

Settlement Area. NIRB shall take into account the well-being of the residents of Canada outside the Nunavut Settlement Area.

The purpose of screening is provided for under section 88 of the *NuPPAA*:

NuPPAA, s. 88: The purpose of screening a project is to determine whether the project has the potential to result in significant ecosystemic or socio-economic impacts and, accordingly, whether it requires a review by the Board...

To determine whether a review of a project is required, the NIRB is guided by the considerations as set out under subsection 89(1) of *NuPPAA*:

NuPPAA, s. 89(1): The Board must be guided by the following considerations when it is called on to determine, on the completion of a screening, whether a review of the project is required:

- (a) a review is required if, in the Board's opinion,
 - i. the project may have significant adverse ecosystemic or socio-economic impacts or significant adverse impacts on wildlife habitat or Inuit harvest activities,
 - ii. the project will cause significant public concern, or
 - iii. the project involves technological innovations, the effects of which are unknown; and
- (b) a review is not required if, in the Board's opinion,
 - i. the project is unlikely to cause significant public concern, and
 - ii. its adverse ecosystemic and socioeconomic impacts are unlikely to be significant, or are highly predictable and can be adequately mitigated by known technologies.

It is noted that subsection 89(2) of the *NuPPAA* provides that the considerations set out in paragraph 89(1)(a) prevail over those set out in paragraph 89(1)(b) of the *NuPPAA*.

As set out under subsection 92(1) of the *NuPPAA*, upon conclusion of the screening process, the Board must provide its written report the Minister:

NuPPAA, s. 92(1): The Board must submit a written report to the responsible Minister containing a description of the project that specifies its scope and indicating that:

- (a) a review of the project is not required;
- (b) a review of the project is required; or
- (c) the project should be modified or abandoned.

Where the NIRB determines that a project may be carried out without a review, the NIRB has the discretion to recommend specific terms and conditions to be attached to any approval of the project proposal pursuant to paragraph 92(2)(a) of *NuPPAA* as follows:

NuPPAA, s. 92(2) In its report, the Board may also

- (a) recommend specific terms and conditions to apply in respect of a project that it determines may be carried out without a review.

PROJECT REFERRAL

On December 13, 2017 the Nunavut Impact Review Board (NIRB or Board) received a referral to screen University of Manitoba's (U of M) "Community-driven Sea Ice and Ocean Research in the Contrasting Coastal Domains of Hudson Bay" project proposal from the Nunavut Planning Commission (NPC or Commission), with an accompanying positive conformity determination with the Keewatin Regional Land Use Plan.

Pursuant to Article 12, Sections 12.4.1 and 12.4.4 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and section 87 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*), the NIRB commenced screening this project proposal and assigned it file number 17YN071.

PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS

1. Project Scope

The proposed "Community-driven Sea Ice and Ocean Research in the Contrasting Coastal Domains of Hudson Bay" project is located within the Kivalliq region, based within the coastal marine environment of Hudson Bay, near the communities of Chesterfield Inlet and Naujaat. The Proponent intends to sample coastal waters and conduct measurement of sea-ice thickness in order to assess the contrasting oceanography and marine life between the northwest and southeast Hudson Bay. The program is proposed to take place seasonally during the winter (January-March) and spring (April-June) of 2018.

As required under subsection 86(1) of the *NuPPAA*, the Board staff recommend that the Board accept the scope of the "Community-driven Sea Ice and Ocean Research in the Contrasting Coastal Domains of Hudson Bay" as set out by U of M in the project proposal which includes the following undertakings, works, or activities:

- Use of ice augers for drilling holes in sea ice to conduct research activities and to measure sea ice thickness;
- Installation of oceanographic equipment for conducting temperature and salinity profiles and for measuring water currents and ice growths at various depths. Equipment to be retrieved at the end of the research program;
- Collection of coastal sea water and sea ice samples for analyses of chemical parameters (nutrients, salinity, oxygen and carbon);
- Evaluate the contrasting oceanography and marine life between northwest and southeast Hudson Bay;
- Use of snowmobiles for personnel transportation across land fast ice to access sampling locations;
- Use of boats in the summer months, if needed;
- Storage of 600 litres (L) of gasoline for fueling snowmobiles and ice augers;
- Offsite disposal of hazardous materials; and
- Use of local facilities for accommodations and support services.

