

Environmental Guideline for Industrial Activities on Commissioner's Land



Department of Environment
Government of Nunavut

GUIDELINE: INDUSTRIAL ACTIVITIES ON COMMISSIONER'S LAND

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This Guideline has been prepared by the Department of Environment's Environmental Protection Division and approved by the Minister of Environment under the authority of Section 2.2 of the *Environmental Protection Act*.

This Guideline is not an official statement of the law and is provided for guidance only. Its intent is to assist proponents in planning for, and achieving, requirements and standards established for industrial activities on Commissioner's Land. This Guideline does not replace the need for the project proponent to comply with all applicable legislation and to consult with Nunavut's Department of Environment and other regulatory authorities and co-management boards with responsibilities over the use, management and regulation of land and water in Nunavut.

Copies of this Guideline are available upon request from:

Department of Environment
Government of Nunavut

P.O. Box 1000, Station 1360, Iqaluit, NU, X0A 0H0

Electronic version of the Guideline is available at <http://env.gov.nu.ca/programareas/environmentprotection>

Cover Photos: Government of Nunavut Department of Environment

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Introduction

The process of assessing the potential environmental, biophysical and socio-economic impacts of industrial activities in Nunavut, and regulating the development's activities, is based upon the Nunavut Land Claims Agreement and a number of federal and territorial statutes. Although the process used to screen and review a project proposal and authorize the use of inland waters are similar for all major project proposals, the administration of land-related activities can differ significantly depending upon where the activity is to be located, either on federal Crown Land, Inuit Owned Land or Commissioner's Land.

The *Environmental Guideline for Industrial Activities on Commissioner's Land* (the Guideline) is intended to assist in the planning, screening, review and licensing of industrial activities on Commissioner's Land. **The Guideline is to be applied only where it does not duplicate or conflict with processes established under the Nunavut Land Claims Agreement or federal legislation.** It should be reviewed whenever a new industrial activity or major modification to an existing industrial activity is being considered. The Guideline describes the roles and responsibilities for all major regulatory agencies and co-management boards and provides their contacts. It also outlines the screening and review processes currently used in Nunavut and the environmental information proponents are expected to include in any proposal for an industrial activity located on Commissioner's Land.

The Guideline is not an official statement of the law. For further information and guidance, the proponent is encouraged to review all applicable legislation and consult the Department of Environment, other regulatory boards and agencies or qualified persons with expertise in the screening, review and licensing of industrial activities in Nunavut.

The *Environmental Protection Act* provides the Government of Nunavut with authority to implement measures to preserve, protect and enhance the quality of the natural environment. The Guideline has been adopted by the Minister of Environment in accordance with section 2.2 of the *Act*.

1.1 Definitions

<i>Authorization</i>	Any approval, permit, licence, lease, certificate or other written communication that is required to allow a project or a component of a project to proceed.
<i>Authorizing Agency</i>	Any department, agency, organization or other body that has the authority to issue an authorization to a proponent to conduct physical work or physical activity in relation to a project proposal.
<i>Commissioner's Land</i>	Lands that have been transferred by Order-in-Council to the Government of Nunavut. For clarity, this includes roadways, land subject to block land transfers and Municipal Lands.
<i>Crown Land</i>	Land that belongs to Her Majesty or in respect of which the Government of Canada has the power of disposition.

Environment

The components of the Earth and includes:

- (a) air, land and water,
- (b) all layers of the atmosphere,
- (c) all organic and inorganic matter and living organisms, and
- (d) the interacting natural systems that include components referred to in paragraphs (a) to (c) above.

Industrial Activity

Activities whose aim is the manufacture, assembly or processing of goods or commodities or the exploration of natural resources including:

- (a) land farms,
- (b) manufacturing plants (steel, metal, chemical),
- (c) recycling depots,
- (d) hazardous waste or chemical storage or use,
- (e) quarries including the initial development or the expansion of an existing quarry and the abandonment and closure where the activity was not part of the initial screening,
- (f) explosive storage,
- (g) tanneries,
- (h) meat and fish production facilities,
- (i) exploration, bulk sampling, mining and all associated activities,
- (j) storage of fuel for resupply or resale but does not include individual residential or commercial users storing less than 80,000 litres.

An Industrial Activity does not include Institutional activities (i.e. schools, nursing stations, hospitals) and the following commercial activities:

- (a) building supply centres,
- (b) animal hospitals,
- (c) custom workshops,
- (d) construction equipment yards,
- (e) heavy equipment sales and rentals,
- (f) automotive commercial garages,
- (g) extraction from existing quarries,
- (h) home occupations – meaning any occupation, trade, profession, personal service, day care or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building.

Inuit Owned Land

Land that vests in a Designated Inuit Organization as Owned Lands pursuant to section 19.3.1 of the Nunavut Land Claims Agreement, and any land that is vested in, acquired by or re-acquired by the Designated Inuit Organization as Inuit Owned Lands.

<i>Municipal Lands</i>	All lands within a municipal boundary, but excluding: <ul style="list-style-type: none">(a) Inuit Owned Lands,(b) Crown Lands that are the beds of water bodies, lands within 100 feet of the shoreline of a seacoast, navigable river or lake measured from the ordinary high water mark, or lands identified in the Inventory of Government and Crown Agency Lands in Municipalities,(c) Lands owned in fee simple other than lands owned by a Municipal Corporation, and(d) Mines and minerals, other than granular, quarry and construction materials.
<i>Project Proposal</i>	Any physical work that a proponent proposes to construct, operate, modify, decommission, abandon or otherwise carry out.

1.2 Roles and Responsibilities

Proponents of industrial activities on Commissioner's Lands may require leases, permits or other authorizations to access and occupy land, use and dispose of water, extract quarry and granular materials, certify building mechanical, fire and emergency systems, and document archeological sites. Section 1.2 provides a summary of territorial and federal departments and boards that may need to be contacted.

