



NIRB File Nos.: 06YN015, 06YN024

New AANDC File No.: N2012N0015

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

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

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

May 14, 2012

The Honourable John Duncan
Minister of Aboriginal Affairs and Northern Development
c/o Jeff Mercer, Manager Land Administration
Aboriginal Affairs and Northern Development Canada
P.O. Box 100
Iqaluit, NU X0H 0A0

Via email: jeff.mercer@aandc.gc.ca and landsmining@aandc.gc.ca

Re: Application Exempt from the Requirement for Screening pursuant to Section 12.4.3 of the NLCA: Mark Mallory's "Breeding Ecology of High Arctic Marine Birds" project, Qikiqtani Region

Dear Jeff Mercer:

On April 25, 2012 the Nunavut Impact Review Board (NIRB or Board) received an application from Aboriginal Affairs and Northern Development Canada (AANDC) for a new Land Use Permit (No. N2012N0015) for Mark Mallory's "Breeding Ecology of High Arctic Marine Birds" project. On April 30, 2012 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 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 in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On May 15, 2006 the NIRB issued both of the enclosed NLCA 12.4.4(a) screening decisions 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 as issued for each separate project.

Additional authorization and extension requests for 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 Reports.

| Authorization | Application | | Correspondence Issued by NIRB |
|---------------------------------|-------------------|---------------------------------|-------------------------------|
| | NIRB File Number | Type | |
| N2003J0014 | 06YN015 | AANDC New Permit | May 30, 2008 |
| NUN-SCI-06-01, 68H16 | 06YN024 | CWS Additional Permit | June 9, 2008 |
| NUN-SCI-09-01, NUN-MBS-09-01 | 06YN015 + 06YN024 | CWS Renewal | March 26, 2009 |
| NUN-SCI-12-04, NUN-MBS-12-03 | 06YN015 + 06YN024 | CWS Renewal and Amendment | April 5, 2012 |

The current AANDC application, the original NIRB Screening Decision Reports (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. 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 proposal (both Files 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 previous exemptions included:

- June 9, 2008 amendment (06YN024): addition of water licences and land use permits to continue project activities and research.

- March 26, 2009 renewal (06YN015 and 06YN024): renew wildlife permit to continue research activities.

The activities and components associated with the previous April 5, 2012 renewal and extension of the *Bird Sanctuary Permit* and *Scientific permit to take salvage or disturb migratory birds* associated with the proposal (06YN015 and 06YN024) include:

- 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.

CURRENT APPLICATION:

Mark Mallory is proposing to acquire a new Land Use Permit which is required to continue the previously permitted research project activities.

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 application for a new Land Use Permit 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: Tracey McCaie, Aboriginal Affairs and Northern Development Canada
Mark Mallory, Canadian Wildlife Service
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)