



NIRB File No.: 06AN041

NPC File No.: 148830

Related to NPC File Nos: 148220, 148427 and 148692

May 16, 2018

Cedar Bradley-Swan
CEO of Adventure Canada
c/o Brittany Manley
Adventure Canada
14 Front Street South
Mississauga, Ontario, L5H 2C4

Sent via email: brittany@adventurecanada.com

Re: Notice of Screening for Adventure Canada's "Diving and Snorkling" project proposal

Dear Brittany Manley:

On April 25, 2018 the Nunavut Impact Review Board (NIRB or Board) received a referral to screen Adventure Canada's "Diving and Snorkeling" project proposal from the Nunavut Planning Commission (NPC or Commission), with an accompanying positive conformity determination with the North Baffin Regional Land Use Plan. The NPC noted that the previous conformity determination issued on June 14, 2006, April 24, 2015, February 24, 2016, January 13, 2017 and February 5, 2018 for the activities associated with the current proposal continues to apply and has determined that the project proposal is a significant modification to the project because of the change in use to include diving and snorkeling activities.

Pursuant to Article 12, Sections 12.4.1 and 12.4.4 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and section 87 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*), the NIRB has commenced screening this project proposal. Due to the proposal containing activities that are sufficiently related to previously assessed activities under NIRB file number **06AN041**, the NIRB views this project proposal as an amendment to the previously screened project and has assigned this proposal with this previous file number. Please reference this file number in all future related correspondence. A summary of the previously screened project activities can be found in **Appendix A**.

INFORMATION REQUEST

On April 26, 2018 the NIRB requested that the Proponent complete the online application form through the NIRB's public registry system and ensure, pursuant to subsection 144(1) of the *NuPPAA*, that the information provided be sufficient to determine the scope of the project activities being proposed and that sufficient information has been provided to commence screening. Following a preliminary completeness check of the proposal as submitted, the NIRB determined that the proposal did not contain the necessary information for the NIRB to carry out its screening and on May 4, 2018 requested that the Proponent provide the Board with the additional information in order to carry out the screening of the project proposal.

On May 14, 2018 the NIRB received the required additional information and commenced the screening pursuant to Part 3 of the *NuPPAA*.

PROJECT OVERVIEW

Project Scope:

The "Adventure Canada-Wildlife Viewing" project activities as previously screened by the NIRB (File No.: 06AN041) included an Arctic adventure cruise of the Qikiqtani and Kitikmeot Regions with including stops within communities, wildlife and bird sanctuaries as well as National Parks and Historic sites to observe and photograph wildlife. A complete description of the scope of activities previously approved has been included within Appendix A.

Adventure Canada is currently proposing the "Diving and Snorkeling" project which would be located within the Qikiqtani (North Baffin) region, approximately 150 kilometres (km) from Pond Inlet and 160 km from Resolute Bay. The Proponent intends to amend the scope of the previously approved activities to conduct tourism activities that include diving and snorkeling at Bylot Island and Prince Leopold Island. The program is proposed to take place in August 2018.

According to the project proposal, the scope of the project includes the following undertakings, works or activities:

- Diving and Snorkeling at Tay Bay and Cape Hay on Bylot Island and Prince Leopold Island; and
- Use of a Remote Operated Vehicle (ROV) for filming.

At this time, the NIRB has identified no additional works or activities in relation to the project proposal. As a result, the NIRB will proceed with screening the project based on the scope as described above.

REQUEST FOR COMMENTS

All documents received and pertaining to this project proposal can be obtained from the NIRB's online public registry at www.nirb.ca by using any of the following search criteria:

- Project Name: Adventure Canada - Diving and Snorkeling
- NIRB File No.: 06AN041
- Application No.: 125341

The documents received include:

- *NPC Screening Referral and Conformity Determination*
- *NPC Application*
- *NIRB's Online Application Form*
- *Non-technical Project Proposal summary in English and Inuktitut*
- *Consultation Letters*
- *Sail Plans*

The NIRB will copy you on screening process related correspondence and upload related documents to the NIRB's online registry for public access. The NIRB may request additional information at any time during the process.

The NIRB is copying parties and municipalities potentially affected by Adventure Canada's project proposal with this letter, and we invite interested parties to comment directly to the NIRB by **May 28, 2018**.

The NIRB would like parties to provide comments 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 or socio-economic effects; and if so, why;
- Whether the project proposal is likely to cause significant adverse impacts on wildlife habitat or Inuit harvest activities; and if so, why;
- Whether the project proposal is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (and providing any recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

Please note that *proposed* project-specific terms and conditions, should the project proceed, have been attached for consideration and comment (**Appendix B**).

CONTACT INFORMATION

Please send your comments to the NIRB via email at info@nirb.ca, via fax at (867) 983-2594 or via the individual project dashboard for this assessment on the NIRB's online public registry at www.nirb.ca by using any of the following search criteria:

- Project Name: Adventure Canada - Diving and Snorkeling
- NIRB File No.: 06AN041
- Application No.: 125341

If you have any questions or require clarification, feel free to contact the undersigned at (867) 983-4609 or by email at johokannoak@nirb.ca.

