moves to **Phase 3** (i.e. screening)

Exempt from screening
 Project Proposal falls within Schedule 18-1 (18.3.2)

EMRPC determines whether concerns arise respecting **cumulative impact** in relation to other development activities (18.3.3)

EMRPC has **concerns** about **cumulative impact**

EMRPC forwards Project Proposal to EMRIRB (18.3.3 and 18.3.5)

Project Proposal moves to **Phase 3** (i.e. screening)

EMRPC has **no concerns** about **cumulative impact**

EMRPC does not forward Project Proposal to EMRIRB (18.3.2)

Project Proposal **may proceed** in accordance with applicable laws and regulations

Go to Phase 3

Go to Phase 5

Note: This flowchart is for illustrative purposes only and has no legal effect. The EMR Agreement has precedence in case of inconsistency.

PHASE 3 – SCREENING (EMRIRB)

All Project Proposals in Phase 3 must be **screened** by the EMRIRB to determine whether they require review (18.4.1 to 18.4.10)
Guiding principles (18.4.2)
Timeline (18.4.5)

Upon receipt of Project Proposal, EMRIRB determines whether it is sufficiently developed to permit proper screening
EMRIRB communicates decision to the Minister and makes it public (18.4.4c)

Project Proposal sufficiently developed
 No clarifications required

Project Proposal not sufficiently developed
Minister returns Project Proposal to Proponent for clarification and resubmission to EMRIRB (18.4.4c), 18.4.9)
 Project Proposal **may not proceed** as is

EMRIRB may seek input and recommendation from EMRWB

EMRIRB determines whether potential adverse impacts of Project Proposal are so unacceptable that it should be modified or abandoned
EMRIRB communicates decision to the Minister and makes it public (18.4.4d))

Adverse impacts acceptable

Adverse impacts unacceptable

After consultation with EMRIRB, Minister **refers Project for review if in national or regional interest**, with written reasons (18.4.10b))

After consultation with EMRIRB, Minister **returns Project Proposal to Proponent for modification** and resubmission to EMRIRB (18.4.10a))

After consultation with EMRIRB, Minister **informs Proponent that Project should be abandoned** (18.4.10c))

EMRIRB determines whether Project Proposal should be reviewed
EMRIRB communicates decision to the Minister and makes it public (18.4.4a), b))

Project Proposal requires review
EMRIRB identifies particular issues or concerns which should be considered (18.4.4b))
 Project Proposal moves to **Phase 4** (i.e. review)

Project Proposal does not require review
EMRIRB may recommend specific terms and conditions per par. 18.2.5 (18.4.4a))

Within 15 days, the Minister notifies the EMRIRB if he is referring or considering referring the Project Proposal for review
EMRIRB advises Proponent that Project is being considered for review (18.4.7)

Minister does not notify EMRIRB within 15 days, or he/she affirms the EMRIRB determination

