



The primary objectives of the NIRB are set out in Article 12, Section 12.2.5 of the *Nunavut Agreement* and are confirmed by s. 23 of the *NuPPAA*:

*Nunavut Agreement*, Article 12, Section 12.2.5: 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 purpose of screening is provided for under Article 12, Section 12.4.1 of the *Nunavut Agreement* and s. 88 of the *NuPPAA* which states:

*NuPPAA*, s. 88: The purpose of screening a project is to determine whether the project has the potential to result in significant ecosystemic or socio-economic impacts and, accordingly, whether it requires a review by the Board...

To determine whether a review of a project is required, the NIRB is guided by the considerations as set out under Article 12, Section 12.4.2(a) and (b) of the *Nunavut Agreement* and s. 89(1) of *NuPPAA* which states:

*NuPPAA*, s. 89(1): The Board must be guided by the following considerations when it is called on to determine, on the completion of a screening, whether a review of the project is required:

- (a) a review is required if, in the Board's opinion,
  - i. the project may have significant adverse ecosystemic or socio-economic impacts or significant adverse impacts on wildlife habitat or Inuit harvest activities,
  - ii. the project will cause significant public concern, or
  - iii. the project involves technological innovations, the effects of which are unknown; and
- (b) a review is not required if, in the Board's opinion,
  - i. the project is unlikely to cause significant public concern, and
  - ii. its adverse ecosystemic and socioeconomic impacts are unlikely to be significant, or are highly predictable and can be adequately mitigated by known technologies.

It is noted that under Article 12, Section 12.4.2(c) and s. 89(2) of the *NuPPAA* provides that the considerations set out in s.89(1)(a) prevail over the considerations set out in s. 89(1)(b) of the *NuPPAA*.

As set out under Article 12, Section 12.4.4 of the *Nunavut Agreement* and s. 92(1) of the *NuPPAA*, upon conclusion of the screening process, the Board must provide its written report to the Minister. The contents of the NIRB's report are specified under *NuPPAA*:

*NuPPAA*, s. 92(1): The Board must submit a written report to the responsible Minister containing a description of the project that specifies its scope and indicating that:

- (a) a review of the project is not required;
- (b) a review of the project is required; or
- (c) the project should be modified or abandoned.

Where the NIRB determines that a project may be carried out without a review, the NIRB has the discretion to recommend specific terms and conditions to be attached to any approval of the project proposal pursuant to paragraph 92(2)(a) of *NuPPAA* as follows:

*NuPPAA*, s. 92(2) In its report, the Board may also

- (a) recommend specific terms and conditions to apply in respect of a project that it determines may be carried out without a review.

## PROJECT REFERRAL

On March 25, 2019 the NIRB received a referral to screen the University of Rhode Island's (URI) "URI Northwest Passage Project 2019" 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 January 27, 2017, February 10, 2017, and April 24, 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 additions of new locations around Austin Channel, Viscount Melville Sound (near Resolute Bay) and Lady Ann Strait (near Grise Fiord).

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 **18YN029**, the NIRB viewed this project proposal as an amendment to the previously screened project and assigned this proposal with this previous file number. A summary of the previously screened project activities can be found in [Appendix A](#).

## PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS

### 1. Information Requests

On March 25, 2019 the NIRB requested that the Proponent complete the online application form through the NIRB's public registry system and ensure, pursuant to s. 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 April 9, 2019 requested that the Proponent provide the Board with the additional information in order to carry out the screening of the project proposal.

On April 12, 2019 the NIRB received the required additional information and commenced the screening pursuant to Part 3 of the *NuPPAA*.

## 2. Project Scope

All documents received and pertaining to this project proposal can be accessed from the NIRB's online public registry at [www.nirb.ca/project/125457](http://www.nirb.ca/project/125457).

The "URI Northwest Passage Project 2018" project activities as previously screened by the NIRB (File No. 18YN029) included a scientific expedition aboard a research vessel (*M/V Akademik Ioffe*) transiting the Northwest Passage, and encompassed several research sites from Resolute Bay to Cambridge Bay via Bellot Strait, including Lancaster Sound, Pond Inlet and Iqaluit. The Proponent's study focused on the impact of the secular warming trends over the Arctic Circle on the waters of the Canadian Arctic Archipelago (CAA). A complete description of the scope of activities previously approved has been included within [Appendix A](#).

URI is currently proposing the "URI Northwest Passage Project 2019" project which would be located within the Qikiqtani (North Baffin) and Kitikmeot regions and encompasses multiple research sites from Pond Inlet to Resolute Bay via Bellot Strait, including Lancaster Sound, Wellington Channel, Austin Channel, Viscount Melville Sound, Prince Regent Inlet and Peel Sound. The Proponent intends to amend the scope of previously approved activities to reflect the new routing of the research expedition and to include additional research methods. The program is proposed to take place from July to August, 2019.

As required under s. 86(1) of the *NuPPAA*, the Board accepts the scope of the "URI Northwest Passage Project 2019" project as set out by the University of Rhode Island in the proposal. The scope of the project proposal includes the following additional undertakings, works, or activities:

- Undertake marine-based research activities along the Northwest Passage near the communities of Pond Inlet and Resolute Bay;
- Conduct limited ice-breaking activities, depending on ice conditions, if deemed necessary by the ship captain;
- Use of a remote operated vehicle (ROV), capable of vessel or ice-based deployment, with an operating range of a maximum 100 metres (m) depth and tether length of 300 m;
- Operation of an unmanned aerial vehicle (UAV/drone), capable of vessel or ice-based deployment, for aerial surveys of coastlines and ice floes;
- Use of a hull-mounted split-beam echosounder to examine mid-water fish and zooplankton;
- Use of a sediment multi-core device at up to five (5) sites for the collection of benthic samples;
- Usage of facilities onboard the *M/V IB Oden* for research, transportation, accommodations and as a marine research platform for thirty-eight (38) personnel to conduct the scientific expedition across the CAA;
- Continue to conduct marine-based research using previously approved methods, including a conductivity, temperature, depth (CTD) rosette, a hull-mounted multibeam echosounder, a lowered acoustic doppler current profiler (LADCP), and vertical plankton net tows;
- Continue to collect atmospheric and seawater measurements and sampling;
- Continue to conduct visual seabird and marine mammal surveys; and

- Continue to undertake shore landings during expedition stops at multiple locations along the proposed route, including the Sirmilik National Park and the Prince Leopold Island Migratory Bird Sanctuary, by way of zodiac, small craft or helicopter, for the purpose of land-based educational activities and videography.

