



SCREENING DECISION REPORT
NIRB FILE NO.: 07EN067

NIRB File No.: 07EN067

KIA File No.: KTL307C014 Amended

NWB File No.: 2BE-SLA0814 Amendment No.1

February 26, 2010

Honourable Chuck Strahl
Minister of Indian and Northern Affairs Canada
Indian and Northern Affairs Canada
Gatineau, QC

E-Mail: Strahl.C@parl.gc.ca

Re: Screening Decision for Golden Bull Resources Corporation's Amendment and Extension Request with the Kitikmeot Inuit Association for its "SLAVE" Project, with Additional Application Terms and Conditions

Dear Honourable Minister:

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.*

The NIRB has completed a review of Golden Bull Resources' request to the Kitikmeot Inuit Association (KIA) for an amendment and an extension to their Land Use Licence for their "SLAVE" project.

After a thorough assessment of the original project proposal, the amendment and extension 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 November 8, 2007 Screening Decision (NIRB file No.: 07EN067) in addition to new terms and conditions which are recommended 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 07EN067 in a Screening Decision Report dated November 8, 2007 and is available from the NIRB's ftp site using the following link <http://ftp.nirb.ca/SCREENINGS/COMPLETED%20SCREENINGS/>:

1. Golden Bull Resources Corporation (the Proponent) shall operate in accordance with all commitments stated in all documentation provided to NIRB, namely:
 - a. NIRB Part 2 Form - Project Specific Information Requirements (July 2007)
 - b. Kitikmeot Inuit Association Application for Access to Inuit Owned Land, including Appendix A (July 2007)
 - c. Nunavut Water Board License Application Form and Supplementary Questionnaire (August 2007)
 - d. Golden Bull Resources Corporation Abandonment and Restoration Plan (July 2007)
 - e. Golden Bull Resources Corporation Spill Contingency Plan (July 2007)
2. The Proponent shall maintain a copy of this Screening Decision at the site of operation at all times.
3. The Proponent shall forward copies to NIRB of all permits required for this project prior to the commencement of the project.
4. The NIRB shall be notified of any changes in operating plans or conditions associated with this project prior to any such change.
5. The Proponent shall operate the project in accordance with all applicable Acts, Regulations and Guidelines.
6. On or before November 30, 2007, the Proponent shall submit to Environment Canada (EC), the Government of Nunavut Department of the Environment (GN-DOE), and the Nunavut Water Board, a *revised* Spill Contingency Plan, which addresses the comments provided to NIRB by EC and the GN-DOE.
7. On or before November 30, 2007, the Proponent shall submit to EC, the GN-DOE, and the Nunavut Water Board, a Waste Management Plan which addresses the comments provided to the NIRB by EC and the GN-DOE.

8. On or before December 19, 2007, the Proponent shall submit to Environment Canada (EC) and the GN-DOE a Wildlife Mitigation and Monitoring Plan. At a minimum, the Plan must address and include:
 - a. The following requirements:
 - i. During the period of May 15 to July 15, if caribou are observed calving in the project area, the Proponent must suspend all operations until the caribou and calves have moved 1km away from project area. Furthermore, the Proponent shall ensure that no blasting, associated with the amendment activities, takes place when caribou are observed within 1km of the project area.
 - ii. During any caribou migration, the Proponent must not conduct any activity such that it blocks or causes substantial diversion to migrating caribou.
 - iii. The Proponent must ensure that all aircraft maintain a flight altitude of 610m, except during landing or take-off. Where large concentrations of birds are observed, all aircraft must maintain a flight altitude of 1000m vertical distance and 1500m horizontal distance from the birds.
 - iv. The Proponent shall ensure that aircraft do not, unless for emergency, touch-down in areas where concentrations of wildlife are present. And raptor nesting sites and concentrations of nesting or molting waterfowl should be avoided by aircraft.
 - v. The Proponent shall not disturb or destroy the nests or eggs of migratory birds. All disturbances to nests during the early part of the nesting cycle must be avoided (avoid nest sites from late May through to mid-July).
 - vi. The Proponent must ensure that camp waste is made inaccessible to wildlife at all times and feeding of wildlife is prohibited.
 - b. Provision of a clear description and commitment to conduct GIS-mapping of critical habitat and wildlife features within the project area. This should include, at a minimum:
 - i. Dens and potential denning areas for fur-bearers
 - ii. Caribou calving areas and crossing sites
 - iii. Raptor, waterfowl and shorebird nesting areas
 - c. Provide a summary of predicted impacts to wildlife from project activities
 - d. Provide proposed site-specific measures to reduce anticipated adverse impacts to wildlife, including a fur-bearers deterrent strategy
 - e. Provide proposed procedures for wildlife monitoring, including frequency, monitoring period, locations where monitoring will occur, recording and reporting protocols, and discussion regarding how the data collected in the wildlife monitoring program will be used to determine if adaptive mitigation and management strategies for wildlife are required.
9. The Proponent shall submit an annual report with copies provided to the NIRB, INAC, the KIA, Environment Canada and Government of Nunavut by March 31 each year that the project is in operation commencing March 31, 2008. The report must contain, but not be limited to, the following information:
 - a. A detailed summary of activities undertaken for the year, including any progressive reclamation work undertaken – site photos should be included where relevant.

