



SCREENING DECISION REPORT
NIRB FILE NO.: 07EN047

AANDC File No.: 2011C0025

January 12, 2012

The Honourable John Duncan
Minister of Aboriginal Affairs and Northern Development
Executive Offices
10 Wellington St.
Gatineau, QC K1A 0H4

Via email: Duncan.J@parl.gc.ca; minister@aandc.gc.ca

Re: Screening Decision for Uranium North Resources Corporation's request with Aboriginal Affairs and Northern Development Canada to replace their land use permit for its "Mining Exploration and Campsite at Amer Lake", Additional Application Terms and Conditions, 07EN047

Dear Mr. Duncan:

The primary objectives of the Nunavut Impact Review Board (NIRB) are set out in section 12.2.5 of the Nunavut Land Claims Agreement (NLCA) as follows:

"In carrying out its functions, the primary objectives of NIRB shall be at all times to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, and to protect the ecosystemic integrity of the Nunavut Settlement Area. NIRB shall take into account the well-being of the residents of Canada outside the Nunavut Settlement Area."

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."*

NIRB ASSESSMENT AND DECISION

The NIRB has completed a review of Uranium North Resources Corporation's (the Proponent) request to Aboriginal Affairs and Northern Development Canada (AANDC) to replace the previously issued land use permit N2007C0024 with a new land use permit (N2011C0025) for their "Mining Exploration and Campsite at Amer Lake" project.

After a thorough assessment of the project proposal, the application information and the comments received (please see *Procedural History* and *Project Activities* in **Appendix A**), in accordance with Section 12.4.3 of the NLCA, the Board has determined that this request will result in a change to the original scope of the project. Therefore, the NIRB is re-issuing the recommended project-specific terms and conditions contained in the August 22, 2007 Screening Decision, NIRB File No.: 07EN047 in addition to new terms and conditions which are designed to mitigate any potential impacts to the environment as per Section 12.4.4(a) of the NLCA.

PREVIOUSLY APPROVED PROJECT-SPECIFIC TERMS AND CONDITIONS

The following terms and conditions were previously approved by the NIRB for file 07EN047 in a Screening Decision Report dated August 22, 2007 and is available from NIRB's ftp site using the following link: <ftp://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS>.

General

1. Uranium North Resources Corporation (the Proponent) shall maintain a copy of this Screening Decision at the site of operation at all times.
2. The Proponent shall forward copies of all permits obtained and required for this project to NIRB [*Nunavut Impact Review Board*] prior to the commencement of the project.
3. The Proponent is required to submit a revised Spill Contingency Plan to NIRB, INAC [*Indian and Northern Affairs Canada*], GN-DOE [*Government of Nunavut, Department of Environment*] and EC [*Environment Canada*], in which will be included a 24 hour telephone number clearly identified, names and quantity (in volumes or weights) of both fuel and chemicals (such as drill additives) to be used on site within 30 days of issuance of the Screening Decision Report.
4. The Proponent is required to submit to NIRB, INAC, KIA [*Kivalliq Inuit Association*] and GN-DOE a revised waste management plan, in which will be included a provision to use a dual chamber and forced-air incinerator, rather than a burn barrel for combustible camp wastes prior to commencing any field work in 2007.
5. The Proponent shall conduct project activities in accordance with all commitments stated in all documentation provided to NIRB, INAC, NPC [*Nunavut Planning Commission*] and NWB [*Nunavut Water Board*].
6. The Proponent shall submit an annual report with copies provided to NIRB, INAC, GN-DOE and NWB commencing January 31, 2008. The report must contain, but not be limited to, the following information:
 - A summary of activities undertaken for the year of 2007;
 - A work plan for the following year;
 - Recording of wildlife observation and critical habitats including:
 - Location (i.e., latitude and longitude).
 - Species.

