



**SCREENING DECISION REPORT
NIRB FILE No.: 19TN048**

NPC File No.: 149251

March 19, 2020

Following the Nunavut Impact Review Board’s (NIRB or Board) assessment of all materials provided, the NIRB has determined that, in accordance with s. 91 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*), Canadian Arctic Holidays Ltd.’s “Clyde River Land Use Permit” project proposal should be **modified or abandoned**.

The NIRB is of the view that the project proposal as currently designed is likely to cause significant public concern, and is likely to result in significant adverse ecosystemic and socio-economic impacts. The NIRB therefore provides this Screening Decision Report to the responsible Minister(s) for consideration pursuant to *NuPPAA* paragraph 92(1)(c); and the NIRB remains available for consultation with the Minister regarding this report as necessary.

OUTLINE OF SCREENING DECISION REPORT

REGULATORY FRAMEWORK	1
PROJECT REFERRAL	3
PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS	3
ASSESSMENT OF THE PROJECT PROPOSAL IN ACCORDANCE WITH PART 3 OF <i>NUPPAA</i>	10
VIEWS OF THE BOARD	12
SUMMARY OF RECOMMENDATIONS	17
NIRB DETERMINATION	18
CONCLUSION	19

REGULATORY FRAMEWORK

The primary objectives of the NIRB are set out in Section 12.2.5 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (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 s. 88 of the *NuPPAA*:

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 s. 89(1) of *NuPPAA*:

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 s. 89(2) of the *NuPPAA* provides that the considerations set out in paragraph 89(1)(a) prevail over those set out in paragraph 89(1)(b) of the *NuPPAA*.

As set out under s. 91 of the *NuPPAA*, the NIRB must determine that a project should be modified or abandoned if the Board is of the opinion that the project has the potential to result in unacceptable adverse ecosystemic or socio-economic impacts.

As set out under s. 92(1) of the *NuPPAA*, upon conclusion of the screening process, the Board must provide its written report the Minister:

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.

PROJECT REFERRAL

On December 10, 2019 the Nunavut Impact Review Board (NIRB or Board) received a referral to screen Canadian Arctic Holiday Ltd.'s (CAH) "Clyde River Land Use Permit" project proposal from the Nunavut Planning Commission (Commission), with an accompanying positive conformity determination with the North Baffin Regional Land Use Plan. 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 s. 87 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*), the NIRB commenced screening this project proposal and assigned it file number **19TN048**.

PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS

All documents received and pertaining to this project proposal can be accessed from the NIRB's online public registry at www.nirb.ca/project/125495.

1. Project Scope

The proposed "Clyde River Land Use Permit" project is located within the Qikiqtani (North Baffin) region, approximately 55 kilometres (km) northwest from Clyde River and within an area defined for the proposed *Agguttinni Territorial Park*. The Proponent intends to establish a lodge to support a cat and heli-skiing operation. The program is proposed to take place from March 22, 2020 to May 10, 2020.

As required under s. 86(1) of the *NuPPAA*, the Board accepts the scope of the "Clyde River Land Use Permit" project as set out by CAH in the proposal. The scope of the project proposal includes the following undertakings, works, or activities:

- Establish a temporary camp of six (6) Pacific Geodesic Domes for 20 personnel;
- Use of helicopter, snow mobile and snow cat to transport gear and clientele to and from camp and for ski touring activities;
- Transportation, storage and use of gasoline, aviation fuel and diesel;
- Collection and use of two (2) cubic metres (m³) of water daily for domestic purposes from Ayr Lake with manual ice auger and bucket;
- Transportation of camp garbage and disposal in Clyde River;
- Dumping of frozen human waste several kilometers away from camp and separation of toilet paper for disposal in Clyde River municipal dump.

Revised Scope: through subsequent submissions, the following adjustments were considered to the scope of the proposal.

- Reduction of total person days on site from 1000 to less than 400;
- Limit term of Land Use Permit to 1 year of operations, and defer land lease; and
- Possibly limit operation season to 2 weeks of clientele with an additional 2 weeks of set-up and take down time.

2. Inclusion or Exclusion to Scoping List

The NIRB has identified no additional works or activities in relation to the project proposal. As a result, the NIRB proceeded with screening the project based on the scope as described above.

