



NIRB File No.: 24AN029
NPC File No.: 150372

June 27, 2024

Nick Gates
Sunback Films
1 St Augustines Yard
Bristol Avon BS1 5DE United Kingdom

Sent via email: Nick.gates@silverbackfilms.tv

Re: Notice of Screening for Silverback Films’ “Filming cetaceans in Admiralty Inlet” Project Proposal

Dear Nick Gates:

On June 3, 2024, the Nunavut Impact Review Board (NIRB) received a referral to screen Silverback Films’ “Filming cetaceans in Admiralty Inlet” project proposal from the Nunavut Planning Commission (Commission), with an accompanying positive conformity determination with the North Baffin Regional Land Use Plan. On June 19, 2024, the NIRB received the complete application from the Proponent.

Pursuant to Article 12, Sections 12.4.1 and 12.4.4 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and s. 87 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*), the NIRB has commenced screening this project proposal and has assigned it file number **24AN029** - please reference this file number in all future related correspondence.

PROJECT OVERVIEW

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/125976.

Project:	Filming cetaceans in Admiralty Inlet				
Region:	Qikiqtani				
Location:	Admiralty Inlet				
Closest Community:	Arctic Bay	Distance (approximate)	53 kilometres (km)	Direction	Southeast

Summary of Project Description:	The Proponent intends to conduct filming activities on two whale species in Admiralty Inlet, narwhals and killer whales. They will have a small field camp on the west side of Admiralty Inlet and will be working each day from a boat.
Project Proposed Timeline:	August 2024 to September 2024

According to the project proposal, the scope of the project includes the following undertakings, works or activities:

- Use of two (2) boats and local boat guides to haul equipment and camping gear to filming sites;
- Use of a temporary camp with at least eight (8) personnel;
- Use of two generators to charge filming equipment, batteries, computers and other electronics;
- Use of four propane fuel (20 pounds each) for camp use;
- Use of 1,000 gallons of gasoline for boating activities and generator;
- Use of water collected by nearest freshwater river source by hand;
- Combustible waste, all dry waste from food packaging and cooking will be collected and stored in black bin liners and taken back to Arctic Bay to be disposed of;
- Greywater to be scattered around the campsite away from any freshwater sources; and
- Sewage and human waste will be buried in a hole, or placed in plastic bags to bring back to Arctic Bay for proper disposal

Inclusion or Exclusion of 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.

REQUEST FOR COMMENTS

All documents received can be accessed from the NIRB's online public registry at www.nirb.ca/project/125976 and include:

- *NPC Conformity Determination*
- *Ikajutit HTO Support Letter*
- *List of People at Camp*
- *NIRB Application*

The NIRB will copy you on screening process related correspondence and upload related documents to the NIRB's online registry for public access. The NIRB may request additional information at any time during the process.

The NIRB is copying parties and municipalities potentially affected by Silverback Films project proposal with this letter, and we invite interested parties to comment directly to the NIRB by **July 8, 2024**.

The NIRB would like parties to provide comments 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.

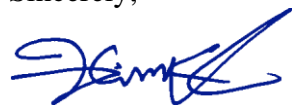
Please note that *proposed* project-specific terms and conditions, should the project proceed, have been attached for consideration and comment ([Appendix A](#)).

CONTACT INFORMATION

Please send your comments to the NIRB via email at info@nirb.ca, via fax at (867) 983-2594 or via the individual project dashboard for this assessment on the NIRB's online public registry at www.nirb.ca/project/125976.

If you have any questions or require clarification, feel free to contact the undersigned at 1-866-233-3033 or femingak@nirb.ca

Sincerely,



Francis Emingak
Screening Officer
Nunavut Impact Review Board

Attachments: Appendix A: *Proposed* Project Specific Terms and Conditions

Enclosures (4): Public Notice of Screening (English, and Inuktitut)
Comment Forms (English, and Inuktitut)

cc: Distribution List
Richard Dwyer, Nunavut Water Board
Dustin Fredlund, Nunavut Tunngavik Inc.
Carson Gillis, Nunavut Tunngavik Inc.
Conor Goddard, Qikiqtani Inuit Association
Jared Ottenhof, Qikiqtani Inuit Association
Joel Fortier, Qikiqtani Inuit Association
Justin Buller, Government of Nunavut
Dianne Lapierre, Government of Nunavut
Caroline Whittle, Government of Nunavut
Sylvie LeBlanc, Government of Nunavut
Michele LeBlanc-Havard, Government of Nunavut
Drikus Gissing, Government of Nunavut

Tracey McCaie, Crown-Indigenous Relations and Northern Affairs Canada
Lisa Pirie-Dominix, Canadian Wildlife Service
Alasdair Beattie, Fisheries and Oceans Canada

Appendix A: *Proposed Project Specific Terms and Conditions*

The following is a list of project-specific terms and conditions which, should the project proceed, may be recommended to be attached to any approval.