1.2.1 Government of Nunavut

Department of Environment

The Department of Environment is responsible for ensuring measures are in place to protect the natural environment, managing and regulating wildlife resources through their sustainable use and supporting a sustainable renewable resource-based economy.

The Environmental Protection Division is the key Government of Nunavut agency responsible for initiatives which control the discharge of contaminants and reduce their impact on the environment. Legislative authority is provided through the *Environmental Protection Act* and *Pesticide Act*. Although programs and services are applied primarily to activities taking place on Commissioner's and Municipal Lands and to Government of Nunavut undertakings, the *Acts* may be applied to the whole of the territory where other controlling legislation, standards and guidelines do not exist. A complete listing of relevant legislation and guidelines can be obtained by contacting the Environmental Protection Division or by visiting the web site at <http://env.gov.nu.ca/programareas/environmentprotection>.

The Wildlife Management Division is responsible under the *Wildlife Act* for managing terrestrial wildlife and its habitat. The Division is also responsible for fulfilling Government of Nunavut responsibilities under a wide range of federal legislation and national and international agreements and conventions, including on-going responsibility for the co-management of Nunavut wildlife as obligated under the Nunavut Land Claims Agreement.

The Fisheries and Sealing Division focuses on developing viable and sustainable fisheries and sealing industries to ensure revenues and opportunities benefit all Nunavummiut. The implementation of the Nunavut Fisheries Strategy is a priority.

The Parks and Special Places Division administers the *Territorial Parks Act* and is responsible for the planning, establishment, management, operation and promotion of territorial parks and special places.

Contact: Department of Environment (All Divisions)
P.O. Box 1000, Station 1360
Iqaluit, Nunavut X0A 0H0
Telephone: (867) 975-7700
Fax: (867) 975-7742

Department of Community and Government Services

The Department of Community and Government Services works in partnership with community governments to support core municipal operations, infrastructure development, and land development.

The sale, lease or other disposition of Commissioner's Land is controlled under the *Commissioner's Land Act and Regulations*. Where a proponent wishes to purchase, lease or obtain any interest in Commissioner's Land whose title has not been transferred to the local community government, the proponent would need to submit a completed application to the land agent responsible for the area in which the land is located. The Department also provides safety services to the private and public sectors including electrical and boiler code consultations, mechanical plan reviews and fire prevention services. Community and Government Services, in cooperation with communities, is also responsible for the planning and funding of municipal solid waste and sewage disposal services in most Nunavut communities.

Contact: Community Planning and Lands
P.O. Box 272
Kugluktuk, Nunavut X0B 0E0
Telephone: (867) 982-7651
Fax: (867) 982-7695

Safety Services
P.O. Box 1000, Station 610
Iqaluit, Nunavut X0A 0H0
Telephone: (867) 975-5423
Fax: (867) 975-5453

Nunavut Emergency Management
P.O. Box 1000, Station 700
Iqaluit, Nunavut X0A 0H0
Telephone: (867) 975-5403
Fax: (867) 979-4221

Office of the Fire Marshal
P.O. Box 1000, Station 700
Iqaluit, Nunavut X0A 0H0
Telephone: (867) 975-5310
Fax: (867) 975-5315

Department of Culture, Languages, Elders and Youth

The Department of Culture, Languages, Elders and Youth oversees the protection and management of Nunavut's archaeological and palaeontological sites. The *Nunavut Archaeological and Palaeontological Sites Regulations* require that a permit be obtained before any person can document or investigate archaeological or palaeontological sites.

Contact: Chief Archaeologist
Heritage Division
P.O. Box 310
Igloolik, Nunavut X0A 0L0

Workers' Safety and Compensation Commission

The Workers' Safety and Compensation Commission is responsible for promoting and regulating worker and workplace health and safety in Nunavut. The Commission provides training under the *Workplace Hazardous Materials Information System (WHMIS)* and derives its authority from the *Workers' Compensation Act* and *Safety Act* which require employers to maintain a safe workplace and ensure the safety and well being of workers.

Contact: Workers' Safety and Compensation Commission
P.O. Box 669
Iqaluit, Nunavut X0A 0H0
Telephone: (867) 404-4407 (toll free)
Fax: (867) 979-8501

1.2.2 Government of Canada

Aboriginal Affairs and Northern Development Canada

Aboriginal Affairs and Northern Development Canada is responsible for administering the *Territorial Lands Act*. Under the *Territorial Land Use Regulations* and *Territorial Lands Regulations*, no person may use, possess or occupy federal Crown Land unless a land use permit, lease or license of occupation has been issued by a territorial land agent. Further, no person may quarry rock, gravel, sand or other material without first obtaining a permit under the *Territorial Quarrying Regulations*. Exemptions for requiring a permit, lease or license of occupation are described in each regulation.

Aboriginal Affairs and Northern Development Canada is also responsible for the compliance and enforcement of water licenses issued by the Nunavut Water Board and provisions of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*.

Contact: Lands Administration and Water Resources – Nunavut Region
P.O. Box 2200
Iqaluit, Nunavut X0A 0H0
Telephone: (867) 975-4500
Fax: (867) 975-4560

Environment Canada

Environment Canada is responsible for administering the *Canadian Environmental Protection Act* including provisions that control the disposal of waste in Canada's offshore marine waters. Section 125 of the *Act* states that no person may dispose of a waste substance or structure in Arctic marine waters without first obtaining an ocean dumping permit. Exemptions to this requirement are provided for in the *Act*. Environment Canada is also responsible for regulating storage tank systems installed on federal lands under the *Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations*

and the international and interprovincial movement of hazardous waste under the *Interprovincial Movement of Hazardous Waste Regulations* and *Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations*.