3. Screening Process Timelines

The following key stages were completed:

Date	Stage
December 10, 2019	Receipt of project proposal and positive conformity determination (North Baffin Regional Land Use Plan) from the Commission
December 10, 2019	Request to complete public registry online and provide information pursuant to s. 144(1) of the <i>NuPPAA</i>
December 17, 2019	Receipt of online application from Proponent
December 18, 2019	Request(s) to Proponent for additional information in order to carry out screening pursuant to s. 144(1) of the <i>NuPPAA</i>
December 19, 2019	Proponent responded to information request(s) and provided additional information
December 19, 2019	Scoping pursuant to s. 86(1) of the <i>NuPPAA</i>
January 7, 2020 - January 31, 2020	Public engagement and comment request; extended to January 31 at the request of the Hamlet of Clyde River
January 20, 2020 & January 31, 2020	Ministerial extension requested
February 14, 2020	Receipt of public comments
February 14, 2020	1) Proponent provided with an opportunity to address comments/concerns raised by public 2) Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) provided with an opportunity to provide additional information on permitting requirements related to the proposal
January 30, 2020, February 20 & 25, 2020	Proponent responded to comments/concerns raised by public
March 03, 2020	CIRNAC responded to comments/concerns raised by public and provided additional information on permitting requirements for the proposal
March 18, 2020	Issuance of Screening Decision Report

4. Public Comments and Concerns

Notice regarding the NIRB's screening of this project proposal was distributed on January 7, 2020 to community organizations in Clyde River, 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 provide the Board with any comments or concerns by January 17, 2020 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 January 17, 2020, the NIRB extended the deadline for comments to January 31, 2020 on the request of the Hamlet of Clyde River.

a. Summary of Public Comments and Concerns

The following is a *summary* of the comments and concerns received by the NIRB during the public comment period for this file:

Oikiqtani Inuit Association (QIA)

- Application details:
 - Noted inaccuracies in the project proposal regarding Inuit harvesting activities occurring in the proposed project location as Ayr Lake and the area downstream are known fishing areas for the community of Clyde River. Requested that the Proponent reassess the impacts of the proposed project on fish and downstream waters.
 - Noted that the Proponent indicated that Polar Bear tracks have been seen in the area and requested the Proponent reassess the impacts of the proposed project on both Polar Bears and local hunters.
 - Requested clarification be provided on the following:
 - Size, footprint and length of time associated with the request for a lease;
 - While the operation period for the application is within the same year, references in the application to ongoing operations require confirmation that the camp would be fully demobilized at the end of each season; and if so, then an Abandonment and Reclamation Plan is required.
- Regulatory setting:
 - The proposed project is located within a proposed Territorial Park - *Agguttinni Territorial Park*, for which the Management Plan is still in the drafting stage and discussions have started with the QIA about the negotiation of the Inuit Impact Benefit Agreement amendments for Territorial Parks in the form of a Park Specific Appendix.
 - Suggested that a decision be delayed until they have a better understanding of potential impacts and benefits regarding this kind of activity.

Government of Nunavut (GN)

- Related to a lack of information in the application, the GN requested that the Proponent clarify community consultation and how consultation was incorporated into the project.
- Regulatory setting:
 - Noted that the proposed project is located within the boundaries of the proposed *Agguttinni Territorial Park* and expressed concern that park's Management Plan is not

- yet in place and if the project were approved to proceed at this time, the Clyde River Community Joint Planning and Management Committee (CJPMC) may be forced to accept these activities without first having an opportunity to review, comment, or make recommendations on the activities proposed in this project.
- Recommended that the project proposal be brought to CJPMC for consideration as part of the CJPMC's development of the park's Management Plan.

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)

- Recommended that the Proponent provide a brief written summary of their interaction with Hamlet of Clyde River and community members to demonstrate consultation with the community and incorporation of Inuit culture.
- Recommended project specific terms and conditions to ensure proper sewage management.
- Requested that the Proponent provide further clarification on the determination of the positive impacts of project activities on valued ecosystemic components in the "Environmental Impacts Matrix"
- Recommended the following to be considered for project planning:
 - Incorporation of Inuit knowledge and Inuit Qaujimagatuqangit in the project design;
 - Briefing community representatives on planned activities; and
 - Training and economic opportunities for community members.

