



SCREENING DECISION REPORT
NIRB FILE NO.: 11EN010

KIA File Nos.: KVRW1501& KVCA15Q02
NWB File No.: 8BC-AEA----
AANDC File No.: N2015F0026

November 4, 2015

To: The Honourable Carolyn Bennett
Minister of Indigenous and Northern Affairs
10 Rue Wellington
Gatineau, QC K1A 0H3

Sent via email: minister@aandc.gc.ca; Carolyn.Bennett@parl.gc.ca

Cc: David Ningeongan
President, Kivalliq Inuit Association
P.O. Box 340
Rankin Inlet, NU X0C 0G0

Sent via email: dningeongan@kivalliqinuit.ca

Re: Screening Decision for Agnico Eagle Mines Ltd.'s "Amaruq Exploration Access Road" Project Proposal, Kivalliq Region, Additional Application Terms and Conditions, NIRB File No. 11EN010

Dear Ms. Carolyn Bennett:

The primary objectives of the Nunavut Impact Review Board (NIRB) are set out in section 12.2.5 of the Nunavut Land Claims Agreement (NLCA) as follows:

"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."

Section 12.4.3 of the NLCA states that:

“Any application for a component or activity of a project proposal that has been permitted to proceed in accordance with these provisions shall be exempt from the requirement for screening by NIRB unless:

- (a) such component or activity was not part of the original project proposal; or*
- (b) its inclusion would significantly modify the project.”*

NIRB ASSESSMENT AND DECISION

The NIRB has completed a review of Agnico Eagle Mines Ltd.’s (AEM) request for new permits and amendments to existing permits with the Nunavut Water Board (NWB), Kivalliq Inuit Association (KIA) and Aboriginal Affairs and Northern Development Canada (AANDC, now Indigenous and Northern Affairs Canada) for their “Amaruq Exploration Access Road” project.

After a thorough assessment of the project proposal, the amendment application information and the comments received (please see *Procedural History* and *Project Activities* in **Appendix A**), in accordance with Section 12.4.3 of the NLCA, the Board has determined that this request will result in a change to the original scope of the project. Therefore, the NIRB is re-issuing the recommended project-specific terms and conditions contained in the **February 10, 2015** Screening Decision, NIRB File No.: 11EN010 in addition to new terms and conditions which are designed to mitigate any potential impacts to the environment as per Section 12.4.4(a) of the NLCA.

PREVIOUSLY APPROVED PROJECT-SPECIFIC TERMS AND CONDITIONS

The following terms and conditions were previously approved by the NIRB for File No. **11EN010** in a Screening Decision Report dated **April 21, 2011** and is available from NIRB’s online public registry using the following link

<http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/>:

General

1. Agnico-Eagle Mines Ltd. (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 (*NIRB Part 1 and 2 Forms*, February 11, 2011; *Non-Technical Summary*, February 11, 2011) and to other authorizing agencies and government departments (*KIA Right of Way Application*, January 10, 2011; *INAC LUP Application*, March 15, 2011; *Letter of Response to GN-CLEY Comments*, April 8, 2011).
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

7. 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

8. 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.
9. 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.
10. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife
11. 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.
12. 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.
13. The Proponent shall inspect and document the condition of all fuel caches on a weekly basis. All fuel and chemical storage containers must be clearly marked with the Proponent's name and examined for leaks immediately upon delivery.
14. The Proponent shall remove and treat hydrocarbon contaminated soils on site or transport them to an approved disposal site for treatment.
15. 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

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.
19. 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.
20. 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.
21. 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.
22. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
23. 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.
24. 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.
25. The Proponent shall not block or cause any diversion to caribou migration, and shall cease activities likely to interfere with migration such as airborne geophysics surveys, drilling or movement of equipment or personnel until such time as the caribou have passed.
26. The Proponent shall not construct or operate any camp, cache any fuel or conduct blasting within 10 km, or conduct any drilling operation within 5 km of any paths or crossings known to be frequented by (e.g. designated caribou crossings).
27. During the period of May 1 to July 15, when caribou are observed within 1 km of project operations, the Proponent shall suspend all operations, including low-level over flights, blasting, and use of snow mobiles and overland vehicles outside the immediate vicinity of the camps. Following July 15, if caribou cows or calves are observed within 1 km of project operations, the Proponent shall also suspend all operations in the vicinity, including low-level over flights, blasting, and use of overland vehicles, until caribou are no longer in the immediate area.

Drilling on Land

28. The Proponent shall not conduct any land based drilling or mechanized clearing within thirty-one (31) metres of the normal high water mark of a water body.

29. The Proponent shall not allow any drilling wastes to spread to the surrounding lands or water bodies.
30. If an artesian flow is encountered, the Proponent shall ensure the drill hole is immediately plugged and permanently sealed.
31. The Proponent shall ensure that all drill areas are constructed to facilitate minimizing the environmental footprint of the project area. Drill areas should be kept orderly with garbage removed daily to an approved disposal site.
32. The Proponent shall ensure that all sump/depression capacities are sufficient to accommodate the volume of waste water and any fines that are produced. The sumps shall only be used for inert drilling fluids, and not any other materials or substances.
33. The Proponent shall not locate any sump within thirty-one (31) metres of the normal high water mark of any water body. Sumps and areas designated for waste disposal shall be sufficiently bermed or otherwise contained to ensure that substances do not enter a waterway unless otherwise authorized.
34. The Proponent shall ensure all drill holes are backfilled or capped prior to the end of each field season. All sumps must be backfilled and restored to original or stable profile prior to the end of each field season.

