



SCREENING DECISION REPORT
NIRB FILE No.:

NPC File No.:150935

March 30, 2026

Following the Nunavut Impact Review Board’s (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of Department of Transportation and Infrastructure Nunavut’s “Kimmirut Sealift Field Program” 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 accepts this Screening Decision Report.

OUTLINE OF SCREENING DECISION REPORT

REGULATORY FRAMEWORK.....	2
PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS.....	2
ASSESSMENT OF THE PROJECT PROPOSAL IN ACCORDANCE WITH PART 3 OF NUPPAA.....	7
VIEWS OF THE BOARD	10
RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS	14
OTHER NIRB CONCERNS AND RECOMMENDATIONS	20
CONCLUSION	22
<u>TABLES</u>	
TABLE 1: NIRB’S ASSESSMENT PROCESS.....	2
TABLE 2: COMMENTS RECEIVED	4
TABLE 3: SUMMARY OF THE BOARD’S ASSESSMENT OF FACTORS s. 90 NUPPAA	7
<u>APPENDICES</u>	
APPENDIX A: SPECIES AT RISK IN NUNAVUT	23
APPENDIX B: ARCHAEOLOGICAL AND PALAEOLOGICAL RESOURCES TERMS AND CONDITIONS FOR LAND USE PERMIT HOLDERS	25

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 December 02, 2025, the NIRB received a referral to screen Department of Transportation and Infrastructure Nunavut’s “Kimmirut Sealift Field Program” project proposal (NIRB File No:25YN087) from the Nunavut Planning Commission (Commission); which noted that the project proposal is outside the area of an applicable land use plan.] All documents received and pertaining to this project proposal can be accessed from the NIRB’s Public Registry by using any of the following search criteria or www.nirb.ca/project/126257.

- Project Name: Kimmirut Sealift Field Program
- NIRB File No.: 25YN087
- NIRB Application No.: 126257

Table 1: NIRB’s Assessment Process

Date	Stage
December 02, 2025	Receipt of project proposal
December 02, 2025	Pursuant to s. 144(1) of the <i>NuPPAA</i> the NIRB requested the Proponent complete an online application to address information required for Screening
January 07, 2026	Receipt of online application from Proponent
January 12, 2026	Request(s) to Proponent for additional information in order to carry out screening pursuant to s. s. 144(1) of the <i>NuPPAA</i>
January 20, 2026	Proponent responded to information request(s) and provided additional information
January 20, 2026	Scoping pursuant to s. 86(1) of the <i>NuPPAA</i>
January 20, 2026	NIRB conducted an inclusion or exclusion of scope
January 22, 2026	Public engagement and comment request was issued in English with translations provided once available
February 12, 2026	Receipt of public comments
February 19, 2026	Proponent provided with an opportunity to address comments/concerns raised by public
March 09, 2026	Proponent responded to comments/concerns raised by public

Date	Stage
March 02, 2026	Pursuant to Article 12 s 12.4.5 of the <i>Nunavut Agreement</i> and s. 92(3) of the <i>NuPPAA</i> , an extension to the 45-day timeline for the provision of the Board's Report was requested from the Minister of Northern and Arctic Affairs and Minister Responsible for the Canadian Northern Economic Development Agency
March 30, 2026	Issuance of Screening Decision Report

1. Project Scope

Location	South Qikiqtani Region, encompassing the Kimmirut Sealift Study Area and associated Quarry Study Areas, including potential quarry locations and access routes within and adjacent to the Hamlet of Kimmirut.
Objective	The Proponent intends to carry out marine and terrestrial field programs to collect environmental, geotechnical, geophysical, archaeological, and topographic data to support the detailed design of sealift safety improvements and identification of potential new quarries in Kimmirut.
Timeline	February 27, 2026, to December 21, 2031 (seasonal)

