

The primary objectives of the NIRB are set out in Article 12, Section 12.2.5 of the *Nunavut Agreement* and are confirmed by s. 23 of the *NuPPAA*:

Nunavut Agreement, Article 12, Section 12.2.5: 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.

The purpose of screening is provided for under Article 12, Section 12.4.1 of the *Nunavut Agreement* and s. 88 of the *NuPPAA* which states:

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 Article 12, Section 12.4.2(a) and (b) of the *Nunavut Agreement* and s. 89(1) of *NuPPAA* which states:

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 under Article 12, Section 12.4.2(c) and s. 89(2) of the *NuPPAA* provides that the considerations set out in s.89(1)(a) prevail over the considerations set out in s. 89(1)(b) of the *NuPPAA*.

As set out under Article 12, Section 12.4.4 of the *Nunavut Agreement* and s. 92(1) of the *NuPPAA*, upon conclusion of the screening process, the Board must provide its written report the Minister. The contents of the NIRB's report are specified under *NuPPAA*:

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 June 3, 2019 the NIRB received a referral to screen Fisheries and Oceans Canada-Small Craft Harbour's (DFO) "Four Harbour Feasibility Study Field Program" project proposal from the Nunavut Planning Commission (NPC or Commission), with an accompanying positive conformity determination with the North Baffin Regional Land Use Plan.

Pursuant to Article 12, Sections 12.4.1 and 12.4.4 of the *Nunavut Agreement* and s. 87 of the *NuPPAA*, the NIRB commenced screening this project proposal and assigned it file number **19YN031**.

PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS

1. Information Requests and Suspension of Assessment

On June 3, 2019 the NIRB requested that the Proponent complete the online application form through the NIRB's public registry system and ensure, pursuant to s. 144(1) of the *NuPPAA*, that sufficient information is provided to determine the scope of the project activities being proposed and commence screening.

On June 13, 2019 the NIRB released a formal letter, pursuant to s. 144(1) of the *NuPPAA*, requesting that the Proponent provide the Board with the information necessary in order to carry out the screening of the project proposal. On June 14, 2019 the NIRB received information from the Proponent, and following a preliminary completeness check of the proposal as submitted the NIRB determined that the proposal did not contain the necessary information for the NIRB to carry out its screening. On June 18, 2019 the NIRB requested that the Proponent provide the Board with the additional information in order to carry out the screening of the project proposal. On June 24, 2019 the NIRB received the required information and commenced the screening pursuant to Part 3 of the *NuPPAA*.

2. Project Scope

All documents received and pertaining to this project proposal can be accessed from the NIRB's online public registry at www.nirb.ca/project/125473.

The proposed "Small Craft Harbour – Four Harbour Feasibility Study Field Program" project is located within the Qikiqtani (North Baffin) region, within and adjacent to each of the communities of Arctic Bay, Grise Fiord, Resolute Bay, and Clyde River. The Proponent intends to conduct baseline studies to determine the feasibility of constructing small craft harbours and supporting infrastructure including haul roads and quarries, and disposal at sea sites (dredged sediment) in each of these four (4) communities. The program is proposed to take place from July to August 2019.

As required under s. 86(1) of the *NuPPAA*, the Board accepts the scope of the Small Craft Harbour – Four Harbour Feasibility Study Field Program project as set out by DFO in the proposal. The scope of the project proposal includes the following undertakings, works, or activities:

- Transport of up to six (6) personnel and research equipment via locally contracted and operated small boats to access marine study areas;
- Access to terrestrial study areas via locally contracted ATV's or motor vehicles, using existing roads and trails;
- Undertake research and sampling activities in support of environmental, geoscience, geophysics and archaeological baseline studies within the study areas, using the following methods:
 - Determining fish habitat quality by conducting:
 - Intertidal surveys on foot to document substrate type and composition, algae species identification, and relative abundance of marine invertebrates;
 - Subtidal surveys using local boat(s) to document same components as for the intertidal surveys; and
 - Use of remote operated vehicle (ROV) to film fish habitat at the subtidal zone;
 - Water quality surveys including collecting water samples, collecting conductivity, temperature, depth (CTD) profiles, and recording of depths using a depth sounder;
 - Collection of seabed samples for sediment quality and benthic community analyses;
 - Deployment of drogues (floatation buoy with GPS) from boats for the collection of surface current data;
 - Visual wildlife reconnaissance surveys, breeding bird point counts and coastal water bird surveys across the study areas to determine the presence of wildlife;
 - Vegetation plot-level surveys and representative sample collection to determine plant species and communities;
 - To inform future environmental studies and to inform potential future geotechnical programs:
 - Geotechnical surveys including visual assessment, tagging of potential quarry locations and possible quarry extents, and collection of representative rock samples;

