



**SCREENING DECISION REPORT
NIRB FILE No.: 21EN013**

NPC File No.: 149467

May 31, 2021

Following the Nunavut Impact Review Board’s (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of Leeward Capital Corp.’s “Pistol Lake Project” is not required pursuant to Article 12, Section 12.4.4(a) of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and s. 92(1)(a) of the *Nunavut Planning and Project Assessment Act, S.C. 2013, c. 14, s. 2 (NuPPAA)*.

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

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The primary objectives of the NIRB are set out in Article 12, Section 12.2.5 of the *Nunavut Agreement* and are confirmed by s. 23 of the *NuPPAA*:

Nunavut Agreement, Article 12, Section 12.2.5: In carrying out its functions, the primary objectives of NIRB shall be at all times to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, and to protect the ecosystemic integrity of the Nunavut Settlement Area. NIRB shall take into account the well-being of the residents of Canada outside the Nunavut Settlement Area.

The purpose of screening is provided for under Article 12, Section 12.4.1 of the *Nunavut Agreement* and s. 88 of the *NuPPAA* which states:

NuPPAA, s. 88: The purpose of screening a project is to determine whether the project has the potential to result in significant ecosystemic or socio-economic impacts and, accordingly, whether it requires a review by the Board...

To determine whether a review of a project is required, the NIRB is guided by the considerations as set out under Article 12, Section 12.4.2 (a) and (b) of the *Nunavut Agreement* and s. 89(1) of *NuPPAA* which states:

NuPPAA, s. 89(1): The Board must be guided by the following considerations when it is called on to determine, on the completion of a screening, whether a review of the project is required:

- (a) a review is required if, in the Board's opinion,
 - i. the project may have significant adverse ecosystemic or socio-economic impacts or significant adverse impacts on wildlife habitat or Inuit harvest activities,
 - ii. the project will cause significant public concern, or
 - iii. the project involves technological innovations, the effects of which are unknown; and
- (b) a review is not required if, in the Board's opinion,
 - i. the project is unlikely to cause significant public concern, and
 - ii. its adverse ecosystemic and socioeconomic impacts are unlikely to be significant, or are highly predictable and can be adequately mitigated by known technologies.

It is noted that under Article 12, Section 12.4.2(c) and s. 89(2) of the *NuPPAA* provides that the considerations set out in s. 89(1)(a) prevail over the considerations set out in s. 89(1)(b) of the *NuPPAA*.

As set out under Article 12, Section 12.4.4 of the *Nunavut Agreement* and s. 92(1) of the *NuPPAA*, upon conclusion of the screening process, the Board must provide its written report the Minister. The contents of the NIRB's report are specified under *NuPPAA*:

NuPPAA, s. 92(1): The Board must submit a written report to the responsible Minister containing a description of the project that specifies its scope and indicating that:

- (a) a review of the project is not required;
- (b) a review of the project is required; or
- (c) the project should be modified or abandoned.

Where the NIRB determines that a project may be carried out without a review, the NIRB has the discretion to recommend specific terms and conditions to be attached to any approval of the project proposal pursuant to paragraph 92(2)(a) of *NuPPAA* as follows:

NuPPAA, s. 92(2) In its report, the Board may also

- (a) recommend specific terms and conditions to apply in respect of a project that it determines may be carried out without a review.

PROJECT REFERRAL

On February 24, 2021 the NIRB received a referral to screen Leeward Capital Corp.’s “Pistol Lake Project” proposal from the Nunavut Planning Commission (Commission), which noted that the project proposal is outside the area of an applicable 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 **21EN013**.

PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS

1. Screening Process Timelines

The following key stages were completed for the screening process:

Date	Stage
February 24, 2021	Receipt of project proposal and referral from the Commission.
February 24, 2021	Request to complete public registry online and provide information pursuant to s. 144(1) of the <i>NuPPAA</i>
March 1, 2021	Receipt of online application from Proponent
March 1, 2021	Scoping pursuant to s. 86(1) of the <i>NuPPAA</i>
March 18, 2021	Public engagement and comment request
April 8, 2021	Receipt of public comments
April 14, 2021	Proponent responded to comments/concerns raised by public
April 22, 2021	Ministerial extension requested from the Minister of Northern Affairs
April 23, 2021	Proponent provided with an opportunity to address comments/concerns raised by public
May 3, 2021	Proponent responded to comments/concerns raised by public
May 31, 2021	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/125588.

