



Guide 1

INTRODUCTION TO THE IMPACT REVIEW BOARD

EEYOU MARINE REGION IMPACT REVIEW BOARD

Contents

THIS IS NOT A LEGAL DOCUMENT.

The explanations and definitions are not legal definitions. In case of a discrepancy, the text of the Eeyou Marine Region Land Claims Agreement prevails.

To order copies of the EMRIRB Guides, kindly send a request by email: info-irb@eeyoumarineregion.ca

Note: The abbreviations 'EMRIRB' and 'the Board' are used interchangeably throughout this document in reference to the Eeyou Marine Region Impact Review Board.

1. EYYOU MARINE REGION IMPACT REVIEW BOARD (EMRIRB)	7
2. PRIMARY FUNCTIONS OF THE EMRIRB	15
3. PRINCIPLES THAT GUIDE THE EMRIRB	16
4. BOARD MEMBERS	18
5. ADDITIONAL EMRIRB INFORMATION	19
6. CONTACT THE EMRIRB	19



1. EYYOU MARINE REGION IMPACT REVIEW BOARD (EMRIRB)

The Eeyou Marine Region Impact Review Board is an Institution of Public Government (IPG) established in 2013 under the Eeyou Marine Region Land Claims Agreement (EMRLCA). The Agreement, also referred to as the “Offshore Agreement,” is the result of 10 years of negotiations on the rights and obligations of the Crees and the Government of Canada in the Eeyou Marine Region (EMR). This treaty, like other Canadian-Indigenous treaties, acknowledges indigenous ownership to land. In this case, the Cree Nation Government will own 80% of the offshore land mass in the eastern half of James Bay and lower Hudson Bay. In addition, the Crees will have access, hunting, fishing, and trapping rights to the 20% of lands set aside for Canada. As part of the Agreement, the Crees and the Government of Canada also agree to the regulation of land use, hunting, fishing, trapping, and development in the EMR.

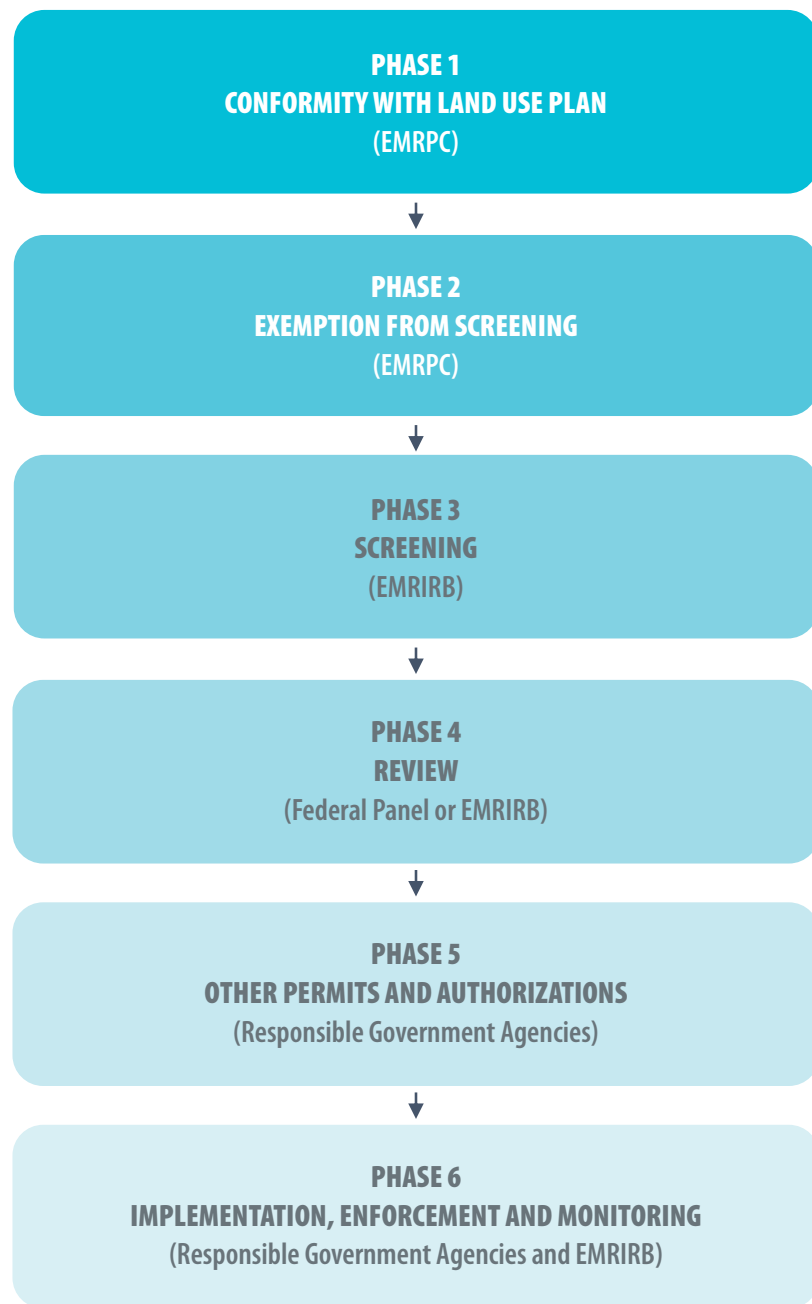
The EMRIRB is one of three IPGs created to implement the EMRCLA, along with the Eeyou Marine Region Planning Commission (EMRPC) and the Eeyou Marine Region Wildlife Board (EMRWB). As such, any Proponent intending to develop a project in the EMR will have to conform with the regimes and processes established under the EMRLCA, including the regimes for the protection of wildlife, land use planning, and the impact review of development projects.

