



SCREENING DECISION REPORT NIRB FILE No.: 24XN055

Commission File No.: 150553

May 15, 2025

Following the Nunavut Impact Review Board's (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of EXP Services Inc., on behalf of the Community and Government Services' "Taloyoak Sealift Improvement" 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 in below, issued in accordance with s. 92(2)(a) of *NuPPAA*, 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) accepts this Screening Decision Report.

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REGULATORY FRAMEWORK

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*. The purpose of screening is provided for under Article 12, Section 12.4.1 of the *Nunavut Agreement* and s. 88 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 indicating one of three options:

- (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.

PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS

On November 21, 2024, the NIRB received a referral to screen EXP Services Inc., on behalf of the Community and Government Services’ “Taloyoak Sealift Improvement” project proposal (NIRB File No: 24XN055) from the Nunavut Planning Commission (Commission), which noted that the project proposal is outside the area of an applicable land use plan. All documents received and pertaining to this project proposal can be accessed from the NIRB’s Public Registry by using any of the following search criteria or www.nirb.ca/project/126010.

- Project Name: Taloyoak Sealift Improvement
- NIRB File No.: 24XN055
- NIRB Application No.: 126010

Table 1: NIRB’s Assessment Process

Date	Stage
November 21, 2024	Receipt of project proposal and referral from the Commission.
November 21, 2024;	Pursuant to s. 144(1) of the <i>NuPPAA</i> requested an application on Public Registry and provide information
January 7, 2025	Receipt of online application from Proponent
November 29, 2024; January 10, 2025;	Request(s) to Proponent for additional information in order to carry out screening pursuant to s. s. 144(1) of the <i>NuPPAA</i>
February 13, 2025	Proponent responded to information request(s) and provided additional information
February 13, 2025	Scoping pursuant to s. 86(1) of the <i>NuPPAA</i>
March 19, 2025	Public engagement and comment request was issued in English and translations were issued later to the community of Taloyoak.
March 27, 2025	Pursuant to Article 12 s 12.4.5 of the <i>Nunavut Agreement</i> and s. 92(3) of the <i>NuPPAA</i> , a ministerial extension requested due to the project proposal requiring validation of the scope and activities after additional details were identified during the assessment, from the Minister of Crown-Indigenous Relations and Northern Affairs Canada, seeking an extension to the 45-day timeline for the provision of the Board’s Report
April 9, 2025	Receipt of public comments

Date	Stage
May 15, 2025	Issuance of Screening Decision Report

1. Project Scope

Project:	Taloyoak Sealift Improvement		
Region:	Kitikmeot		
Location:	At the end of Stanners Harbour, within the municipal boundary of Taloyoak		
Closest Community:	Taloyoak	Distance (approximate)	Within the hamlet's municipal boundary
Summary of Project Description:	The Proponent proposes to complete a sealift improvement in Taloyoak's existing ramp area by increasing the laydown area and creating a community boat ramp.		
Project Proposed Timeline:	- Construction phase: June to October in both 2025 and 2026 - Operation and maintenance: October 2026 until 2056		

As required under s. 86(1) of the *NuPPAA*, the Board accepts the scope of the project as set out by EXP Services Inc., on behalf of the Community and Government Services in the proposal. The scope of the project proposal includes the following undertakings, works, or activities:

- Upgrade the community resupply infrastructure at the end of the Stanners Harbour by expanding the existing ramp and sealift operations from 250 square meters (m²) to 5,290 m² (approximately the size of two (2) Canadian hockey rinks) as follows:
 - use of approximately 33,000 cubic metres of granular materials of varied sizes to infill 7,150 m² of the harbour and seabed by using standard construction equipment;
 - install riprap and boulders along underwater sections and shoreline;
 - install lighting structures powered by the municipal grid;
 - install a boat ramp for community use;
- Extract and process granular materials from existing quarries:
 - use of existing municipal road network to transport materials to the sealift improvement site;
 - potential use of explosives at the existing quarry sites for extraction purposes;
- Use of heavy equipment for construction activities (loaders, trucks, graders);
- Potential use of water from surrounding freshwater bodies to suppress dust on gravel roads;
- Non-combustible wastes disposed at local landfill;
- Use of fuel sourced locally from the community; and
- Operation and maintenance of the ramp and laydown area by the Hamlet of Taloyoak for a designed operation window of 30 years once upgrade construction is complete.