### 3. Inclusion or Exclusion to Scoping List

The NIRB has identified no additional works or activities in relation to the project proposal; however, the NIRB has noted that the project is expected to occur partially within the Sirmilik National Park and the above scope as described includes the entire project activities. Further, the Board has noted that the ship-based activities associated with the M/V *IB Oden* were not previously assessed, and as a result, the NIRB proceeded with screening the project based on the scope as described above including the ship-based activities.

### 4. Key Stages of the Screening Process

The following key stages were completed:

Date	Stage
March 25, 2019	Receipt of project proposal and positive conformity determination (North Baffin Regional Land Use Plan) from the NPC
March 25, 2019 April 9, 2019	Information requests
April 12, 2019	Proponent responded to information requests
April 12, 2019	Scoping pursuant to s. 86(1) of the <i>NuPPAA</i>
April 23, 2019	Public engagement and comment request
May 3, 2019	Receipt of public comments
May 16, 2019	Ministerial extension requested from the Minister of Environment and Climate Change and the Minister of Fisheries and Oceans and the Canadian Coast Guard.

### 5. Public Comments and Concerns

Notice regarding the NIRB's screening of this project proposal was distributed on April 23, 2019 to community organizations in Pond Inlet and Resolute Bay, as well as to relevant federal and territorial government agencies, Inuit organizations and other parties. The NIRB requested that interested parties review the proposal and the NIRB's *proposed* project-specific terms and conditions, and provide the Board with any comments or concerns by May 3, 2019 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.

On or before May 3, 2019 the NIRB received comments from the following interested parties (see Summary of Comments and Concerns section below):

- **Government of Nunavut (GN)**
- **Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)**

*a. Summary of Public Comments and Concerns Received during the Public comment period of this file*

The following provides a summary of the comments and concerns received by the NIRB:

**Government of Nunavut (GN)**

- Recommends the Proponent follow the specific requirements of archaeological permits if/when issued, in order to mitigate impacts to terrestrial archaeological/historical sites encountered by project activities.
- Recommended mitigation measures for the preservation of archaeological/cultural sites including underwater historical resources (such as a wreck).

**Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)**

- Recommends the Proponent conduct planned shore-landings in the communities of Pond Inlet and Resolute Bay according to previously issued project-specific terms and conditions.
- Has no further comments or additional terms and conditions to recommend with the understanding that the previously issued terms and conditions, as well as cumulative analysis, will continue to apply for this proposal.

**6. Time of Report Extension**

As a result of the time required to allow for the preparation of translated materials required for the Board's decision-making for this file, the NIRB was not able to provide its screening decision report to the responsible Minister within 45 days as required by Article 12, Section 12.4.5 of the *Nunavut Agreement* and s. 92(3) of the *NuPPAA*. Therefore, on May 16, 2019 the NIRB wrote to the Minister of Environment and Climate Change, and the Minister of Fisheries and Oceans and the Canadian Coast Guard, Government of Canada, seeking an extension to the 45-day timeline for the provision of the Board's Report.

**ASSESSMENT OF THE PROJECT PROPOSAL IN ACCORDANCE WITH PART 3 OF *NuPPAA***

In determining whether a review of the project is required, the Board considered whether the project proposal had potential to result in significant ecosystemic or socio-economic impacts.

Accordingly, the assessment of impact significance was based on the analysis of those factors that are set out under s. 90 of the *NuPPAA*. The Board took particular care to take into account Inuit Qaujimaningit, traditional and community knowledge in carrying out its assessment and determination of the significance of impacts.

The following is a summary of the Board’s assessment of the factors that are relevant to the determination of significant impacts with respect of this project proposal:

<b>Factor</b>	<b>Comment</b>
<p>The size of the geographic area, including the size of wildlife habitats, likely to be affected by the impacts.</p>	<ul style="list-style-type: none"> <li>▪ The proposed project would be carried out within marine and coastal areas of Northwest Passage from Pond Inlet to Resolute Bay via Bellot Strait, including Lancaster Sound, Wellington Channel, Austin Channel, Viscount Melville Sound, Prince Regent Inlet and Peel Sound.</li> <li>▪ The proposed project would also include: short land-based excursions along the proposed route; stops in the communities of Pond Inlet and Resolute Bay; and visits to historical sites at Beechey Island, Dundas Harbour and Fort Ross.</li> <li>▪ Proposed activities may take place within habitats for various marine wildlife including marine mammals, fish populations, benthic invertebrates and Species at Risk (Polar Bear and Ivory Gull). Additionally, land-based activities may also take place within habitats for many far-ranging terrestrial wildlife species such as caribou, wolves, wolverine, migratory and non-migratory birds. As such, project activities may potentially affect both marine and terrestrial animal migratory patterns.</li> </ul>

<p>The ecosystemic sensitivity of that area.</p>	<ul style="list-style-type: none"> <li>▪ Components of the proposed project would occur within or near the Sirmilik National Park and the Bylot Island and Prince Leopold Island Migratory Bird Sanctuaries.</li> <li>▪ Further, components of the proposed project would occur in key critical marine habitat (calving, post-calving areas, and migratory pathways) and areas where fish and marine populations, including several aquatic species listed under COSEWIC (Beluga Whale, Bowhead Whale, Killer Whale, Narwhal and Atlantic Walrus), may be present.</li> </ul>
<p>The historical, cultural and archaeological significance of that area.</p>	<ul style="list-style-type: none"> <li>▪ The Proponent has indicated that proposed land-based activities would include visits to historical sites and would require a permit from the Government of Nunavut (GN) to visit any of these sites.</li> <li>▪ The GN has noted the Proponent has applied for a Class 1 Archaeological Permit for the planned visitation of terrestrial archaeological/historical sites.</li> <li>▪ The GN has noted the potential for underwater/submerged historical resources to be encountered by project activities such as from the operation of a remote operated vehicle (ROV).</li> </ul>

