



**NIRB File No.: 23UN047**  
NPC File No.: 150064

**September 29, 2023**

Following the Nunavut Impact Review Board's (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of Parks Canada's "Establishment of Tallurutiup Imanga National Marine Conservation Area" is not required pursuant to Article 12, Section 12.4.4(a) of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and s. 92(1)(a) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (NuPPAA).

Subject to the Proponent's compliance with the terms and conditions as set out below, the NIRB is of the view that the project proposal is not likely to cause significant public concerns, and it is unlikely to result in significant adverse environmental and social impacts. The NIRB therefore recommends that the responsible Minister(s) accept this Screening Decision Report.

#### OUTLINE OF SCREENING DECISION REPORT

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## REGULATORY FRAMEWORK

The regulatory framework for this screening is unique and this is the first time the Board has conducted the screening of “*an initiative whose purpose is to establish or abolish a park or a conservation area, in whole or in part inside the designated area*” under the provisions of ss. 174-183 of the *NuPPAA*. As set out in s. 182 of the *NuPPAA*, when the Board is screening such an initiative, the Board is directed to apply the general screening requirements established under the *NuPPAA* but is entitled under s. 182(f) to conduct the screening “*in the manner that it considers appropriate to the nature of the initiative.*” In addition, when the Board is conducting its screening of the initiative, as noted in s. 183 of the *NuPPAA*, the Board “*may consider, and rely on, any information collected, or study or analysis carried out, in respect of the initiative by any department or agency so as to ensure efficiency and avoid duplication*”.

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 to 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 May 15, 2023, the NIRB received a referral to screen Parks Canada's (PC) "Establishment of Tallurutiup Imanga National Marine Conservation Area" project proposal from the Nunavut Planning Commission (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 ss. 87 and 176 of the *NuPPAA*, the NIRB commenced screening this project proposal and assigned it file number **23UN047**.

## 1. Screening Process Timelines

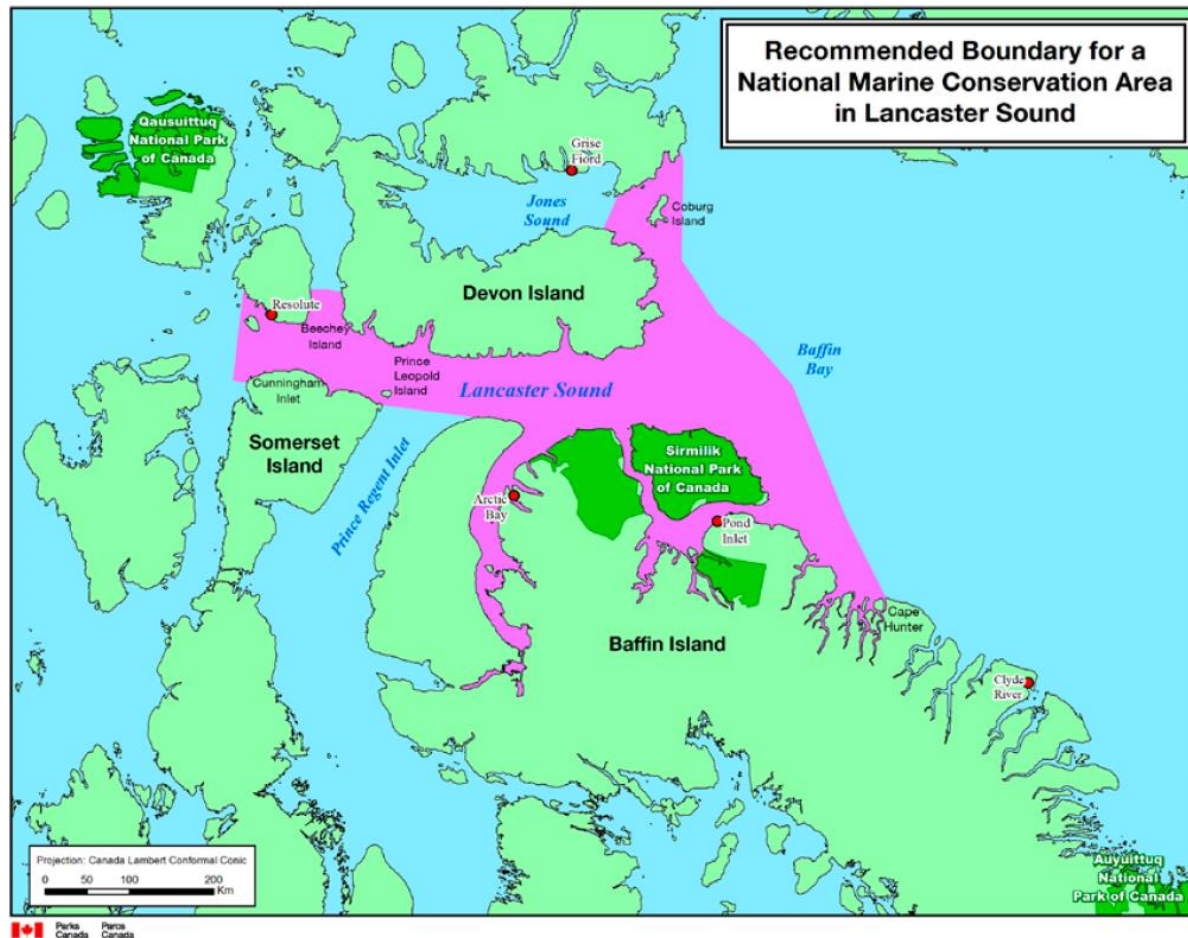
The following key stages were completed for the screening process:

Date	Stage
May 15, 2023	Receipt of project proposal and positive conformity determination (North Baffin Regional Land Use Plan) from the Commission pursuant to s.176 of the <i>NuPPAA</i>
May 17, 2023	Request to complete Public Registry online and provide information pursuant to s. 144(1) of the <i>NuPPAA</i>
August 1, 2023	Receipt of online application from Proponent
August 1, 2023	Scoping pursuant to ss. 182 and s. 86(1) of the <i>NuPPAA</i>
August 3, 2023	Public engagement and comment request
August 24, 2023	Receipt of public comments
August 30, 2023	The Proponent was provided with an opportunity to address comments/concerns raised by the public
September 24, 2023	The Proponent responded to comments/concerns raised by the public
September 8, 2023	Ministerial extension requested from the Minister of Environment and Climate Change
September 29, 2023	Issuance of Screening Decision Report

## 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/125814](http://www.nirb.ca/project/125814).

The Tallurutiup Imanga National Marine Conservation Area (Tallurutiup Imanga NMCA) is proposed within the Qikiqtani Region in the North Baffin Region (map below). The communities within or next to the proposed Tallurutiup Imanga NMCA include Resolute Bay, Arctic Bay, Pond Inlet, Grise Fiord, and Clyde River. The proposed Conservation Area is approximately 180,000 square kilometres (km<sup>2</sup>) and would be established as per the *Canada National Marine Conservation Areas Act* (2002) in July 2023 and remain in force permanently. Inuit rights and the exercise of such rights shall continue within Tallurutiup Imanga NMCA.



As required under subsections 182 and 86(1) of the *NuPPAA*, the Board accepts the scope of the proposed project as the establishment of a National Marine Conservation Area under the *Canada National Marine Conservation Areas Act* (2002) for the purpose of protecting and conserving representative marine areas for the benefit, education, and enjoyment of the people of Canada and the world.

The scope of the proposal includes the following works:

- Develop a legal framework for the management of the area;
- Management by Parks Canada conducted jointly with the Qikiqtani Inuit Association as well as other Regulatory Authorities including Fisheries and Oceans Canada, and Transport Canada through the Aulattiqatigiit Board;
- Protected area would include the seabed and water column and may include wetlands, estuaries, islands (less than 400 hectares in area), coastal lands, sea ice, lake ice, and islands;<sup>1</sup>
- Allow for future restrictions on activities in specific areas such as:
  - prohibitions on mineral and hydrocarbon exploration and development,

<sup>1</sup> The Conservation Area would not apply to the management of marine components of national historic sites, national parks, or national park reserves.

- use or occupancy of land without authorization,
- restrictions on ocean dumping,
- provisions for ecologically sustainable use of marine resources which can include commercial use, and
- Other tools such as temporary closures and voluntary measures for the purpose of resource protection, public safety, or other management requirements.
- Management of the Conservation Area with zones for a range of activities that may be allowed in the conservation area may include:
  - fishing,
  - shipping,
  - tourism,
  - research, and
  - land use at a rate and scale that would be economically and culturally sustainable.

### 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. Public Comments and Concerns

Notice regarding the NIRB's screening of this project proposal was distributed on August 3, 2023, to community organizations in communities across Nunavut as required including the communities within the proposed NMCA, 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 August 24, 2023, 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 August 29, 2023, the NIRB received comments from the following interested parties:

- **Government of Nunavut (GN)**
- **Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)**
- **Baffinland Iron Mines Corporation (Baffinland)**



***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:

Government of Nunavut

- Concerned that the zoning plan and Interim Management plan for the Tallurutiup Imanga NMCA was not completed and the placement of the four (4) zones and the management measures are unknown.
- Parks Canada's assessment of impacts and mitigation measures does not address the possible effects on the development of coastal and in-water infrastructure. The potential repercussions of land-based activities or the process required to develop such infrastructure when Parks Canada is the responsible authority in the Tallurutiup Imanga NMCA was not discussed.
- Commented that assessment of impacts and mitigation measures does not address the possible effects from the increase in tourism once the NMCA is established.