2. Inclusion or Exclusion to Scoping List

In addition to the scope as described above and pursuant to paragraph 86(1)(b) of the *NuPPAA*, the NIRB identified works or activities to be excluded from the scope as it did not consider it to be sufficiently related to the project to form part of it. Following consultation with the Proponent, the following works or activities were excluded from the scope of the project:

- Installation of a breakwater, and,
- Construction, operation, and/or decommissioning of a temporary camp.

3. Public Comments and Concerns

Notices regarding the NIRB's screening of this project proposal were distributed to community organizations (Table 1) as well as to relevant federal and territorial government agencies, Inuit organizations and other parties requesting they provide the Board with any comments or concerns 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 April 9, 2025, the NIRB received comments from the following interested parties:

Table 2: Comments Received

Commenting Party	NIRB Doc ID No.
Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)	354444
Fisheries and Oceans Canada (DFO)	354443
Transport Canada (TC)	353874
Corey Robert Dimitruk, member of the public	354440, 354439

1) *Summary of Comments and Concerns Received*

The following provides a summary of the comments and concerns received by the NIRB in relation to the Taloyoak Sealift Improvement:

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)

- Recommended the Proponent consider implementing best practices to mitigate potential adverse effects from the project related to fuel management and erosion.
- Recommended Proponent continue to consult with the Hamlet of Taloyoak as well as community residents and organizations on the proposed project. Recommended the Proponent consult on several issues including incorporation of Inuit Qaujimajatuqangit, training and employment opportunities, local procurement opportunities, providing regular updates on the status of the project activities.

Fisheries and Oceans Canada (DFO):

- Noted concerns with fish and fish habitat.
- Recommended the Proponent submit a request for review form to DFO.
- Recommended the Proponent follow DFO's protective measures for fish and fish habitat and standard codes of practice in order to comply with the *Fisheries Act*.

- Referred the Proponent to DFO's Interim code of practice: End-of-pipe fish protection screens for small water intakes in freshwater.
- Emphasized that the Proponent has the *Duty to Notify* in events of contraventions to the *Fisheries Act*.

Transport Canada (TC):

- Noted no concerns but emphasized that the proposed project is subject to regulatory approval under acts and regulations administered by TC as follows:
 - a) Canadian Navigable Water Act (CNWA): Stanners Harbour is an extension of the Arctic Ocean which is a scheduled navigable waterway listed in the CNWA. As such, the work being proposed will require an approval under the CNWA and the Proponent is required to submit an application for approval under TC's Navigation Protection Program for approval.
 - b) Marine Safety and Security: TC noted that any vessel activity needed to support the project must comply with Canada's maritime law and specifically the following in the Arctic:
 - i) *Canada Shipping Act, 2001*;
 - ii) *Marine Liability Act*;
 - iii) *Arctic Waters Pollution Prevention Act*;
 - iv) *Arctic Shipping Safety and Pollution Prevention Regulations*; and,
 - v) *Marine Transportation and Security Act* (TC noted that the site does not currently fall under MTSA regulations but if it changes, TC will assess any security issues and assist the operator to be compliant).
- Recommended the Proponent consult the Canadian Coast Guard and Canadian Hydrographic Services on matters of marine safety and security.
- Recommended the Proponent consult with community resupply companies about the proposal.

