



August 23, 2018

Hannah Uniuqsaraq
A/Chief Executive Officer
Nunavut Tunngavik Incorporated
Box 638 Iqaluit, NU X0A 0H0

RE: Parks Canada response to NTI Questions regarding Schedule 3 of NuPPAA

Dear Ms. Uniuqsaraq,

On May 29, 2018 Crown-Indigenous Relations and Northern Affairs Canada (C-IRNAC) circulated a draft of Schedule 3 for the *Nunavut Planning and Project Assessment Act* (NuPPAA) for comments. Schedule 3 includes an exemption for research in National Parks, National Marine Conservation Areas and National Historic Sites under Parks Canada (PC) administration; the contents of which are based on a Nunavut Agreement 12-1(7) Exemption Agreement between the Nunavut Impact Review Board and Parks Canada. This 2008 Agreement was reviewed and renewed in 2011 and 2015.

In response to C-IRNAC's request for comments, Nunavut Tunngavik Incorporated (NTI) requested referral to any response and accommodation of the concerns raised in NTI's February 15, 2016 submission to the NIRB during the commenting period for the last review of the 12-1(7) exemption agreement. At the time of the February 15 submission, Parks Canada did not provide input into the NIRB's response to NTI's comments, but would like to take the opportunity to address the concerns here.

NTI's concerns applied specifically to Parks Canada Research and Collection Permits involving disturbance, excavation or removal of archaeological specimens or sites and were primarily focused on the Wrecks of HMS *Erebus* and HMS *Terror* National Historic Site. Parks Canada understands NTI's concerns as follows:

1. The exemption agreement removes the "only formal requirement for local Inuit to be aware of and comment on such projects" that is contained in Article 12 of the Nunavut Agreement. The Inuit Impact and Benefit Agreement may not include adequate notice and opportunity for local Inuit input.
2. The Inuit Heritage Trust (IHT) "has in the past expressed concerns of its own regarding not being adequately informed of Parks Canada's HMS *Erebus* and *Terror* activities" and although the IHT would receive applications as per Article 33 of the Nunavut Agreement, the onus is not on IHT to consult with Inuit.
3. The option to forward project proposals to NIRB for screening if there are potential public concerns is at Parks Canada's discretion and without notice "there may be no opportunity for the public to express concern of which Parks Canada would be aware".

1. Adequate Inuit Input

The NIRB-PC research exemption agreement was first negotiated in 2008 and was based on three main points. First, the scope and scale of research conducted within the protected areas under Parks Canada jurisdiction is well understood. Parks Canada's protection mandate limits the type of invasive research that can be undertaken.

Second, Parks Canada has impact assessment responsibilities, which include a review of each research application for potential impacts on natural and cultural resources.

Third, all National Parks and National Historic Sites in Nunavut are cooperatively managed. Each of the three IIBAs for national parks in Nunavut include articles specific to research and cultural resources and have definitive consultation requirements. All research applications must be reviewed by the joint Inuit/Government Park Planning and Management Committees (PMC), the members of which are required to act impartially and in the public interest. The IIBA for Auyuittuq, Quttinirpaaq and Sirmilik National Parks requires researchers to provide letters of support from the community, while the IIBAs for Ukkusiksalik and Qausuittuq National Parks indicate that PMCs can request community consultation and/or letters of support before a permit is issued. The IIBAs also provide direction on management of cultural sites (including archaeological sites), including: actively encouraging Inuit elders to participate in the management of cultural resources; informing and seeking advice from the PMCs for management and protection of sites; and informing IHT of site and resource management. Implementation of the IIBAs therefore contains a degree of consultation in itself with opportunities for further consultation as needed.

Currently, the IIBA for the Wrecks of HMS *Erebus* and HMS *Terror* National Historic Site is under negotiation; the draft articles with respect to research provide for input and advice from the Kitikmeot Inuit Association, Inuit Heritage Trust and associated communities.

Since Parks Canada assumed jurisdiction, proposals to conduct research within the historic site have been sent to the NIRB for screening; to date, there have been no submissions to the NIRB from community members during the commenting periods. This result does not preclude future interest, or negate the requirement to provide opportunities for community input.

2. Inuit Heritage Trust involvement

Since February 2016, IHT and Parks Canada have worked together to address IHT's concerns resulting from the unique circumstances surrounding the addition of the Wrecks of HMS *Erebus* and HMS *Terror* National Historic Site to the National Historic Sites of Canada Order. A Franklin Interim Advisory Committee (FIAC) has been established to help manage the National Historic Site until the IIBA is completed; both IHT and the Kitikmeot Inuit Association are members of FIAC and have been involved in discussions regarding research at the site. Additionally, IHT and Parks Canada have joint ownership of the artifacts. Parks Canada is currently working on a Memorandum of Understanding for joint management of these artifacts, which also includes consultation with IHT regarding research.

3. Option to forward research proposals to the NIRB for screening.

Parks Canada has the discretion to forward research proposals to NIRB; the inclusion of this option in the 12-1(7) exemption agreement was requested by Parks Canada to ensure it was still possible to send research proposals to the NIRB despite the exemption agreement. A project proposal outside the established scope and scale of typical research in a national park would be the most likely reason for this option. As an example, the need for additional consultation due to community concerns triggered by local knowledge, input from the PMCs and/or IHT in addition to Parks Canada's assessment. During the most recent renewal of the agreement, prior to the NuPPAA coming into force, both Parks Canada and the NIRB determined this option should remain in the agreement even though C-IRNAC identified that NuPPAA did not have a provision specifically covering this point.

In addition to the points identified above, the management planning process for national parks includes identifying areas of Special Preservation (Zone I areas) and Areas of Special Importance to Inuit. These areas include sites of cultural importance and are identified through a public consultation process. When/if activities are proposed in this area, Parks Canada knows additional consultation may be required.

Parks Canada has a Cultural Resource Management Policy with the objective "to ensure that cultural resources administered by Parks Canada are conserved and their heritage value is shared for the understanding, appreciation and enjoyment of present and future generations". The conservation of heritage value "must be a primary consideration in any intervention directed at a cultural resource".

For these reasons, Parks Canada views it as reasonable to include the disturbance, excavation or removal of archaeological specimens or sites in its research exemption agreement with the NIRB.

If NTI has additional comments, Parks Canada welcomes the opportunity to discuss them.

Sincerely,



Jenna Boon
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Parks Canada

Reviewed and Approved by:
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