SCREENING DECISION REPORT
NIRB FILE NO.: 13EN027

AANDC File No.: N2013C0012
NWB File No.: 2BE-NUE0810

August 27, 2013

The Honourable Bernard Valcourt
Minister of Aboriginal Affairs and Northern Development
Government of Canada
Executive Offices
10 Rue Wellington
Gatineau, QC K1A 0H3
Email: minister@aandc.gc.ca, Bernard.valcourt@parl.gc.ca

and

Thomas Kabloona
Chairperson, Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0
Email: tomkabloona@netkaster.ca

Sent via email

Re: Screening Decision for URU Metals Ltd.'s "Nueltin Lake Project" Proposal, Kivalliq Region, 13EN027

Dear Mr. Valcourt and Mr. Kabloona:

The primary objectives of the Nunavut Impact Review Board (NIRB) are set out in Section 12.2.5 of the Nunavut Land Claims Agreement (NLCA) as follows:

> *"In carrying out its functions, the primary objectives of NIRB shall be at all times to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, and to protect the ecosystemic integrity of the Nunavut Settlement Area. NIRB shall take into account the well-being of the residents of Canada outside the Nunavut Settlement Area."*

Section 12.4.4 of the NLCA states:

"Upon receipt of a project proposal, NIRB shall screen the proposal and indicate to the Minister in writing that:

a) *the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out in Section 12.2.5;*
b) *the proposal requires review under Part 5 or 6; NIRB shall identify particular issues or concerns which should be considered in such a review;*
c) *the proposal is insufficiently developed to permit proper screening, and should be returned to the proponent for clarification; or*
d) *the potential adverse impacts of the proposal are so unacceptable that it should be modified or abandoned."*

NIRB Assessment and Decision

After a thorough assessment of all material provided to the Board (please see *Procedural History* and *Project Activities* in **Appendix A**), in accordance with the principles identified within Section 12.4.2 of the NLCA, the decision of the Board as per Section 12.4.4 of the NLCA is:

> **12.4.4 (a)**: the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out in Section 12.2.5.

Recommended Project-Specific Terms and Conditions (pursuant to Section 12.4.4(a) of the NLCA)

The Board is recommending that the following or similar project-specific terms and conditions be imposed upon the Proponent through all relevant legislation:

General

1. URU Metals Ltd. (the Proponent) shall maintain a copy of the Project Terms and Conditions at the site of operation at all times.
2. The Proponent shall forward copies of all permits obtained and required for this project to the Nunavut Impact Review Board (NIRB) prior to the commencement of the project.
3. The Proponent shall operate in accordance with all commitments stated in correspondence provided to the NIRB (NIRB Part 1 Form, July 4, 2013; NIRB Part 2 Form, July 4, 2013) and to Aboriginal Affairs and Northern Development Canada (Land Use Permit Application, June 11, 2013) and the Nunavut Planning Commission (Conformity Determination Questionnaire, June 11, 2013).
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

Water Use

5. The Proponent shall not extract water from any fish-bearing waterbody unless the water intake hose is equipped with a screen of appropriate mesh size to ensure that there is no

entrapment of fish. Small lakes or streams should not be used for water withdrawal unless approved by the Nunavut Water Board.

Waste Disposal/Incineration

6. The Proponent shall incinerate all combustible wastes daily, and remove the ash from incineration activities and non-combustible wastes from the project site to an approved facility for disposal.
7. The Proponent shall keep all garbage and debris in bags placed in a covered metal container or equivalent until disposed of at an approved facility. All such wastes shall be kept inaccessible to wildlife at all times.
8. The Proponent shall ensure that the incineration of combustible camp wastes comply with the *Canadian Wide Standards for Dioxins and Furans*, and the *Canadian Wide Standards for Mercury*.
9. The Proponent shall ensure that no waste oil/grease is incinerated on site.

Fuel and Chemical Storage

10. The Proponent shall locate all fuel and other hazardous materials a minimum of thirty-one (31) metres away from the high water mark of any water body and in such a manner as to prevent their release into the environment.
11. The Proponent shall ensure that re-fuelling of all equipment occurs a minimum of thirty-one (31) metres away from the high water mark of any water body.
12. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife.
13. The Proponent shall use adequate secondary containment or a surface liner (e.g. self-supporting insta-berms and fold-a-tanks), when storing barreled fuel and chemicals at all locations.
14. The Proponent shall use drip pans or other equivalent device when refueling equipment on-site and at all fuel drum locations. Appropriate spill response equipment and clean-up materials (e.g., shovels, pumps, barrels, drip pans, and absorbents) must be readily available during any transfer of fuel or hazardous substances.
15. The Proponent shall remove and treat hydrocarbon contaminated soils on site or transport them to an approved disposal site for treatment.
16. The Proponent shall ensure that all personnel are properly trained in fuel and hazardous waste handling procedures, as well as spill response procedures. All spills of fuel or other deleterious materials of any amount must be reported immediately to the 24 hour Spill Line at (867) 920-8130.