General

1. Silverback Films (the Proponent) shall maintain a copy of the Project Terms and Conditions at the site of operation at all times and make it accessible to enforcement officers upon request.
2. The Proponent shall operate in accordance with all commitments stated in correspondence provided to the Nunavut Planning Commission (NPC File No.: 150372), and the NIRB (Online Application Form, June 19, 2024). This information should be accessible to enforcement officers upon request.
3. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.
4. The Proponent shall ensure that it meets the standards and/or limits as set out in the authorizing agencies' permits or licences as required for this project.
5. The Proponent shall ensure that all personnel, staff and contractors are adequately trained prior to commencement of all project activities, and shall be made aware of all operational plans, management plans, guidelines and Proponent commitments relating to the project.

Water courses/Water bodies (including fresh and marine waters)

6. The Proponent shall ensure that water extraction from any fish-bearing waterbody is done with appropriate care and caution. Small lakes or streams should not be used for water withdrawal unless approved by the appropriate authorizing agency.
7. The Proponent shall ensure that no disturbance of the stream bed, lakebed or the banks of any definable watercourse be permitted, except where deemed necessary for maintaining project-specific operational commitments or approved by a responsible authority in cases of spill management.
8. The Proponent shall not deposit, nor permit the deposit of any fuel, chemicals, wastes (including wastewater) or sediment into any water body. The Proponent should have in place an Emergency Spill Response Plan that is approved by the appropriate authorizing agency(ies).

Waste Management

9. The Proponent shall manage all hazardous and non-hazardous waste including food, domestic wastes, debris and petroleum-based chemicals (e.g., greases, gasoline, glycol-based antifreeze) in such a manner to avoid release into the environment and access to wildlife at all times until disposed of appropriately or at an approved facility.
10. The Proponent shall incinerate all combustible wastes as needed and dispose of as required by the appropriate authorizing agencies. All non-combustible wastes from the project site shall be removed to an approved facility for disposal.

Fuel and Chemical Storage

11. The Proponent shall locate all fuel and other hazardous materials a minimum distance away from the high-water mark of any water body and environmentally sensitive areas as required by the appropriate authorizing agencies. The materials shall be stored in such a manner as to prevent their release into the environment.
12. The Proponent shall use adequate secondary containment or a surface liner (e.g., self-supporting insta-berms and fold-a-tanks) when storing barreled fuel and chemicals at all locations.
13. The Proponent shall ensure that re-fuelling of all equipment occurs a minimum distance away from the high-water mark of any water body as required by the appropriate authorizing agencies.
14. All fuel and chemical storage containers must be clearly marked with the Proponent's name for ease of identification.
15. The Proponent shall have a Spill Contingency Plan in place at all fuel storage or transfer locations and shall ensure that appropriate spill response equipment and clean-up materials (e.g., shovels, pumps, barrels, drip pans, and absorbents) are readily available.
16. The Proponent shall follow the authorizing agencies' direction for management and removal of hazardous materials and wastes (e.g., contaminated soils, sediment and waste oil).
17. The Proponent shall ensure that wildlife deterrent systems are utilized at the time of a spill incident in order to avoid wildlife (terrestrial or marine) and migratory birds from being contaminated.
18. The Proponent shall ensure that all spills of fuel or other deleterious materials of 100 litres or more must be reported immediately to the 24-hour Spill Line at (867) 920-8130.

Air Quality

19. The Proponent shall eliminate unnecessary idling to reduce greenhouse gas emissions as much as possible.

Wildlife – General

20. The Proponent shall not substantially alter or damage or destroy any wildlife habitat in conducting this operation unless otherwise authorized by the appropriate authorizing agencies.
21. The Proponent shall not chase, weary, harass or molest wildlife. This includes persistently circling, chasing, hovering over, pursuing or in any other way harass wildlife, or disturbing large groups of animals.
22. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired.

Migratory Birds and Raptors Disturbance

23. The Proponent shall carry out all phases of the project in a manner that protects migratory birds and avoids harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests or eggs. In this regard, the Proponent shall take into account Environment and Climate Change Canada's *Avoidance Guidelines*. The Proponent's actions in applying the

Avoidance Guidelines shall be in compliance with the *Migratory Birds Convention Act, 1994* and with the *Species at Risk Act*.