<p>The size of the human and the animal populations likely to be affected by the impacts.</p>	<ul style="list-style-type: none"> <li>▪ The proposed project may take place within the habitat of a number of species identified above and as such, may potentially affect wildlife, their habitat and their migratory patterns.</li> <li>▪ Human populations and/or traditional land-use activities are likely to be affected by components of the proposed project occurring within the communities of Resolute Bay and Pond Inlet, and within the vicinity of traditional harvesting areas.</li> </ul>
<p>The nature, magnitude and complexity of the impacts; the probability of the impacts occurring; the frequency and duration of the impacts; and the reversibility or irreversibility of the impacts.</p>	<ul style="list-style-type: none"> <li>▪ A zone of influence of up to 50 km from the most potentially-disruptive project activities was selected for the NIRB's assessment.</li> <li>▪ Based on past evidence from projects with a similar scope of activities, the potential adverse impacts are considered to be well-known, with potential for localized impacts to the biophysical environment that are mitigable with due care.</li> <li>▪ With adherence to the relevant regulatory requirements and application of the mitigation measures recommended by the NIRB, no significant residual effects are expected to occur.</li> </ul>
<p>The cumulative impacts that could result from the impacts of the project combined with those of any other project that has been carried out, is being carried out or is likely to be carried out.</p>	<ul style="list-style-type: none"> <li>▪ The mitigation measures recommended by the NIRB have been designed with consideration for the potential for cumulative effects to result from the impacts of the project combined with other past, present and reasonably foreseeable projects.</li> </ul>
<p>Any other factor that the Board considers relevant to the assessment of the significance of impacts.</p>	<ul style="list-style-type: none"> <li>▪ No other relevant factors were identified.</li> </ul>

**Other past, present and reasonably foreseeable projects considered in this assessment:**

<b>NIRB Number</b>	<b>Project</b>	<b>Project Title</b>	<b>Project Type</b>
<b><i>Proposed Developments – undergoing assessment</i></b>			
19YN023		Arctic Research and Conservation Team Investigating Climate Change (ARCTIC Change)	Research
19AN004		Bylot Island Multi-Day Hike	Tourism
<b><i>Present Projects – approved or in operation</i></b>			
06YN015		Breeding Ecology of High Arctic Marine Birds	Research ( <i>ongoing</i> )
06YN024		Contaminants in Arctic Seabirds	Research ( <i>ongoing</i> )
06AN041		Adventure Canada	Tourism
08MN053		Mary River Iron Mine	Mine Development
12AN025		One Ocean Expeditions	Tourism ( <i>annual</i> )
12AN032		Le Boreal 2018 Cruise	Tourism ( <i>annual</i> )
13AN014		Students on Ice 2018 Arctic Expedition	Tourism
13AN020		Lindbald Expeditions	Tourism ( <i>annual</i> )
13AN028		F.K. Warren Ltd.'s "LE SOLEAL Cruise"	Tourism ( <i>annual</i> )
14AN024		Silversea Cruises	Tourism ( <i>annual</i> )
16TN052		Silversea Cruises	Tourism ( <i>annual</i> )
17YN069		Effects of Anthropogenic Stressors on Arctic Seabirds	Research ( <i>ongoing</i> )
17XN030		Pond Inlet Marine Infrastructure	Infrastructure
<b><i>Past Projects</i></b>			
18YN028		Assessing Vessel and Seabird Response	Research
18TN035		MS FRAM The Northwest Passage – In The Wake of Great Explorers	Tourism
18YN017		ATKA expedition	Research
18YN008		Spatially Distributed Modelling of Carbon, Water and Nutrient Fluxes for Arctic Community Source Water Catchment	Research
17AN031		Canada C3 led by the Students on Ice Foundation	Tourism
17TN057		MY ARCHIMEDES Northwest Passage 2017	Tourism
17YN041		A Coastal, Pan-Canadian Collection of plants, microalgae and marine invertebrates for the Canadian Museum of Nature, as part of Canada C3	Research
16AN072		Northwest Passage Project	Tourism

In considering the factors as set out above in the screening of the project proposal, the NIRB has identified a number of issues below and respectfully provide the following views regarding whether or not the proposed project has the potential to result in significant impacts. In addition, the NIRB has proposed terms and conditions that would mitigate the potential adverse impacts identified.

**Ecosystem, wildlife habitat and Inuit harvesting activities:**

- Potential adverse impacts to terrestrial wildlife and migratory and non-migratory birds resulting from increased noise disturbance associated with research activities, wildlife observations, unmanned aerial vehicle (UAV/drone) and helicopter activities. Further, it is noted that the research activities would occur within or in proximity to the Sirmilik National Park and the Bylot Island and Prince Leopold Island Migratory Bird Sanctuaries. The potential for impacts is considered to be limited due to infrequent activities and any resulting impacts would be expected to be reversible and temporary in nature. The potential adverse impacts may be mitigated by measures such as requiring the Proponent to avoid nesting areas of migratory birds, avoid critical wildlife areas and ensure not to harass wildlife. The Board has previously issued terms and conditions 6 through 12 to mitigate potential adverse impacts to terrestrial wildlife, migratory birds and non-migratory birds which continue to apply to the current project proposal. The Board is also recommending terms and conditions 22 through 25 to mitigate potential adverse impacts resulting from aerial activities. The Proponent would also be required to follow all Acts and Regulations applicable to the project proposal (see Regulatory Requirements section) for the mitigation of potential adverse impacts resulting from project components.
  