As required under s. 86(1) of the *NuPPAA*, the Board accepted the scope of the project as set out by Department of Transportation and Infrastructure Nunavut in the proposal. The scope of the project proposal includes the following undertakings, works, or activities:

- Project includes marine and terrestrial field programs to collect environmental, geotechnical, geophysical, archaeological, and topographic baseline data to support sealift design and identifying potential quarry area(s).
 - a) Geophysical Works: Multibeam echosounder surveys and Sub-bottom profiling.
 - b) Geotechnical Works: Borehole drilling, Test pits and Rock and fill sampling.
 - c) Topographic Works: Drone-based topographic surveys
 - d) Environmental Works: Subtidal ROV surveys, Intertidal surveys, Sediment quality, sampling, Water quality sampling, Wildlife surveys (incidental observations), Vegetation surveys
 - e) Archaeological Works: Archaeological field studies
- Mobilization and conducting surveys:
 - Fixed wing aircraft
 - Helicopter
 - Boat
 - ATV
 - Foot
- Temporary short-duration of up to 15-person field camps may be established to support survey crews.

- Transport, storage, and use of fuel to support vessels, equipment, and temporary camp operations
- Drilling, test pits, and subsurface investigations may be conducted at the sealift site and potential quarry locations to confirm seabed and rock conditions.
- Freshwater withdrawal for camp operations and drilling activities.
- Generation and handling of solid and liquid waste associated with camp and field program activities
- All personnel and materials entering and leaving through the community.

2. Inclusion or Exclusion to Scoping List

The NIRB has identified no additional work 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

As outlined in Table 1 above, notices regarding the NIRB’s screening of this project proposal were distributed to community organizations as well as to relevant federal and territorial government agencies, Inuit organizations and other parties with a request for interested parties to 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 February 12, 2026, the NIRB received comments from the following interested parties:

Table 2: Comments Received

Commenting Party	NIRB Doc ID No.
Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)	359499
Environment and Climate Change Canada (ECCC)	359498
Fisheries and Oceans Canada (DFO)	359481
Transport Canada (TC)	359439

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 Department of Transportation and Infrastructure Nunavut project proposal:

(CIRNAC)

CIRNAC provided comments regarding land use, permitting requirements, geotechnical investigations, and site reclamation considerations. CIRNAC requested clarification on the following issues:

- Management and characterization of drill cuttings, including potential metal leaching or acid rock drainage risks;
- Clarification regarding quarry material suitability, including engineering and geochemical parameters used to assess rock durability;
- Potential erosion and drainage impacts resulting from quarry investigations and ground disturbance activities;
- Reclamation and restoration measures for disturbed terrestrial areas following completion of project activities;
- Consultation with Nunavut Tunngavik Inc. (NTI) and the Qikiqtani Inuit Association (QIA) and consideration of Inuit Qaujimagatuqangit and community knowledge in project planning.

(ECCC)

ECCC provided comments regarding federal environmental legislation and potential disposal of materials in marine environments. The department raised the following issues:

- Potential applicability of the Disposal at Sea provisions under the Canadian Environmental Protection Act (CEPA);
- Requirement for a Disposal at Sea permit if dredged or excavated materials are disposed of in marine waters;
- Ensuring that any disposal activities comply with the Disposal at Sea Regulations under CEPA.

(DFO)

DFO reviewed the proposed project with respect to potential impacts to fish and fish habitat. The department indicated that it had no concerns or recommendations regarding the proposed activities. However, DFO noted that the Proponent remains responsible for ensuring compliance with applicable measures for the protection of fish and fish habitat under the Fisheries Act.

(TC)

Transport Canada reviewed the project with respect to potential effects on navigation and marine safety. The department raised the following issues:

- The project occurs within a scheduled navigable waterway under the Canadian Navigable Waters Act (CNWA);
- Geotechnical drilling in the seabed may require approval under the CNWA depending on the final project design and activities;
- Vessel operations must comply with applicable Canadian maritime legislation, including the Canada Shipping Act and the Arctic Waters Pollution Prevention Act;

- Coordination with relevant authorities and stakeholders to ensure navigation safety and communication with marine users.