Project:	Pistol Lake Project				
Region:	Kitikmeot				
Location:	Knutson Lake				
Closest Community:	Kugluktuk	Distance (approximate)	280	Direction	Southeast
Summary of Project Description:	The Proponent intends to conduct exploration activities and construct a 16-person temporary camp to support prospecting, sampling, and 3 000 meters of core drilling.				
Project Proposed Timeline:	July 2021 to October 2021				

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

- Establishment of a temporary 16 person exploration camp;
- Proposed prospecting, sampling, and ground geophysics programs;
- Drilling to depths of up to 3,000 meters;
- Storage of aviation fuel, gasoline, diesel, propane, and hazardous materials such as drilling mud, calcium chloride, and hydraulic oil;
- Spill response equipment located at fuel caches, heli-pad, and drill sites;
- Use of a helicopter to support drill move, fuel transport to drill site, and transport personnel;
- Use of a generator to supply power for the camp and equipment;
- Use of up to 295m³/day of water;
- Use of an incinerator for combustible waste with ashes collected and sealed in 45 gallon drums and transported to an approved facility for disposal;
- Collections and disposal of non-combustible waste and drill hazardous waste to an approved facility;
- Collection of human waste from Pacto toilets in sealed 45 gallon drums for disposal at approved facility;
- Disposal of greywater in a sump; and
- Hiring of local wildlife monitor.

3. Inclusion or Exclusion to Scoping List

The NIRB has identified no additional works or activities in relation to the project proposal. As a result, the NIRB proceeded with screening the project based on the scope as described above.

4. Public Comments and Concerns

Notice regarding the NIRB's screening of this project proposal was distributed on March 18, 2021 to community organizations in Kugluktuk, 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 April 8, 2021 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 April 8, 2021 the NIRB received comments from the following interested parties:

- **Kitikmeot Inuit Association (KIA)**
- **Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)**

On April 9, 2021, the NIRB received comments from:

- **Government of Nunavut (GN)**

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:

KIA

- Noted that in relation to land use licensing, KIA will work with the Proponent to address any concerns that may arise separately from the NIRB Screening.
- Noted KIA has no further comments for this file.

CIRNAC

- Recommended that any hazardous materials are stored a minimum of 31 metres (m) away from the high water mark of any waterbody.
- Recommended that the Proponent provide rationale for indicating that potential impacts to the water quality will be positive;
- Recommended that the Proponent prioritize the training and employment of local Inuit when implementing project activities;
- Recommended that the Proponent maintain open communication with the Hamlet of Kugluktuk, residents of Bathurst Inlet, and local community organizations including the Kugluktuk Hunters and Trappers Association, the Burnside Hunters and Trappers Association (Bathurst Inlet/Qingauk), and the Omingmaktok Hunters and Trappers

Association (Bay Chimo/Omingmaktok) which may have an interest in the project's activities.

GN

- Strongly recommended that no activities associated with the proposed project take place within calving and post-calving grounds and in a buffer of at least 14 kilometres (m) around these grounds;
- Recommended that the Proponent provide a record of its engagement(s) with all impacted communities, Beverly & Qamanirjuaq Caribou Management Board, Kitikmeot Regional Wildlife Board, and regional Hunters' and Trappers' Organizations/Associations (HTO/HTA);
- Recommended the Proponent contact the Government Northwest Territories Department of Environment and Natural Resources to request access to up-to-date collar data to inform the development of their management and work plans, with input from other relevant parties such as GN-Department of Environment (GN-DoE) Wildlife Research;
- Strongly recommended that the Proponent prepare a complete Wildlife Monitoring and Mitigation Plan to be informed by engagement with GN-DoE Wildlife Research as well as other interested stakeholders;
- Strongly recommended that the Proponent develop a complete Waste Management Plan that includes specific details about the containment, management, and disposal of camp and exploration non-hazardous and hazardous wastes, to be informed by engagement with the GN-DOE Environmental Protection and other interested parties.
- Recommended that no permanent, or semi-permanent, infrastructure be installed in caribou migration corridors, calving grounds, and post calving grounds including roads, trails, airstrips, permanent buildings, and/or other site modifications.