As set out in Chapter 18 of the Agreement, the Impact Review Board has the primary responsibility to assess the environmental and socio-economic impacts of proposed development projects within the Eeyou Marine Region. In carrying out its functions, the EMRIRB is implicated in several steps of a project’s path from application to implementation.



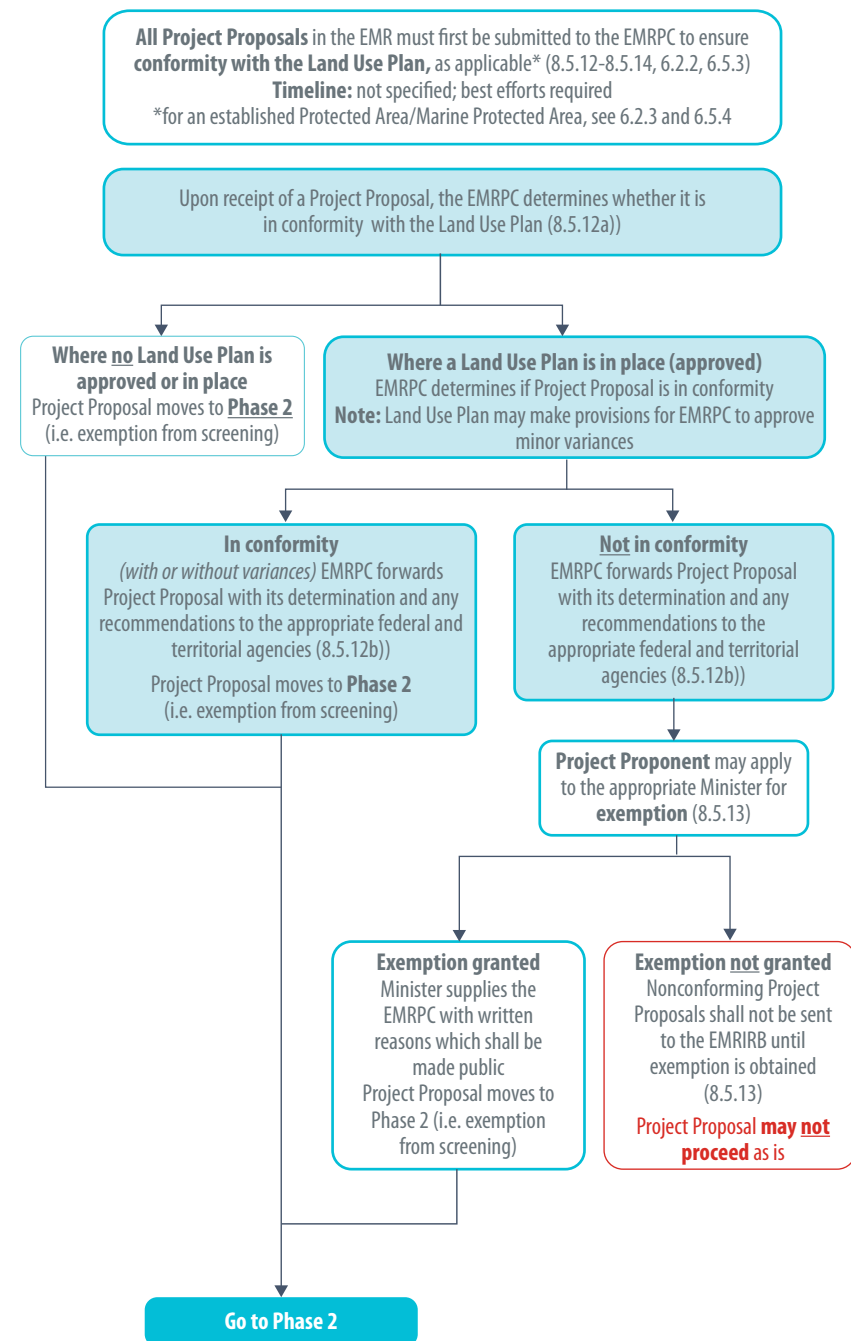
Grand Opening of the EMR Office in Waskaganish, 2018.

