



**SCREENING DECISION REPORT**  
**NIRB FILE No.: 20QN022**

NPC File No.: 149403

**November 12, 2020**

Following the Nunavut Impact Review Board’s (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of the Government of Nunavut’s “Quarry Sites KM 8, 15, 16, 18, 20” 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 September 10, 2020 the NIRB received a referral to screen the Government of Nunavut’s (GN) “Quarry Sites KM 8, 15, 16, 18, 20” project proposal from the Nunavut Planning Commission (Commission), with an accompanying positive conformity determination with the Keewatin Regional Land Use Plan.

Pursuant to Article 12, Sections 12.4.1 and 12.4.4 of the *Nunavut Agreement* and s. 87 of the *NuPPAA*, the NIRB commenced screening this project proposal and assigned it file number **20QN022**.

## PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS

### 1. Screening Process Timelines

The following key stages were completed for the screening process:

Date	Stage
September 10, 2020	Receipt of project proposal and positive conformity determination (Keewatin Regional Land Use Plan) from the Commission.
September 11, 2020	Request to complete public registry online and provide information pursuant to s. 144(1) of the <i>NuPPAA</i>
September 14, 2020	Receipt of online application from Proponent
September 14, 2020	Scoping pursuant to s. 86(1) of the <i>NuPPAA</i>
September 18, 2020	Public engagement and comment request
October 9, 2020	Receipt of public comments
October 28, 2020	Ministerial extension requested from the Minister of Community and Government Services
November 12, 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/125562](http://www.nirb.ca/project/125562).

<b>Project:</b>	Quarry Sites KM 8, 15, 16, 18, 20
<b>Region:</b>	Kivalliq
<b>Location:</b>	Northwest of the built up of Rankin Inlet, within municipal boundaries of the community of Rankin Inlet
<b>Summary of Project Description:</b>	The Proponent intends to extract aggregate from five (5) quarry sites to meet the construction demands of the community of Rankin Inlet.
<b>Project Proposed Timeline:</b>	The program is proposed to take place from 2021 until the projected deposits of aggregate are depleted or no longer needed.

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

- Construction of new quarry sites to access aggregate material for community construction needs. Estimate maximum extraction volumes would be:
  - KM 8 = 70,000 cubic metres (m<sup>3</sup>)
  - KM 15 = 75,000 m<sup>3</sup>
  - KM 16 = 75,000 m<sup>3</sup>
  - KM 18 = 140,000 m<sup>3</sup>
  - KM 20 = 800,000 m<sup>3</sup>
- Use of existing municipal road (Diane Road) to access the new quarry sites;
- Use of heavy equipment to widen the Diane Road from three (3) metres to eight (8) metres to accommodate two-way heavy equipment traffic;
- Construction of two (2) roads branching off Diane Road to access quarries KM 8 and 15;
- Use of equipment including excavator, loader, dump trucks, crusher, and screener;
- Transport of material for use in community;
- Stockpiling of material when required;
- Use of local fuel to operate heavy equipment and vehicle needs;
- Use of water from local sources for dust management;
- Reclamation of quarry sites once aggregate resources are depleted by leveling quarry;
- Potential relocation of four (4) private cabins at KM 8 and one (1) private cabin at KM 16; and;
- Use of local facilities.

## 3. Inclusion or Exclusion to Scoping List

At this time, the NIRB has identified no additional works or activities in relation to the project proposal. As a result, the NIRB will proceed with screening the project based on the scope as described above. The NIRB notes that the water based activities at Nippisar Lake has been previously approved under NIRB File No. 13UN037 and that any activities associated with the

withdrawal of water for dust management would also require to abide by the terms and conditions issued for NIRB File No. 13UN037.