Drilling on Ice

35. If drilling is conducted on lake ice, the Proponent shall ensure that any return water is non-toxic, and will not result in an increase in total suspended solids in the immediate receiving waters above the Canadian Council of Ministers for the Environment (CCME) Guidelines for the Protection of Freshwater Aquatic Life (i.e. 10 mg/L for lakes with background levels under 100 mg/L, or 10% for those above 100 mg/L).
36. The Proponent shall ensure that drill muds and additives are not used in connection with holes drilled through lake ice unless they are re-circulated or contained such that they do not enter the water, or are demonstrated to be non-toxic.
37. The Proponent shall ensure that all drill cuttings are removed from ice surfaces daily.

Winter Road/Trail

38. The Proponent shall select a winter route that maximizes the use of frozen water bodies.
39. The Proponent shall ensure that no disturbance of the stream bed or banks of any definable watercourse be permitted.
40. The Proponent shall not move any equipment or vehicles without prior testing the thickness of the ice to ensure the lake is in a state capable of fully supporting the equipment or vehicles.
41. 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.
42. The Proponent shall suspend overland travel of equipment or vehicles if rutting occurs. Likewise, upon spring break up, or at such a time as the shorelines of frozen water bodies begin to thaw, the Proponent shall suspend all travel over water bodies if disturbance to the banks or shorelines of any definable water body occurs.

43. 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 water body.
44. The Proponent shall ensure that winter lake/stream crossings are located to minimize approach grades and constructed entirely of ice and snow materials. Ice or snow free of sediment should be the only materials used to construct temporary crossings over any ice-covered watercourse.
45. The Proponent shall ensure that bank disturbances are avoided, and no mechanized clearing carried out immediately adjacent to any watercourse.
46. The Proponent shall ensure that stream crossings and/or temporary crossings constructed from ice and snow, which may cause jams, flooding or impede fish passage and or water flow, are removed or notched prior to spring break-up.
47. The Proponent shall avoid disturbance on slopes prone to natural erosion, and alternative locations shall be utilized.
48. The Proponent shall implement sediment and erosion control measures prior to, and during operations to prevent sediment entry into the water during the spring thaw. This includes ensuring that a sufficient thickness of snow and ice is present on the winter road to prevent unnecessary erosion of the underlying ground surface and impact on underneath vegetation.
49. The Proponent shall implement a clean-up and reclamation stabilization plan which should include, but is not limited to, re-vegetation and/or stabilization of exposed soil in road bed.
50. The Proponent shall remove any trail markers, grease, and oil marks upon restoration of winter road, and shall make a note of any areas where damage to vegetation has occurred as a result of the winter road.

Other

51. The Proponent should, to the extent possible, hire local people and to consult with local residents regarding their activities in the region.
52. 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.

The following terms and conditions were previously approved by the NIRB for File No. **11EN010** in a Screening Decision Report dated **February 10, 2015**:

Waste Incineration

53. The Proponent shall incinerate all combustible wastes daily and remove the ash from incineration activities to an approved facility for disposal or dispose of ash by burial beneath no less than one (1) metre of compacted soil. Non-combustible wastes shall be removed from the project site to an approved facility for disposal.
54. 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*.

55. The Proponent shall ensure that no waste oil/grease is incinerated on site.

Fuel Storage

56. The Proponent shall inspect and document the condition of all large fuel tanks on a weekly basis. All fuel storage containers must be clearly marked with the Proponent's name and examined for leaks immediately upon delivery.

Establishment of New Quarries

57. 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.

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

59. 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.

60. 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.

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

62. 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.

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

Temporary Camps

64. The Proponent shall ensure that all camps are located on gravel, sand or other durable land.

65. The Proponent shall not erect camps or store material on the surface ice of lakes or streams unless otherwise authorized by the Nunavut Water Board.

Other

66. The Proponent shall take appropriate dust suppression measures on all gravel roads, including airstrip.

NEW RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS
(pursuant to Section 12.4.4(a) of the NLCA)

The Board is recommending that the following or similar **additional** project-specific terms and conditions be imposed upon the Proponent through all relevant legislation:

General

67. The Proponent shall operate in accordance with all commitments stated in correspondence provided to NIRB (*NIRB Part 1 and 2 Forms*, November 20, 2014, March 18, 2015; *Non-Technical Summary*, November 20, 2014, March 18, 2015) and to other authorizing agencies and government departments (*KIA Access to Inuit Owned Lands*, November 24, 2014, July 20, 2015; *AANDC LUP Application*, October 29, 2014, April 24, 2015; and, *NWB Amendment to Type B Licence Application*, November 20, 2014, March 16, 2015).

Dust Suppression

68. 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. Dust suppression measures shall take place at all quarry locations, gravel roads, the airstrip and the all-weather road.
69. Proponent implements all available best management practices to avoid and mitigate *serious harm to fish* as a result of water crossings construction, operation and decommission. This includes, but is not limited to, minimizing infilling, appropriate design of water crossings to facilitate fish passage at both high and low flows, adherence to timing windows that incorporate spawning, incubation and hatch times for all species using watercourses and the development and implementation of sediment and erosion control plan.