Minister refers Project Proposal for review

Minister affirms decision of EMRIRB, i.e. no review required

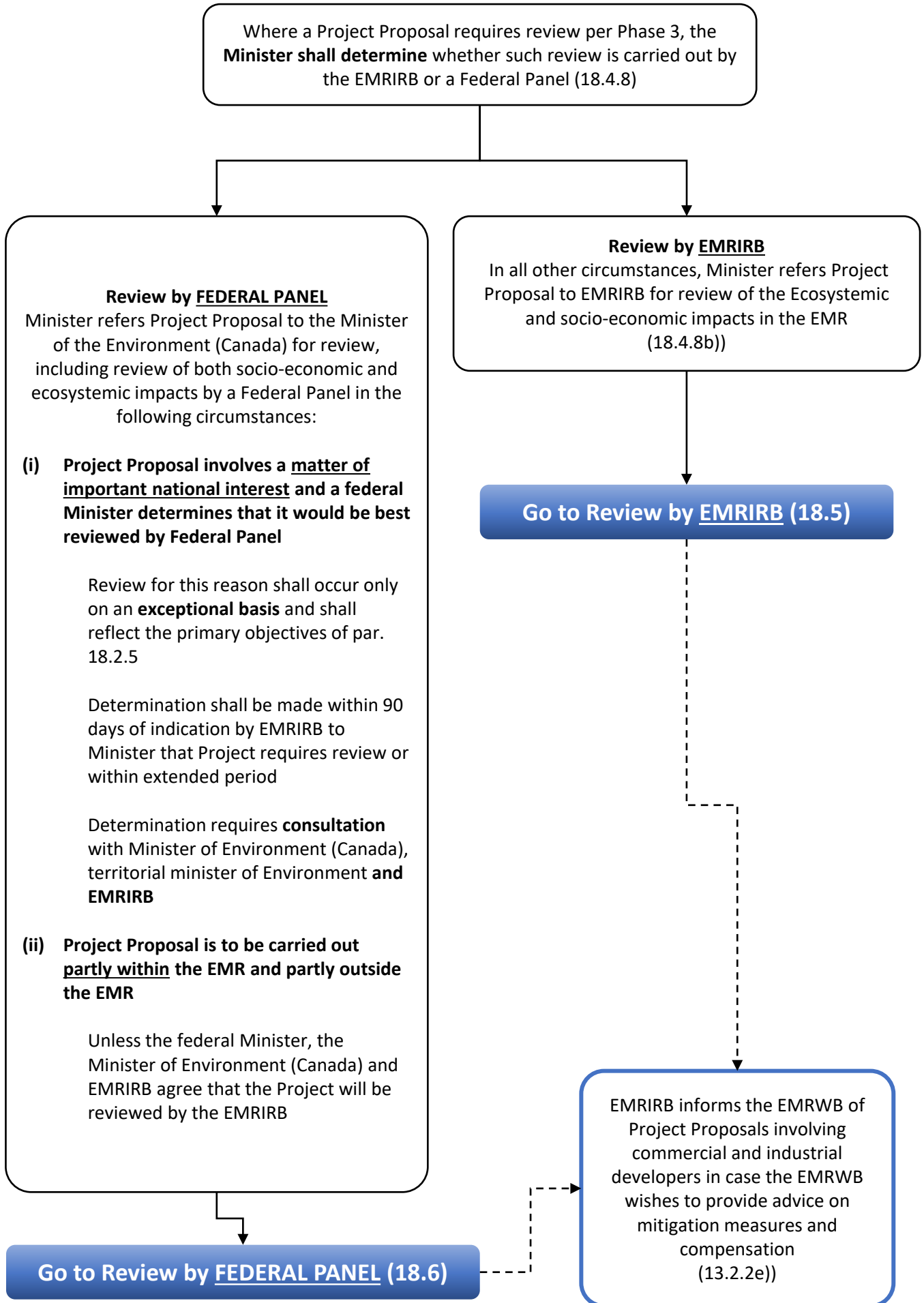
Project Proposal **can proceed** without review under relevant laws and regulations
EMRIRB advises Proponent (18.4.6, 18.4.7)

Go to Phase 4

Go to Phase 5

PHASE 4 – REVIEW (FEDERAL PANEL OR EMRIRB)

All Project Proposals in Phase 4 must be reviewed by a Federal Panel or the EMRIRB (18.5 or 18.6)
Timeline (per 18.5 or 18.6)



PHASE 4 – REVIEW BY EMRIRB

Project Proposals to be reviewed by the EMRIRB (18.5)

STEP 1 – GUIDELINES (18.5.1, 18.5.2)

EMRIRB issues **guidelines to Proponent** for preparation of Impact Statement
EMRIRB solicits any advice it considers appropriate, and considers any particular issues or concerns identified by the Minister per par. 18.5.1

EMRWB may at its discretion provide advice on project proposals from commercial and industrial developers that may cause damage to wildlife and wildlife habitat (13.2.2e))

STEP 2 – IMPACT STATEMENT (18.5.2)