Clyde River Hunters & Trappers Association (HTA) and the Ilisaqsivik Society

- Noted inaccuracies or insufficient detail in the application regarding:
 - Proponents assessment of the biological and environmental background in the area incomplete.
 - Lack of clear detail on location of sewage disposal is of concern as community members travel through this area.
 - Requested clarification on whether permits included storage of camp materials on location throughout the year.
- Concerns from adverse impacts associated with the project, specifically:
 - Human presence and helicopter and snow cat noise likely cause disturbance and impact wildlife in the area including Polar Bears, fish and birds.
 - Potential for fuel spill or leak on Ayr Lake would negatively impact fish health in a key community fishing area.
 - Polar Bear migration routes exist within the proposed project area, as documented by Inuit Qaujimagatuqangit studies, and the timing of the project activities would overlap with the community's traditional hunting time. In addition, there are concerns for Polar Bear safety associated with project activities due to the defined usage and hunting activities.
- Expressed concerns regarding lack of economic benefits and opportunities for community members, as well as loss of local revenue if the project is no longer based from within Clyde River, specifically for the local accommodation and transport services.

Naujaaraaluit Hotel

- Noted that the ski tourism activities have previously been run out of the hotel.
- Expressed concerns regarding the suitability of the hotel for future operations.

b. Public Comments and Concerns with respect to Inuit Qaujimaningit, Traditional, and Community Knowledge

The following is a *summary* of the comments and concerns received by the NIRB with respect to Inuit Qaujimaningit, Traditional Knowledge and Community Knowledge for this file:

Clyde River Hunters & Trappers Association and the Iisagsivik Society

- Noted Arctic char is found both in Ayr Lake and in the downstream river that flows into the ocean and that the community members of Clyde River depend on harvesting these fish.
- Noted that the proposal inaccurately reflects traditional land use and Inuit harvesting activities in the area as Inuit use the location for fishing, Polar Bear hunting and as a traditional travel route.
- Noted that human presence creates disturbance and that if disturbed, animals may leave an area and not return.
- Noted that impacts in one location can create impacts in another location and just because the impacts are not directly seen does not mean that they are not occurring.

David Iqaqrialu of Clyde River

- Provided description of the current environment around the indicated project area, specifically:
 - Ayr Lake has fish in it around the mid section and at one end of the lake is a very large river that never freezes. Community members use the lake to fish and there are land locked char present.
 - The lake and river have always been pristine
- Stated that if oil is going to be used the fish will smell it and move away.

5. Proponent's Response to Public Comments and Concerns

On February 14, 2020, due to the concerns and questions identified in the comments received from parties, the NIRB provided an opportunity for the Proponent to respond to the concerns raised during the commenting period. The following is a summary of the Proponent's response to concerns as received on January 30, 2020; February 20, 2020; and February 25, 2020:

- Regarding concerns of the proposal being located within the proposed *Agguttinni Territorial Park*:
 - Alternative locations are not feasible as moving the camp out of the proposed Territorial Park boundary would be too far from skiable terrain. Additionally, other ski locations are too dangerous or are located in important areas for the community members of Clyde River;
 - Reduced the project scope (noted below) to use the land for only one year until the Clyde River Community Joint Planning and Management Committee (CJPMC) can establish the Management Plan;
 - Consulted CJPMC and plans to participate in the Park Planning meeting to be held in April 2020.
- Clarified and reduced the scope of project activities including the timeline, footprint and demobilization of the camp:

- Limited the term of interest for the Land Use Permit to one year, and will not pursue a lease at this time;
- Reduced ski camp and skiing operations to April 8, 2020 to May 7, 2020 resulting in the person-days to less than 400;
- Stated the camp footprint is approximately 100 square meters (m²);
- Stated the location of the camp is 13 km from the outflow of the lake and more than 50 km from where the river flows into the sea; and
- Camp decommissioning at the end of the season includes: the camp being packed away into two (2) to three (3) locked sea containers, the aluminum framing of the tent structures remain bolted together, the plywood floors are piled up and remain on the ground over summer and winter in an area away from possible erosions, flash floods or soft ground. An Abandonment and Restoration Plan was also provided.
- Addressed concerns regarding community engagement and implementation of Inuit Qaujimajatuqangit and traditional knowledge:
 - Noted that they have brought the project forward to community council meetings and the mayor;
 - Described recent interactions with community members including reaching out on January 7, 2020 to confirm the council received the letter outlining their operational plans;
 - Noted that community member input was implemented in deciding the location of the camp to avoid areas of importance identified by the elders or known to be important camping and Inuit harvesting areas;
 - Noted they have encouraged community members to visit the camp to see their operations; and
 - Identified that they would like to continue consultation throughout the spring with the Clyde River Hunters & Trappers Association.
- To address concerns related to the impacts of the project on the aquatic environment, the Proponent:
 - Noted that the only contact with the lake is manual water removal for drinking and washing;
 - Noted that sewage is disposed of several kilometers away from the lake and kitchen grey water is disposed of several hundred meters from the lake; and
 - Committed to keeping all fuel in containment, not storing fuel in the offseason of the camp and properly cleaning up and reporting fuel spills if they occur.
- To further describe the existing environment conditions and address concerns related to the impacts of the project on terrestrial animals including Polar Bears, the Proponent:
 - Noted that during the proposed timing of the project there are very few Polar Bears in the area as mother bears and cubs have already left the dens to go hunting on the floe edge;
 - Noted that skiing activities will occur high in the mountains not in the valleys where wildlife is found;
 - Noted the helicopter will be flown above 4000 feet to avoid visual and noise disturbance and will not be used to approach Polar Bears;
 - Noted that the snow cat has a diesel engine and is quieter than a snow machine; and

