



SCREENING DECISION REPORT NIRB FILE No.: 15AN029

NPC File No.: 149294

Associated NPC File Nos.: 148266 and 149008

May 11, 2020

Following the Nunavut Impact Review Board's (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of Arctic Kingdom's "Arctic Kingdom Floe Edge Camp Day Trips – 2020" 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 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 February 26, 2020 the NIRB received a referral to screen Arctic Kingdom's "Arctic Kingdom Floe Edge Camp Day Trips - 2020" project proposal from the Nunavut Planning Commission (Commission), with an accompanying positive conformity determination with the North Baffin Regional Land Use Plan. The Commission noted that the previous conformity determination issued on May 21, 2015, June 7, 2016 and January 15, 2019 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 addition of a landing and visit to a new location (Cobourg Island) near the community of Grise Fiord

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. Due to the proposal containing activities that were sufficiently related to previously assessed activities under NIRB file number **15AN029**, the NIRB viewed this project proposal as an amendment to the previously screened project and assigned the proposal with this previous file number.

PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS

1. Screening Process Timelines

The following key stages were completed for the screening process:

Date	Stage
February 26, 2020	Receipt of <i>amended</i> project proposal and positive conformity determination (North Baffin Regional Land Use Plan) from the Commission.
February 26, 2020	Request to complete public registry online and provide information pursuant to s. 144(1) of the <i>NuPPAA</i>
February 26, 2020	Receipt of online application from Proponent
February 27, 2020	Scoping pursuant to s. 86(1) of the <i>NuPPAA</i>

Date	Stage
March 6, 2020	Public engagement and comment request
March 26, 2020	Receipt of public comments
May 11, 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/125511.

The following table provides a summary of the *original* project as previously screened by the NIRB (File No. 15AN029):

Original Project:	Pristine Seas File Project				
Region:	The project as previously approved was located within the Qikiqtani (North Baffin) region.				
Location:	Northwest shore of Navy Board Inlet in Lancaster Sound				
Closest Community:	Pond Inlet	Distance (approximate)	120 kilometres (km)	Direction	Northwest
Summary of Project Description:	The Project as originally screened included several expeditions to Greenland and Canada to film Arctic wildlife and the traditional way of life of the Inuit. A complete description of the scope of activities previously approved has been included within Appendix A .				
Original Project Timeline:	June to July 2015				

The following table provides a summary of the current *amended* project as proposed by Arctic Kingdom:

Amended Project:	Arctic Kingdom Floe Edge Camp Day Trips - 2020				
Region:	The project would be located in the same area as previously approved and would be located within the Qikiqtani (North Baffin) region				
Location:	Lancaster Sound				
Closest Community:	Approximately 110 km southeast from Grise Fiord, 200 km northeast from Arctic Bay, with some activities to occur within both the Sirmilik National Park and the Nirjutiqarvik Wildlife Area				
Summary of Project Description:	The Proponent intends to amend the scope of previously approved activities to setup a temporary base camp at a new location, to visit the Sirmilik National Park and the Coburg Island in order to continue its tourism activities.				
Project Proposed Timeline:	May to June 2021				

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

- Setup and removal of a temporary base camp on ice near a floe edge in Lancaster Sound to support Arctic Kingdom's seasonal tourist expeditions:
 - Camp to support up to 25 people at a time;
 - Camp to include sleeping tents, work tents, dining and kitchen shelter tents;
- Tourist activities to include:
 - Visits to the floe edge in Lancaster Sound within the proposed Tallurutiup Imanga National Marine Conservation Area;
 - Sightseeing, and wildlife watching;
 - Photography and filming surrounding areas;
 - Hiking, fishing, and flightseeing;
- Use of two (2) helicopters and a twin otter aircraft for transportation of staff and visitors;
- Use of aircrafts for sightseeing purposes and potential visits to other sites within Bylot Island Migratory Bird Sanctuary (within the Sirmilik National Park) and on Coburg Island (within the Nirjutiqarvik Wildlife National Area) for short visits;
- Use of snowmobiles to transport personnel and equipment to facilitate tourist activities;
- Hiring of local personnel as guides, bear monitors and other personnel as needed;
- Transportation, storage and use of fuel (gasoline, aviation fuel, diesel) and propane;
- Use of snow and ice for domestic purposes;
- Production of human and grey waste water; and;
- Removal of wastes (sewage and garbage) for proper disposal.