2. Key Stages of the Screening Process

The following key stages were completed:

Date	Stage
December 13, 2017	Receipt of project proposal and positive conformity determination (Keewatin Land Use Plan) from the NPC
December 13, 2017 & December 22, 2017	Information request(s)
January 3, 2018	Proponent responded to information request(s)
January 3, 2018	Scoping pursuant to subsection 86(1) of the <i>NuPPAA</i>
January 5, 2018	Public engagement and comment request
January 15, 2018	Receipt of public comments

3. Public Comments and Concerns

Notice regarding the NIRB's screening of this project proposal was distributed on January 5, 2018 to community organizations in Chesterfield Inlet and Naujaat, as well as to relevant federal and territorial government agencies, Inuit organizations and other parties. The NIRB requested that interested parties review the proposal and the NIRB's *proposed* project-specific terms and conditions, and provide the Board with any comments or concerns by January 15, 2018 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 or socio-economic effects; and if so, why;
- Whether the project proposal is likely to cause significant adverse impacts on wildlife habitat or Inuit harvest activities; and if so, why;
- Whether the project proposal is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (and providing any recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

The following is a summary of the comments and concerns received by the NIRB:

Environment and Climate Change Canada (ECCC)

- Has no specific comments at this time.

Fisheries and Oceans Canada (DFO)

- Has no concerns regarding the activities proposed for this project.

Indigenous and Northern Affairs Canada (INAC)

- Has no comments or additional terms and conditions to offer pertaining to the proposed project.

Parks Canada (PC)

- Noted that the project area is in close proximity to the boundary of Ukkusiksalik National Park and recommended the following:
 - Any extension of research activities into Ukkusiksalik National Park (which includes all of Wager Bay) would require a Parks Canada Research and Collection Permit;
 - Anyone wishing to enter the park (including Wager Bay) for any other reason should contact the park well in advance of the prospective visit for pre-trip and permitting information as registration is required; and
 - Any spills or accidents in the vicinity of Ukkusiksalik National Park that could affect park lands or waters should be reported to the Park Manager as soon as possible.

4. Comments and Concerns with respect to Inuit Qaujimaningit, Traditional, and Community Knowledge

No concerns or comments were received with respect to Inuit Qaujimaningit or traditional and community knowledge in relation to the proposed project.

ASSESSMENT OF THE PROJECT PROPOSAL IN ACCORDANCE WITH PART 3 OF *NUPPAA*

In determining whether a review of the project is required, the Board considered whether the project proposal had potential to result in significant ecosystemic or socio-economic impacts.

Accordingly, the assessment of impact significance was based on the analysis of those factors that are set out under section 90 of the *NuPPAA*. The Board took particular care to take into account Inuit Qaujimaningit, traditional and community knowledge in carrying out its assessment and determination of the significance of impacts.

The following is a summary of the Board's assessment of the factors that are relevant to the determination of significant impacts with respect of this project proposal:

1. *The size of the geographic area, including the size of wildlife habitats, likely to be affected by the impacts.*

The size of the geographical area includes marine and coastal areas along northwest Hudson Bay near the communities of Chesterfield Inlet and Naujaat. The proposed project activities may take place within habitats and seasonal ranges of various far ranging marine wildlife species, including marine mammals, fish populations, benthic vertebrates, seabirds and Species at Risk, as identified by NPC mapping sources. Marine mammals that may be encountered during the project activities could include ringed seal, Atlantic walrus, Beluga Whale, Bowhead Whale, grey whale, Polar Bear, killer whale, and narwhal. As such, the project may potentially affect marine mammals, fish population and seabirds migratory patterns.