Crown-Indigenous Relations and Northern Affairs Canada

- Concern the Proponent did not identify potential adverse cumulative effects that may occur from increased tourism in the area once NMCA and the World Heritage Site are designated in the future.
- Appreciated the effort in the consultation with relevant and interested Inuit, hamlets, and community organizations in Clyde River, Pond Inlet, Arctic Bay, Resolute Bay, and Grise Ford as well as Iqaluit. CIRNAC encourages continued consultation with the impacted communities, regular updates, and requests that Parks Canada engage with affected, adjacent, transboundary Indigenous groups who may have an interest in the proposed project.

Baffinland Iron Mines Corporation

- The draft Interim Management Plan and the proposed zones were not available during the NIRB's screening and information related to existing oversight of shipping in the area was not available.
- Requested information regarding:
  - Inuit employment during the operations at Tallurutiup Imanga NMCA,
  - Tallurutiup Imanga NMCA regulations and conformity determinations during operations specifically for new project proposals and modifications of existing projects,
  - Limited or no analysis to validate statements made in PC's Strategic Environmental Assessment, and
  - Information related to community consultation on the Tallurutiup Imanga NMCA since 2014
- Clarification on how the Tallurutiup Imanga NMCA would impact current or future operations of the Mary River Project as well as related shipping, activities, or infrastructure.

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

The Proponent along with the Qikiqtani Inuit Association collected and incorporated Inuit Qaujimaningit, as well as traditional and community knowledge throughout development of the National Marine Conservation area. Parks Canada's feasibility Assessment Report titled "A National Marine Conservation Area Proposal for Lancaster Sound" describes the Inuit Qaujimajatuqangit collected and how it was applied.

In addition, Inuit Qaujimaningit as well as traditional and community knowledge is incorporated into the recommendations below based on information collected from prior and similar projects, the Proponent, data collected, and other available sources.

**5. Proponent's Response to Public Comments and Concerns**

On August 30, 2023, due to the concerns and questions identified in the comments received from parties, the NIRB provided an opportunity for the Proponent to respond to the concerns raised during the commenting period. The following is a summary of the Proponent's response to concerns as received on September 13, 2023:

- Once the National Marine Conservation Area was established, and until the Interim Management Plan is finalized, the NMCA would be managed using the Policy on the Establishment and Management of a National Marine Conservation Areas, the Directive on national marine conservation areas, and other existing regulatory tools.
- The Policy on the Establishment and Management of National Marine Conservation Areas, the Directive on the management of national marine conservation areas, Inuit Impact Benefits Agreement (IIBA), management plans etc provide progressively more detailed guidance for how activities within the NMCA would be managed. Additionally, the joint management structure for Tallurutiup Imanga National Marine Conservation Area (Tallurutiup Imanga NMCA) is designed to ensure the community and Inuit perspectives are built into the plan and area management and includes the Aulattiqatigiit Board, an Inuit Advisory Committee, Inuit Stewardship Program, and Inuit Research and Monitoring Fund.
- Management and mitigation used in the NMCA would change over time managed by Inuit Qaujimajatuqangit, including Inuit principles and priorities playing a key role in decision making as long-term monitoring programs and management plans would be reviewed every 10 years. This flexibility is expected to increase the effectiveness of the Tallurutiup Imanga NMCA management and would be tracked through reporting on IIBA and management plan implementation as well as feedback from other parties.
- Parks Canada would work with other Regulatory Authorities to avoid extra administrative burden on proponent's new infrastructure projects and terrestrial or marine activities would be assessed on a case-by-case basis using existing practices established by NuPPAA.
- Regular consultations with the communities associated with the Tallurutiup Imanga NMCA would be another key component in the management of activities and the mitigations of cumulative effects.



- Activities such as hydrocarbon, mineral, and aggregate exploration and exploitation would be prohibited in national marine conservation areas and the zoning framework would aid proponents in the development of ecologically sustainable project proposals.
- Approved Mary River project-related shipping activities and infrastructure occurring with the proposed Tallurutiup Imanga NMCA would be incorporated into the zoning plans. Any future amendments to the Mary River Project would be subject to assessment by Parks Canada and the Aulattiqatigiit Board.
- Increased visitation to the NMCA may be beneficial as there would be increased revenue and enhanced knowledge, understanding, and appreciation of the site and its role in Canada's heritage. The Tallurutiup Imanga NMCA Inuit Benefits Agreement encourages local business growth while protecting natural and cultural heritage.
- Increased Inuit and local employment with Parks Canada would be maintained or increased. The current Inuit Employment Plan for Parks Canada is being updated to reflect the additional heritage sites and parks in Nunavut. Further, Inuit employment opportunities would not be restricted to Parks Canada positions and may include Inuit Stewardship Program (Nauttiqsuqtiit), and Inuit Advisory Committee.