Sincerely,



Jaida Ohokannoak
Technical Advisor II
Nunavut Impact Review Board

cc: Distribution List
 Stephan Williamson Bathory, Qikiqtani Inuit Association
 Salomonie Shoo, Qikiqtani Inuit Association
 Joel Fortier, Qikiqtani Inuit Association
 Lisa Pirie-Dominix, Canadian Wildlife Service
 Jane Chisholm, Parks Canada

Attachments: Appendix A: Previously-Screened Project Proposals
 Appendix B: *Proposed* Project Specific Terms and Conditions

Enclosures (4): Public Notice of Screening (English and Inuktitut)
 Comment Forms (English and Inuktitut)

APPENDIX A: PREVIOUSLY-SCREENED PROJECT PROPOSALS

The original project proposal NIRB (File No. 06AN041), was received by the Nunavut Impact Review Board (NIRB or Board) from Canadian Wildlife Service (CWS) for screening on April 19, 2006. On June 15, 2016, the NIRB received a positive conformity determination with the North Baffin Regional Land Use Plan from the Nunavut Planning Commission (NPC) for this file. The project proposal was screened by the Board in accordance with Part 4, Article 12 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* (Nunavut Agreement). On July 19, 2006 the NIRB issued a *Nunavut Agreement* 12.4.4(a) screening decision to the Minister of Environment, Government of Canada which indicated that the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions.

The Adventure Canada's (Proponent) original "Adventure Canada-Wildlife Viewing" project was located in the Qikiqtani (North Baffin) region, and included stops within the communities of Resolute Bay, Pond Inlet, Clyde River, and Qikiqtarjuaq as well as visits to the Ninginganiq National Wildlife Area (Isabella Bay), Coburg Island, Bylot Island, Digges Island, Reid Bay, Cape Searle and Prince Leopold Island. The Proponent indicated that it intended to conduct an Arctic adventure cruise of the Baffin Region with stops to observe and photograph wildlife. The program was proposed to take place from August 17 and September 14, 2006.

According to the previously screened project proposal, the scope of the project included the following undertakings, works or activities:

- Conduct a cruise for approximately 118 passengers and crew through parts of the Arctic;
- Brief visits to various Baffin communities in Nunavut during the cruise;
- Use of a fleet of Zodiacs to explore remote shores with limited docking infrastructure;
- Use of Zodiacs to explore the landscape and observe marine wildlife, including seabirds and whales;
- Retrieval of water from ports in Greenland for onboard use;
- Storage of all fuels onboard ship in internationally approved and certified containers; and
- Sewage, greywater, non-combustible waste and other wastes to be treated and disposed of in accordance with The International Convention for the Prevention of Pollution from Ships (MARPOL) protocols.

Additional authorization, extension and amendment requests associated with the "Adventure Canada-Wildlife Viewing" project have also been reviewed by the NIRB following screening of the original project proposal (File No. 06AN041). In each instance, the NIRB confirmed that the applications were exempt from the requirement for further screening pursuant to Section 12.4.3 of the Nunavut Agreement and that the activities therein remained subject to the terms and conditions recommended in the original July 19, 2006 Screening Decision Report and/or issued additional terms and conditions associated with the "Adventure Canada-Wildlife Viewing" project as per Section 12.4.4(a) of the *Nunavut Agreement*. The following is a summary of the additional applications as received by the NIRB for File No.06AN041:

On May 19, 2009 the NIRB received an application for an amendment from the Canadian Wildlife Service (CWS) for an access permit to Prince Leopold Island Migratory Bird Sanctuary and Nirjutiqavvik National Wildlife Area (Coburg Island), for the purpose of conducting guided

tours as part of a cruise ship operation for the above mentioned project. After a thorough assessment of the amendment request, the NIRB determined that the application was exempt from the requirement for further screening pursuant to Section 12.4.3 of the *Nunavut Agreement*, and re-issued the enclosed screening decision report on May 28, 2009.

On May 30, 2012 the NIRB received an application for an extension request from the Canadian Wildlife Service (CWS) to the Migratory Bird Sanctuary Permit (No. NUN-MBS-09-05) and the National Wildlife Area Entry Permit (NUN-NWA-09-01) for the above mentioned project. After a thorough assessment of the extension request, the NIRB determined that the application was exempt from the requirement for further screening pursuant to Section 12.4.3 of the *Nunavut Agreement*, and reissued the enclosed screening decision report on June 25, 2012.