3. Inclusion or Exclusion to Scoping List

At this time, the NIRB has identified no additional works or activities in relation to the project proposal; however, the NIRB notes that some project activities are expected to occur within both the Sirmilik National Park and the Nirjutiqarvik National Wildlife Area, and the above scope includes the entire project activities. As a result, the NIRB will proceed 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 March 6, 2020 to community organizations in Arctic Bay, Grise Fiord and Pond Inlet, 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 March 16, 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 26, 2020 the NIRB received comments from the following interested parties:

- **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)

- Noted concern that the Proponent's Wildlife Policies Document does not contain information pertaining to minimum flight altitude that will be maintained by aircraft to avoid wildlife deterrence.
- Recommended that aircraft should maintain an altitude of 600 metres (m), except when approaching a landing site. Prior to landing or take off, a visual inspection of the surroundings should be conducted and if any wildlife are detected, aircraft should delay take off and wait till animals have left the area.
- Recommended the Proponent not circle any wildlife that are observed and follow Section 74(1) of the *Nunavut Wildlife Act*.
- Noted concern with respect to the Proponent's Polar Bear policies' and deterrence methodologies and noted that the policies' may cause undue stress to the bear if implement as suggested.
- Noted concern with respect to the Proponent proposing the use of "lead shot" as a non-lethal measure for the deterrence of Polar Bears and stressed that at no time should lead shot be used in the deterrence of bears as it may result in serious injury to the bear.
- Recommended Proponent use approved Government of Nunavut non-lethal deterrence measures including 12-gauge shotguns with bear bangers and rubber slugs, and the use of bear spray. In the immediate danger to humans, then a 12-gauge rifled slug should be used to euthanize the troubled bear.
- Recommended the Proponent maintain a distance of 100 m in water and a minimum distance of 300 m on the ice or land from Polar Bears. Further, at no times should any bears be surrounded.
- Recommended that Project groups should include a certified bear monitor.
- Recommended that any interactions between people and wildlife should be immediately reported to the closest local conservation officer.

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)

- Noted that the potential impacts of the proposed Project can be mitigated with known practices or technology.

- Noted that no details were provided for engagement with the Mittimatalik Hunters and Trappers Organization (HTO), the Iviq HTO or the Hamlet of Arctic Bay, and recommended the Proponent provide a brief written summary of any interactions it has made with community representatives and include meeting dates, means of interaction, discussion topics, and commitments made.
- Recommended the Proponent consider how it would involve nearby communities in its project activities and recommended the following:
 - Incorporation of Inuit knowledge or Inuit Qaujimajatuqangit in the Project design;
 - Briefing community representatives on planned activities; and,
 - Training, employment, and contracting opportunities for community members.
- Noted that the Identification of Environmental Impacts table does not include all potential impacts for several valued components and recommended the following:
 - Update the table to include refueling activities, with any associated potential impacts related to refueling activities;
 - Clarify the basis for excluding potential impacts on “Birds, including habitat and migration patterns”, given that the proposed activities include flights near Bylot Island Migratory Bird Sanctuary and Nirjutiqarvik National Wildlife Area; and,
 - Clarify the basis for excluding potential impacts on “Aquatic species, including habitat and migration/spawning”, given that the proposed activities include kayaking and refueling activities in camps which are to be based on ice near the floe edge.