## 6. Time of Report Extension

As a result of the Board traveling to Rankin Inlet, NU to facilitate a Public Hearing for the Meliadine Gold Mine Project (NIRB File No. 11MN034) from September 11-22, 2023, the Board was unable to provide determinations on other ongoing assessments during that timeframe. Therefore, the NIRB was not able to provide its screening decision report to the responsible Minister within 45 days as required by Article 12, Section 12.4.5 of the *Nunavut Agreement* and s. 92(3) of the *NuPPAA*. Therefore, on September 8, 2023, the NIRB wrote to the Minister of Environment and Climate Change, Government of Canada, seeking an extension to the 45-day timeline for the provision of the Board's Report.

### ASSESSMENT OF THE PROJECT PROPOSAL IN ACCORDANCE WITH PART 3 OF THE *NuPPAA*

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

As part of its application to the NIRB, Parks Canada submitted:

- A National Marine Conservation Area Proposal for Lancaster Sound, Feasibility Assessment Report (February 2017) in English and Inuktitut
- Parks Canada's Directive and the Management of National Marine Conservation Areas (2022) in English and Inuktitut
- Parks Canada's policy on the Establishment and Management of National Marine Conservation Areas (2022) in English and Inuktitut
- Tallurutiup Imanga National Marine Conservation Area Inuit Impact Benefit Agreement (August 2019) in English and Inuktitut
- Establishment of Tallurutiup Imanga National Marine Conservation Area Project Proposal and Strategic Environmental Assessment

As required under s. 183 of NuPPAA the NIRB reviewed the information in respect of the Initiative/Project and considered this during the assessment of impact significance and the analysis of factors set out under s. 90 of the *NuPPAA*. The Board took particular care to take into account Inuit Qaujimaningit, as well as 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 proposed National Marine Conservation Area (NMCA) includes Lancaster Sound or Tallurutiup Tariunga as it is locally known. To capture all the geographic areas influenced by Lancaster Sound, Parks Canada proposes that 180,000 km<sup>2</sup> be included in the Tallurutiup Imanga Nunavut Marine Conservation Area (Tallurutiup Imanga NMCA). This 100 km passage is a natural migratory corridor for numerous marine and terrestrial species and the physical processes including currents, tides, and upwelling in polynyas and high biological productivity are protected in the boundaries that support both Inuit culture and wildlife.

NMCAs are not limited to the surface area, they include the seabed and water column and may include wetlands, estuaries, islands, and other coastal lands as required to protect ecosystems and maintain biodiversity.

2. *The ecosystemic sensitivity of that area.*

Tallurutiup Tariunga is a natural and cultural seascape internationally identified as one of the most significant ecological areas in the world by numerous agencies since the 1980s. Work to establish the proposed marine-protected area was postponed as Inuit and Government completed the *Nunavut Agreement* and communities wanted to first focus on the terrestrial national parks in the eastern Arctic.

The International Union for the Conservation of Nature has recognized Lancaster Sound as worthy of World Heritage site status and Arctic Marine World Heritage site. Natural Resource Defence Fund and the Arctic Council have also identified Tallurutiup Tariunga as ecologically important.

Lancaster Sound is a major east-west migratory corridor leading from Baffin Bay into the Arctic Archipelago and linking wintering and summing areas for both terrestrial and marine species including:

- Beluga
- Bowhead
- Narwhal
- Polar Bears
- Walrus

- Seals
- Seabirds

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

The Proponent and the Qikiqtani Inuit Association have identified Tallurutiup Tariunga as an area rich in culture and has provided sustenance to the Inuit for thousands of years including food, shelter, materials, and tools. The area is also where early human settlement, exploration, and discovery occurred. Federal and Territorial governments along with the Qikiqtani Inuit Association signed a Memorandum of Understanding in 2009 to examine the desirability and feasibility of the national marine area in Lancaster Sound.

There are several Bird Sanctuaries and National Parks within the boundaries of the proposed NMCA including: Sirmilik National Park, Nirjutiqarvik National Wildlife Area on Coburg Island, Prince Leopold Island Migratory Bird Sanctuary, Cape Liddon Bird Cliffs, Beechey Island Sites National Historic Site, Cuningham Inlet, and Breadalbane National Historic Site. Other locations that would be added to the NMCA include the Hobhouse Inlet Bird Cliffs, Navy Board Inlet Walrus Haul-outs, and the Buchan Gulf Bird Cliffs. Sites that would be excluded from the NMCA plan include areas around Resolute Bay, Nanisivik and Gascoyne Inlet (DND), Arctic Bay, and Pond Inlet. In order to manage the NMCA would need to be managed in conjunction with these previously established protected areas.