Contact: Environment Canada (NWT and Nunavut)
5019 52nd Street
Yellowknife, Northwest Territories X1A 1T5
Telephone: (867) 669-4730
Fax: (867) 873-8185

Fisheries and Oceans Canada

Fisheries and Oceans Canada is responsible under the *Fisheries Act* and regulations for managing Canada's fisheries in a sustainable manner. Under the *Act*, no person may carry out any work or undertaking that would harm fish or result in the harmful alteration, disruption or destruction of fish habitat unless authorized by the Minister of Fisheries and Oceans Canada. Section 32 authorizations are required where fish are expected to be killed while section 35(2) authorizations are required for works that will alter, disrupt or destroy fish habitat.

Contact: Fisheries and Oceans Canada – Eastern Arctic Area
Building 1074, P.O. Box 358
Iqaluit, Nunavut X0A 0H0
Telephone: (867) 979-8000
Fax: (867) 979-8039

1.2.3 Communities, Co-management Boards and Agencies

Local Community Governments

The *Cities, Towns and Villages Act* and *Hamlets Act* provide community Councils with authority to pass by-laws for municipal purposes including (a) the safety, health and welfare of people and the protection of people and property; (b) people, activities and objects in, on or near a public place or place that is open to the public; (c) nuisances, including unsightly property; (d) businesses, business activities and persons engaged in business; and (e) wild and domestic animals and activities in relation to them. This may include community plans for land inside municipal boundaries and zoning requirements.

Nunavut Planning Commission

The Nunavut Planning Commission's roles and responsibilities are set out under Article 11 of the Nunavut Land Claims Agreement. The Commission plans for land use outside of municipal boundaries by preparing and implementing land use plans to guide and direct resource use and development. The Commission reviews all industrial activity proposals for conformity with land use plans. Where the Commission determines that a project proposal is in conformity with one of the existing land use plans (Keewatin and North Baffin), or a variance has been approved, the Commission forwards the proposal with its determination and recommendations to the Nunavut Impact Review Board for screening. In the absence of an approved land use plan, all project proposals other than those exempted under Article 12 of the Nunavut Land Claims Agreement are referred directly to the Review Board.

Contact: Nunavut Planning Commission
P.O. Box 2101
Cambridge Bay, Nunavut X0B 0C0
Telephone: (867) 983-4625 Fax: (867) 983-4626

Nunavut Impact Review Board

The Nunavut Impact Review Board was created under Article 12 of the Nunavut Land Claims Agreement and is responsible for screening and reviewing industrial activity applications for potential environmental, biophysical and socio-economic impacts. The Board makes recommendations to the responsible federal or territorial Minister about which activities may proceed and monitors the impacts of these approved activities. The Board's authority also extends to projects with potential transboundary impacts. It may, upon request by Government or, with the consent of Government and upon request by a Designated Inuit Organization, review a project proposal located outside of the Nunavut Settlement Region that may have significant adverse impacts in the Region. On Commissioner's Land, activities included within the definition of 'industrial activity' as well as power generation with nuclear fuels and hydroelectricity generation is subject to screening by the Nunavut Impact Review Board while the construction, operation and maintenance of other buildings and services is exempt.

Contact: Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, Nunavut X0B 0C0
Telephone: (867) 233-3033
Fax: (867) 983-2594

Nunavut Water Board

The Nunavut Water Board was created under Article 13 of the Nunavut Land Claims Agreement with responsibilities and powers to license the use of inland waters throughout the Nunavut Settlement Region, except in National Parks. With the exception of domestic or emergency water use, no person may use water or dispose of waste into water without having received a license from the Board under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*. Before processing any license application, the Board must first refer it to the Nunavut Planning Commission, who will verify that it is in conformity with an approved land use plan. Classes of applications that are subject to a public hearing must then undergo a screening (except in the case of a municipality) and, in some cases, a review. To avoid duplication and ensure that projects are dealt with in a timely manner, the Board cooperates and coordinates its consideration of applications with the Nunavut Planning Commission and Nunavut Impact Review Board. Once a license is issued, the jurisdiction of the Nunavut Water Board ceases as compliance and enforcement is the responsibility of Aboriginal Affairs and Northern Development Canada.

Contact: Nunavut Water Board
P.O. Box 119
Gjoa Haven, Nunavut X0B 1J0
Telephone: (867) 360-6338
Fax: (867) 360-6369

Designated Inuit Organizations – Land Administration

The administration of all land-related matters on Inuit Owned Land is the responsibility of the Qikiqtani Inuit Association (Baffin Region), Kivalliq Inuit Association (Keewatin Region) and Kitikmeot Inuit Association (Kitikmeot Region). Authorization is required in order to access and occupy Inuit Owned Land for the purposes of any private, commercial or public nature; mining or quarrying; or residential or recreational use of land. The respective regional land administration organization is responsible for issuing licenses and land leases, inspecting all activities authorized under a license or land lease, and the enforcement of regulations pertinent to the use of these lands.

Contact: Qikiqtani Inuit Association
P.O. Box 1340
Iqaluit, Nunavut X0A 0H0
Telephone: 1-800-667-2742

Kivalliq Inuit Association
P.O. Box 340
Rankin Inlet, Nunavut X0C 0G0
Telephone: (867) 645-5725

Kitikmeot Inuit Association
P.O. Box 18
Cambridge Bay, Nunavut X0B 0C0
Telephone: (867) 983-2458

The Screening, Review and Regulatory Process – an Overview

The level of screening and review and the type of authorization required before a project can proceed depends upon the project's location, scope and nature of the activities.

