



**SCREENING DECISION REPORT
NIRB FILE No.: 15TN012**

NPC File No.: 149387
Related to NPC File No.: 148478

September 23, 2020

Following the Nunavut Impact Review Board’s (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of 994458 Nunavut Limited’s (NL’s) “Arctic Haven Runway Overlay” project proposal 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 June 25, 2020 the Nunavut Impact Review Board (NIRB or Board) received a referral to screen 994458 Nunavut Limited’s (NL) “Arctic Haven Runway Overlay” project proposal from the Nunavut Planning Commission (Commission), with an accompanying positive conformity determination with the Keewatin Regional Land Use Plan. The Commission noted that the previous conformity determination issued on March 10, 2015 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 runway extension.

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 **15TN012**, 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
June 25, 2020	Receipt of <i>amended</i> project proposal and positive conformity determination (Keewatin Regional Land Use Plan) from the Commission.
June 25, 2020	Request to complete public registry online and provide information pursuant to s. 144(1) of the <i>NuPPAA</i>
July 23, 2020	Receipt of online application from Proponent
July 24, 2020	Request(s) to Proponent for additional information in order to carry out screening pursuant to s. s. 144(1) of the <i>NuPPAA</i>

Date	Stage
July 31, 2020	Proponent responded to information request(s) and provided additional information
July 31, 2020	Scoping pursuant to s. 86(1) of the <i>NuPPAA</i>
August 5, 2020	Public engagement and comment request
August 26, 2020	Receipt of public comments
September 2, 2020	Extension of commenting deadline due to ongoing Covid-19 pandemic
September 16, 2020	Ministerial extension requested from the Minister of Northern Affairs
September 23, 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/125546.

The following table provides a summary of the *original* project as previously screened by the NIRB (File No. 15TN012):

Original Project:	Ennadai Lake Lodge				
Region:	Kivalliq				
Location:	Ennadai Lake				
Closest Community:	Arviat	Distance (approximate)	400 kilometres (km)	Direction	West
Summary of Project Description:	The Project as originally screened included use of land with regards to tourism, sport fishing, hunting lodge, including upgrade to an existing airstrip and quarrying activities. A complete description of the scope of activities previously approved has been included within Appendix A .				
Original Project Timeline:	Tourism activities to begin May 2015				

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

Amended Project:	Arctic Haven Runway Overlay				
Region:	Kivalliq				
Location:	Ennadai Lake				
Closest Community:	Arviat	Distance (approximate)	400 kilometres (km)	Direction	West

Summary of Project Description:	The Proponent intends to amend the scope of previously approved activities to extend the existing airstrip.
Project Proposed Timeline:	June 12, 2020 to October 9, 2025

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

- Extension to the length of the existing airstrip using existing material currently on the airstrip during the operational season of June to September;
- Use of heavy machinery including a bulldozer, excavator, dump truck and compactor to extend the airstrip;
- Use and storage of approximately 5000 litres (L) of diesel fuel within secondary containment;
- Continuing use of existing roads; and
- Use of existing lodge and facilities to house workers.

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 August 5, 2020 to community organizations in Arviat, 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 August 26, 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 August 26, 2020 the NIRB received comments from the following interested parties:

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

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

Crown-Indigenous Relations and Northern Affairs Canada

- Recommended standard terms and conditions for proper fuel storage and handling, dust and erosion control measures, and reduction of disturbance to the land;
- Recommended that the Proponent reconsider the impacts of potential fuel spills; and
- Recommended continued consultation and communication with the Municipality of Arviat, the Arviat Hunters and Trappers Organization, and interested community members.

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.

5. Time of Report Extension

As a result of an extension to the commenting period to facilitate parties with possible COVID-19 capacity challenges, the NIRB was not able to provide its screening decision report to the responsible Minister within 45 days as required by Article 12, Section 12.4.5 of the *Nunavut Agreement* and s. 92(3) of the *NuPPAA*. Therefore, on September 16, 2020 the NIRB wrote to the Minister of Minister of Northern Affairs, Government of Canada, seeking an extension to the 45-day timeline for the provision of the Board's Report.