Parks Canada stated in their Project Proposal and Strategic Impact Statement that communities use the area extensively and travel by boat or snowmobile to harvest fish, birds, seals, and other marine mammals.

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

The proposed Tallurutiup Imanga NMCA is adjacent to Resolute Bay, Arctic Bay, Pond Inlet, Grise Fiord, and Clyde River. As noted previously the proposed Tallurutiup Imanga NMCA would include a variety of marine and terrestrial species at important times during their life cycle.

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.*

NMCAs are multi-use areas that balance protection and sustainable use through management as well as zoning, in cooperation with local people. Further NMCA are established under the *Canada National Marine Conservation Areas Act* and are administered by Parks Canada. The goal is to protect and conserve areas representative of Canada's diverse marine environments for the benefit, education, and enjoyment of Canadians.

Therefore, establishing the Tallurutiup Imanga NMCA would allow the creation of a management plan that includes zoning for different levels of protection and may assist with managing conflicting human activities in sensitive areas including the prohibition of mineral and hydrocarbon exploration and development as well as ocean dumping. Regular consultation and direct involvement of resource users and residents of the surrounding region allow preparation and implementation of management plans.

The NMCA could provide several ecological and social benefits including:

- Conserving biodiversity and ecological processes
- Establishing a collaborative relationship between Canada and Inuit
- Protect and conserve species at risk and their habitat
- Protect the Inuit way of life and Inuit Traditions
- Manage fisheries and marine transportation activities in a more ecologically holistic manner
- Protect historical resources like shipwrecks and archaeological sites
- Provide opportunities for visitors to experience and appreciate this environment
- Encourage ecological research and monitoring
- Provide a level of resilience to the Arctic Marine ecosystem facing climate change
- Encourage ecologically sustainable economic opportunities in the region.

In 2019, Parks Canada, Transport Canada and Canadian Coast Guard signed an Inuit Impact Benefit Agreement with the Qikiqtani Inuit Association which outlines the establishment and management of the Tallurutiup Imanga NMCA.

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 occurs in the Northwest Passage, an area with extensive development including regular tourism, research, community resupply, international shipping, and the Mary River Iron Mine.

As Parks Canada described the management of the NMCA it is expected that the existing legislation and acts would continue to apply with Parks Canada working with all existing Regulatory Agencies to streamline the process.

NMCAs are managed through plans with the goal of providing for sustainable uses in the areas consistent with the need to maintain the structure and function of their marine ecosystems. However, consideration is still required for items such as the exclusion of specific areas around the communities for future development such as ports and small craft harbours, the exclusion of a portion of Milne Inlet for Baffinland's Mary River mine operations, and the exclusion of DND Nanisivik port.

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

As discussed by Parks Canada in the application, the most significant change with the establishment of the NMCA would be the changes to the legislative and regulatory framework. The *Canadian National Marine Conservation Area Act (CNMCAA)* provides additional layers of protection for the marine ecosystem and coastal communities including prohibitions on various types of development, use or occupancy of land without authorization. The *CNMCAA* allows for the creation of regulations for topics to support the conservation and management of NMCA. This provides regulatory tools to contribute to the management of natural and cultural heritage, visitor experience, land use, commercial tourism, research, and special events.

The establishment of the Tallurutiup Imanga NMCA would change the applicability and implementation of territorial and other federal statutes currently in place including *NuPPAA*. As with other national parks and heritage sites in Nunavut pursuant to s. 70(2) of the *NuPPAA*, Parks Canada would replace the Nunavut Planning Commission and would be responsible for the broad planning policies priorities and objectives, the specific planning objectives, and any land use planning once Tallurutiup Imanga NMCA is established.

As such, Parks Canada's Policy on the Establishment and Management of National Marine Conservation Areas, Parks Canada's Directive on the Management of National Marine Conservation Areas, Interim Management Plan, future management plans, Inuit Impact and Benefit Agreement (IIBA), and other tools, such as temporary closures and voluntary measures will contribute to the management of the NMCA once Tallurutiup Imanga NMCA comes under the *CNMCAA*. These policy and management tools will provide guidance for managing the NMCA in accordance with the legislative background and describe the leadership role in working with partners and stakeholders to support the NMCA. Further, once Tallurutiup Imanga NMCA is established, Parks Canada will be responsible for administering the *Species at Risk Act* in the area.

In its response to comments, Parks Canada outlined the conformity review process and provided the figure below. There will be oversight through the joint Inuit-Canada Operations Committee and the Aulattiqatigiit Board. The Aulattiqatigiit Board will be directly involved with the conformity review of major projects. Conformity reviews are supported by statutory and policy tools, including management plans and management directives, for which Parks Canada is responsible.