If the activity is located within a planning region with an approved land use plan, the authorizing agency must first forward a completed application to the Nunavut Planning Commission in accordance with section 11.5.10 of the Nunavut Land Claims Agreement. If the Commission determines that the application conforms to the approved land use plan, it will forward the application to the Nunavut Impact Review Board for screening and review, unless concerns are raised about the cumulative impacts of the activity in relation to other developments in the planning region. In the absence of an approved land use plan, the authorizing agency may submit the application directly to the Nunavut Impact Review Board.

The Nunavut Impact Review Board is responsible for screening applications to determine whether the proposed activity would have significant negative environmental, biophysical or socio-economic impacts. Once the completeness of the application has been confirmed, the Board will distribute the application to potentially affected communities, organizations, boards, departments and agencies who are asked to comment on the application from the perspective of their knowledge, expertise and mandate. Once the screening has been completed, the Board can make one of four recommendations to the Minister responsible for the project:

1. *A review is not required:* the project is unlikely to raise significant public concern, the environmental and socio-economic impacts are likely to be insignificant or the activity is of a nature where the impacts are highly predictable and can be mitigated with known technology.
2. *A review is required:* the project may have significant negative impacts on the ecosystem, wildlife habitat or Inuit harvesting practices, negative socio-economic impacts on northerners, raises significant public concerns or the project involves technological innovations for which the impacts are unknown.
3. *Project is returned for further clarification, or*
4. *Proposal is modified or abandoned:* the potential impacts from the activity are deemed to be so unacceptable that the Board will inform the proponent that it should not proceed as proposed.

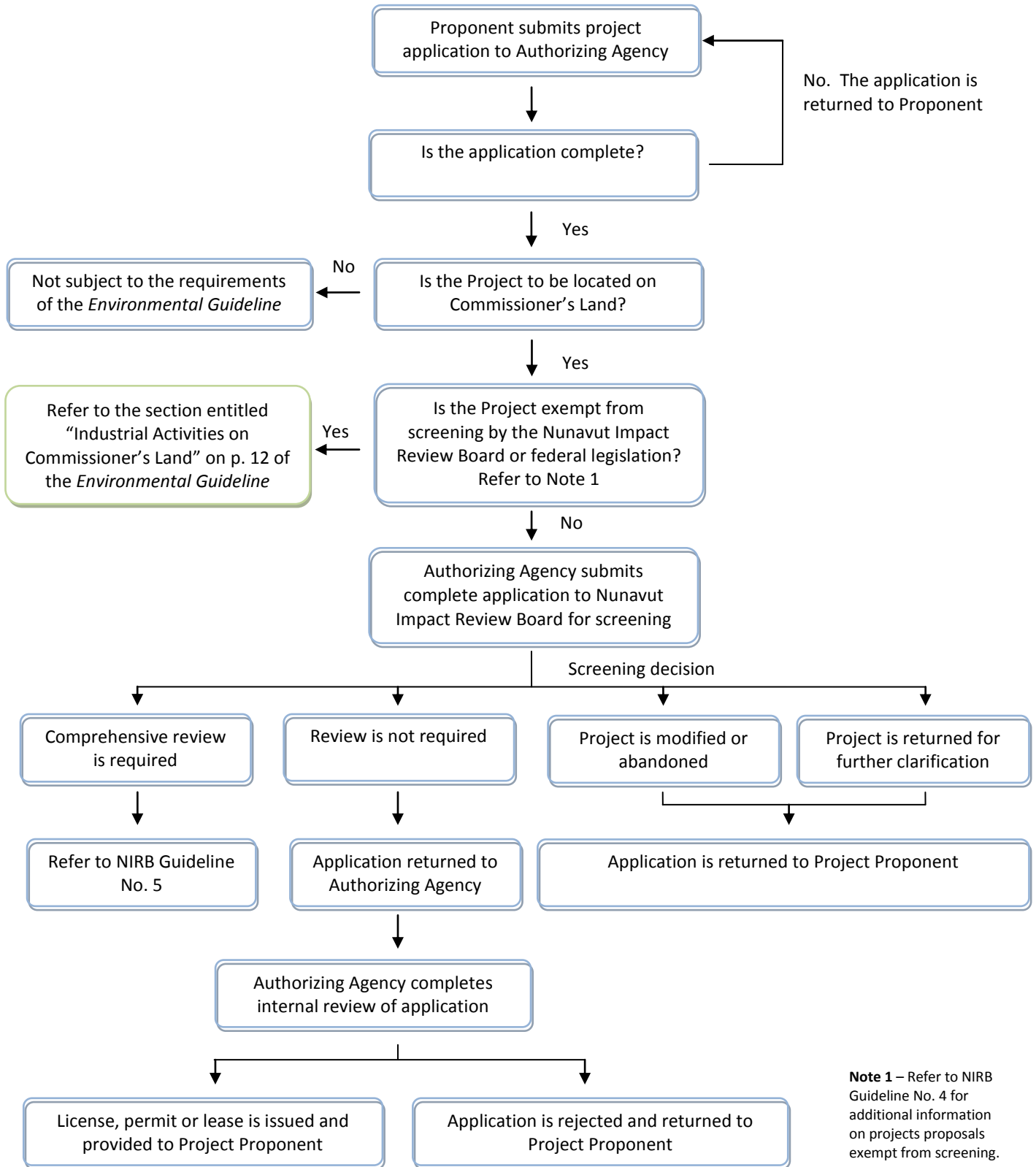
The Nunavut Impact Review Board will make its recommendation to the responsible minister within 45 days of receiving the application, unless a time extension has been granted or there is a legal requirement for the authorizing agency to make a decision within a shorter time period. In cases where the Review Board determines, and the responsible Minister agrees, that a public review is necessary, the responsible Minister would then return the proposal to the Nunavut Impact Review Board for a Review under Part 5, or forward it to a Federal Environmental Assessment Panel for a Review under Part 6 of the Nunavut Land Claims Agreement. Section 12.4.7 directs the responsible Minister to take into account any relevant law, as well as the national and regional interests when making this decision. Where it is determined that further review is not required, the authorizing agency may proceed to issue a permit, license or lease for the proposed industrial activity.