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

No concerns or comments were received with respect to Inuit Qaujimaningit or Indigenous and Community knowledge in relation to the proposed project. However, Inuit Qaujimaningit and Indigenous and community knowledge is incorporated into the terms and conditions recommended below based on information collected from prior and similar projects, data collected and mapped by the Commission, and other available sources.

5. 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:

(CIRNAC)

The Proponent acknowledged CIRNAC's comments regarding quarry investigations, environmental protection measures, and reclamation activities. The Proponent clarified that appropriate engineering, and geochemical parameters would be used to assess quarry material suitability and evaluate potential stability concerns. The Proponent further indicated that erosion and drainage considerations would be incorporated into the investigation program. Following completion of field activities, disturbed areas would be cleaned, and drill holes would be properly plugged. The Proponent also noted that mitigation measures outlined in the Environmental Management Plan would be implemented and that engagement with Nunavut Tunngavik Inc. (NTI) and the Qikiqtani Inuit Association (QIA) will be undertaken where appropriate.

(ECCC)

The Proponent acknowledged ECCC's comments regarding the Disposal at Sea provisions under the Canadian Environmental Protection Act. The Proponent indicated that the proposed survey and core sampling activities are not expected to constitute disposal of materials at sea and therefore a Disposal at Sea permit is not anticipated to be required. The Proponent also confirmed that sediment and water quality monitoring measures would be implemented in accordance with the Environmental Management Plan and that deleterious substances would not be deposited into the marine environment.

(DFO)

The Proponent acknowledged DFO's review and noted that the department did not identify any concerns with the proposed project activities. The Proponent confirmed that all activities would be conducted in accordance with applicable regulatory requirements and mitigation measures to ensure the protection of fish and fish habitat under the Fisheries Act.

(TC)

The Proponent acknowledged Transport Canada's comments regarding marine navigation and regulatory requirements. The Proponent confirmed that the need for approval under the Canadian Navigable Waters Act would depend on the final project design and activities, including the timing

of drilling and the use of floating platforms. The Proponent further indicated that vessel operations would comply with applicable Canadian maritime legislation and that coordination with relevant authorities and stakeholders would occur to ensure navigation safety.

ASSESSMENT OF THE PROJECT PROPOSAL IN ACCORDANCE WITH PART 3 OF *NUPPAA*

In determining whether a review of the project is required, the Board considered whether the project proposal had potential to result in significant ecosystemic or socio-economic impacts. Table 3. The Board took particular care to consider Inuit Qaujimaningit, Indigenous and Community Knowledge in carrying out its assessment and determination of the significance of impacts.

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

Factor	Comment
The size of the geographic area, including the size of wildlife habitats, likely to be affected by the impacts.	<ul style="list-style-type: none"> ▪ Project activities would occur within the Sealift Study Area and several potential Quarry Study Areas located near the community of Kimmirut. Disturbance would be limited to localized work areas within marine, intertidal, and terrestrial environments surrounding the existing sealift ramp and proposed quarry locations. ▪ Marine and coastal wildlife habitat may experience short-term disturbance from survey equipment and drilling operations; however, the spatial footprint of these activities is small, and effects are expected to be temporary and reversible following completion of the field program.
The ecosystemic sensitivity of that area.	<ul style="list-style-type: none"> ▪ The project area includes marine, intertidal, and terrestrial ecosystems that may support marine mammals, fish and fish habitat, and terrestrial wildlife typical of coastal Arctic environments. ▪ Although no specific protected areas or critical habitats were identified within the immediate project footprint, the presence of these ecological components indicates that the surrounding environment may be sensitive to disturbance from increased human activity and equipment use. ▪ Environmental protection measures described in the Environmental Management Plan, including wildlife monitoring, marine mammal observation, and spill prevention procedures, are intended to minimize potential disturbances to ecosystem components during project activities. ▪ Given the limited footprint and short duration of the proposed field program, potential effects on ecosystem components are expected to be localized, temporary, and reversible.