- b. A work plan for the following year.
- c. A summary of how the Proponent has complied with NIRB conditions contained within this Screening Decision.
- d. The results of environmental studies undertaken and plans for future studies.
- e. Results from the Wildlife Mitigation and Monitoring Program, including an analysis of the effectiveness of mitigation measures for wildlife.
- f. A summary of any community consultations undertaken and the results.
- g. A summary of site-visits by inspectors with results and follow-up actions.

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:

Fuel and Chemical Storage

- 1. The Proponent shall locate all fuel and other hazardous materials a minimum of thirty-one (31) metres away from the high water mark of any water body and in such a manner as to prevent their release into the environment.
- 2. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife.
- 3. The Proponent shall use secondary containment or a surface liner (drip pans, fold-a-tanks, etc) at all refuelling stations and ensure that adequate spill kits are located at every fuel cache.
- 4. The Proponent shall remove and treat hydrocarbon contaminated soils on site or transport them to an approved disposal site.
- 5. The Proponent shall ensure that all on site personnel are properly trained in fuel and hazardous waste handling procedures as well as spill response procedures. All spills of fuel or other deleterious materials of any amount must be reported immediately to the 24 hour Spill Line at (867) 920-8130.

Caribou

- 6. During the period of May 15 to July 15 when caribou are observed within 1 km of project operations, the Proponent shall suspend all operations, including low-level over flights, blasting, and use of snow mobiles and all terrain vehicles outside the immediate vicinity of the camps. Following July 15, if caribou cows or calves are observed within 1 km of project operations, the Proponent shall also suspend all operations in the vicinity, including low-level over flights, blasting, and use of snow mobiles and all terrain vehicles, until caribou are no longer in the immediate area.

Stripping and Trenching

- 7. The Proponent shall ensure that all overburden/vegetation generated during trenching is stockpiled using proper erosion prevention measures, and filled back upon reclamation/re-contouring when trenching/sample excavation operation is completed.

8. The Proponent shall employ proper erosion prevention measures (i.e., berms, silt fence) in the trenching area during the project operation.
9. The Proponent shall pump accumulated water in trenches to a natural depression sump with berms build if necessary. Water accumulated in blast trenches should be pumped to lined sump or equivalent containers, and analyzed in accordance with NWB water license discharge criteria before charge to environment.
10. The Proponent shall not conduct any trenching activities within 30 metres (m) from the high water mark of any water body.

Land Base Drilling

11. The Proponent shall use non-toxic and biodegradable additives during drilling operation.
12. The Proponent shall not conduct any land based drilling or mechanized clearing within thirty-one (31) metres of the normal high water mark of a water body.
13. The Proponent shall ensure that all drill areas are constructed to facilitate minimizing the environmental footprint of the project area. Drill areas should be kept orderly with garbage removed daily to an approved disposal site.
14. The Proponent shall ensure that all sump/depression capacities are of sufficient capacity to prevent waste water and any fines produced from entering the surrounding lands or water bodies. Sumps shall only be used for inert drilling fluids, and not any other materials or substances.
15. The Proponent shall ensure all drill holes are backfilled or capped at the end of the project. The Proponent shall backfill and restore all sumps to match the natural environment prior to the end of project. If an artesian flow is encountered, the Proponent shall ensure the drill hole is immediately plugged and permanently sealed.

Physical Environment

16. The Proponent shall build new camp facilities on gravel, sand or other durable land to minimize the land disturbance.
17. The Proponent shall not move any heavy equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging. The Proponent shall suspend overland travel of equipment or vehicles if rutting occurs.

Others

18. The Proponent should inform the communities potentially impacted by the project, and hire local Inuit at the extent possible

MONITORING AND REPORTING REQUIREMENTS

The Board is recommending the following:

1. Golden Bull Resources Corporation (the Proponent) shall revise and submit its Wildlife Mitigation and Monitoring Plan to Environment Canada (EC), and the Government of Nunavut, Department of the Environment (GN-DoE) within 45 days of the issuance of this

Screening Decision. This plan should be developed in accordance with the requirements indicated in the previous NIRB Screening Decision Report dated November 8, 2007, and in reference to the comments received from parties during the current screening.