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graph TD
    Start4[START STEP 4  
Conformity Review: Does Project meet legal requirements and align with policy requirements?] --> Reviewed[Has this Project been reviewed before?]
    Reviewed -- Yes --> Focus[Focus review on modifications and new information]
    Reviewed -- No --> LegalReview[4.1 Legal Review]
    
    subgraph LegalReview [4.1 Legal Review]
        Q1[Are project activities prohibited in the NMCA?]
        Q2[Are there other legal requirements that would preclude Project activities?]
    end
    
    Q1 -- Yes --> Advise[Advise Proponent. Opportunity for Project amendment / additional information for consideration]
    Q1 -- No --> PolicyReview[4.2 Policy Review]
    Q2 -- Yes --> Advise
    Q2 -- No --> PolicyReview
    
    subgraph PolicyReview [4.2 Policy Review  
(Include policy issues identified in Step 3)]
        Q3[Are project activities restricted by or inconsistent with policy?]
    end
    
    Q3 -- Yes --> PolicyResolution[4.3 Policy Issue Resolution]
    Q3 -- No --> ABRequired1[Is AB review required?]
    
    subgraph PolicyResolution [4.3 Policy Issue Resolution]
        Q4[Are legal tools in place to support policy restrictions or address inconsistencies?]
        Q5[Does management direction allow for an exception?]
        Q6[Do project activities meet criteria for an exception?*]
        Precluded[Project activities are precluded.]
        Voluntary[Work toward voluntary resolution]
    end
    
    Q4 -- Yes --> Q5
    Q4 -- No --> Voluntary
    Q5 -- Yes --> Q6
    Q5 -- No --> Precluded
    Q6 -- Yes --> Precluded
    Q6 -- No --> Voluntary
    
    Precluded --> ABRequired1
    Voluntary --> ABRequired1
    
    ABRequired1[Is AB review required?] -- Yes --> Briefing[Develop Briefing Package for Step 6 - AB review]
    ABRequired1 -- No --> Positive[NuPPAA S. 165 Positive conformity decision.  
Proceed to Step 5 - N/IRB Requirements†]
    
    Briefing --> Amended1[Is Project amended?†]
    Amended1 -- Yes --> Return3[Return to Step 3 - Proposal Categorization]
    Amended1 -- No --> Negative[NuPPAA S. 165 Negative conformity decision.  
Proceed to Step 7.3 - End: Project does not proceed]
    