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 amended project consist of a 25-man tent camp and facilities and would include transportation of visitors using helicopters and a twin otter aircraft

Factor	Comment
	<p>for potential visits to other sites within Bylot Island Migratory Bird Sanctuary (within the Sirmilik National Park), Coburg Island (within the Nirjutiqarvik Wildlife National Area) for short visits and the proposed Tallurutiup Imanga National Marine Conservation Area.</p> <ul style="list-style-type: none"> Proposed activities may take place within habitats for many far-ranging wildlife species including wolves, caribou (Peary caribou), muskox, arctic fox, migratory birds and non-migratory birds, and Species at Risk (such as Polar Bears and Ivory Gulls), as well as marine mammals such as seal and may potentially affect animal migratory patterns.
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 but parts of the proposed project are occurring within the Sirmilik National Park, Nirjutiqarvik Wildlife Area and the proposed Tallurutiup Imanga National Marine Conservation Area.
The historical, cultural and archaeological significance of that area.	<ul style="list-style-type: none"> No specific areas of historical, 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 may take place within the habitat of a number of species as identified above and as such, may potentially affect wildlife, their habitat and their migratory patterns. Human population and/or traditional land activities is unlikely to be affected as the nearest community to the proposed project is 110 km away.
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 20 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	<ul style="list-style-type: none"> The mitigation measures recommended by the NIRB have been designed with consideration for the potential for cumulative effects to result from

Factor	Comment
being carried out or is likely to be carried out.	the impacts of the project combined with other past, present and reasonably foreseeable projects.
Any other factor that the Board considers relevant to the assessment of the significance of impacts.	<ul style="list-style-type: none"> No other relevant factors were identified.

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

NIRB Number	Project Title	Project Type
<i>Proposed Developments – undergoing assessment</i>		
n/a		
<i>Present Projects – approved or in operation</i>		
19AN004	Bylot Island Multi-Day Hike	Tourism
19YN020	Impact of Melting Tidewater Glaciers on Marine Biogeochemical Cycles	Research
<i>Past Projects</i>		
18YN007	Climate – Terrestrial Biodiversity Investigation of Tundra Vegetation and Sediment of Lakes/Ponds along an Arctic Latitudinal Gradient	Research
18YN008	Spatially Distributed Modelling of Carbon, Water and Nutrient Fluxes for Arctic Community Source Water Catchment	Research
19AN033	Nirjutiqarvik National Wildlife Area Clean-Up	Site Cleanup/Remediation

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	Migratory and non-migratory birds, terrestrial wildlife (such as caribou and muskox), marine mammals and Species at Risk (Polar Bears and Ivory Gulls)
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Potential effects:	Potential adverse effects to migratory and non-migratory birds, terrestrial wildlife, marine mammals and Species at Risk from noise and visual disturbance generated from the setup of a temporary camp and transportation of personnel and equipment on day trips for sightseeing activities and visits to other sites.
Nature of Impacts:	The potential for impacts is considered to be limited due to infrequent and temporary activities and any resulting impacts would be expected to be reversible. Some project activities, such as transport and sightseeing activities could potentially disturb arctic fox, polar bears, marine mammals and migratory birds with home range sizes habituated to the project area. Further, it is noted that the potential visits would include sites within Bylot Island Migratory Bird Sanctuary (within the Sirmilik National Park), Coburg Island (within the Nirjutiqarvik Wildlife National Area) and the proposed Tallurutiup Imanga National Marine Conservation Area.
Mitigating Factors:	The Proponent proposes to ensure the camp is established with minimal impact to wildlife and to land the helicopters/twin otter in suitable areas that have been discussed with Parks Canada and Canadian Wildlife Service that would not impact wildlife. Further, the Proponent has provided a Wildlife Policies and Seabird Guidelines for staff and visitors to follow.
Previously Recommended Terms and Conditions:	6, 7, 11, and 13 through 27.
Proposed New Terms and Conditions:	37 and 38
Related Acts and/or Regulations:	<p>The Board previously recommended in the August 8, 2016 Screening Decision Report the following legislation, which continues to apply to the current proposal:</p> <ol style="list-style-type: none"> 1. The <i>Migratory Birds Convention Act</i> and <i>Migratory Birds Regulations</i> (http://laws-lois.justice.gc.ca/eng/acts/M-7.01/). 2. The <i>Species at Risk Act</i> (http://laws-lois.justice.gc.ca/eng/acts/S-15.3/index.html). Attached in Appendix A is a list of Species at Risk in Nunavut. 3. The <i>Wildlife Act</i> (http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html). 4. The <i>Aeronautics Act</i> (http://laws-lois.justice.gc.ca/eng/acts/A-2/). <p>In addition, the Proponent is also advised that the following legislation may apply to the project:</p>