- Noted that the camp itself is small, set up only on snow without movement of land or rock and will be demobilized at the end of the project with no lasting impacts.
- To address concerns regarding lack of Polar Bear safety knowledge the Proponent stated that they have gained experience with bear safety through their other operations in Nunavut. They noted that all their guides are equipped and trained in bear safety and there is a trained dog at the camp.
- To address concerns related to traditional land use in the area the Proponent:
 - Noted that they do not participate in hunting and fishing activities;
 - Ensured that the camp is out of the way and will not impede hunters or fishers in the area;
 - Noted that they do not ski or fly over the west end of the lake or drive over the outflow to the river;
 - Consulted with community members and were informed that Ayr Lake is not used as a fishing area during the time of the project activities;
 - Noted the camp will not affect the fish in the lake during the activities or during the summer fishing season; and
 - Committed to address future concerns of hunters if they are expressed.
- To address concerns regarding socio-economic benefits including employment and other benefits to the community the Proponent:
 - Noted that they have restrictions on community employment as certain positions require special certification (i.e. ski guide or Red Seal chef). However, the Proponent indicated they would like to hire local employment for other positions such as the snow cat driver and to help set up and take down the camp;
 - Will continue to use community services such as laundry and mechanical services;
 - Highlighted that the project is small but as it grows they will be able to hire more local employment (i.e. a community member to work at a future garage for the snow cat);
 - Plan to provide other benefits including offering an avalanche safety course;
 - Plan to continue to donate their food to the community at the end of each season; and
- Noted that the local accommodation in Clyde River is no longer feasible for the ski tourism activities due to size, operational needs and distance from the ski locations. However, they will continue to rent the hotels for staff during set up and take down weeks of the camp.

6. Regulator Response to Public Comments and Concerns

On February 14, 2020 the NIRB requested that Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) confirm if permits or leases for operations in this area would be issued at this time as the Government of Nunavut is applying for a transfer of land for the establishment of *Agguttinni Territorial Park*. The following is a summary of CIRNAC's response received March 3, 2020:

- CIRNAC received a land lease application from the Government of Nunavut for the transfer of land to provide for the establishment of the *Agguttinni Territorial Park*. At this time CIRNAC would not accept any additional applications for a land lease within this area.

- CIRNAC may accept an application for a Land Use Permit pursuant to the *Territorial Land Use Regulations* within the area but would likely limit the term of any permit issued as a result of the ongoing transition.
- CIRNAC had discussions with the Proponent regarding the Land Use Permit Application process but has not yet accepted a completed Land Use Permit.

7. Time of Report Extension

As a result of the time required to allow the Hamlet of Clyde River to provide comments, 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 subsection 92(3) of the *NuPPAA*. Therefore, on January 20, 2020 the NIRB wrote to the Minister of Environment, Government of Nunavut and the Minister of Economic Development and Transportation, Government of Nunavut seeking an extension to the 45-day timeline for the provision of the Board's Report. Although the proposed project is located in a proposed Territorial Park the NIRB became aware that the responsibility for land use permitting still remains with the federal department of Crown-Indigenous Relations and Northern Affairs Canada during the time of the application. Therefore, on January 31, 2020 the NIRB wrote to the Minister of Northern Affairs, 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, and 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:

1. *The size of the geographic area, including the size of wildlife habitats, likely to be affected by the impacts.*

The proposed project would include a ski camp with a geographic footprint of approximately 100 square metres (m²) with daily skiing activities occurring on nearby mountains and transportation of goods and clientele between the camp and Clyde River. Activities would take place within habitats of far-ranging wildlife species such as migratory and non-migratory birds, arctic fox, arctic hare, Species at Risk such as Polar Bears, and habitat to freshwater aquatic species such as Arctic char.