Factor	Comment
The historical, cultural and archaeological significance of that area.	<ul style="list-style-type: none"> ▪ The Proponent has indicated that archaeological considerations would be addressed through applicable permitting requirements. No specific areas of historical, cultural, or archaeological significance have been identified within the immediate project footprint. ▪ Should potential archaeological resources be encountered during project activities, appropriate assessment and permitting requirements would be followed in accordance with territorial regulations.
The size of the human and the animal populations likely to be affected by the impacts.	<ul style="list-style-type: none"> ▪ The project is located near the community of Kimmirut; however, the proposed activities consist of short-term surveys and geotechnical investigations with a limited footprint. ▪ As such, the project is unlikely to result in measurable impacts to local human populations or regional wildlife populations.
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"> ▪ Potential impacts are expected to be limited to localized disturbance associated with short-term survey activities, marine and terrestrial sampling, and geotechnical investigations. ▪ These disturbances may include temporary noise, increased human presence, and minor ground or seabed disturbance within the study areas. ▪ With adherence to applicable regulatory requirements and implementation of mitigation measures identified in the Environmental Management Plan, potential effects are expected to be low in magnitude, temporary in duration, and reversible following completion of the field program.
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.	<ul style="list-style-type: none"> ▪ The proposed program consists of short-term field investigations with a limited spatial footprint ▪ While other scientific research activities, community infrastructure initiatives, and seasonal land use such as tourism and marine travel may occur periodically within the region, the scale, duration, and limited footprint of the proposed field program are not expected to contribute meaningfully to cumulative environmental effects.
Any other factor that the Board considers relevant to the assessment of the significance of impacts.	<ul style="list-style-type: none"> ▪ The Proponent has committed to engaging with the Hamlet of Kimmirut and local organizations as part of project consultation activities. ▪ Inuit Qaujimajatuqangit and local knowledge are intended to inform project planning and implementation, which may assist in identifying

Factor	Comment
	potential concerns and minimizing environmental and socio-economic effects.

Regulatory Requirements

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

Acts and Regulations

1. The Fisheries Act (<http://laws-lois.justice.gc.ca/eng/acts/F-14/index.html>).
2. The Migratory Birds Convention Act (<http://laws-lois.justice.gc.ca/eng/acts/M-7.01/>), the Migratory Birds Regulations (https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._1035/index.html)
3. The Species at Risk Act (<https://laws-lois.justice.gc.ca/eng/acts/s-15.3/>). Attached in **Appendix A** is a list of Species at Risk in Nunavut.
4. 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>).
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>).
7. The Arctic Waters Pollution Prevention Act (<http://laws-lois.justice.gc.ca/eng/acts/A-12/>) and the Arctic Shipping Safety and Pollution Prevention Regulations (<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2017-286/index.html>).
8. The Marine Liability Act (<http://laws-lois.justice.gc.ca/eng/acts/M-0.7/>).
9. The Canadian Navigable Waters Act (<https://laws.justice.gc.ca/eng/acts/N-22/>).
10. The Territorial Quarrying Regulations (<http://www.canlii.org/en/ca/laws/regu/crc-c-1527/latest/crc-c-1527.html>) or equivalent

Other Applicable Guidelines

11. The Northern Land Use Guidelines, Volume 07: Pits and Quarries (<http://publications.gc.ca/site/eng/360991/publication.html>).