- Number of animals.
- Description of the animal activity.
- Description of the gender and age of animals if possible.
- Description of any wildlife encounters and any actions/mitigation measures taken;
- Evidence regarding the Proponent's commitment to require on-site personnel read and understand the comments provided to NIRB by the GN-DOE and EC;
- A summary of local hires and initiatives;
- A summary of community consultations undertaken as detailed in NIRB application documents (PSIR);
- A summary of site-visits by Land Use Inspectors with results and follow-up actions;
- The number of take-offs and landings from an airstrip with proposed flight path with date and location;
- The number of helicopter touch-downs on the land with date and location (provide unless confidential);
- Site photos;
- Progressive reclamation work undertaken;
- Efforts made (including the use of recommended incinerator) to achieve compliance with the *Canada-Wide Standards for Dioxins and Furans* and the *Canada-Wide Standards for Mercury*;
- A summary of the number and location of spills and failures which activated the Spill Contingency Plan; and
- A summary of how the Proponent has complied with NIRB conditions contained within this Screening Decision, and the conditions associated with all authorizations for the project proposal.

Wildlife

7. The proponent is required to suspend all project activities during the period of May 15 to July 15 when caribou are observed calving in the area.
8. The proponent is required to suspend all low-altitude flights by aircraft, diamond drilling activities and equipment movement if caribou are observed during pre-calving or post-calving periods.
9. The proponent is also required to suspend all activities during caribou migration in the spring and in the fall when or if caribou herds are passing the project area until the migrating caribou has passed.
10. The proponent is also required not to conduct low-altitude flights over concentrations of caribou and musk ox.
11. The Proponent shall ensure that there will be no disturbance of nesting raptors from 15 April to 1 September by staying at least 1.5 km away from them when in transit by aircraft, and avoiding approaching nests closely while on foot.
12. The Proponent shall ensure that all disturbances to nests during the early part of the nesting cycle will be avoided (avoid nest sites from late May through to mid-July).
13. The Proponent shall avoid activity within 100m of a nest site during the latter part of the nesting stage (August 10-20 for peregrine falcons in this region).
14. The Proponent is advised that the operation is in an area where polar bears may be encountered. Therefore, the Proponent and all employees should follow procedures outlined in the "Safety in Bear Country Manual". In addition, proper food handling and garbage

disposal procedures should be followed to reduce the likelihood that bears will be attracted to the operation.

15. The Proponent is advised that furbearers may be observed at camps and drill sites. There is a concern with potential human-wolf, wolverine, and fox encounters. These encounters can result in injury or death to either the animal or humans. Therefore all possible efforts to avoid human wildlife encounters must be made.
16. The proponent is required to report all wildlife observations near the project area at the end of the operational season to GN-DOE (Wildlife Division): Manager of Wildlife: Dan Shewchuck, (867) 857-2828, dshevwchuk@gov.nu.ca and Biologist, Kivalliq Region: Mitch Campbell, (867) 857-2828, mcampbell@gov.nu.ca.

Waste management

17. The Proponent shall incinerate, with a dual chamber, all combustible and food wastes daily and shall store the ash in such a way that it is inaccessible to wildlife at all times.
18. The Proponent shall ensure that the disposal of combustible camp wastes comply with the *Canada-Wide Standards for Dioxins and Furans*, and the *Canada-Wide Standards for Mercury*. Efforts made to achieve compliance shall be reported to the NIRB as part of the annual report.
19. The Proponent shall ensure that no waste oil will be incinerated on site. All waste oil will be transported off site and disposed of at an approved facility. A waste manifest must accompany the shipment of all waste oil and the proponent must register with the DOE. Contact Robert Eno at reno@gov.nu.ca or (867) 975-7748 to obtain a manifest if hazardous waste is generated during project activities.

Spill Contingency Plan

20. The proponent is required to locate all fuel and other hazardous materials a minimum of thirty (30) metres away from the high water mark of any water body and in such a manner as to prevent their release into the environment.
21. The proponent is required to ensure the main fuel cache at camp is placed within an Insta-berm.
22. The proponent is required to ensure drip trays be used at refueling stations.
23. The Proponent is required to utilize the revised spill reporting form in case of spills, and any spill reporting is to be recorded electronically. This revised spill form, with instructions, can be obtained from the Spill Line at (867) 920-8130.

Drilling / drilling holes disposal of relating radiation substances

24. The Proponent is required to use biodegradable and non-toxic additives. The Canadian Environmental Protection Act lists CaCl as a toxic substance.
25. Drill holes that encounter uranium mineralization with a content greater than 1.0% over a length of more than 1 meter with a meter-percent concentration greater than 5% should be sealed by cementing over the entire mineralization zone; this should be at least 10 meters above and below each mineralization zone.
26. Drill cuttings with a uranium concentration of greater than 0.05% should be disposed of down the drill hole and sealed.
27. All land based artesian holes shall be documented, plugged and sealed with grout.