ASSESSMENT OF THE PROJECT PROPOSAL IN ACCORDANCE WITH PART 3 OF THE *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 components is 2000 metres squares (m²)▪ The proposed project would take place within habitats of far-ranging wildlife species such as migratory and non-migratory birds, arctic fox, arctic hare, caribou (Qamanirjuaq heard) and muskox.
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 historical, cultural and archaeological significance have been identified by the Proponent 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 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 1 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"> The NIRB has not identified any past, present, and reasonably foreseeable projects at this time; however, the mitigation measures recommended by the NIRB have been designed to reduce cumulative effects should projects occur in the area in the future.
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.

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	Terrestrial mammals and migratory and non-migratory birds
Potential effects:	Potential adverse effects to migratory and non-migratory birds, and their migratory routes and terrestrial mammals from noise and visual disturbance generated from construction activities. Activities would occur June to September when migratory birds are nesting.

Nature of Impacts:	The potential for impacts is considered to be limited due to activities occurring in a limited area that has previously been disturbed.
Mitigating Factors:	Proponent proposes to construct with minimal impact to landscape and ensures that no mammals or birds will be disturbed in the location for extension of the airstrip. Proponent has proposed project activities occur after caribou have already migrated through the affected area.
Previously Recommended Terms and Conditions:	Waste Disposal -7 Wildlife General – 17 through 20 Migratory Birds and Raptors Disturbance – 21 through 24 Aircraft Flight Restrictions – 25 through 28 Caribou and Muskoxen – 29 through 32 All-weather Road and Ground Disturbance - 35
Proposed New Terms and Conditions:	Migratory Birds and Raptors Disturbance – 55
Related Acts and/or Regulations:	<p>The Board previously recommended in the June 16, 2015 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 B is a list of Species at Risk in Nunavut. 3. 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). <p>The Board is also recommending the following legislation:</p> <ol style="list-style-type: none"> 4. The <i>Migratory Bird Sanctuary Regulations</i> (https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._1036/index.html).

Valued Component	Aquatic environment
Potential effects:	Potential adverse effects to surface water quality, fish and fish habitat due to sedimentation from ground erosion and dust through construction activities. Potential for adverse effects from fuel spills.
Nature of Impacts:	The potential for effects from sedimentation are considered minimal with proper use of dust suppression activities and erosion management. Potential effects from fuel spills are considered to have high consequences but are considered low risk with proper fuel handling and storage.
Mitigating Factors:	Increased need of fuel for construction will continue to be stored under proper secondary fuel containment and fuel handling activities developed under the previously screened project scope for 15TN012.

	The Proponent has developed a spill response plan for the previously screened project for 15TN012 that will continue to be applied for the amendment activities.
Previously Recommended Terms and Conditions:	Fuel and Chemical Storage – 11 through 16 All-weather Road and Ground Disturbance - 34
Proposed New Terms and Conditions:	Fuel and Chemical Storage – 51
Related Acts and/or Regulations:	The Board previously recommended in the June 16, 2015 Screening Decision Report the following legislation, which continues to apply to the current proposal: <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 Act</i> (http://laws-lois.justice.gc.ca/eng/acts/t-19.01/) and the <i>Transportation of Dangerous Goods Regulations</i> (http://www.tc.gc.ca/eng/tdg/clear-tofc-211.htm), and the <i>Canadian Environmental Protection Act</i> (http://laws-lois.justice.gc.ca/eng/acts/C-15.31/).