2. *The ecosystemic sensitivity of that area.*

The proposed project would occur in the proposed *Agguttinni Territorial Park*. Although the Park's Management Plan that would define the ecosystemic sensitivity or wildlife management requirements is not yet complete, the Qikiqtani Inuit Association (QIA), Clyde River Hunters & Trappers Association (HTA), Ilisaqsivik Society and the community member identified that important wildlife habitats and migration routes exist within the spatial and temporal boundaries of the proposed project. Important wildlife habitats identified within, or adjacent to, the proposed project area include:

- Fish and fish habitats (including Arctic char);
- Migratory and non-migratory birds; and
- Terrestrial and marine mammals such as Polar Bears and their habitat and migration routes.

3. *The historical, cultural and archaeological significance of that area.*

The Proponent indicated that there are no known sites of archaeological or paleontological significance associated with the project area.

During the commenting period, the QIA, Clyde River HTA, Ilisaqsivik Society and a community member identified that the proposed project area is an important region for Clyde River community members for traditional land use and harvesting activities; identifying the area as important for fishing Arctic char, hunting Polar Bear and use as a travel route to other culturally important areas.

4. *The size of the human and the animal populations likely to be affected by the impacts.*

The proposed project may take place within the habitat of a number of species as identified above and if so, the presence of a camp and human activities could affect wildlife, their habitat and their migratory patterns. The proposal did not contain sufficient information to fully assess the animal populations that could be affected, and from the traditional knowledge provided through the commenting period, it is likely that the camp and activities could impact several animal populations, especially Polar Bears. Helicopter, snow machine, and snow cat transportation could contribute to increased noise disturbances of wildlife in the area. Impacts to these valued ecosystemic components noted above have been identified for their potential to also affect traditional land use activities and Inuit harvesting. The establishment of a ski lodge in this area would have the potential to affect migration of Polar Bears longer term, while the activities associated with the constrained scope are more likely to affect individual animals living in or moving through the area rather than the entire population of a species.

In addition to impacting animal populations which could interfere with Inuit harvesting activities, residents of Clyde River noted concerns around the location of proposed activities occurring at the same time and around the same areas as the community uses for traditional activities, further affecting the community of Clyde River.

5. *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.*

The nature of impacts from operation of a temporary camp and skiing activities are considered to be generally predictable as common activities occurring in the Arctic region, and commonly able to be mitigated by standard mitigation practices or proactive measures. However, it is more difficult to judge the magnitude and complexity of the impacts due to the lack of clear scope and inclusion of traditional knowledge of the area and required practices to avoid wildlife. While it is not likely that the impacts would be more frequent or of greater length of time than other tourism projects that are operated in special designated areas, the lack of support from community organizations does not provide clarity if these impacts would be manageable in this area.

The probability of adverse impacts is likely to occur for individual animals and humans directly around the project area during operations, but also likely intermittent and reversible once the lodge season ends and flights, vehicle traffic, and lodge operations cease. With adherence to the relevant regulatory requirements and application of mitigation measures, no significant residual effects are likely to occur.

6. *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.*

The NIRB has not identified any past, present, or reasonably foreseeable projects occurring in or near the proposed project site at this time, however the area is a noted hunting and traditional land use area which could result in a temporary, seasonal cumulation of human use in the area.

7. *Any other factor that the Board considers relevant to the assessment of the significance of impacts.*

The project would occur within the proposed *Agguttinni Territorial Park*. The Government of Nunavut has applied for a transfer of land lease and the Clyde River Community Joint Planning and Management Committee (CJPMC) has been established; however, the Park Management Plan with its associated Inuit Impact Benefit Agreement have not yet been finalized. The Government of Nunavut further expressed concern that if the proposed project were to be allowed to proceed prior to the development of this plan, it could require the Clyde River CJPMC to allow these types of activities to continue in this area without full and impartial consideration for the fit of the activities in the park area.

IEWS OF THE BOARD

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.

Ecosystem, wildlife habitat and Inuit harvesting activities:

Issue 1: Potential adverse impacts to birds, terrestrial wildlife, and marine wildlife such as Polar Bears from noise and visual disturbances created by snow cat and helicopter use. The camp could become an attractant to various species of wildlife in the area.

