



SCREENING DECISION REPORT NIRB FILE No.: 24EN005

NIRB File No.: 24EN005

NPC File No.: 150418

Related to NPC File No.: 150217

June 12, 2025

Following the Nunavut Impact Review Board's (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of Bronzite Exploration Corp.'s (BEC) "Somerset Trough Project" 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 May 24, 2024, the NIRB received a referral to screen Bronzite Exploration Corp.'s (BEC) "Somerset Trough Project" project proposal from the Nunavut Planning Commission (Commission), with an accompanying positive conformity determination with the North Baffin Regional Land Use Plan. The Commission noted that the previous conformity determination issued on January 30, 2024, for the activities associated with the current proposal continues to apply and has determined that the project proposal is a significant modification to the project because it is for a component or activity that was not part of the original proposal, and its inclusion is a significant modification of the project. 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/126134.

- Project Name: Somerset Trough Project
- NIRB File No.: 24EN005
- NIRB Application No.: 125134

Table 1: NIRB's Assessment Process

Date	Stage
May 24, 2024	Receipt of project proposal and new positive conformity determination (North Baffin Regional Land Use Plan) from the Commission
May 28, 2024	Request(s) to Proponent for additional information in order to carry out screening pursuant to s. s. 144(1) of the <i>NuPPAA</i>
August 12, 2024	Proponent requested that assessment be suspended; NIRB issued notice that the assessment was suspended same day.
January 28, 2025	Proponent requested that the assessment continue and provided an application.
February 4, 2025	Pursuant to s. 144(1) of the <i>NuPPAA</i> , NIRB requested additional information be submitted in its application
March 13, 2025	Receipt of online application from Proponent, and NIRB conducted scoping pursuant to s. 86(1) of the <i>NuPPAA</i>

Date	Stage
March 24, 2025	Translated Public engagement and comment request issued to the following communities: Resolute Bay, Taloyoak
April 4, 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 sent to the Minister of Crown-Indigenous Relations and Northern Affairs.
April 14, 2025	Receipt of public comments
April 22, 2025	Proponent provided with an opportunity to address comments/concerns raised by public
April 28, 2025	Proponent responded to comments/concerns raised by public
June 12, 2025	Issuance of Screening Decision Report

1. Project Scope

The following table provides a summary of the ***original*** project as previously screened by the NIRB File No. 24EN005 in early 2024.

Original Project:	Somerset Trough Project
Region:	Qikiqtani region
Location:	Somerset Island
Closest Community:	250 kilometres (km) South of Resolute Bay
Summary of Project Description:	Early exploration program occurring in the spring and summer including: airborne and ground-based geophysical surveys, prospecting, sampling, and geological mapping, based out of a temporary camp in the Western Somerset Island Watershed.
Original Timeline:	March 2024 to September 2024

The previous scope of activities included:

- Construction of a temporary 14-person exploration camp;
- Airborne and ground-based geophysical surveys, prospecting, sampling and geological mapping;
- Use of a helicopter to transport personnel and equipment from camp to prospecting sites;
- Use of ATV, and snowmobile to transport personnel and supplies to field sites;
- Use of two helicopters to transport personnel and for airborne surveys;
- Use of an Incinerator to dispose of combustible waste;
- Use of 82,000 liters of Av Gas in for aircraft;
- Use of 19,475 liters of diesel fuel for heating and incinerator;
- Use of 1,025 liters of gasoline for generator;
- Use of 40 liters of liquid nitrogen for ground geophysical surveys during summer program;
- Use of 10 m³ (cubic meters) of water for camp;
- Use of a Spill Response Plan and Spill Kits in case of spills;
- Use of an appropriately located sump to dispose of greywater; and
- Non-combustible waste to be removed and disposed of at an accredited facility.

The following table provides a summary of the **amended** project as proposed by BEC in January 2025:

Amended Project:	Somerset Trough Project
Region:	Qikiqtani region, overlapping some IOL parcels managed by the Kitikmeot Inuit Association.
Location:	Somerset Island
Closest Community:	250 kilometres (km) South of Resolute Bay, and camp located approximately the same distance North of Taloyoak.
Summary of Project Description:	The Proponent is applying to expand the scope of activities in the area to occur over the next five (5) years to 2029, add diamond drilling, expand the camp, and increase water use to service both camp and drilling activities.