2. *The ecosystemic sensitivity of that area.*

The proposed project would occur in marine areas along northwest Hudson Bay with no particular identified ecosystemic sensitivity, with the exception of a portion of the project area, which is in close proximity to the boundaries of Harry Gibbons Bird Sanctuary and Ukkusiksalik National Park, though research activities would not occur within these areas. The proposed project would occur in coastal areas where fish populations, bird habitats and marine mammals species such walrus, seal, whale, narwhal, and beluga whale may be present. Further, the marine areas that would be traversed during the proposed research project have been identified as having value and priority to the local communities for:

- i. Historical travel routes;
- ii. Marine mammals including various whale species, walrus, and seals;
- iii. Shoreline ecosystems;
- iv. Tourism activities;
- v. Fish species;
- vi. Migratory birds; and
- vii. Polar Bears.

3. *The historical, cultural and archaeological significance of that area.*

The Proponent has specifically indicated that there are numerous Thule sites present along the shoreline areas of Chesterfield Inlet and Naujaat, which have been marked by the communities and may be affected during the transportation activities of the proposed research project. Should the project be approved to proceed, the Proponent has committed using local guides to ensure to not travel near these marked sites and not disturb any archaeological/heritage resources. Further, the Proponent would be required to contact the Government of Nunavut-Department of Culture and Heritage if any additional sites of historical, cultural or archaeological significance are encountered during the project.

4. *The size of the human and the animal populations likely to be affected by the impacts.*

The proposed project would occur in coastal marine areas near two local communities (Chesterfield Inlet and Naujaat); as such, human populations from these communities are likely to be affected by project impacts. Although the proposed project activities may take place within habitats of marine mammal species, fish population, benthic invertebrates and migratory birds, no animal populations were specifically identified by the Proponent or commenting parties as likely to be affected by potential project impacts.

Although no significant public concerns were raised during the public commenting period, the NIRB notes that the close proximity of the proposed project to Chesterfield Inlet and Naujaat, and marine areas used by residents for recreational and traditional pursuits could potentially contribute to public concern developing. A term and condition has been recommended to direct engagement with the community, hunters and trappers organization and interested parties, as well as the posting of public notices to ensure residents are aware of the research activities being or to be conducted.

5. *The nature, magnitude and complexity of the impacts; the probability of the impacts occurring; the frequency and duration of the impacts; and the reversibility or irreversibility of the impacts.*

As the “Community-driven Sea Ice and Ocean Research in the Contrasting Coastal Domains of Hudson Bay” project is a proposed marine research project, the nature of potential impacts is considered to be well-known. Potential adverse impacts are likely to be localized, of low magnitude, infrequent and restricted to the short period of project activities (up to 6 weeks). However, due to the close proximity of the project area to the boundaries of Harry Gibbons Bird Sanctuary and Ukkusiksalik National Park, specific mitigation measures for the protection of critical life stages of migratory birds and terrestrial wildlife species may be necessary. Based on past evidence of similar scope of activities, potential adverse impacts will be short in duration and may be of low magnitude, reversible and mitigable with due care.

6. *The cumulative impacts that could result from the impacts of the project combined with those of any other project that has been carried out, is being carried out or is likely to be carried out.*

The proposed project would take place in proximity to a number of other active projects that have been or are currently being assessed by the Board, listed in Table 1. However, it is noted that this project is not likely to result in residual or cumulative impacts. The potential for cumulative impacts to fish and fish habitat, migratory birds, marine mammals, water quality, cultural and archaeological resources, traditional wildlife harvesting pursuits, and local economies, resulting from the proposed project and other projects occurring in the region have been identified and considered in the development of the NIRB’s recommendations. Terms and conditions recommended for each of these projects are expected to reduce any residual impacts, and as such would limit or eliminate the potential for cumulative effects to occur.