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. Proponent's Response to Public Comments and Concerns

The Proponent responded to the concerns raised during the commenting period. The following is a summary of the Proponent's response to concerns as received on April 14, 2021:

- In response to concerns regarding caribou calving grounds, the Proponent accepted the recommendation that no activity take place in the calving and post calving areas between June 2 and June 28;
- In response to comments regarding consultation and engagement, the Proponent noted that they were in contact with the Kugluktuk HTO and a Bathurst Inlet representative;
- In response to a request for the Proponent to acquire caribou collar data, the Proponent noted that the public has access to very limited data and if new data were made available to the public access it would be appreciated.

- In response to concerns regarding a Wildlife Monitoring and Mitigation Plan, the Proponent noted that they would prepare a plan if recommended by NIRB.
- In response to a recommendation of a Waste Management Plan – Non-Hazardous and Hazardous Waste, the Proponent noted that they believe that this was already covered in the application process and committed to ensuring the environment would be protected.

On April 22, 2021, due to the concerns and questions identified in the comments received from parties, the NIRB provided an opportunity for the Proponent to respond to the concerns raised during the commenting period. The following is a summary of the Proponent’s response to concerns as received on May 3, 2021:

- The Proponent would work to prevent or minimize potential impacts on caribou and other wildlife and wildlife habitat by implementation of the Wildlife Monitoring and Mitigation Plan which will function as a set of Standard Operating Procedures for Leeward Capital staff and contractors working on the Project and on lands proximal to the Project;
- The Waste Management Plan has been developed in accordance with applicable legislation, guidelines and best practices to provide employees and contractors with operational guidelines to minimize the generation of waste and facilitate the collection, storage, transportation, and disposal of waste while minimizing adverse effects on the environment.

6. Time of Report Extension

As a result of the time required to allow the additional time required to confirm operational plans especially considering the caribou herd population numbers in the region, 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 April 22, 2021 the NIRB wrote to the Minister of Northern Affairs, Government of Canada, seeking an extension to the 45-day timeline for the provision of the Board’s Report.

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

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

Accordingly, the assessment of impact significance was based on the analysis of those factors that are set out under s. 90 of the *NuPPAA*. The Board took particular care to take into account Inuit Qaujimaningit, traditional and community knowledge in carrying out its assessment and determination of the significance of impacts.

The following is a summary of the Board’s assessment of the factors that are relevant to the determination of significant impacts with respect of this project proposal:

Factor	Comment
The size of the geographic area, including the size of wildlife habitats, likely to be affected by the impacts.	<ul style="list-style-type: none"> ▪ The physical footprint of the proposed project components is approximately 13,111 square kilometres (km²). ▪ The proposed activities may take place within habitat of far-ranging wildlife species such as migratory and non-migratory birds, terrestrial wildlife such as caribou (Dolphin Union and Bathurst Herds), muskoxen, wolves, wolverine, Arctic fox, Arctic hare, and Species at Risk (Grizzly Bear, Wolverine, Peregrine Falcon, Short-eared Owl and Red-necked Phalarope). As such, project activities may potentially affect terrestrial habitat and migratory patterns.
The ecosystemic sensitivity of that area.	<ul style="list-style-type: none"> ▪ The project footprint is located on the margin of key caribou calving and post-calving habitat areas and migration routes for the Bathurst Caribou Herd in summer and the Dolphin Union Caribou Herd during the winter/spring. ▪ As noted above the proposed project area may include several Species at Risk.
The historical, cultural, and archaeological significance of that area.	<ul style="list-style-type: none"> ▪ The Pistol Lake area was an exploration project for several years in the late 1990s-early 2000s, and planned exploration and camp areas involve the same areas. ▪ At this time no specific areas of historical, cultural, paleontological, or archaeological significance have been identified by the Proponent within the physical footprint of the proposed project, however information regarding archaeological or paleontological checks was not provided.
The size of the human and the animal populations likely to be affected by the impacts.	<ul style="list-style-type: none"> ▪ Bathurst Inlet, a seasonally inhabited community, is approximately 40 km to the southeast of the proposed project. Due to the seasonal nature of the community and distance, it is not likely that human populations would be affected by the proposed project activities for much of the year. However, when residents are present, traditional land-use activities such as hunting and fishing and as well as guiding and commercial hunting of caribou, muskox, wolves, and grizzly bears may be affected by components of the proposed project.
The nature, magnitude and complexity of the impacts; the probability of the impacts occurring; the frequency and	<ul style="list-style-type: none"> ▪ A zone of influence of up to 100 kilometres (km) from the most potentially disruptive project activities was selected for the NIRB's assessment.