Authorizations that are commonly applied for in Nunavut, and the agency to contact, are:

<i>Land Use Permit, Land Lease or License of Occupation</i>	Obtained from a Designated Inuit Organization, Aboriginal Affairs and Northern Development Canada or the Nunavut Department of Community and Government Services, depending on whether the activity is to be located on Inuit Owned Land, federal Crown Land or Commissioner's Land. If the activity is located on Municipal Lands, the proponents may also need to obtain a development permit from the local community government.
<i>Water License (Class A or B)</i>	Obtained from the Nunavut Water Board. The class of license that is required depends upon the nature of the proposed activity and quantity of freshwater used and wastewater disposed of.
<i>Quarry Permit</i>	Obtained from a Designated Inuit Organization, Aboriginal Affairs and Northern Development Canada or the Nunavut Department of Community and Government Services depending on whether the activity is located on Inuit Owned Land, federal Crown Land or Commissioner's Land.
<i>Archaeological Permit</i>	Obtained from the Nunavut Department of Culture, Language, Youth and Elders where the proponent encounters or investigates a potential archaeological or palaeontological site.
<i>Fisheries Authorization</i>	Obtained from Fisheries and Oceans Canada where the activity could harm fish or result in the harmful alteration, disruption or destruction of fish habitat.
<i>Ocean Dumping Permit</i>	Obtained from Environment Canada where waste is to be disposed of offshore in Arctic marine waters.
<i>Pesticide Permit</i>	Obtained from Nunavut's Department of Environment where a person plans to apply a commercial or restricted pesticide or provide a service (i.e. operate a business) involving the use or application of a commercial or restricted pesticide.

Other authorizations may be required depending upon the scope and nature of activities to be undertaken. It is the responsibility of the proponent to be familiar with all pertinent permitting and licensing requirements and to contact all relevant authorizing agencies prior to the start of construction and operation.

Figure 1. Summary Flow Chart - Screening, Review and Regulatory Process for Industrial Activities on Commissioner's Land



Note 1 – Refer to NIRB Guideline No. 4 for additional information on projects proposals exempt from screening.

Industrial Activities on Commissioner's Land

This section applies only where the information requirements do not duplicate or conflict with processes established under the Nunavut Land Claims Agreement or federal legislation.

The screening and review of an application is intended to determine the extent to which impacts from a proposed development could impact the local environment, cultural principles and socio-economic values upon which Nunavummiut depend. The process also enables authorizing agencies to incorporate reasonable terms and conditions into the license, permit, lease or other authorization which are designed to protect and maintain these valued components.

An industrial activity may require more than one authorization based upon federal, territorial and local jurisdictional responsibilities related to land, water and safety. Note should be made of the time required to review and process an application. The application should be submitted early enough to enable the screening, review and regulatory processes to be completed, thus avoiding possible delays in commencing the planned activity.

The following section outlines the type of information a proponent must provide in order that an application for industrial activities on Commissioner's Land can be evaluated. It is intended to complement, not duplicate, existing application forms and requirements. Where a specific form has been designed and approved by an authorizing agency, the approved form must be utilized. The applicant is encouraged to become familiar with the applicable Act and regulations prior to completing an application. Questions on the application process, scope of information required and specific concerns that may be encountered during the application process should be referred to the relevant authorizing agency (refer to section 1.2 of the Guideline).

Proponents are encouraged to consult with community councils, affected residents and Inuit organizations located in the general area of a proposed industrial activity prior to submitting an application. This would enable local residents and decision-makers to remain informed of activities that are taking place in their community and is helpful in the screening of the application. Proponents should note that the application form and supporting information may be made available to the public for a review period.

In the absence of an approved application form, the following information is required in order to conduct an environmental review of an industrial activity being proposed for Commissioner's Land. Proponents can help to avoid a refusal or delays in the review process by ensuring all relevant information is provided. These requirements are also available for downloading from the Department's web site at <http://env.gov.nu.ca/programareas/environmentprotection>.

Section A – Identification

The applicant must provide the *name of the project* associated with the application.

The full name of the *person or associated registered company* including the mailing address, telephone number, facsimile number and electronic mailing address must be provided.

Corporations and limited companies must provide proof of registration under the *Business License Act*. Non-profit organizations must provide proof they are a registered society or organization. Any major contractors being used during construction and operation of the project should be identified.

The *location of the project* must be provided using either coordinates (degrees, minutes, seconds) or municipal addresses and descriptions. The nature of the surrounding environment and proximity to sensitive environments (i.e. surface water, drinking water supplies, drainage routes and heritage sites) and adjacent land uses (i.e. homes, businesses, other buildings, parks and playgrounds) must be provided together with the means of accessing any public roads. Including a map of the adjacent area indicating the location of the proposed activity relative to its surroundings would be helpful.

Section B – Project Description

The applicant must provide either a *complete description of the project* with detailed site and facility plans. The description must include any connected or future-related projects in order for reviewers to assess complex or multi-staged proposals.

A *process description and process flow diagram* must be included where applicable. Include a description of any anticipated discharges or releases to the environment of liquid, solid or gaseous materials or wastes. The sources and anticipated quantity of fresh or marine water to be used for process or sanitary purposes must also be described.

The type, nature and volume of any hazardous materials and wastes (i.e. process wastes, petroleum, cleaning solutions and solvents, other chemicals, solid wastes) to be stored, used or generated must be identified. A description of methods of treatment or disposal that are to be used must be provided including measures proposed to minimize the generation of waste. If waste is to be transported away from the site, a letter outlining agreements with third parties to transport, store, treat or dispose of the waste must be provided.