    Advise --> Amended2[Is Project amended?†]
    Amended2 -- Yes --> Return3
    Amended2 -- No --> Negative
  
```

**START STEP 4**  
Conformity Review: Does Project meet legal requirements and align with policy requirements?

Has this Project been reviewed before?

Yes

Focus review on modifications and new information

No

**4.1 Legal Review**

Are project activities prohibited in the NMCA?

Yes

No

Are there other legal requirements that would preclude Project activities?

Yes

No

Advise Proponent. Opportunity for Project amendment / additional information for consideration

Is Project amended?†

Yes

Return to Step 3 – Proposal Categorization

No

**4.2 Policy Review**  
(Include policy issues identified in Step 3)

Are project activities restricted by or inconsistent with policy?

Yes

No

**4.3 Policy Issue Resolution**

Are legal tools in place to support policy restrictions or address inconsistencies?

Yes

No

Does management direction allow for an exception?

Yes

No

Do project activities meet criteria for an exception?\*

Yes

No

Project activities are precluded.

Work toward voluntary resolution

Is AB review required?

Yes

Develop Briefing Package for Step 6 – AB review

No

**NuPPAA S. 165 Positive conformity decision.**  
Proceed to Step 5 – N/IRB Requirements†

**NuPPAA S. 165 Negative conformity decision.**  
Proceed to Step 7.3 – End: Project does not proceed

\* Consultation with activity specialists/ OC/AB may be required.  
† Policy review information is forwarded with the application / proposal to inform the next step.  
‡ Period of time given for the Proponent to advise intent to provide additional information or amend

4

It is possible Tallurutiup Imanga may be established under the CNMCAA prior to NMCA-specific regulations coming into force. However, during the interim period, existing territorial regulations will continue to apply.



## Views of the Board

In considering the factors as set out above in the screening of the project proposal, the NIRB has identified the issues below and respectfully provides 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, migratory and sea bird management decisions associated with the establishment of the National Marine Conservation Area.

**Board views:** As discussed above in the assessment of factors relevant to this proposed Initiative, although there is currently no planned infrastructure related to this Initiative, the project area overlaps wildlife habitat for several far-ranging species, including migratory birds, marine fish, and mammals, and, as a result of potential traffic generated by interest in the National Marine Conservation Area, creates the potential for impacts to the wildlife. Management decisions associated with the establishment of the boundaries of the National Marine Conservation area that result in increased human activities, such as vessel traffic, in Lancaster Sound may result in negative effects on marine and terrestrial wildlife with natural ranges overlapping the area. To mitigate potential negative effects on wildlife, the Proponent has committed to establishing and implementing a management framework for the protection and preservation of the integrity of the environment within the proposed boundaries of the National Marine Conservation Area.

As part of the management of the boundaries of the National Marine Conservation Area, the Proponent would also be required to follow the *Fisheries Act*, *Migratory Birds Convention Act*, *Migratory Birds Regulations*, *Species at Risk Act*, and the *Wildlife Act (Nunavut)* until the site established and brought under a specific management framework (see Regulatory Requirements section).

**Board Recommendation:** It is recommended that the potential for negative impacts may be mitigated by measures such as requiring the Proponent to ensure that there is no willful damage to wildlife and wildlife habitat from management decisions related to the implementation of the Initiative. On this basis, the Board recommends compliance with term and condition 5.

**Issue 2:** Potential negative impacts to traditional resource use and activities resulting from the establishment of the Tallurutiup Imanga National Marine Conservation Area in Lancaster Sound, additional interest in the area because of its historical importance, and management decisions associated with the establishment of the boundaries for the National Marine Conservation Area.

**Board Views:** There is potential for the proposed Initiative to result in disruption of traditional resource use activities in Lancaster Sound due to increased interest in the area and the establishment of the National Marine Conservation Area boundaries.

**Board Recommendation:** To mitigate potential negative impacts to traditional resource use, the Proponent has committed to managing future visitor access and/or activities within the proposed boundaries of the NMCA in accordance with provisions of the Inuit Impact and Benefits Agreement established for the Tallurutiup Imanga NMCA. On this basis, the Board Recommends term and condition 7.

**Socio-economic effects on northerners:**

**Issue 3:** Potential positive impacts on historical, cultural, and archaeological resources because of management decisions associated with the establishment of the boundaries of the National Marine Conservation Area.

**Board Views:** The Proponent's objectives for the proposed Initiative are to establish the legal and management frameworks for the protection of the integrity of Lancaster Sound, which is considered to be an area of ecological significance; as such, the Initiative may result in positive impacts not only to the ecological health of the area but also to historical, cultural, and archaeological resources in the area.

**Board Recommendation:** Term and condition 6 is recommended to ensure that available Inuit Qaujimaningit can inform any management decisions related to the National Marine Conservation Area and reduce the potential for negative impacts occurring to any additional resources within the boundaries of the NMCA.

**Issue 4:** Potential positive impacts to the economies of local communities from the implementation of the Inuit Impact and Benefits Agreement with respect to the establishment of the boundaries for the NMCA, including increased community involvement, and preservation of the area. Increased economic potential and jobs may result from the establishment of the National Marine Conservation Area, especially where interest in the area and additional management of the area would be required by management strategies.

**Board Views:** It is noted that the Proponent has already signed an Inuit Impact and Benefits Agreement for the management of the National Marine Conservation Area, which may result in benefits to the local economies from employment and business opportunities.

**Board Recommendation:** The Proponent committed to following the Inuit Impact Benefits Agreement and ensures that it regularly reports to the five (5) impacted communities and ensures that it revisits its management plans and keeps them up to date. Term and condition 6 is also recommended by the Board to ensure that the affected communities and organizations are informed about the Initiative and any subsequent management decisions related to the National Marine Conservation Area.

**Significant public concern:**

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