Factor	Comment
duration of the impacts; and the reversibility or irreversibility of the impacts.	<ul style="list-style-type: none"> ▪ With adherence to the relevant regulatory requirements and application of the mitigation measures recommended by the NIRB, no significant residual effects are expected to occur.
The cumulative impacts that could result from the impacts of the project combined with those of any other project that has been carried out, is being carried out or is likely to be carried out.	<ul style="list-style-type: none"> ▪ While there has been exploration in in the past, this area has not undergone significant exploration in approximately twenty years. However, Sabina Gold & Silver Corp. conducts shipping through Bathurst Inlet to the Marine Laydown Area and has an ice road to the Goose Property. ▪ 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.
Any other factor that the Board considers relevant to the assessment of the significance of impacts.	<ul style="list-style-type: none"> ▪ No other relevant factors were identified.

VIEWS OF THE BOARD

In considering the factors as set out above in the screening of the project proposal, the NIRB has identified a number of issues below and respectfully provide the following views regarding whether or not the proposed project has the potential to result in significant impacts. In addition, the NIRB has proposed terms and conditions that would mitigate the potential adverse impacts identified.

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

Ecosystem, wildlife habitat and Inuit harvesting activities:

Valued Component	Caribou, Caribou Calving and Post-Calving Habitat, and Caribou Migration Corridors
Potential effects:	Potential adverse effects to caribou and caribou habitat particularly calving, post-calving and migration areas of the Bathurst Caribou and Dolphin Union Caribou Herds from disturbance and disruption of movement from project-related noise, including the temporary camp site, prospecting and ground geophysics activities, drilling, exploration, and air transportation activities. Project activities would occur during July 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.

Nature of Impacts:	Potential long-term adverse effects are possible from increased stress to caribou in key habitat areas on an already vulnerable population. If the mitigation measures proposed by the Proponent and 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.
Mitigating Factors:	It is expected that the terms and conditions including measures such as requiring the Proponent to cease activities that may interfere with the migration or calving 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.
Proposed Terms and Conditions:	Wildlife General – 20 through 25 Aircraft Flight Restrictions – 30 through 35 Caribou and Muskox – 36 through 41
Related Acts and/or Regulations:	1. The <i>Wildlife Act (Nunavut)</i> and its corresponding regulations (http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html).

Valued Component	Terrestrial wildlife including muskoxen, wolves, wolverine, Arctic fox, Arctic hare, migratory and non-migratory birds and Species at Risk (Grizzly Bear, Wolverine, Peregrine Falcon, Short-eared Owl and Red-necked Phalarope)
Potential effects:	Potential adverse effects to terrestrial wildlife, migratory and non migratory birds, and their associated habitats due to the disturbance and disruption of movement from project-related noise, including the temporary camp site, prospecting and ground geophysics activities, drilling, exploration and air transportation activities
Nature of Impacts:	The potential adverse effects of the proposed project activities to terrestrial wildlife and birds are considered to be of low magnitude, of short duration and reversible.
Mitigating Factors:	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, that minimum flight heights and restrictions are adhered to, and ensuring that all project personnel are made aware of the measures to protect wildlife.
Proposed Terms and Conditions:	Waste Management – 8 through 10 Fuel and Chemical Storage – 11 through 17 Air quality – 18 and 19 Wildlife General – 20 through 25 Migratory Birds and Raptors Disturbance – 26 through 29 Aircraft Flight Restrictions – 30 through 35 Caribou and Muskox – 36 through 41 Land Use and Restoration of Disturbed Areas – 50 through 54 Camps – 55 and 56