Describe the proponent's capability for *reporting and responding to emergencies* including fires and spills of hazardous materials. A copy of a proposed or approved spill contingency plan prepared in accordance with the *Spill Contingency Planning and Reporting Regulations* must be provided.

A description of activities associated with the *closure and abandonment* of equipment and the facility must be provided. While it is recognized that any description may be preliminary in nature, it must at least include a commitment to undertake the necessary activities in the event the activity ceases.

The applicant may need to obtain permits, licenses, leases or approvals from various regulatory agencies. These authorizations that are required must be identified.

The applicant must indicate the anticipated *project schedule* including start and completion dates for each phase of the activity (i.e. construction, operation, closure and abandonment) along with any anticipated periods of seasonal closure.

A summary of any *consultation meetings* (i.e. when the meeting was held, where and with whom) must be provided including a list of concerns expressed and measures proposed to address the concerns.

Section C – Predicted Environmental impacts

An *impact analysis* may need to be conducted depending upon the nature and size of the proposed industrial activity. The analysis may need to describe the anticipated environmental and resource impacts on groundwater and surface water (i.e. changes to quantity and quality), land (i.e. soil contamination, erosion and settling, alteration of the permafrost), air and vegetation, wildlife and fish distribution and abundance.

The applicant must provide a description of all *proposed environmental management and monitoring programs* that would be taken in response to any significant impacts including mitigation and remediation measures.

A listing of the titles of *other information or studies* used to predict and evaluate the environmental impacts of the activity must be provided. Copies of the relevant studies may be requested. The applicant must also provide *information and notices resulting from any other environmental assessment, screening or review* of the activity, including any determinations of significant environmental impact.

Section D – Certification

A representative with authority to sign on behalf of the applicant must *sign and print* their name and title at the end of the form. If the application is being made on behalf of another party, a letter outlining the relationship between the parties and confirming that the applicant is working on behalf of the other party must be provided.

Any person who may be considering an industrial activity located on Commissioner's Land is encouraged to contact Nunavut's Department of Environment for further information or clarification on any of the requirements described above.

Conclusion

Industrial activities taking place in Nunavut often require authorizations from a number of federal, territorial and community government departments along with Boards created through the Nunavut Land Claims Agreement. The *Environmental Guideline for Industrial Activities on Commissioner's Land* is intended to assist project proponents in the planning, screening, review and licensing of industrial activities on Commissioner's and Municipal Lands. The Guideline describes the roles and responsibilities for all major regulatory agencies and boards and provides their contacts. It also outlines the screening and review processes used in Nunavut and the environmental information proponents are expected to include in any proposal for an industrial activity on Commissioner's Land.

The Guideline is not an official statement of the law. Familiarity with the Guideline does not replace the need for the proponent to comply with the specific requirements of all applicable Acts and regulations prior to initiating an industrial activity. For further information and guidance, the proponent is encouraged to contact the relevant authorizing agencies.

For additional information on the management of industrial activities on Commissioner's Land, or to obtain a complete listing of guidelines, go to the Department of Environment web site or contact the Department at:

Environmental Protection Division
Department of Environment
Government of Nunavut
Inuksugait Plaza, P.O. Box 1000, Station 1360
Iqaluit, Nunavut X0A 0H0

Telephone: (867) 975-7729

Fax: (867) 975-7739

Email: EnvironmentalProtection@gov.nu.ca

Website: <http://env.gov.nu.ca/programareas/environmentprotection>

References

Aboriginal Affairs and Northern Development Canada Web Site. Land Administration Office.
<http://ainc-inac.gc.ca/ai/scr/nu/lan/lna/lao-eng.asp>

Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen In Right of Canada (Nunavut Land Claims Agreement).
<http://www.gov.nu.ca/hr/site/doc/nlca.pdf>

Government of Nunavut, Department of Environment. Environmental Guideline for Industrial Projects on Commissioner's Lands. 2002.

Kitikmeot Inuit Association Web Site.
<http://kitia.ca>

Kivalliq Inuit Association Web Site.
<http://www.kivalliqinuit.ca>

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APPENDICES

APPENDIX 1 - ENVIRONMENTAL PROTECTION ACT

The following are excerpts from the *Environmental Protection Act*

1. "Contaminant" means any noise, heat, vibration or substance and includes such other substance as the Minister may prescribe that, where discharged into the environment,
 - (a) endangers the health, safety or welfare of persons,
 - (b) interferes or is likely to interfere with normal enjoyment of life or property,
 - (c) endangers the health of animal life, or
 - (d) causes or is likely to cause damage to plant life or to property;

"Discharge" includes, but not so as to limit the meaning, any pumping, pouring, throwing, dumping, emitting, burning, spraying, spreading, leaking, spilling, or escaping;

"Environment" means the components of the Earth and includes

- (a) air, land and water,
- (b) all layers of the atmosphere,
- (c) all organic and inorganic matter and living organisms, and
- (d) the interacting natural systems that include components referred to in paragraphs (a) to (c).

"Inspector" means a person appointed under subsection 3(2) and includes the Chief Environmental Protection Officer.