#### 4. Public Comments and Concerns

Notice regarding the NIRB's screening of this project proposal was distributed on September 18, 2020 to community organizations in Rankin Inlet, as well as to relevant federal and territorial government agencies, Inuit organizations and other parties. The NIRB requested that interested parties review the proposal and provide the Board with any comments or concerns by October 9, 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 October 9, 2020 the NIRB received comments from the following interested parties:

- **Crown – Indigenous Relations and Northern Affairs Canada**

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

The following provides a summary of the comments and concerns received by the NIRB:

#### **Crown – Indigenous Relations and Northern Affairs Canada**

- CIRNAC is of the view that the potential impacts of the proposed Project can be mitigated with known practices or technology.
- CIRNAC recommends that the Proponent adopt additional common practices to mitigate potential adverse effects from project activities.
- CIRNAC recommends that the Proponent and Municipality of Rankin Inlet prioritize the employment and training of local Inuit beneficiaries in the development and operation of the five new quarries.
- CIRNAC recommends that the Proponent and the Municipality of Rankin Inlet maintain open communication with the residents of Rankin Inlet and local organizations that may have an interest in project activities. Issues that should be considered in consultation activities include:
  - Safety precautions associated with quarry development and operation, including shared use of the Diane River Road;
  - Incorporation of Inuit knowledge or Inuit Qaujimajatuqangit in the project design;
  - Training and employment opportunities for community members; and

- Regular updates on the status of quarries (e.g., development, operation, and closure).

***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 the time required to allow Parties potentially affected by Covid-19 additional time to review the Proposal, 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 October 28, 2020 the NIRB wrote to the Minister of Community and Government Services, Government of Nunavut, seeking an extension to the 45-day timeline for the provision of the Board’s Report.

**ASSESSMENT OF THE PROJECT PROPOSAL IN ACCORDANCE WITH PART 3 OF *NuPPAA***

In determining whether a review of the project is required, the Board considered whether the project proposal had potential to result in significant ecosystemic or socio-economic impacts.

Accordingly, the assessment of impact significance was based on the analysis of those factors that are set out under s. 90 of the *NuPPAA*. The Board took particular care to take into account Inuit Qaujimaningit, 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:

<b>Factor</b>	<b>Comment</b>
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"> <li>▪ The physical footprint of the proposed project takes place within the Municipal boundaries of the community of Rankin Inlet and would use existing municipal roads, as well as expanding roads to access the proposed project sites.</li> <li>▪ The proposed project activities may overlap habitat for various species of migratory and non-migratory birds, caribou and caribou habitat and small terrestrial wildlife.</li> </ul>
The ecosystemic sensitivity of that area.	<ul style="list-style-type: none"> <li>▪ No specific areas of ecosystemic sensitivity have been identified by the Proponent within the physical footprint of the proposed project.</li> </ul>
The historical, cultural and archaeological significance of that area.	<ul style="list-style-type: none"> <li>▪ No specific areas of historical, cultural and archaeological significance have been</li> </ul>

Factor	Comment
	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"> <li>▪ Human populations may be affected due to increase in noise and dust from quarrying, material transportation, and construction activities at the quarry site.</li> <li>▪ A number of private cabins may have to be relocated due to quarrying activities.</li> <li>▪ Due to size and the close proximity of the proposed project to the community of Rankin Inlet, the proposed project is unlikely to result in impacts to migratory and non-migratory birds and to local terrestrial wildlife populations. However, it is noted that the Qamanirjuaq caribou herd migrate through this area and may be impacted by the project activities. The proposed project may likely impact habitat and migratory patterns of the species identified above.</li> </ul>
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"> <li>▪ A zone of influence of up to 20 km from the most potentially-disruptive project activities was selected for the NIRB's assessment.</li> <li>▪ Based on past evidence from projects with a similar scope of activities, the potential adverse impacts are considered to be well-known, with potential for localized impacts to the biophysical environment that are mitigable with due care.</li> <li>▪ 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.</li> </ul>
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"> <li>▪ The mitigation measures recommended by the NIRB have been designed with consideration for the potential for cumulative effects to result from the impacts of the project combined with other past, present and reasonably foreseeable projects.</li> </ul>
Any other factor that the Board considers relevant to the assessment of the significance of impacts.	<ul style="list-style-type: none"> <li>▪ No other relevant factors were identified.</li> </ul>