28. Core storage areas should be located at least 100 meters from the high waterline of all water bodies.
29. Gamma radiation levels at a long-term core storage area should not be greater than 1.0 µSv, and should never exceed 2.5 µSv. Instruments that measure radiation in counts per second should be converted to µS.
30. Final inspections of the entire site should be conducted by the proponent and lead agency to make sure that all areas of the site have been reclaimed as much as possible to its previous condition.

Others

31. The Proponent shall adhere to conditions stated in attached **Appendix C** Archaeological and Palaeontological Resources – Terms and Conditions for Land Use Permit Holders.
32. The Proponent is required to ensure the camp-site is clean and tidy. Furthermore, upon abandonment of the project activities the Proponent shall ensure that no remnants of past exploration activities are left within the project area. The area should left in a state as near as possible to pre-exploration conditions.

NEW RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS (pursuant to Section 12.4.4(a) of the NLCA)

The Board is recommending that the following or similar **additional** project-specific terms and conditions be imposed upon the Proponent through all relevant legislation:

Winter Road/Trail

33. The Proponent shall select a winter route that maximizes the use of frozen water bodies and snow packed ground.
34. The Proponent shall not erect camps or store materials on the surface ice of lakes or streams, except that which is for immediate use.
35. The Proponent shall ensure that no disturbance of the stream bed or banks of any definable watercourse be permitted.
36. The Proponent shall not move any equipment or vehicles without prior testing the thickness of the ice to ensure the lake is in a state capable of fully supporting the equipment or vehicles.
37. 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.
38. The Proponent shall suspend overland travel of equipment or vehicles if rutting occurs. Likewise, upon spring break up, or at such a time as the shorelines of frozen water bodies begin to thaw, the Proponent shall suspend all travel over water bodies if disturbance to the banks or shorelines of any definable water body occurs.
39. The Proponent shall ensure that winter lake/stream crossings are located to minimize approach grades and constructed entirely of ice and snow materials. Ice or snow free of sediment should be the only materials used to construct temporary crossings over any ice-covered watercourse.
40. The Proponent shall ensure that bank disturbances are avoided, and no mechanized clearing carried out immediately adjacent to any watercourse.

41. The Proponent shall ensure that stream crossings and/or temporary crossings constructed from ice and snow, which may cause jams, flooding or impede fish passage and or water flow, are removed or notched prior to spring break-up.
42. The Proponent shall avoid disturbance on slopes prone to natural erosion, and alternative locations shall be utilized.
43. The Proponent shall implement sediment and erosion control measures prior to, and during operations to prevent sediment entry into the water during the spring thaw. This includes ensuring that a sufficient thickness of snow and ice is present on the winter road to prevent unnecessary erosion of the underlying ground surface and impact on underneath vegetation.
44. The Proponent shall implement a clean-up and reclamation stabilization plan which should include, but is not limited to, re-vegetation and/or stabilization of exposed soil in road bed.

Other

45. The Proponent should, to the extent possible, hire local people and consult with local residents regarding their activities in the region.
46. Any activity related to this application, and outside the original scope of the project as described in the application, will be considered a new project and should be submitted to the NIRB for Screening.

MONITORING AND REPORTING REQUIREMENTS

The Board has previously recommended the following:

From original Screening Decision Report (August 22, 2007)

3. The Proponent is required to submit a revised Spill Contingency Plan to NIRB, INAC, GN-DOE and EC, in which will be included a 24 hour telephone number clearly identified, names and quantity (in volumes or weights) of both fuel and chemicals (such as drill additives) to be used on site within 30 days of issuance of the Screening Decision Report.
4. The Proponent is required to submit to NIRB, INAC, KIA and GN-DOE a revised waste management plan, in which will be included a provision to use a dual chamber and forced-air incinerator, rather than a burn barrel for combustible camp wastes prior to commencing any field work in 2007.
5. The Proponent shall submit an annual report with copies provided to NIRB, INAC, GN-DOE and NWB commencing January 31, 2008. The report must contain, but not be limited to, the following information:
 - A summary of activities undertaken for the year of 2007;
 - A work plan for the following year;
 - Recording of wildlife observation and critical habitats including:
 - Location (i.e., latitude and longitude).
 - Species.
 - Number of animals.
 - Description of the animal activity.
 - Description of the gender and age of animals if possible.
 - Description of any wildlife encounters and any actions/mitigation measures taken;