MONITORING AND REPORTING REQUIREMENTS

The Board has previously recommended the following on April 21, 2011 and February 10, 2015:

Annual Reporting

1. The Proponent shall include within its annual report for the Meadowbank Gold Project (NIRB 03MN107), a summary of activities undertaken as authorized by the Board for File No. 11EN010. This summary is expected to include a map showing approximate locations of drill sites and routing of winter trails.
2. The Proponent shall submit updated monitoring plans, which include all newly proposed activities prior to construction and/or undertaking activities, specifically:
 - Conceptual Closure and Reclamation Plan and RECLAIM Estimates (to include quarry, gravel roads and pads, and airstrip components),
 - Wildlife Management Plan; and
 - Waste Management Plan (to include management of greywater and sewage).

The Board is recommending the following modification to the Monitoring and Reporting Requirements:

Annual Reporting

1. The Proponent shall include within its annual report for the Meadowbank Gold Project (NIRB File No. 03MN107), a comprehensive annual report of the activities undertaken as authorized by the Board for File No. 11EN010 to date. The annual report must contain at least the following information:
 - a. A summary of activities undertaken for the year, including:
 - i. a map showing the approximate location of drill sites;
 - ii. a map showing the location of the fuel cache;
 - iii. site photos;
 - b. A work plan for the following year, including any progressive reclamation work undertaken;
 - c. A summary of community consultations undertaken throughout the year, providing copy of materials presented to community members, a description of issues and concerns raised, discussions with community members 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;
 - d. Summary of the consultation conducted with Government of Nunavut biologists if any and any relevant outcomes including revisions or alterations to the timing of project activities;
 - e. Summary of follow-up consultation with Fisheries and Oceans Canada (DFO) regarding the final construction designs and documents requested by DFO and any recommendations issued by DFO. The summary should include a summary of all available best management practices.
 - f. A discussion of issues related to wildlife and environmental monitoring, including the number of cease-work orders required as a result of proximity to caribou;
 - g. An analysis of the effectiveness of mitigation measures for wildlife;
 - h. A brief summary of Wildlife Monitoring and Mitigation Plan (WMMP) results including the wildlife log and record of observations as well as any mitigation actions that were undertaken;
 - i. Summary of any heritage sites encountered during the project activities and any follow-up action or reporting required as a result. The summary should include a map noting the sites encountered; and,
 - j. A summary of how the Proponent has complied with conditions contained within this Screening Decision, and all conditions as required by other authorizations associated with the project proposal.

In addition to the project-specific terms and conditions, the Board has previously recommended the following on April 21, 2011 and February 10, 2015:

Bear and Carnivore Safety

1. The Proponent should review the bear/carnivore detection and deterrent techniques outlined in “Safety in Grizzly and Black Bear Country” which can be down-loaded from this link: http://www.enr.gov.nt.ca/live/documents/content/Bear_Safety.pdf. Note that some recommendations in this manual are also relevant to polar bears. There is a DVD about polar bears and safety available from Nunavut Parks at the following link <http://www.nunavutparks.com/english/visitor-information/suggested-resources.html> and a “Safety in Polar Bear Country” pamphlet from Parks Canada at the following link <http://www.pc.gc.ca/eng/pn-np/nu/auyuittuq/visit/visit6/d/i.aspx>.
2. The Proponent should ensure that any problem wildlife or any interaction with carnivores should be reported immediately to the local Government of Nunavut, Department of Environment Conservation Office (Biologist, Kivalliq Region, Mitch Campbell, phone: 867-857-2828, email: mcampbell@gov.nu.ca).

Species at Risk

3. The Proponent should review Environment Canada’s “Environment Assessment Best Practice Guide for Wildlife at Risk in Canada”, available at the following link: <http://www.ec.gc.ca/Publications/default.asp?lang=En&xml=5407909E-10F6-4AFE-ACDF-75B9E820B4A1>. 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.

Change in Project Scope

4. All Authorizing Agencies shall notify the NIRB of any changes in operating plans or conditions associated with this project prior to any such change.

Incineration of Wastes

5. The Proponent review Environment 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.

The Board is currently also recommending the following:

Bear and Carnivore Safety

1. (*updated*) The Proponent review the bear/carnivore detection and deterrent techniques outlined in “Safety in Grizzly and Black Bear Country” which can be down-loaded from this link: http://www.enr.gov.nt.ca/sites/default/files/web_pdf_wd_bear_safety_brochure_1_may_2015.pdf. There are polar bear and grizzly bear safety resources available from the Government of Nunavut at the following link: <http://env.gov.nu.ca/wildlife/resources/polarbearsafety> and

a “You are in Polar Bear Country” pamphlet from Parks Canada at the following link <http://www.pc.gc.ca/eng/lhn-nhs/mb/prince/securite-safety/ours-bear.asp> following link <http://www.pc.gc.ca/eng/pn-np/nu/auyuittuq/visit/visit6/d/i.aspx>.

Species at Risk

3. (*updated*) The Proponent review Environment Canada’s “Environment Assessment Best Practice Guide for Wildlife at Risk in Canada”, available at the following link: http://epe.lac-bac.gc.ca/100/200/301/environment_can/cws-scf/environmental_assessment-ef/ea_best_practices_2004_e.pdf. The guide provides information to the Proponent on what is required when Wildlife at Risk, including *Species at Risk*, are encountered or affected by the project.