	5. The <i>Canada National Parks Act</i> (http://laws-lois.justice.gc.ca/eng/acts/n-14.01/).
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Valued Component	Surface water quality, fish and fish habitat, soil and vegetation
Potential effects:	Potential adverse impacts to surface water quality, fish and fish habitat, the land and vegetation from the establishment of a temporary camp, usage and potential fuel spills, disposal of sewage, and greywater at the temporary camps and general tourist activities.
Nature of Impacts:	The potential for impacts is considered to be limited due to infrequent and temporary activities and any resulting impacts would be expected to be reversible
Mitigating Factors:	The Proponent noted that it would ensure that drip pans are placed underneath fill points to catch any accidental spillage. Absorbent pads would also be kept onsite in case of larger spills. The Proponent has also previously provided a comprehensive spill contingency plan.
Previously Recommended Terms and Conditions:	5, 6, 8 through 10, and 28 through 32.
Proposed New Terms and Conditions:	N/A
Related Acts and/or Regulations:	<p>The Board previously recommended in the August 8, 2016 Screening Decision Report the following legislation, which continues to apply to the current proposal:</p> <ol style="list-style-type: none"> 1. The <i>Fisheries Act</i> (http://laws-lois.justice.gc.ca/eng/acts/F-14/index.html). 2. The <i>Nunavut Waters and Nunavut Surface Rights Tribunal Act</i> (http://laws-lois.justice.gc.ca/eng/acts/n-28.8/). 3. The <i>Transportation of Dangerous Goods Regulations</i> (http://www.tc.gc.ca/eng/tdg/clear-tofc-211.htm), <i>Transportation of Dangerous Goods Act</i> (http://laws-lois.justice.gc.ca/eng/acts/t-19.01/), and the <i>Canadian Environmental Protection Act</i> (http://laws-lois.justice.gc.ca/eng/acts/C-15.31/).

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 previously recommended 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 minimal due to the temporary and low-impact nature of the activities and any resulting impacts would be expected to be reversible.
Mitigating Factors:	Due to the distance from communities, it is possible that the area could be used for traditional activities; however, no comments were received from the community on this aspect. Further, noise from the tourist activities may temporarily change distribution of harvested species through avoidance and may affect personal enjoyment of the land.
Previously Recommended Terms and Conditions:	33 and 35
Proposed New Terms and Conditions:	N/A
Related Acts and/or Regulations:	N/A

Socio-economic effects on northerners:

Valued Component	Archaeological and Historical Sites
Potential effects:	No specific areas of historical, cultural and archaeological significance have been identified by the Proponent or Government of Nunavut within the physical footprint of the proposed project. However, as the Proponent is planning on visiting the Bylot Island Migratory Bird Sanctuary (within the Sirmilik National Park) and Coburg Island (within the Nirjutiqarvik Wildlife National Area) there is the potential that archeological sites may be encountered.
Nature of Impacts:	The potential for impacts is considered to be minimal due to the nature of the activities and due care of the Proponent to avoid disturbance of historical sites.
Mitigating Factors:	The Proponent is required to contact the Culture and Heritage Department when encountering any historical sites.
Previously Recommended Terms and Conditions:	12 and 33
Proposed New Terms and Conditions:	N/A
Related Acts and/or Regulations:	The Board previously recommended in the August 8, 2016 Screening Decision Report the following legislation, which continues to apply to the current proposal:

	1. The <i>Nunavut Act</i> (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 B .
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Valued Component	Local hiring, contracting, and economic impact
Potential effects:	The proponent has committed to hiring local guides and trained expedition leaders
Nature of Impacts:	The potential for impacts is considered to be positive for the local Inuit who are hired.
Mitigating Factors:	Recommended terms and conditions
Previously Recommended Terms and Conditions:	33 and 34
Proposed New Terms and Conditions:	N/A
Related Acts and/or Regulations:	N/A

Significant public concern:

Valued Component	Public concern
Potential effects:	No significant public concern was expressed during the public commenting period for this file; however, the Board previously recommended terms and conditions to ensure project activities do not interfere with Inuit wildlife harvesting or traditional land use activities, to the extent possible hire local people and access local services where possible, and to ensure planned activities in the area utilizes available Inuit Qaujimaningit.
Nature of Impacts:	The potential for impacts is considered to be minimal as long as the Proponent follow the recommended terms and conditions.
Mitigating Factors:	Recommended terms and conditions
Previously Recommended Terms and Conditions:	33, 34 and 35
Proposed New Terms and Conditions:	N/A
Related Acts and/or Regulations:	N/A

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 through 4, which continue to apply to the current project proposal. The Board is also recommending term and condition 36 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 August 8, 2016 Screening Decision Report for File No. **15AN029**, **and continue to apply to the "Arctic Kingdom Floe Edge Camp Day Trips - 2020" project:**

General

1. Arctic Kingdom Inc. (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 (Application to Determine Conformity, June 7, 2016), and the NIRB (Online Application Form, NIRB's Part 1 Summary Form in Inuktitut, June 30, 2016).
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

Water Use

5. The Proponent shall ensure that water extraction from any fish-bearing waterbody is done with appropriate care and caution. Small lakes or streams should not be used for water withdrawal unless approved by the Nunavut Water Board.

Waste Disposal

6. 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.

Fuel and Chemical Storage

7. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife.
8. The Proponent shall use adequate secondary containment or a surface liner (e.g., self-supporting insta-berms and fold-a-tanks), when storing barreled fuel and chemicals at all locations.
9. The Proponent shall ensure that appropriate spill response equipment and clean-up materials (e.g., shovels, pumps, barrels, drip pans, and absorbents) are readily available during any transfer of fuel or hazardous substances, and at all fuel storage sites.
10. 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.

Wildlife Viewing and Tourism Activities

11. The Proponent shall ensure that all passengers (clients and staff) are aware of the Proponent's responsibilities and requirements regarding wildlife and wildlife habitat protection. This should include pre-landing briefings on wildlife sensitivities and potential hazards, proper wildlife viewing techniques and safety practices.
12. The Proponent shall ensure that all passengers (clients and staff) 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.
13. While on the zodiacs, the Proponent shall limit viewing time of each concentration of marine mammals to a maximum of thirty (30) minutes in order to minimize disturbance.
14. 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.
15. The Proponent shall ensure that visitation of cliffs used by nesting and breeding birds is restricted to zodiacs only, and then only during morning and early afternoon hours. Noise should be kept to a minimum when visiting these bird colonies.

Wildlife - General

16. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.
17. The Proponent shall not harass wildlife. This includes persistently worrying or chasing animals, or disturbing large groups of animals. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired.
18. 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

19. (*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 zone¹ appropriate for the species and the surrounding habitat.
20. The Proponent shall minimize activities during periods when birds are particularly sensitive to disturbance such as migration, nesting and moulting.
21. The Proponent shall avoid the seaward site of seabird colonies and areas used by flocks of migrating waterfowl by three (3) kilometres.
22. The Proponent shall ensure its aircraft avoid excessive hovering or circling over areas where bird presence is likely.