**Board Views:** It is noted that there is potential for public concern developing due to the proximity of the National Marine Conservation Area associated with the Initiative to the Municipalities of Resolute Bay, Pond Inlet, Arctic Bay, and Clyde River. Follow-up consultation and involvement of local community members is expected to mitigate any potential for public concern resulting from the Initiative.

**Recommended Mitigation Measures:** Term and condition 6 is recommended by the NIRB to ensure that the affected communities and organizations are informed about the Initiative and any subsequent management decisions related to the National Marine Conservation Area and to provide the Proponent with an opportunity to proactively address or mitigate any concerns that may arise from the Initiative.

**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 NIRB recognizes that certain processes established under the *Nunavut Agreement* and *NuPPAA* apply within the boundaries of National Parks, National Marine Conservation Areas, and National Historic Sites that exist or are to be established within the Nunavut Settlement Area (NSA). The NIRB also notes that an agreement currently exists between the Board and the federal Minister of Environment (*now* Environment and Climate Change) which provides for certain projects occurring within National Parks, National Marine Conservation Areas, and National Historic Sites in Nunavut administered by Parks Canada to be exempt from the requirement for NIRB screening<sup>2</sup>. It would be expected that once the Order in Council is passed through Parliament, the agency designated as the responsible authority for managing the area would be designated, and if Parks Canada were the designated agency, it would be confirmed whether or not the previous exemption agreement would apply to this area.

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<sup>2</sup> NIRB Correspondence to the Minister of Aboriginal Affairs and Northern Development, Government of Canada Re: Notice of NLCA Schedule 12-1(Item 7) Screening Exemption Agreement between Parks Canada and the Nunavut Impact Review Board – Research and Collection Permits in National Parks (July 8, 2015).

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

### General

1. Parks Canada (the Proponent) shall maintain a copy of the Project Terms and Conditions and include copies at any site of operation related to this Initiative.
2. The Proponent shall forward copies of documents demonstrating establishment of the National Marine Conservation Area and appointments of agencies to manage the area to the Nunavut Impact Review Board (NIRB).
3. The Proponent shall operate in accordance with all commitments stated in correspondence provided to the Nunavut Planning Commission (Application to Determine Conformity, May 15, 2023), and the NIRB (Online Application Form, August 8, 2023).
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations, and Guidelines.

### Wildlife - General

5. The Proponent shall ensure that there is no willful damage to wildlife and wildlife habitat from management decisions resulting from the implementation of the Initiative.

### Other

6. The Proponent should consult with local residents regarding the Initiative and solicit available Inuit Qaujimaningit and information that can inform management decisions related to future project activities within the National Marine Conservation Area.
7. The Proponent shall ensure that the implementation of the Initiative does not result in interference with Inuit wildlife harvesting or traditional land use activities.

## REGULATORY REQUIREMENTS

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

1. The *Fisheries Act* (<http://laws-lois.justice.gc.ca/eng/acts/F-14/index.html>).
2. The *Migratory Birds Convention Act* (<http://laws-lois.justice.gc.ca/eng/acts/M-7.01/>), the *Migratory Birds Regulations* ([https://laws-lois.justice.gc.ca/eng/regulations/C.R.C., c. 1035/index.html](https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._1035/index.html)) and the *Migratory Bird Sanctuary Regulations* ([https://laws-lois.justice.gc.ca/eng/regulations/C.R.C., c. 1036/index.html](https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._1036/index.html)).
3. The *Species at Risk Act* (<https://laws-lois.justice.gc.ca/eng/acts/s-15.3/>). Attached in **Appendix A** is a list of Species at Risk in Nunavut.
4. Until the Order in Council passes Parliament: 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 *Canada National Parks Act* (<http://laws-lois.justice.gc.ca/eng/acts/n-14.01/>).
6. The *Canada National Marine Conservation Areas Act* (<https://laws-lois.justice.gc.ca/eng/acts/C-7.3/FullText.html>).
7. The *Parks Canada Agency Act* (<https://laws-lois.justice.gc.ca/eng/acts/P-0.4/index.html>)

#### MONITORING AND REPORTING REQUIREMENTS

In addition, the Board is recommending the following:

1. It is recommended that Parks Canada's Park Management Plan for the Tallurutiup Imanga National Marine Conservation Area include measures to address the potential impacts of cruise ship tourism and expeditions.
2. It is requested that Parks Canada submit a copy of its Management Plan to the NIRB as an information item.

#### OTHER NIRB CONCERNS AND RECOMMENDATIONS

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

1. Responsible authorities or Proponent shall notify the Nunavut Planning Commission and/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.

#### CONCLUSION

The foregoing constitutes the Board's screening decision with respect to Parks Canada's "Tallurutiup Imanga National Marine Conservation Area". The NIRB remains available for consultation with the Minister regarding this report as necessary.

Dated September 29, 2023 at Baker Lake, NU.



Kaviq Kaluraq, Chairperson

Attachments: Appendix A: Species at Risk in Nunavut

## 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](http://www.sararegistry.gc.ca)) to get the current status of a species.



Updated: September 2019

Terrestrial Species at Risk <sup>3</sup>	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility <sup>4</sup>
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	Threatened	Schedule 1	ECCC
Peregrine Falcon	Special Concern	Schedule 1	ECCC
Red Knot Islandica Subspecies	Special Concern	Schedule 1	ECCC
Red-necked Phalarope	Special Concern	Schedule 1	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	ECCC
Peary Caribou	Endangered	Schedule 1	GN
Polar Bear	Special Concern	Schedule 1	ECCC
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

<sup>3</sup> The Department of Fisheries and Oceans has responsibility for aquatic species.

<sup>4</sup> 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.

<b>Terrestrial Species at Risk<sup>3</sup></b>	<b>COSEWIC Designation</b>	<b>Schedule of SARA</b>	<b>Government Organization with Primary Management Responsibility<sup>4</sup></b>
Beluga Whale (Eastern High Arctic-Baffin Bay Population)	Special Concern	No Schedule	DFO
Beluga Whale (Western Hudson Bay Population)	Special Concern	No Schedule	DFO
<b>Fish</b>			
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