On May 15, 2013 the NIRB received an application for an amendment and extension from the Canadian Wildlife Service (CWS) to the Migratory Bird Sanctuary Permit (No. NUN-MBS-12-04) and the National Wildlife Area Entry Permit (NUN-NWA-12-02) for the above mentioned project. After a thorough assessment of the amendment and extension request, the NIRB determined that the application was exempt from the requirement for further screening pursuant to Section 12.4.3 of the *Nunavut Agreement*, and reissued the enclosed screening decision report on May 21, 2013. The activities associated with the amendment included:

- Access for three additional years from July 1, 2013 to October 1, 2016;
- Increase on-board passenger capacity from 118 to 134;
- Visit Perry Island, located within the Queen Maud Migratory Bird Sanctuary; and
- Commitment to not visiting Digges Island, Reid Bay and Cape Searle as a part of ongoing tours.

On April 1, 2014 the NIRB received an application for an amendment and extension from the Canadian Wildlife Service (CWS) to the Migratory Bird Sanctuary Permit No. NUN-MBS-13-02 and CWS National Wildlife Area Permit No. NUN-NWA-13-04 for the above mentioned project. After a thorough assessment of the amendment and extension request, the NIRB determined that the application was exempt from the requirement for further screening pursuant to Section 12.4.3 of the *Nunavut Agreement*, and reissued the enclosed screening decision report on June 12, 2014. The activities associated with the amendment included:

- Tours of communities and outposts to include Kugluktuk, Bay Chimo, Gjoa Haven, Taloyoak, Grise Fiord, as well as various points along the route, to include Port Epworth, Victoria Island, Cunningham Inlet, Fort Ross, Nelson Griffiths, Bathurst Island, Beechey Island, Cocker Bay, Whaler Point, Dundas Harbour, Cape Hardy, and Gibbs Fiord.

On April 13, 2015 the NIRB received an extension request from the Canadian Wildlife Service (CWS) to the Migratory Bird Sanctuary Permit (No. NUN-MBS-14-11) and National Wildlife Area Entry Permit (No. NUN-NWA-14-07) for the above mentioned project. After a thorough assessment of the extension request, the NIRB determined that the application was exempt from the requirement for further screening pursuant to Section 12.4.3 of the *Nunavut Agreement*, and reissued the enclosed screening decision report on May 12, 2015.

On June 20, 2017 the NIRB received a referral to screen Parks Canada's (PC or Proponent) "Cruise Ship Visitor Experience at Qausuittuq National Park" project proposal from Parks Canada. On August 22, 2017 the NIRB issued a screening decision pursuant to paragraph 92(1)(a) of the *Nunavut Planning and Project Assessment Act (NuPPAA)* to the Minister of Environment and Climate Change which indicated that the proposed project could proceed subject to the original terms and conditions recommended in the July 19, 2006 Screening Decision Report as well as additional terms and conditions. The scope associated with the June 30, 2017 application included:

- Conduct initial aerial scouting of the park area:
 - Undertake ground assessment and photographic documentation of cultural resources within the area prior to visitors' visit to the park, in order to avoid negative impacts;
 - Use of helicopter to scope potential zodiac landing sites, and hiking areas for a half day cruise ship visit to the southwest corner of Bathurst Island, and establish a routing plan for the visit;
- Visit by a cruise vessel, Ocean Endeavour, at pre-determined locations:
 - Offloading cruise ship for half a day for visitor's experience;
 - Use of small motorized and non-motorized vessel to access the shoreline area of the southwestern peninsula of Bathurst Island;
 - Securely anchor Ocean Endeavour vessel at an appropriate offshore location;
- Undertake organized hiking trips and onsite activities:
 - Landing of small vessels on the shore;
 - Walking along shoreline near the landing site;
 - Walking along river valleys and headlands; and
- Park staff and Nunavummiut guides to accompany up to 200 visitors around the park area.

Appendix B
Proposed Project Specific Terms and Conditions

The following is a list of project-specific terms and conditions which, should the project proceed, may be recommended to be attached to any approval.

General

1. *(updated)* The Proponent shall operate in accordance with all commitments stated in correspondence provided to the Nunavut Planning Commission (NPC File No.: 148830), and the NIRB (Online Application Form, May 14, 2018).

Wildlife - General

2. *(updated)* The Proponent shall not touch, feed or entice wildlife to approach by holding out or setting out decoys or any such devices, foodstuffs or bait of any kind.

Vessel Craft-based Tourism

3. *(updated)* The Proponent shall not attempt to intersect or interfere with the movements of marine mammals. Strategic positioning of vessels ahead of the path being traveled by mobile whales and waiting for the whales to pass is also prohibited.
4. *(updated)* The Proponent shall maintain a distance of 100 metres if a polar bear is encountered on land or ice while conducting activities from a zodiac or other small craft; all interaction with polar bears should be avoided if possible.
5. *(updated)* The Proponent shall ensure that visitation of cliffs used by nesting and breeding birds is restricted to small crafts or zodiacs only, and then only during morning and early afternoon hours. Noise should be kept to a minimum when visiting these bird colonies.

Other

6. *(updated)* The Proponent should consult with local residents regarding their activities in the area and solicit available Inuit Qaujimaningit and information that can inform project activities.
7. The Proponent shall ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.
8. *(updated)* The Proponent should, to the extent possible, hire local people and access local services where possible.