



NIRB File No.: 24YN056
NPC File No.: 150552

January 07, 2025

Zachary Michael Frohman
3232 Eastern Avenue, Apt 401
Baltimore, 21224
Maryland, United States

Sent via email: zackfrohman@gmail.com

Re: Notice of Screening for Zachary Michael Frohman's "Visiting the Spicer Islands of Foxe Basin" Project Proposal

Dear Zachary Michael Frohman:

On November 21, 2024, the Nunavut Impact Review Board (NIRB) received a referral to screen Zachary Michael Frohman's (the Proponent) "Visiting the Spicer Islands of Foxe Basin" project proposal from the Nunavut Planning Commission (Commission), which noted that the project proposal is outside the area of an applicable regional land use plan. On December 9, 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 **24YN056** - 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/126011.

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| Project: | Visiting the Spicer Islands of Foxe Basin |
| Region: | Qikiqtani Region |
| Location: | North and South Spicer Islands in Foxe Basin with stops at Kimmirut, Kinngait, and Sanirajak. |

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|--|---|--------------------------------|---------------------|------------------|--------------------------|
| Closest Community: | Sanirajak (formerly, Hall Beach) | Distance (approximate) | 106 kilometres (km) | Direction | southeast from Sanirajak |
| Summary of Project Description: | The Proponent intends to embark on a sailing trip through the Hudson Strait to arrive at the Spicer Islands of Foxe Basin to observe wildlife, conduct geological research, see archaeological sites and visit communities along the sailing route. | | | | |
| Project Timeline: | Proposed | August 15 to December 15, 2025 | | | |

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

- Round trip voyage of 3–4 months starting mid-August 2025 to the Spicer Islands in the northern Foxe Basin by sailboat, with visits to Kimmirut, Kinngait, and Sanirajak on the sailing route.
- Activities for a total of 7 days (tentatively from September 15, 2025) on the North and South Spicer Islands:
 - Observing wildlife and using recreational drones to photograph and film wildlife and migratory birds at the islands.
 - Tenting on these islands: (a) possible use of surface water for camp use; (b) use of propane camp-stove; (c) no discharge of greywater, disposition of solid wastes or sewage to the land and inland waters.
 - Documenting (by photograph and location) potential archaeological and palaeontological sites but no known sites were identified by the Proponent.
 - Using hand tools (geology hammer, chisels and spades) to collect rocks and sediment samples, on surface or near-surface, on the land and inland waters.
 - Visiting by dinghy to the Era Island to collect rocks and sediment samples.

Inclusion or Exclusion of Scoping List

At this time, the NIRB has identified no additional works or activities in relation to the project proposal. As a result, the NIRB will proceed 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/126011 and include:

- *Commission Conformity Determination*
- *Commission Application*
- *NIRB's Online Application*
- *NIRB Email Correspondence to Proponent for Clarification*
- *Proponent Email Correspondence to NIRB with Responses to Clarification*

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 Zachary Michael Frohman's project proposal with this letter, and we invite interested parties to comment directly to the NIRB by **January 17, 2025**.

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/126011.

If you have any questions or require clarification, feel free to contact the undersigned at 1-867-233-3033 (toll-free) or lcai@nirb.ca.

Sincerely,



Leila Cai
Impact Assessment 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
Tracey McCaie, Crown-Indigenous Relations and Northern Affairs Canada
Marcus Bermann, Crown-Indigenous Relations and Northern Affairs Canada
Transport Canada
José Audet-Lecouffe, Fisheries and Oceans Canada
Richard Dwyer, Nunavut Water Board
Mosha Cote, Nunavut Research Institute
Caroline Whittle, Department of Culture and Heritage - Government of Nunavut
Drikus Gissing, Department of Environment - Government of Nunavut
Hall Beach Hunters & Trappers
Hall Beach Hamlet Office
Aiviq Hunters & Trappers
Cape Dorset Hamlet Office
Mayukalik Hunters & Trappers
Kimmirut Hamlet Office

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. Zachary Michael Frohman (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.: 150552), and the NIRB (Online Application Form, November 21, 2024; Email Correspondence for Clarification, December 9, 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.

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.

Fuel and Chemical Storage

10. 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.

11. All fuel and chemical storage containers must be clearly marked with the Proponent's name for ease of identification.
12. 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.
13. 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.
14. 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.

Wildlife – General

15. 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.
16. 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.
17. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired.
18. The Proponent shall ensure that all wildlife have the right-of-way on any roads or trails.

Migratory Birds and Raptors Disturbance

19. 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*.
20. 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 zone appropriate for the species and the surrounding habitat.
21. 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.
22. 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.

Land Use and Restoration of Disturbed Areas

23. The Proponent shall use existing trails where possible during project activities on the land.

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.

24. The Proponent shall ensure that the land use area is kept clean and tidy at all times.
25. The Proponent shall avoid disturbance on slopes prone to natural erosion, and alternative locations shall be utilized.
26. 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.

Camps

27. 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.
28. 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

29. The Proponent shall, where practicable, coordinate with other vessels to minimize simultaneous vessel traffic in critical wildlife habitat areas allowing the wildlife to continue to use the habitat undisturbed (e.g. Rowley Island Ecologically and Biologically Significant Area).
30. The Proponent shall ensure that noise be kept to a minimum and shall refrain from making sharp or loud noises, blowing horns or whistles and shall maintain constant engine noise levels.
31. 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.
32. The Proponent shall ensure small launch vessels (e.g., zodiacs, kayaks) maintain a distance of 100 metres from seabird and sea duck breeding or moulting colonies.
33. 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.
34. 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.
35. 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.
36. The Proponent shall maintain a distance of 500 metres of a walrus haul out while conducting activities from a zodiac or other small craft.
37. 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.

38. The Proponent shall report all incidents, injuries or sightings of marine mammals to the appropriate authorizing agencies.
39. 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.

Vessel Craft-Based Tourism

40. The Proponent shall be aware of the Proponent's responsibilities and due diligence regarding wildlife and wildlife habitat protection. This should include readily available public information on wildlife sensitivities and potential hazards, proper wildlife viewing techniques and safety practices.
41. While on the cruise ship, vessel or small craft, the Proponent shall limit viewing time of each concentration of marine mammals and avoid loud noises and rapid movement in order to minimize disturbance.
42. The Proponent is strongly advised to provide sufficient advance notice to communities where a landing is planned as part of project activities.
43. The Proponent shall submit copies of documentations from Transport Canada confirming inspections and certifications of all vessels inclusive of the proposed foreign pleasure crafts and registration of recreational drone operations prior to tourism activities.

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. 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

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.