Migratory Birds

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

Caribou Management

8. 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).
9. 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

10. 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.
11. 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.

12. AANDC forward to the NIRB copies of any decisions by Inspectors which allow project activities to continue in areas of caribou presence between dates indicating work stoppages are necessary (exemptions from Caribou Protection Measures).

Kivalliq Inuit Association

13. The Kivalliq Inuit Association (KIA) impose strict mitigation measures and/or conditions upon the Proponent pursuant to the Inuit Owned Lands License in regard to fuel and chemical storage, drilling, water conditions, ground disturbance and wildlife on Inuit owned land.

Nunavut Water Board

14. 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, snow and ice; waste disposal; access infrastructure and operation for camps; drilling operations; spill contingency planning; abandonment and restoration planning; and monitoring programs.

Aboriginal Affairs and Northern Development Canada – Water Resources Division

15. AANDC – Water Resources Division should consider the importance of conducting regular inspections, pursuant to the authority of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, while the project is in operation. Inspectors should focus on ensuring the Proponent is in compliance with the conditions imposed through the Water Licence.

REGULATORY REQUIREMENTS

The Proponent has been previously advised in the April 21, 2011 and February 10, 2015 Screening Decision Reports that the following legislation may apply to the project:

Acts and Regulations

1. The *Fisheries Act* (<http://laws.justice.gc.ca/en/showtdm/cs/F-14//en>).
2. The *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (<http://www.canlii.org/ca/sta/n-28.8/whole.html>).
3. The *Migratory Birds Convention Act* and *Migratory Birds Regulations* (<http://laws.justice.gc.ca/en/showtdm/cs/M-7.01>).
4. The *Species at Risk Act* (<http://laws.justice.gc.ca/en/showtdm/cs/S-15.3>). Attached in **Appendix C** is a list of Species at Risk in Nunavut.
5. The *Nunavut Wildlife Act* which contains provisions to protect and conserve wildlife and wildlife habitat, including specific protection measures for wildlife habitat and species at risk.
6. The *Nunavut Act* (<http://laws.justice.gc.ca/en/showtdm/cs/N-28.6>). The Proponent must comply with the proposed terms and conditions listed in the attached **Appendix D**.
7. The *Navigable Waters Protection Act (NWPA)* (<http://laws.justice.gc.ca/en/N-22/index.html>).

8. The Proponent is advised that the *Canadian Environmental Protection Act* (<http://laws.justice.gc.ca/en/C-15.31/>) lists calcium chloride (CaCl) as a toxic substance. The Proponent should assess alternatives to the use of CaCl as a drill additive, including biodegradable and non-toxic additives.
9. The *Aeronautics Act* (<http://laws-lois.justice.gc.ca/eng/acts/A-2/>).
10. The Proponent shall undertake quarrying in accordance with the *Nunavut Mining Safety Ordinance* and the *Territorial Quarrying Regulations* (<http://www.canlii.org/en/ca/laws/regu/crc-c-1527/latest/crc-c-1527.html>) or equivalent.
11. The *CEPA Storage Tank System for Petroleum Products and Allied Petroleum Products Regulations* (www.ec.gc.ca/st-rs). The Proponent must identify their tank system to Environment Canada and installation of new systems must comply with the regulations' design requirements.
12. The Proponent shall practice progressive reclamation in accordance with the restoration guidelines outlined in Aboriginal Affairs and Northern Development Canada's *Northern Land Use Guidelines Pits and Quarries* (<http://www.aadnc-aandc.gc.ca/eng/1100100023585>).

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

Acts and Regulations

13. The *Transportation of Dangerous Goods Regulations, Transportation of Dangerous Goods Act* (<http://www.tc.gc.ca/eng/tdg/safety-menu.htm>), and the *Canadian Environmental Protection Act* (<http://laws-lois.justice.gc.ca/eng/acts/C-15.31/>). The Proponent must ensure that proper shipping documents accompany all movements of dangerous goods. The Proponent must register with the Government of Nunavut, Department of Environment Manager of Pollution Control and Air Quality at 867-975-7748.

Other Applicable Guidelines

14. The Proponent shall follow the Fisheries and Oceans Canada's (DFO) *Guidelines for the use of Explosives in or near Canadian Fisheries Waters* (<http://publications.gc.ca/site/eng/82558/publication.html>) and shall not conduct blasting if wildlife is within sight or hearing distance of the project area.

Validity of Land Claims Agreement

Section 2.12.2

Where there is any inconsistency or conflict between any federal, territorial and local government laws, and the Agreement, the Agreement shall prevail to the extent of the inconsistency or conflict.

Dated November 4, 2015 at Churchill, MB.



Elizabeth Copland, Chairperson

Attachments: Appendix A: Procedural History and Project Activities
Appendix B: Previously Screened Project Proposal
Appendix C: Species at Risk in Nunavut
Appendix D: Archaeological and Palaeontological Resources Terms and Conditions for Land Use Permit Holders.