As required under s. 86(1) of the *NuPPAA*, the Board accepts the scope of the project as set out by the Proponent in the proposal. The scope of the project proposal includes the following undertakings, works, or activities:

- Accessing site and exploration areas by fixed-wing aircraft and helicopter;
- Use of 1-2 diamond drill for drilling core samples, including transport, temporary storage and use of associated drill and drilling materials (calcium chloride, hydraulic oil, and engine oil);
- Increase temporary camp from 14 to 20-person camp;
- Use of ATV and snowmobile for transportation
- Transport, storage, and use of fuel for camp operation; and
- Increase daily use of up to 299m³ of water for camp operations and drilling activities.

2. Inclusion or Exclusion to Scoping List

The NIRB 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.

3. Public Comments and Concerns

Notices regarding the NIRB's screening of this project proposal were distributed to community organizations in Resolute Bay and Taloyoak 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 14, 2025, the NIRB received comments from the following interested parties.

Table 2: Comments Received

Commenting Party	NIRB Doc ID No.
Qikiqtani Inuit Association (QIA)	354588
Kitikmeot Inuit Association (KIA)	354587
Government of Nunavut (GN)	354586
Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)	354456
Transport Canada (TC)	353875
Taloyoak Umaruliririgut Association	354286
Peter Aqqaq	354274

a. Summary of Comments and Concerns Received

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

QIA Reminded the Proponent that any activities on Inuit Owned Lands require a separate filing for a land access application with QIA.

KIA Noted that work area is in both the Kitikmeot and Qikiqtani Regions; should Bronzite Exploration Corp. conduct exploration on IOL SB52 it would need to obtain a Land Use Licence from KIA's Department of Lands, Environment, and Resources in Kugluktuk.

GN Requested that the Proponent provide more information to clarify this point of uncertainty regarding wildlife studies, the GN wishes to remind the Proponent that Wildlife Research Licences are required under the Nunavut's *Wildlife Act* for studies of terrestrial wildlife (including plants, insects, and animals), polar bears and birds. Proponents may apply for Wildlife Research Permits by contacting wildlife_research@gov.nu.ca;

- The project area overlaps with sensitive polar bear denning habitat and that the start date of annual operations coincides with the timing of adult female polar bears first emerging from dens. The GN recommended that the Proponent identify polar bear denning habitat within section 3.2 of the Wildlife Management and Monitoring Plan (WMMP), additionally the GN recommends that the Proponent specify, within the WMMP, any mitigation or monitoring measures undertaken to minimize disturbance to polar bears and their habitat during the denning period.
- The NIRB's 2024 Screening Decision Report indicated specific terms and conditions concerning aircraft flight restrictions. The GN recommends that the Proponent follow the minimum flight altitudes and incorporate this into the Proponent's latest WMMP.

CIRNAC

- The most recent version of the Abandonment and Restoration Plan, dated January 25, 2025, does not describe procedures for using native plant species for re-vegetation. CIRNAC recommended that the Proponent update the Abandonment and Restoration Plan to include

re-vegetation procedures, to satisfy the requirement outlined in the previously issued Screening Decision Report.

TC

- Noted that the Proponent would need to complete self-assessments of the navigability of all waterways where water intakes would be placed, if a waterway is navigable, the water intake that would be used for water withdrawal may be a “minor work” under the *Canadian Navigable Waters Act* (CNWA).
- Noted that the shipper preparing the dangerous shipment for air transportation must have International Civil Aviation Organization (ICAO) training for dangerous goods.

Taloyoak Umarulirigut Association

- Strongly oppose the Bronzite Somerset Island Project and its proposed amendment to extend operations to five years;
- The Proponent has not conducted in-person consultation with the community of Taloyoak, which the Association suggest shows disregard for the people most affected by the project proposal.