Table 1: Project List

NIRB Number	Project	Project Title	Project Type
<i>Proposed Development – undergoing assessment</i>			
15EN028		Kahuna Property Field Camp	Mineral Exploration
<i>Active Projects</i>			
11EN016		NxGold’s Kuulu Project	Mineral Exploration <i>(seasonal)</i>
11MN034 16QN071		Agnico Eagle Mines Ltd.’s “Meliadine Gold Mine Project” and the “Itivia Quarry” project	Gold Mine <i>(year round)</i> Quarry <i>(currently being assessed as an amendment to 11MN043)</i>
15EN049		Agnico Eagle Mines Ltd.’s “Peter, Fox and	Advanced Mineral

NIRB Number	Project	Project Title	Project Type
		Parker Lakes” project	Exploration (<i>year round</i>)
15EN052		Luxx Exploration Project	Mineral Exploration (<i>seasonal</i>)
17EN029		Gibson-MacQuoid Project	Mineral Exploration (<i>seasonal</i>)
<i>Past Projects</i>			
16YN040		Western Hudson Bay Geoscience for Infrastructure	Research

7. Any other factor that the Board considers relevant to the assessment of the significance of impacts.

In considering the factors as set out above in the screening of the project proposal, the NIRB staff have identified a number of issues below and respectfully provide the following ‘Board views’ regarding whether or not the proposed project has the potential to result in significant impacts, and has proposed terms and conditions that would mitigate the potential adverse impacts identified.

VIEWS OF THE BOARD

In considering the factors as set out above in the screening of the project proposal, the NIRB has identified a number of issues below and respectfully provide the following views regarding whether or not the proposed project has the potential to result in significant impacts. In addition, the NIRB has proposed terms and conditions that would mitigate the potential adverse impacts identified.

Administrative Conditions:

To encourage compliance with applicable regulatory requirements and assist the Board and responsible authorities with compliance and effects monitoring for project activities, the following project-specific terms and conditions have been recommended: 1-4.

Ecosystem, wildlife habitat and Inuit harvesting activities:

Issue 1: Potential negative impacts to marine wildlife including marine mammals, fish, seabirds, and benthic invertebrates, and their respective habitats, from noise generated from snowmobile and potential boat operations and marine-based research activities.

Board views: As discussed above in the assessment of factors relevant to this project proposal, the potential for impact(s) is applicable to coastal areas along northwest Hudson Bay near the communities of Chesterfield Inlet and Naujaat. Noise generated from snowmobile and potential boat operations and from marine-based research activities could result in disturbance of marine wildlife and migratory birds. Further, anthropogenic activities, especially those related to disturbance of sea ice due to auger drilling and other ice-based research activities could negatively impact fish and fish

habitat as well as under-ice fauna. Due to the small size of the research crew, and the short and intermittent nature of the proposed research activities, the potential adverse impacts to affected marine wildlife and sea-ice biota would be expected to be minimal and temporary only.

The Proponent would also be required to minimize wildlife disturbance, and would be required to follow the *Fisheries Act*, *Migratory Birds Convention Act*, *Migratory Birds Regulations*, *Species at Risk Act*, the *Wildlife Act (Nunavut)*, and the *Arctic Waters Pollution Prevention Act* (see Regulatory Requirements section).

Recommended Mitigation Measures: It is recommended that the potential negative impacts may be mitigated by measures such as requiring the Proponent to adhere to specific measures for the protection of marine wildlife during the research project, and to ensure that project personnel are properly briefed on wildlife protocols, sensitivities, and management procedures prior to undertaking research activities. The following terms and conditions are recommended to mitigate the potential negative impacts: 5, 6 and 9 through 14.

Issue 2: Potential negative impacts to marine water quality and marine ecosystems from the transportation of personnel and the research activities including snowmobile/boat operations, marine sampling activities, and fuel spills from refuelling activities.