Board views: As discussed above in the assessment of factors relevant to this project proposal, the potential for impacts is applicable to the 100 square meters (m²) footprint of the ski camp and transport routes to and from the camp, the community of Clyde River, as well as daily skiing activities on nearby mountain terrain. The proposed timing of the potential impacts is considered to be limited due to the temporary nature of the activities during the spring season. The Proponent noted that a set of Polar Bear tracks, some foxes, and birds – including migratory snow buntings and non-migratory ptarmigan – have been seen in previous years. The Proponent stated that skiing activities would occur out of range for most wildlife and committed to ensure that the camp is established with minimal impact to wildlife, disturbance from air travel would be mitigated by enforcing a minimum flight altitude of 4000 feet except during take-off and landing, and not altering flight paths to approach wildlife. Although the Proponent noted a lack of wildlife sightings by project staff in previous years of skiing in the area, the Clyde River Hunters & Trappers Association (HTA) and Ilisaqsivik Society indicated that Inuit Qaujimaningit studies have noted Polar Bear habitats and movements occur within the spatial and temporal boundaries of the proposed project. Noting that Polar Bears have been seen, the Qikiqtani Inuit Association (QIA) suggested that the Proponent review the impact of the proposed project activities on wildlife.

Noted Traditional Knowledge or Inuit Qaujimaningit: Concerns were raised by the Clyde River HTA and Ilisaqsivik Society that the proposed project area is used for Polar Bear hunting and is a migration route for the marine mammals therefore potential for negative impacts to the community exists and without the Proponent working with the HTA, it is unclear if the impacts are significant or could be reasonably mitigated.

Board Recommendation: The Proponent consult with the Clyde River HTA and other community stakeholders to better understand the existing environment, community use, and wildlife distribution, and incorporate this traditional knowledge and Inuit Qaujimaningit to develop a more accurate assessment of the impacts of proposed activities on wildlife and their habitat.

Issue 2: Potential adverse impacts to the freshwater aquatic environment including surface water quality, fish and fish habitat, and aquatic environment due to the proximity of the camp to a freshwater body and camp activities.

Board views: The proposed project activities would include the extraction of water for camp use and disposal of sewage and grey water. Negligible impacts are predicted due to minimal amount of water use, manual extraction of water and use of a manual ice auger, temporary nature of the camp, and mitigable impacts from proper disposal of sewage and grey water. To mitigate impacts to the freshwater environment the Proponent proposes to ensure

greywater and sewage is disposed of at least several hundred metres away from the high-water mark and that all other waste is transported back to town. The QIA, Clyde River HTA and Ilisaqsivik Society emphasized that Ayr Lake is habitat to fish important to Inuit harvesting such as Arctic char and that any adverse impacts to the freshwater environment would be of high importance to the community of Clyde River.

Noted Traditional Knowledge or Inuit Qaujimaningit: Community concerns noted that Arctic char and fish habitat occurs within the project area and contribute to Inuit harvesting and traditional land use within and surrounding the project area.

Board Recommendation: The Proponent continue to develop appropriate water and waste management strategies for the proposal in consultation with community organizations of Clyde River, and incorporate traditional knowledge and Inuit Qaujimaningit to more fully understand the existing environment and planning needs or mitigation required to manage impacts on fish and fish habitat from activities.

Issue 3: Potential adverse effects to the terrestrial environment and surface and ground water quality from the storage and use of fuel.

Board views: The proposed project would include use of transportation equipment and the transport of fuel to and from the camp and Clyde River, transfer of fuel into equipment, and fuel use at the camp. The potential impacts from a fuel spill or leak could be significant especially as the Clyde River HTA, Ilisaqsivik Society, and community member noted that the community's fishing areas are in the general area of the project, but the probability of impacts is expected to be low and mitigable with proper fuel storage and handling practices. To mitigate potential impacts, the Proponent has committed to use proper secondary containment around fuel barrels and pump stations, use fuel pads for fuel drips and small fuel leaks, and if a spill were to occur ensure that it is properly cleaned and reported.

Noted Traditional Knowledge or Inuit Qaujimaningit: Community concerns noted that fish are in the project area and their habitat will be affected by any fuel spill into waterbodies. Whether or not a spill occurred, fish are sensitive to the smell of fuel and would move away from the area where they could smell it, so either continued vehicle use, refuelling, or a spill could cause fish to move away from the activities.

Board Recommendation: The Proponent should continue to develop strategies around proper fuel storage and management strategies in consultation with the Clyde River HTA and other stakeholders and incorporate traditional knowledge and Inuit Qaujimaningit into further developing vehicle use and fuel spill strategies to minimize impacts to the aquatic environment.

Socio-economic effects on northerners:

Issue 4: Lack of specific benefits and potential negative impacts to the resources within the proposed *Agguttinni Territorial Park* due to tourism activities. Further, activities being

allowed to proceed at this time prior to completion of the park's management plan could put undue pressure on the Committee to allow such activities in the area without unbiased consideration of the fit for the activities.