2. The Proponent shall contact the Fisheries and Oceans Canada's Nunavut office regarding how to fulfill the requirements of DFO *Operational Statement*.
3. The Proponent shall submit the design specifications of the incinerator to Environment Canada, prior to commencement of the project.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

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

The Kitikmeot Inuit Association (KIA) impose environmental protection measures through the issuance of an Inuit Owned Lands License, related to:

- a. General Standards
- b. Fuel and Chemical Storage
- c. Camp sites
- d. Fisheries
- e. Ground Disturbance
- f. Wildlife

The Board is currently also recommending the following:

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.nwtwildlife.com/Publications/safetyinbearcountry/safety.htm>. 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/pn-np/nu/auyuittuq/pdf/PolarBearEnglish2007final.pdf>.
2. The Kitikmeot Inuit Association amend the Lands Use License with a two years period only, in order for new information to be considered by the GN-DoE when it becomes available.
3. All Authorizing Agencies shall notify the NIRB of any changes in operating plans or conditions associated with this project prior to any such change.

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 Proponent shall ensure compliance with the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* which states that “no person shall use, or permit the use of, waters in Nunavut except in accordance with the conditions of a licence,” and “no person shall deposit or permit the deposit of waste (a) in waters in Nunavut; or (b) in any other place in Nunavut under conditions in which the waste, or any other waste that results from the deposit of that waste, may enter waters in Nunavut” (<http://www.canlii.org/ca/sta/n-28.8/whole.html>).
3. The *Migratory Birds Convention Act* (<http://laws.justice.gc.ca/en/showtdm/cs/M-7.01>) which states that no person disturb or destroy the nests or eggs of migratory birds. If nests containing eggs or young are encountered, the Proponent shall avoid these areas until nesting is complete and the young have left the nest.
4. 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.
5. 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**.
6. 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 present 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 by contacting Robert Eno at 867-975-7748 or reno@gov.nu.ca.

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

1. The *Canadian Environmental Protection Act* (<http://laws.justice.gc.ca/en/C-15.31/>) lists calcium chloride (CaCl) as a toxic substance. The Proponent should assess alternatives (including biodegradable and non-toxic) to drill additives prior to the use of CaCl and try to avoid the use of CaCl.
2. 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.

3. The *Aeronautics Act* (<http://laws.justice.gc.ca/en/A-2/>).
4. 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 February 26, 2010 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 January 26, 2010 the Nunavut Impact Review Board (NIRB or Board) received an application from the Kitikmeot Inuit Association (KIA) for an amendment and extension to Golden Bull Resources Corporation's (GBR) Land Use Licence (KIA File No.: KTL307CO14-amended) for the "SLAVE" project.

Past File History

The NIRB received the original project proposal (NIRB File No.: 07EN067) from the KIA on September 19, 2007. The project proposal was screened in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA), and on November 8, 2007 the NIRB issued a 12.4.4(a) Screening Decision to Indian and Northern Affairs Canada (INAC) and the KIA which indicated that the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions.

On April 7, 2009 the NIRB received an amendment and extension application form KIA for GBR's "SLAVE" project, which proposed to amend their Land Use Licence (KTL307C014) to:

- include the Inuit Owned Land (IOL) parcel number CO-44-00-01; and
- extend their Land Use Licence (KTL307C014) for a period of two years, until November 26, 2011 (original expiry was November 26, 2009).

After a thorough assessment of the project proposal, the application was exempted from screening as per Section 12.4.3 of the NLCA, and the NIRB reissued the original November 8, 2007 Screening Decision.

Current File History

GBR is currently proposing to amend its Land Use Licence (No. KTL307CO14-amended) to include additional components and activities (see Project Activities section below), and to extend its amended Land Use Licence (KTL307CO14-amended) for an approximate period of three and a half years, until December 31, 2013.

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 Kugluktuk, relevant federal and territorial government agencies, as well as 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 February 15, 2010 regarding:

- Whether the project proposal is likely to arouse significant public concern; and if so, why;

- Whether the project proposal is likely to cause significant adverse eco-systemic and socio-economic effects; and if so, why;
- Whether the project is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (providing any additional recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

On or before February 15, 2010 the NIRB received comments from the following interested parties (see Comments and Concerns section below):

- Environment Canada (EC)
- Fisheries and Oceans Canada (DFO)
- Kitikmeot Inuit Association (KIA)
- Kugluktuk Trappers and Hunters Organization (HTO)
- The Government of Nunavut, Department of Environment (GN-DoE)

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

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

Project Activities

This project is located within the Kitikmeot region, approximately 210 kilometres (km) from the community of Kugluktuk. The Proponent intended to conduct prospecting, geologic mapping, geophysical exploration, diamond drilling, and the initiating of environmental baseline work in the project areas.