Proponent **prepares Impact Statement** in accordance with guidelines issued by EMRIRB
For contents of Impact Statement (where appropriate) – see items at par. 18.5.2 (a) to (m)
Where original Project Proposal submitted for screening contains information required, the EMRIRB may accept the original Project Proposal instead of requiring an impact statement

STEP 3 – REVIEW (18.5.3 to 18.5.5)

EMRIRB conducts review by correspondence, public hearings or other procedures as appropriate
Minister may propose priorities and reasonable timeframes for completion of review
EMRIRB shall take into account all matters relevant to its mandate, incl. those set out in par. 18.5.5.(a) to (h)

STEP 4 – REPORT (18.5.6 to 18.5.11)

EMRIRB issues report to Minister and Proponent on its assessment of Project and its impacts; its determination as to whether or not the Project should proceed; and applicable terms and conditions reflecting the primary objectives of par. 18.2.5 (*assessment and determination of EMRIRB are made public*)

Minister **accepts** report and terms and conditions (18.5.7a))

Minister **rejects** determination that Project should proceed as not in national or regional interest
EMRIRB advises Proponent (18.5.7b))

Minister **rejects** report on the grounds that terms and conditions are more onerous than necessary or insufficient (18.5.7c))

Minister **rejects** report that Project should not proceed (18.5.7d))

Minister **refers back to EMRIRB the report** as deficient (18.5.7e))

EMRIRB reconsiders decision and/or terms and conditions in light of Minister's reasons (18.5.8)

The Minister **accepts** the revised terms and conditions (18.5.9a))

The Minister **varies** the revised terms and conditions (18.5.9b))

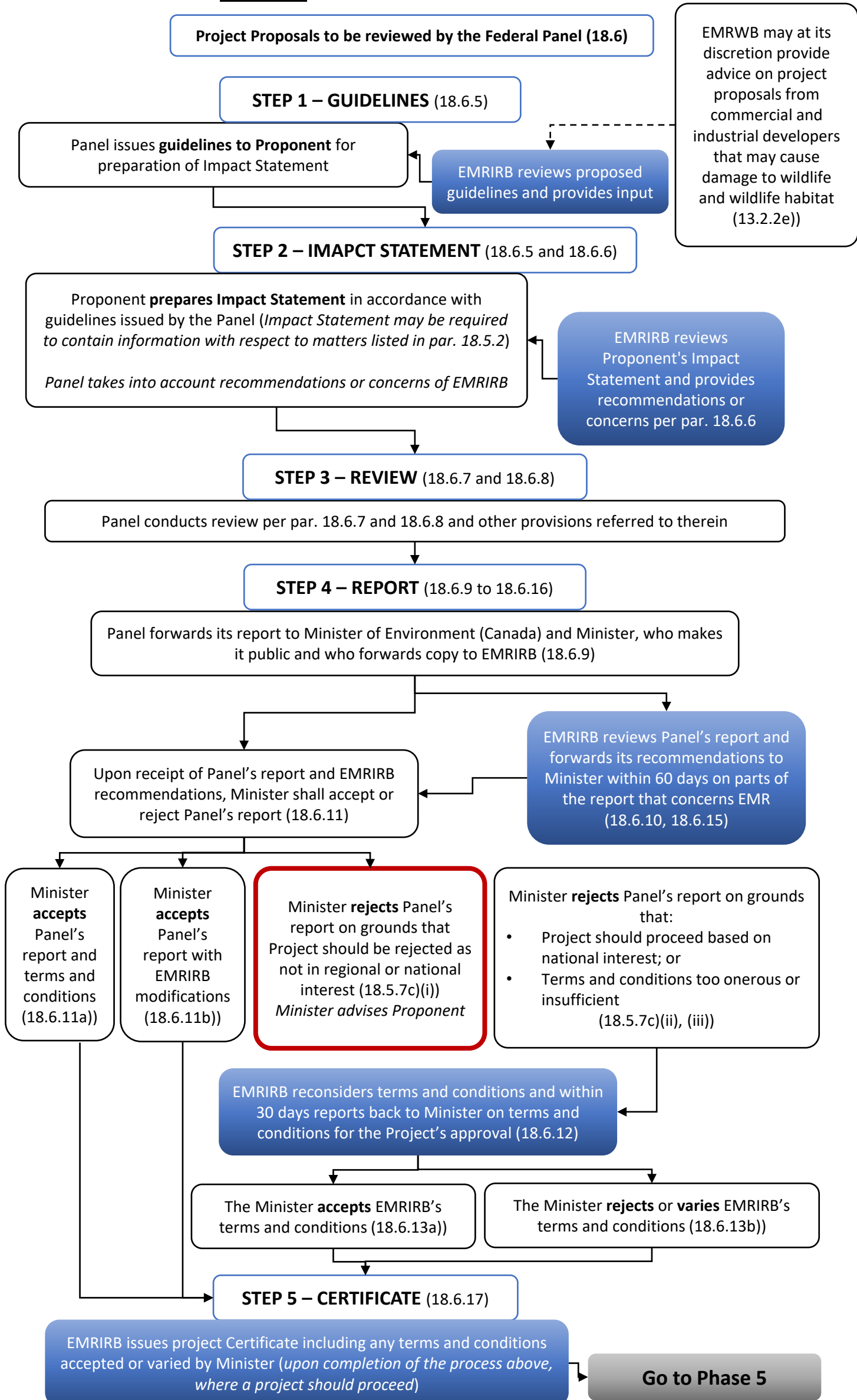
The Minister **rejects** the revised terms and conditions (18.5.9b))

