



**SCREENING DECISION REPORT
NIRB FILE NO.: 05AN070**

June 7, 2005

Hon. Stephane Dion
Minister of Environment
Ottawa, Ontario

Dear Minister:

RE: Screening Decision of the Nunavut Impact Review Board (NIRB) on Application: NIRB: #05AN070, CWS Ground Surveys of Breeding Shorebirds in QMGBS – Vicky Johnston

Authority:

Section 12.4.4 of the Nunavut Land Claim Agreement states:

Upon receipt of a project proposal, NIRB shall screen the proposal and indicate to the Minister in writing that:

- a) the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out in Section 12.2.5;
- b) the proposal requires review under Part 5 or 6; NIRB shall identify particular issues or concerns which should be considered in such a review;
- c) the proposal is insufficiently developed to permit proper screening, and should be returned to the proponent for clarification; or
- d) the potential adverse impacts of the proposal are so unacceptable that it should be modified or abandoned.

Primary Objectives:

The primary objectives of the Nunavut Land Claims Agreement is referenced in the screening section 12.4.4 (a) are set out in section 12.2.5 of the Land Claims Agreement. This section reads:

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.

The decision of the Board in this case is 12.4.4 (a) **the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out in Section 12.2.5;**

Reasons for Decision:

NIRB's decision is based on specific considerations that reflect the primary objectives of the Land Claims Agreement. Our considerations in making this decision included:

- Storage and disposal of fuel, garbage, sewage, and grey water, and impact of these on the ecosystem
- Clean up/restoration of the sites
- The impact and disturbance to nesting birds
- Impact and disturbance of wildlife
- Impact and disturbance to archaeological sites

Waste

1. The Permittee shall incinerate all combustible garbage and debris to eliminate the potential for wildlife problems created by the attraction of wildlife to garbage.
2. The Permittee shall keep all ashes and non-combustible garbage in a covered metal container until disposed of to prevent attraction by wildlife and shall disposed of them in an approved community dump site.
3. The Permittee shall ensure that no substances, including any chemicals, fuels or wastes associated with the project are deposited into any other water body.
4. The Permittee shall not locate any sump within thirty (30) metres of the normal high water mark of any water body. All sumps shall be backfilled and contoured to the natural landscape at the end of the field season.
5. The Permittee shall remove all scrap metal, discarded machinery and parts, barrels, kegs, buildings and building materials that are no longer required at the site.
6. The Permittee shall ensure that the land use area is kept clean and tidy at all times.
7. The Permittee shall keep all harvested fish in a sealed container to reduce the potential for wildlife being attracted to the project site.

Fuel Use and Storage

1. The Permittee shall ensure that fuel caches be located a minimum of thirty (30) metres from the normal high water mark of any water body.
2. The Permittee shall have one extra fuel storage container on site equal to, or greater than the size of the largest fuel container.
3. The Permittee shall use drip pans when refueling equipment on-site.

4. The Permittee shall report **all** spills of fuel, or other deleterious materials immediately to the 24 hour Spill Line at (867) 920-8130.

Wildlife

1. The Permittee shall restrict aircraft activity related to the project to a minimum altitude of 300m above ground level unless there is a specific requirement for low-level flying, which does not disturb wildlife.
2. The Permittee shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
3. Raptor nesting sites and concentrations of nesting or molting waterfowl should be avoided by aircraft/helicopter at all times.
4. The Permittee shall ensure that there is no damage to wildlife habitat in conducting this operation.
5. The Permittee shall ensure that there is minimal disturbance to any nesting birds and wildlife in the area. Harassment of wildlife is prohibited. This includes persistently worrying or chasing animals, or disturbing large groups of animals.
6. Pursuant to the Migratory Bird Convention Act Regulations the Permittee shall not disturb or destroy the nests or eggs of migratory birds. The migratory bird breeding season is generally between June 1st and July 15th. If nests containing eggs or young are encountered, the Permittee shall avoid these areas until nesting is complete and the young have left the nest.
7. The Permittee shall maintain a reasonable distance so as not to disturb colonies of migratory birds.
8. The Permittee shall avoid raptor nesting sites and contact the Regional Biologist to identify areas which should be avoided.
9. The Permittee shall cease activities that may interfere with migration or calving of caribou or muskox, until the caribou or muskox have passed or left the area.
10. The Permittee shall not conduct any activity associated with the land use operation if critical periods of wildlife cycles are observed (eg. caribou migration, calving, fish spawning or raptor nesting). The Permittee shall note that the caribou calving season occurs between May 15th and July 15th.
11. The Permittee shall take the utmost precautions to avoid Bear interactions/conflicts with consideration for the "Safety in Bear Country Manual" and should contact the regional Wildlife Officer in order to receive a briefing on proper procedures to avoid bear encounters, proper procedures should a bear be encountered, and proper procedures to follow should any kind of an incident related to such an encounter occur.

12. The harmful alteration, disruption or destruction of fish habitat is prohibited under the *Fisheries Act*. No construction or disturbance of any stream/lake bed or banks of any definable watercourse is permitted unless authorized by DFO.
13. The Permittee shall prevent the release of sediment into waterbodies during research activity.
14. The Permittee shall not hunt or fish, unless the appropriate permits and licenses are acquired from GN Renewable Resources Officer.

Camp

1. The Permittee shall ensure that all camps are located on gravel, sand or other durable land.
2. The Permittee shall not erect camps or store material on the surface ice of lakes or streams.
3. The Permittee shall maintain clean camp standards. Deliberate feeding of any wildlife is absolutely prohibited.
4. The proponent should consider the use of electric fencing within the camp design, especially around sleeping quarters. Bear deterrents (cracker shells, thunder flashes and rubber bullets) should be on site.

Archaeological

1. The Permittee shall ensure that any archaeological or palaeontological sites encountered are not disturbed.
2. The Permittee should be aware of the law regarding disturbance of archaeological and palaeontological sites and the removal of artifacts found. If a site is found it should remain undisturbed and its location should be reported to the Government of Nunavut Department of Culture, Language, Elders and Youth.

Restoration

1. The Permittee shall remove all garbage, fuel and equipment upon abandonment.
2. The Permittee shall complete all clean-up and restoration of the lands used prior to the expiry date of the permit.

Recommendations

1. NIRB would like to encourage the Permittee to hire local people and to consult with local residents regarding their activities in the region.
2. NIRB encourages the Permittee to contact Nunavut Tourism to obtain information on tourism activities in the area and Parties who should be informed of your activity.
3. NIRB would like the Permittee to submit the results of their research to the Board once it is complete. Please refer to your NIRB file number when submitting.

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 June 7, 2005 at Cambridge Bay, NU



Albert Ehaloak, A/Chairperson