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

- On-ice drilling activities commencing in January 2009 (Crown Land - Contwoyto Lake);
- Approximately 2000-3000 m of land based drilling (IOL);
- Exploration activities including ground magnetic surveys, induced polarization and electromagnetic geophysical surveys, mapping and sampling;
- Construction of two temporary camps (non-simultaneous), composed of Weatherhaven-type canvas and wood frame tent structures;
- Possible use of snow machines for secondary geophysical surveys in 2008/09
- Sewage and grey water disposal via sump;
- Incineration of combustible wastes (including sewage) and removal of non-combustible wastes
- Chemical transportation and storage;
- Transportation of drills and associated work crews via helicopter and fixed wing aircraft
- Seasonal and fly camps to be decommissioned upon site relocation or end of field season
- Temporary fuel storage at drill site locations;
- Consumption of water and generation of wastes;
- Hazardous waste storage; and
- Abandonment and restoration.

The Proponent is currently applying for an amendment and another extension to their KIA Land Use Licence (KIA File No.: KTL307CO14-amended), to include the following additional components or activities:

- Inclusion of two distinct, non-contiguous IOL land parcels (CO-44-00-01A and CO-44-00-01B);
- Use of on-site mechanized vehicles;
- Potential soil testing over gridded areas;
- Potential geoscientific sampling by trenching in the project areas; and,
- Potential explosive storage and use for trenching.

It should be noted that the originally proposed project activities have not been undertaken in the project area since the permits were issued on November 08, 2007.

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: August 4, 2009

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
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
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



BACKGROUND: Archaeology

As stated in Article 33 of the Nunavut Land Claims Agreement:

The archaeological record of the Inuit of Nunavut is a record of Inuit use and occupancy of lands and resources through time. The evidence associated with their use and occupancy represents a cultural, historical and ethnographic heritage of Inuit society and, as such, Government recognizes that Inuit have a special relationship with such evidence, which shall be expressed in terms of special rights and responsibilities. [33.2.1]

The archaeological record of Nunavut is of spiritual, cultural, religious and educational importance to Inuit. Accordingly, the identification, protection and conservation of archaeological sites and specimens and the interpretation of the archaeological record is of primary importance to Inuit and their involvement is both desirable and necessary. [33.2.2]

In recognition of the cultural, spiritual and religious importance of certain areas in Nunavut to Inuit, Inuit have special rights and interests in these areas as defined by Article 33 of the Nunavut Land Claims Agreement. [33.2.5]

BACKGROUND: Palaeontology

Under the Nunavut Act¹, the federal Government can make regulations for the protection, care and preservation of palaeontological sites and specimens in Nunavut. Under the *Nunavut Archaeological and Palaeontological Sites Regulations*², it is illegal to alter or disturb any palaeontological site in Nunavut unless permission is first granted through the permitting process.

Definitions

¹ s. 51(1)

² P.C. 2001-1111 14 June, 2001

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:

- (a) natural casts
- (b) preserved tracks, coprolites and plant remains; and
- (c) the preserved shells and exoskeletons of invertebrates and the eggs, teeth and bones of vertebrates.

Terms and Conditions

- 1) The permittee shall not operate any vehicle over a known or suspected archaeological or palaeontological site.
- 2) The permittee shall not remove, disturb, or displace any archaeological artifact or site, or any fossil or palaeontological site.
- 3) The permittee shall immediately contact the Department of Culture, Language, Elders and Youth (867) 934-2046 or (867) 975-5500 or 1 (866) 934-2035 should an archaeological site or specimen, or a palaeontological site or fossil be encountered or disturbed by any land use activity.
- 4) The permittee 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 the Department of Culture, Language, Elders and Youth, Government of Nunavut.
- 5) The permittee shall follow the direction of the Department of Culture, Language, Elders and Youth and DIAND in restoring disturbed archaeological or palaeontological sites to an acceptable condition.
- 6) The permittee shall provide all information requested by the Department of Culture, Language, Elders and Youth concerning all archaeological sites or artifacts and all palaeontological sites and fossils encountered in the course of any land use activity.

- 7) The permittee shall make best efforts to ensure that all persons working under authority of the permit are aware of these conditions concerning archaeological sites and artifacts, and palaeontological sites and fossils.
- 8) The permittee shall avoid the known archaeological and/or palaeontological sites listed in Attachment 1.
- 9) The permittee shall have an archaeologist or palaeontologist perform the following functions, as required by the Department of Culture, Language, Elders and Youth:
 - a. survey
 - b. inventory and documentation of the archaeological or palaeontological resources of the land use area
 - c. assessment of potential for damage to archaeological or palaeontological sites
 - d. mitigation
 - e. marking boundaries of archaeological or palaeontological sites
 - f. site restoration

The Department of Culture, Language, Elders and Youth shall authorize by way of a Nunavut Archaeologist Permit or a Nunavut Palaeontologist Permit, all procedures subsumed under the above operations.