Wildlife - General

17. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.
18. The Proponent shall not harass wildlife. This includes persistently worrying or chasing animals, or disturbing large groups of animals. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired.

19. The Proponent shall ensure that all project personnel are made aware of the measures to protect wildlife and are provided with training and/or advice on how to implement these measures.

Migratory Birds and Raptors Disturbance

20. The Proponent shall not disturb or destroy the nests or eggs of any birds. If nests are encountered and/or identified, the Proponent shall take precaution to avoid further interaction and or disturbance (e.g., a 100 metre buffer around the nests). If active nests of any birds are discovered (i.e. with eggs or young), the Proponent shall avoid these areas until nesting is complete and the young have left the nest.

Aircraft Flight Restrictions

21. The Proponent shall restrict aircraft/helicopter activity related to the project to a minimum altitude of 610 metres above ground level unless there is a specific requirement for low-level flying, which does not disturb wildlife and migratory birds.

22. The Proponent shall ensure that aircraft maintain a vertical distance of 1000 metres and a horizontal distance of 1500 metres from any observed groups (colonies) of migratory birds. Aircraft should avoid critical and sensitive wildlife areas at all times by choosing alternate flight corridors.

23. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.

24. The Proponent shall advise all pilots of relevant flight restrictions and enforce their application over the project area, including flight paths to/from the project area.

Caribou and Muskoxen Disturbance

25. The Proponent shall cease activities that may interfere with the migration or calving of caribou or muskox, until the caribou or muskox have passed or left the area.

26. The Proponent shall not block or cause any diversion to caribou migration, and shall cease activities likely to interfere with migration such as airborne geophysics surveys, drilling or movement of equipment or personnel until such time as the caribou have passed.

27. The Proponent shall not construct or operate any camp, cache any fuel or conduct blasting within 10 km, or conduct any drilling operation within 5 km of any paths or crossings known to be frequented by (e.g. designated caribou crossings).

28. During the period of May 15 to July 15, when caribou are observed within 1 km of project operations, the Proponent shall suspend all operations, including low-level over flights, blasting, and use of snow mobiles and all-terrain vehicles outside the immediate vicinity of the camps. Following July 15, if caribou cows or calves are observed within 1 km of project operations, the Proponent shall also suspend all operations in the vicinity, including low-level over flights, blasting, and use of snow mobiles and all-terrain vehicles, until caribou are no longer in the immediate area.

Ground Disturbance

29. The Proponent shall implement suitable erosion and sediment suppression measures on disturbed areas before, during and after construction in order to prevent sediment from entering any waterbody.

Drilling on Land

30. The Proponent shall not conduct any land based drilling or mechanized clearing within thirty-one (31) metres of the normal high water mark of a water body.
31. The Proponent shall not allow any drilling wastes to spread to the surrounding lands or water bodies.
32. If an artesian flow is encountered, the Proponent shall ensure the drill hole is immediately plugged and permanently sealed.
33. The Proponent shall ensure that all drill areas are constructed to facilitate minimizing the environmental footprint of the project area. Drill areas should be kept orderly with garbage removed daily to an approved disposal site.
34. The Proponent shall ensure that all sump/depression capacities are sufficient to accommodate the volume of waste water and any fines that are produced. The sumps shall only be used for inert drilling fluids, and not any other materials or substances.
35. The Proponent shall not locate any sump within thirty-one (31) metres of the normal high water mark of any water body. Sumps and areas designated for waste disposal shall be sufficiently bermed or otherwise contained to ensure that substances to do not enter a waterway unless otherwise authorized.
36. The Proponent shall ensure all drill holes are backfilled or capped prior to the end of each field season. All sumps must be backfilled and restored to original or stable profile prior to the end of each field season.

Drilling and Disposal of Related Radioactive Substances

37. The Proponent shall ensure that all drill holes are sealed by cementing (grouting) the upper 31 meters of the bedrock or the entire depth of the holes; whichever is less.
38. The Proponent shall ensure that drill holes which encounter uranium mineralization with a content greater than 1.0% over a length of one (1) metre, or with a metre-percent concentration greater than 5%, are sealed by cementing over the entire mineralization zone; this should be at least ten (10) metres above and below each mineralization zone.
39. The Proponent shall ensure that drill cuttings with a uranium concentration greater than 0.05% are disposed of down the drill hole and the hole subsequently sealed.
40. Following backfilling, the Proponent shall conduct a radiometric survey. When material is found to exceed background radiation levels, the appropriate regulator must be contacted for review and approval of handling procedures.
41. The Proponent shall ensure that core storage shacks/tents are well ventilated and remain open when employees or contractors are working within. Core storage areas should be located at least 100 metres from the high water mark of all water bodies.

42. The Proponent shall ensure that gamma radiation levels of a long-term core storage area are not greater than 1.0 microSievert (µSv), and never exceeds 2.5 µSv. When core is found to exceed the levels identified, then the appropriate regulator must be contacted for review and approval of the handling procedures.

Restoration of Disturbed Areas

43. The Proponent shall ensure that all disturbed areas are restored to a stable or pre-disturbed state as practical as possible upon completion of field work.