- Potential adverse impacts to marine mammals, fish and benthic populations, and key critical habitat (calving, post-calving areas, and migratory pathways) resulting from increased noise and/or physical disturbance associated with vessel operation and research activities, including the operation of sonar equipment, remote operated vehicle (ROV) and water, zooplankton and benthic sampling. Cumulative effects on marine wildlife and marine habitat could occur if multiple vessels are encountered in the same area. Measures should be taken to avoid encounters with other vessels, where possible, to minimize adverse impacts to the wildlife, particularly in critical habitat, calving areas, and narrow migration corridors. The Proponent has committed to ensuring cessation of sonar operations when: marine mammals are detected within 500 metres of the vessel; within five (5) kilometres (km) of any community; within Navy Board Inlet, Eclipse Sound, and Pond Inlet; within Bellot Strait and/or within 5 km of either entrance; within restricted waters of the Prince Leopold Migratory Bird Sanctuary, the Bylot Island Bird Sanctuary or Parks Canada waters. Provided that mitigation measures are adhered to the proposed activities would have a minor impact on the environment to be visited. The Board has previously recommended terms and conditions 13 and 14 to mitigate potential adverse impacts to aquatic wildlife which continue to apply to the current project proposal. In addition, the Board is recommending terms and conditions 26 through 32 to mitigate potential adverse impacts resulting from vessel operation and research activities.

- Potential adverse impacts to the public and traditional land-use activities resulting from vessel movement and research activities, as well as from planned shore-based activities. Due to the project's proximity to the communities of Pond Inlet and Resolute Bay, there is the potential for adverse impacts to result from project components overlapping with traditional land use areas. In addition, noise from the vessel and tourism activities may temporarily change the distribution of harvested species through avoidance and may affect personal enjoyment of traditional hunting and fishing areas intersected by the planned route of the expedition. Communities have also previously identified key areas they feel should be protected by having limited or no vessel movements and/or tourism activities. The Board previously issued terms and conditions 6 through 14 to minimize potential interference with the movement of terrestrial and marine wildlife. Further, terms and conditions 18 and 19 were previously recommended to ensure that available Inuit Qaujimaningit can inform project activities and to ensure the project activities do not interfere with Inuit wildlife harvesting or traditional land use activities in the area. These terms and conditions will continue to apply to the current project proposal.
- Potential adverse impacts to marine water quality, and marine ecosystems, from storage and use of fuel, ballast water, and the storage of hazardous wastes. The Proponent has submitted an environmental operating plan for the *IB Oden* and has committed to following the maritime pollution convention (MARPOL) and the international code for ships operating within polar waters (Polar Code) with regards to the handling of oil, hazardous substances, sewage and garbage. As such, the potential for adverse impacts is anticipated to be low in magnitude, infrequent in occurrence and reversible in nature. The Board recommends terms and conditions 26 through 29 to ensure ship-based activities and vessel operation do not adversely impact marine water quality and ecosystems. The Proponent would also be required to follow the applicable Acts and Regulations regarding the operation of vessels in Arctic waters (see Regulatory Requirements section).
- Potential adverse impacts to soil and terrestrial ecosystem integrity from land-based tourism activities. Planned shore visits to frequently visited historical and cultural sites have the potential for cumulative impacts to these areas, such as the creation of new trails or walking paths. The Board previously recommended terms and conditions 5, 15 and 16 to mitigate the potential for adverse impacts to land use areas, which continue to apply to the current project proposal. In addition, the Board is recommending term and condition 33 to mitigate any long-term effects to historical and/or cultural sites encountered during land-based activities.

### **Socio-economic effects on northerners:**

- Potential adverse impacts to historical, cultural and archaeological sites from research activities and shore-based visits. The Proponent is proposing to visit known protected historical and archaeological sites, which could have negative impacts on the historical and environmental integrity of these areas from increased visitation. Further, the Proponent is proposing to conduct various land-based excursions and could potentially encounter additional sites of historical, cultural, or archaeological of significance not previously identified. The Government of Nunavut has indicated that there are known archaeological sites in the vicinity of the planned project components. Although there are likely archaeological sites within the project area that occur on land, as the project does not involve any permanent earthworks or alteration of the areas, it is unlikely that the Proponent would significantly alter archaeological sites. Therefore, the probability of significant impacts occurring is considered to be low. The Proponent is required to follow the *Nunavut Act* (as recommended in Regulatory Requirements section) and would be required to contact the Government of Nunavut – Department of Culture and Heritage if any historical sites are encountered. The Board previously recommended term and condition 18 to ensure that available Inuit Qaujimaningit would inform the project activities and reduce the potential for negative impacts to any historical sites which continues to apply to the current project proposal. The Board is also recommending term and condition 33 to mitigate potential adverse impacts to archaeological/historical sites.
- Potential impacts to the local community resulting from shore-based activities including videography and interactions with community members. The Proponent has committed to engaging with community members regarding project activities. The Board previously recommended term and condition 18 and 20 to ensure available Inuit Qaujimaningit can inform project activities and to encourage to the extent possible the hiring of local people. These terms and conditions continue to apply to the current project proposal. Further, term and condition 34 is recommended to ensure communities are informed in advance of shore-based activities.

### **Significant public concern:**

- No significant public concern was expressed during the public commenting period for this file. Follow up consultation is expected to mitigate any potential for public concern resulting from project activities. Term and condition 18 was previously recommended by the Board and continues to apply to the proposed activities to ensure that the affected community and organizations are informed about the project proposal, and to provide the Proponent with an opportunity to proactively address or mitigate any concerns that may arise from the project activities findings.

### **Technological innovations for which the effects are unknown:**

- No specific issues have been identified associated with this project proposal.

### **Administrative Conditions:**

To encourage compliance with applicable regulatory requirements and assist the Board and responsible authorities with compliance and effects monitoring for project activities, the Board has previously recommended terms and conditions 1-4 which continue to apply to the current project proposal. The Board is also recommending term and condition 21 to ensure complete reference to applicable regulatory requirements.

