

**NIRB File No.: 05AN089**

Previous CWS File Nos.: NUN-MBS-08-03, NUN-NWA-08-02

Previous PC File Nos.: QNP-2008-C25108

DFO File No.: NU-07-0045

June 16, 2014

The Honourable Leona Aglukkaq
Minister of Environment
Government of Canada
c/o Jason Akearok, Habitat Biologist
Canadian Wildlife Services
P.O. Box 1870
Iqaluit, NU X0A 0H0

Sent via email: jason.akearok@ec.gc.ca

Re: Application Exempt from the Requirement for Screening pursuant to Section 12.4.3 of the NLCA: Quark Expeditions’ “Quark Canadian Arctic 2014” Project, Kivalliq and Qikiqtani (North and South Baffin) Regions

Dear Jason Akearok:

On April 3, 2014 the Nunavut Impact Review Board (NIRB or Board) received an application from the Canadian Wildlife Service (CWS) for a new Bird Sanctuary Permit for Quark Expeditions' "Quark Canadian Arctic 2014" project proposal. On April 17 and May 27, 2014 the NIRB received positive conformity determinations (North Baffin and Keewatin Regional Land Use Plans, respectively) from the Nunavut Planning Commission for this file.

Please be advised that the original project proposal (NIRB File No.: 05AN089) was received by the NIRB from the CWS on May 30, 2005 and was screened in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On July 6, 2005 the NIRB issued a NLCA 12.4.4(a) screening decision to the Minister of Environment, Government of Canada, which indicated that the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions.

On April 25, 2008 the NIRB received an application from the CWS for an amendment and renewal to Quark Expeditions' National Wildlife Area entry permit for an additional three years and to include a new CWS Bird Sanctuary permit. On June 20, 2008 the NIRB also received an application from Parks Canada (PC) for a Business License, Guide permits and an Aircraft Access permit for Quttinirpaq National Park for this project proposal, which included cruise ship activities for both Quark Expeditions (NIRB File No.: 05AN089) and Zegrahms

Expeditions' (NIRB File No.: 05AN090) proposals. As both Quark Expeditions and Zegrahms Expeditions were proposing project activities to be undertaken simultaneously on the same ship, as two expeditions on one arctic voyage, the NIRB consolidated both projects and screened the amendment and renewal under the NIRB File No. 05AN089. After distributing the applications for comment, on July 18, 2008 the NIRB issued the enclosed 12.4.4(a) screening decision to the Minister of Environment, Government of Canada, allowing the proposed project to proceed subject to additional recommended project-specific terms and conditions.

On June 7, 2010 the NIRB received an application from PC for a new Business Licence for Quark Expedition's project proposal. After a thorough assessment of the application request, the NIRB determined that the application was exempt from the requirement for further screening pursuant to Section 12.4.3 of the NLCA, and on June 9, 2010 re-issued the enclosed July 18, 2008 Screening Decision Report.

The current CWS application, the July 18, 2008 NIRB Screening Decision Report (File No.: 05AN089) and related file information are available from the NIRB's online public registry at the following location:

<http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2005/05AN089-Quark%20Expeditions/>.

PREVIOUSLY-SCREENED PROJECT PROPOSAL:

As previously screened by the NIRB (File No.: 05AN089), the originally titled "Tourism Visitation" project was located within the Qikiqtani region and included visits to various Baffin communities from August 2 to September 10, 2005.

The activities and components associated with the originally screened proposal included:

- Cruise ship activities for approximately 200 passengers, staff and crew throughout the Qikiqtani region using the "Kapitan Khlebnikov" ice class vessel;
- Visits to the communities of Resolute Bay and Grise Fiord as well as Cape Hay and the Coburg Island (Nirjutiqavvik) National Wildlife Area reserve;
- Use of six (6) Zodiac vessels (small boats with a capacity of 10-12 people) to view birds in waters near the Bylot Island Migratory Bird Sanctuary and the Prince Leopold Island Migratory Bird Sanctuary;
 - Anchoring of the cruise vessel 1 kilometre off shore when Zodiac vessels in use; and,
- No landings proposed at bird sanctuaries.

Additional activities and components associated with the April 25, 2008 application for amendment and renewal to the Bird Sanctuary Permit (No.: NUN-MBS-08-03) included:

- Alternating use of Zodiac vessels and two helicopters to transport passengers and staff from ship to shore;
- Tours within Quttinirpaaq National Park:

- Tanquary Fiord tour: enter the park via Tanquary Fiord, transport to shore by zodiac for visits to archaeological sites;
- Arctic Adventure tour: enter the park via Lady Franklin Bay, access Fort Conger site for day trip via helicopter;
- Additional ship landings at Iqaluit, Eureka, Pond Inlet, Clyde River, Qikiqtarjuaq and Pangnirtung; and,
- Additional archaeological landings at Beechy Island, Kekerton, Pim Island, Skraeling Island, and Dundas Harbour.

On June 7, 2010 Quark Expeditions applied for a PC Business Licence as part of its requirements for entering Parks Canada boundaries.

CURRENT APPLICATION:

Within the current CWS application for a new Bird Sanctuary Permit, Quark Expeditions is proposing to continue with the previously assessed cruise activities for one year, with cruise activities proposed to take place between August 3 and September 14, 2014, as well as to include the following additional components and activities:

- Operation of four cruise itineraries with additional stops including Kimmirut, Cape Dorset, Igloolik, Monumental Island and the Frobisher Bay Expedition Stop as well as the following community and islands in the Kivalliq region: Coral Harbour, Coats Island, Marble Island and Walrus Island.

Please note that Section 12.4.3 of the NLCA states that:

“Any application for a component or activity of a project proposal that has been permitted to proceed in accordance with these provisions shall be exempt from the requirement for screening by NIRB unless:

(a) such component or activity was not part of the original project proposal; or

(b) its inclusion would significantly modify the project.”

On May 29, 2014 NIRB distributed the current application request to a regional distribution list, requesting submission of any comments or concerns related to the application by June 9, 2014.

The following is a *summary* of comments received from the Hamlet of Cape Dorset, the Government of Nunavut and Aboriginal Affairs and Northern Development Canada regarding the proposed application:

- Requested that the Proponent respect the requirements of any issued archaeological permits, and takes particular caution during landings and exploration of the indicated coastlines;

- Recommended that clothing, footwear, and equipment are thoroughly cleaned to remove seeds and organic matter and that passengers are briefed on the importance of avoiding the introduction of non-native species to Nunavut.

It is recommended that the Proponent review the full comment submissions received with respect to the current applications, available from the NIRB's online public registry at the following location:

<http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2005/05AN089-Quark%20Expeditions/02-DISTRIBUTION/COMMENTS/>.

After completing a review of the information provided in support of the current application as well as the comments received from interested parties, the NIRB is of the understanding that the proposed application does not change the general scope of the original project activities, and the exceptions noted in NLCA 12.4.3(a) and (b) do not apply. Therefore, this application is exempt from the requirement for screening pursuant to Section 12.4.3 of the NLCA and the activities therein remain subject to the terms and conditions recommended in the July 18, 2008 Screening Decision Report (enclosed).

If you have any questions or require additional clarification, please contact Heather Rasmussen, Technical Advisor, at (867) 983-4606 or hrasmussen@nirb.ca.

Sincerely,



Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Bill Davis, Quark Expeditions
Alex McNeil, Quark Expeditions
Luis Manzo, Kivalliq Inuit Association
Bernie MacIsaac, Qikiqtani Inuit Association
Jane Chisholm, Parks Canada

Enclosure: NIRB Screening Decision Report, File No.: 05AN089 (July 18, 2008)