44. The Proponent shall remove all garbage, fuel and equipment upon abandonment.

45. The Proponent shall complete all clean-up and restoration of the lands used prior to the end of each field season and/or upon abandonment of site.

Other

46. The Proponent should, to the extent possible, hire local people and consult with local residents regarding their activities in the Kivalliq region.

47. Any activity related to this application, and outside the original scope of the project as described in the application, will be considered a new project and must be submitted to the NIRB for Screening.

MONITORING AND REPORTING REQUIREMENTS

In addition, the Board is recommending the following:

Annual Report

1. The Proponent shall submit a comprehensive annual report with copies provided to the Nunavut Impact Review Board (NIRB) by March 30 of each year of permitted activities. The annual report must contain, but not limited to, the following information:
   a. A summary of activities undertaken for the year, including:
      i. a map showing the approximate location of drill sites;
      ii. a map showing the location of the fuel caches;
      iii. a map showing the location of the camp site;
      iv. a description of local hires, contracting opportunities and initiatives;
      v. flight altitudes, frequency of flights and anticipated flight routes;
   b. A work plan for the following year, including any progressive reclamation work undertaken;
   c. A summary of community consultations undertaken throughout the year, providing copy of materials presented to community members, a description of issues and concerns raised, discussions with community members and advice offered to the company as well as any follow-up actions that were required or taken to resolve any concerns expressed about the project proposal;
   d. Summary of the annual consultation conducted with the wildlife biologist from Arviat and any outcomes as a result of the consultation including revisions or alterations to the timing of project activities;
   e. Summary of consultation with the Government of Nunavut, Department of Culture and Heritage to confirm the results of relevant heritage surveys conducted and whether any additional surveying work was undertaken;

f. Results or reports from any additional heritage surveys required by the Government of Nunavut, Department of Culture and Heritage.
g. Summary of any heritage sites encountered during the exploration activities and any follow-up action or reporting required as a result;
h. A summary of how the Proponent has complied with conditions contained within this Screening Decision, and all conditions as required by other authorizations associated with the project proposal;
i. A summary of wildlife monitoring including the wildlife log and record of observations as required by item 2 (below); and
j. Site photos.

Wildlife Log/Record of Observations

2. The Proponent shall maintain a record of wildlife observations while operating within the project area which includes:
   a. A description of wildlife sightings, including species, location (i.e., latitude and longitude), number of animals, description of the animal activity (prior to encounter and their response to human interaction), whether young are present, and description of gender and age of animal if possible;
   b. Observations and location of denning areas, calving areas, caribou crossings, raptor nests and any other sensitive habitat locations encountered;
   c. Timing of critical life history events observed such as calving, mating, denning, nesting;
   d. A description of potential impacts to wildlife arising from project activities;
   e. A summary of any actions or mitigation measures implemented to address potential impacts;
   f. An analysis of the effectiveness of mitigation measures for wildlife; and
   g. A discussion of any anticipated changes to the monitoring program(s);

   A copy of this wildlife record or report should be submitted to the Nunavut Impact Review Board by March 30 of each year of permitted activities in conjunction with the Annual Report as required in item 1 (above). A copy of the report should also be provided to the following contact; Manitoba Denesuliné, email: ww.symbion@shawbiz.ca

Transport of Waste/Dangerous Goods

3. The Proponent shall ensure that a waste manifest accompanies the shipment of all waste oil/grease and is registered with the Government of Nunavut Department of Environment (GN-DoE). Contact the Manager of Pollution Control and Air Quality at (867) 975-7748 to obtain a manifest if hazardous waste will be generated during project activities.
4. The Proponent shall ensure that an export manifest or the appropriate transportation of dangerous goods (TDG) documentation accompany all potential hazardous samples and/or materials that are transported off site.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

In addition to the project-specific terms and conditions, the Board is recommending the following:

Bear and Carnivore Safety

1. The Proponent review the bear/carnivore detection and deterrent techniques outlined in "Safety in Grizzly and Black Bear Country" which can be down-loaded from this link: http://www.enr.gov.nt.ca/_live/documents/content/Bear_Safety.pdf. Note that some recommendations in this manual are also relevant to polar bears. There is a DVD about polar bears and safety available from Nunavut Parks at the following link http://www.nunavutparks.com/english/visitor-information/suggested-resources.html and a "Safety in Polar Bear Country" pamphlet from Parks Canada at the following link http://www.pc.gc.ca/eng/pn-np/nu/auyuittuq/visit/visit6/d/i.aspx.

2. Any problem wildlife or any interaction with carnivores should be reported immediately to the local Government of Nunavut, Department of Environment Conservation Office (Conservation Officer of Arviat, Joe Savikataaq Sr., phone: 857-2976, email: arviatwildlife@qiniq.com).

Incineration of Wastes

3. The Proponent review Environment Canada's "Technical Document for Batch Waste Incineration", available at the following link: http://www.ec.gc.ca/gdd-mw/default.asp?lang=En&n=F53EDE13-1. The technical document provides information on appropriate incineration technologies, best management and operational practices, monitoring and reporting.