PHASE 1 – THE EYYOU MARINE REGION'S INTEGRATED REGULATORY SYSTEM



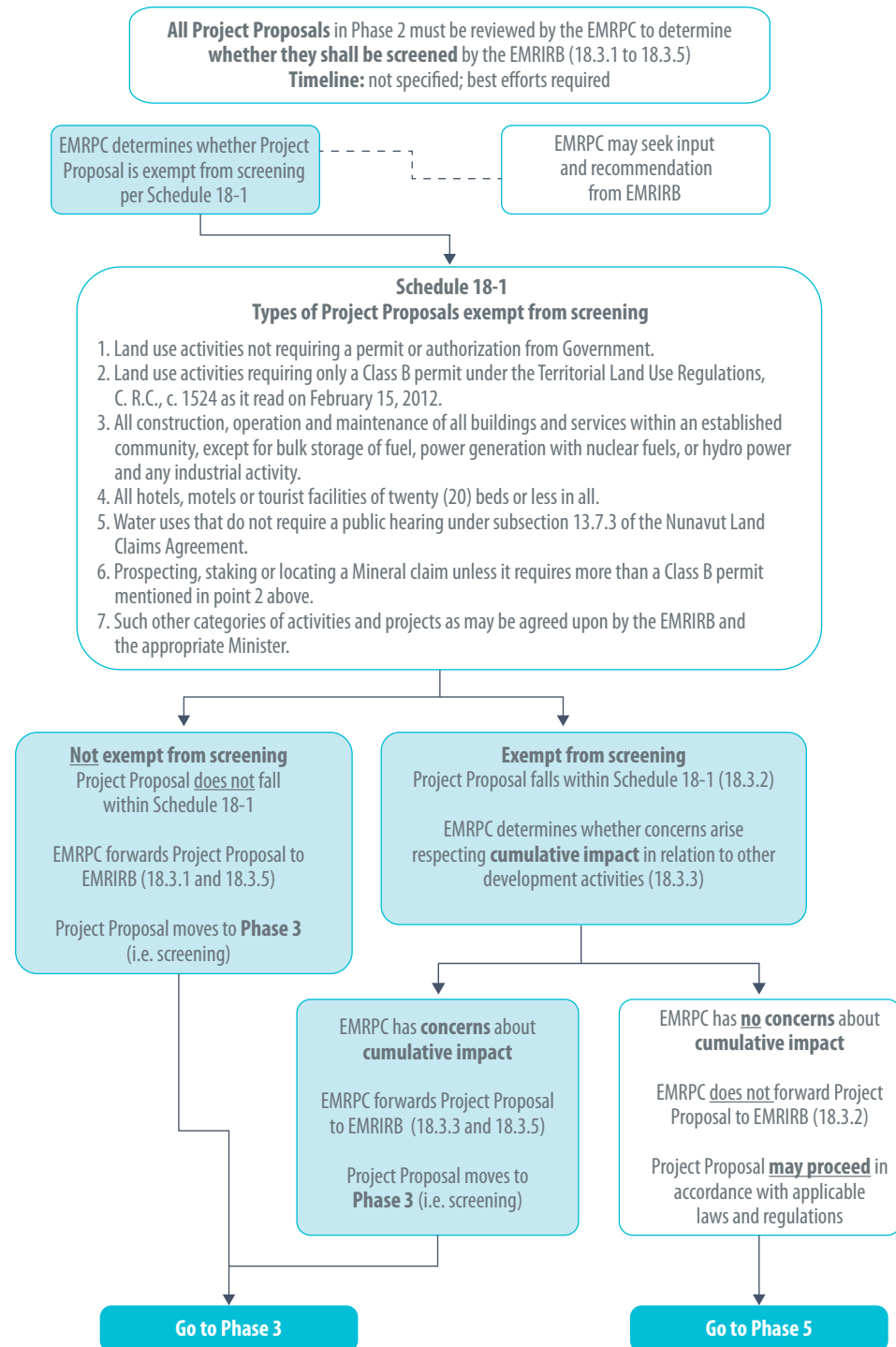
The EMRIRB is the institution with the mandate, competence, and credibility to assess, in close collaboration with Cree communities, governments, and stakeholders, the environmental and social impacts of proposed projects in the Eeyou Marine Region.

