



Guide 2

PROJECT PROPOSAL SUBMISSION
AND SCREENING PROCESS

EEYOU MARINE REGION IMPACT REVIEW BOARD

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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.

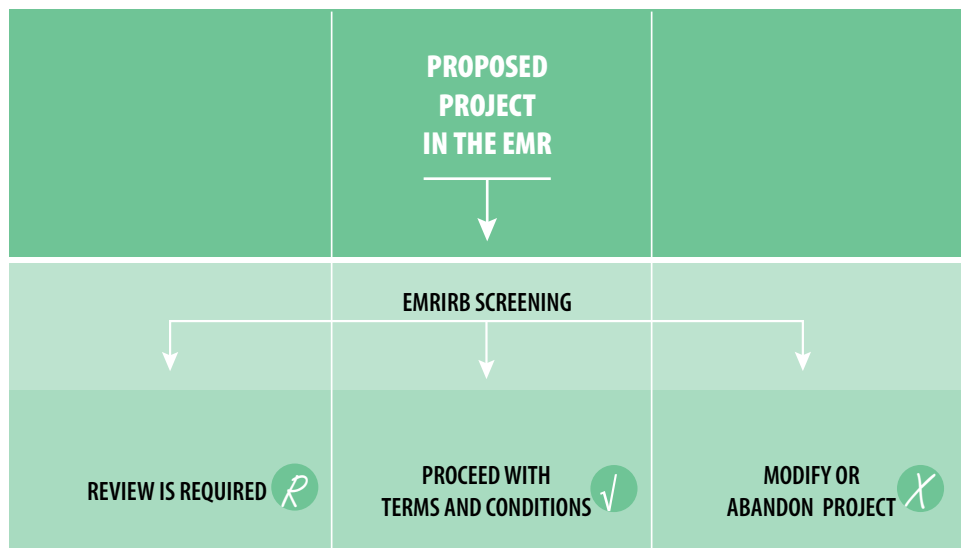
1. INTRODUCTION	7
2. REQUIREMENTS FOR SCREENING	8
3. WHEN TO SUBMIT A PROPOSAL FOR SCREENING	10
4. PURPOSE OF THE SCREENING PROCESS	10
5. REQUIRED INFORMATION	11
6. THE EYYOU MARINE REGION'S INTEGRATED REGULATORY SYSTEM	12
7. SCREENING DECISION REPORT	16
8. ADDITIONAL EMRIRB INFORMATION	18
9. CONTACT THE EMRIRB	18



1. INTRODUCTION

This guide has been created to inform Proponents and the public of the Eeyou Marine Region Impact Review Board's screening process. As set out in Chapter 18 of the Eeyou Marine Region Land Claims Agreement (EMRLCA), the Board has the primary responsibility to assess the environmental and socio-economic impacts of proposed development projects in the Eeyou Marine Region (EMR), and to report its findings to the appropriate Minister(s) and to the public.

The purpose of the screening process is to determine if a proposed project has the potential to cause sufficient damage to the EMR to warrant a formal review, or whether the project should be allowed to proceed and receive its required permits, licenses, and approvals without further assessment.



2. REQUIREMENTS FOR SCREENING

All major development projects in the Eeyou Marine Region (EMR) are screened by the EMRIRB. Project types include, but are not limited to:

- Mineral Exploration
- Infrastructure
- Tourism Activities
- Protected Areas
- Scientific Research
- Seismic Surveys
- Mine Development
- Oil and Natural Gas Exploration
- Site Cleanup/Remediation
- Pits and Quarries
- Access Trails

However, many low-impact projects are exempt from the requirement for screening by the EMRIRB and may only be referred to the EMRIRB for assessment if there are concerns regarding potential cumulative effects.

Schedule 18-1 of the Eeyou Marine Region Land Claims Agreement (EMRLCA) lists types of Project Proposals that are exempt from screening. They are:

1. Land use activities not requiring a permit or authorization from the Government.
2. Land use activities requiring only a Class B permit under the Territorial Land Use Regulations (C.R.C., c. 1524) as it reads on the effective date of the EMRLCA. For more information about activities which require a Class B Permit, please see Section 9 of the Territorial Land Use Regulations found on the Justice Laws Website of the Government of Canada.

3. Prospecting, staking, or locating a mineral claim unless it requires more than a Class B permit mentioned in point 2 above.