Board Views: The Proponent is proposing to work within the boundaries of the proposed *Agguttinni Territorial Park*. The park's Master Plan has been developed by the Clyde River Community Joint Planning and Management Committee (CJPMC) and approved by the Government of Nunavut (GN); however, the park's Management Plan is currently being developed and not yet complete. Therefore, it is not yet determined what activities will be allowed and what terms will be required to carry out allowed activities so as to be within the final vision of the Management Plan. To allow the additional time for the Clyde River CJPMC to establish the Management Plan for the park, the Proponent modified the scope of their proposal to apply for a one-year land use permit for the proposed activities instead of a longer term land lease. They also consulted with the Clyde River CJPMC and noted that they expect to participate in the park's Management Plan meeting in April 2020. While tourism activities commonly occur within territorial parks and other special designated areas, with the lack of clear requirements around acceptable activities and operational expectations in place at this time, the Board is limited in their ability to judge the adequacy of mitigation, acceptability of activities in this area, and make recommendation to ensure this proposal provides benefits to the community.

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) is currently working with the GN to transfer administration of the land in establishing the *Agguttinni Territorial Park* and will not be accepting any further applications for land leases at this time, but may consider applications for land use permits. Although the Proponent reduced the scope of activities associated with the proposal to limit the number of guests and shorten the term of permit being sought to one year, the Proponent has indicated that they would still be interested in offering tours in future years and seek a long-term lease. Even if the scope of activities were reduced, CINRAC noted that it may not adjust the type of permit required and would have to consider this further when a complete application was received.

Board Recommendation: The Board recommends allowing for the development and establishment of the *Agguttinni Territorial Park's* Management Plan prior to projects being approved to proceed in this area. It is recommended that the Proponent continue to consult with the Clyde River CJPMC and participate in the development of the park's Management Plan to inform development of project specific operational guidelines.

Issue 5: Potential negative impacts to harvesting areas and traditional land use areas due to project activities and displacement of wildlife during key seasonal events.

Board Views: The area identified for the proposed camp location is known for fishing, hunting, and use for a traditional travel route as identified by the QIA, the Clyde River HTA, Iliasaqivik Society, and Clyde River community member. The Proponent noted that they do not participate in harvesting activities and stated that the camp and related activities would not disrupt hunting, fishing or travel through the area. The Proponent also

committed to minimize the impact of project related activities on wildlife and noted that the camp will not affect the fish in the lake during the activities or during the summer fishing season. However, concern was expressed from commenting parties on a lack of knowledge on land use activities in the area. The QIA, Clyde River HTA, and Ilisaqsivik Society highlighted the importance of hunting and fishing to the community of Clyde River and, as addressed above, expressed concerns on the inaccuracies in the description of the existing biological environment, lack of awareness of the importance of the area and its resources to the community, and requested further assessment of impacts to wildlife and harvesting activities prior to any approvals.

Noted Traditional Knowledge or Inuit Qaujimaningit: Community concerns identified the importance of Ayr Lake for fishing, Polar Bear hunting, and as a traditional travel route and potential for negative impacts to the wildlife in the area from the proposed project operations.

Board Recommendation: The Proponent should consult with the Clyde River community members and organizations to address issues related to the project's potential impacts on hunting and fishing areas, and areas of traditional land use. Findings from the consultations should be used to amend existing impact assessment and mitigation measures.

Issue 6: Potential positive impacts from local employment, use of community accommodations and goods and services as well as providing goods and services to the community of Clyde River.

Board Views: The Proponent has committed to hiring local community members where appropriate, sourcing local accommodations during camp set-up and take down periods, and sourcing goods and services from the community where possible. As well, the Proponent highlighted food donations to the community that occurred in previous years at the end of the season and proposed offering other benefits to the community of Clyde River such as an avalanche safety course. Concerns were expressed from the Clyde River HTA, Ilisaqsivik Society, and Naujaaraaluit Hotel that ski activities were previously run out of the Hotel therefore there will be lost revenue from movement to a camp.

Board Recommendation: It is recommended that the Proponent continue to include the potential sourcing of goods and services from local businesses and potential for local employment where appropriate in subsequent applications. Partnerships should be further investigated to find the fit of using community resources and business, ensuring the benefits provided are in line with the interests of the community, and direct benefits be more clearly indicated in the assessment of impacts from this proposal.