APPENDIX A
Procedural History and Project Activities

Procedural History

On March 18, 2015 the Nunavut Impact Review Board (NIRB) received a Type B Water Licence Application for the “Amaruq Exploration Access Road” project proposal from Agnico Eagle Mines Ltd.’s (AEM). On April 16, 2015 the NIRB received a referral from the Nunavut Water Board (NWB) for the Type B Water Licence. On April 24, 2015 the NIRB received applications from AEM for a Land Use Permit and a Quarrying Permit with Aboriginal Affairs and Northern Development Canada’s (AANDC). On April 28, 2015 the NIRB issued correspondence to AEM advising that a conformity determination from the Nunavut Planning Commission (NPC) and a referral from an authorizing agency would be required for the Board to screen the project proposal in accordance with Article 12, Part 4 of the Nunavut Land Claims Agreement (NLCA).

On July 16, 2015 the NIRB received a positive conformity determination (Keewatin Regional Land Use Plan) from the NPC and on July 17, 2015 the NIRB received a referral to screen the above mentioned project from the Kivalliq Inuit Association (KIA). Further, on July 21, 2015 the NIRB received a referral to screen the above mentioned project from AANDC.

Past File History

The original positive conformity determination (Keewatin Regional Land Use Plan) for the previously named the “Pipe Dream Winter Road and Mining Exploration” project proposal (NIRB File No.: 11EN010) was received from the NPC on March 10, 2011 and a request for screening from Indian and Northern Affairs Canada (INAC, now AANDC) on March 15, 2011. The project proposal was screened in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA) and on April 21, 2011 the NIRB issued the enclosed NLCA 12.4.4(a) screening decision to the Minister of INAC which indicated that the proposed project could proceed subject to the NIRB’s recommended project-specific terms and conditions.

Additional authorization and extension requests associated with the “Amaruq Exploration” project have also been reviewed by the NIRB following screening of the original project proposal (File No. 11EN010). In each instance where the NIRB received applications up to and including June 2014, the NIRB confirmed that the application was exempt from the requirement for further screening pursuant to Section 12.4.3 of the NLCA and that the activities therein remained subject to the terms and conditions recommended in the original April 21, 2011 Screening Decision Report. On February 10, 2015 after receiving an application for additional activities at site, the NIRB issued additional terms and conditions associated with the “Amaruq Winter Access” project. A summary of the previously screened project activities can be found in **Appendix B**.

Current File History

The current project proposal by AEM is for new permits and amendments to existing permits with the NWB, KIA and AANDC.

The NIRB determined that this request may result in a change to the original scope of the project and on July 22, 2015 distributed the project proposal was distributed to all community

organizations in the Kivalliq region, as well as to relevant federal and territorial government agencies, Inuit organizations and transboundary Aboriginal organizations. The NIRB requested that interested parties review the proposal and the NIRB's previously recommended terms and conditions and provide the Board with any comments or concerns by August 12, 2015 regarding:

- Whether the inclusion of the additionally proposed component(s) and/or activity(ies) would significantly modify the project;
- Whether the project is likely to cause significant adverse impacts on wildlife habitat or Inuit harvest activities; if so, why;
- Any additional mitigation measures that are appropriate; and
- Any other matter of importance to the Party related to the project proposal.

Following a request by the Baker Lake Hunters and Trappers Organization on August 5, 2015 to extend the commenting deadline and to hold public meetings to inform the community of Baker Lake on the proposal and explain in detail the proposed infrastructure, the NIRB extended the commenting deadline to September 16, 2015 and conducted community information sessions on September 9, 2015.

On or before September 16, 2015 the NIRB received comments from the following interested parties:

- Kivalliq Inuit Association (KivIA)
- Government of Nunavut (GN)
- Aboriginal Affairs and Northern Development Canada (AANDC)
- Environment Canada (EC)
- Fisheries and Oceans Canada (DFO)
- Transport Canada (TC)
- Baker Lake Hunters and Trappers Organization (HTO)
- Comments from community members during the September 9, 2015 information session (*summary report distributed to parties on October 9, 2015*)

All comments provided to NIRB regarding this project proposal can be viewed on NIRB's online public registry at the following location:

<http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/>.

After careful consideration of the comments received, on September 22, 2015 the NIRB provided AEM with an opportunity to respond to the concerns raised during the public commenting period. On October 2, 2015 the NIRB received AEM's response to parties' comments and concerns pertaining to the Amaruq Exploration Access Road project proposal.

Due to the types of concerns raised during the public consultation period, on October 6, 2015 the NIRB provided parties with an opportunity to review AEM's response to comments and provide feedback and/or comments due October 16, 2015. In the same correspondence, the NIRB also provided a response to the Government of Nunavut's request for clarification on the NIRB process which was submitted in its comments dated September 16, 2015. The NIRB confirmed agreement by all parties that the current application would be a significant modification to the activities previously assessed related to the "Pipe Dream Winter Road and Mining Exploration",

and that Section 12.4.3(a) and (b) of the Nunavut Land Claims Agreement (NLCA) would apply to current application. Therefore, the NIRB noted that the Board will be making its decision on the project proposal under NLCA Section 12.4.4.

On or before October 16, 2015 the NIRB received comments from the following interested parties:

- Government of Nunavut (GN)
- Aboriginal Affairs and Northern Development Canada (AANDC)
- Fisheries and Oceans Canada (DFO)
- Transport Canada (TC)

On October 26, 2015 AEM provided a response to parties concerns received on October 16, 2015.