Peter Aqqaq

- Oppose the amendment;
- Proponent sent emails to an old HTA email which is no longer in use and in the application the Proponent has put that “no response” was received on their consultation; and
- Peary caribou live on Somerset Island and this species is a protected species in Canada.

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

The following is a summary of the concerns or comments received with respect to Inuit Qaujimaningit, Indigenous and Community knowledge with respect to the project proposal:

QIA Noted that Creswell Bay is a very sensitive area that is home to narwhal, beluga, Arctic char, and muskox and other wildlife.

KIA The southern part of the proposed trough is an area frequented by Inuit from Taloyoak, KIA requests further community engagement with the residents of Taloyoak and the local Hunters and Trapping Organization to solicit feedback on project activities.

Taloyoak Umarulirigut Association

- Somerset Island and its surrounding waters are critical habitat for narwhal and beluga species that are essential to their culture, food security, and a way of life. Any industrial activity in the sensitive ecosystem poses a serious threat to these marine mammals;
- Somerset Island holds deep historical and cultural significance for the people of Taloyoak, stating that our ancestors and grandparents lived there for generations; and
- The Taloyoak Umarulirigut Association is currently in the process of establishing an Indigenous Protected and Conserved Area (IPCA) to safeguard Somerset Island and its surrounding environment.

Peter Aqqaq

- The area is a critical habitat for three marine species, the narwhal, beluga, and bowhead whales and it is known that the whales go to the area where the proposed project is located.

4. Proponent's Response to Public Comments and Concerns

Due to the comments, and questions received from parties, the NIRB provided an opportunity for the Proponent to respond. The following is a summary of the Proponent's response to concerns:

- Bronzite Exploration Corp. acknowledged that the Project area overlaps the Kitikmeot Inuit Association Inuit Owned Lands and will not conduct any work in this area without proper authorization from KIA, and noted that they are currently working to reschedule a community visit to Taloyoak in May or June 2025 and is happy to share the results of the engagement with the KIA and the NIRB.
- Committed to notifying the HTO and families known to use Creswell Bay prior to any work being done in the area during the spring and summer months as well as avoiding helicopter and fixed flights within the area when community members are present, and will follow the requirements of the Wildlife Mitigation and Monitoring Plan (WMMP).
- Committed to follow the updated WMMP requirements for new activities such as drilling.
- Bronzite will submit a Wildlife Research Permit Application once details are finalized, and will revise the appropriate sections of the Abandonment and Restoration Plan.
- Bronzite appreciates the information related to Somerset Island's historical and cultural significance and looks forward to working with the KIA, the community of Taloyoak and the Taloyoak Umarulirigut Association to better understand and document the area's Traditional Knowledge, Inuit Qaujimajatuqangit, and Community Knowledge, also noted that they appreciated the knowledge shared about Perry Caribou living on Somerset Island and looks forward to working with the GN, KIA, QIA, the Taloyoak Umarulirigut Association, and Resolute HTO on future wildlife programs to gain information on caribou in the area.

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. 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 in s. 90 of *NuPPAA*

Factor	Comment
The size of the geographic area, including the size of wildlife habitats, likely to be affected by the impacts.	<ul style="list-style-type: none">▪ The physical footprint of the proposed project components is on Somerset Island.▪ The proposed project would take place within habitats of far-ranging wildlife species such as migratory and non-migratory birds, Arctic fox, Arctic hare and Species at Risk such as polar bears.