Valued Component	Vegetation, land, soils, terrain stability
Potential effects:	Potential adverse effects on vegetation, land and terrain stability from extension of airstrip and use of construction vehicles.
Nature of Impacts:	Potential for impacts considered to be limited as vehicles will travel on established roads and material for airstrip extension is already present on the existing airstrip. Impacts from removal of vegetation habitat will occur for the length of the project and beyond, however, vegetation in this area was previously disturbed in the original construction of the airstrip.
Mitigating Factors:	Proponent proposes to stay on previously established roads. Minimal disruption to vegetation in proposed airstrip extension area as trees and shrubs were removed from the area during the original construction of the airstrip.
Previously Recommended Terms and Conditions:	All-weather Road and Ground Disturbance – 33 Restoration of Disturbed Areas – 43 and 44

Proposed New Terms and Conditions:	Restoration of Disturbed Areas – 53
Related Acts and/or Regulations:	N/A

Valued Component	Air Quality
Potential effects:	Potential adverse effects from dust generation as construction activities would occur in the summer months, as well as increased release of greenhouse gasses from construction vehicles.
Nature of Impacts:	Adverse effects are considered minor due to the short nature of the project activities and the previously recommended dust suppressant terms and conditions.
Mitigating Factors:	The previously approved project activities for 15TN012 include implementation of suitable erosion and sediment suppression measures on disturbed areas.
Previously Recommended Terms and Conditions:	All-weather Road and Ground Disturbance – 34 and 35
Proposed New Terms and Conditions:	N/A
Related Acts and/or Regulations:	N/A

Valued Component	Public 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:	N/A
Mitigating Factors:	The Proponent has determined that no subsistence harvesting occurs in the area.
Previously Recommended Terms and Conditions:	Other - 46
Proposed New Terms and Conditions:	N/A

Related Acts and/or Regulations:	<p>The Board previously recommended in the June 16, 2015 Screening Decision Report the following legislation, which continues to apply to the current proposal:</p> <p>1. The <i>Nunavut Act</i> (http://laws-lois.justice.gc.ca/eng/acts/N-28.6/).</p>
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Socio-economic effects on northerners:

Valued Component	Historical, Cultural and Archaeological Sites
Potential effects:	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.
Nature of Impacts:	The potential encountering of historical sites is considered minimal as the Proponent is proposing to work within the footprint of the previously approved project and have not identified any historical sites.
Mitigating Factors:	The Proponent would be required to contact the Government of Nunavut, Culture and Heritage if any historical or archeological sites are encountered.
Proposed Terms and Conditions:	Heritage Sites – 54 and 55
Related Acts and/or Regulations:	<p>The Board previously recommended in the June 16, 2015 Screening Decision Report the following legislation, which continues to apply to the current proposal:</p> <p>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 C.</p>

Valued Component	Employment and local economic benefits
Potential effects:	Potential positive impacts from employment of Nunavummiut for construction activities.
Nature of Impacts:	The potential for impacts is considered to be positive to Nunavummiut.
Mitigating Factors:	The Proponent has indicated that hiring of construction employees occurs out of Arctic Bay. Benefits would be seasonal, however, would provide an employment opportunity for multiple construction seasons until the project is complete. Further, the Board is recommending terms and conditions to ensure that the Proponent continues to inform the communities of the ongoing site activities and to ensure community members are aware of and best able to successfully connect with hiring opportunities.
Previously Recommended Terms and Conditions:	Other - 45

Proposed New Terms and Conditions:	N/A
Related Acts and/or Regulations:	N/A

Significant public concern:

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

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, and 47 which continue to apply to the current project proposal. The Board is also recommending term and condition 48 through 50 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 June 16, 2015 Screening Decision Report for File No. **15TN012** and continue to apply to the “Arctic Haven Runway Overlay” project:

General

1. Aziz Kheraj (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 NIRB (Nunavut Planning Commission Questionnaire, March 10, 2015; NIRB Part 1 Form, Oil Spill Contingency Plan and Abandonment and Restoration Plan, April 21, 2015; and NIRB Part 2 form, April 23, 2015)
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

Water Use

5. The Proponent shall not extract water from any fish-bearing waterbody unless the water intake hose is equipped with a screen of appropriate mesh size to ensure that there is no entrapment of fish. Small lakes or streams should not be used for water withdrawal unless approved by the Nunavut Water Board.
6. The Proponent shall not use water, including constructing or disturbing any stream, lakebed or the banks of any definable water course unless approved by the Nunavut Water Board.