Significant public concern:

Issue 7: Significant public concern was expressed during the public commenting period for this file.

Board Views: As previously noted, significant public concern was expressed during the public commenting period for this file from the QIA, GN, CIRNAC, Clyde River HTA, Ilisaqsivik Society, Naujaaraaluit Hotel and a Community member of Clyde River.

Public concerns identified through the commenting period, which took place from January 7, 2020 to January 31, 2020, as well as additional comments submitted on February 12, 2020 and February 14, 2020 related to:

- The proposed project's spatial and temporal overlap with sensitive wildlife habitats and migration routes including Polar Bears and freshwater species;
- Inaccuracies in assessment of existing biological environment and therefore requirement for review of impacts to wildlife caused by establishment of a camp and skiing activities;
- Inaccuracies in traditional land use activities and therefore undetermined impacts on Inuit harvesting;
- The proposed project's location within a proposed territorial park that as of yet does not have an established Management Plan;
- Clarification on the actual scope of proposed project; and
- Loss of economic benefit to the Clyde River community if the Proponent moves to a camp outside of the community.

Board Recommendation: It is appreciated that the Proponent described consultation with the Hamlet of Clyde River and the Clyde River Community Joint Planning and Management Committee (CJPMC); however, the consultation noted in the application did not demonstrate clear support for the project activities, only general undertaking of an outfitting business, and consultation with regulators and the CJPMC only occurred following concerns raised through the impact assessment, and did not indicate that the CJPMC were in support of the activities as proposed. Further consultation is needed with the community members of Clyde River, community stakeholders, and concerned parties, with inclusion of traditional knowledge and Inuit Qaujimaningit into an application to demonstrate understanding of the existing environment and traditional land use of the area, and impact assessment.

Technological innovations for which the effects are unknown:

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

SUMMARY OF RECOMMENDATIONS

As illustrated above, the NIRB is of the opinion that the potential for negative impacts to the identified ecosystemic and socio-economic components supports the **recommendation that the proposed project be modified or abandoned**. If the Proponent should choose to modify the proposed project, the following recommendations should be considered prior to subsequent resubmission of a modified project proposal:

Summary of Recommendations:

- It is recommended that the Proponent further consult with the community of Clyde River and specific organizations with expertise in understanding the area, to develop a more accurate proposal and develop operational commitments or mitigation to address the ecosystemic and socio-economic concerns identified above. When communicating the results of consultation sessions, the Proponent should provide detail on which parties were consulted, what issues were discussed, how issues were addressed, and whether the issues were resolved or if they remained outstanding, as well as clearly demonstrate how this process informed project design and mitigation measures.
- Several variables of the project scope and scale of activities changed throughout the assessment in response to parties concerns, and while this is recognized as responsiveness to concerns about the project, the Board is left with too many shifting variables to be confident in the scope of activities linked with this decision, or sufficient assurance that adverse impacts could be reasonably mitigated through terms and conditions. A clear set of activities should be defined in any subsequent applications with clear linkages of activities being informed by community consultation and Inuit Qaujimaningit where appropriate, and an impact assessment that is in line with community understandings and sufficient to provide the Board confidence in judging the adequacy of proposed mitigation.
- It is recommended that the Proponent allow for the development and establishment of the *Agguttinni Territorial Park* Management Plan before seeking permits and proposing operations further. The Proponent is encouraged to honor its commitment to engage with the Clyde River Community Joint Planning and Management Committee throughout the development of the Management Plan, and to better understand how its interests in this land area can fit with those of other land users to provide the least disturbance, and most benefit to the region.

NIRB DETERMINATION

After completing a review of all the information received and taking into account the information the Proponent and parties have supplied for the Board's consideration, it is the determination of the NIRB that **the project proposal should be modified or abandoned** in accordance with Article 12, **Section 12.4.4(d)** of the *Nunavut Agreement* and **s. 91** of the *NuPPAA*.

In making this recommendation, the NIRB was guided by the objectives and considerations as required under Article 12, Part 4 and pursuant to s. 91 of the *NuPPAA* and drew the following conclusions:

1. The project has the potential to result in unacceptable adverse eco-systemic and socio-economic effects.
2. The project has the potential to result in unacceptable impacts on wildlife habitat or Inuit harvest activities.

CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the Canadian Arctic Holidays Ltd.'s "Clyde River Land Use Permit". The NIRB remains available for consultation with the Minister regarding this report as necessary.

Dated March 19, 2020 at Baker Lake, NU.



Kaviq Kaluraq, Chairperson