Related Acts and/or Regulations:	<ol style="list-style-type: none"> 2. The <i>Migratory Birds Convention Act</i> and <i>Migratory Birds Regulations</i> (http://laws-lois.justice.gc.ca/eng/acts/M-7.01/). 3. The <i>Species at Risk Act</i> (http://laws-lois.justice.gc.ca/eng/acts/S-15.3/index.html). Attached in Appendix A is a list of Species at Risk in Nunavut. 4. The <i>Wildlife Act (Nunavut)</i> and its corresponding regulations (http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html). 5. The <i>Aeronautics Act</i> (http://laws-lois.justice.gc.ca/eng/acts/A-2/).
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Valued Component	Surface water quality, fish and fish habitat
Potential effects:	Potential adverse effects on surface water quality, and fish and fish habitat, from the establishment and operation of a temporary camp, prospecting and ground geophysics activities, the storage, transportation, and use of fuel, and exploration drilling activities.
Nature of Impacts:	It is expected that standard operational considerations would mitigate any potential adverse impacts to water quality, fish, and 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.
Mitigating Factors:	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 and personnel during fuel transfer, and to maintain fuel storage and transfer within secondary containment. The Board is also recommending terms and conditions such as requiring the Proponent to employ mitigation measures related to fish habitat and passage protection; water protection during operations; fuel storage, use, and spill response; waste management; and personnel training related to fuel and waste. It is expected that these terms and conditions would mitigate any potential adverse impacts to water quality, fish and fish habitat in the direct project area and areas adjacent to the proposed project.
Proposed Terms and Conditions:	<p>Water Use – 6 and 7</p> <p>Fuel and Chemical Storage – 11 through 17</p> <p>Drilling – General – 42 through 44</p> <p>Drilling on Land – 45 through 49</p> <p>Land Use and Restoration of Disturbed Areas – 50 through 54</p> <p>Camps – 55 and 56</p>
Related Acts and/or Regulations:	<ol style="list-style-type: none"> 1. 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

	<p>of CaCl as a drill additive, including biodegradable and non-toxic additives.</p> <p>2. The <i>Fisheries Act</i> (http://laws-lois.justice.gc.ca/eng/acts/F-14/index.html).</p> <p>3. The <i>Nunavut Waters and Nunavut Surface Rights Tribunal Act</i> (http://laws-lois.justice.gc.ca/eng/acts/n-28.8/).</p> <p>4. The <i>Transportation of Dangerous Goods Regulations</i> (http://www.tc.gc.ca/eng/tdg/clear-tofc-211.htm), <i>Transportation of Dangerous Goods Act</i> (http://laws-lois.justice.gc.ca/eng/acts/t-19.01/), and the <i>Canadian Environmental Protection Act</i> (http://laws-lois.justice.gc.ca/eng/acts/C-15.31/).</p>
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Valued Component	Air Quality
Potential effects:	There is potential for adverse effects to air quality due to an increase in fugitive dust and emissions from drilling and incineration activities
Nature of Impacts:	The potential adverse impacts to air quality would be limited to within the project footprint with a low probability of extending beyond the geographic area. The potential adverse impacts to air quality are considered to be of low magnitude, short-term, and reversible.
Mitigating Factors:	It is recommended that the potential adverse impacts from the drilling activities may be mitigated by ensuring the Proponent comply with appropriate mitigation measures.
Proposed Terms and Conditions:	Waste Management – 6 and 7 Air Quality – 18 and 19
Related Acts and/or Regulations:	N/A

Valued Component	Wildlife harvesting and traditional land use activities.
Potential effects:	Potential adverse effects to traditional land use pursuits in the area from caribou migration disruptions and other wildlife disturbances from increased noise associated with the temporary camp activities, the prospecting and ground geophysics activities, the transportation of personnel and equipment to and from the drill locations, and the mineral exploration activities. The Proponent is proposing to work in an area in proximity to caribou calving, post-calving and caribou migration routes and the potential for disruption may cause stress and avoidance of critical caribou habitat. As a result, local caribou populations may be reduced and subsequently the availability of caribou as country food. This area also contains outpost camps and is known for traditional land use activities and commercial sport hunts.