4. All construction, operation, and maintenance of all buildings and services within an established community. However, the bulk storage of fuel, power generation with nuclear fuels or hydro power, and any industrial activity occurring in a community will still require screening.

5. All hotels, motels, or tourist facilities of twenty (20) beds or less in all.

6. Water uses that do not require a public hearing under section 13.7.3 of the Nunavut Land Claims Agreement. Pursuant to section 13.7.2 of the Agreement, the requirement for a public hearing may be waived when there is no public concern expressed. Please contact the Nunavut Water Board for more information on types of water applications for which a public hearing need not be held.

Other categories of activities and projects may also be exempt from screening as agreed upon by the EMRIRB and the appropriate Minister(s). For any clarifications of whether a project is exempt from screening, please contact the EMRIRB at info-irb@eeyoumarineregion.ca or call (819) 895-2202.



3. WHEN TO SUBMIT A PROPOSAL FOR SCREENING

Before a Project Proposal is submitted, Proponents must:

- Register for an account on the Public Registry.
- Ensure that relevant regulatory agencies have been contacted and informed of the Proponent's application with the EMRIRB. The Proponent must contact all of the regulatory agencies who may be responsible for issuing any authorization (any letter, permit, license, lease, certificate, or other written or verbal communication that authorizes a project or a component of a project to proceed) associated with the Project Proposal. It is important to note that a Project Proposal may require more than one authorization.
- Ensure that permits, licences, and allowances associated with the Project Proposal will not be issued until after the EMRIRB has submitted its approval and recommendations to the responsible Minister(s). Proponents may submit applications for licenses, permits, or approvals concurrently with their application with the EMRIRB, however these authorizations cannot be issued until the screening process is complete.

4. PURPOSE OF THE SCREENING PROCESS

The EMRIRB asks four main questions for every project it screens:

1. Could the project have significant adverse effects on the ecosystem, Wildlife Habitat, or Cree harvesting activities?
2. Could the project have significant adverse effects on the socio-economic well-being of residents in the Eeyou Marine Region and coastal communities?
3. Does the project cause significant public concern?
4. Does the proposal involve new technologies with unknown effects?

In answering these questions, the EMRIRB screening process is designed to determine whether proposed projects require a full review. Full reviews may be required for projects using untested technologies, where significant public concern exists, or for major development projects with the potential to significantly impact the environment.

5. REQUIRED INFORMATION

A complete Project Proposal is required to facilitate the EMRIRB's screening process. The proposal should include information about the proposed project, where it would be located, how it would be carried out, when it would occur, and other supporting information to assist in evaluating the potential for impacts to occur from the proposed activities.

Upon registering for an account on the Public Registry, a detailed online application form guides Proponents in addressing these information requirements and initiating the screening process. Although the level of detail is expected to vary (depending on the project type, stage of project development, scope, size, cost, and duration), Project Proposals submitted to the EMRIRB for screening generally contain the following information:

- Project details, including a non-technical project summary in English, Eastern James Bay Cree, and French. Projects in the Cree/Inuit Joint Zone will also be required to submit a project summary in Inuktitut.
- Description of the public participation, public engagement, and consultation efforts undertaken associated with the project
- The purpose, scope, and timing of project activities
- Location
- Project Maps
- Material use