Factor	Comment
The ecosystemic sensitivity of that area.	<ul style="list-style-type: none"> No specific areas of ecosystemic sensitivity have been identified by the Proponent within the physical footprint of the proposed project. The Taloyoak Umarulirigut Association, Peter Aqqaq, and Qikiqtani Inuit Association have noted the area is a critical habitat for several species of terrestrial and marine mammals, and Arctic Char.
The historical, cultural and archaeological significance of that area.	<ul style="list-style-type: none"> No specific areas of historical, cultural and archaeological significance have been identified by the Proponent within the physical footprint of the proposed project. The community of Taloyoak and the Kitikmeot Inuit Association have noted the area is important to several species which make it important to the families that use this area, and indicated there is an intention to designate the area as an Indigenous Protected and Conserved Area (IPCA) to safeguard Somerset Island and its surrounding environment. However, with the timing of the work to designate this area being undefined, and the proposed project being until 2029, it is unclear what land use restrictions would be in place by the end of the proposed exploration program.
The size of the human and the animal populations likely to be affected by the impacts.	<ul style="list-style-type: none"> The Proponent has proposed a broad development area for the assessment, however work would be conducted in focused areas within the stated and mapped project area and would be focused on terrestrial areas. The Proponent committed to avoid wildlife and interactions with other land uses to reduce potential impacts to local human and animal populations. Interactions would be focused on land areas for exploration, which reduces potential for impacts to the referenced whale species raised in comments, and mitigations are planned to reduce the potential for impacts on terrestrial wildlife and also on human land use. While commitments for planning and mitigation have been made by the Proponent, the community engagement has not been completed yet.
The nature, magnitude and complexity of the impacts; the probability of the impacts occurring; the frequency and duration of the impacts; and the reversibility or irreversibility of the impacts.	<ul style="list-style-type: none"> A zone of influence of up to 50 km from disruptive project activities was selected for the NIRB's assessment. Work and potential for impacts would be intermittent during the term of the proposed exploration and standard mitigation measures are being proposed by the Proponent. 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. However, feedback from Taloyoak indicates that the local

Factor	Comment
	land users are not supportive of any disturbance even if temporary in nature, of short duration, and not residual.
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 mitigation measures recommended by the NIRB have been designed with consideration for the potential for cumulative effects to result from the impacts of the project combined with other past, present and reasonably foreseeable projects.
Any other factor that the Board considers relevant to the assessment of the significance of impacts.	<ul style="list-style-type: none"> No other relevant factors were identified.

Regulatory Requirements

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

Acts and Regulations

1. The *Migratory Birds Convention Act* and *Migratory Birds Regulations* (<http://laws-lois.justice.gc.ca/eng/acts/M-7.01/>).
2. The *Species at Risk Act* (<http://laws-lois.justice.gc.ca/eng/acts/S-15.3/index.html>). Attached in **Appendix A** is a list of Species at Risk in Nunavut.
3. 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>).
4. The *Canadian Environmental Protection Act* (<http://laws-lois.justice.gc.ca/eng/acts/C-15.31/>).
5. 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**.
6. 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>).

Other Applicable Guidelines

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

Project	Project Title	Project Type
<i>Present Projects – approved or in operation</i>		
24YN040	Inuit Qaujisarnirmut Pilirijjutit on Arctic Shipping Risk in Inuit Nanangat	Research
23YA018	Arctic coastal and drifting ice processes and dynamics (ongoing project - seasonal to 2027)	Research
<i>Past Projects</i>		
23YN025	OPP 2.0 Baseline Shoreline Mapping	Research
23YN029	Arctic Expedition – Sailing the Northwest Passage	Research
10EN013	Aston Bay Property – Storm and Seal Prospects	Exploration

VIEWS OF THE BOARD

In considering the above factors and noting that the Nunavut Planning Commission has determined that the project proposal is in conformity with the applicable North Baffin Regional Land Use Plan, the Board has identified the following issues and respectfully provides its views regarding whether or not the proposed project has the potential to result in significant impacts. Having concluded that the project proposal can proceed without a review, the NIRB has also proposed terms and conditions that would mitigate the potential for adverse impacts on specified valued components.

Ecosystem, wildlife habitat and Inuit harvesting activities:

Valued Component	Migratory and non-migratory birds, terrestrial and marine wildlife, and Species at Risk
Potential effects:	<p>Potential adverse effects to terrestrial wildlife, migratory and non-migratory birds, caribou, muskox, Arctic fox, Arctic hare, and Species at Risk such as polar bears may occur from noise and visual disturbance generated from the use of a helicopter, ATV and snowmobile, drilling activities, and camp.</p> <p>The project area was discussed in comments as a critical habitat for marine wildlife, including several whale species, as the overall development area mapped overlaps with the marine environment, however the operations are primarily land-based (aside from some flights to the camp) but may still interact with polar bears which are a marine mammal.</p>
Nature of Impacts:	The potential for impacts would be limited to the direct disturbance during drilling, flights, and camp operations which would be sporadic, and temporary. Drill holes and camp would be maintained and closed according to plans.
Mitigating Factors:	Proponent proposes to ensure camp is established with minimal impact to wildlife, plan with community members from Taloyoak and specifically with families using areas around the proposed exploration to avoid wildlife and human land use areas. A Wildlife Mitigation and Monitoring Plan was provided and discussed by parties during the comment period and parties identified updates required to this Plan.
Proposed Terms and Conditions:	<p>Water courses/Water Bodies (fresh and marine waters) 6 through 9</p> <p>Waste Management – 10 and 11</p> <p>Fuel and Chemical Storage – 12 through 21</p> <p>Wildlife General – 22 through 27</p> <p>Migratory Birds and Raptors Disturbance – 28 through 31</p> <p>Aircraft Flight Restrictions – 32 through 37</p> <p>Caribou and Muskox – 38 through 44</p> <p>Ground Disturbance – 45</p>

Valued Component	Potential adverse effects on land, terrain stability
Potential effects:	Potential adverse effects to land, terrain stability, permafrost, and air quality due to camp operations and drilling activities.
Nature of Impacts:	The potential for impacts is considered to be highly predictable and minimal due to the limited and temporary nature of the activities at each site, and any resulting impacts would be expected to be mitigated through site remediation.
Mitigating Factors:	The localized area and nature of the project activities make it unlikely any significant impacts will occur.
Proposed Terms and Conditions:	Waste Management – 10 and 11 Fuel and Chemical Storage – 12 through 21 Ground Disturbance – 45 Camps – 46 and 47

Valued Component	Potential adverse affects to public and traditional land use activities in the area from the research activities
Potential effects:	Concerns about the potential impacts to public and traditional land use from families that use the area have been identified. In recognition of the concerns and limited community engagement completed to date by the Proponent with families of Taloyoak that use the area, the Board is recommending terms and conditions to ensure project activities are informed by available Inuit Qaujimaningit and that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.
Nature of Impacts:	It is likely that the localized area, the location of the activities and nature of the project activities might incur temporary impacts, that are mitigable with planning and consultation, however more work is required from the Proponent to complete this required consultation prior to project activities commencing in these areas.
Mitigating Factors:	The Proponent has committed to, and shall engage with local residents regarding planned activities in the area and should consider Inuit Qaujimaningit and traditional knowledge. Engagement should occur at least annually to provide updates to these same families and groups, and demonstrate how the information provided from the community was implemented into project work and future planning.
Proposed Terms and Conditions:	Other – 51 and 52 Other NIRB Concerns and Recommendations – 4

Socio-economic effects on northerners:

Valued Component	Historical and archaeological sites.
Potential effects:	No specific concerns or impacts to historical and archaeological sites, however the Proponent is required to conduct an archaeological assessment prior to commencing drilling.
Nature of Impacts:	Impacts would be temporary and mitigable through planning and implementing the required identification and avoidance measures.

Mitigating Factors:	The Proponent is required to follow legislated requirements prior to any ground disturbance, and if any historical sites are found the Proponent is required to contact the Government of Nunavut, Culture and Heritage.
Proposed Terms and Conditions:	Heritage Sites – 48 through 50

Valued Component	Potential positive effects the project might have on socio-economics including employment, hiring and training.
Potential effects:	The proponent is encouraged to support local contractors, and hire from communities near the project and provide support training where possible.
Proposed Terms and Conditions:	Other – 53

Significant public concern:

Valued Component	Public Concern
Potential effects:	Public concern and lack of support from the community of Taloyoak was expressed during the public commenting period for this file. The Board considered the concerns raised and is recommending specific terms and conditions as well as regular reporting on project implementation and consultation to ensure negative effects are limited. The Board also understands that work to designate the area as an Indigenous Protected and Conserved Area (IPCA) may change the land use requirements in the future, therefore will limit the assessment and Board's recommendations to the current timeline and extent of activities in the current proposal.
Nature of Impacts:	The potential for impacts is short term and mitigable through appropriate incorporation of community knowledge into implementation of the project activities and as long as the Proponent follows the recommended terms and conditions.
Mitigating Factors:	Aircraft Flight Restrictions - 37 Other – 51 and 52 Other NIRB Concerns and Recommendations – 2

Technological innovations for which the effects are unknown:

- No specific issues of this type 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 Board is recommending term and conditions 1 through 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 issued terms and conditions for the work in 2024, and has considered those in addition to terms and conditions to reflect the updated scale and timing of the currently proposed multi-year activities. The Board is issuing the following list of terms and conditions for the project.

General

1. Bronzite Exploration Corp. (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.: 150217), and the NIRB (Online Application Form, February 14, 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 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.
11. 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

12. 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.
13. 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.
14. 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.
15. Fuel and hazardous material storage areas and fuel lines should be clearly marked with signs or flagging to avoid accidental breaks and punctures, and to ensure areas remain visible during the winter months.
16. All fuel and chemical storage containers must be clearly marked with the Proponent's name for ease of identification.
17. The Proponent shall routinely inspect and document the conditions of fuel and hazardous material storage containers and containment areas as required by the appropriate authorizing agencies. Fuel containment areas shall be kept clear of debris, water and snow to facilitate inspections for leaks.
18. 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.
19. 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).
20. 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.

21. 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

22. 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.

23. 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.

24. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired.

25. 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.

26. 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.

27. The Proponent shall ensure that drivers maintain spacing appropriate for driving and road conditions, and speed limits, to ensure drivers have time to safely react to any wildlife on the road.

Migratory Birds and Raptors Disturbance

28. 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*.

29. 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.

30. 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.

31. 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.

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.

Aircraft Flight Restrictions

32. The Proponent shall not alter flight paths to approach wildlife and avoid flying directly over animals.
33. 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.
34. The Proponent shall restrict aircraft/helicopter activity related to the project to a minimum flight altitude of 610 metres (2,100 ft) above ground level except during landing, take-off or if there is a specific requirement for low-level flying, which does not disturb wildlife or migratory birds.
35. 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.
36. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
37. 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

38. 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.
39. The Proponent shall not locate any operation or undertake activities that could block or cause any diversion to migration of caribou or muskoxen.
40. 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.
41. The Proponent shall not construct or operate any camp, cache any fuel or conduct blasting within ten (10) kilometres, or conduct any drilling operation within five (5) kilometres of any designated caribou water crossings.
42. During the period of May 15 to July 15, the Proponent shall suspend all operations and activities outside the immediate vicinity of the camps. Restricted activities include, but are not limited to, air and vehicle traffic, loud or repetitive noise or vibration disturbances, low-level over flights, blasting, and use of mobile equipment including snowmobiles and all terrain vehicles, and personnel walking within sight of the caribou group(s), until the caribou are no longer in the immediate area. Should the results of localized monitoring satisfy the land use inspector the project operations may resume without disturbing pregnant caribou cows or cows with young calves the suspension may be lifted for the periods specified.
43. Should pregnant caribou cows, cows with young calves, or groups of 50 or more caribou be observed within one (1) kilometer of project operations at any time, the Proponent shall suspend all operations in the vicinity, including low level overflights, drilling,

blasting/trenching, and use of snowmobiles and all terrain vehicles outside the immediate vicinity of the camp, until caribou are no longer in the immediate area.

44. During the period of April 14 to June 1 when muskoxen are present, the Proponent shall not approach muskoxen closer than one (1) kilometer. This includes all operations, including low-level over flights, blasting, and use of snowmobiles and all-terrain vehicles outside the immediate vicinity of the camps.

Ground Disturbance

45. 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.

Camps

46. 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.
47. The Proponent shall not erect camps or store materials on the surface ice of lakes or streams, except that which is for immediate use.