- 2.2 The Minister may
 - (a) establish, operate and maintain stations to monitor the quality of the environment in the Territories;
 - (b) conduct research studies, conferences and training programs relating to contaminants and to the preservation, protection or enhancement of the environment;
 - (c) develop, co-ordinate and administer policies, standards, guidelines and codes of practice relating to the preservation, protection or enhancement of the environment;
 - (d) collect, publish and distribute information relating to contaminants and to the preservation, protection or enhancement of the environment:
3.
 - (1) The Minister shall appoint a Chief Environmental Protection Officer who shall administer and enforce this Act and the regulations.
 - (2) The Chief Environmental Protection Officer may appoint inspectors and shall specify in the appointment the powers that may be exercised and the duties that may be performed by the inspector under this Act and regulations.
5.
 - (1) Subject to subsection (3), no person shall discharge or permit the discharge of a contaminant into the environment.
 - (3) Subsection (1) does not apply where the person who discharged the contaminant or permitted the discharge of the contaminant establishes that
 - (a) the discharge is authorized by this Act or the regulations or by an order issued under this Act or the regulations;
 - (b) the contaminant has been used solely for domestic purposes and was discharged from within a dwelling house;
 - (c) the contaminant was discharged from the exhaust system of a vehicle;

- (d) the discharge of the contaminant resulted from the burning of leaves, foliage, wood, crops or stubble for domestic or agricultural purposes;
- (e) the discharge of the contaminant resulted from burning for land clearing or land grading;
- (f) the discharge of the contaminant resulted from a fire set by a public official for habitat management of silviculture purposes;
- (g) the contaminant was discharged for the purposes of combating a forest fire;
- (h) the contaminant is a soil particle or grit discharged in the course of agriculture or horticulture; or
- (i) the contaminant is a pesticide classified and labelled as "domestic" under the *Pest Control Products Regulations* (Canada).

(4) The exceptions set out in subsection (3) do not apply where a person discharges a contaminant that the inspector has reasonable grounds to believe is not usually associated with a discharge from the excepted activity.

- 5.1. Where a discharge of a contaminant into the environment in contravention of this Act or the regulations or the provisions of a permit or license issued under this Act or the regulations occurs or a reasonable likelihood of such a discharge exists, every person causing or contributing to the discharge or increasing the likelihood of such a discharge, and the owner or the person in charge, management or control of the contaminant before its discharge or likely discharge, shall immediately:
- (a) subject to any regulations, report the discharge or likely discharge to the person or office designated by the regulations;
 - (b) take all reasonable measures consistent with public safety to stop the discharge, repair any damage caused by the discharge and prevent or eliminate any danger to life, health, property or the environment that results or may be reasonably expected to result from the discharge or likely discharge; and
 - (c) make a reasonable effort to notify every member of the public who may be adversely affected by the discharge or likely discharge.
6. (1) Where an inspector believes on reasonable grounds that a discharge of a contaminant in contravention of this Act or the regulations or a provision of a permit or license issued under this Act or the regulations has occurred or is occurring, the inspector may issue an order requiring any person causing or contributing to the discharge or the owner or the person in charge, management or control of the contaminant to stop the discharge by the date named in the order.
7. (1) Notwithstanding section 6, where a person discharges or permits the discharge of a contaminant into the environment, an inspector may order that person to repair or remedy any injury or damage to the environment that results from the discharge.
- (2) Where a person fails or neglects to repair or remedy any injury or damage to the environment in accordance with an order made under subsection (1) or where immediate remedial measures are required to protect the environment, the Chief Environmental Protection Officer may cause to be carried out the measures that he or she considers necessary to repair or remedy an injury or damage to the environment that results from any discharge.

APPENDIX 2 – PESTICIDE ACT

The following are excerpts from the *Pesticide Act*

1. "inspector" means an inspector appointed under section 7.

"Open body of water" means a lake, slough, river or creek and includes any other water defined by the regulations as an open body of water.

"Pesticide" means any toxic or noxious substance or mixture of substances intended, sold or represented for use in preventing, destroying, repelling or mitigating any insect, nematode, rodent, predatory animal, bacteria, fungus, weed or other form of plant or animal life or virus, except a virus, bacteria or fungus in living humans or animals.
2. No person shall apply a pesticide on an open body of water or on any other area of the Territories unless he or she holds a permit to do so issued by an inspector.
6. No person shall
 - (a) operate a business or provide a service involving the use or application of a pesticide, or
 - (b) for hire or reward, apply or offer to apply a pesticide,unless he or she holds a permit to do so issued by an inspector.
7. The Commissioner may appoint inspectors to carry out the provisions of this Act and the regulations.

The following are excerpts from the Pesticide Regulations

1. (2) For the purposes of the Act and these regulations, "pesticide" means a pesticide as defined in the Act, but does not include any substance or mixture of substances within the exempt class of pesticides designated under subsection (3).

(3) For the purposes of the Act and these regulations, there is an exempt class of pesticides composed of
 - (a) any pesticide classified and labeled as "domestic" under the *Pest Control Products Regulations* (Canada); and
 - (b) any pesticide, other than a pesticide classified and labeled as "restricted" under the *Pest Control Products Regulations* (Canada), that is used
 - (i) as a bactericide in cutting oils and aviation and marine fuels,
 - (ii) in a cleanser, deodorizer, disinfectant or soap,
 - (iii) in a dust control agent,
 - (iv) in a fabric softener,
 - (v) as a bactericide or algacide for use in a swimming pool, domestic water supply, industrial cooling system, home aquarium or ornamental pool, or
 - (vi) as a surfactant, preservative or adjuvant.
2. An applicant for a pesticide application permit shall submit an application in Form 1 to an inspector including
 - (a) a map of the geographical area over which the pesticide will be applied that, in the opinion of an inspector, clearly shows the specific places where the pesticide will be applied;
 - (b) a summary of the proposed pesticide application that explains
 - (i) the purpose for applying the pesticide,
 - (ii) the name and pest control product number of the pesticide,

- (iii) the total quantity of pesticide to be applied,
 - (iv) the application rate of the pesticide,
 - (v) the proposed number and frequency of applications of the pesticide,
 - (vi) the type of equipment and proposed method for applying the pesticide, and
 - (vii) the proposed method for disposing of surplus pesticide and pesticide containers;
 - (c) proof of payment of any assessment payable by the applicant under the *Workers' Compensation Act*;
 - (d) any other relevant information that the inspector may require.
4. An applicant for a pesticide business permit shall submit an application in Form 3 to an inspector including
- (a) a description of the premises where any pesticides will be stored;
 - (b) a description of the applicant's proposed method of storing any pesticides;
 - (c) the name, pest control product number and quantity of any pesticides that the applicant proposes to store;
 - (d) a certificate of good standing issued by the Registrar of Corporations and dated within one month of the date of the application, where the applicant is a corporation;
 - (e) proof of payment of any assessment payable by the applicant under the *Workers' Compensation Act*;
 - (f) any other relevant information that the inspector may require.