- Waste disposal and treatment methods

- Transportation

- Authorizations

- Description of the existing environment

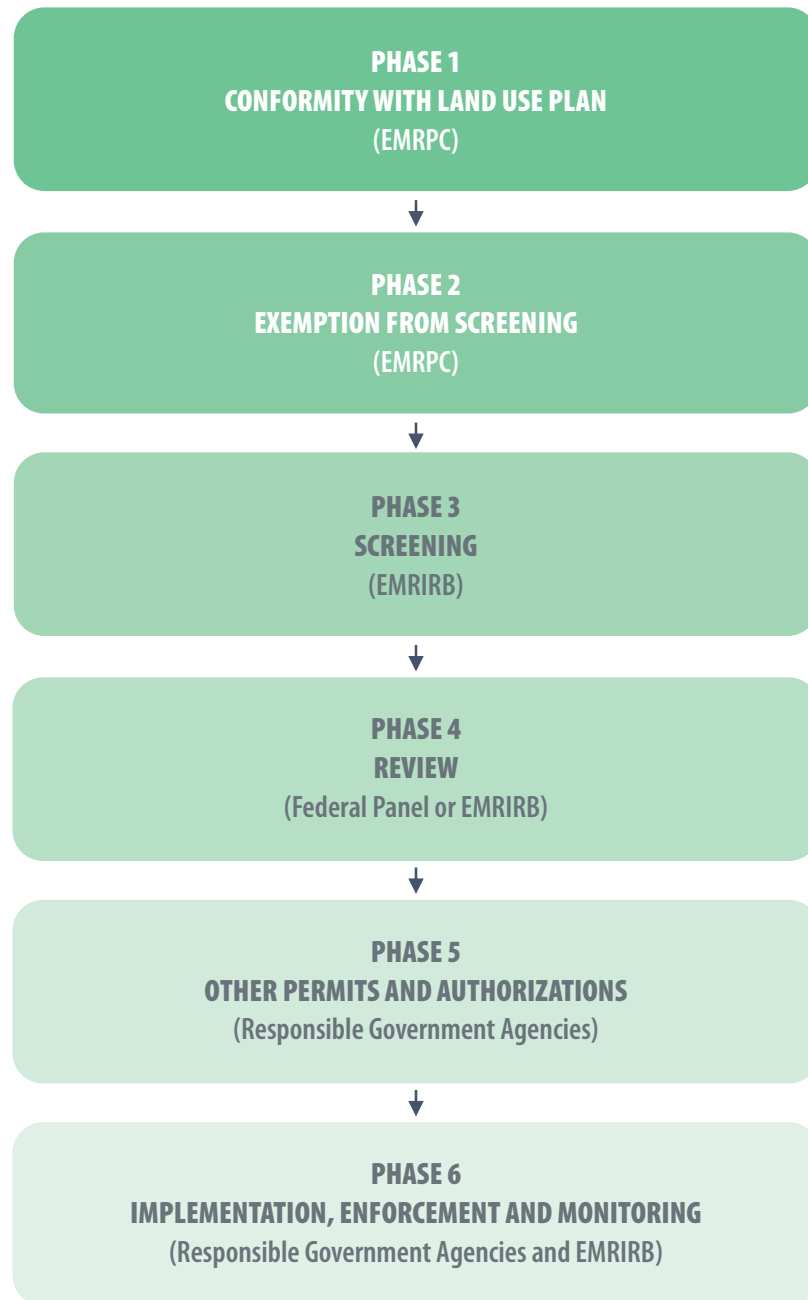
- Identification of potential environmental and socio-economic impacts

Proposals may also benefit from the submission of additional supporting information, such as wildlife management and monitoring plans, archaeological/paleontological survey results, and maps.

Furthermore, Project Proposals should be designed to provide plain-language information in sufficient detail to ensure the EMRIRB and the general public can fully understand the scope of the proposed activities and how their potential impacts would be managed by the Proponent.

The EMRIRB's office can be contacted at any time to assist in further explaining what information may be beneficial in supporting a Project Proposal.

6. THE EYYOU MARINE REGION'S INTEGRATED REGULATORY SYSTEM



KEY STEPS OF THE EMRIRB SCREENING PROCESS

STEP 1

Proponents first register for an account on the Public Registry found on the EMR website. After an account is created, Proponents will be able to submit their Project Proposals.

STEP 2

All submitted Project Proposals are first received by the Eeyou Marine Region Planning Commission (EMRPC). The EMRPC is responsible for

- 1) determining whether the project is in conformity with the Eeyou Marine Region Land Use Plan, and
- 2) determining whether the project proposal is subject to EMRIRB screening.

All projects falling under Schedule 18-1 of the EMRLCA will not be sent to the EMRIRB for screening. If the EMRPC refers the project to the EMRIRB, the Proponent will be asked to continue their application on the Public Registry and submit the additional files required for an EMRIRB screening.

STEP 3

After the Proponent submits their project application to the EMRIRB, the EMRIRB conducts an internal check for completion to ensure that the information requirements outlined in this guide are provided in the project proposal. The EMRIRB staff will correspond with the Proponent regarding any deficiencies before proceeding with the screening process. Once the completeness of the project proposal has been determined, the Proponent is informed that the 45 days for screening by the EMRIRB has begun.