Waste Disposal/Incineration

7. The Proponent shall keep camp garbage and debris in covered metal container or equivalent and ensure that all such wastes are inaccessible to wildlife at all times.
8. The Proponent shall incinerate all combustible wastes daily and remove the ash from incineration activities and non-combustible wastes from the project site to an approved facility for disposal.
9. The Proponent shall ensure that no waste oil/grease is incinerated on site.
10. The Proponent shall ensure that the incineration of combustible camp wastes comply with the *Canadian Wide Standards for Dioxins and Furans*, and the *Canadian Wide Standards for Mercury*.

Fuel and Chemical Storage

11. The Proponent shall locate all fuel and other hazardous materials a minimum of thirty-one (31) metres away from the high water mark of any water body and in such a manner as to prevent their release into the environment.
12. The Proponent shall ensure that re-fuelling of all equipment occurs a minimum of thirty-one (31) metres away from the high water mark of any water body.
13. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife.
14. The Proponent shall use adequate secondary containment or a surface liner (e.g. self-supporting insta-berms and fold-a-tanks) at all refueling stations. Appropriate spill response equipment and clean-up materials (e.g., shovels, pumps, barrels, drip pans, and absorbents) must be readily available during any transfer of fuel or hazardous substances, as well as at vehicle-maintenance areas and at drill sites.
15. The Proponent shall remove and treat hydrocarbon contaminated soils on site or transport them to an approved disposal site for treatment.
16. 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 - General

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

18. 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.
19. The Proponent shall not touch, feed or entice wildlife to approach by holding out or setting out decoys or any such devices, foodstuffs or bait of any kind.
20. 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

21. The Proponent shall not disturb or destroy the nests or eggs of any birds. If nests are encountered and/or identified, the Proponent shall take precaution to avoid further interaction and or disturbance (e.g., a 100 metre buffer around the nests). If active nests of any birds are discovered (i.e. with eggs or young), the Proponent shall avoid these areas until nesting is complete and the young have left the nest.
22. The Proponent shall minimize activities during periods when birds are particularly sensitive to disturbance such as migration, nesting and moulting.
23. The Proponent shall avoid the seaward site of seabird colonies and areas used by flocks of migrating waterfowl by three (3) kilometres.
24. The Proponent shall avoid excessive hovering or circling over areas where bird presence is likely.

Aircraft Flight Restrictions

25. Unless otherwise permitted the Proponent shall restrict aircraft/helicopter activity related to the project to a minimum altitude of 610 metres above ground level, which does not disturb wildlife and migratory birds.
26. 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.
27. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife is present.
28. 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

29. 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.
30. The Proponent shall not block or cause any diversion to caribou migration, and shall cease activities likely to interfere with migration such as movement of equipment or personnel until such time as the caribou have passed.
31. The Proponent shall not construct or operate any camp, including cache any fuel or conduct any operations within 5 km of any paths or crossings known to be designated caribou crossings.

32. During the period of May 15 to July 15, when caribou are observed, the Proponent shall suspend low-level over flights. Following July 15, if caribou cows or calves are observed, the Proponent shall suspend low-level over flights until caribou are no longer in the immediate area.

All-weather Road and Ground Disturbance

33. 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.

34. The Proponent shall implement suitable erosion and sediment suppression measures on disturbed areas before, during and after construction in order to prevent sediment from entering any waterbody.

35. All construction and road vehicles must be fitted with standard and well-maintained noise suppression devices and engine idling is to be minimized.

Establishment of New Quarries

36. The Proponent shall clearly stake and flag pit and quarry boundaries so they remain visible to other land users.

37. The Proponent shall locate quarry/pit facilities so as to avoid all recreational sites and public use areas, and to protect unique geographical features and natural aesthetics.