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

<b>NIRB Number</b>	<b>Project</b>	<b>Project Title</b>	<b>Project Type</b>
<b><i>Proposed Developments – undergoing assessment</i></b>			
20AN020		Access Trail Project Chesterfield Inlet	Access Road
<b><i>Present Projects – approved or in operation</i></b>			
18YN016		Churchill Marine Observatory – Environmental Observing (CMO-EO)	Research
19XN042		Rankin Inlet and Baker Lake Meteorological Towers	Research
20QN016		Rankin Inlet Sand Pit	Pits and Quarries
<b><i>Past Projects</i></b>			
19RA048		Ferguson Lake Camp	Mineral Exploration
19DN049		OP NANOOK-NUNALIVUT 2020	Defence

**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:**

<b>Valued Component</b>	Caribou and Caribou Habitat
<b>Potential effects:</b>	Potential adverse effects to caribou and caribou habitat particularly the migration areas of the Qamanirjuaq Caribou Herd from disturbance and disruption of movement from project-related noise, including the operations of the quarrying and remediation activities, and transportation activities. Project activities would occur during May through October when the caribou are the most sensitive to noise disturbance. Further, there is potential for cumulative effects on disturbance to the caribou from other projects in the area.
<b>Nature of Impacts:</b>	Potential long-term adverse effects are possible from increased stress to caribou in key habitat areas on an already vulnerable population. If the terms and conditions recommended by the NIRB are adhered to, the potential adverse effects to caribou and caribou habitat are considered to be of moderate magnitude, over the short-term and reversible upon cessation of activities.

<b>Mitigating Factors:</b>	It is expected that the terms and conditions including measures such as requiring the Proponent to cease activities that may interfere with the migration of caribou until the caribou have left the area would mitigate any potential adverse impacts to caribou in the direct project area and areas adjacent to the proposed project.
<b>Proposed Terms and Conditions:</b>	Wildlife General – 16 through 21 Caribou and Muskox – 24 through 28 Road and Ground Disturbance – 29 Land Use and Restoration of Disturbed Areas – 36 through 40
<b>Related Acts and/or Regulations:</b>	1. The <i>Wildlife Act (Nunavut)</i> and its corresponding regulations ( <a href="http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html">http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html</a> ).

<b>Valued Component</b>	Migratory birds and non-migratory birds, small terrestrial wildlife and their habitats.
<b>Potential effects:</b>	Potential adverse effects to migratory birds and non-migratory birds, small terrestrial wildlife and their habitats due to increase in noise and disturbance generated from the use of heavy equipment for the extraction of quarry material, use of existing roads to transport personnel and equipment to and from site, and the stockpiling of aggregate material.
<b>Nature of Impacts:</b>	The potential for impacts is applicable to a small geographical area and is limited due to the proximity of the sites to existing infrastructure, and human activity.
<b>Mitigating Factors:</b>	The Board is recommending terms and conditions that ensure that the potential adverse impacts can be mitigated by measures such as minimizing activities when wildlife and birds are particularly sensitive to disturbance especially during denning periods, migration, nesting and moulting are adhered to, and ensuring that all project personnel are made aware of the measures to protect wildlife.
<b>Proposed Terms and Conditions:</b>	Wildlife General – 16 through 21 Migratory Birds and Raptors Disturbance – 22 and 23 Caribou and Muskox – 24 through 28 Road and Ground Disturbance – 29 Land Use and Restoration of Disturbed Areas – 36 through 40
<b>Related Acts and/or Regulations:</b>	1. The <i>Migratory Birds Convention Act</i> ( <a href="http://laws-lois.justice.gc.ca/eng/acts/M-7.01/">http://laws-lois.justice.gc.ca/eng/acts/M-7.01/</a> ), the <i>Migratory Birds Regulations</i> ( <a href="https://laws-lois.justice.gc.ca/eng/regulations/C.R.C., c. 1035/index.html">https://laws-lois.justice.gc.ca/eng/regulations/C.R.C., c. 1035/index.html</a> ) and the <i>Migratory Bird Sanctuary Regulations</i> ( <a href="https://laws-lois.justice.gc.ca/eng/regulations/C.R.C., c. 1036/index.html">https://laws-lois.justice.gc.ca/eng/regulations/C.R.C., c. 1036/index.html</a> ).  2. The <i>Wildlife Act (Nunavut)</i> and its corresponding regulations ( <a href="http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html">http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html</a> ).

