



NIRB File Nos.: 06YN015, 06YN024

CWS File Nos.: NUN SCI 09 01, NUN MBS 09 01

AANDC File Nos.: N2003J0014, 058E02001, 068H16001

NWB File Nos. 3BC-PLI0811, 3BC-TER0811

April 16, 2012

The Honourable Peter Kent
Minister of Environment
Government of Canada
c/o Jason Akearok, Habitat Biologist
Canadian Wildlife Service
Iqaluit, NU

Via email: jason.akearok@ec.gc.ca

Re: Application Exempt from the Requirement for Screening pursuant to Section 12.4.3 of the NLCA: Acadia University – Mark Mallory’s “Breeding Ecology of High Arctic Marine Birds” project

Dear Jason Akearok:

On April 3, 2012 the Nunavut Impact Review Board (NIRB or Board) received an application from the Canadian Wildlife Service (CWS) for an amendment and extension to the *Bird Sanctuary Permit* and *Scientific Permit to Take Salvage or Disturb Migratory Birds* associated with Acadia University – Mark Mallory’s “Breeding Ecology of High Arctic Marine Birds” project.

Please be advised that the original project proposals (NIRB File No.: 06YN015 and 06YN024) were received by the NIRB from the Canadian Wildlife Service on April 5, 2006 and were screened by the Board as two separate files in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On May 15, 2006 the NIRB issued the enclosed NLCA 12.4.4(a) screening decisions for NIRB File Nos. 06YN015 and 06YN024 to the Minister of Environment, Government of Canada which indicated that the proposed projects could proceed subject to the NIRB’s recommended project-specific terms and conditions contained within each of the respective screening decisions.

Additional authorization and extension requests for Acadia University – Mark Mallory’s ongoing research have also been reviewed by the NIRB following screening of the original project proposals. In each instance the NIRB confirmed that the applications were exempt from the requirement for further screening pursuant to Section 12.4.3 of the NLCA and the activities

therein remained subject to the terms and conditions recommended in the original May 15, 2006 Screening Decision Report.

Authorization	Application		Correspondence Issued by NIRB
	NIRB File Number	Type	
N2003J0014 (AANDC)	06YN015	New Permit	May 30, 2008
NUN-SCI-06-01 (CWS), 68H16 (AANDC)	06YN024	Additional Permit	June 9, 2008
NUN SCI 09 01 (CWS), NUN MBS 09 01 (CWS)	06YN015 + 06YN024	Renewal	March 26, 2009

The current CWS application pertaining to both NIRB File Nos. 06YN015 and 06YN024, the original NIRB Screening Decision Reports (File Nos. 06YN015 and 06YN024) and related file information are available from the NIRB's ftp site at the following links:

<http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2006/06YN015-Mark%20Mallory%20-%20Prince%20Leopold%20Island/>

<http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2006/06YN024-Mark%20Mallory%20-%20Cape%20Vera/>

PREVIOUSLY-SCREENED PROJECT PROPOSAL:

As previously screened by the NIRB (File No. 06YN015 and 06YN024), the "Breeding Ecology of High Arctic Marine Birds" project was located at two sites within the Qikiqtani region; the first being on Prince Leopold Island approximately 200 kilometres (km) southeast of Resolute Bay, and the second at Cape Vera approximately 300 km northeast of Resolute Bay. Throughout the various applications for both project proposals, the Proponent indicated that it intended to monitor populations of seabirds and test for contaminants in their eggs.

The activities and components associated with the previously screened proposals (NIRB File No. 06YN015 and 06YN024) included:

- Crew of 4 people staying at established cabins
- Transportation to and from sites by Twin Otter as well as All Terrain Vehicles (ATV);
- Collect approximately 15 eggs for testing;
- Capture and band approximately 200 seabirds;
- Observe colonies of seabirds.

The activities and components associated with the additional applications in 2008 and 2009 included:

- June 9, 2008 amendments: addition of water licences and land use permit to continue project activities and research, and the
- March 26, 2009 renewal: renewal of associated *Bird Sanctuary Permit* and *Scientific Permit to Take Salvage or Disturb Migratory Birds* in order to continue research activities.

CURRENT APPLICATION:

Acadia University – Mark Mallory is proposing to amend and extend the *Bird Sanctuary Permit* and *Scientific Permit to Take Salvage or Disturb Migratory Birds* associated with the previously assessed projects in order to continue the research program and to also include the following additional components/activities:

- Conduct project activities at an unnamed island near Cornwallis Island; and
- Observe colonies of birds and record food consumption as well as any reactions to people walking, aircraft flying over, and ATV travel on the island to assess at what proximity the birds' exhibit behavioural changes.

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 application, the NIRB is of the understanding that the proposed amendment and extension 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 May 15, 2006 Screening Decision Reports (enclosed).

If you have any questions or concerns, please contact Tara Arko, Technical Advisor, at 867-983-4611 or tarko@nirb.ca.

Sincerely,



Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Mark Mallory, Acadia University
Jeff Mercer, Aboriginal Affairs and Northern Development Canada
Phyllis Beaulieu, Nunavut Water Board

Enclosed: NIRB Screening Decision Report, File No.: 06YN015 (May 15, 2006)
NIRB Screening Decision Report, File No.: 06YN024 (May 15, 2006)