In considering the above factors and subject to the Proponent's compliance with the terms and conditions necessary to mitigate against the potential adverse environmental and social effects, the Board is of the view that the proposed project is unlikely to cause significant public concern and its adverse ecosystemic and socioeconomic impacts are unlikely to be significant, or are highly predictable and can be adequately mitigated by known technologies.

### RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS

The following terms and conditions were previously issued by the NIRB in the July 13, 2018 Screening Decision Report for File No. **18YN029**, ***and continue to apply to the URI Northwest Passage Project 2019:***

#### **General**

1. University of Rhode Island (the Proponent) shall maintain a copy of the Project Terms and Conditions at the site of operation at all times.
2. The Proponent shall forward copies of all permits obtained and required for this project to the Nunavut Impact Review Board (NIRB) prior to the commencement of the project.
3. The Proponent shall operate in accordance with all commitments stated in correspondence provided to the Nunavut Planning Commission (NPC File No.: 148813), and the NIRB (Online Application Form, May 24, 2018; Project Description Summaries in English, Inuktitut, Inuinnaqtun and French, May 24, 2018; Response to Comments, June 15, 2018).
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

#### **Waste Disposal**

5. The Proponent shall keep all garbage and debris in bags placed in a covered metal container or equivalent until disposed of at an approved facility. All such wastes shall be kept inaccessible to wildlife at all times.

#### **Wildlife – General**

6. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.
7. The Proponent shall not harass wildlife. This includes persistently circling, chasing, hovering over pursuing or in any other way harass wildlife, or disturbing large groups of animals.
8. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired.
9. The Proponent shall ensure that all project personnel are made aware of the measures to protect wildlife and are provided with training and/or advice on how to implement these measures.

## **Migratory Birds and Raptors Disturbance**

10. *(updated)* The Proponent shall not disturb or destroy the nests or eggs of any birds. If active nests of any birds are discovered or located (i.e., with eggs or young), the Proponent shall avoid these areas until nesting is complete and the young have naturally left the vicinity of the nest by establishing a protection buffer zone<sup>1</sup> appropriate for the species and the surrounding habitat. The Proponent shall minimize activities during periods when birds are particularly sensitive to disturbance such as migration, nesting and moulting.
11. The Proponent shall avoid the seaward site of seabird colonies and areas used by flocks of migrating waterfowl by three (3) kilometres.

## **Marine and Ship-based Activities**

12. *(updated)* The Proponent shall ensure that all researchers are aware of the Proponent's responsibilities and requirements regarding wildlife (terrestrial and marine) and wildlife habitat protection. This should include pre-landing briefings on wildlife sensitivities and potential hazards, proper wildlife viewing techniques and safety practices.
13. While on the research vessel, the Proponent shall limit viewing time of each concentration of marine mammals to a maximum of thirty (30) minutes in order to minimize disturbance.

## **Land Use**

14. The Proponent shall ensure that the land use area is kept clean and tidy at all times.
15. The Proponent should use existing trails where possible during project activities on land.

## **Restoration of Disturbed Areas**

16. The Proponent shall remove all garbage, fuel and equipment upon abandonment.

## **Other**

17. 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.
18. The Proponent shall ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.
19. The Proponent should, to the extent possible, hire local people and access local services where possible.

## **In addition to the previously issued terms and conditions, the Board recommends the following project-specific terms and conditions:**

### **General**

20. The Proponent shall operate in accordance with all commitments stated in correspondence provided to the Nunavut Planning Commission (NPC File No.: 149083) and the NIRB (Online Application Form, May 3, 2019).

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<sup>1</sup> Recommended setback distances to define buffer zones have been established by Environment and Climate Change Canada for different bird groups nesting in tundra habitat and can be found at [www.ec.gc.ca/paom-itmb](http://www.ec.gc.ca/paom-itmb).

### **Aircraft Flight Restrictions**

21. The Proponent shall not alter flight paths to approach wildlife, and avoid flying directly over animals.
22. The Proponent shall restrict aircraft/helicopter activity related to the project to a minimum flight altitude of 610 metres above ground level unless except during landing, take-off or if there is a specific requirement for low-level flying, which does not disturb wildlife or migratory birds.
23. The Proponent shall ensure that aircraft maintain a vertical distance of 1000 metres and a horizontal distance of 1500 metres from any observed groups (colonies) of migratory birds. Aircraft should avoid critical and sensitive wildlife areas at all times by choosing alternate flight corridors.
24. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.

### **Ship-based Activities**

25. The Proponent shall not deposit, nor permit the deposit of any fuel, chemicals, wastes (including waste water) or sediment into any marine waters.
26. The Proponent shall manage wastes (including domestic and debris) on board the vessel prior to final disposal at approved port facilities.
27. The Proponent shall ensure that all 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.
28. The Proponent shall, where practicable, coordinate with other vessels to minimize simultaneous vessel traffic in critical wildlife habitat areas allowing the wildlife to continue to use the habitat undisturbed (e.g. Navy Board Inlet, Lancaster Sound, Milne Inlet, Bellot Strait).

### **Vessel Craft-based Activities**

29. 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.
30. 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.
31. 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.
32. The Proponent shall ensure that all passengers are aware of the Proponent's responsibilities and requirements regarding archaeological or palaeontological sites that are encountered during land-based activities. This should include pre-landing briefings explaining the prohibitions regarding removal of artifacts, and defacing or writing on rocks and infrastructure.

33. The Proponent is strongly advised to provide sufficient advance notice to communities where a landing is planned as part of project activities.

## OTHER NIRB CONCERNS AND RECOMMENDATIONS

In addition to the project-specific terms and conditions, the Board has previously recommended the following on July 13, 2018:

### Change in Project Scope

1. Responsible authorities or Proponent shall notify the Nunavut Planning Commission (NPC) and the NIRB of any changes in operating plans or conditions, including phase advancement, associated with this project prior to any such change.