- Evidence regarding the Proponent's commitment to require on-site personnel read and understand the comments provided to NIRB by the GN-DOE and EC;
- A summary of local hires and initiatives;
- A summary of community consultations undertaken as detailed in NIRB application documents (PSIR);
- A summary of site-visits by Land Use Inspectors with results and follow-up actions;
- The number of take-offs and landings from an airstrip with proposed flight path with date and location;
- The number of helicopter touch-downs on the land with date and location (provide unless confidential);
- Site photos;
- Progressive reclamation work undertaken;
- Efforts made (including the use of recommended incinerator) to achieve compliance with the *Canada-Wide Standards for Dioxins and Furans* and the *Canada-Wide Standards for Mercury*;
- A summary of the number and location of spills and failures which activated the Spill Contingency Plan; and
- A summary of how the Proponent has complied with NIRB conditions contained within this Screening Decision, and the conditions associated with all authorizations for the project proposal.

In addition, the Board is recommending the following:

Additional Information for Annual Report

1. As part of the requirements of recommendation #6 ("*...submit an annual report with copies provided to NIRB, INAC, GN-DOE and NWB commencing January 31, 2008.*") from the original Screening Decision Report (August 22, 2007), the Proponent shall include the following information within the annual report:
 - a. A summary of activities undertaken in the development and use of the winter trail for each year, including a map showing the location of the winter trail from Baker Lake to the Amer site;
 - b. Type and amount of supplies transported using the winter trail;
 - c. Frequency of use of winter trail;
 - d. Timing of use of winter trail; and
 - e. Description of any wildlife encounters and any actions/mitigation measures taken on the winter trail.

Fuel and Chemical Storage

2. The Proponent shall update its Spill Contingency Plan to include the items listed below and submit the revised plan to NIRB, Aboriginal Affairs and Northern Development Canada (AANDC), GN-DoE and EC within 30 days of issuance of the Screening Decision Report:
 - a. Update the emergency contact numbers for the Government of Nunavut-Department of Environment (867-975-4644) and the Manager of Pollution Control and Air Quality (867-975-7748);
 - b. Identify both fuel and chemicals that would be transported on the winter trail including quantity (in volumes or weights);

- c. Identify the appropriate spill response equipment and clean-up materials (e.g., shovel, pumps, barrels, drip pans and absorbents) available on the winter trail; and
- d. Provide a discussion on potential spills and clean-up procedures on the winter trail.

Transport of Waste/Dangerous Goods

3. The Proponent shall ensure that a waste manifest accompanies the shipment of all waste oil/grease and is registered with the Government of Nunavut Department of Environment (GN-DoE). Contact the Manager of Pollution Control and Air Quality at (867) 975-7748 to obtain a manifest if hazardous waste will be generated during project activities.
4. The Proponent shall ensure that an export manifest or the appropriate transportation of dangerous goods (TDG) documentation accompany all potential hazardous samples and/or materials that are transported off site.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

In addition to the project-specific terms and conditions, the Board has previously recommended the following:

Indian and Northern Affairs Canada (INAC)

- INAC impose strict mitigation measures, conditions and monitoring requirements, pursuant to the Federal Land Use Permit, which require Uranium North Resources Corporation to respect the ecosystem in the project area. These mitigation measures, conditions and monitoring requirements should be in regard to:
 - Wildlife and habitats protection.
 - Routings, timing and locations of airborne geophysics.
 - Use, Storage, Handling and Disposal of Chemical or Toxic Material.
 - Petroleum Fuel Storage.
 - Matters Not Consistent with the Regulations.
- INAC should also consider the importance of conducting regular Land Use Inspections, pursuant to the authority of the Federal Land Use Permit, while the project is in operation. The Land Use Inspections should be focused on ensuring the Proponent is in compliance with the conditions imposed through the Federal Land Use Permit.

The Government of Nunavut Department of Environment (GN-DOE)

- The GN-DOE should conduct on-going collection of wildlife data in project areas.