Board views: The potential for impacts is applicable to the coastal marine area of Hudson Bay near the communities of Chesterfield Inlet and Naujaat. The probability of impacts occurring from the research activities including potential fuel spills from refuelling activities are considered to be low, with potential adverse effects anticipated to be low in magnitude, infrequent in occurrence and reversible in nature. The Proponent has committed to ensuring that all no waste materials generated during the research project are disposed of appropriately.

The Proponent would be required to follow the *Transportation of Dangerous Goods Regulations*, the *Transportation of Dangerous Goods Act*, and the *Arctic Waters Pollution Prevention Act* (see Regulatory Requirements section).

Recommended Mitigation Measures: It is recommended that potential negative impacts to marine waters and marine ecosystems may be mitigated by requiring the Proponent to implement proper fuel storage and spill response, as well as comply with all regulations for preventing the introduction of unwanted waste materials into the marine environment of Hudson Bay. The following terms and conditions are recommended to mitigate the potential adverse impacts: 6, 7, 8, 15 and 16.

Issue 3: Potential negative impacts to public and traditional land use activities in the area due to marine-based research activities.

Board Views: The Proponent has indicated that the proposed project would traverse coastal marine areas in northwest Hudson Bay, and it is likely that the project area, which is in

close proximity to the communities of Chesterfield Inlet and Naujaat, would be used for traditional hunting activities. Further, noise from snowmobile transportation may temporarily change the distribution of harvested species through avoidance, and may affect personal enjoyment of the marine areas.

Recommended Mitigation Measures: It is recommended that the potential negative impacts may be mitigated by measures such as requiring the Proponent to follow general wildlife management protocols. Term and condition 17 is recommended to ensure that the affected communities and organizations are informed about the project proposal and term and condition 18 has been recommended to ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities in the area.

Socio-economic effects on northerners:

Issue 4: Potential negative impacts to historical, cultural and archaeological sites from marine-based research activities.

Board Views: The Proponent has indicated there are numerous Thule sites along the shoreline areas of Chesterfield Inlet and Naujaat and may potentially be affected during the proposed research project which may cause potential negative impacts. The Proponent is required to contact the Culture and Heritage Department when encountering historical sites and is required to follow the *Nunavut Act* (as recommended in Regulatory Requirements section).

Recommended Mitigation Measures: Term and condition 17 is recommended to ensure that available Inuit Qaujimaningit can inform project activities, and reduce the potential for negative impacts occurring to any additional historical site

Significant public concern:

Issue 5: No significant public concern was expressed during the public commenting period for this file.

Board Views: Follow up consultation and involvement of local community members is expected to mitigate any potential for public concerns resulting from project activities. In addition, it is recommended that the Proponent considers hiring local people for the project activities. It is noted that the Proponent has committed to properly consulting and sharing research results with local communities and address specific community concerns related to sea-ice and marine waters.

Recommended Mitigation Measures: Term and condition 17 is recommended to ensure that the affected community and organizations are informed about the project proposal, and to provide the Proponent with an opportunity to proactively address or mitigate any concerns that may arise from the project activities findings. Term and condition 19 is recommended to ensure that the Proponent provide community members with information to ensure a successful local hiring opportunity.

Technological innovations for which the effects are unknown:

No specific issues have been identified associated with this project proposal.

In considering the above factors and subject to the Proponent's compliance with the terms and conditions necessary to mitigate against the potential adverse environmental and social effects, the Board is of the view that the proposed project is unlikely to cause significant public concern and its adverse ecosystemic and socioeconomic impacts are unlikely to be significant, or are highly predictable and can be adequately mitigated by known technologies.

RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS

The Board is recommending the following specific terms and conditions to apply in respect of the project:

General

1. University of Manitoba (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 Nunavut Planning Commission (NPC File No.: 148658), and the NIRB (Online Application Form, Non-technical Project Proposal summary in English and Inuktitut, General description of the proposed Project and Community Visit January 3, 2018; Project Description in English, and Letter of Support from Aqigiq Hunters and Trappers Organization (HTO), December 13, 2017).
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

Waste Disposal

5. 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.