- Geophysics surveys via overwater acoustic profiling using a Lister electrical pulser system and multi-element hydrophone receiver array for the purpose of bathymetry and sub-bottom profiling;
- Archaeological surveys via transects, visual inspection, and shovel testing at potential sites (shovel test locations will be recorded, mapped, sketched and photographed);
- Use of hazardous materials including formaldehyde for the purpose of sample preparation and preservation;
- Use of a generator to power marine subtidal and geophysics surveys;
- Use of gasoline, sourced from within each community, for the refueling of locally contracted vehicles (boats, ATV's, motor vehicles) and for the generator;
- Project-generated waste to be packed out and disposed of at Iqaluit municipal facilities; and
- Use of local accommodations within each community for the duration of project activities.

3. Inclusion or Exclusion to Scoping List

The NIRB has identified no additional works or activities in relation to the project proposal. As a result, the NIRB proceeded with screening the project based on the scope as described above.

4. Key Stages of the Screening Process

The following key stages were completed:

Date	Stage
June 3, 2019	Receipt of project proposal and positive conformity determination (North Baffin Regional Land Use Plan) from the NPC.
June 3, 2019 June 13, 2019 June 18, 2019	Information request(s)
June 24, 2019	Proponent responded to information request(s)
June 24, 2019	Acceptance of Online Application and scoping pursuant to s. 86(1) of the <i>NuPPAA</i>
June 27, 2019	Public engagement and comment request
July 18, 2019	Receipt of public comments

5. Public Comments and Concerns

Notice regarding the NIRB's screening of this project proposal was distributed on June 27, 2019 to community organizations in Arctic Bay, Grise Fiord, Resolute Bay and Clyde River, 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 provide the Board with any comments or concerns by July 18, 2019 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.

On or before July 18, 2019 the NIRB received comments from the following interested parties (see Summary of Comments and Concerns section below):

- **Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)**

a. Summary of Public Comments and Concerns Received during the Public comment period of this file

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

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)

- No comments or additional terms and conditions to offer at this time.

b. 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 s. 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:

Factor	Comment
The size of the geographic area, including the size of wildlife habitats, likely to be affected by the impacts.	<ul style="list-style-type: none"> ▪ The proposed project would be carried out within marine and coastal areas adjacent to the communities of Arctic Bay, Resolute Bay, Grise Fiord and Clyde River. The proposed study areas in each community would occur within and adjacent to existing breakwaters, and include the maximum footprint required for potential

Factor	Comment
	<p>construction of study components, plus a 100 metre buffer zone.</p> <ul style="list-style-type: none"> ▪ Proposed activities may take place within habitats for various marine wildlife including fish populations, benthic invertebrates, Species at Risk (Polar Bear, Ivory Gull and Ross’s Gull) and marine mammals. ▪ Land-based activities may take place within habitats of many far-ranging terrestrial wildlife species such as caribou, wolves, wolverine, arctic hare, migratory and non-migratory birds. ▪ Both marine and terrestrial animal migratory patterns may potentially be affected.
The ecosystemic sensitivity of that area.	<ul style="list-style-type: none"> ▪ No specific areas of ecosystemic sensitivity have been identified by the Proponent within the physical footprint of the proposed project.
The historical, cultural and archaeological significance of that area.	<ul style="list-style-type: none"> ▪ No specific areas of historical, cultural and archaeological significance have been identified by the Proponent within the physical footprint of the proposed project, however, the Proponent intends to conduct an archaeological survey of study areas adjacent to each of the four (4) communities and has applied for Class 2 Archaeological Permits with the Government of Nunavut.
The size of the human and the animal populations likely to be affected by the impacts.	<ul style="list-style-type: none"> ▪ The proposed project may take place within the habitat of a number of species as identified above and as such, may potentially affect wildlife, their habitat and their migratory patterns. ▪ Human populations and/or traditional land-use activities are likely to be affected by components of the proposed project occurring within and adjacent to each of the four (4) communities.
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.	<ul style="list-style-type: none"> ▪ A zone of influence of up to 20 km from the most potentially-disruptive project activities was selected for the NIRB’s assessment.