Species at Risk

4. The Proponent review Environment Canada's "Environment Assessment Best Practice Guide for Wildlife at Risk in Canada", available at the following link: http://www.ec.gc.ca/Publications/default.asp?lang=En&xml=5407909E-10F6-4AFE-ACDF-75B9E820B4A1. The guide provides information to the Proponent on what is required when Wildlife at Risk, including *Species at Risk*, are encountered or affected by the project.

Change in Project Scope

5. All Authorizing Agencies shall notify the NIRB of any changes in operating plans or conditions associated with this project prior to any such change.

Caribou Management

6. Territorial and federal government agencies in Nunavut should work together with Regional Inuit Associations, co-management boards and industry to develop an action plan to identify and mitigate potential cumulative effects of human land use activities, including mineral exploration, on barren-ground caribou. This assessment of cumulative effects should occur at a regional scale (i.e., larger than individual project areas).

7. Territorial and federal government agencies should work to update the Caribou Protection Map with current data and information from the Beverly Qamanirjuaq Caribou Management Board (BQCMB).

Aboriginal Affairs and Northern Development Canada

8. Aboriginal Affairs and Northern Development Canada (AANDC) should consider imposing mitigation measures, conditions and monitoring requirements pursuant to the Federal Land Use Permit, which require the Proponent to respect the sensitivities and importance of the area. These mitigation measures, conditions and monitoring requirements should be in regard to the location and area; type, location, capacity and operation of facilities; use, storage, handling and disposal of chemical or toxic material; wildlife and fisheries habitat; and petroleum fuel storage.
9. AANDC consider the importance of conducting regular Land Use Inspections, pursuant to the authority of the Federal Land Use Permit, while the project is in operation. The Land Use Inspections should be focused on ensuring the Proponent is in compliance with the conditions imposed through the Federal Land Use Permit.
10. AANDC forward to the NIRB copies of any decisions by Inspectors which allow project activities to continue in areas of caribou presence between dates indicating work stoppages are necessary (exemptions from Caribou Protection Measures).
11. It is recommended that AANDC refrain from issuing any extension(s) or amendment(s) to the Land Use Permit for this project proposal until the NIRB has received annual reporting as required by the recommendations within this Screening Decision.

Nunavut Water Board

12. The Nunavut Water Board (NWB) impose mitigation measures, conditions and monitoring requirements pursuant to the water licence, which require the Proponent to respect the sensitivities and importance of water in the area. These mitigation measures, conditions and monitoring requirements should be in regard to use of water, snow and ice; waste disposal; access infrastructure and operation for camps; drilling operations; spill contingency planning; abandonment and restoration planning; and monitoring programs.

Aboriginal Affairs and Northern Development Canada – Water Resources Division

13. AANDC – Water Resources Division should consider the importance of conducting regular inspections, pursuant to the authority of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, while the project is in operation. Inspectors should focus on ensuring the Proponent is in compliance with the conditions imposed through the Water Licence.

REGULATORY REQUIREMENTS

The Proponent is also advised that the following legislation may apply to the project:

Acts and Regulations

1. The *Fisheries Act* (http://laws-lois.justice.gc.ca/eng/acts/F-14/index.html).

2. The *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (http://www.canlii.org/ca/sta/n-28.8/whole.html).

3. The *Migratory Birds Convention Act* and *Migratory Birds Regulations* (http://laws-lois.justice.gc.ca/eng/acts/M-7.01/).

4. The *Species at Risk Act* (http://laws-lois.justice.gc.ca/eng/acts/S-15.3/index.html). Attached in **Appendix B** is a list of Species at Risk in Nunavut.

5. The *Wildlife Act* (http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html) which contains provisions to protect and conserve wildlife and wildlife habitat, including specific protection measures for wildlife habitat and species at risk.

6. The *Nunavut Act* (http://laws-lois.justice.gc.ca/eng/acts/N-28.6/). The Proponent must comply with the proposed terms and conditions listed in the attached **Appendix C**.

7. The *Transportation of Dangerous Goods Regulations*, *Transportation of Dangerous Goods Act* (http://www.tc.gc.ca/eng/tdg/safety-menu.htm), and the *Canadian Environmental Protection Act* (http://laws-lois.justice.gc.ca/eng/acts/C-15.31/). The Proponent must ensure that proper shipping documents accompany all movements of dangerous goods. The Proponent must register with the Government of Nunavut, Department of Environment Manager of Pollution Control and Air Quality at 867-975-7748.

8. The *Aeronautics Act* (http://laws-lois.justice.gc.ca/eng/acts/A-2/).

Other Applicable Guidelines

9. The Canadian Guidelines for the Management of Naturally Occurring Radioactive Materials http://www.hc-sc.gc.ca/ewh-semt/pubs/contaminants/norm-mrn/index-eng.php.

Validity of Land Claims Agreement

Section 2.12.2
Where there is any inconsistency or conflict between any federal, territorial and local government laws, and the Agreement, the Agreement shall prevail to the extent of the inconsistency or conflict.