Heritage Sites

48. 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.
49. 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.
50. 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

51. The Proponent should consult with local residents regarding their activities in the area and solicit available Inuit Qaujimaningit and information that can inform project activities.
52. The Proponent shall ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.
53. The Proponent should, to the extent possible, hire local people and access local services where possible.

The Board previously recommended additional reporting on the project and due to the increased scale and scope of activities as well as wildlife and consultation concerns raised by parties, the Proponent will require the following updates and reports be submitted to the NIRB:

Wildlife Mitigation and Monitoring Plan

1. Prior to the start of project activities, the Proponent shall submit an updated Wildlife Mitigation and Monitoring Plan (WMMP) to the Nunavut Impact Review Board, Government of Nunavut Department of Environment and Qikiqtani Inuit Association. At a minimum, this plan should include proposed template for a wildlife log/record of observations and proposed mitigation measures for caribou, migratory birds, grizzly bear and other sensitive species that may be encountered within the project area. The Proponent is encouraged to consult with the Government of Nunavut's Regional Biologists during the revision of the WMMP, regarding project schedule and timelines so as to ensure adequate mitigation of potential wildlife impacts. The Plan must also address the specific gaps identified by parties during this assessment, with direct reference in the revised plan to where the updates are intended to satisfy the parties' comments as well reference and summarize how work with the Hunters and Trappers Associations informed the revised plan.

Abandonment and Restoration Plan

2. The Proponent shall submit a revised and final version of the Abandonment and Restoration Plan to the Nunavut Impact Review Board, Indigenous and Northern Affairs Canada and Government of Nunavut- Department of Environment prior to undertaking activities in the potential development area. The revised Plan should include procedures for using native plant species for re-vegetation to eliminate risk of introducing invasive species to the area pursuant to the Wildlife Act.

Community Consultation Report

3. The Proponent shall submit a public consultation report prior to the commencement of project activities. The report shall include a copy of materials presented to community members, a description of issues and concerns raised, and advice offered to the company as well as any follow-up actions that were required or taken to resolve any concerns expressed about the project proposal. The Proponent shall submit a community engagement strategy plan and a public consultation report to the Nunavut Impact Review Board as follows:
 - a. Community Engagement Strategy Plan should be provided prior to the commencement of project activities and include:
 - i. information on how the Proponent plans to inform local residents of the project proposal; and
 - ii. how the community will be briefed on the monitoring results.
 - b. Public Consultation Report should be provided following completion of project activities and include:
 - i. copy of materials presented to community members;
 - ii. a description of issues and concerns raised; and
 - iii. advice offered to the Proponent as well as any follow-up actions that were required or taken to resolve any concerns expressed about the project.

Annual Report

4. The Proponent shall submit a comprehensive annual report with copies provided to the Nunavut Impact Review Board, Crown-Indigenous Relations and Northern Affairs Canada, by March 31st of each year of permitted activities beginning March 31, 2026. The annual report must contain at least the following information:
- a) A summary of activities undertaken for the year, including:
 - a map showing the approximate location of drill sites;
 - a map showing the location of the fuel cache;
 - a description of local hires, contracting opportunities and initiatives;
 - flight altitudes, frequency of flights and anticipated flight routes;
 - site photos.
 - b) A work plan for the following year, including any progressive reclamation work.
 - c) A summary of community consultations undertaken throughout the year, providing copy of materials presented to community members, a description of issues and concerns raised, discussions with community members and advice offered to the company as well as any follow-up actions that were required or taken to resolve any concerns expressed about the project proposal.
 - d) A log of instances in which community residents occupy or transit through the project area for the purpose of traditional land use or harvesting. This log should include the location and number of people encountered, activity being undertaken (e.g., berry picking, fishing, hunting, camping, etc.), date and time; and any mitigation measures or adaptive management undertaken to prevent disturbance.
 - e) A discussion of issues related to wildlife and environmental monitoring, including the number of cease-work orders required due to proximity to caribou and any other wildlife.
 - f) A summary of WMMP results as well as any mitigation actions that were undertaken. In addition, the Proponent shall maintain a record of wildlife observations while operating within the project area and include it as part of the summary report. The summary report based on wildlife observations should include the following:
 - 1. Locations (i.e., latitude and longitude), species, number of animals, a description of the animal activity, gender, and age of animals if possible.
 - 2. Prior to conducting project activities, the Proponent should map the location of any sensitive wildlife sites such as denning sites, calving areas, caribou crossing sites, and raptor nests in the project area, and identify the timing of critical life history events (i.e., calving, mating, denning and nesting).
 - 3. Additionally, the Proponent should indicate potential impacts from the project and ensure that operational activities are managed and modified to avoid impacts on wildlife and sensitive sites.
 - g) An analysis of the effectiveness of mitigation measures for wildlife.