STEP 4

Once screening is initiated, a project dashboard will be created on the Public Registry and the EMRIRB file number will be issued. The project dashboard will feature the information from the online application form, including a map of the project area, an overview of the assessment activity, and all documentation and notifications associated with the screening of the Project Proposal.

The Public Commenting Period will then begin as members of the distribution list are asked to comment on the Project Proposal from the perspective of their respective knowledge area, expertise, and mandate. In circulating notification of the screening, the EMRIRB will refer Parties to the project dashboard to review documentation and to provide comment submissions using the online comment form. Interested commenters can submit their comments on the Public Registry. Commenters may also directly contact the EMRIRB via e-mail at info-irb@eeyoumarineregion.ca to submit a comment.

The distribution list may be comprised of representatives from any communities, the Eeyou Marine Region Wildlife Board, Grand Council of the Crees (Eeyou Istchee) Designated Organization (GDO), Cree Trappers Association, Community Councils, Federal, Territorial, and Regional Government Departments, as well as other agencies or individuals that the Board feels are appropriate.

Comments may include, but are not limited to: indication of support for or against the Project Proposal, summary of understanding of the Project Proposal, summary of regulatory role and/or mandate, indication of approval authority, request for additional information, expression of concern for potential impacts, and recommended terms and conditions including monitoring and mitigation.

As comments from the distribution list and any additionally requested information are received, the EMRIRB screens the Project Proposal to determine if it has significant impact potential and therefore requires review. The EMRIRB also enlists the aid of external organizations such as the Eeyou Marine Region Wildlife Board and Cree communities in this process.



STEP 5

Upon completion of the screening assessment, the EMRIRB will issue a Screening Decision Report to the Minister(s) and to the Proponent, and will upload the report to the EMRIRB's Public Registry. For more information about the Screening Decision Report, please see Section 7 of this guide.

STEP 6

The responsible government Minister(s) will issue, in writing, a decision document that accepts, varies, or rejects the recommendation from the EMRIRB within 45 days of receiving the Screening Decision Report. In cases where the Board determines that a full review is necessary, the Minister(s) has the authority to send Project Proposals either to the EMRIRB for a review, or to a Federal Environmental Assessment Panel for a review.

7. SCREENING DECISION REPORT

Upon completion of the screening assessment, the EMRIRB will issue a Screening Decision Report to the Minister(s), the Proponent, and upload the report to the EMRIRB's Public Registry.

The EMRIRB's report will include one of four determinations:

OPTION 1 APPROVED WITH TERMS AND CONDITIONS

The EMRIRB will generally determine that a review is not required when in its judgment the project is unlikely to arouse significant public concern, the adverse ecosystemic and socio-economic effects are not likely to be significant, or the project is of a type where the potential adverse effects are highly predictable and can be mitigated with known technology.

When the Board recommends that the project may proceed without review, the Screening Decision Report will include specific terms and conditions, reflecting the Board's mandate as set out in Section 18.2.5 of the EMRLCA. The EMRIRB's terms and conditions are to be incorporated in relevant permits, certificates, licenses, or other government approvals that the Proponent may require. Terms and conditions contained in an EMRIRB Screening Decision Report may also require the establishment of a monitoring program for a project which may specify responsibilities for the Proponent, the EMRIRB, or government agencies.

OPTION 2 REVIEW IS REQUIRED

The EMRIRB will generally determine that a review is required when, in its judgment, the project may have significant adverse effects on the ecosystem, wildlife habitat, or Cree harvesting activities, the project may have significant adverse socio-economic effects on northerners, the project will cause significant public concern, or the project involves technological innovations for which the effects are unknown. Where the EMRIRB determines that a review is required, particular issues or concerns that should be considered in the review will be identified in the EMRIRB's Screening Decision Report.

OPTION 3 PROPOSAL MUST BE MODIFIED OR ABANDONED

In cases where the potential adverse impacts of a Project Proposal are so unacceptable that it should be modified or abandoned, the EMRIRB will so inform the Minister(s).

OPTION 4 PROPOSAL RETURNED FOR CLARIFICATION

Where a Project Proposal is insufficiently developed to permit proper screening, the EMRIRB will return it to the Proponent for clarification.

8. 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.emrrib.ca/resources/

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

9. CONTACT THE EMRIRB

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