38. The Proponent shall ensure there is no obstruction of natural drainage, flooding or channel diversion from quarry/pit access, stockpiles, or other structures or facilities.

39. The Proponent shall ensure that silt fences/curtains are installed down gradient of any quarry activities.

40. The Proponent shall maintain an undisturbed buffer zone between the periphery of quarry sites and the high water mark of any water body that is of an adequate distance to ensure erosion control.

41. The Proponent shall locate screening and crushing equipment on stable ground, at a location with ready access to stockpiles.

42. The Proponent shall use water or other non-toxic and biodegradable additives for dust suppression as necessary to maintain ambient air quality without causing water to pool or runoff.

Restoration of Disturbed Areas

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

44. 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

45. The Proponent should, to the extent possible, hire local people and to consult with local residents regarding their activities in the region.

46. The Proponent shall ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.
47. Any activity related to this application, and outside the original scope of the project as described in the application, will be considered a new project and should be submitted to the NIRB for Screening.

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

General

48. The Proponent shall operate in accordance with all commitments stated in correspondence provided to the Nunavut Planning Commission (NPC File No.: 149387), and the NIRB (Online Application Form July 31, 2020). This information should be accessible to enforcement officers upon request.
49. The Proponent shall ensure that it meets the standards and/or limits as set out in the authorizing agencies' permits or licences as required for this project.
50. The Proponent shall ensure that all personnel, staff and contractors are adequately trained prior to commencement of all project activities, and shall be made aware of all operational plans, management plans, guidelines and Proponent commitments relating to the project.

Fuel and Chemical Storage

51. 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.

Migratory Birds and Raptors Disturbance

52. If active nests of any birds are discovered (i.e. with eggs or young), the Proponent shall avoid these areas until nesting is complete and the young have left the nest by establishing a protection buffer zone¹ appropriate for the species and the surrounding habitat.

Restoration of Disturbed Areas

53. The Proponent shall remove all garbage, fuel and equipment prior to the end of each construction season and upon abandonment.

Heritage Sites

54. The Proponent shall ensure that all 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 briefings explaining the prohibitions regarding removal of artifacts, and defacing or writing on rocks and infrastructure.
55. No activities shall be conducted in the vicinity (50 metres buffer zone) of any archaeological/historical sites. If archaeological sites or features are encountered, activities shall immediately be interrupted and moved away from this location. Each site encountered

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.

needs to be recorded and reported to the Government of Nunavut-Department of Culture and Heritage.

MONITORING AND REPORTING REQUIREMENTS

The Board has previously recommended the following on June 16, 2015:

Caribou Viewing Authorization

- a. The Proponent shall not commence viewing of caribou from the Qamanirjuaq herd without a “caribou viewing permit” or an exemption for the observation of wildlife. The Proponent shall submit copy of its caribou viewing permit or exemption authorization to the Nunavut Impact Review Board prior to undertaking activities in the proposed area. Additionally, the Proponent shall provide a copy of any wildlife mitigation or management plans to the NIRB, and further copies when updates are made thereafter, noting how the Proponent continued to consult with Arviat Hunter and Trappers Organization (HTO) and implement HTO recommendations for minimizing impacts to caribou.

Archaeology

- b. The Proponent shall not commence upgrades of the airstrip and development of gravel pit area without conducting Heritage Resource Impact Assessment (HRIA) in order to prevent or minimize potential Project-related effects on known heritage areas. The assessment should include locations (i.e. latitude and longitude) of where any archaeological sites and features are encountered relative to the project development area, including information on the participation of Ghotelnene K’Odtineh Dene in the HRIA. The results of the HRIA shall be submitted to the Nunavut Impact Review Board, Government of Nunavut-Department of Culture and Heritage, and Ghotelnene K’Odtineh Dene.

Fishing Licence

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

Outfitting Licencing

- d. The Proponent shall submit a copy of a new outfitting licence to the Nunavut Impact Review Board, with supporting documentations from Transport Canada confirming inspections and certifications of all vessels inclusive of the proposed new watercrafts (motor boats and kayaks) prior to commencing commercial recreation and tourism activities.