Dated _August 27, 2013__ at Arviat, NU.

_____
Elizabeth Copland, Chairperson

Attachments:
Appendix A: Procedural History and Project Activities
Appendix B: Species at Risk in Nunavut
Appendix C: Archaeological and Palaeontological Resources Terms and Conditions for Land Use Permit Holders

Appendix A
Procedural History and Project Activities

Procedural History

On June 11, 2013 the Nunavut Impact Review Board (NIRB) received a positive conformity determination (Keewatin Regional Land Use Plan) from the Nunavut Planning Commission (NPC) for URU Minerals Ltd.'s "Nueltin Lake Project" proposal. Further, the NIRB received a request from Aboriginal Affairs and Northern Development Canada (AANDC) to screen the above mentioned project proposal on June 11, 2013. The NIRB assigned this project proposal file number 13EN027.

Following receipt of the initial application materials, the NIRB undertook a preliminary completeness check and found that the proposal as submitted did not contain sufficient information for the NIRB to permit proper screening. On June 20, 2013 the NIRB requested that additional information from the Proponent be provided to the Board by July 3, 2013. The NIRB received the information as requested on July 4, 2013. On July 11, 2013 the NIRB received a request form the Nunavut Water Board to screen the above mentioned project proposal.

This project proposal was distributed to community organizations in Arviat, as well as to relevant federal and territorial government agencies, and Inuit organizations. The NIRB requested that interested parties review the proposal and provide the Board with any comments or concerns by July 29, 2013 regarding:

- Whether the project proposal is likely to arouse significant public concern; and if so, why;
- Whether the project proposal is likely to cause significant adverse eco-systemic and socio-economic effects; and if so, why;
- Whether the project is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (providing any recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

On or before July 30, 2013 the NIRB received comments from the following interested parties:

- **Government of Nunavut**
- **Environment Canada**
- **Fisheries and Oceans Canada**
- **Canadian Arctic Resource Committee**
- **Manitoba Denesuliné**

All comments provided to NIRB regarding this project proposal can be viewed on NIRB's ftp-site, at the following location:

http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/.

On July 31, 2013 the NIRB provided an opportunity for the Proponent to respond to the concerns raised during the public commenting period. The Proponent provided a response to concerns on August 14, 2013 and additional follow up on August 16, 2013.

Project Activities

The proposed project is located within the Kivalliq region, approximately 345 kilometres (km) southwest from the community of Arviat. The Proponent intends to explore for uranium, with program activities proposed to start in March 2014, and a larger drill program to take place in 2014 dependent upon March/April 2014 results. The objective is to conduct exploration activities to follow-up on previously identified mineral targets[1].

The activities/components associated with this proposal include:

- Uranium exploration to identify previous mineral targets:
  - Geological mapping and prospecting;
  - On land drilling using 1 diamond drill (7-10 holes);
  - Use of non-toxic drill additive;
- Use of helicopter and/or fixed wing aircraft (float plane) to transport personnel and equipment to and from camp to the drill sites on a daily basis;
- Share Prosperity Goldfields' Kiyuk Lake camp for the initial exploration program;
- Transportation, storage and use of fuel (approximately 4000 litres in total) at the Kiyuk Lake camp site with small fuel caches located at drill sites;
- Transportation, storage and use of chemicals and hazardous materials;
- Use of water for drilling purposes (30 cubic metres per day);
- Production of wastes;
  - Combustible waste to be incinerated at the Kiyuk Lake Camp;
  - Non-combustible waste to be transported from drill sites to the Kiyuk Lake Camp and back hauled to a proper disposal site.

The application materials submitted for this project proposal include a general reference to the potential for a future 25 person camp. Please note that the development of a camp has not been included in the scope of the project activities to be assessed by the Board at this time and that any such activities will require that additional applications be forwarded to the NIRB for its consideration and subsequent assessment.

1: NIRB File No.: EX64. All documents pertaining to this file can be found on the NIRB's public registry at the following link: http://ftp.nirb.ca/01-SCREENINGS/EXEMPT%20FROM%20SCREENING/2008/EX64-Cameco%20Corporation%20-%20Nueltin%20Lake/

Appendix B
Species at Risk in Nunavut

This list includes species listed on one of the Schedules of SARA (*Species at Risk Act*) and under consideration for listing on Schedule 1 of SARA. These species have been designated as at risk by COSEWIC (Committee on the Status of Endangered Wildlife in Canada). This list may not include all species identified as at risk by the Territorial Government.

- Schedule 1 is the official legal list of Species at Risk for SARA. SARA applies to all species on Schedule 1. The term "listed" species refers to species on Schedule 1.
- Schedule 2 and 3 of SARA identify species that were designated at risk by the COSEWIC prior to October 1999 and must be reassessed using revised criteria before they can be considered for addition to Schedule 1.
- Some species identified at risk by COSEWIC are "pending" addition to Schedule 1 of SARA. These species are under consideration for addition to Schedule 1, subject to further consultation or assessment.