Corey Robert Dimitruk, Member of the Public

- Noted concerns with marine mammals and their habitat; birds and their habitat; and local development of the area.
- Noted concerns with reduced air quality due to requirement of transporting quarrying material through the townsite. Recommended inspect and water road surfaces to reduce dust.
- Noted potential impacts and opportunities of this project that may advance other projects as identified within the community by-law plan. Recommended building an alternative route to minimize impacts on the only existing roadway connecting quarry source to project location.
- Noted concerns with human health issues, specifically dust created from the project and tension/stress created from the intensity of the project on the population. Recommended Proponent monitor and provide feedback to inform residents of Taloyoak.
- Noted that the project is important for the community and supports proposals as outline in the Community Plan By-Law 200.

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

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

traditional and community knowledge is incorporated into the terms and conditions recommended below based on information collected from prior and similar projects, data collected and mapped by the Commission, and other available sources.

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. Table 3. The Board took particular care to consider Inuit Qaujimaningit, Indigenous and Community Knowledge in carrying out its assessment and determination of the significance of impacts.

Table 3: Summary of the Board's Assessment of Factors s. 90 *NuPPAA*

Factor	Comment
The size of the geographic area, including the size of wildlife habitats, likely to be affected by the impacts.	▪ The physical footprint of the proposed project is located within the community of Taloyoak and consist of the expansion of the current sealift to 5,290 square metres with infill of the seabed with aggregate materials. In addition, the current community road network would be used to access the municipal quarry site. ▪ The proposed project would take place at the end of the Stanners Harbour, within the habitat of fish and marine mammals (such as ringed seal, walrus and whale), and seasonal foraging grounds for far ranging species such as migratory and non-migratory birds, terrestrial mammals including wolverine, Arctic fox, Arctic hare, and caribou, and Species at Risk such as Polar Bear, Red Knot and Red-necked Phalarope.
The ecosystemic sensitivity of that area.	▪ 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.	▪ Following an archival review, no specific areas of historical, cultural and archaeological significance have been identified by the Proponent within the project footprint. Should the project be approved to proceed, the proponent would be required to report any archaeological/paleontological findings to the Government of Nunavut – Department of Culture and Heritage.
The size of the human and the animal populations likely to be affected by the impacts.	▪ The proposed project would occur in and around the community of Taloyoak; as such the residents of the hamlet and local wildlife populations may be affected by project impacts.

Factor	Comment
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.	▪ A zone of influence of up to 30 km from the most potentially-disruptive project activities was selected for the NIRB's assessment. ▪ 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.	▪ The NIRB has identified past, present, and reasonably foreseeable projects with which the proposed project might have cumulative impacts on aspects of the environment (see Table 4). The Board further notes that the potential for cumulative impacts to human population and terrestrial wildlife resulting from noise activities in the area from transportation of personnel and development activities has been identified and considered in development of the recommended mitigation measures set out below. ▪ It is also noted that the project proposal could induce additional development in the hamlet.
Any other factor that the Board considers relevant to the assessment of the significance of impacts.	▪ Although no public concerns were raised during the public commenting period, the NIRB notes that the close proximity of the proposed activities to the community of Taloyoak and that the areas may be used by residents for recreational/traditional pursuits could potentially contribute to public concern developing. A term and condition has been recommended to direct engagement with the community, HTO and posting of public notices to ensure residents are aware of the proposed development to be conducted. ▪ No other relevant factors were identified; however, see below for Regulatory Requirements mandating mitigation and/or reporting.

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* (<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-justice.gc.ca/eng/regulations/C.R.C.,_c._1035/index.html)) and the *Migratory Bird Sanctuary Regulations* ([https://laws-justice.gc.ca/eng/regulations/C.R.C., c. 1036/index.html](https://laws-justice.gc.ca/eng/regulations/C.R.C.,_c._1036/index.html)).