<b>Valued Component</b>	Vegetation, soil, permafrost, surface water quality and fish habitat.
<b>Potential effects:</b>	Potential adverse effects to vegetation, soil, permafrost, and surface water quality from the deposition of dust and accidental leaks and spillages of fuels, from transportation of quarry material and heavy equipment operations. There is also the potential for erosion, sedimentation and water runoff from the quarry areas due to the excavation of quarry materials. Further, quarrying may cause permafrost degradation.
<b>Nature of Impacts:</b>	It is expected that standard operational considerations would mitigate any potential adverse impacts to the land, permafrost, surface water quality, fish habitat. As such, potential impacts would be considered to have a low magnitude, be mostly reversible and temporary in nature, and would have a low probability of extending beyond the immediate project area.
<b>Mitigating Factors:</b>	The Proponent has committed to implementing a <i>Spill Response Plan</i> for the project and to maintain and make immediately available appropriate and adequate spill response equipment materials. Additionally, the Proponent has developed a <i>Dust Management Plan</i> to minimize dust emissions and identify potential sources of dust emissions generated from quarry operations. The Board is also recommending terms and conditions such as requiring the Proponent to employ mitigation measures related to the surface water quality and fish habitat, spill response, personnel training related to fuel and waste; use appropriate measures to prevent unplanned deposition of sediment and runoff.
<b>Proposed Terms and Conditions:</b>	Water Use – 6, 7, and 8 Fuel and Chemical Usage – 10 through 13 Road and Ground Disturbance – 29 Aggregate Removal within Existing and New Quarries – 30 through 35 Land Use and Restoration of Disturbed Areas – 36 through 40
<b>Related Acts and/or Regulations:</b>	<ol style="list-style-type: none"> <li>1. The <i>Nunavut Waters and Nunavut Surface Rights Tribunal Act</i> (<a href="http://laws-lois.justice.gc.ca/eng/acts/n-28.8/">http://laws-lois.justice.gc.ca/eng/acts/n-28.8/</a>).</li> <li>2. The <i>Territorial Quarrying Regulations</i> (<a href="http://www.canlii.org/en/ca/laws/regu/crc-c-1527/latest/crc-c-1527.html">http://www.canlii.org/en/ca/laws/regu/crc-c-1527/latest/crc-c-1527.html</a>) or equivalent.</li> </ol>

<b>Valued Component</b>	Air Quality
<b>Potential effects:</b>	There is potential for adverse effects to air quality in the immediate vicinity of the proposed quarry and along the access road due to an increase in fugitive dust and emissions from equipment on site and travel along the access road.

<b>Nature of Impacts:</b>	The potential for impacts to air quality is considered to be moderate due to the limited period of site activity and mitigable through application of dust suppressants.
<b>Mitigating Factors:</b>	The Proponent has several existing approved management plans that provide mitigation measures that will be implemented as required. These plans include a <i>Dust Management Plan</i> and a <i>Quarry Management Plan</i> . Further, it is recommended that the potential adverse impacts from the quarrying activities may be mitigated by ensuring the Proponent undertakes appropriate dust suppression.
<b>Proposed Terms and Conditions:</b>	Waste Management – 9 Road and Ground Disturbance – 29 Air Quality – 14 and 15 Aggregate Removal within Existing and New Quarries – 30 through 35
<b>Related Acts and/or Regulations:</b>	1. The <i>Canadian Environmental Protection Act</i> ( <a href="http://laws-lois.justice.gc.ca/eng/acts/C-15.31/">http://laws-lois.justice.gc.ca/eng/acts/C-15.31/</a> ). The Proponent is advised that the <i>Canadian Environmental Protection Act</i> 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.