Aircraft Flight Restrictions

23. The Proponent shall restrict aircraft/helicopter activity related to the project to a minimum altitude of 610 metres above ground level unless there is a specific requirement for low-level flying, which does not disturb wildlife and migratory birds.
24. 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.
25. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
26. The Proponent shall advise all pilots of relevant flight restrictions and enforce their application over the project area, including flight paths to/from the project area.

Caribou and Muskoxen Disturbance

27. The Proponent shall cease activities that may interfere with the migration or calving of caribou or muskox, until the caribou or muskox have passed or left the area.

Ground Disturbance

28. The Proponent shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging. Overland travel of equipment or vehicles must be suspended if rutting occurs.

Temporary Camps and Land Use

29. The Proponent shall ensure that all camps are located on gravel, sand or other durable land.
30. The Proponent shall ensure that the land use area is kept clean and tidy at all times.

¹ 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.

Restoration of Disturbed Areas

31. The Proponent shall remove all garbage, fuel and equipment upon abandonment.
32. The Proponent shall complete all clean-up and restoration of the lands used prior to the end of each field season and/or upon abandonment of site.

Other

33. 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.
34. The Proponent should, to the extent possible, hire local people.
35. The Proponent shall ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.

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

General

36. The Proponent shall operate in accordance with all commitments stated in correspondence provided to the Nunavut Planning Commission (NPC File No.: 149294), and the NIRB (Online Application Form, March 20, 2020).

Aircraft Flight Restrictions

37. The Proponent shall not alter flight paths to approach wildlife, and shall avoid flying directly over animals.

Caribou and Muskox Disturbance

38. The Proponent shall avoid interfering with any paths or crossings known to be frequented by caribou during periods of migration.

MONITORING AND REPORTING REQUIREMENTS

The Board has previously recommended the following on August 8, 2016:

Wildlife Report

1. (*updated*) The Proponent shall maintain a record of wildlife observations while operating within the project area and submit the summary report to the Nunavut Impact Review Board and Government of Nunavut, Department of Environment at the end of each field season. The summary report based on wildlife observations should include the following:
 - a) Locations (i.e., latitude and longitude), species, number of animals, a description of the animal activity, and a description of the gender and age of animals if possible.
 - b) Prior to conducting project activities, the Proponent should map the location of any sensitive wildlife sites such as denning sites, calving areas, caribou crossing sites, and

- raptor nests in the project area, and identify the timing of critical life history events (i.e., calving, mating, denning and nesting).
- c) Additionally, the Proponent should indicate potential impacts from the project, and ensure that operational activities are managed and modified to avoid impacts on wildlife and sensitive sites.
 - d) An analysis of the effectiveness of mitigation measures for wildlife.

In addition to the previously recommended monitoring and reporting requirements, the Board is recommending the following:

Community Consultation Report

- 2. The Proponent shall submit a public consultation report prior to the commencement of project activities. The report shall include a copy of materials presented to community members, a description of issues and concerns raised, and advice offered to the company as well as any follow-up actions that were required or taken to resolve any concerns expressed about the project proposal. Further, report should include how Inuit knowledge or Inuit Qaujimaningit have been incorporated into the design of the project.

Wildlife Policies – Code of Ethics & Safety

- 3. Prior to the start of project activities, the Proponent shall submit an updated Wildlife Policies – Code of Ethics and Safety document to the Nunavut Impact Review Board, and the Government of Nunavut, Department of Environment (GN-DoE). At a minimum, this plan should include an update on the minimum safe distance from Polar Bears in water and on land, and the type of non-lethal measures to be used for deterrence of Polar Bears and other wildlife as approved by the GN-DoE. The Proponent is encouraged to consult with the GN's Regional Biologists during the revision of the policies to ensure adequate mitigation of potential wildlife impacts.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

In addition to the project-specific terms and conditions, the Board has previously recommended the following on August 8, 2016:

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. 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: https://www.enr.gov.nt.ca/sites/enr/files/resources/safety_in_grizzly_and_black_bear_country_english.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.
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 (Conservation Officer of Pond Inlet, phone: (867) 899-8819 or (867) 899-8035; Conservation Officer of Grise Fiord, phone: (867) 980-4164; Conservation Office of Arctic Bay, phone: (867) 439-9945).