4. The *Species at Risk Act* (<https://laws-justice.gc.ca/eng/acts/s-15.3/>). 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 *Canada National Marine Conservation Areas Act* (<https://laws-lois.justice.gc.ca/eng/acts/C-7.3/FullText.html>).
8. The *Transportation of Dangerous Goods Act* (<http://laws-lois.justice.gc.ca/eng/acts/t-19.01/>) and the *Transportation of Dangerous Goods Regulations* (<http://www.tc.gc.ca/eng/tdg/clear-tofc-211.htm>).
9. The *Canadian Environmental Protection Act* (<http://laws-lois.justice.gc.ca/eng/acts/C-15.31/>).
10. The *Canadian Navigable Waters Act* (<https://laws.justice.gc.ca/eng/acts/N-22/>).
11. The *Explosives Act* (<https://laws-lois.justice.gc.ca/eng/acts/e-17/>) and *Explosives Regulations* (<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2013-211/index.html>).

Other Applicable Guidelines

12. The *Guidelines for the use of Explosives in or near Canadian Fisheries Waters* (<http://publications.gc.ca/site/eng/82558/publication.html>).

Table 4: Past, Present, and Reasonably Foreseeable Projects Considered

NIRB Project Number	Project Title	Project Type
<i>Proposed Developments – undergoing assessment</i>		
24XN038	Grays Bay Road and Port	Access road/marine infrastructure
<i>Present Projects – approved or in operation</i>		
21QN040	Taloyoak Quarry Sites	Pits and Quarries
<i>Past Projects</i>		
19YN018	Sea-ice monitoring to support resilient transportation infrastructure, community economic development and youth training in Gjoa Haven and Taloyoak, Nunavut	Marine Based Activities
17YN061	Kitikmeot Region Marine Science Study	Scientific Research
17YN002	Toward a sustainable fishery for Nunavummiut (TSFN)	Scientific Research
12XN041	New Taloyoak Power Plant	Infrastructure
06QN017	Blast, Crush and Screen 20,000 Cubic Meter of Granular Material, Haul and Stockpile Taloyoak, Nunavut	Pits and Quarries

VIEWS OF THE BOARD

In considering the above factors, the Board has identified the following and respectfully provides its views regarding whether or not the proposed project has the potential to result in significant impacts. The NIRB has also proposed terms and conditions that would mitigate the potential adverse impacts identified.

Ecosystem, wildlife habitat and Inuit harvesting activities:

Valued Component	Migratory and non-migratory birds, terrestrial wildlife and Species at Risk
Potential effects:	Potential adverse effects to migratory birds and non-migratory birds, wildlife (such as Arctic hare, Arctic fox, barren-ground caribou, grizzly bear, and wolverine), Species at Risk (such as Polar Bears, Peary caribou and Red Knot), and their migratory routes from the construction activities of the proposed project including quarrying, transportation of aggregate by truck, and upgrading the community resupply infrastructure by infilling of the harbour during the open-water season.
Nature of Impacts:	The potential for impacts are considered to be likely and intensive during the summer months as the construction activities would coincide with the nesting and breeding season for migratory and non-migratory birds. The project area is within the range of bird species that are afforded protection, including buff-breasted sandpiper, Harris's sparrow, peregrine falcon, Red knot, and red-necked phalarope. However, the proximity to existing infrastructure also reduces the possibility of additional impacts to wildlife. The potential for impacts are considered to be limited and temporary, and any resulting impacts would be expected to be reversible.
Mitigating Factors:	The Proponent proposes to store project construction materials and equipment after construction activities during the winter months to avoid nuisance to wildlife and their use of the project area. The Board also recommends terms and conditions such as seasonal restrictions which are expected to mitigate potential adverse impacts to terrestrial wildlife and migratory birds.
Proposed Terms and Conditions:	Waste Management – 10 Fuel and Chemical Storage – 14 through 16 Noise – 19 Wildlife (General) – 20 through 24 Migratory Birds and Raptors Disturbance – 25 and 26 Caribou and Muskoxen Disturbance– 27 through 29