### Bear and Carnivore Safety

2. (*updated*) The Proponent should review the Government of Nunavut's booklet on Bear Safety, which can be downloaded from this link: [http://gov.nu.ca/sites/default/files/bear\\_safety\\_-\\_reducing\\_bear-people\\_conflicts\\_in\\_nunavut.pdf](http://gov.nu.ca/sites/default/files/bear_safety_-_reducing_bear-people_conflicts_in_nunavut.pdf). Further information on bear/carnivore detection and deterrent techniques can be found in the "Safety in Grizzly and Black Bear Country" pamphlet, which can be downloaded from this link: [http://www.enr.gov.nt.ca/sites/default/files/web\\_pdf\\_wd\\_bear\\_safety\\_brochure\\_1\\_may\\_2015.pdf](http://www.enr.gov.nt.ca/sites/default/files/web_pdf_wd_bear_safety_brochure_1_may_2015.pdf).
3. There are polar bear and grizzly bear safety resources available from the Bear Smart Society with videos on polar bear safety available in English, French and Inuktitut at <http://www.bearsmart.com/play/safety-in-polar-bear-country/>. Information can also be obtained from Parks Canada's website on bear safety at the following link: <http://www.pc.gc.ca/eng/pn-np/nu/quttinirpaaq/visit/visit6/d.aspx> or in reviewing the "Safety in Polar Bear Country" pamphlet, which can be downloaded from the following link: [http://www.pc.gc.ca/eng/pn-np/nu/quttinirpaaq/visit/visit6/~media/pn-np/nu/auyuittuq/pdf/shared/PolarBearSafety\\_English.ashx](http://www.pc.gc.ca/eng/pn-np/nu/quttinirpaaq/visit/visit6/~media/pn-np/nu/auyuittuq/pdf/shared/PolarBearSafety_English.ashx).
4. (*updated*) Any problem wildlife or any interaction with carnivores should be reported immediately to the local Government of Nunavut, Department of Environment Conservation Office (Wildlife Officer of the Pond Inlet office, phone: (867) 899-8819; Wildlife Officer of the Resolute Bay office, phone: (867) 252-3879).

### Species at Risk

5. The Proponent review Environment and Climate Change Canada's "Environment Assessment Best Practice Guide for Wildlife at Risk in Canada", available at the following link: [http://www.sararegistry.gc.ca/virtual\\_sara/files/policies/EA%20Best%20Practices%202004.pdf](http://www.sararegistry.gc.ca/virtual_sara/files/policies/EA%20Best%20Practices%202004.pdf). 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.

## **Migratory Birds**

6. The Proponent review Canadian Wildlife Services’ “Key migratory bird terrestrial habitat sites in the Northwest Territories and Nunavut”, available at the following link: <http://publications.gc.ca/site/eng/317630/publication.html> and “Key marine habitat sites for migratory birds in Nunavut and the Northwest Territories”, available at the following link: <http://publications.gc.ca/site/eng/392824/publication.html>. The guide provides information to the Proponent on key terrestrial and marine habitat areas that are essential to the welfare of various migratory bird species in Canada.
7. For further information on how to protect migratory birds, their nests and eggs when planning or carrying out project activities, consult Environment and Climate Change Canada’s Incidental Take web page and the fact sheet “Planning Ahead to Reduce the Risk of Detrimental Effects to Migratory Birds, and their Nests and Eggs” available at <http://www.ec.gc.ca/paom-itmb/>.

### ***The Board is currently also recommending the following:***

#### **Copy of licences, etc. to the Board and Commission**

8. As per s. 137(4) of the *NuPPAA*, responsible authorities are required to submit a copy of each licence, permit or other authorization issued for the Project to the Nunavut Planning Commission and the NIRB. Please forward a copy of the licences, permits and/or other authorizations to the NIRB directly at [info@nirb.ca](mailto:info@nirb.ca) or upload a copy to the NIRB’s online registry at [www.nirb.ca](http://www.nirb.ca).

#### **Use of Inuit Qaujimaningit**

9. The Proponent is encouraged to work with local communities and knowledge holders to inform project design, to carry out the project, and to confirm or validate the perspectives represented in publications, film or other media produced as part of the project. Care should be taken to ensure that Inuit Qaujimaningit and local knowledge collected for the project is used with permission and is accurately represented.

#### **Unmanned Air Vehicles (UAV) and Non-Recreational Drones**

10. The Proponent should review Transport Canada’s site on Drone Safety which can be found at the following link: <https://www.tc.gc.ca/eng/civilaviation/drone-safety.html>
11. The Proponent should review Transport Canada’s “Do I have permission to fly my drone?” which can be downloaded from which can be downloaded from this link: [https://www.tc.gc.ca/media/documents/ca-opssvs/Infographic-Do\\_I\\_need\\_permission\\_to\\_fly\\_my\\_drone.pdf](https://www.tc.gc.ca/media/documents/ca-opssvs/Infographic-Do_I_need_permission_to_fly_my_drone.pdf). The document provides information on whether or not a Special Flight Operations Certificate (SFOC) would be required or whether the operator of an unmanned air vehicle qualifies to operate under one of the exemptions to conduct lower risk operation in more remote areas without the need to apply for an SFOC.

#### **Aircraft Identification**

12. The Proponent shall provide the communities of Pond Inlet and Resolute Bay a description of the planned helicopter activities, including photo(s) of the helicopter to be used, approximate flight paths, plans and times as available prior to commencement of activities to ensure community members are aware of the planned activities.

## REGULATORY REQUIREMENTS

The Board previously recommended in the July 13, 2018 Screening Decision Report for the URI Northwest Passage Project 2018 the following legislation, which continues to apply to the current proposal:

### **Acts and Regulations**

1. The *Fisheries Act* (<http://laws-lois.justice.gc.ca/eng/acts/F-14/index.html>).
2. The *Migratory Birds Convention Act* and *Migratory Birds Regulations* (<http://laws-lois.justice.gc.ca/eng/acts/M-7.01/>).
3. The *Species at Risk Act* (<http://laws-lois.justice.gc.ca/eng/acts/S-15.3/index.html>). Attached in **Appendix B** is a list of Species at Risk in Nunavut.
4. (updated) The *Wildlife Act (Nunavut)* and its corresponding regulations (<http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html>).
5. The *Nunavut Act* (<http://laws-lois.justice.gc.ca/eng/acts/N-28.6/>). The Proponent must comply with the proposed terms and conditions listed in the attached **Appendix C**.
6. The *Canada National Parks Act* (<http://laws-lois.justice.gc.ca/eng/acts/n-14.01/>).