Abandonment and Restoration Plan

- e. The Proponent shall submit a revised and final version of the Abandonment and Restoration Plan to the Nunavut Impact Review Board, Aboriginal Affairs and Northern Development Canada and Government of Nunavut- Department of Environment prior to undertaking activities in the potential development area. The revised Plan should include procedures for using native plant species for re-vegetation in order to eliminate risk of introducing invasive species to the area pursuant to the Wildlife Act.

Transport of Waste/Dangerous Goods

- f. The Proponent shall ensure that waste manifest accompanies shipment of all waste oil/grease and is registered with the Government of Nunavut Department of Environment (GN-DoE). The Proponent shall 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.
- g. The Proponent shall ensure that an export manifest or the appropriate transportation of dangerous goods (TDG) documentation accompany all potential hazardous samples and/or materials that are transported off site.

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

Abandonment and Restoration Plan

- a. As the Nunavut Impact Review Board did not receive an updated Abandonment and Restoration Plan for the originally screened the Proponent shall submit an updated abandonment and reclamation plan including procedures for using native plant species for re-vegetation which will also apply to the expanded airstrip.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

In addition to the project-specific terms and conditions, the Board has previously recommended the following on June 16, 2015:

Bear and Carnivore Safety

1. (*amended*) 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.

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.

Incineration of Wastes

2. The Proponent review Environment and Climate Change Canada's "Technical Document for Batch Waste Incineration", available at the following link: <http://www.ec.gc.ca/gdd-mw/default.asp?lang=En&n=F53EDE13-1>. The technical document provides information on

appropriate incineration technologies, best management and operational practices, monitoring and reporting.

Species at Risk

3. (*amended*) 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

4. 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.

Caribou Management

5. Territorial and federal government agencies in Nunavut should work together with Regional Inuit Associations, co-management boards and industry to develop an action plan to identify and mitigate potential cumulative effects of human land use activities, including mineral exploration, on barren-ground caribou. This assessment of cumulative effects should occur at a regional scale (i.e., larger than individual project areas).
6. Territorial and federal government agencies update the Caribou Protection Map with updated data and information from the Beverly Qamanirjuaq Caribou Management Board (BQCMB).

Aboriginal Affairs and Northern Development Canada (now CIRNAC)

7. Aboriginal Affairs and Northern Development Canada (AANDC) impose mitigation measures, conditions and monitoring requirements pursuant to the Federal Land Use Permit, which require the Proponent to respect the sensitivities and importance of the area. These mitigation measures, conditions and monitoring requirements should be in regard to the location and area; type, location, capacity and operation of facilities; use, storage, handling and disposal of chemical or toxic material; wildlife and fisheries habitat; and petroleum fuel storage.
8. AANDC consider the importance of conducting regular Land Use Inspections, pursuant to the authority of the Federal Land Use Permit, while the project is in operation. The Land Use Inspections should be focused on ensuring the Proponent is in compliance with the conditions imposed through the Federal Land Use Permit.

Nunavut Water Board

9. The Nunavut Water Board (NWB) impose mitigation measures, conditions and monitoring requirements pursuant to the Water Licence, which require the Proponent to respect the sensitivities and importance of water in the area. These mitigation measures, conditions and monitoring requirements should be in regard to use of water, waste disposal; access

infrastructure; quarrying operations; spill contingency planning; abandonment and restoration planning; and monitoring programs.

The Board is currently also recommending the following:

Migratory Birds

10. 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.

CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the 994458 Nunavut Limited's (NL's) "Arctic Haven Runway Overlay". The NIRB remains available for consultation with the Minister regarding this report as necessary.