Fuel and Chemical Storage

6. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife.
7. The Proponent shall ensure that appropriate spill response equipment and clean-up materials (e.g., shovels, pumps, barrels, drip pans, and absorbents) are readily available during any transfer of fuel or hazardous substances, at all fuel storage sites and when refuelling equipment.
8. 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

9. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.
10. The Proponent shall not harass wildlife. This includes persistently circling, chasing, pursuing or in any other way harass wildlife, or disturbing large groups of animals.
11. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired.
12. 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

13. The Proponent shall minimize activities during periods when birds are particularly sensitive to disturbance such as migration, nesting and moulting.
14. The Proponent shall avoid the seaward site of seabird colonies and areas used by flocks of migrating waterfowl by three (3) kilometres.

Land Use

15. The Proponent shall ensure that the land use area is kept clean and tidy at all times.

Restoration of Disturbed Areas

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

Other

17. The Proponent should consult with local residents regarding their activities in the area and solicit available Inuit Qaujimaningit and information that can inform project activities.
18. The Proponent shall ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.
19. The Proponent should, to the extent possible, hire local people and access local services where possible.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

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

Change in Project Scope

1. Responsible authorities or Proponent shall notify the Nunavut Planning Commission (NPC) and the NIRB of any changes in operating plans or conditions, including phase advancement, associated with this project prior to any such change.

Bear and Carnivore Safety

2. The Proponent should review the Government of Nunavut's booklet on Bear Safety, which can be downloaded from this link: http://gov.nu.ca/sites/default/files/bear_safety_-

[reducing bear-people conflicts in nunavut.pdf](#). Further information on bear/carnivore detection and deterrent techniques can be found in the “*Safety in Grizzly and Black Bear Country*” pamphlet, which can be downloaded from this link: http://www.enr.gov.nt.ca/sites/default/files/web_pdf_wd_bear_safety_brochure_1_may_2015.pdf.

3. There are polar bear and grizzly bear safety resources available from the Bear Smart Society with videos on polar bear safety available in English, French and Inuktitut at <http://www.bearsmart.com/play/safety-in-polar-bear-country/>. Information can also be obtained from Parks Canada’s website on bear safety at the following link: <http://www.pc.gc.ca/eng/pn-np/nu/quttinirpaaq/visit/visit6/d.aspx> or in reviewing the “*Safety in Polar Bear Country*” pamphlet, which can be downloaded from the following link: http://www.pc.gc.ca/eng/pn-np/nu/quttinirpaaq/visit/visit6/~/_media/pn-np/nu/auyuittuq/pdf/shared/PolarBearSafety_English.ashx.
4. Any problem wildlife or any interaction with carnivores should be reported immediately to the local Government of Nunavut, Department of Environment Conservation Office (Conservation Officers of Chesterfield Inlet (867 898-9130) and Naujaat (867 462-4002).

Species at Risk

5. The Proponent review Environment and Climate Change Canada’s “Environment Assessment Best Practice Guide for Wildlife at Risk in Canada”, available at the following link: http://www.sararegistry.gc.ca/virtual_sara/files/policies/EA%20Best%20Practices%202004.pdf. 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.

Migratory Birds

6. The Proponent review Canadian Wildlife Services’ “Key migratory bird terrestrial habitat sites in the Northwest Territories and Nunavut”, available at the following link: <http://publications.gc.ca/site/eng/317630/publication.html> and “Key marine habitat sites for migratory birds in Nunavut and the Northwest Territories”, available at the following link: <http://publications.gc.ca/site/eng/392824/publication.html>. The guide provides information to the Proponent on key terrestrial and marine habitat areas that are essential to the welfare of various migratory bird species in Canada.
7. For further information on how to protect migratory birds, their nests and eggs when planning or carrying out project activities, consult Environment and Climate Change Canada’s Incidental Take web page and the fact sheet “Planning Ahead to Reduce the Risk of Detrimental Effects to Migratory Birds, and their Nests and Eggs” available at <http://www.ec.gc.ca/paom-itmb/>.