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

7. The *Transportation of Dangerous Goods Regulations* (<http://www.tc.gc.ca/eng/tdg/clear-tofc-211.htm>), *Transportation of Dangerous Goods Act* (<http://laws-lois.justice.gc.ca/eng/acts/t-19.01/>), and the *Canadian Environmental Protection Act* (<http://laws-lois.justice.gc.ca/eng/acts/C-15.31/>).
8. The *Aeronautics Act* (<http://laws-lois.justice.gc.ca/eng/acts/A-2/>) and the Interim Order No. 9 Respecting the Use of Model Aircraft (<http://www.gazette.gc.ca/rp-pr/p1/2018/2018-06-16/html/notice-avis-eng.html#ne6>).
9. The *Canadian Aviation Regulations* (<https://www.tc.gc.ca/eng/acts-regulations/regulations-sor96-433.htm>).
10. The *Arctic Waters Pollution Prevention Act* (<http://laws-lois.justice.gc.ca/eng/acts/A-12/>).
11. The *Canada Shipping Act, 2001* (<http://laws-lois.justice.gc.ca/eng/acts/C-10.15/>).
12. The *Marine Liability Act* (<http://laws-lois.justice.gc.ca/eng/acts/M-0.7/>).
13. The *Navigation Protection Act* (<http://laws-lois.justice.gc.ca/eng/acts/N-22/index.html>).

### **Other Applicable Guidelines**

14. The *Guidance Document for Passenger Vessels Operating in the Canadian Arctic* (<https://www.tc.gc.ca/eng/marinesafety/tp-tp13670-menu-2315.htm>).

## CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the University of Rhode Island's "URI Northwest Passage Project 2019". The NIRB remains available for consultation with the Ministers regarding this report as necessary.

Dated June 5, 2019 at Baker Lake, NU.



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Kaviq Kaluraq, A/Chairperson

Attachments: Appendix A: Previously-Screened Project Proposals  
Appendix B: Species at Risk in Nunavut  
Appendix C: Archaeological and Palaeontological Resources Terms and Conditions for Land Use  
Permit Holders

## APPENDIX A: PREVIOUSLY-SCREENED PROJECT PROPOSALS

The original project proposal (NIRB File No.: 18YN029), was received by the Nunavut Impact Review Board (NIRB or Board) from the Nunavut Planning Commission (NPC or Commission) on April 24, 2018. The NPC noted that the activities associated with the proposal were previously reviewed by the NPC and the decision issued February 10, 2017 still applied, which included a positive conformity determination with the North Baffin Regional Land Use Plan (NIRB File No. 17YN016). The original 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)* and Section 3 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*). On July 13, 2018 the NIRB issued a screening decision pursuant to p. 92(2)(a) of the *NuPPAA* to the Minister of Environment and Climate Change and the then-Minister of Fisheries and Oceans and the Canadian Coast Guard which indicated that the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions.

The University of Rhode Island (URI)'s (Proponent) original "URI Northwest Passage Project 2018" was located within the Qikiqtani (North Baffin) and Kitikmeot regions and encompassed several research sites from Resolute Bay to Cambridge Bay via Bellot Strait, including Lancaster Sound, Pond Inlet and Iqaluit. The Proponent indicated that it intended to study how waters of the Canadian Arctic Archipelago (CAA) have changed as a consequence of the secular warming trend over the Arctic Circle, during a scientific expedition aboard a research vessel (*M/V Akademik Ioffe*) along the Northwest Passage. The program was proposed to take place from August to September 2018.

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

- Undertake marine-based research activities along the Northwest Passage near the communities of Resolute Bay, Arctic Bay, Pond Inlet, Gjoa Haven, Cambridge Bay, Clyde River, Qikiqtarjuaq, Pangnirtung and Iqaluit;
- Undertake shore landings during expedition stops to conduct land-based educational activities and videography;
- Use different equipment and instrumentations (i.e., Acoustic Doppler Current Profile, Conductivity, Temperature, Depth rosette, and Multibeam Echosounder) to monitor water conditions and collect bathymetric data along transits;
- Use of an autonomous underwater glider;
- Use of onboard laser absorption spectrometers to measure stable isotopes of hydrogen and oxygen in seawater samples;
- Conduct zooplankton net tows along the cruise track, and cataloguing of net contents in order to identify and quantify particles in seawater;
- Perform seabird counts and characterize the distribution and abundance of marine birds including marine mammals along the survey route;
- Collection and analysis of air and water samples with onboard laser spectroscopy instruments, as well as incubation of water to study microbial activity;
- Use of various hazardous chemicals for sample preservation;

- Storage of hazardous chemical wastes onboard and subsequent disposal in Halifax, Nova Scotia; and
- Usage of facilities on the M/V *Akademik Ioffe* for research, transportation and as a marine research platform for 36 personnel to conduct scientific expedition across the CAA.

The NIRB has previously approved ship based as well as land use activities including shore excursions associated with M/V *Akademik Ioffe* under NIRB File No. 12AN025 and noted that any activities related to the above project scope onboard the M/V *Akademik Ioffe* would be required to also abide by the terms and conditions issued for NIRB File No. 12AN025.

## APPENDIX B: SPECIES AT RISK IN NUNAVUT

Due to the requirements of Section 79(2) of the Species at Risk Act (SARA), and the potential for project-specific adverse effects on listed wildlife species and its critical habitat, measures should be taken as appropriate to avoid or lessen those effects, and the effects need to be monitored. Project effects could include species disturbance, attraction to operations and destruction of habitat. This section applies to all species listed on Schedule 1 of SARA, as listed in the table below, or have been assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), which may be encountered in the project area. This list may not include all species identified as at risk by the Territorial Government. The following points provide clarification on the applicability of the species outlined in the table.