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. 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. (updated) 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://publications.gc.ca/collections/collection_2013/ec/CW66-324-2013-eng.pdf.

Fishing Licence

8. The Proponent shall ensure that all guests partaking in sport fishing activities during their stay at the camp obtain fishing licences from the Government of Nunavut-Department of Environment.

Transport of Waste/Dangerous Goods and Waste Management

9. Environment and Climate Change Canada recommends that all hazardous wastes, including waste oil, receive proper treatment and disposal at an approved facility.
10. The Proponent shall ensure that a waste manifest or the appropriate transportation of dangerous goods (TDG) documentation accompany all potential hazardous samples and/or materials that are transported off site. Further, the Proponent shall ensure that the shipment of waste is registered with the Government of Nunavut Department of Environment (GN-DoE). Contact the Manager of Pollution Control and Air Quality at (867) 975-7748 to obtain a manifest if hazardous waste will be generated during project activities.

The Board is currently also recommending the following:

Copy of licences, etc. to the Board and Commission

11. 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.

Use of Inuit Qaujimaningit

12. 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.

CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the Arctic Kingdom's "Arctic Kingdom Floe Edge Camp Day Trips - 2020". The NIRB remains available for consultation with the Minister regarding this report as necessary.

Dated May 11, 2020 at Baker Lake, NU.



Kaviq Kaluraq, 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 Holder

APPENDIX A: PREVIOUSLY-SCREENED PROJECT PROPOSALS

The original project proposal (NIRB File No.: 15AN029) was received by the Nunavut Impact Review Board (NIRB or Board) directly from Arctic Kingdom. On May 15, 2015 the NIRB received a referral from the Qikiqtani Inuit Association to screen Arctic Kingdom's "Pristine Seas Film Project" proposal and on May 21, 2015 the NIRB received a positive conformity determination with the North Baffin Regional Land Use Plan from the Nunavut Planning Commission for this file. The project proposal was screened by the Board in accordance with Part 4, Article 12 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)*. On June 15, 2015 the NIRB issued a *Nunavut Agreement* 12.4.4(a) screening decision to then Minister of Aboriginal Affairs and Northern Development, Government of Canada and the President of Qikiqtani Inuit Association which indicated that the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions.

Arctic Kingdom's (Proponent) original "Pristine Seas Film Project" project was located on the northwest shore of Navy Board Inlet in Lancaster Sound in the Qikiqtani region (north Baffin), near the community of Pond Inlet. The Proponent intended to conduct several expeditions to Greenland and Canada to film Arctic wildlife and the traditional way of life of the Inuit. The program was proposed to take place from June to July 2015.

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

- Filming of Arctic wildlife, the traditional way of life of Inuit and natural history; and to record Inuit stories and opinions on the ongoing environmental changes.
- Filming to be conducted topside from the land, underwater and from air;
- Use of helicopter and single otter plane to transport personnel and equipment to and from camp facility;
- Use of helicopter and single otter plane for location scouting and aerial filming;
- Use of twin otter to transport equipment and fuel to camp facility;
- Use of snowmobiles and ATV's to transport personnel and equipment to film locations on land;
- Use of zodiac to transport personnel and equipment to film locations on water;
- Setup of temporary camp land on the northwest shore of Navy Board Inlet, for 22 people to support filming activities including sleeping tents, work tents, dining and kitchen shelter tents;
- Storage and use of fuel and propane;
- Use of water for domestic purposes;
- Production of human and grey water waste; and,
- Removal of wastes (sewage and garbage) for disposal.