PHASE 1 – CONFORMITY WITH LAND USE PLAN (EMRPC)

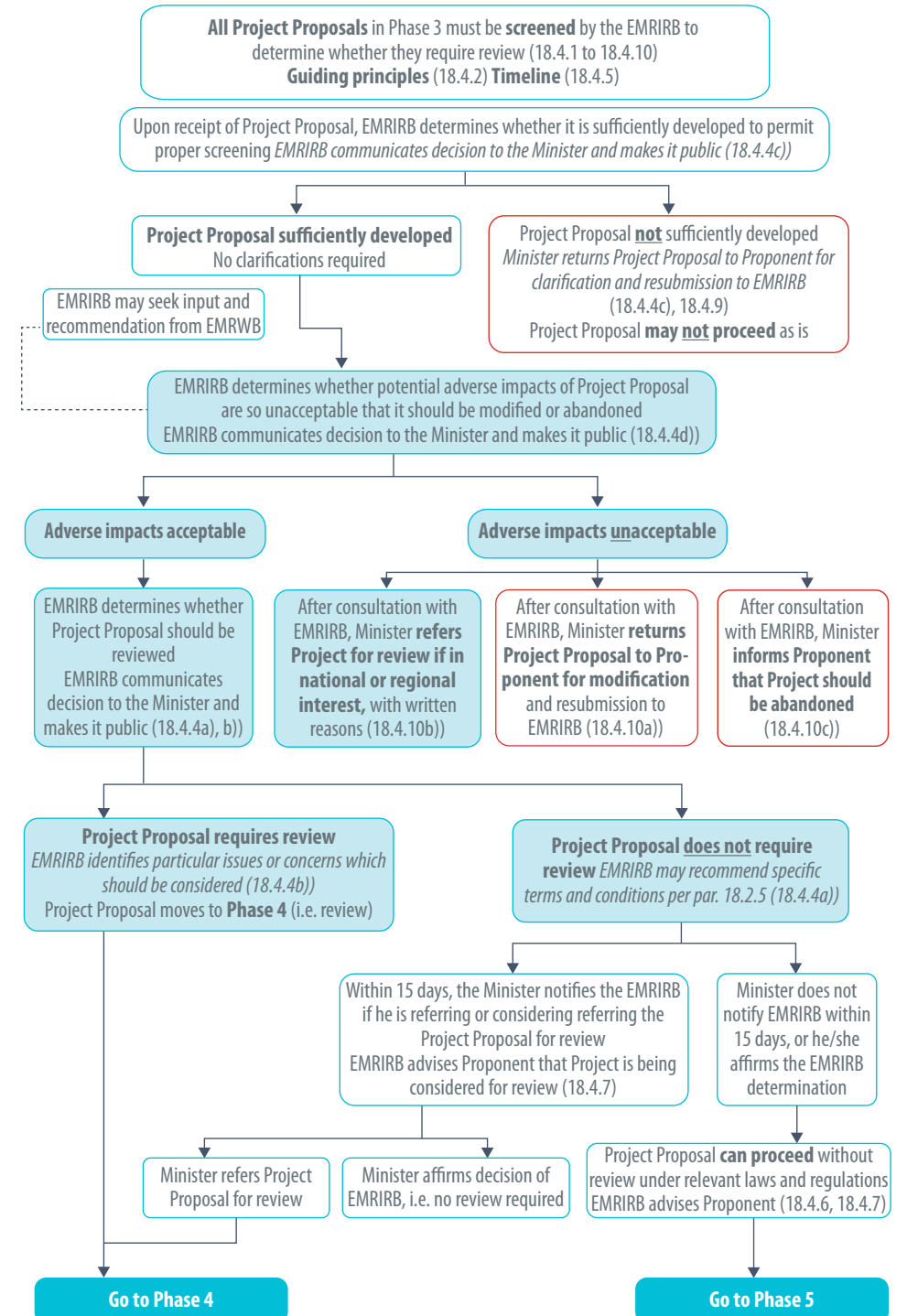


Note: The flowcharts on pages 9 to 14 are for illustrative purposes only and