Project Activities

The original “Pipe Dream Winter Road and Mining Exploration” project proposal is located within the Kivalliq region, on two properties: the Meadowbank Exploration Project area, approximately 90 kilometers (km) north of the Hamlet of Baker Lake; and the Greyhills Exploration Project area, approximately 43 km northeast of the Hamlet of Baker Lake. The Proponent indicated that it intended to undertake exploration activities, as well as construct and operate a winter road network near the Meadowbank project area.

The original application was screened in accordance with Part 4, Article 12 of the NLCA and all project components/activities previously screened are summarized in **Appendix B**. Additional authorization and extension requests associated with the “Amaruq Exploration” project have also been reviewed by the NIRB following screening of the original project proposal and a summary of the previously screened project activities can also be found in **Appendix B**.

AEM is currently proposing to develop a private single lane, all-season exploration access road linking the Meadowbank mine site to the Amaruq exploration project site to facilitate year round exploration operations including transport of fuel, equipment and personnel to site. The construction activities are proposed to take place from September 2015 to January 2018 with the proposed road to be utilized for several years after construction. To undertake these new activities, AEM has applied for a new Type B Water Licence (No. 8BC-AEA----) with the NWB; Right of Way Agreement (No. KVRW15F01), a new commercial lease, and a quarry permit (No. KVCA15Q02) with the KIA; as well as a new Land Use Permit (No. N2015F0026) and quarry permit with AANDC.

The additional activities and components for this project proposal include:

- Development and operation and eventual decommissioning of an all-season access road that is 62.5 kilometres (km) long and 6.5 metres wide and include the items listed below. The road will traverse approximately 40 km on Crown Land with the remaining 22.5 km on Inuit Owned Land (IOL).
 - Installation of three (3) bridges;
 - Installation of eight (8) large open bottomed arch culverts;
 - Installation of twenty eight (28) corrugated round culverts;

- Development of six (6) spur roads to access 6 of the 7 eskers to be used for borrow pits;
- Development of pullouts approximately every 400 ± 50 m to accommodate two road traffic;
- Use of non-potentially acid generating (NPAG) waste rock from the Vault Pit as quarry material to construct first 17 km of road;
- Use of seven (7) eskers for borrow material to build remainder of road;
- Transportation of materials, equipment and fuel for construction activities;
- Storage and use of fuel in double-walled tanks along the road to distribute fuel to equipment;
- Construction crew to be accommodated at existing and approved AEM facilities;
- Additional archaeological studies to be conducted prior to construction of road; and
- Winter road not expected to continue to be used once the single lane access road has been developed.

Please note that reference in the project proposal to future expansion of AEM's exploration program to construct an exploration decline in 2018 and to go underground beyond 2019 and year-round advanced exploration activities are not included as part of the scope of the current assessment.

APPENDIX B: PREVIOUSLY SCREENED PROJECT PROPOSAL

As previously screened by the NIRB (File No. 11EN010), AEM's original "Pipe Dream Winter Road and Mining Exploration" project was located within the Kivalliq region, on two properties: the Meadowbank Exploration Project area, approximately 90 kilometers (km) north of the Hamlet of Baker Lake; and the Greyhills Exploration Project area, approximately 43 km northeast of the Hamlet of Baker Lake. The Proponent indicated that it intended to undertake exploration activities, as well as construct and operate a winter road network near the Meadowbank project area.

These proposed activities were located near the Meadowbank Exploration Camp, which was included within the scope of the NIRB's Review of the Meadowbank Gold Mine project (File No. 03MN107) that had been permitted to proceed pursuant to the NIRB's Project Certificate No. 004 issued December 30, 2006. Following an evaluation of the project scope, the NIRB determined that the "Pipe Dream Winter Road and Mining Exploration" project activities were not included within the scope of the Board's previous Review of the Meadowbank Gold Mine Project and as such, these activities were treated as a new project subject to screening in accordance with Article 12 of the NLCA.

The activities and/or components associated with the original April 21, 2011 proposal screened under 11EN010, included:

- Construction and operation of winter road network, approximately 26.5 km in length:
 - Originating at the Meadowbank Exploration Camp at km 100 of the Meadowbank All Weather Private Access Road,
 - Maximize passage over frozen lakes,
 - Preparation include removal of snow from lake ice without flooding;
- Diamond drilling on land and on ice of approximately 13,000 metres (m) total on on Inuit Owned Land and Crown land at the Meadowbank and Greyhills Exploration Projects:
 - Approximately 78 drilling sites located within 19 different areas (areas to be connected via proposed winter road);
- Geological mapping, prospecting, some trenching, geophysical surveying;
- Access via winter road, supported by helicopter;
- Project personnel based out of the Meadowbank Exploration Camp (NIRB File No. 03MN107); and,
- Transportation of fuel and chemical materials on an as-needed basis to support drilling activities.

The activities and components associated with the previous August 10, 2011 NWB Type B Water Licence (No. 2BE-MEA0813) amendment application included:

- Conducting drilling activities within the 30 m high water mark of proximal water bodies; and
- Disposal of all drill waste a minimum of 30 m from the ordinary water mark of proximal water bodies.