Factor	Comment
	<ul style="list-style-type: none"> ▪ Based on past evidence from projects with a similar scope of activities, the potential adverse impacts are considered to be well-known, with potential for localized impacts to the biophysical environment that are mitigable with due care. ▪ With adherence to the relevant regulatory requirements and application of the mitigation measures recommended by the NIRB, no significant residual effects are expected to occur.
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.	<ul style="list-style-type: none"> ▪ The mitigation measures recommended by the NIRB have been designed with consideration for the potential for cumulative effects to result from the impacts of the project combined with other past, present and reasonably foreseeable projects.
Any other factor that the Board considers relevant to the assessment of the significance of impacts.	<ul style="list-style-type: none"> ▪ The proposed research would determine the feasibility of constructing small craft harbours and supporting infrastructure which would improve access to the communities by marine vessels.

Other past, present and reasonably foreseeable projects considered in this assessment:

NIRB Project Number	Project Title	Project Type
<i>Proposed Developments – undergoing assessment</i>		
19QN028	Airsides Surface Rehabilitation, Clyde River, Nunavut	Pits and Quarries
19TN032	MS ROALD AMUNDSEN: Northwest Passage – In the Footsteps of Roald Amundsen from Kangerlussuaq, Greenland to Nome, Alaska USA, 20 August to 11 September 2019, Voyage AMNWP911	Tourism
19TN030	One Ocean Expeditions – Arctic 2019 cruise season	Tourism
<i>Present Projects – approved or in operation</i>		
18YN029	URI Northwest Passage Project 2019	Research
19XN009	Arctic Bay New Power Plant	Municipal and Industrial Development

NIRB Number	Project	Project Title	Project Type
19YN023		Arctic Research and Conservation Team Investigating Climate Change (ARCTIC Change)	Research
19YN022		Evaluation of natural bioremediation potential of Arctic beaches	Research
19YN020		Impacts of Melting Tidewater Glaciers on Marine Biogeochemical Cycles	Research
<i>Past Projects</i>			
17YN041		A Coastal, Pan-Canadian Collection of plants, microalgae and marine invertebrates for the Canadian Museum of Nature, as part of Canada C3	Research
17RN053		Nanisivik Highway Improvements	Pits and Quarries
18YN040		Crocker Bay Study and NW Passage to Gjoa Haven	Research

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.

Ecosystem, wildlife habitat and Inuit harvesting activities:

- Potential adverse impacts to terrestrial wildlife and migratory and non-migratory birds and associated terrestrial habitat resulting from increased noise disturbance associated with research activities, wildlife observations, land-based geotechnical investigations and research studies. The potential for adverse impacts is considered to be limited due to infrequent activities and any resulting impacts would be expected to be reversible and temporary in nature. The potential adverse impacts may be mitigated by measures such as requiring the Proponent to avoid nesting areas of migratory birds, avoid critical wildlife areas and ensure not to harass wildlife. The Board is recommending terms and conditions 4, 5, and 8 through 13 to mitigate potential adverse impacts to terrestrial wildlife, migratory and non-migratory birds.