have no legal effect. The EMR Agreement has precedence in case of inconsistency.

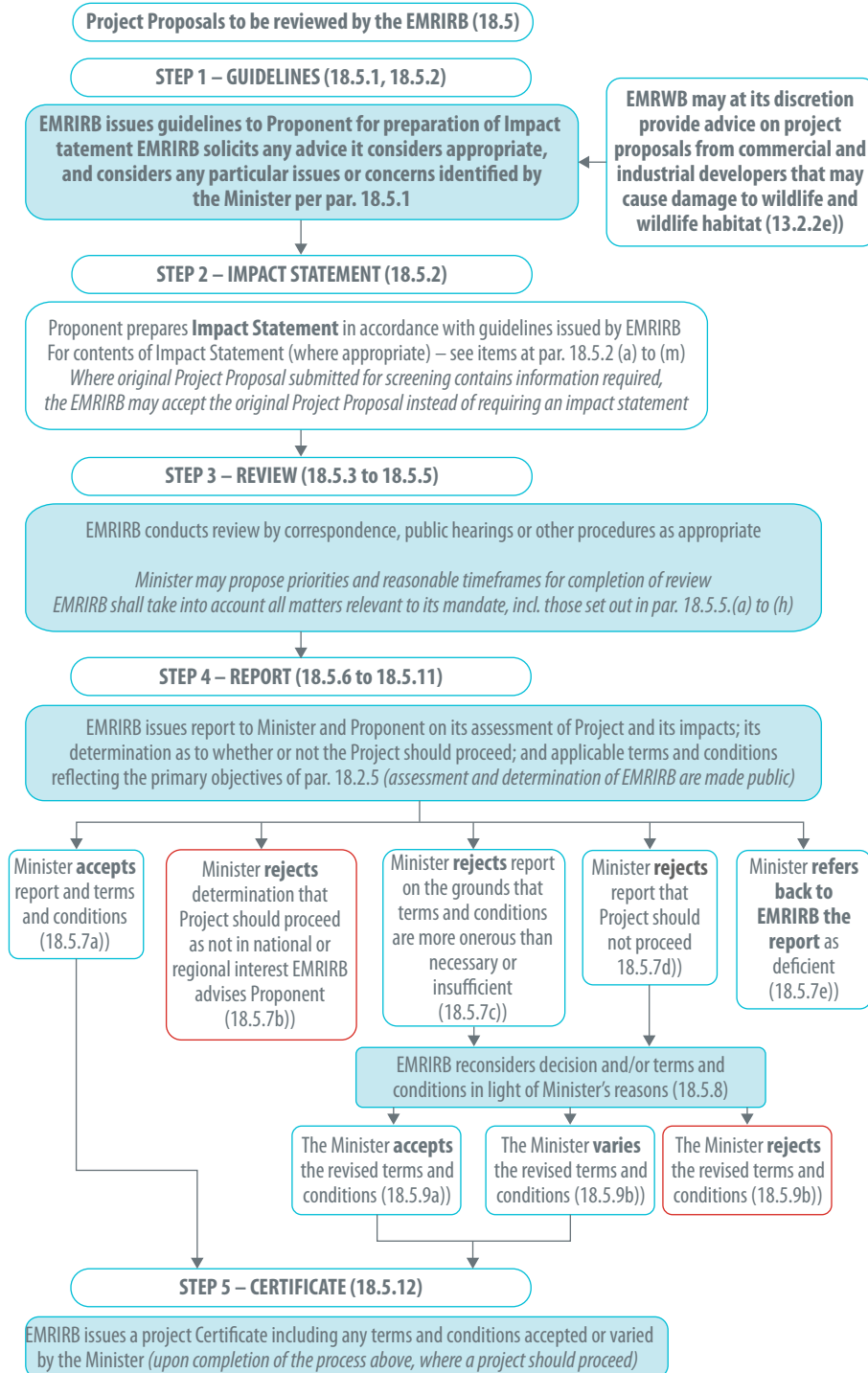
PHASE 2 – EXEMPTION FROM SCREENING (EMRPC)