The Board is currently also recommending the following:

Bear and Carnivore Safety

1. The Proponent review the bear/carnivore detection and deterrent techniques outlined in “Safety in Grizzly and Black Bear Country” which can be down-loaded from this link: http://www.enr.gov.nt.ca/live/documents/content/Bear_Safety.pdf. Note that some recommendations in this manual are also relevant to polar bears. There is a DVD about polar bears and safety available from Nunavut Parks at the following link <http://www.nunavutparks.com/english/visitor-information/suggested-resources.html> and a “Safety in Polar Bear Country” pamphlet from Parks Canada at the following link <http://www.pc.gc.ca/eng/pn-np/nu/auyuittuq/visit/visit6/d/i.aspx>.

2. Any problem wildlife or any interaction with carnivores should be reported immediately to the local Government of Nunavut, Department of Environment Conservation Office (Conservation Officers of Baker Lake, Kivalliq Region, Rob Harmer or Russell Toolooktook, phone: 867-793-2944(main) or 867-793-2940; email: rharmoer@gov.nu.ca or rtoolooktook@gov.nu.ca).

Species at Risk

3. The Proponent review Environment Canada's "Environment Assessment Best Practice Guide for Wildlife at Risk in Canada", available at the following link: <http://www.ec.gc.ca/Publications/default.asp?lang=En&xml=5407909E-10F6-4AFE-ACDF-75B9E820B4A1>. 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.

Winter Roads/Trails

4. If ice bridges are constructed, the Proponent follow the mitigation measures outlined in Fisheries and Oceans Canada's (DFO) Operational Statement for Ice Bridges, available at the following internet address: <http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/provinces-territoires-territoires/nu/index-eng.htm>.
5. Cutting or filling of crossing approaches below the high water mark will require prior review and approval by Fisheries and Oceans Canada - Fish Habitat Management Branch (DFO-FHM).

Change in Project Scope

5. All Authorizing Agencies shall notify the NIRB of any changes in operating plans or conditions associated with this project prior to any such change.

Caribou Management

6. Territorial and federal government agencies in Nunavut should work together with Regional Inuit Associations, co-management boards and industry to develop an action plan to identify and mitigate potential cumulative effects of human land use activities, including mineral exploration, on barren-ground caribou. This assessment of cumulative effects should occur at a regional scale (i.e., larger than individual project areas).
7. Territorial and federal government agencies update the Caribou Protection Map with updated data and information from the Beverly Qamanirjuaq Caribou Management Board (BQCMCB).

Aboriginal Affairs and Northern Development Canada (AANDC)

8. AANDC impose mitigation measures, conditions and monitoring requirements pursuant to the Federal Land Use Permit, which require the Proponent to respect the sensitivities and importance of the area. These mitigation measures, conditions and monitoring requirements should be in regard to the location and area; type, location, capacity and operation of facilities; use, storage, handling and disposal of chemical or toxic material; wildlife and fisheries habitat; and petroleum fuel storage.
9. AANDC consider the importance of conducting regular Land Use Inspections, pursuant to the authority of the Federal Land Use Permit, while the project is in operation. The Land Use Inspections should be focused on ensuring the Proponent is in compliance with the conditions imposed through the Federal Land Use Permit.

10. It is recommended to AANDC that no extension be issued to the Land Use Permit until the annual report is received.
11. AANDC – *Water Resources Division* should consider the importance of conducting regular inspections, pursuant to the authority of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, while the project is in operation. Inspectors should focus on ensuring the Proponent is in compliance with the conditions imposed through the Water Licence.

Regional Inuit Association

12. The Regional Inuit Association (RIA) impose strict mitigation measures and/or conditions upon the Proponent pursuant to the Inuit Owned Lands License in regard to fuel and chemical storage, drilling, water conditions, ground disturbance and wildlife on Inuit owned land.

Nunavut Water Board

13. The Nunavut Water Board (NWB) impose mitigation measures, conditions and monitoring requirements pursuant to the Water Licence, which require the Proponent to respect the sensitivities and importance of water in the area. These mitigation measures, conditions and monitoring requirements should be in regard to use of water, snow and ice; waste disposal; access infrastructure and operation for camps; drilling operations; spill contingency planning; abandonment and restoration planning; and monitoring programs.
14. In particular, mitigation measures, conditions and monitoring requirements should be considered for the use of water, snow and ice for the development and maintenance of the winter road/trail for this project.