Valued Component	Marine waters, marine mammals and marine habitat
Potential effects:	Potential adverse impacts to marine mammals and marine habitat (e.g., fish and benthic populations) and key critical habitat (calving, post-calving areas, and migratory pathways) resulting from increased noise

	and/or physical disturbance associated with the construction and expansion of the community resupply infrastructure by infilling of the harbour during the open-water season. Cumulative effects on marine wildlife and marine habitat could occur if multiple activities are encountered in the same area
Nature of Impacts:	The potential for impacts is applicable to the area within Stanners Harbour and the depositing of aggregate materials directly into the marine environment is very likely to permanently remove habitat or seasonal foraging grounds for marine wildlife (such as fish, crustaceans, ringed seal, Arctic char, and sculpin), within the project footprint. This potential negative impact is irreversible and permanent. Since construction is scheduled to complete in one open-water season, the project activities are also likely to degrade water quality, consequently reducing or degrading the suitability of habitat by marine aquatics, especially bottom feeders, to a greater geographic extent outside the project area. These potential impacts are negative but short-term, reversible, and infrequent. However, the establishment of a permanent laydown area and a boat ramp is likely to increase the boating use of the area, resulting in increased vessel traffic into the foreseeable future that may cause increased noise and substrate disturbance to marine aquatics in the long run.
Mitigating Factors:	The Proponent proposes to mitigate the identified potential impacts to marine waters and aquatics by screening aggregates at sourcing to reduce sediment particles; use of boulders or large-sized aggregates to off-set habitat loss; and use turbidity curtains and other means for in-water works. The Proponent also noted that it will consult with DFO on the proposal to minimize impacts to the marine environment. The Board is recommending terms and conditions to ensure the project activities do not negatively affect marine wildlife and their habitat.
Proposed Terms and Conditions:	Marine-Based Activities – 40 through 43

Valued Component	Surface water quality, freshwater and aquatics, and fish and fish habitat
Potential effects:	Potential adverse impacts to freshwater quantity and quality, and fish and fish habitat are likely from the dust associated from the construction activities being proposed project including quarrying, transportation of aggregate by truck, upgrading the community resupply infrastructure and the use of water to suppress dust on gravel roads.
Nature of Impacts:	The potential impacts are considered to be limited and temporary and any resulting impacts would be expected to be reversible once the construction activities are complete.
Mitigating Factors:	The Proponent has discussed the potential to withdraw water from freshwater bodies to suppress dust on gravel roads. If water use from freshwater bodies is to occur, the proposed project is likely to result in negative impacts on freshwater quantity, and subsequently fish and their

	habitat. Landlocked cod, trout, and Arctic char that use the freshwater bodies in this region are important to Inuit cultural practices, fishing, and food security in the community of Taloyoak. The Proponent is advised to consult with the Nunavut Water Board regarding water use from inland waters. The Board recommends that the Proponent follows regulatory authorities' guidance and engage community members to avoid, reduce, and off-set the harm to freshwater fish and fish habitat, including methods and location(s) of water withdrawal.
Proposed Terms and Conditions:	Water Courses/Water Bodies – 6 through 9 Waste Management – 10 Fuel and Chemical Storage – 11 through 13 Aggregate Removal within Existing and New Quarries – 31 through 33

Valued Component	Land, terrestrial vegetation and ground stability
Potential effects:	Potential adverse impacts to the ground stability, vegetation quality, and terrain due to the construction activities of the proposed project including quarrying, transportation of aggregate by truck, and upgrading the community resupply infrastructure by infilling of the harbour during the open-water season.
Nature of Impacts:	The potential for impacts is considered to be limited if regulations and best practices for construction activities are followed. The potential for disturbance due to other activities is considered to be minimal due to the localized nature of the construction and operational activities.
Mitigating Factors:	The Board is recommending terms and conditions to ensure that project activities do not negatively affect land, terrestrial vegetation, and ground stability.
Proposed Terms and Conditions:	Waste Management – 10 Fuel and Chemical Storage – 11, 13, 14 and 16 Road and Ground Disturbance – 30 Aggregate Removal within Existing and New Quarries – 34 Land Use and Restoration of Disturbed Areas – 35 through 39