<b>Valued Component</b>	Wildlife Harvesting and Traditional Land Use Activities
<b>Potential effects:</b>	Potential adverse effects to public safety, and public and traditional land use activities in the area due to the quarrying activities.
<b>Nature of Impacts:</b>	Although the proposed project would include temporary and intermittent activities that would have limited potential for direct interaction with traditional land use activities, potential long-term impacts are possible from increased stress to wildlife (particularly to caribou) in key habitat areas. Unmitigated project impacts could affect the migratory patterns of the caribou herds and could result in indirect impacts on an already vulnerable population and subsequently on harvesting activities tied to these shared traditional resources in other areas.
<b>Mitigating Factors:</b>	The Board is recommending terms and conditions to ensure land users and the public are informed of the project activities and that project activities do not interfere with wildlife harvesting or traditional land use activities. The Board is also recommending terms and conditions to ensure land users are aware of the quarry boundaries. Further terms and conditions associated with the protection of wildlife and wildlife habitat have also been recommended and are identified above.
<b>Proposed Terms and Conditions:</b>	Aggregate Removal within Existing and New Quarries – 30 through 35 Other – 44 through 46
<b>Related Acts and/or Regulations:</b>	1. The <i>Wildlife Act (Nunavut)</i> and its corresponding regulations ( <a href="http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html">http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html</a> ).

**Socio-economic effects on northerners:**

<b>Valued Component</b>	Local Economic Benefits
<b>Potential effects:</b>	The project would be located in Rankin Inlet and may provide positive economic benefits through job opportunities and potential training opportunities.
<b>Nature of Impacts:</b>	The potential for impacts is considered to be positive to the community of Rankin Inlet.
<b>Mitigating Factors:</b>	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.
<b>Proposed Terms and Conditions:</b>	Other - 46
<b>Related Acts and/or Regulations:</b>	N/A

<b>Valued Component</b>	Historical, Cultural and Archaeological Sites
<b>Potential effects:</b>	No specific areas of historical, cultural and archaeological sites were identified by any commenting parties within the physical footprint of the proposed project; however, the Proponent noted that one (1) gravesite has been identified within the proposed project site. The Proponent has committed to ensuring the grave is not disturbed during quarry operations.
<b>Nature of Impacts:</b>	The Proponent is proposing to work in an area where previous quarrying activities have occurred and the potential encountering historical sites is considered minimal.
<b>Mitigating Factors:</b>	The Proponent would be required to contact the Government of Nunavut, Culture and Heritage if any historical or archeological sites are encountered.
<b>Proposed Terms and Conditions:</b>	Heritage Sites – 41 through 43 Other – 44 through 46
<b>Related Acts and/or Regulations:</b>	1. The <i>Nunavut Act</i> ( <a href="http://laws-lois.justice.gc.ca/eng/acts/N-28.6/">http://laws-lois.justice.gc.ca/eng/acts/N-28.6/</a> ). The Proponent must comply with the proposed terms and conditions listed in the attached <b>Appendix B</b> .

**Significant public concern:**

<b>Valued Component</b>	Public Concern
<b>Potential effects:</b>	No significant public concern was expressed during the public commenting period for this file; however, the Board recommends terms and conditions to ensure project activities do not interfere with Inuit wildlife harvesting or traditional land use activities, to the extent possible hire local people and access local services where possible, and

	to ensure planned activities in the area utilizes available Inuit Qaujimaningit.
<b>Nature of Impacts:</b>	The potential for impacts is considered to be minimal as long as the Proponent follow the recommended terms and conditions.
<b>Mitigating Factors:</b>	Recommended terms and conditions.
<b>Proposed Terms and Conditions:</b>	Other – 44 though 46
<b>Related Acts and/or Regulations:</b>	N/A

**Technological innovations for which the effects are unknown:**

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

**Administrative Conditions:**

To encourage compliance with applicable regulatory requirements and assist the Board and responsible authorities with compliance and effects monitoring for project activities, the following project-specific terms and conditions have been recommended: 1-5.