REGULATORY REQUIREMENTS

The Proponent has been previously advised that the following legislation may apply to the project:

1. Section 36(3) of the *Fisheries Act* (<http://laws.justice.gc.ca/en/showtdm/cs/F-14///en>) which states that no person shall deposit or permit the deposit of a deleterious substance in any type in water frequented by fish or in any place under any conditions where the deleterious substance may enter such a water body.
2. The *Migratory Birds Convention Act* and *Migratory Birds Regulations* which state that no person disturb or destroy the nests or eggs of migratory birds, and that no person shall deposit or permit to be deposited oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds (<http://laws.justice.gc.ca/en/showtdm/cs/M-7.01>).
3. *The Species at Risk Act* (<http://laws.justice.gc.ca/en/showtdm/cs/S-15.3>). Attached in **Appendix B** is a list of Species at Risk in Nunavut. The Proponent should consult the Species at Risk Public Registry (<http://www.sararegistry.gc.ca/>) to identify any Species at Risk within the project location. Further, the Proponent shall develop monitoring plans for each relevant Species at Risk in accordance with any applicable status reports, recovery strategies, action plans, and management plans posted on the Species at Risk Public Registry and in consultation with the Government Organization with Primary Management

Responsibility. Monitoring plans should record the locations and frequency of observing species of special concern and note any actions taken to avoid contact or cause disturbance to the species, its residence, or its critical habitat.

4. The *Nunavut Act* (<http://laws.justice.gc.ca/en/showtdm/cs/N-28.6>) which requires that no person alter or disturb any archaeological or palaeontological sites in Nunavut unless permission is first granted through the permitting process. If any archaeological or palaeontological sites are found they should remain undisturbed and their location should be reported to the Government of Nunavut Department of Culture, Language, Elders and Youth. The Proponent must comply with the proposed terms and conditions listed in the attached **Appendix C**.
5. The *Transportation of Dangerous Goods Regulations*, *Transportation of Dangerous Goods Act* (<http://www.tc.gc.ca/tdg/menu.htm>), and the *Environmental Protection Act* (<http://laws.justice.gc.ca/en/C-15.31/text.html>) which presents the requirements for the handling, storing, managing and transportation of dangerous goods, including hazardous wastes, fuel and contaminated material. The Proponent must ensure that proper shipping documents accompany all movements of dangerous goods. The Proponent must register with GN-DOE [Government of Nunavut, Department of Environment] by contacting Robert Eno at 867-975-7748 or reno@gov.nu.ca.
6. Article 13.7.1 of the NLCA and Section 173(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, state that no person shall use water or dispose of waste into water without the approval of the Nunavut Water Board (NWB). The Proponent is encouraged to contact the NWB prior to engaging in any activities to determine if a license is required (<http://www.nunavutwaterboard.org/en/home>).

In addition, the Proponent is also advised that the following legislation may apply to the project:

7. The *Nunavut Wildlife Act* which contains provisions to protect and conserve wildlife and wildlife habitat, including specific protection measures for wildlife habitat and species at risk.
8. The *Navigable Waters Protection Act (NWPA)* (<http://laws.justice.gc.ca/en/N-22/index.html>).

Validity of Land Claims Agreement

Section 2.12.2

Where there is any inconsistency or conflict between any federal, territorial and local government laws, and the Agreement, the Agreement shall prevail to the extent of the inconsistency or conflict.

Dated January 12, 2012 at Sanikiluaq, NU.



Lucassie Arragutainaq, Chairperson

Attachments: Appendix A – Procedural History and Project Activities
Appendix B – Species at Risk in Nunavut
Appendix C – Archaeological and Palaeontological Resources Terms and Conditions for Land Use Permit Holders.

Appendix A

Procedural History and Project Activities

Procedural History

On October 19, 2011 the Nunavut Impact Review Board (NIRB or Board) received a positive conformity determination (Keewatin Regional Land Use Plan) from the Nunavut Planning Commission for Uranium North Resources Corporation's (Uranium North) "Mining Exploration and Campsite at Amer Lake" project proposal. On October 20, 2011 the NIRB received an application from Aboriginal Affairs and Northern Development Canada (AANDC) for a new Land Use Permit (N2011C0025) to replace the previously issued Land Use Permit N2007C0024. The new Land Use Permit would allow Uranium North to continue its uranium exploration activities within the Amer Lake project area.