STEP 5 – CERTIFICATE (18.5.12)

EMRIRB issues a project Certificate including any terms and conditions accepted or varied by the Minister (*upon completion of the process above, where a project should proceed*)

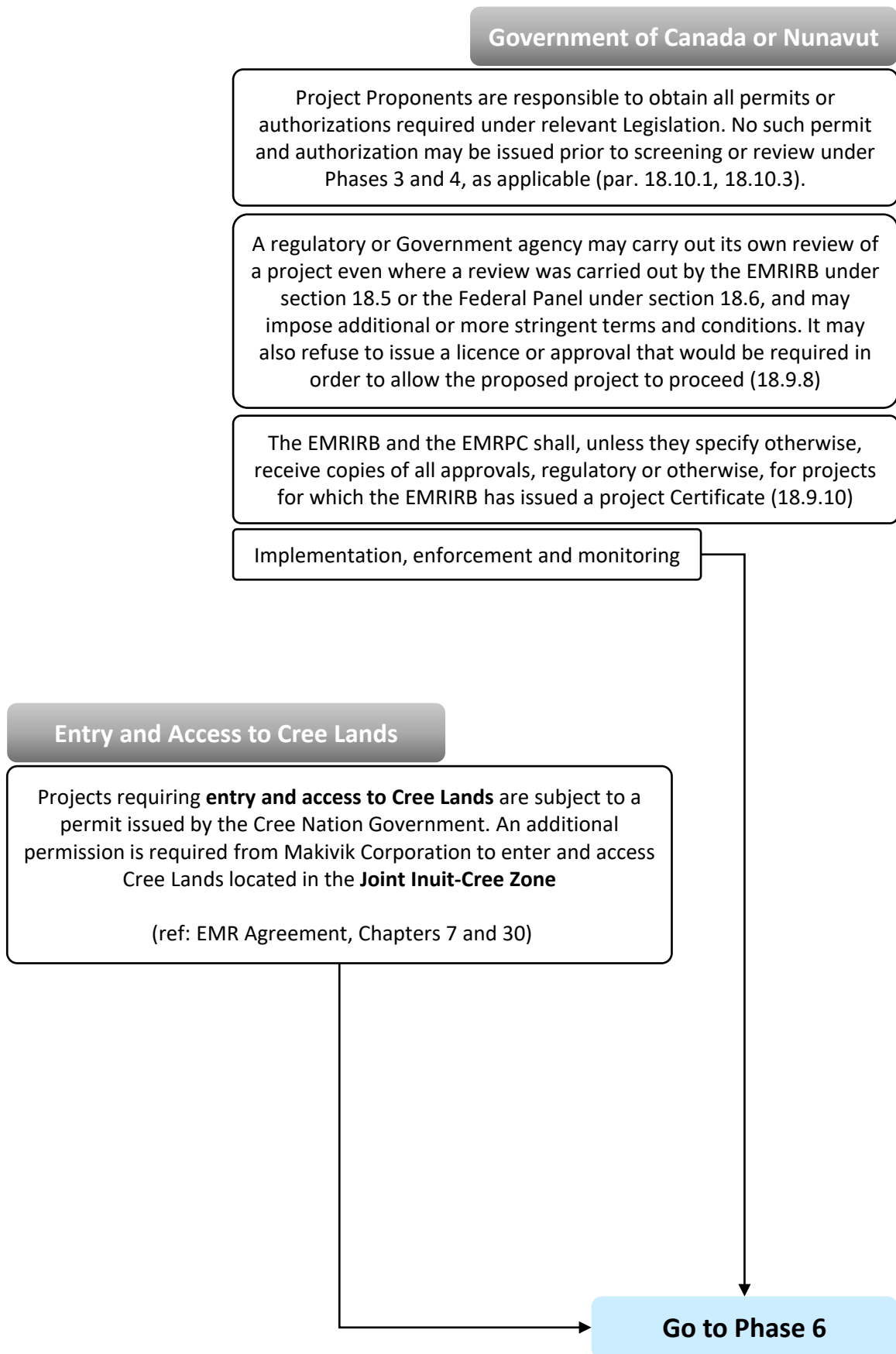
Go to Phase 5

PHASE 4 – REVIEW BY FEDERAL PANEL



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PHASE 5 – OTHER PERMITS AND AUTHORIZATIONS



PHASE 6 – IMPLEMENTATION, ENFORCEMENT AND MONITORING

IMPLEMENTATION (section 18.9)

Government departments and agencies shall:
(in accordance with their authorities and jurisdictional responsibilities)

Discuss with the EMRIRB how best to implement the terms and conditions of EMRIRB project Certificates and may provide the EMRIRB with drafts of permits, certificates, licences and other Government approvals (18.9.2)

Incorporate the terms and conditions of EMRIRB project Certificates in relevant permits, certificates, licences or other Government approvals that the Proponent requires (18.9.2)

Implement the terms and conditions of EMRIRB project Certificates (18.9.1)

Where an independent decision of a regulatory board contains terms and conditions at variance with those of an EMRIRB project Certificate, see process and conditions set out in paragraphs 18.9.3 to 18.9.6

ENFORCEMENT (section 18.10)

Government departments and agencies shall:
(in accordance with their authorities and jurisdictional responsibilities)

Continue to be responsible for the enforcement of permits certificates, licences and other Government approvals which incorporate or implement terms and conditions of EMRIRB project Certificates (18.10.3)

Apply effective techniques for enforcement, not limited to prosecution or to the suspension of any permit, certificate, licence or other Government approval (18.10.4)

MONITORING (section 18.7)

The EMRIRB may provide for the establishment of a monitoring program for a particular project *(through the EMRIRB project Certificate or the terms and conditions recommended where the project may proceed without review)* (18.7.1)

The monitoring program shall be designed to avoid duplication of duties and to facilitate coordination of monitoring activities. It may include the elements set out in par. 18.7.3 and 18.7.5, and in particular:

- a requirement that regulatory agencies and the Proponent supply the EMRIRB with reports and information respecting project operations and impacts, and the implementation of mitigative measures (18.7.2 and 18.7.5)

Responsible Government agencies and departments shall continue to fulfill their responsibilities for monitoring and data collection. Any monitoring responsibilities assigned to the EMRIRB shall not be a duplication of those functions (18.7.4)