



SCREENING DECISION REPORT NIRB FILE No.: 19YN045

NPC File No.: 149189

April 3, 2020

Following the Nunavut Impact Review Board's (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of the Department of National Defence's "Replacement of Buoys for ICE-PPR" is not required pursuant to Article 12, Section 12.4.4(a) of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and s. 92(1)(a) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*).

Subject to the Proponent's compliance with the terms and conditions as set out in below, the NIRB is of the view that the project proposal is not likely to cause significant public concerns, and it is unlikely to result in significant adverse environmental and social impacts. The NIRB therefore recommends that the responsible Minister(s) accepts this Screening Decision Report.

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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 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 November 1, 2019 the Nunavut Impact Review Board (NIRB or Board) received a referral to screen Department of National Defence's (DND) "Replacement of Buoys for ICE-PPR" 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 *Nunavut Agreement* and s. 87 of the *NuPPAA*, the NIRB commenced screening this project proposal and assigned it file number **19YN045**.

PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS

1. Screening Process Timelines

The following key stages were completed for the screening process:

Date	Stage
November 1, 2019	Receipt of project proposal and positive conformity determination (North Baffin Regional Land Use Plan) from the Commission.
December 2, 2019	Request to complete public registry online and provide information pursuant to s. 144(1) of the <i>NuPPAA</i>
December 18, 2019; February 18, 2020	Requests to Proponent for additional information in order to carry out screening pursuant to s. s. 144(1) of the <i>NuPPAA</i>
February 4, 2020	Receipt and acceptance of online application from Proponent
February 20, 2020	Proponent responded to information requests and provided additional information
February 20, 2020	Scoping pursuant to s. 86(1) of the <i>NuPPAA</i>
February 25, 2020	Public engagement and comment request

Date	Stage
March 6, 2020	Receipt of public comments
April 3, 2020	Issuance of Screening Decision Report

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/125497.

Project:	Replacement of Buoys for ICE-PPR
Region:	Qikiqtani (North Baffin)
Location:	Northwest of Ellesmere Island
Closest Community:	Approximately 580 to 645 kilometres (km) northwest from Grise Fiord
Summary of Project Description:	The Proponent intends to airdrop buoys on to the ice to monitor environmental conditions and track ice movement.
Project Proposed Timeline:	March 2020 with buoys to remain until June 2025

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

- Airdrop of three (3) ice tracker buoys from Royal Canadian Air Force C130 Hercules or CC138 Twin Otter;
- Flight below 300 meters (1000 feet) for approximately 15 minutes per buoy drop; and
- Basing of aircraft out of Resolute Bay.

3. 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.

4. Public Comments and Concerns

Notice regarding the NIRB's screening of this project proposal was distributed on February 25, 2020 to community organizations in Grise Fiord 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 March 6, 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 or before March 6, 2020 the NIRB received comments from the following interested parties:

Crown-Indigenous Relations and Northern Affairs Canada

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

- Does not have any comments or concerns at this time.

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

No concerns or comments were received with respect to Inuit Qaujimaningit or traditional and community knowledge in relation to the proposed project.

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:

Factor	Comment
The size of the geographic area, including the size of wildlife habitats, likely to be affected by the impacts.	<ul style="list-style-type: none"> ▪ The physical footprint of the proposed project components is minimal, consisting only of the three (3) individual locations where the buoys would be dropped. ▪ The proposed project would take place within habitats of far-ranging wildlife species such as arctic fox and Species at Risk such as Polar Bears, as well as marine mammals such as seals.
The ecosystemic sensitivity of that area.	<ul style="list-style-type: none"> ▪ No specific areas of ecosystemic sensitivity have been identified by the Proponent within the physical footprint of the proposed project.

Factor	Comment
The historical, cultural and archaeological significance of that area.	<ul style="list-style-type: none"> No specific areas of cultural and archaeological significance have been identified by the Proponent or the Government of Nunavut within the physical footprint of the proposed project.
The size of the human and the animal populations likely to be affected by the impacts.	<ul style="list-style-type: none"> The proposed project is unlikely to result in significant impacts to local human and animal populations.
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.	<ul style="list-style-type: none"> A zone of influence of up to 100 km from the most potentially-disruptive project activities was selected for the NIRB's assessment. 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.
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.	<ul style="list-style-type: none"> There are no other past, present or reasonable foreseeable projects that are within the project area. 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.
Any other factor that the Board considers relevant to the assessment of the significance of impacts.	<ul style="list-style-type: none"> The project will provide some economic benefit to Resolute Bay due to the aircraft crew using local accommodations. The Project will provide greater knowledge on changes in the environment due to climate change.