- 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.

If species at risk are encountered or affected, the primary mitigation measure should be avoidance. The Proponent should avoid contact with or disturbance to each species, its habitat and/or its residence. All direct, indirect, and cumulative effects should be considered. Refer to species status reports and other information on the species at risk Registry at <http://www.sararegistry.gc.ca> for information on specific species.

Monitoring should be undertaken by the Proponent to determine the effectiveness of mitigation and/or identify where further mitigation is required. As a minimum, this monitoring should include recording the locations and dates of any observations of species at risk, behaviour or actions taken by the animals when project activities were encountered, and any actions taken by the proponent to avoid contact or disturbance to the species, its habitat, and/or its residence. This information should be submitted to the appropriate regulators and organizations with management responsibility for that species, as requested.

For species primarily managed by the Territorial Government, the Territorial Government should be consulted to identify other appropriate mitigation and/or monitoring measures to minimize effects to these species from the project.

Mitigation and monitoring measures must be undertaken in a way that is consistent with applicable recovery strategies and action/management plans.

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

Updated: November 2018

<b>Terrestrial Species at Risk<sup>2</sup></b>	<b>COSEWIC Designation</b>	<b>Schedule of SARA</b>	<b>Government Organization with Primary Management Responsibility<sup>3</sup></b>
<b>Migratory Birds</b>			
Buff-breasted Sandpiper	Special Concern	Schedule 1	Environment and Climate Change Canada (ECCC)
Common Nighthawk	Threatened	Schedule 1	ECCC
Eskimo Curlew	Endangered	Schedule 1	ECCC
Harlequin Duck	Special Concern	Schedule 1	ECCC
Harris's Sparrow	Special Concern	Schedule 1	ECCC
Horned Grebe	Special Concern	Schedule 1	ECCC
Ivory Gull	Endangered	Schedule 1	ECCC
Olive-sided Flycatcher	Special Concern	Schedule 1	ECCC
Red Knot Islandica Subspecies	Special Concern	Schedule 1	ECCC
Red-necked Phalarope	Special Concern	No Schedule	ECCC
Ross's Gull	Threatened	Schedule 1	ECCC
Rusty Blackbird	Special Concern	Schedule 1	ECCC
Short-eared Owl	Special Concern	Schedule 1	ECCC
<b>Vegetation</b>			
Porsild's Bryum	Threatened	Schedule 1	Government of Nunavut (GN)
<b>Arthropods</b>			
Transverse Lady Beetle	Special Concern	No Schedule	GN
<b>Terrestrial Wildlife</b>			
Caribou (Dolphin and Union Population)	Endangered	Schedule 1	GN
Caribou (Barren-ground Population)	Threatened	No Schedule	GN
Caribou (Torngat Mountains Population)	Endangered	No Schedule	GN
Grizzly Bear (Western Population)	Special Concern	Schedule 1	GN
Peary Caribou	Threatened	Schedule 1	GN
Polar Bear	Special Concern	Schedule 1	GN
Wolverine	Special Concern	Schedule 1	GN
<b>Marine Wildlife</b>			
Atlantic Walrus (High Arctic Population)	Special Concern	No Schedule	Fisheries and Oceans Canada (DFO)
Atlantic Walrus (Central/Low Arctic Population)	Special Concern	No Schedule	DFO
Beluga Whale (Cumberland Sound Population)	Threatened	Schedule 1	DFO
Beluga Whale (Eastern Hudson Bay Population)	Endangered	No Schedule	DFO
Beluga Whale (Eastern High Arctic-Baffin Bay Population)	Special Concern	No Schedule	DFO

2 The Department of Fisheries and Oceans has responsibility for aquatic species.

3 Environment and Climate Change Canada (ECCC) 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.

<b>Terrestrial Species at Risk<sup>2</sup></b>	<b>COSEWIC Designation</b>	<b>Schedule of SARA</b>	<b>Government Organization with Primary Management Responsibility<sup>3</sup></b>
Beluga Whale (Western Hudson Bay Population)	Special Concern	No Schedule	DFO
Fish			
Atlantic Cod (Arctic Lakes Population)	Special Concern	No Schedule	DFO
Fourhorn Sculpin (Freshwater Form)	Data Deficient	Schedule 3	DFO
Lumpfish	Threatened	No Schedule	DFO
Thorny Skate	Special Concern	No Schedule	DFO

APPENDIX C: ARCHAEOLOGICAL AND PALAEOLOGICAL RESOURCES TERMS AND  
CONDITIONS FOR LAND USE PERMIT HOLDERS



INTRODUCTION

The Department of Culture and Heritage (CH) routinely reviews land use applications sent to the Nunavut Water Board, Nunavut Impact Review Board and the Indigenous 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:

	<b>Types of Development</b> (See Guidelines below)	<b>Function</b> (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. CH is authorized by way of the *Nunavut and Archaeological and Palaeontological Site Regulations*<sup>4</sup> to issue such permits.

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<sup>4</sup>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 CH 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 CH.
- 6) The permittee/proponent shall follow the direction of CH 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 Indigenous and Northern Affairs Canada directions will also be followed.
- 7) The permittee/proponent shall provide all information requested by CH 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 CH 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 *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut 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*<sup>5</sup>, 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*<sup>6</sup>, 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 Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut 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.*

### *Guidelines for Developers for the Protection of Archaeological Resources in the Nunavut Territory*

(Note: Partial document only, complete document at: [www.ch.gov.nu.ca/en/Archaeology.aspx](http://www.ch.gov.nu.ca/en/Archaeology.aspx))

### 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, and Heritage (CH), and the contract archaeologist(s) will ensure proper preservation of heritage resources in the Nunavut Territory. The roles of each are briefly described.

CH 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

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<sup>5</sup> s. 51(1)

<sup>6</sup> P.C. 2001-1111 14 June, 2001

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 CH 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 *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)*), and the Indigenous and Northern Affairs Canada, 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 and Heritage. 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.