Valued Component	Air quality
Potential effects:	Potential adverse effects to air quality from emissions and dust during the construction activities of the proposed project including quarrying, transportation of aggregate by truck, and upgrading the community resupply infrastructure by infilling of the harbour during the open-water season.
Nature of Impacts:	The potential for adverse impacts are considered to be likely during the summer months as the construction activities would increase emissions from the use of additional vehicles and increase dust due to the transport of aggregate to the construction site. The proposed project activities are

	likely to induce human health issues, such as respiratory conditions in vulnerable demographics including young children and the elderly. Public concern was also raised during the commenting period on the potential adverse effects on air quality and the potential negative impacts to the community. The potential for impacts are considered to be limited and temporary and any resulting impacts would be expected to be reversible once construction is complete.
Mitigating Factors:	The Proponent has committed to work with the Hamlet of Taloyoak to coordinate the use of local roads, including finding alternate routes to keep construction vehicles away from residential area in town. The Proponent also proposes to use water and/or potentially other chemicals to suppress dust on the roads.
Proposed Terms and Conditions:	Air Quality – 17 and 18

Valued Component	Public access and traditional land use activities
Potential effects:	Potential adverse impacts to access to the public and traditional land use activities due to construction activities of the existing ramp and sealift operations and the use of existing community roads to the quarry sites. However, the proposed project could also be considered as a community-beneficial for community members involved in recreational use fisheries operations.
Nature of Impacts:	The potential for adverse impacts are considered to be likely during the summer months as the construction activities would coincide with community members potentially wanting to use the area for access to public and traditional land activities. Further, the noise from the construction activities may temporarily change distribution of harvested terrestrial or marine species through avoidance and may affect personal enjoyment of the land. The potential for impacts are considered to be intensive but temporary and any resulting impacts would be expected to be reversible. No specific concerns or impacts to public and traditional land use activities in the area have been identified, however, public comments noted that this is an important project for the community and the importance of consulting with the community on Inuit Qaujjimajatuqangit.
Mitigating Factors:	The Proponent has committed to working with the hamlet of Taloyoak to coordinate use of the municipal road network, including road safety and repairs due to heavy construction vehicle traffic through town. The proponent has also proposed to provide through their contractor an alternate off-loading ramp when receiving barges for community resupply during in-water construction months, likely in the second year.

	The Board also is recommending terms and conditions to ensure project activities are informed by available Inuit Qaujimaningit and that project activities do not interfere with access to Inuit wildlife harvesting or traditional land use activities. Further, it is recommended that the Proponent engage with local residents, if possible and practical, regarding planned activities in the area.
Proposed Terms and Conditions:	Caribou and Muskoxen Disturbance – 27 Public Consultation – 46 Traditional Harvesting – 47

Socio-economic effects on northerners:

Valued Component	Historical, cultural and archeological sites
Potential effects:	Potential adverse impacts to historical, cultural and archeological sites in or near the project area are not likely due to the proximity to existing infrastructure within the hamlet.
Nature of Impacts:	Project activities are not likely to have adverse impacts on historical, cultural and archeological sites.
Mitigating Factors:	The Board is recommending terms and conditions to ensure project activities are informed by available Inuit Qaujimaningit and in compliance with regulations to protect historical, cultural and archeological resources. The Proponent is required to contact the Culture and Heritage Department when encountering any historical sites.
Proposed Terms and Conditions:	Heritage Sites – 44 and 45 Public Consultation – 46

Valued Component	Local employment, contracting and economic opportunities
Potential effects:	Potential positive impacts as the proposed project is likely to bring about positive impacts on local employment and generate economic opportunities for the community of Taloyoak. The Proponent noted the use of local accommodation services, construction equipment and vehicles during the construction season. The project proposed could also be considered beneficial to the community and community members as the sealift improvement project would increase the permanent laydown areas in place for receiving barges and the development of a boat ramp for recreational use and fisheries.
Nature of Impacts:	Positive economic benefits in relation to the construction of the project are likely but short-term for the duration of the construction phase. Further, additional local employment may occur during the operations of the facility as the Hamlet of Taloyoak would be responsible maintenance operations. The completion of the project will improve local infrastructure and is likely to induce future economic opportunities, including small scale fisheries operations and other recreational activities.