VIEWS OF THE BOARD

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

Ecosystem, wildlife habitat and Inuit harvesting activities:

Valued Component	Ecosystem and Wildlife Habitat
Potential effects:	Potential adverse effects to migratory and non-migratory birds, terrestrial wildlife (including small mammals and carnivores), and Species at Risk may occur from temporary increases in human presence, noise, and visual disturbance associated with survey activities, geotechnical investigations, equipment use, and temporary field operations within the study areas.
Nature of Impacts:	Potential impacts are expected to be localized and temporary due to the short duration and limited footprint of the proposed field program. Any disturbance to wildlife behaviour or habitat use is expected to be reversible once project activities are completed.
Mitigating Factors:	The Proponent proposes to implement wildlife monitoring measures, provide wildlife awareness training to field personnel, minimize disturbance during field activities, and properly manage waste to avoid attracting wildlife.
Proposed Terms and Conditions:	Wildlife General – 18 through 21 Migratory Birds and Raptors Disturbance – 22 through 24 Aircraft Flight Restrictions – 25 through 30 Road and Ground Disturbance – 31 through 33 Land Use and Restoration of Disturbed Areas – 41 through 44

Valued Component	Marine Environment (Marine Mammals, Fish and Fish Habitat, and Aquatic Environment)
Potential effects:	Marine survey activities, including underwater equipment deployment, sediment sampling, and geotechnical investigations near the seabed, may result in temporary disturbance to marine mammals, fish, and aquatic organisms. Potential effects may include short-term underwater noise, localized disturbance of seabed sediments, and minor increases in turbidity within the immediate survey area.
Nature of Impacts:	Potential impacts are expected to be localized and short-term, occurring primarily in the immediate vicinity of marine survey and sampling activities. Disturbance to marine mammals, fish, and aquatic habitat may occur through temporary increases in underwater noise, human presence, and seabed disturbance associated with equipment deployment and sampling. Based on the limited footprint and duration of the proposed field program, and the Proponent’s commitments outlined in the Environmental Management Plan, potential effects are expected to be temporary and reversible.

Mitigating Factors:	The Proponent proposes to implement environmental protection measures including marine mammal monitoring protocols, use of exclusion zones where appropriate, suspension of activities if marine mammals are observed nearby, and environmentally responsible sampling practices. Equipment would be maintained in good working condition and spill prevention, and response procedures would be implemented to minimize risks to the marine environment.
Proposed Terms and Conditions:	Watercourses and Water Bodies – 6 and 7 Waste Management – 8 Fuel and Chemical Storage – 9 through 14 Marine-Based Activities – 47 through 54

Valued Component	Vegetation, Land, Soils, Terrain Stability and Permafrost
Potential effects:	Minor ground disturbance associated with geotechnical investigations, survey activities, and temporary field operations may result in localized disturbance to vegetation cover, soils, and surface terrain.
Nature of Impacts:	Disturbance is expected to be limited to small areas and short durations. Arctic vegetation typically has slow recovery rates; however, the limited scale of ground disturbance associated with the program is expected to result in minimal long-term effects.
Mitigating Factors:	The Proponent proposes to minimize ground disturbance, limit equipment movement to necessary areas, and follow best practices for site management and reclamation where disturbance occurs.
Proposed Terms and Conditions:	Watercourses and Water Bodies – 6 and 7 Road and Ground Disturbance – 31 through 33 Drilling – General – 34 through 36 Drilling on Land – 37 through 40 Land Use and Restoration of Disturbed Areas – 41 through 44 Camps – 45 and 46

Valued Component	Air Quality
Potential effects:	Temporary emissions from equipment use, generators, and transportation associated with survey activities and field operations may result in minor and short-term increases in air emissions within the project area.
Nature of Impacts:	Potential impacts to air quality are expected to be limited due to the short duration of activities and the relatively small amount of equipment used during the field program.
Mitigating Factors:	The Proponent has indicated that equipment would be maintained in good working condition and that unnecessary equipment operation would be minimized to reduce emissions.
Proposed Terms and Conditions:	Air Quality – 15 and 16 Noise – 17