Schedules of SARA are amended on a regular basis so it is important to periodically check the SARA registry (http://www.sararegistry.gc.ca/default_e.cfm) to get the current status of a species.

Updated: January 2012

Terrestrial Species at Risk [1]	**COSEWIC Designation**	**Schedule of SARA**	**Government Organization with Primary Management Responsibility** [2]
Eskimo Curlew	Endangered	Schedule 1	EC
Ivory Gull	Endangered	Schedule 1	EC
Ross's Gull	Threatened	Schedule 1	EC
Harlequin Duck (Eastern population)	Special Concern	Schedule 1	EC
Rusty Blackbird	Special Concern	Schedule 1	GN
Felt-leaf Willow	Special Concern	Schedule 1	GN
Peregrine Falcon	Special Concern (*anatum-tundrius* complex[3])	Schedule 1 - Threatened (*anatum*) Schedule 3 – Special Concern (*tundrius)*	GN
Short-eared Owl	Special Concern	Schedule 3	GN
Peary Caribou	Endangered	Schedule 1	GN
Barren-ground Caribou (Dolphin and Union population)	Special Concern	Schedule 1	GN

Terrestrial Species at Risk [1]	**COSEWIC Designation**	**Schedule of SARA**	**Government Organization with Primary Management Responsibility** [2]
Polar Bear	Special Concern	Schedule 1	GN
Red Knot (*rufa* subspecies)	Endangered	Pending	EC
Red Knot (*islandica* subspecies)	Special Concern	Pending	EC
Porsild's Bryum	Threatened	Pending	GN
Horned Grebe (Western population)	Special Concern	Pending	EC
Grizzly Bear	Special Concern	Pending	GN
Wolverine (Western population)	Special Concern	Pending	GN
Atlantic Cod, Arctic Lakes	Special Concern	No schedule	DFO
Atlantic Walrus	Special Concern	Pending	DFO
Beluga Whale (Cumberland Sound population)	Threatened	Pending	DFO
Beluga Whale (Eastern Hudson Bay population)	Endangered	Pending	DFO
Beluga Whale (Western Hudson Bay population)	Special Concern	Pending	DFO
Beluga Whale (Eastern High Arctic – Baffin Bay population)	Special Concern	Pending	DFO
Bowhead Whale (Eastern Canada – West Greenland population)	Special Concern	Pending	DFO
Killer Whale (Northwest Atlantic / Eastern Arctic populations)	Special Concern	Pending	DFO
Narwhal	Special Concern	Pending	DFO

[1] The Department of Fisheries and Oceans has responsibility for aquatic species.

[2] Environment Canada (EC) has a national role to play in the conservation and recovery of Species at Risk in Canada, as well as responsibility for management of birds described in the Migratory Birds Convention Act (MBCA). Day-to-day management of terrestrial species not covered in the MBCA is the responsibility of the Territorial Government. Populations that exist in National Parks are also managed under the authority of the Parks Canada Agency.

[3] The *anatum* subspecies of Peregrine Falcon is listed on Schedule 1 of SARA as threatened. The *anatum* and *tundrius* subspecies of Peregrine Falcon were reassessed by COSEWIC in 2007 and combined into one subpopulation complex. This subpopulation complex was assessed by COSEWIC as Special Concern.

Appendix C
Archaeological and Palaeontological Resources Terms and Conditions for Land Use Permit Holders

INTRODUCTION

The Department of Culture and Heritage (CH) routinely reviews land use applications sent to the Nunavut Water Board, Nunavut Impact Review Board and the Department of Indian and Northern Affairs Canada. These terms and conditions provide general direction to the permittee/proponent regarding the appropriate actions to be taken to ensure the permittee/proponent carries out its role in the protection of Nunavut's archaeological and palaeontological resources.

TERMS AND CONDITIONS

1) The permittee/proponent shall have a professional archaeologist and/or palaeontologist perform the following **Functions** associated with the **Types of Development** listed below or similar development activities:

	Types of Development (See Guidelines below)	**Function** (See Guidelines below)
a)	Large scale prospecting	Archaeological/Palaeontological Overview Assessment
b)	Diamond drilling for exploration or geotechnical purpose or planning of linear disturbances	Archaeological/ Palaeontological Inventory
c)	Construction of linear disturbances, Extractive disturbances, Impounding disturbances and other land disturbance activities	Archaeological/ Palaeontological Inventory or Assessment or Mitigation

Note that the above-mentioned functions require either a Nunavut Archaeologist Permit or a Nunavut Palaeontologist Permit. CH is authorized by way of the *Nunavut and Archaeological and Palaeontological Site Regulations*[2] to issue such permits.

[2] P.C. 2001-1111 14 June, 2001

2) The permittee/proponent shall not operate any vehicle over a known or suspected archaeological or palaeontological site.

3) The permittee/proponent shall not remove, disturb, or displace any archaeological artifact or site, or any fossil or palaeontological site.