Additional authorization, extension and amendment requests associated with the "Pristine Seas Film Project" have also been reviewed by the NIRB following screening of the original project proposal (File No. 15AN029).

On August 8, 2016, after receiving an application for modified activities, the NIRB issued new terms and conditions associated with Arctic Kingdom Inc.'s "Navy Board Tourist Camp" project as per s. 92(2)(a) of the *NuPPAA*. The Proponent intended to conduct private tourist expeditions based from a temporary camp located on the northwest shore of Navy Board Inlet in Lancaster Sound. The program was proposed to take place on an annual basis during June and July. The following is a summary of the scope of the activities and components associated with the June 7, 2016 tourism application included:

- Setup and removal of temporary base camp on the northwest shore of Navy Board Inlet on an annual basis
 - Camp to support up to 30 people at a time;
 - Camp to include sleeping tents, work tents, dining and kitchen shelter tents;
- Use of helicopter, single otter plane and/or twin otter plane for location scouting, and transport personnel and equipment to and from camp facility;
- Use of aircraft for sightseeing purposes and potential visits to other sites on Devon, Cornwallis, Somerset Islands, Pond and Admiralty Inlets, and the Brodeur Peninsula;
- Use of snowmobiles, ATVs and a zodiac to transport personnel and equipment to facilitate sightseeing, wildlife watching, photography, filming, hiking, fishing, snorkeling, scuba diving, flightseeing, and other tourist activities;
- Potential visits to cultural and historical site in the vicinity of the base camp;
- Hiring of local personnel as guides, bear monitors and other personnel as needed;
- Storage and use of fuel (approximately 250 litres (L) gasoline, 220 L aviation fuel, 220 L diesel) and propane (approximately 90 L);
- Use of water for domestic purposes;
- Production of human and grey water waste; and,
- Removal of wastes (sewage and garbage) on a weekly basis for proper disposal.

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) to get the current status of a species.

Updated: September 2019

Terrestrial Species at Risk²	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility³
Migratory Birds			
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	Threatened	Schedule 1	ECCC
Peregrine Falcon	Special Concern	Schedule 1	ECCC
Red Knot Islandica Subspecies	Special Concern	Schedule 1	ECCC
Red-necked Phalarope	Special Concern	Schedule 1	ECCC
Ross's Gull	Threatened	Schedule 1	ECCC
Rusty Blackbird	Special Concern	Schedule 1	ECCC
Short-eared Owl	Special Concern	Schedule 1	ECCC
Vegetation			
Porsild's Bryum	Threatened	Schedule 1	Government of Nunavut (GN)
Arthropods			
Transverse Lady Beetle	Special Concern	No Schedule	GN
Terrestrial Wildlife			
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	ECCC
Peary Caribou	Endangered	Schedule 1	GN
Polar Bear	Special Concern	Schedule 1	ECCC
Wolverine	Special Concern	Schedule 1	GN
Marine Wildlife			
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

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.

Terrestrial Species at Risk²	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility³
Beluga Whale (Eastern High Arctic-Baffin Bay Population)	Special Concern	No Schedule	DFO
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 PALAEOONTOLOGICAL 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:

	Types of Development (See Guidelines below)	Function (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 Overview Assessment and/or Inventory and Documentation and/or Mitigation
c)	Construction of linear disturbances, Extractive disturbances, Impounding disturbances and other land disturbance activities	Archaeological/Palaeontological Overview Assessment and/or Inventory and Documentation and/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*⁴ to issue such permits.

⁴P.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*⁵, 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*⁶, 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)

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

⁵ s. 51(1)

⁶ P.C. 2001-1111 14 June, 2001

heritage resources in Nunavut, in partnership with land claim authorities, regulatory agencies, and 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.