	Public comments noted that the improvement to the infrastructure is an important project for the community as it may advance other projects that were identified by the hamlet. Further, comments noted that the Proponent should consult on several issues including incorporation of Inuit Qaujimajatuqangit, training and employment opportunities, local procurement opportunities, and providing regular updates on the status of the project activities
Mitigating Factors:	The Board recommends terms and conditions to ensure the Proponent continues to inform the community of the proposed construction activities, provides training and employment opportunities to the residents of the community and offer procurement to local businesses.
Proposed Terms and Conditions:	Public Consultation – 46 Local Hiring and Services – 48

Significant public concern:

Valued Component	Public Concerns
Potential effects:	Public concerns were raised on marine mammals and their habitat, birds and their habitat, reduced air quality, local development of the area, and potential impacts and opportunities of this project that may advance other projects as identified within the community by-law plan.
Nature of Impacts:	Each of the potential concerns were discussed in previous sections and the potential for impacts is considered to be minimal as long as the Proponent follow the recommended terms and conditions.
Mitigating Factors:	The Board recommends terms and conditions to ensure that to the Proponent continues to inform the community of the proposed construction activities, to the extent possible hire locally and access local services where possible, and to ensure planned activities in the area utilizes available Inuit Qaujimaningit.
Proposed Terms and Conditions:	Public Consultation – 46 Local Hiring and Services – 48

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: 1-5.

In considering the above factors and subject to the Proponent's compliance with regulatory requirements and 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. Community and Government Services (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.: 150553), and the NIRB (Online Application Form, January 7, 2025; additional information, February 13, 2025). 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 not extract water from any fish-bearing water body unless the water intake hose is equipped with a screen of appropriate mesh size to ensure that there is no entrapment of fish. Small lakes or streams should not be used for water withdrawal unless otherwise authorized 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 implement erosion and sediment suppression measures on all areas during all project activities in order to prevent sediment or fugitive dust from entering any water body or surrounding environment. Erosion prevention measures may include berms or silt fences.
9. 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

10. 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.

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 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.
13. 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.
14. 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).
15. 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.
16. 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

17. The Proponent shall take appropriate dust suppression measures in conducting all activities for this Project including using approved dust suppression additives and techniques as necessary to maintain ambient air quality.
18. The Proponent shall eliminate unnecessary idling to reduce greenhouse gas emissions as much as possible.

Noise

19. All construction and road vehicles must be fitted with standard and well-maintained noise suppression devices.

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.

23. The Proponent shall ensure that all wildlife have the right-of-way on any roads or trails. Vehicles are required to slow down or stop and wait to permit the free and unrestricted movement of wildlife across roads or trails at any location.
24. The Proponent shall enforce safe speed limits for vehicles travelling along the road to ensure drivers have sufficient time to react in a safe manner if wildlife are encountered on or adjacent to the road or trail.

Migratory Birds and Raptors Disturbance

25. 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*.
26. 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.

Caribou and Muskoxen Disturbance

27. 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.
28. The Proponent shall not locate any operation or undertake activities that could block or cause any diversion to migration of caribou or muskoxen.
29. 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.

Road and Ground Disturbance

30. 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.

Aggregate Removal within Existing and New Quarries

31. The Proponent shall not remove any material from below the ordinary highwater mark of any lake or stream and shall maintain an undisturbed buffer zone as required by the appropriate authorizing agencies between quarry site and any high water mark of any water body to ensure erosion control.
32. The Proponent shall install silt fences/curtains down stream of any quarry activities.
33. The Proponent shall ensure there is no obstruction of natural drainage, flooding or channel diversion from quarry/pit access, stockpiles, or other structures or facilities.