The Proponent's March 22, 2012 application to amend its AANDC Land Use Permit (No. N2011C0010) included a request to conduct exploration activities on additional Crown land from April 2012 to August 2014 and included the following components:

- Approximately 30 drill sites per year for a total of 60 sites;
- Drilling to be conducted on land and on ice, with sites located approximately 15 kilometres northwest and up to 20 kilometres northeast of the previously permitted exploration sites (NIRB File No. 11EN010).

The Proponent's May 29, 2012 application for a new KIA Land Use Licence (No. KVL312C03) proposed additional exploration activities associated with its "IVR property" to take place on Inuit Owned Lands, approximately 50 kilometres northwest of the Meadowbank Mine site. The activities and components were determined to be related to the NIRB's 11EN010 screening, and included:

- Prospecting, geophysical work, and soil sampling;
- Trenching to enhance surface rock exposure for geological mapping and channel sampling (4 to 8 trenches);
- On-land and on-ice drilling of approximately 30 or more holes per year (dependent upon results obtained);
- Short term storage of fuel and chemicals at drill sites, including diesel, gasoline and propane;
- Transportation of personnel, fuel and equipment to exploration sites via helicopter;
- Use of water for drilling activities as permitted under the amended Type B Water Licence; and,
- Backhaul of any waste produced to the Meadowbank mine site for disposal (NIRB File No. 03MN107); and
- Use of Meadowbank Exploration Camp (NIRB File No. 03MN107).

The activities and components associated with the previous January 21, 2013 Type B Water licence (*associated* NIRB File No. EX160; NWB File No. 2BE-MEA0813) amendment included a request to add two exploration areas to the licence: "IVR Exploration" and "south Meadowbank area".

The Proponent requested a two year extension to its AANDC Land Use Permit (No. N2011C0010) in the May 23, 2013 extension application, to continue land use operations.

The Proponent's March 27, 2014 application for an amendment to its project and a new AANDC Land Use Permit (No. N2013F0030) included additional activities and components:

- Development and operation of a winter access road, approximately 53 kilometres in length from the Meadowbank mine site to the IVR Exploration site;
 - Winter road mostly located on lakes with nine (9) km situated on land;
 - No use of water for preparation of winter road;
- Use of winter access road to transport material, equipment and fuel for exploration activities;
- Archaeological investigation to be conducted in the summer of 2014.

In addition, AEM's June 27, 2014 Type B Water Licence (*associated* NIRB File No. EX211; NWB File No. 2BE-MEA1318) amendment application included the establishment of a 50 person temporary exploration camp consisting of 12 tents.

The Proponent's November 18, 2014 applications for a new commercial lease from the KIA, an amendment to its Land Use Permit with AANDC, and an amendment to its water licence with the Nunavut Water Board and included the following additional activities and components:

- Amendments under AEM's Land Use Permit (No. N2013F0030) with AANDC included:
 - Development and operation of an alternative winter access road, approximately 79 kilometres in length and 5 metres (m) wide, from the Meadowbank mine site to the Amaruq (IVR) exploration area to transport materials, equipment and fuel for exploration activities;
 - Winter road mostly located on lakes with seven (7) km located on land with a total area of 3.5 hectares;
 - Winter access road to be used from February to May with approximately four (4) trips per day;
 - No use of water for preparation of winter road;
 - Archaeological investigation of the proposed winter access route to be completed in the summer of 2015.

- Amendments under AEM's NWB Water Licence (No. 2BE-MEA1318) included:
 - Potential installation of an airstrip approximately 15 metre (m) wide and 500 m long at the south side of the proposed exploration camp using gravel from an esker near proposed location;
 - Potential transportation of materials, drills and personnel between the Meadowbank and Amaruq sites via airplane;
 - Installation of accommodations trailers for up to 60 personnel;
 - Storage of fuel (diesel, gasoline, aviation fuel and propane) and hazardous materials and chemicals (oil, glycol, and grease) in double-walled tanks and/or drums stored in lined berms;
 - Installation of a "Bionest" water treatment system to treat sewage and grey water before discharge into the environment;
 - Accumulated sludge (solid materials) to be disposed of in a pit near the site biennially (every two [2] years) and treated with lime and covered with a minimum of 30 centimetres (cm) of compacted soil;
 - Potential alternative disposal of grey water in a sump to be released to the environment following treatment;
 - Incineration of combustible solid waste;
 - Non-combustible solid waste including scrap metal, hazardous waste, contaminated soil and snow to be transported to an approved facility;
 - Empty barrels to be reused or transported to a recycling facility via barge;
 - Total water consumption of 299 cubic metres per day (m³/day) for all project related activities (including camp and drill activities).
 - Additional water consumption of 30 m³/day to be used for drilling activities for a total 280 m³/day; and

- Additional water consumption for domestic use of 10 m³/day to be used for a total of 19 m³/day.
- The new Commercial Lease with the KIA (No. KVCL314C01) included the following activities:
 - Camp construction, including installation of accommodations trailers, construction of a garage and gravel pad, and installation of a Bionest waste water treatment system;
 - Camp to be re-opened February 2015;
 - Use and construction of 2 gravel pits;
 - Construction of gravel roads to support exploration, approximately 5 metres (m) wide and 0.40 m thick, within the KIA commercial lease area;
 - Drilling activities to commence March 2015, with up to six (6) drills anticipated to be in operation for the 2015 season;
 - Storage capacity of 400,000 Litres (L) with tanks to be refilled during the winter season;
 - Installation of 9 - 55,000 Litre (L) and 2 – 100,000 L double-walled tanks;
 - Continuation of archaeological investigations in the Amaruq region;
 - Additional water use for drilling activities as permitted under the amended NWB Type B water licence.