Views 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. In addition, the NIRB has proposed terms and conditions that would mitigate the potential adverse impacts identified.

The NIRB has listed specific Acts and Regulations below that may be applicable to the project proposal but this list should not be considered as a complete list and the Proponent is responsible to ensure that it follows all Acts and Regulations that may be applicable to the project proposal.

Ecosystem, wildlife habitat and Inuit harvesting activities:

Valued Component	Polar Bears, Arctic Foxes, and Seals
Potential effects:	Potential adverse effects to Polar Bears, arctic foxes, and seals that may be encountered on the ice from noise and visual disturbance generated from the dropping of buoys from aircraft.
Nature of Impacts:	The potential for impacts is considered to be limited due to the temporary activities and any resulting impacts would be expected to be minimal and reversible.
Mitigating Factors:	Proponent will be flying below 1000 feet only for limited periods to drop buoys onto the ice.
Proposed Terms and Conditions:	4 through 7
Related Acts and/or Regulations:	1. The <i>Species at Risk Act</i> (http://laws-lois.justice.gc.ca/eng/acts/S-15.3/index.html). 2. The <i>Wildlife Act (Nunavut)</i> and its corresponding regulations (http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html).

Valued Component	Inuit harvesting and traditional land use activities
Potential effects:	No specific concerns or impacts to public and traditional land use activities in the area have been identified, however, the Board is recommending terms and conditions to ensure project activities are informed by available Inuit Qaujimaningit and that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.
Nature of Impacts:	The potential for impacts is considered to be limited due to the temporary activities and distance from the closest community. Any resulting impacts would be expected to be minimal and reversible.
Mitigating Factors:	Proponent will conduct the operation from an aircraft, and the remote location is unlikely to be used by hunters or for traditional activities.
Proposed Terms and Conditions:	8
Related Acts and/or Regulations:	The <i>Nunavut Act</i> (http://laws-lois.justice.gc.ca/eng/acts/N-28.6/).

Socio-economic effects on northerners:

Valued Component	Local Economic Benefits
Potential effects:	The proponent will be based out of Resolute Bay and may provide positive economic effects through local purchasing and use of accommodations.
Nature of Impacts:	The potential for impacts is considered to be positive to the community of Resolute Bay.

Mitigating Factors:	n/a
Proposed Terms and Conditions:	n/a
Related Acts and/or Regulations:	n/a

Significant public concern:

- No significant public concern was expressed during the public commenting period for this file.

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 following project-specific terms and conditions have been recommended: 1-3.

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 Board is recommending the following specific terms and conditions to apply in respect of the project:

General

1. The Department of National Defense (the Proponent) shall maintain a copy of the Project Terms and Conditions at the site of operation at all times.
2. The Proponent shall operate in accordance with all commitments stated in correspondence provided to the Nunavut Planning Commission (NPC File No.: 149189) and the NIRB (Online Application Form, February 3, 2020; Final Project Description, February 20, 2020).
3. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

Wildlife – General

4. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.

5. 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.

Aircraft Flight Restrictions

6. The Proponent shall not alter flight paths to approach wildlife, and avoid flying directly over animals.
7. The Proponent shall restrict aircraft/helicopter activity related to the project to a minimum flight altitude of 610 metres above ground level except during landing, take-off or if there is a specific requirement for low-level flying, which does not disturb wildlife or migratory birds.

Other

8. 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.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

In addition to the project-specific terms and conditions, the Board is recommending the following:

Change in Project Scope

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

Copy of licences, etc. to the Board and Commission

2. 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 or upload a copy to the NIRB's online registry at www.nirb.ca.

CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the Department of National Defense's "Replacement of Buoys for ICE-PPR". The NIRB remains available for consultation with the Minister regarding this report as necessary.

Dated April 3, 2020 at Baker Lake, NU.



Kaviq Kaluraq, A/Chairperson