Valued Component	Inuit Harvesting Activities
Potential effects:	Project activities may temporarily overlap with areas used for Inuit harvesting, which could result in short-term disturbance to wildlife that may be harvested in the area during survey and field activities.
Nature of Impacts:	Potential impacts to Inuit harvesting are expected to be limited due to the short duration and localized nature of the proposed field program. Any disturbance to wildlife or harvesting activities would be temporary and confined to the immediate project area.
Mitigating Factors:	The Proponent has indicated that consultation and engagement with the Hamlet of Kimmirut and local organizations would occur. Incorporation of Inuit Qaujimajatuqangit and communication of field activities are intended to help minimize potential disruption to harvesting activities.
Proposed Terms and Conditions:	Wildlife General – 18 through 21 Aircraft Flight Restrictions – 25 through 30 Land Use and Restoration of Disturbed Areas – 41 through 44 Marine-Based Activities – 47 through 54 Other – 58 and 59

Socio-economic effects on northerners:

Valued Component	Socio-economic Conditions
Potential effects:	The project may provide limited socio-economic benefits through potential opportunities for local participation, such as hiring wildlife monitors, field assistants, or other support services during field activities.
Nature of Impacts:	Potential socio-economic effects are expected to be limited and short-term due to the temporary nature and small scale of the proposed field program. No significant adverse socio-economic impacts are anticipated.
Mitigating Factors:	The Proponent has indicated that communication with the Hamlet of Kimmirut and local organizations would occur to inform residents of planned activities and minimize potential disruption.
Proposed Terms and Conditions:	Other – 58 and 60

Valued Component	Archaeological and Cultural Resources
Potential effects:	Project activities such as geotechnical investigations, test pits, and other ground-disturbing activities may have the potential to interact with unknown archaeological or cultural resources within the study areas.
Nature of Impacts:	The likelihood of impacts to archaeological or cultural resources is considered low due to the limited footprint and short duration of the proposed field program. However, disturbance could occur if previously unidentified archaeological materials are present within areas of ground disturbance.
Mitigating Factors:	The Proponent has indicated that archaeological considerations would be addressed through applicable permitting requirements and that

	qualified personnel would be involved if archaeological assessments are required. In the event that archaeological or cultural resources are encountered during project activities, work would be suspended and the appropriate regulatory authorities would be notified.
Proposed Terms and Conditions:	Heritage Sites – 55 through 57

Significant public concern:

Valued Component	Public Concern and Community Engagement
Potential effects:	Project activities may raise concerns among community members regarding potential environmental disturbance, wildlife interactions, or temporary disruptions to land and marine use within the project area.
Nature of Impacts:	Potential impacts related to public concern are expected to be limited given the small scale and short duration of the proposed field program. Any concerns would likely relate to temporary research activities occurring near areas used by the community.
Mitigating Factors:	The Proponent has indicated that engagement with the Hamlet of Kimmirut and relevant local organizations would occur, including opportunities for community members to receive information and provide feedback regarding the proposed activities.
Proposed Terms and Conditions:	General – 1 through 5 Other – 58

Technological innovations for which the effects are unknown:

- No specific issues were identified associated with this project proposal.

Administrative Conditions:

To encourage compliance with applicable regulatory requirements and assist the Board and responsible authorities with compliance and effects monitoring for project activities, the following project-specific terms and conditions have been recommended: 1-5.

In considering the above factors and subject to the Proponent’s compliance with regulatory requirements and the terms and conditions necessary to mitigate against the potential adverse environmental and social effects, the Board is of the view that the proposed project is unlikely to cause significant public concern and its adverse ecosystemic and socioeconomic impacts are unlikely to be significant, or are highly predictable and can be adequately mitigated by known technologies.

RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS

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

General

1. Department of Transportation and Infrastructure Nunavut (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.:150935), and the NIRB (Online Application Form, January 07, 2026; additional information, January 20, 2026). 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 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
7. 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.

Waste Management

8. 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

9. 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
10. 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.
11. 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
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 follow the authorizing agencies' direction for management and removal of hazardous materials and wastes (e.g., contaminated soils, sediment and waste oil).
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.