PHASE 3 – SCREENING (EMRIRB)



PHASE 4 – REVIEW BY EMRIRB



PHASE 5 – OTHER PERMITS AND AUTHORIZATIONS

Government of Canada or Nunavut

Project Proponents are responsible to obtain all permits or authorizations required under relevant Legislation. No such permit and authorization may be issued prior to screening or review under Phases 3 and 4, as applicable (par. 18.10.1, 18.10.3).

A regulatory or Government agency may carry out its own review of a project even where a review was carried out by the EMRIRB under section 18.5 or the Federal Panel under section 18.6, and may impose additional or more stringent terms and conditions. It may also refuse to issue a licence or approval that would be required in order to allow the proposed project to proceed (18.9.8)

The EMRIRB and the EMRPC shall, unless they specify otherwise, receive copies of all approvals, regulatory or otherwise, for projects for which the EMRIRB has issued a project Certificate (18.9.10)

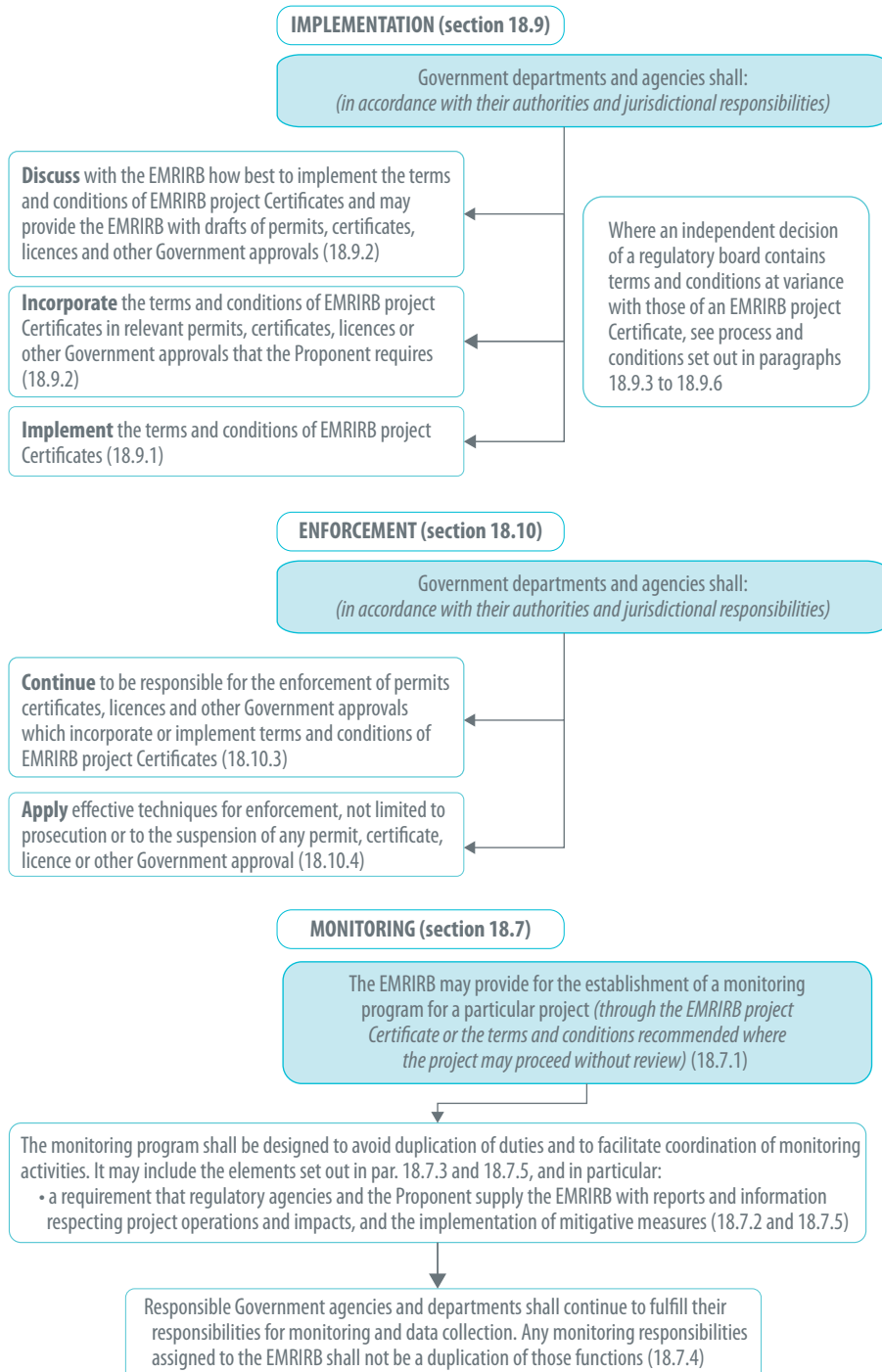
Implementation, enforcement and monitoring