APPENDIX 3 – INFORMATION REQUIREMENTS FOR NEW OR EXPANDED INDUSTRIAL ACTIVITIES ON COMMISSIONER'S LAND

Instructions

1. The following information must be provided when proposing to construct and operate a new, or expand an existing, industrial activity located on Commissioner's Land (refer to the definition of industrial activity in the *Environmental Guideline for Industrial Activities on Commissioner's Land*) and where the information requirements do not duplicate or conflict with processes established under the Nunavut Land Claims Agreement or federal legislation.
2. Completed forms are to be submitted to the Environmental Protection Division, Department of Environment, Government of Nunavut, Box 1000, Station 1360, Iqaluit, Nunavut, X0A 0H0. Electronic registration forms are preferred and may be forwarded to EnvironmentalProtection@gov.nu.ca.
3. Use additional pages to provide information as required.
4. Incomplete forms may be returned to the applicant.

Section 1 - Identification

Name of Project _____

Applicant (legal name if a registered company) _____

Mailing Address _____

_____ Postal Code _____

Facility Mailing Address (if different than above) _____

_____ Postal Code _____

Principle Contact Person _____ Title _____

Phone _____ Email _____

Alternate Contact Person _____ Title _____

Phone _____ Email _____

Location

The *location of the project* must be provided using either coordinates (degrees, minutes, seconds) or municipal addresses and descriptions. The nature of the surrounding environment and proximity to sensitive environments (i.e. surface water, drinking water supplies, drainage routes and heritage sites) and adjacent land uses (i.e. homes, businesses, other buildings, parks and playgrounds) must be provided together with the means of accessing any public roads. Including a map of the adjacent area indicating the location of the proposed activity relative to its surroundings would be helpful.

Section 2 – Project Description

Description of Project

Provide either a *complete description of the project* with detailed site and facility plans or the project proposal prepared for submission to the Nunavut Impact Review Board. The description must include any connected or future-related projects in order for reviewers to assess complex or multi-staged proposals.

Section 2 - Continued

Description of Activity

A *process description and process flow diagram* must be included where applicable. Include a description of any anticipated discharges or releases to the environment of liquid, solid or gaseous materials or wastes. The sources and anticipated quantity of fresh or marine water to be used for process or sanitary purposes must also be described.

Hazardous Materials and Waste Management

The type, nature and volume of hazardous materials and wastes (i.e. process wastes, petroleum, cleaning solutions and solvents, other chemicals, solid wastes) to be stored, used or generated must be identified. A description of methods of treatment or disposal that are to be used must be provided including measures proposed to minimize the generation of waste. If waste is to be transported away from the site, a letter outlining agreements with third parties to transport, store, treat or dispose of the waste must be provided.

Reporting and Responding to Emergencies

Describe the capability for *reporting and responding to emergencies* including fires and spills of hazardous materials. A copy of a proposed or approved spill contingency plan prepared in accordance with the *Spill Contingency Planning and Reporting Regulations* must be provided.

Closure and Abandonment

A description of activities associated with the *closure and abandonment* of equipment and the facility must be provided. While it is recognized that any description may be preliminary in nature, it must at least include a commitment to undertake the necessary activities in the event the industrial activity ceases.

Other Required Authorizations

The applicant may need to obtain permits, licenses, leases or approvals from other regulatory agencies. These additional authorizations must be identified.

Project Schedule

The applicant must indicate the anticipated *project schedule* including start and completion dates for each phase of the activity (i.e. construction, operation, closure and abandonment) along with any anticipated periods of seasonal closure.

Consultation Meetings

A summary of any *consultation meetings* (i.e. when the meeting was held, where and with whom) must be provided including a list of concerns expressed and measures proposed to address the concerns.

Section 3 – Predicted Environmental Impacts

Environmental Impact analysis

A *comprehensive impact analysis* may need to be conducted depending upon the nature and size of the proposed industrial activity. The analysis may need to describe the environmental and resource impacts on groundwater and surface water (i.e. changes to quantity and quality), land (i.e. soil contamination, erosion and settling, alteration of the permafrost), air and vegetation, wildlife and fish distribution and abundance.

Section 3 – Continued

Management and Monitoring Programs

A description of all *proposed environmental management and monitoring programs* that would be taken in response to any significant impacts including mitigation and remediation measures.

Other Information or Studies

A listing of the titles of *other information or studies* used to predict and evaluate the environmental impacts of the activity must be provided. Copies of the relevant studies may be requested. The applicant must also provide *information and notices resulting from any other environmental assessment, screening or review* of the activity, including any determinations of significant environmental impact.

Section 4 - Certification

A representative with authority to sign on behalf of the applicant must *sign and print* their name and title. If the application is being made on behalf of another party, a letter outlining the relationship between the parties and confirming that the applicant is working on behalf of the other party must be provided.

I certify that the information provided on this form is correct, accurate and complete.

Signature of Contact Person _____ Date (dd/mm/yy) _____

Print Name of Contact Person _____ Title _____

Phone _____ Email _____