APPENDIX C
Species at Risk in Nunavut

This list includes species listed on one of the Schedules of SARA (*Species at Risk Act*) and under consideration for listing on Schedule 1 of SARA. These species have been designated as at risk by COSEWIC (Committee on the Status of Endangered Wildlife in Canada). This list may not include all species identified as at risk by the Territorial Government.

- 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.

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: June 2015

Terrestrial Species at Risk ¹	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility ²
Migratory Birds			
Eskimo Curlew	Endangered	Schedule 1	EC
Buff-breasted Sandpiper	Special concern	Pending	EC
Ivory Gull	Endangered	Schedule 1	EC
Ross’s Gull	Threatened	Schedule 1	EC
Harlequin Duck (Eastern population)	Special Concern	Schedule 1	EC
Rusty Blackbird	Special Concern	Schedule 1	Government of Nunavut
Peregrine Falcon	Special Concern (<i>anatum-tundrius</i> complex ³)	Schedule 1 - Threatened (<i>anatum</i>) Schedule 3 – Special Concern (<i>tundrius</i>)	Government of Nunavut
Short-eared Owl	Special Concern	Schedule 1	Government of Nunavut
Red Knot (<i>rufa</i> subspecies)	Endangered	Schedule 1	EC
Red Knot (<i>islandica</i> subspecies)	Special Concern	Schedule 1	EC
Horned Grebe (Western population)	Special Concern	Pending	EC
Red-necked Phalarope	Special concern	Pending	EC
Vegetation			
Felt-leaf Willow	Special Concern	Schedule 1	Government of Nunavut
Porsild’s Bryum (Moss)	Threatened	Schedule 1	Government of Nunavut

Terrestrial Species at Risk ¹	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility ²
Terrestrial Wildlife			
Peary Caribou	Endangered	Schedule 1	Government of Nunavut
Peary Caribou (High Arctic Population)	Endangered	Schedule 2	Government of Nunavut
Peary Caribou (Low Arctic Population)	Threatened	Schedule 2	Government of Nunavut
Dolphin and Union Caribou	Special Concern	Schedule 1	Government of Nunavut
Grizzly Bear (Western Population)	Special Concern	Pending	Government of Nunavut
Wolverine	Special Concern	Pending	Government of Nunavut
Marine Wildlife			
Polar Bear	Special Concern	Schedule 1	Government of Nunavut/DFO
Atlantic Walrus	Special Concern	Pending	DFO
Beluga Whale (Cumberland Sound population)	Endangered	Schedule 2	DFO
Beluga Whale (Eastern Hudson Bay population)	Endangered	Pending	DFO
Beluga Whale (Western Hudson Bay population)	Special Concern	Pending	DFO
Beluga Whale (Eastern High Arctic – Baffin Bay population)	Special Concern	Pending	DFO
Bowhead Whale (Eastern Canada – West Greenland population)	Special Concern	Pending	DFO
Bowhead Whale (Eastern Arctic population)	Endangered	Schedule 2	DFO
Killer Whale (Northwest Atlantic / Eastern Arctic populations)	Special Concern	Pending	DFO
Narwhal	Special Concern	Pending	DFO
Fish			
Northern Wolffish	Threatened	Schedule 1	DFO
Atlantic Wolffish	Special Concern	Schedule 1	DFO
Bering Wolffish	Special Concern	Schedule 3	DFO
Roundnose Grenadier	Endangered	Pending	DFO
Spotted Whitefish	Threatened	Schedule 1	DFO
Thorny Skate	Special Concern	Pending	DFO
Atlantic Cod, Arctic Lakes	Special Concern	Pending	DFO
Blackline Prickleback	Special Concern	Schedule 3	DFO

¹ The Department of Fisheries and Oceans has responsibility for aquatic species.

² Environment Canada (EC) 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.

³ The *anatum* and *tundrius* subspecies of Peregrine Falcon were reassessed by COSEWIC in 2007 and combined into one subpopulation complex. This subpopulation complex was assessed by COSEWIC as Special Concern, and was added to Schedule 1 of SARA in July 2012.

APPENDIX D

Archaeological and Palaeontological 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 Aboriginal Affairs and Northern Development 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 Inventory
c)	Construction of linear disturbances, Extractive disturbances, Impounding disturbances and other land disturbance activities	Archaeological/ Palaeontological Inventory or Assessment or Mitigation

Note that the above-mentioned functions require either a Nunavut Archaeologist Permit or a Nunavut Palaeontologist Permit. CH is authorized by way of the *Nunavut and Archaeological and Palaeontological Site Regulations*¹ to issue such permits.

¹P.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 Aboriginal Affairs and Northern Development 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 *Nunavut Land Claims 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*², 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*³, 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 Nunavut Land Claims 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.*

² s. 51(1)

³ P.C. 2001-1111 14 June, 2001

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

CH is the Nunavut Government agency which oversees the protection and management of heritage resources in Nunavut, in partnership with land claim authorities, regulatory agencies, and 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 Nunavut Land Claims Agreement), and the Aboriginal Affairs and Northern Development 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*

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.