Entry and Access to Cree Lands

Projects requiring entry and access to Cree Lands are subject to a permit issued by the Cree Nation Government. An additional permission is required from Makivik Corporation to enter and access Cree Lands located in the Joint Inuit-Cree Zone (ref: EMR Agreement, Chapters 7 and 30)

Go to Phase 6

PHASE 6 – IMPLEMENTATION, ENFORCEMENT AND MONITORING



2. PRIMARY FUNCTIONS OF THE EMRIRB

The primary functions of the EMRIRB are to screen, review, and monitor proposed development projects in the Eeyou Marine Region.

I. SCREEN

All proposed projects in the EMR, except those subject to Schedule 18-1 of the EMRLCA, are screened by the EMRIRB to determine if a review is required. This determination is based on whether the proposed project may have significant adverse effects on the ecosystem, wildlife habitat, or Cree harvesting activities, whether the project may have significant adverse socio-economic effects, whether the project will cause significant public concern, and whether the project involves technical innovations of which the effects are unknown.

II. REVIEW

If a proposed project has gone through screening and the Board determines that a review is required, the Board will undertake a formal impact assessment to review the ecosystemic and socio-economic impacts of the project proposal. This is done to gauge and define the extent of the regional impacts of a project, as well as to determine whether a project proposal should proceed, and if so, under what terms and conditions. The decisions of the Board are then reported to the Minister, who may reject or vary the decisions if he determines the proposal is not in the regional or national interest.

III. MONITOR

Once projects have been screened and/or gone through review, a monitoring program may be created to measure the relevant ecosystemic and socio-economic impacts. This project-specific monitoring is also designed to determine whether and to what extent the land or resource use in question is carried out within the predetermined terms and conditions, and to provide the information base necessary for agencies to enforce terms and conditions of land or resource use approvals. The monitoring program is also used to assess the accuracy of the predictions contained in the project impact statements.

3. PRINCIPLES THAT GUIDE THE EMRIRB

CREDIBILITY

The EMRIRB builds credibility with its partners, including Cree organizations, government, industry, and the public, through its sound decisions and actions with a view to fulfill its mandate as set out in the EMRCLA.

RESPECT

Within its mandated powers, the EMRIRB exercises due respect for the culture, values, and interests of all Cree communities.

FAIRNESS

The EMRIRB makes every effort to carry out its mandate with fairness to all Parties. In making its determinations, the EMRIRB members are, at all times, guided by impartiality and due process. Over time, the EMRIRB's prior decisions may provide a useful benchmark to indicate how the Board will view particular types of proposals. However, while the EMRIRB will generally try to evaluate similar project proposals in a consistent manner, as a matter of law, the Board must evaluate each proposal on its own merits and with respect to its own context.

PUBLIC PARTICIPATION

The EMRIRB operates under the principle that public participation is an important element of an open, honest, and balanced impact assessment process. Effective public participation strengthens the quality of the screening and review processes and helps to avoid potential misunderstandings and conflict.

By promoting public participation, the EMRIRB helps to ensure that affected communities are aware of projects and their potential environmental and socio-economic impacts.