Following an internal completeness check of the current application, it was determined that further information would be required in order to permit proper screening; therefore the NIRB requested additional information from the Proponent on October 24, 2011, October 28, 2011, and November 17, 2011. On November 24, 2011 the NIRB received all outstanding information and proceeded to screen the project proposal.

Past File History

The original application for the project (NIRB File No.: 07EN047) was received from Indian and Northern Affairs Canada (INAC; now AANDC) on May 31, 2007. The project proposal was screened in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA) and on August 22, 2007 the NIRB issued a 12.4.4 (a) screening decision to the Minister of INAC allowing the proposed uranium exploration activities to proceed subject to recommended project-specific terms and conditions.

On July 15, 2009 the NIRB received a request from INAC for a one year extension to Uranium North's Land Use Permit N2007C0024. After a thorough assessment of the extension request including comments received, the NIRB determined that the proposed extension did not significantly change the scope of the original project and re-issued the previous project-specific terms and conditions on August 4, 2009.

On September 2, 2010 the NIRB received a request from AANDC for a further one year extension to Uranium North's Land Use Permit N2007C0024. After a thorough assessment of the extension request, the NIRB determined that the proposed extension did not significantly change the general scope of the project activities and re-issued the original project-specific terms and conditions on September 2, 2010.

Current File History

The current project proposal from Uranium North is for a new Land Use Permit (N2011C0025) to replace the previously issued Land Use Permit N2007C0024. The proponent is proposing to continue to explore for uranium within the Amer Lake project area with the addition of the following component to its new Land Use Permit:

- Preparation and use of a winter trail (approximately 150 kilometres) to transport supplies from Baker Lake to Amer Lake using a cat train. Trail would be used in March of each year for the life of the permit.

The NIRB determined that this request may result in a change to the original scope of the project and distributed the project proposal to community organizations in Baker Lake and Lutsel K'e, as well as relevant federal and territorial government agencies and Inuit organizations. The NIRB requested that interested parties review the proposal and the NIRB's previously recommended terms and conditions and provide the Board with any comments or concerns by December 9, 2011 regarding:

- Whether the proposed component or activity was a part of the original proposal;
- Whether its inclusion would significantly modify the project;
- Any additional mitigation measures that are appropriate; and
- Any other matter of importance to the Party related to the project proposal.

On or before December 9, 2011 the NIRB received comments from the following interested parties:

- Fisheries and Oceans Canada
- Environment Canada
- Beverly and Qamanirjuaq Caribou Management Board
- Government of Nunavut – Department of Executive & Intergovernmental Affairs.

All comments provided to NIRB regarding this project proposal can be viewed on NIRB's ftp-site, at the following location:

<ftp://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS>

Project Activities

This project was located within the Kivalliq region, approximately 150 kilometres north-northwest of the Hamlet of Baker Lake. The Proponent intended to explore for the presence of uranium in surface rock and soil found around the Amer Lake area from 2007 to 2009.

The original application was screened in accordance with Part 4, Article 12 of the NLCA and included the following project components and activities:

- On-land drilling of approximately 2500 metres per year of permit;
- Potential on-ice drilling if suitable targets are found;
- Ground-based mapping, prospecting, sampling and geophysics;
- Aircraft use for access to and within site and airborne geophysics activity;
- Use of eskers or lakes for landing aircraft;
- Establishment of a 10-12 man temporary camp on southern shore of Amer Lake;
- Fuel and chemical transportation and storage; and
- Use of water and generation of wastes.

In addition to exploring for uranium around the Amer Lake area, the Proponent is proposing to include the following additional project component and activity:

- Conduct further exploration of the site between March 2012 and September 2013.
- Preparation and use of a winter trail (approximately 150 kilometres) to bring in supplies from Baker Lake to Amer Lake using a cat train. Trail would be used March of each year for the life of the permit.

Appendix B

Species at Risk in Nunavut

This list includes species listed on one of the Schedules of SARA (*Species at Risk Act*) and under consideration for listing on Schedule 1 of SARA. These species have been designated as at risk by COSEWIC (Committee on the Status of Endangered Wildlife in Canada). This list may not include all species identified as at risk by the Territorial Government.

- 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.

Schedules of SARA are amended on a regular basis so it is important to periodically check the SARA registry (www.sararegistry.gc.ca) to get the current status of a species.