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.

34. The Proponent shall locate screening and crushing equipment on stable ground, at a location with ready access to stockpiles.

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.
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.

Marine-Based Activities

40. 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.
41. The Proponent shall report all incidents, injuries or sightings of marine mammals to the appropriate authorizing agencies.
42. 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.
43. Construction shall be carried out during periods when wind, wave and tidal conditions minimize the dispersion of silt and sediment from the work site.

Heritage Sites

44. 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.
45. 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.

Other

46. 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.

47. The Proponent shall ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.
48. 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 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.

Copy of licences, etc. to the Board and Commission

2. The NIRB respectfully requests that responsible authorities submit a copy of each licence, permit or other authorization issued for the Project to the NIRB to assist in enabling possible project monitoring that may be required. 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, reports 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: https://www.enr.gov.nt.ca/sites/enr/files/resources/safety_in_grizzly_and_black_bear_country_english.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 Taloyoak, phone: 867-561-6231).

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://publications.gc.ca/collections/collection_2013/ec/CW66-324-2013-eng.pdf.

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.

Nunavut Water Board

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

CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the EXP Services Inc., on behalf of the Community and Government Services' "Taloyoak Sealift Improvement". The NIRB remains available for consultation with the Minister regarding this report as necessary.

Dated May 15, 2025 at Baker Lake, NU.



Kaviq Kaluraq, 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*, S.C. 2002, c. 29 (SARA), and the potential for project-specific adverse effects on listed wildlife species and its critical habitat, measures should be taken as appropriate to avoid or lessen those effects, and the effects need to be monitored. Project effects could include species disturbance, attraction to operations and destruction of habitat. This section applies to all species listed on Schedule 1 of SARA, as listed in the table below, or have been assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), which may be encountered in the project area. This list may not include all species identified as at risk by the Territorial Government. The following points provide clarification on the applicability of the species outlined in the table.

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

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

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

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

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

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

Updated: September 2024

Terrestrial Species at Risk²	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility³
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
Porsild's Bryum	Threatened	Schedule 1	Government of Nunavut (GN)
Transverse Lady Beetle	Special Concern	No Schedule	GN
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
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
Beluga Whale (Western Hudson Bay Population)	Special Concern	No Schedule	DFO
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

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.

APPENDIX B: ARCHAEOLOGICAL AND PALAEOONTOLOGICAL 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 Overview Assessment and/or Inventory and Documentation and/or Mitigation
c)	Construction of linear disturbances, Extractive disturbances, Impounding disturbances and other land disturbance activities	Archaeological/Palaeontological Overview Assessment and/or Inventory and Documentation and/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.

⁴ P.C. 2001-1111 14 June, 2001

- 2) The permittee/proponent shall not operate any vehicle over a known or suspected archaeological or palaeontological site.
- 3) The permittee/proponent shall not remove, disturb, or displace any archaeological artifact or site, or any fossil or palaeontological site.
- 4) The permittee/proponent shall immediately contact CH at (867) 934-2046 or (867) 975-5500 should an archaeological site or specimen, or a palaeontological site or fossil, be encountered or disturbed by any land use activity.
- 5) The permittee/proponent shall immediately cease any activity that disturbs an archaeological or palaeontological site encountered during the course of a land use operation until permitted to proceed with the authorization of CH.
- 6) The permittee/proponent shall follow the direction of CH in restoring disturbed archaeological or palaeontological sites to an acceptable condition. If these conditions are attached to either a Class A or B Permit under the Territorial Lands Act 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.

⁵ s. 51(1)

⁶ P.C. 2001-1111 14 June, 2001

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

The primary regulatory agencies that CH provides information and assistance to are the Nunavut Impact Review Board, for development activities proposed for Inuit Owned Lands (as defined in Section 1.1.1 of the *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.