TRADITIONAL KNOWLEDGE OF THE CREES OF EYYOU ISTCHEE

The EMRIRB utilizes both Traditional Cree Knowledge and recognized scientific methods to gauge and monitor potential impacts of project proposals. In doing so, the EMRIRB gives due weight to Cree knowledge of wildlife and the environment, and takes into account the social, cultural, and economic importance of wildlife to the Crees. The recognition and use of Traditional Knowledge is a guiding principle for the EMRIRB as the Crees are traditional and current users of wildlife and other resources of the EMR and have therefore developed particular knowledge and understanding of the region.

EMRIRB MANDATE

■ ■ *The primary objectives of the EMRIRB shall be at all times to protect and promote the existing and future well-being of the residents in the EMR and of the coastal Cree communities of Eeyou Istchee. The EMRIRB is also directed to protect the ecosystemic integrity of the EMR, as well as to consider the well-being of all residents of Canada outside the EMR (s. 18.2.5) ■ ■*



4. BOARD MEMBERS

The Board is composed of five members, one of whom acts as the Chairperson. Members are appointed for a three-year term by the following method:

- Two members are appointed by the federal Minister responsible for Crown-Indigenous Relations and Northern Affairs Canada, upon nomination by the Grand Council of the Crees (Eeyou Istchee) Designated Organization (GDO);

- One member is appointed by a Minister of the Government of Canada;

- One member is appointed by the Minister responsible for Renewable Resources of the Government of Nunavut;

- The Chairperson is appointed by the federal Minister responsible for Crown-Indigenous Relations and Northern Affairs Canada in consultation with the Government of Nunavut and the GDO, from a nomination agreed to and provided by the members of the Board. In the nomination and appointment of a chairperson, preference shall be given to residents of Eeyou Istchee where candidates are equally qualified.

As of the date of this Guide, the current members of the Board are:

Isaac Masty
Chairperson

Brendan O'Donnell
Vice-Chairperson – Government of Canada

Margaret Fireman
Member – Grand Council of the Crees (Eeyou Istchee)/Cree Nation Government

Noah Mosesee
Member – Government of Nunavut

Fred Tomatuk
Member – Grand Council of the Crees (Eeyou Istchee)/Cree Nation Government



5. ADDITIONAL EMRIRB INFORMATION

Several guides have been produced to provide information about the EMRIRB and the EMRIRB processes.

Guide 1– INTRODUCTION TO THE IMPACT REVIEW BOARD

Guide 2– PROJECT PROPOSAL SUBMISSION AND SCREENING PROCESS

Guide 3– REVIEW PROCESS

Guide 4– PROJECT MONITORING

Guide 5– TERMINOLOGY AND DEFINITIONS GLOSSARY

Guide 6– PARTICIPATING IN EMRIRB SCREENINGS (available in English and Cree)

Guide 7– GUIDE FOR GOVERNMENT AGENCIES

Guides are all available at:

www.emrirb.ca

Proponents should also review the Eeyou Marine Region Land Claims Agreement, especially Chapter 18, found on the EMR website.

6. CONTACT THE EMRIRB

EEYOU MARINE REGION IMPACT REVIEW BOARD

PO Box 580

6 Chief Isaiah Salt Road

Waskaganish Qc J0M 1R0

Telephone: 819.895.2202

Fax: 819.895.2474

E-mail: info-irb@eeyoumarineregion.ca

Website: <https://www.emrirb.ca>

Public Registry: <https://emrpublicregistry.ca>

Design by Anouk Cree

Cree Communications

anoukcree@hotmail.com



NOTES

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

~

Handwriting practice lines on the left side of the page, consisting of 20 horizontal wavy blue lines.

Handwriting practice lines on the right side of the page, consisting of 20 horizontal wavy blue lines.



ᐅ ᑕᑭᐱᑦᐱᑦᐱᑦ ᑭᐱᑦᐱᑦ ᐱᑦᐱᑦ ᐱᑦᐱᑦᐱᑦ

EYEU MARINE REGION IMPACT REVIEW BOARD

COMMISSION DE LA RÉGION MARINE D'EYEU

CHARGÉE DE L'EXAMEN DES RÉPERCUSSIONS

ᐱᑦ ᑕᑭᐱᑦᐱᑦᐱᑦ ᐱᑦᐱᑦᐱᑦ ᐱᑦᐱᑦᐱᑦ