Transport of Dangerous Goods and Waste Management

8. Environment and Climate Change Canada recommends that all hazardous wastes, including waste oil, receive proper treatment and disposal at an approved facility.

REGULATORY REQUIREMENTS

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

1. The *Fisheries Act* (<http://laws-lois.justice.gc.ca/eng/acts/F-14/index.html>).
2. The *Migratory Birds Convention Act* and *Migratory Birds Regulations* (<http://laws-lois.justice.gc.ca/eng/acts/M-7.01/>).
3. The *Species at Risk Act* (<http://laws-lois.justice.gc.ca/eng/acts/S-15.3/index.html>). Attached in **Appendix A** is a list of Species at Risk in Nunavut.
4. The *Wildlife Act (Nunavut)* and its corresponding regulations (<http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html>) contains provisions to protect and conserve wildlife and wildlife habitat, including specific protection measures for wildlife habitat and species at risk.
5. 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 B**.
6. The *Transportation of Dangerous Goods Regulations* (<http://www.tc.gc.ca/eng/tdg/clear-tofc-211.htm>), *Transportation of Dangerous Goods Act* (<http://laws-lois.justice.gc.ca/eng/acts/t-19.01/>), and the *Canadian Environmental Protection Act* (<http://laws-lois.justice.gc.ca/eng/acts/C-15.31/>).
7. The *Arctic Waters Pollution Prevention Act* (<http://laws-lois.justice.gc.ca/eng/acts/A-12/>).

CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the University of Manitoba's "Community-driven Sea Ice and Ocean Research in the Contrasting Coastal Domains of Hudson Bay". The NIRB remains available for consultation with the Minister regarding this report as necessary.

Dated January 30, 2018 at Whale Cove, NU.



Elizabeth Copland, Chairperson

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

Appendix A Species at Risk in Nunavut

Due to the requirements of Section 79(2) of the Species At Risk Act (SARA), and the potential for project-specific adverse effects on listed wildlife species and its critical habitat, measures should be taken as appropriate to avoid or lessen those effects, and the effects need to be monitored. Project effects could include species disturbance, attraction to operations and destruction of habitat. This section applies to all species listed on Schedule 1 of SARA, as listed in the table below, or have been assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), which may be encountered in the project area. This list may not include all species identified as at risk by the Territorial Government. The following points provide clarification on the applicability of the species outlined in the table.

- 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.

If species at risk are encountered or affected, the primary mitigation measure should be avoidance. The Proponent should avoid contact with or disturbance to each species, its habitat and/or its residence. All direct, indirect, and cumulative effects should be considered. Refer to species status reports and other information on the species at risk Registry at <http://www.sararegistry.gc.ca> for information on specific species.

Monitoring should be undertaken by the Proponent to determine the effectiveness of mitigation and/or identify where further mitigation is required. As a minimum, this monitoring should include recording the locations and dates of any observations of species at risk, behaviour or actions taken by the animals when project activities were encountered, and any actions taken by the proponent to avoid contact or disturbance to the species, its habitat, and/or its residence. This information should be submitted to the appropriate regulators and organizations with management responsibility for that species, as requested.

For species primarily managed by the Territorial Government, the Territorial Government should be consulted to identify other appropriate mitigation and/or monitoring measures to minimize effects to these species from the project.

Mitigation and monitoring measures must be undertaken in a way that is consistent with applicable recovery strategies and action/management plans.