Updated: October 2010

Species at Risk	COSEWIC Designation	Schedule of SARA	Government Organization with Lead Management Responsibility ¹
Eskimo Curlew	Endangered	Schedule 1	EC
Ivory Gull	Endangered	Schedule 1	EC
Ross's Gull	Threatened	Schedule 1	EC
Harlequin Duck (Eastern population)	Special Concern	Schedule 1	EC
Rusty Blackbird	Special Concern	Schedule 1	Government of Nunavut
Felt-leaf Willow	Special Concern	Schedule 1	Government of Nunavut
Peregrine Falcon (<i>anatum-tundrius</i> complex)	Special Concern	Schedule 1 (<i>anatum</i>) Schedule 3 (<i>tundrius</i>)	Government of Nunavut
Short-eared Owl	Special Concern	Schedule 3	Government of Nunavut
Peary Caribou	Endangered	Pending	Government of Nunavut
Beluga Whale (Eastern Hudson Bay population)	Endangered	Pending	DFO

Species at Risk cont.	COSEWIC Designation cont.	Schedule of SARA cont.	Government Organization with Lead Management Responsibility cont. ¹
Red Knot (<i>rufa</i> subspecies)	Endangered	Pending	EC
Beluga Whale (Cumberland Sound population)	Threatened	Pending	DFO
Atlantic Cod (Arctic population)	Special Concern	Pending	DFO
Beluga Whale (Western Hudson Bay population)	Special Concern	Pending	DFO
Beluga Whale (Eastern High Arctic – Baffin Bay population)	Special Concern	Pending	DFO
Bowhead Whale (Eastern Canada – West Greenland population)	Special Concern	Pending	DFO
Killer Whale (Northwest Atlantic / Eastern Arctic populations)	Special Concern	Pending	DFO
Porsild's Bryum	Threatened	Pending	Government of Nunavut
Atlantic Walrus	Special Concern	Pending	DFO
Narwhal	Special Concern	Pending	DFO
Red Knot (<i>islandica</i> subspecies)	Special Concern	Pending	EC
Horned Grebe (Western population)	Special Concern	Pending	EC
Atlantic Cod, Arctic Lakes	Special Concern	No schedule	EC
Barren-ground Caribou (Dolphin and Union population)	Special Concern	Pending	Government of Nunavut
Grizzly Bear	Special Concern	Pending	Government of Nunavut
Polar Bear	Special Concern	Pending	Government of Nunavut
Wolverine (Western Population)	Special Concern	Pending	Government of Nunavut

¹ Environment Canada (EC) 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. The Department of Fisheries and Oceans (DFO) has responsibility for management of aquatic species.

Appendix C
Archaeological and Palaeontological Resources Terms and Conditions
for Land Use Permit Holders



INTRODUCTION

The Department of Culture, Language, Elders and Youth (CLEY) routinely reviews land use applications sent to the Nunavut Water Board, Nunavut Impact Review Board and the Department of Indian 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 Inventory
c)	Construction of linear disturbances, Extractive disturbances, Impounding disturbances and other land disturbance activities	Archaeological/ Palaeontological Inventory or Assessment or Mitigation

Note that the above-mentioned functions require either a Nunavut Archaeologist Permit or a Nunavut Palaeontologist Permit. CLEY is authorized by way of the *Nunavut and Archaeological and Palaeontological Site Regulations*¹ to issue such permits.

¹ 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 CLEY 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 CLEY.
- 6) The permittee/proponent shall follow the direction of CLEY 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 INAC's directions will also be followed.
- 7) The permittee/proponent shall provide all information requested by CLEY 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 CLEY 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 *Nunavut Land Claims 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*², 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*³, 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 Nunavut Land Claims 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*

² s. 51(1)

³ P.C. 2001-1111 14 June, 2001

GUIDELINES FOR DEVELOPERS FOR THE PROTECTION OF ARCHAEOLOGICAL RESOURCES IN THE NUNAVUT TERRITORY

(NOTE: Partial document only, complete document at: <http://gov.nu.ca/cley/english/arch.html>)

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, Language, Elders and Youth (CLEY), and the contract archaeologist(s) will ensure proper preservation of heritage resources in the Nunavut Territory. The roles of each are briefly described.

CLEY 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 CLEY 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 Nunavut Land Claims Agreement), and the Department of Indian and Northern Affairs, 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, Language, Elders and Youth. 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.