Air Quality

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

Noise

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

Wildlife – General

18. 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.

19. 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.
20. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired
21. The Proponent shall enforce safe speed limits for vehicles travelling along the road to ensure drivers have sufficient time to react in a safe manner if wildlife are encountered on or adjacent to the road or trail.

Migratory Birds and Raptors Disturbance

22. 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.
23. 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.
24. The Proponent shall not pursue seabirds or waterbirds swimming on the water surface and shall avoid concentrations of these birds if encountered on the water.

Aircraft Flight Restrictions

25. The Proponent shall not alter flight paths to approach wildlife and avoid flying directly over animals.
26. 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
27. 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
28. 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.

29. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
30. 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.

Road and Ground Disturbance

31. 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.
32. The Proponent shall select a winter route that maximizes the use of frozen water bodies.
33. The Proponent shall not move any equipment or vehicles without prior testing the thickness of the ice to ensure the lake, river or stream is in a state capable of fully supporting the equipment or vehicles.

Drilling – General

34. The Proponent shall not allow any drilling wastes to spread to the surrounding lands or water bodies.
35. The Proponent shall ensure that that any deleterious substances (as defined in the Fisheries Act) resulting from its activities do not enter into any water bodies frequented by fish.
36. The Proponent shall ensure that all drill areas are constructed to facilitate minimizing the environmental footprint of the project area.

Drilling on Land

37. The Proponent shall not conduct any land-based drilling or mechanized clearing activities a minimum distance of the normal high-water mark of any water body as required by an authorizing agency
38. The Proponent shall ensure that all sump/depression capacities are sufficient to accommodate the volume of wastewater and any fines that are produced. The sumps shall only be used for inert drilling fluids, and not any other materials or substances.
39. The Proponent shall not locate any sumps within a minimum distance of the normal high-water mark of any water body as required by an authorizing agency.
40. The Proponent shall ensure all drill holes are backfilled or capped prior to the end of each field season. All sumps must be backfilled and restored to original or stable profile prior to the end of each field season.

Land Use and Restoration of Disturbed Areas

41. The Proponent shall ensure that the land use area is kept clean and tidy at all times.
42. The Proponent shall avoid disturbance on slopes prone to natural erosion, and alternative locations shall be utilized.
43. 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.
44. The Proponent shall ensure that all disturbed areas are restored to a stable or pre-disturbed state using Best Available Technology Economically Achievable (BATEA) upon completion of work and/or abandonment.

Camps

45. 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.
46. 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

47. 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. Navy Board Inlet, Lancaster Sound, Milne Inlet, Bellot Strait).
48. 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.
49. 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.
50. 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.
51. The Proponent shall maintain a distance of 500 metres of a walrus haul out while conducting activities from a zodiac or other small craft.
52. 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.

53. The Proponent shall report all incidents, injuries or sightings of marine mammals to the appropriate authorizing agencies.
54. 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.

Heritage Sites

55. 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.
56. 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.
57. 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

58. 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.
59. The Proponent shall ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.
60. The Proponent should, to the extent possible, hire local people and access local services where possible.

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

Change in Project Scope

1. Responsible authorities or Proponent shall notify the Nunavut Planning Commission and/or Parks Canada as appropriate, and the NIRB of any changes in operating plans or conditions, including phase advancement, associated with this project prior to any such change.

Copy of licences, etc. to the Board and Commission

2. The NIRB respectfully requests that responsible authorities submit a copy of each licence, permit or other authorization issued for the Project to the NIRB to assist in enabling possible project monitoring that may be required. Please forward a copy of the licences, permits and/or other authorizations to the NIRB directly at info@nirb.ca or upload a copy to the NIRB's online registry at www.nirb.ca.