- Potential adverse impacts to marine mammals, fish and benthic populations and associated marine habitat resulting from increased noise and/or physical disturbance associated with research activities, including a remote operated vehicle (ROV), geophysics surveys (including acoustic profiling), drogue deployment and water and sediment sampling. The potential for impacts is considered to be limited due to the small geographic extent of activities and infrequent activities, and any resulting impacts would be expected to be reversible and temporary in nature. The potential adverse impacts may be mitigated by measures such as requiring the Proponent to manage fuel, chemicals and wastes

appropriately, and to minimize the disturbance of the seabed. Additional mitigation measures requiring the Proponent to suspend seismic profiling if marine wildlife are observed, will help to mitigate potential adverse impacts to marine mammals and marine wildlife. Provided that mitigation measures are adhered to the proposed activities would have a minor impact on the environment to be studied. The Board is recommending terms and conditions 6 through 8, and 16 through 22 to mitigate potential adverse impacts resulting from marine-based research activities.

- Potential adverse impacts to vegetation, terrain and soils resulting from land-based activities associated with research activities, including vegetation sampling, and wildlife, geotechnical and archaeological surveys. The potential for impacts is considered to be limited due to the small geographic extent of activities and infrequent activities and any resulting impacts would be expected to be reversible and temporary in nature. The potential impacts may be mitigated by measures such as requiring the Proponent to return areas to pre-disturbed state and minimize ground disturbance from overland travel. The Board is recommending terms and conditions 5 through 8, 15, 24 and 25 to mitigate potential adverse impacts resulting from land-based research activities.
- The Proponent will be required to follow the specific Acts and Regulations as applicable for this project proposal (see Regulatory Requirements section) to mitigate the potential adverse impacts of the project proposal to the valued component as discussed above.
- Potential adverse impacts to the public and traditional land-use activities resulting from marine-based and land-based research activities. Due to the project's proximity to the communities of Arctic Bay, Resolute Bay, Grise Fiord and Clyde River, there is the potential for adverse impacts to result from project components overlapping with traditional land use areas. In addition, noise from the proposed activities may temporarily change distribution of harvested species through avoidance and may affect personal enjoyment of the land and marine areas. The Board is recommending terms and conditions 26 and 27 to ensure project activities are informed by available Inuit Qaujimaningit and that project activities do not interfere with Inuit wildlife harvesting or traditional land-use activities in the area.

Socio-economic effects on northerners:

- Potential adverse impacts to historical, cultural and archaeological sites from research activities including archaeological and wildlife surveys. The Proponent proposes to conduct archaeological surveys of the study areas including shovel testing and documenting of artifacts if encountered. Although there are likely archaeological sites within the project area that occur on land, as the project does not involve any permanent earthworks or alteration of the areas, it is unlikely that the Proponent would significantly alter archaeological sites. Therefore, the probability of significant impacts occurring is considered to be low. The Proponent is required to follow the *Nunavut Act* (as recommended in Regulatory Requirements section) and would be required to contact the Government of Nunavut – Department of Culture and Heritage if any historical sites are encountered. The Board is recommending term and condition 26 to ensure Inuit

Qaujimaningit can inform project activities and to minimize disturbance to archaeological/historical sites.

- Potential positive impacts to the local community economy resulting from use of local accommodations and services, and the hiring of local people and equipment. The Proponent has consulted with the local Hamlet and Hunter Trappers Organizations in each potentially affect community to provide details of the proposed research and obtain community feedback. The Proponent has committed to conducting additional consultation following completion of the field program to share the results of studies with the communities.

Significant public concern:

- No significant public concern was expressed during the public commenting period for this file. Follow up consultation is expected to mitigate any potential for public concern resulting from project activities. Term and condition 26 is recommended by the Board 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. Additionally, the Board recommends term and condition 28 to ensure the hiring of local people and services, to the extent possible.

Technological innovations for which the effects are unknown:

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

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: 1-3.

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. Fisheries and Oceans Canada-Small Craft Harbour (the Proponent) shall maintain a copy of the Project Terms and Conditions at the site of operation at all times.
2. The Proponent shall operate in accordance with all commitments stated in correspondence provided to the Nunavut Planning Commission (NPC File No.: 149159 and the NIRB (Online Application Form, June 24, 2019; Attachment 1 – Application Requirements, June 24, 2019).

3. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

Waste Disposal

4. 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

5. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife.
6. 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 unless otherwise authorized by the Nunavut Water Board.
7. The Proponent shall ensure that re-fueling of all equipment occurs a minimum of thirty-one (31) metres away from the high water mark of any water body unless otherwise authorized by the Nunavut Water Board.
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, hovering over 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 not disturb or destroy the nests or eggs of any birds. If active nests of any birds are discovered or located (i.e., with eggs or young), the Proponent shall avoid these areas until nesting is complete and the young have naturally left the vicinity of the nest by establishing a protection buffer zone¹ appropriate for the species and the surrounding habitat.
14. The Proponent shall minimize activities during periods when birds are particularly sensitive to disturbance such as migration, nesting and moulting.

Ground Disturbance

¹ Recommended setback distances to define buffer zones have been established by Environment and Climate Change Canada for different bird groups nesting in tundra habitat and can be found at www.ec.gc.ca/paom-itmb.

15. The Proponent shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging. Overland travel of equipment or vehicles must be suspended if rutting occurs.

Marine-Based Activities

16. The Proponent shall not deposit, nor permit the deposit of any fuel, chemicals, wastes (including waste water) or sediment into any marine waters.

17. The Proponent shall suspend all project activities should any dead fish or wildlife, or any injured wildlife be observed during any works or activities in and around the marine waters.

18. The Proponent shall implement measures designed to minimize disturbance to seabed sediments and benthic communities and marine wildlife when carrying out project activities within the marine environment.

19. The Proponent shall manage all wastes (including domestic, garbage and debris) on board the vessel prior to final disposal at approved port facilities.

Marine-Based Seismic/Acoustic Surveys

20. The Proponent shall ensure that all ramp-up (start-up) procedures of the seismic source will not commence unless a full 1000 metres safety zone is clear of any marine mammal or colonies of seabirds by visual inspection by a trained Marine Mammal Observer for a continuous period of at least thirty (30) minutes. The seismic source must be shut down if any marine mammal enters or is anticipated to enter the 1000 metres safety zone.

21. The Proponent shall only operate the seismic source when visibility is sufficient to allow the Marine Mammal Observers to do their job effectively.

22. The Proponent shall suspend all project activities should any dead fish or wildlife, or any injured wildlife be observed in the wake of the vessel. Resumption of activities will be dependent on the results of discussions with Fisheries, Oceans and the Canadian Coast Guard and Government of Nunavut – Department of Environment representatives, and the circumstances leading to the injuries or mortalities.

Land Use and Restoration of Disturbed Areas

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

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

25. 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.

Other

26. The Proponent should engage with local residents regarding planned activities in the area and should solicit available Inuit Qaujimaningit and information regarding current recreational and traditional usage of the project area which may inform project activities. Posting of translated public notices and direct engagement with potentially interested groups and individuals prior to undertaking project activities is strongly encouraged.

27. The Proponent shall ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.

28. 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 or Parks Canada as appropriate, and the NIRB of any changes in operating plans or conditions, including phase advancement, associated with this project prior to any such change.

Copy of licences, etc. to the Board and Commission

2. As per s. 137(4) of the *NuPPAA*, responsible authorities are required to submit a copy of each licence, permit or other authorization issued for the Project to the Nunavut Planning Commission and the NIRB. Please forward a copy of the licences, permits and/or other authorizations to the NIRB directly at info@nirb.ca or upload a copy to the NIRB's online registry at www.nirb.ca.

Use of Inuit Qaujimaningit

3. The Proponent is encouraged to work with local communities and knowledge holders to inform project design, to carry out the project, and to confirm or validate the perspectives represented in publications, film or other media produced as part of the project. Care should be taken to ensure that Inuit Qaujimaningit and local knowledge collected for the project is used with permission and is accurately represented.

Bear and Carnivore Safety

4. 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.
5. 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.
6. 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 Arctic Bay, phone: 867-439-9945; Grise Fiord, phone: 867-980-4164; Resolute Bay, phone: 867-252-3879; and Clyde River, phone: 867-924-6235).

Species at Risk

7. 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

8. 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.
9. 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/>.

Heritage Resources

10. During the assessment, the NIRB has identified that no archaeology surveys have been conducted in the proposed project areas and that potential for the presence of archaeological resources is likely, therefore the Proponent shall contact the Department of Culture and Heritage to initiate a field archaeology assessment program prior to undertaking any land disturbance activities.

