



NIRB File No.: 05AN089

Previous CWS File Nos.: NUN-MBS-14-10, NUN-NWA-14-06

Previous PC File Nos.: QNP-2008-C25108

DFO File No.: NU-07-0045

The Honourable Leona Aglukkaq
Minister of Environment
Government of Canada
c/o Mia Pelletier, A/Habitat Specialist
Canadian Wildlife Services
P.O. Box 1870
Iqaluit, NU X0A 0H0

Sent via email: mia.pelletier@ec.gc.ca; cwspermittingnunavut@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 2015" Project, Kitikmeot and Qikiqtani (North and South Baffin) Regions

Dear Mia Pelletier:

On April 16, 2015 the Nunavut Impact Review Board (NIRB or Board) received an application from the Canadian Wildlife Service (CWS) for a new CWS Bird Sanctuary permit and CWS National Wildlife Area permit for Quark Expeditions' "Quark Canadian Arctic 2015" project proposal. On April 24, 2015 the NIRB received a positive conformity determination (North Baffin Regional Land Use Plan) 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 for an amendment and renewal from the CWS to Quark Expeditions' National Wildlife Area entry permit and a new CWS Bird Sanctuary permit for the above mentioned project. After a thorough assessment of the amendment, renewal, and additional permit applications, the NIRB determined that the application was exempt from the requirement for further screening pursuant to Section 12.4.3 of the NLCA, and reissued the enclosed screening decision report on July 18, 2008, with *additional* terms and conditions.

On June 7, 2010 the NIRB received an application from PC for a new Business Licence for the above mentioned project. After a thorough assessment of the application, 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 reissued the original July 6, 2005 Screening Decision Report with *additional* terms and conditions as issued July 18, 2008.

On April 3, 2014 the NIRB received an application for a new Bird Sanctuary Permit from the CWS for the above mentioned project. After a thorough assessment of the new permit 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 16, 2014 reissued the original July 6, 2005 Screening Decision Report with *additional* terms and conditions as issued July 18, 2008.

The current CWS application, the original 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.

The activities and components associated with the previous April 25, 2008 application for amendment and renewal included:

- Renew National Wildlife Area entry permit for an additional three years and include a new CWS Bird Sanctuary permit (No.: NUN-MBS-08-03);
- 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.

The activities and components associated with the April 3, 2014 CWS Bird Sanctuary Permit (NUN-MBS-14-10, NUN-NWA-14-06) and associated NIRB screening included:

- 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; and
- Authorized entry to the Prince Leopold Island Migratory Bird Sanctuary and Bylot Island Migratory Bird Sanctuary.

CURRENT APPLICATION:

Quark Expeditions is currently proposing to apply for new Bird Sanctuary Permit with the CWS to conduct cruises for an additional year, including the operation of two cruise itineraries using the *MV Sea Explorer* and *MV Sea Adventurer* vessels, carrying a maximum of 117 passengers and at least 13 staff personnel per ship.

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.”*

After completing a review of the information provided in support of the current, the NIRB is of the understanding that the proposed renewal 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 original July 6, 2005 Screening Decision Report and *additional* terms and conditions as issued July 18, 2008 (enclosed).

If you have any questions or require additional clarification, please contact Erika Zell, Assistant Technical Advisor, at (867) 983-4622 or ezell@nirb.ca.

Sincerely,

A handwritten signature in black ink that reads "Ryan Barry". The signature is written in a cursive style with a long horizontal line extending to the right.

Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Bill Davis, Quark Expeditions
Phyllis Beaulieu, Nunavut Water Board
Geoff Clark, Kitikmeot Inuit Association
Joel Fortier, Qikiqtani Inuit Association
Jane Chisholm, Parks Canada

Enclosure: NIRB Screening Decision Report, File No.: 05AN089 (*July 6, 2005*)
NIRB Amendment and Renewal Issued (*July 18, 2008*)