4) The permittee/proponent shall immediately contact CH at (867) 934-2046 or (867) 975-5500 should an archaeological site or specimen, or a palaeontological site or fossil, be encountered or disturbed by any land use activity.

5) The permittee/proponent shall immediately cease any activity that disturbs an archaeological or palaeontological site encountered during the course of a land use operation until permitted to proceed with the authorization of CH.

6) The permittee/proponent shall follow the direction of CH in restoring disturbed archaeological or palaeontological sites to an acceptable condition. If these conditions are attached to either a Class A or B Permit under the Territorial Lands Act INAC's directions will also be followed.

7) The permittee/proponent shall provide all information requested by CH concerning all archaeological sites or artifacts and all palaeontological sites and fossils encountered in the course of any land use activity.

8) The permittee/proponent shall make best efforts to ensure that all persons working under its authority are aware of these conditions concerning archaeological sites and artifacts and palaeontological sites and fossils.

9) If a list of recorded archaeological and/or palaeontological sites is provided to the permittee/proponent by CH as part of the review of the land use application the permittee/proponent shall avoid the archaeological and/or palaeontological sites listed.

10) Should a list of recorded sites be provided to the permittee/proponent, the information is provided solely for the purpose of the proponent's land use activities as described in the land use application, and must otherwise be treated confidentially by the proponent.

LEGAL FRAMEWORK

As stated in Article 33 of the *Nunavut Land Claims Agreement*:

Where an application is made for a land use permit in the Nunavut Settlement Area, and there are reasonable grounds to believe that there could be sites of archaeological importance on the lands affected, no land use permit shall be issued without written consent of the Designated Agency. Such consent shall not be unreasonably withheld. [33.5.12]

Each land use permit referred to in Section 33.5.12 shall specify the plans and methods of archeological site protection and restoration to be followed by the permit holder, and any other conditions the Designated Agency may deem fit. [33.5.13]

Palaeontology and Archaeology

Under the *Nunavut Act*[3], the federal government can make regulations for the protection, care and preservation of palaeontological and archaeological sites and specimens in Nunavut. Under the *Nunavut Archaeological and Palaeontological Sites Regulations*[4], it is illegal to alter or disturb any palaeontological or archaeological site in Nunavut unless permission is first granted through the permitting process.

Definitions

As defined in the *Nunavut Archaeological and Palaeontological Sites Regulations*, the following definitions apply:

> *"archaeological site" means a place where an archaeological artifact is found.*
>
> *"archaeological artifact" means any tangible evidence of human activity that is more than 50 years old and in respect of which an unbroken chain of possession or regular pattern of usage cannot be demonstrated, and includes a Denesuline archaeological specimen referred to in section 40.4.9 of the Nunavut Land Claims Agreement.*
>
> *"palaeontological site" means a site where a fossil is found.*
>
> *"fossil" includes:*
> *Fossil means the hardened or preserved remains or impression of previously living organisms or vegetation and includes:*
> *(a) natural casts;*
> *(b) preserved tracks, coprolites and plant remains; and*
> *(c) the preserved shells and exoskeletons of invertebrates and the preserved eggs, teeth and bones of vertebrates*

[3] s. 51(1)
[4] P.C. 2001-1111 14 June, 2001

GUIDELINES FOR DEVELOPERS FOR THE PROTECTION OF ARCHAEOLOGICAL RESOURCES IN THE NUNAVUT TERRITORY

(**NOTE:** Partial document only, complete document at: http://gov.nu.ca/cley/english/arch.html)

Introduction

The following guidelines have been formulated to ensure that the impacts of proposed developments upon heritage resources are assessed and mitigated before ground surface altering activities occur. Heritage resources are defined as, but not limited to, archaeological and historical sites, burial grounds, palaeontological sites, historic buildings and cairns Effective collaboration between the developer, the Department of Culture, Language, Elders and Youth (CH), and the contract archaeologist(s) will ensure proper preservation of heritage resources in the Nunavut Territory. The roles of each are briefly described.

CH is the Nunavut Government agency which oversees the protection and management of heritage resources in Nunavut, in partnership with land claim authorities, regulatory agencies, and the federal government. Its role in mitigating impacts of developments on heritage resources is as follows: to identify the need for an impact assessment and make recommendations to the appropriate regulatory agency; set the terms of reference for the study depending upon the scope of the development; suggest the names of qualified individuals prepared to undertake the study to the developer; issue an archaeologist or palaeontologist permit authorizing field work; assess the completeness of the study and its recommendations; and ensure that the developer complies with the recommendations.

The primary regulatory agencies that CH provides information and assistance to are the Nunavut Impact Review Board, for development activities proposed for Inuit Owned Lands (as defined in Section 1.1.1 of the Nunavut Land Claims Agreement), and the Department of Indian and Northern Affairs, for development activities proposed for federal Crown Lands.