Use of Inuit Qaujimaningit

3. The Proponent is encouraged to work with local communities and knowledge holders to inform project design, to carry out the project, and to confirm or validate the perspectives represented in publications, and reports as part of the project. Care should be taken to ensure that Inuit Qaujimaningit and local knowledge collected for the project is used with permission and is accurately represented.

Bear and Carnivore Safety

4. The Proponent should review the Government of Nunavut's booklet on Bear Safety, which can be downloaded from this link: http://gov.nu.ca/sites/default/files/bear_safety_-_reducing_bear-people_conflicts_in_nunavut.pdf. Further information on bear/carnivore detection and deterrent techniques can be found in the "*Safety in Grizzly and Black Bear Country*" pamphlet, which can be downloaded from this link: https://www.enr.gov.nt.ca/sites/enr/files/resources/safety_in_grizzly_and_black_bear_country_english.pdf.
5. There are polar bear and grizzly bear safety resources available from the Bear Smart Society with videos on polar bear safety available in English, French and Inuktitut at <http://www.bearsmart.com/play/safety-in-polar-bear-country/>. Information can also be obtained from Parks Canada's website on bear safety at the following link: <http://www.pc.gc.ca/eng/pn-np/nu/quttinirpaaq/visit/visit6/d.aspx> or in reviewing the "*Safety in Polar Bear Country*" pamphlet, which can be downloaded from the following link: http://www.pc.gc.ca/eng/pn-np/nu/quttinirpaaq/visit/visit6/~/_media/pnnp/nu/auyuittuq/pdf/shared/PolarBearSafety_English.ashx

6. Any problem wildlife or any interaction with carnivores should be reported immediately to the Kimmirut, Government of Nunavut, Department of Environment Conservation Office.

Species at Risk

7. The Proponent review Environment and Climate Change Canada's "Environment Assessment Best Practice Guide for Wildlife at Risk in Canada", available at the following link: http://www.sararegistry.gc.ca/virtual_sara/files/policies/EA%20Best%20Practices%202004.pdf. The guide provides information to the Proponent on what is required when Wildlife at Risk, including *Species at Risk*, are encountered or affected by the project.

Migratory Birds

8. The Proponent review Canadian Wildlife Services' "Key migratory bird terrestrial habitat sites in the Northwest Territories and Nunavut", available at the following link: <http://publications.gc.ca/site/eng/317630/publication.html> and "Key marine habitat sites for migratory birds in Nunavut and the Northwest Territories", available at the following link: <http://publications.gc.ca/site/eng/392824/publication.html>. The guide provides information to the Proponent on key terrestrial and marine habitat areas that are essential to the welfare of various migratory bird species in Canada.
9. For further information on how to protect migratory birds, their nests and eggs when planning or carrying out project activities, consult Environment and Climate Change Canada's Incidental Take web page and the fact sheet "Planning Ahead to Reduce the Risk of Detrimental Effects to Migratory Birds, and their Nests and Eggs" available at: http://publications.gc.ca/collections/collection_2013/ec/CW66-324-2013-eng.pdf

Heritage Resources

10. During the assessment, the NIRB has identified that no archaeology surveys have been conducted in the proposed project areas and that potential for the presence of archaeological resources is likely, therefore the Proponent shall contact the Department of Culture and Heritage to initiate a field archaeology assessment program prior to undertaking any land disturbance activities.

Transport of Dangerous Goods and Waste Management

11. Environment and Climate Change Canada recommends that all hazardous wastes, including waste oil, receive proper treatment and disposal at an approved facility.

Aircraft Identification

12. The Proponent shall provide the community of Kimmirut the planned helicopter activities, including photo(s) of the helicopter to be used, approximate flight paths, plans and times

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 Risk¹	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility²
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

¹ The Department of Fisheries and Oceans has responsibility for aquatic species.

² 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 PALAEOLOGICAL 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*³ to issue such permits.

³ 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*⁴, 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*⁵, 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.

⁴ s. 51(1)

⁵ 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.