In considering the above factors and subject to the Proponent’s compliance with the terms and conditions necessary to mitigate against the potential adverse environmental and social effects, the Board is of the view that the proposed project is unlikely to cause significant public concern and its adverse ecosystemic and socioeconomic impacts are unlikely to be significant, or are highly predictable and can be adequately mitigated by known technologies.

**RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS**

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

**General**

1. Government of Nunavut (the Proponent) shall maintain a copy of the Project Terms and Conditions at the site of operation at all times and make it accessible to enforcement officers upon request.
2. The Proponent shall operate in accordance with all commitments stated in correspondence provided to the Nunavut Planning Commission (NPC File No.: 149403) and the NIRB (Online Application Form, September 14, 2020). This information should be accessible to enforcement officers upon request.
3. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.
4. 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.

5. 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.

#### **Water courses/Water bodies (including fresh and marine waters)**

6. The Proponent shall ensure that no disturbance of the stream bed, lakebed or the banks of any definable watercourse be permitted, except where deemed necessary for maintaining project-specific operational commitments or approved by a responsible authority in cases of spill management.
7. The Proponent shall not deposit, nor permit the deposit of any fuel, chemicals, wastes (including wastewater) or sediment into any water body. The Proponent should have in place an Emergency Spill Response Plan that is approved by the appropriate authorizing agency(ies).
8. The Proponent shall implement erosion and sediment suppression measures on all areas during all project activities in order to prevent sediment or fugitive dust from entering any water body or surrounding environment. Erosion prevention measures may include berms or silt fences.

#### **Waste Management**

9. The Proponent shall manage all hazardous and non-hazardous waste including food, domestic wastes, debris and petroleum-based chemicals (e.g., greases, gasoline, glycol-based antifreeze) in such a manner to avoid release into the environment and access to wildlife at all times until disposed of appropriately or at an approved facility.

#### **Fuel and Chemical Usage**

10. The Proponent shall have a Spill Contingency Plan in place at all fuel storage or transfer locations and shall ensure that appropriate spill response equipment and clean-up materials (e.g., shovels, pumps, barrels, drip pans, and absorbents) are readily available.
11. The Proponent shall follow the authorizing agencies' direction for management and removal of hazardous materials and wastes (e.g., contaminated soils, sediment and waste oil).
12. The Proponent shall ensure that wildlife deterrent systems are utilized at the time of a spill incident in order to avoid wildlife (terrestrial or marine) and migratory birds from being contaminated.
13. The Proponent shall ensure that all spills of fuel or other deleterious materials of 100 litres or more must be reported immediately to the 24-hour Spill Line at (867) 920-8130.

#### **Air Quality**

14. The Proponent shall take appropriate dust suppression measures in conducting all activities for this Project including using approved dust suppression additives and techniques as necessary to maintain ambient air quality.
15. The Proponent shall eliminate unnecessary idling to reduce greenhouse gas emissions as much as possible.

## **Wildlife – General**

16. The Proponent shall not substantially alter or damage or destroy any wildlife habitat in conducting this operation unless otherwise authorized by the appropriate authorizing agencies.
17. The Proponent shall not chase, weary, harass or molest wildlife. This includes persistently circling, chasing, hovering over, pursuing or in any other way harass wildlife, or disturbing large groups of animals.
18. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired.
19. The Proponent shall ensure that all wildlife have the right-of-way on any roads or trails. Vehicles are required to slow down or stop and wait to permit the free and unrestricted movement of wildlife across roads or trails at any location.
20. The Proponent shall enforce safe speed limits for vehicles travelling along the road to ensure drivers have sufficient time to react in a safe manner if wildlife are encountered on or adjacent to the road or trail.
21. The Proponent shall ensure that drivers maintain spacing appropriate for driving and road conditions, and speed limits, to ensure drivers have time to safely react to any wildlife on the road.