A developer is the initiator of a land use activity. It is the obligation of the developer to ensure that a qualified archaeologist or palaeontologist is hired to perform the required study and that provisions of the contract with the archaeologist or palaeontologist allow permit requirements to be met; i.e. fieldwork, collections management, artifact and specimen conservation, and report preparation. On the recommendation of the contract archaeologist or palaeontologist in the field and the Government of Nunavut, the developer shall implement avoidance or mitigative measures to protect heritage resources or to salvage the information they contain through excavation, analysis, and report writing. The developer assumes all costs associated with the study in its entirety.

Through his or her active participation and supervision of the study, the contract archaeologist or palaeontologist is accountable for the quality of work undertaken and the quality of the report produced. Facilities to conduct fieldwork, analysis, and report preparation should be available to this individual through institutional, agency, or company affiliations. Responsibility for the curation of objects recovered during field work while under study and for documents generated in the course of the study as well as remittance of artifacts, specimens and documents to the repository specified on the permit accrue to the contract archaeologist or palaeontologist. This individual is also bound by the legal requirements of the *Nunavut Archaeological and*

Palaeontological Sites Regulations.

Types of Development

In general, those developments that cause concern for the safety of heritage resources will include one or more of the following kinds of surface disturbances. These categories, in combination, are comprehensive of the major kinds of developments commonly proposed in Nunavut. For any single development proposal, several kinds of these disturbances may be involved

- *Linear disturbances: including the construction of highways, roads, winter roads, transmission lines, and pipelines;*
- *Extractive disturbances: including mining, gravel removal, quarrying, and land filling;*
- *Impoundment disturbances: including dams, reservoirs, and tailings ponds;*
- *Intensive land use disturbances: including industrial, residential, commercial, recreational, and land reclamation work, and use of heritage resources as tourist developments.*
- *Mineral, oil and gas exploration: establishment of camps, temporary airstrips, access routes, well sites, or quarries all have potential for impacting heritage resources*.

Types of Studies Undertaken to Preserve Heritage Resources

Overview: An overview study of heritage resources should be conducted at the same time as the development project is being designed or its feasibility addressed. They usually lack specificity with regard to the exact location(s) and form(s) of impact and involve limited, if any, field surveys. Their main aim is to accumulate, evaluate, and synthesize the existing knowledge of the heritage of the known area of impact. The overview study provides managers with baseline data from which recommendations for future research and forecasts of potential impacts can be made. A Class I Permit is required for this type of study if field surveys are undertaken.

Reconnaissance: This is done to provide a judgmental appraisal of a region sufficient to provide the developer, the consultant, and government managers with recommendations for further development planning. This study may be implemented as a preliminary step to inventory and assessment investigations except in cases where a reconnaissance may indicate a very low or negligible heritage resource potential. Alternately, in the case of small-scale or linear developments, an inventory study may be recommended and obviate the need for a reconnaissance.

The main goal of a reconnaissance study is to provide baseline data for the verification of the presence of potential heritage resources, the determination of impacts to these resources, the generation of terms of reference for further studies and, if required, the advancement of preliminary mitigative and compensatory plans. The results of reconnaissance studies are primarily useful for the selection of alternatives and secondarily as a means of identifying impacts that must be mitigated after the final siting and design of the development project.

Depending on the scope of the study, a Class 1 or Class 2 Permit is required for this type of investigation.

Inventory: A resource inventory is generally conducted at that stage in a project's development at which the geographical area(s) likely to sustain direct, indirect, and perceived impacts can be well defined. This requires systematic and intensive fieldwork to ascertain the effects of all possible and alternate construction components on heritage resources. All heritage sites must be recorded on Government of Nunavut Site Survey forms. Sufficient information must be amassed from field, library and archival components of the study to generate a predictive model of the heritage resource base that will:

- allow the identification of research and conservation opportunities;
- enable the developer to make planning decisions and recognize their likely effects on the known or predicted resources; and
- make the developer aware of the expenditures, which may be required for subsequent studies and mitigation. A Class 1 or 2 permit is required

Assessment: At this stage, sufficient information concerning the numbers and locations of heritage resources will be available, as well as data to predict the forms and magnitude of impacts. Assessments provide information on the size, volume, complexity and content of a heritage resource, which is used to rank the values of different sites or site types given current archaeological knowledge. As this information will shape subsequent mitigation program(s), great care is necessary during this phase.

Mitigation: This refers to the amelioration of adverse impacts to heritage resources and involves the avoidance of impact through the redesign or relocation of a development or its components; the protection of the resource by constructing physical facilities; or, the scientific investigation and recovery of information from the resource by excavation or other method. The type(s) of appropriate mitigative measures are dictated by their viability in the context of the development project. Mitigation strategies must be developed in consultation with, and approved by, the Department of Culture, Language, Elders and Youth. It is important to note that mitigation activities should be initiated as far in advance of the construction of the development as possible.

Surveillance and monitoring: These may be required as part of the mitigation program.

Surveillance may be conducted during the construction phase of a project to ensure that the developer has complied with the recommendations.

Monitoring involves identification and inspection of residual and long-term impacts of a development (i.e. shoreline stability of a reservoir); or the use of impacts to disclose the presence of heritage resources, for example, the uncovering of buried sites during the construction of a pipeline.