Dated September 23, 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 Holders

APPENDIX A: PREVIOUSLY-SCREENED PROJECT PROPOSALS

The original project proposal (NIRB File No.: 15TN012), was received by the Nunavut Impact Review Board (NIRB or Board) from the Nunavut Planning Commission on March 10, 2015 with a positive conformity determination (Keewatin Regional Land Use Plan). On March 11, 2015 the NIRB received a screening referral from Aboriginal Affairs and Northern Development Canada (AANDC). 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)* and Section 3 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*). On June 16, 2015 the NIRB issued a screening decision pursuant to s. 92(2)(a) of the *NuPPAA* to the Minister of Aboriginal Affairs and Northern Development which indicated that the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions.

Aziz Kheraj's (Proponent) original "Ennadai Lake Lodge" project was located in the Kivalliq region, approximately 400 kilometres (km) West from Arviat. The Proponent intended to conduct tourism, sport fishing, hunting lodge, and construction activities including an upgrade to an existing airstrip and quarrying activities with Tourism activities beginning in 2015.

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

- Lodging and Tourism Activities:
 - Guest accommodation based primarily out of the established Arctic Haven Lodge, with a capacity of 10-24 guests per week in April to June and August to September;
 - Transportation of guests around the area, on the lake by motor boat in the summer and snowmobile in the spring;
 - Tourism to include specific activities such as wildlife viewing, hiking, snowmobiling, skiing, sea kayaking, kite-skiing and fishing;
 - Retrieval of GPS coordinates of caribou collared by the Government of Nunavut and Federal Governments in order to locate suitable areas for viewing caribou;
 - Use of an aircraft for guest pickups and drop offs, including transportation of goods to and from the proposed site location.
- Infrastructure Upgrades and Mobilization:
 - General upgrade of existing airstrip, including water spraying onto the airstrip to facilitate compaction;
 - Utilization of an area of approximately 100 metres by 100 metres for quarrying activities, and crushing of extracted gravel materials; as well as stockpiling of crushed rock at the end of the airstrip in 2015 to be used in the following year;
 - Conduct pitting operations in a 50 metres by 20 metres footprint to allow for removal of sand and rock from a small hill;
 - Retrieval of up to 3 cubic metres of water from Ennadai Lake using electric pump;
 - Use of boats, snowmobile, and heavy equipment such as dump trucks, gravel crusher, vibratory drum compactor and compact track loaders for haulage of gravel and water airstrip prior to compacting including guest transportation.

- Fuel Storage and Waste Management:
 - Utilize drum containment units (45 gallon drums) with secondary containment in the form of a lined berm for storage of up to 6000 litres of diesel, 3000 litres of gasoline, 4000 litres of aviation fuel, 500 litres of engine oil, with an additional storage of up to 20 containers of propane in 100 pounds tanks;
 - Onsite incineration of combustible solid wastes, with non-combustible wastes, including bulky items/scrap and hazardous wastes or oil returned to Yellowknife for proper disposal;
 - Use of septic tanks for disposal and treatment of grey water and sewage

An additional amendment request associated with the “Ennadai Lake Lodge” project has also been reviewed by the NIRB following screening of the original project proposal (File No. 15TN012). The NIRB confirmed that the application was exempt from the requirement for further screening pursuant to Section 12.4.3 of the *Nunavut Agreement* because it is for a renewal of a component or activity that was part of the original proposal and continuation of the project is not a significant modification of the project.

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 Risk ²	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility ³
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 PALAEOLOGICAL RESOURCES TERMS AND
CONDITIONS FOR LAND USE PERMIT HOLDERS**



INTRODUCTION

The Department of Culture and Heritage (CH) routinely reviews land use applications sent to the Nunavut Water Board, Nunavut Impact Review Board and the Indigenous and Northern Affairs Canada. These terms and conditions provide general direction to the permittee/proponent regarding the appropriate actions to be taken to ensure the permittee/proponent carries out its role in the protection of Nunavut’s archaeological and palaeontological resources.

TERMS AND CONDITIONS

- 1) The permittee/proponent shall have a professional archaeologist and/or palaeontologist perform the following **Functions** associated with the **Types of Development** listed below or similar development activities:

	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.