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://laws-lois.justice.gc.ca/eng/acts/n-28.8/>).
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 A** is a list of Species at Risk in Nunavut.
5. 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>).
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 B**.

7. The *Arctic Waters Pollution Prevention Act* (<http://laws-lois.justice.gc.ca/eng/acts/A-12/>).
8. The *Marine Liability Act* (<http://laws-lois.justice.gc.ca/eng/acts/M-0.7/>).
9. The *Navigation Protection Act* (<http://laws-lois.justice.gc.ca/eng/acts/N-22/index.html>).

CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the Fisheries and Oceans Canada-Small Craft Harbour's (DFO) "Four Harbour Feasibility Study Program". The NIRB remains available for consultation with the Minister regarding this report as necessary.

Dated August 15, 2019 at Baker Lake, NU.



Kaviq Kaluraq, A/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: November 2018

Terrestrial Species at Risk²	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility³
Migratory Birds			
Buff-breasted Sandpiper	Special Concern	Schedule 1	Environment and Climate Change Canada (ECCC)
Common Nighthawk	Threatened	Schedule 1	ECCC
Eskimo Curlew	Endangered	Schedule 1	ECCC
Harlequin Duck	Special Concern	Schedule 1	ECCC
Harris's Sparrow	Special Concern	Schedule 1	ECCC
Horned Grebe	Special Concern	Schedule 1	ECCC
Ivory Gull	Endangered	Schedule 1	ECCC
Olive-sided Flycatcher	Special Concern	Schedule 1	ECCC
Red Knot Islandica Subspecies	Special Concern	Schedule 1	ECCC
Red-necked Phalarope	Special Concern	No Schedule	ECCC
Ross's Gull	Threatened	Schedule 1	ECCC
Rusty Blackbird	Special Concern	Schedule 1	ECCC
Short-eared Owl	Special Concern	Schedule 1	ECCC
Vegetation			
Porsild's Bryum	Threatened	Schedule 1	Government of Nunavut (GN)
Arthropods			
Transverse Lady Beetle	Special Concern	No Schedule	GN
Terrestrial Wildlife			
Caribou (Dolphin and Union Population)	Endangered	Schedule 1	GN
Caribou (Barren-ground Population)	Threatened	No Schedule	GN
Caribou (Torngat Mountains Population)	Endangered	No Schedule	GN
Grizzly Bear (Western Population)	Special Concern	Schedule 1	GN
Peary Caribou	Threatened	Schedule 1	GN
Polar Bear	Special Concern	Schedule 1	GN
Wolverine	Special Concern	Schedule 1	GN
Marine Wildlife			
Atlantic Walrus (High Arctic Population)	Special Concern	No Schedule	Fisheries and Oceans Canada (DFO)
Atlantic Walrus (Central/Low Arctic Population)	Special Concern	No Schedule	DFO
Beluga Whale (Cumberland Sound Population)	Threatened	Schedule 1	DFO
Beluga Whale (Eastern Hudson Bay Population)	Endangered	No Schedule	DFO
Beluga Whale (Eastern High Arctic-Baffin Bay Population)	Special Concern	No Schedule	DFO

² The Department of Fisheries and Oceans has responsibility for aquatic species.

³ Environment and Climate Change Canada (ECCC) 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.

Terrestrial Species at Risk²	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility³
Beluga Whale (Western Hudson Bay Population)	Special Concern	No Schedule	DFO
Fish			
Atlantic Cod (Arctic Lakes Population)	Special Concern	No Schedule	DFO
Fourhorn Sculpin (Freshwater Form)	Data Deficient	Schedule 3	DFO
Lumpfish	Threatened	No Schedule	DFO
Thorny Skate	Special Concern	No Schedule	DFO

APPENDIX B: ARCHAEOLOGICAL AND PALAEOLOGICAL 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*⁴ to issue such permits.

⁴P.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 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*⁵, 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*⁶, 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

⁵ s. 51(1)

⁶ P.C. 2001-1111 14 June, 2001

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 *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.