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

Updated: September 2017

Terrestrial Species at Risk ¹	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility ²
Migratory Birds			
Buff-breasted Sandpiper	Special concern	Schedule 1	ECCC
Eskimo Curlew	Endangered	Schedule 1	ECCC
Harlequin Duck (Eastern population)	Special Concern	Schedule 1	ECCC
Harris's Sparrow	Special Concern	Pending	ECCC
Horned Grebe (Western population)	Special Concern	Schedule 1	ECCC
Ivory Gull	Endangered	Schedule 1	ECCC
Peregrine Falcon	Special Concern (<i>anatum-tundrius</i> complex ³)	Schedule 1 - Schedule 3	ECCC
Red Knot (<i>islandica</i> subspecies)	Special Concern	Schedule 1	ECCC
Red Knot (<i>rufa</i> subspecies)	Endangered	Schedule 1	ECCC
Red-necked Phalarope	Special concern	Pending	ECCC
Ross's Gull	Threatened	Schedule 1	ECCC
Rusty Blackbird	Special Concern	Schedule 1	ECCC
Short-eared Owl	Special Concern	Schedule 1	ECCC
Vegetation			
Blanket-leaved Willow	Special Concern	Schedule 1	Government of Nunavut
Felt-leaf Willow	Special Concern	Schedule 1	Government of Nunavut
Porsild's Bryum (Moss)	Threatened	Schedule 1	Government of Nunavut
Arthropods			
Traverse Lady Beetle	Special Concern	Pending	Government of Nunavut
Terrestrial Wildlife			
Caribou (Barren-Ground population)	Threatened	Pending	Government of Nunavut
Dolphin and Union Caribou	Special Concern	Schedule 1	Government of Nunavut
Grizzly Bear (Western Population)	Special Concern	Pending	Government of Nunavut
Peary Caribou	Endangered	Schedule 1	Government of Nunavut
Peary Caribou (High Arctic Population)	Endangered	Schedule 2	Government of Nunavut
Peary Caribou (Low Arctic Population)	Threatened	Schedule 2	Government of Nunavut
Wolverine	Special Concern	Pending	Government of Nunavut
Wolverine (Western population)	Non-active	Pending	Government of Nunavut
Marine Wildlife			
Atlantic Walrus	Special Concern	Pending	DFO
Beluga Whale (Cumberland Sound population)	Endangered	Schedule 2	DFO
Beluga Whale (Eastern High Arctic – Baffin Bay population)	Special Concern	Pending	DFO
Beluga Whale (Eastern Hudson Bay population)	Endangered	Pending	DFO

Beluga Whale (Southeast Baffin Island – Cumberland Sound population)	Endangered	Schedule 2	DFO
Beluga Whale (Western Hudson Bay population)	Special Concern	Pending	DFO
Bowhead Whale (Eastern Arctic population)	Endangered	Schedule 2	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
Polar Bear	Special Concern	Schedule 1	Government of Nunavut/DFO
Fish			
Atlantic Cod, Arctic Lakes	Special Concern	Pending	DFO
Atlantic Wolffish	Special Concern	Schedule 1	DFO
Bering Wolffish	Special Concern	Schedule 3	DFO
Blackline Prickleback	Special Concern	Schedule 3	DFO
Fourhorn Sculpin	Special Concern	Schedule 3	DFO
Fourhorn Sculpin (Freshwater form)	Data Deficient	Schedule 3	DFO
Northern Wolffish	Threatened	Schedule 1	DFO
Roundnose Grenadier	Endangered	Pending	DFO
Spotted Whitefish	Threatened	Schedule 1	DFO
Thorny Skate	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.

Appendix B
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 Indigenous 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*¹ to issue such permits.

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

¹ P.C. 2001-1111 14 June, 2001

- 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 Indigenous and Northern Affairs Canada 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 *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut 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*², the federal government can make regulations for the protection, care and preservation of palaeontological and archaeological sites and specimens in Nunavut. Under

² s. 51(1)

the *Nunavut Archaeological and Palaeontological Sites Regulations*³, 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 Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut 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.*

Guidelines for Developers for the Protection of Archaeological Resources in the Nunavut Territory

(**Note:** Partial document only, complete document at: www.ch.gov.nu.ca/en/Archaeology.aspx)

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, and Heritage (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

³ P.C. 2001-1111 14 June, 2001

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 *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)*), and the Indigenous and Northern Affairs Canada, 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 and Heritage. 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.