## **Migratory Birds and Raptors Disturbance**

22. The Proponent shall carry out all phases of the project in a manner that protects migratory birds and avoids harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests or eggs. In this regard, the Proponent shall take into account Environment and Climate Change Canada's *Avoidance Guidelines*. The Proponent's actions in applying the *Avoidance Guidelines* shall be in compliance with the *Migratory Birds Convention Act, 1994* and with the *Species at Risk Act*.
23. The Proponent shall not disturb or destroy the nests or eggs of any birds. If active nests of any birds are discovered or located (i.e., with eggs or young), the Proponent shall avoid these areas until nesting is complete and the young have naturally left the vicinity of the nest by establishing a protection buffer zone<sup>1</sup> appropriate for the species and the surrounding habitat.

## **Caribou and Muskoxen Disturbance**

24. The Proponent shall avoid interfering with any paths or crossings known to be frequented by caribou during periods of migration as identified by current land use plans in place and/or by Inuit Qaujimaningit.
25. The Proponent shall not locate any operation or undertake activities that could block or cause any diversion to migration of caribou or muskoxen.
26. The Proponent shall immediately cease activities likely to interfere with the migration or calving of caribou or muskoxen until such time as the caribou or muskox have passed.

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<sup>1</sup> 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](http://www.ec.gc.ca/paom-itmb).

27. Should pregnant caribou cows, cows with young calves, or groups of 50 or more caribou be observed within one (1) kilometer of project operations at any time, the Proponent shall suspend all operations in the vicinity.
28. During the period of April 14 to June 1 when muskoxen are present, the Proponent shall not approach muskoxen closer than one (1) kilometer. .

### **Road and Ground Disturbance**

29. 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.

### **Aggregate Removal within Existing and New Quarries**

30. The Proponent shall not remove any material from below the ordinary highwater mark of any lake or stream and shall maintain an undisturbed buffer zone as required by the appropriate authorizing agencies between quarry site and any high water mark of any water body to ensure erosion control.
31. The Proponent shall install silt fences/curtains down stream of any quarry activities.
32. 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.
33. The Proponent shall locate screening and crushing equipment on stable ground, at a location with ready access to stockpiles.
34. The Proponent shall clearly stake and flag pit and quarry boundaries, so they remain visible to other land users.
35. 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.

### **Land Use and Restoration of Disturbed Areas**

36. The Proponent shall use existing trails where possible during project activities on the land.
37. The Proponent shall ensure that the land use area is kept clean and tidy at all times.
38. The Proponent shall avoid disturbance on slopes prone to natural erosion, and alternative locations shall be utilized.
39. The Proponent shall remove all garbage, fuel and equipment at the end of each field season and/or upon completion of work and/or upon abandonment.
40. The Proponent shall ensure that all disturbed areas are restored to a stable or pre-disturbed state using Best Available Technology Economically Achievable (BATEA) upon completion of work and/or abandonment.

### **Heritage Sites**

41. The Proponent shall ensure that archaeological and paleontological sites are not purposely or inadvertently disturbed by clients or staff as a result of project activities.

42. The Proponent shall ensure that all clients and staff are aware of the Proponent's responsibilities and requirements regarding archaeological or palaeontological sites that are encountered during land-based activities. This should include briefings explaining the prohibitions regarding removal of artifacts, and defacing or writing on rocks and infrastructure.
43. 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 needs to be recorded and reported to the Government of Nunavut-Department of Culture and Heritage.

### **Other**

44. The Proponent should engage with local residents regarding planned activities in the area and should solicit available Inuit Qaujimaningit and information regarding current recreational and traditional usage of the project area which may inform project activities. Posting of translated public notices and direct engagement with potentially interested groups and individuals prior to undertaking project activities is strongly encouraged.
45. The Proponent shall ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.
46. The Proponent should, to the extent possible, hire local people and access local services where possible.