24. 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.
25. The Proponent shall avoid the seaward site of seabird colonies and areas used by flocks of migrating waterfowl, a minimum distance away on the recommendation of the appropriate authorizing agencies.
26. The Proponent shall not pursue seabirds or waterbirds swimming on the water surface and shall avoid concentrations of these birds if encountered on the water.

Aircraft Flight Restrictions

27. The Proponent shall not alter flight paths to approach wildlife and avoid flying directly over animals.
28. The Proponent shall plan flight paths that minimize flights over known habitat likely to have birds or concentrations of wildlife. Aircraft should avoid critical and sensitive wildlife areas at all times by choosing alternate flight corridors.
29. The Proponent shall avoid known concentrations of birds (e.g., bird colonies, moulting areas) by a lateral distance of 1.5 kilometre. If avoidance is not possible maintain a minimum flight altitude of 1,100 metres (3,500 feet) over these areas.
30. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
31. The Proponent shall advise all pilots of relevant flight restrictions and enforce their application over the project area, including flight paths to/from the project area.

Caribou and Muskoxen Disturbance

32. The Proponent shall avoid interfering with any paths or crossings known to be frequented by caribou during periods of migration as identified by current land use plans in place and/or by Inuit Qaujimaningit.
33. The Proponent shall not locate any operation or undertake activities that could block or cause any diversion to migration of caribou or muskoxen.
34. The Proponent shall immediately cease activities likely to interfere with the migration or calving of caribou or muskoxen until such time as the caribou or muskox have passed.

Land Use and Restoration of Disturbed Areas

35. The Proponent shall use existing trails where possible during project activities on the land.
36. The Proponent shall ensure that the land use area is kept clean and tidy at all times.

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.

37. The Proponent shall avoid disturbance on slopes prone to natural erosion, and alternative locations shall be utilized.
38. The Proponent shall remove all garbage, fuel and equipment at the end of each field season and/or upon completion of work and/or upon abandonment.
39. The Proponent shall ensure that all disturbed areas are restored to a stable or pre-disturbed state using Best Available Technology Economically Achievable (BATEA) upon completion of work and/or abandonment.

Camps

40. The Proponent shall ensure that all camps are located durable surfaces, such as gravel or sand that is consolidated and can withstand repeated, heavy use. Measures shall be put in place to prevent erosion, trail formation and damage to the ground.
41. The Proponent shall not erect camps or store materials on the surface ice of lakes or streams, except that which is for immediate use.

Marine-Based Activities

42. The Proponent shall not visit cliffs used by nesting and breeding birds during the late afternoon or early evening hours during the months of August and September.
43. The Proponent shall not attempt to intersect or interfere with the movements of marine mammals. This includes ensuring that there are no wake zones within 250 metres and a minimum of 100 metre no go zone around marine mammals. Strategic positioning of vessels ahead of the path being traveled by mobile mammals and waiting for the mammals to pass is also prohibited.
44. When marine mammals appear to be trapped or disturbed by vessel movements, the Proponent shall implement appropriate measures to mitigate disturbance, including stoppage of movement until wildlife have moved away from the immediate area.
45. The Proponent shall maintain a distance of 100 metres if a Polar Bear is encountered on land or ice while conducting activities from a zodiac or other small craft; all interaction with Polar Bears should be avoided if possible.
46. The Proponent shall maintain a distance of 500 metres of a walrus haul out while conducting activities from a zodiac or other small craft.
47. The Proponent shall suspend all project activities should any dead fish or wildlife (both marine and terrestrial), or any injured wildlife be observed during any works or activities in and around the marine waters. Activities may only be resumed on the recommendation of the authorizing agencies.
48. The Proponent shall report all incidents, injuries or sightings of marine mammals to the appropriate authorizing agencies.

Heritage Sites

49. The Proponent shall ensure that archaeological and paleontological sites are not purposely or inadvertently disturbed by clients or staff as a result of project activities.

50. The Proponent shall ensure that all clients and staff are aware of the Proponent's responsibilities and requirements regarding archaeological or palaeontological sites that are encountered during land-based activities. This should include briefings explaining the prohibitions regarding removal of artifacts, and defacing or writing on rocks and infrastructure.
51. No activities shall be conducted in the vicinity (50 metres buffer zone) of any archaeological/historical sites. If archaeological sites or features are encountered, activities shall immediately be interrupted and moved away from this location. Each site encountered needs to be recorded and reported to the Government of Nunavut-Department of Culture and Heritage.

Other

52. 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.
53. The Proponent shall ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.
54. The Proponent should, to the extent possible, hire local people and access local services where possible.