- h) Summary of any heritage sites encountered during the exploration activities, any follow-up action or reporting required as a result and how project activities were modified to mitigate impacts on the heritage sites.
- i) Summary of its knowledge of Inuit land use in/near the project area and explain how project activities were modified to mitigate impacts on Inuit land use.
- j) A summary of how the Proponent has complied with conditions contained within this Screening Decision, and all conditions as required by other authorizations associated with the project proposal.

Spill Contingency Plan

5. The Proponent shall update its Spill Contingency Plan to include the up-to-date emergency contact numbers for the Government of Nunavut-Department of Environment, Manager of Environmental Protection (867-975-7748) and Environment and Climate Change Canada, Enforcement Branch (867-975-4644).

OTHER NIRB CONCERNS AND RECOMMENDATIONS

In addition to the project-specific terms and conditions listed above, 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.

Activities Limited to 2029 Timeline and Scope of the Project Proposal Assessed

2. The NIRB has identified during this assessment that groups are working to designate the area as an Indigenous Protected and Conserved Area (IPCA) to safeguard Somerset Island. Recognizing that this ongoing work of the community to achieve the IPCA designation could limit the scope and nature of activities that can be undertaken on Somerset Island in future, the Board is specifically limiting its approval of the current exploration works and associated activities as specified in the scope of the project proposal to 2029, the timeline provided in the application. Any further expansion of the scope of the proposal or extension to the timeframe will require the submission of a new project proposal for assessment.

Copy of licences, etc. to the Board and Commission

3. 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

4. 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, and 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

5. 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.
6. 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.
7. 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 Resolute Bay, phone: 867-252-3879).

Species at Risk

8. The Proponent review Environment and Climate Change Canada's "Environment Assessment Best Practice Guide for Wildlife at Risk in Canada", available at: 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

9. 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.
10. 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

11. 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.

Incineration of Wastes

12. The Proponent review Environment and Climate Change Canada's "Technical Document for Batch Waste Incineration", available at the following link: <http://www.ec.gc.ca/gdd-mw/default.asp?lang=En&n=F53EDE13-1>. The technical document provides information on appropriate incineration technologies, best management and operational practices, monitoring and reporting.

Transport of Dangerous Goods and Waste Management

13. Environment and Climate Change Canada recommends that all hazardous wastes, including waste oil, receive proper treatment and disposal at an approved facility.
14. The Proponent shall ensure that proper shipping documents (waste manifests, transportation of dangerous goods, etc.) accompany all movements of dangerous goods. Further, the Proponent shall ensure that the shipment of all dangerous goods is registered with the Government of Nunavut Department of Environment, Department of Environment Manager. Contact the Manager 867-975-7748 to obtain a manifest if dangerous goods including hazardous wastes will be transported.
15. The Proponent shall provide an authorization or letter of conformation of disposal from the owner/operator of the landfill to be used for disposal of project-related wastes.

Aircraft Identification

16. Prior to the start of activities each year, the Proponent shall provide Resolute Bay and Taloyoak with a summary of planned helicopter activities, including photos of the helicopters, approximate flight paths, plans and approximate times to ensure community members are aware of the planned activities.

CONCLUSION

The foregoing constitutes the Board's screening decision with respect to Bronzite Exploration Corp.'s "Somerset Trough Project". The NIRB remains available for consultation with the Minister regarding this report as necessary.

Dated June 12, 2025 at Iqaluit, NU.



Albert Ehloak, *Acting* 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.