## MONITORING AND REPORTING REQUIREMENTS

In addition, the Board is recommending the following:

### **Cabin Relocation Report**

1. The Proponent shall submit a consultation report prior to the commencement of project activities. The report shall include a copy of materials presented to all local cabin owners as well as to the community, a description of issues and concerns raised, and advice offered to the Proponent as well as any follow-up actions that were required or taken to resolve any concerns expressed about the project proposal. The Cabin Relocation report shall include information on:
  - a. What was discussed with the cabin owners as well as the community;
  - b. What agreement(s), if any, with each cabin owner were put in place;
  - c. Did they receive compensation; and
  - d. Where the cabins were moved if relocated.

## OTHER NIRB CONCERNS AND RECOMMENDATIONS

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

## Change in Project Scope

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

## Copy of licences, etc. to the Board and Commission

2. The NIRB respectfully requests that responsible authorities submit a copy of each licence, permit or other authorization issued for the Project to the NIRB to assist in enabling possible project monitoring that may be required. Please forward a copy of the licences, permits and/or other authorizations to the NIRB directly at [info@nirb.ca](mailto:info@nirb.ca) or upload a copy to the NIRB's online registry at [www.nirb.ca](http://www.nirb.ca).

## Use of Inuit Qaujimaningit

3. The Proponent is encouraged to work with local communities and knowledge holders to inform project design, to carry out the project, and to confirm or validate the perspectives represented in publications, film or other media produced as part of the project. Care should be taken to ensure that Inuit Qaujimaningit and local knowledge collected for the project is used with permission and is accurately represented.

## Bear and Carnivore Safety

4. 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](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](https://www.enr.gov.nt.ca/sites/enr/files/resources/safety_in_grizzly_and_black_bear_country_english.pdf).
5. 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](http://www.pc.gc.ca/eng/pn-np/nu/quttinirpaaq/visit/visit6/~media/pn-np/nu/auyuittuq/pdf/shared/PolarBearSafety_English.ashx).
6. Any problem wildlife or any interaction with carnivores should be reported immediately to the local Government of Nunavut, Department of Environment Conservation Office (Conservation Officer of Rankin Inlet, phone: (867) 645-8084).

## Species at Risk

7. 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](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**

8. 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.
9. 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](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 Government of Nunavut’s “Quarry Sites KM 8, 15, 16, 18, 20”. The NIRB remains available for consultation with the Minister regarding this report as necessary.

Dated November 12, 2020 at Baker Lake, NU.



Kaviq Kaluraq, Chairperson

Attachments: Appendix A: Species at Risk in Nunavut  
Appendix B: Archaeological and Palaeontological Resources Terms and Conditions for Land Use Permit Holders

## APPENDIX A: 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](http://www.sararegistry.gc.ca)) to get the current status of a species.

Updated: September 2019

Terrestrial Species at Risk <sup>2</sup>	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility <sup>3</sup>
<b>Migratory Birds</b>			
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
<b>Vegetation</b>			
Porsild's Bryum	Threatened	Schedule 1	Government of Nunavut (GN)
<b>Arthropods</b>			
Transverse Lady Beetle	Special Concern	No Schedule	GN
<b>Terrestrial Wildlife</b>			
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
<b>Marine Wildlife</b>			
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

<sup>2</sup> The Department of Fisheries and Oceans has responsibility for aquatic species.

<sup>3</sup> 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.

<b>Terrestrial Species at Risk<sup>2</sup></b>	<b>COSEWIC Designation</b>	<b>Schedule of SARA</b>	<b>Government Organization with Primary Management Responsibility<sup>3</sup></b>
Beluga Whale (Eastern High Arctic-Baffin Bay Population)	Special Concern	No Schedule	DFO
Beluga Whale (Western Hudson Bay Population)	Special Concern	No Schedule	DFO
<b>Fish</b>			
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 B: 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:

	<b>Types of Development</b> (See Guidelines below)	<b>Function</b> (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*<sup>4</sup> to issue such permits.

<sup>4</sup>P.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*<sup>5</sup>, 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*<sup>6</sup>, 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](http://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 heritage resources in Nunavut, in partnership with land claim authorities, regulatory agencies, and

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<sup>5</sup> s. 51(1)

<sup>6</sup> P.C. 2001-1111 14 June, 2001

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.