Nature of Impacts:	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.
Mitigating Factors:	The Proponent has committed to executing its work in a way that minimizes the negative effects to wildlife. The Board is also recommending terms and conditions that ensure that the affected communities and organizations are informed about the project proposal, and that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities in the area. Terms and conditions associated with the protection of wildlife and wildlife habitat have also been recommended.
Proposed Terms and Conditions:	Other – 57 and 58
Related Acts and/or Regulations:	n/a

Socio-economic effects on northerners:

Valued Component	Historical, archeological, and heritage sites
Potential effects:	No historical sites in the proposed project area were identified by the Proponent, however, the Board is recommending terms and conditions to ensure project activities are informed by available Inuit Qaujimaningit and that project activities do not negatively effect historical or heritage sites.
Nature of Impacts:	The potential for impacts are considered minimal as the area has no historical, archeological, and heritage sites that have been previously identified.
Mitigating Factors:	As noted, the Board is recommending terms and conditions to ensure that project activities do not negatively effect historical or heritage sites.
Proposed Terms and Conditions:	Other – 57 and 58
Related Acts and/or Regulations:	1. The <i>Nunavut Act</i> (http://laws-lois.justice.gc.ca/eng/acts/N-28.6/). The Proponent must comply with the proposed terms and conditions listed in the attached Appendix B .

Valued Component	Local hiring, contracting and economic impact
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Potential effects:	Potential positive impacts from the hiring of local community members for project activities.
Nature of Impacts:	Potential for impacts is considered to be positive if the Proponent adheres to its commitment to hiring locally to the extent possible.
Mitigating Factors:	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.
Proposed Terms and Conditions:	Other – 57 and 59
Related Acts and/or Regulations:	n/a

Significant public concern:

Valued Component	Public Concern
Potential effects:	Public concern has been expressed over the potential impacts on Bathurst caribou herd calving and post-calving areas and on the extent of the decline of the Bathurst Caribou herd, the herd’s vulnerability, and the resultant adverse impacts on communities which rely on harvesting of this herd.
Nature of Impacts:	Proposed project activities are located in the calving, post-calving and migration areas of the Bathurst Caribou Herd; this is also an area that may be used for traditional activities, such as hunting and camping.
Mitigating Factors:	Follow up consultation and involvement of local community members is expected to mitigate any potential for public concern resulting from project activities. The Board has recommended a term and condition to ensure that available Inuit Qaujimaningit and community knowledge of the area can inform project design.
Proposed Terms and Conditions:	Other – 57 and 58
Related Acts and/or Regulations:	n/a

Technological innovations for which the effects are unknown:

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

Administrative Conditions:

To encourage compliance with applicable regulatory requirements and assist the Board and responsible authorities with compliance and effects monitoring for project activities, the 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. Leeward Capital Corp. (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 (Commission File No.: 149467) and the NIRB (Online Application Form, March 10, 2021 and Response to Comments, April 14, 2021). 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 Use

6. 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 otherwise authorized by the Nunavut Water Board.
7. The Proponent shall not use water, including constructing or disturbing any stream, lakebed or the banks of any definable water course unless authorized by the Nunavut Water Board.

Waste Disposal/Incineration

8. 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.
9. The Proponent shall incinerate all combustible wastes daily and 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.

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

Fuel and Chemical Storage

11. Fuel and hazardous material storage areas and fuel lines should be clearly marked with signs or flagging to avoid accidental breaks and punctures, and to ensure areas remain visible during the winter months.
12. All fuel and chemical storage containers must be clearly marked with the Proponent's name for ease of identification.
13. The Proponent shall routinely inspect and document the conditions of fuel and hazardous material storage containers and containment areas as required by the appropriate authorizing agencies. Fuel containment areas shall be kept clear of debris, water and snow to facilitate inspections for leaks.
14. 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.
15. 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).
16. 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.
17. 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

18. 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.
19. The Proponent shall eliminate unnecessary idling to reduce greenhouse gas emissions as much as possible.

Wildlife – General

20. 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.
21. 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.
22. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired.

23. 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.
24. 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.
25. 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

26. 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*.
27. The Proponent shall not disturb or destroy the nests or eggs of any birds. If active nests of any birds are discovered or located (i.e., with eggs or young), the Proponent shall avoid these areas until nesting is complete and the young have naturally left the vicinity of the nest by establishing a protection buffer zone¹ appropriate for the species and the surrounding habitat.
28. The Proponent shall avoid the seaward site of seabird colonies and areas used by flocks of migrating waterfowl, a minimum distance away on the recommendation of the appropriate authorizing agencies.
29. The Proponent shall not pursue seabirds or waterbirds swimming on the water surface and shall avoid concentrations of these birds if encountered on the water.

Aircraft Flight Restrictions

30. The Proponent shall not alter flight paths to approach wildlife and avoid flying directly over animals.
31. The Proponent shall plan flight paths that minimize flights over known habitat likely to have birds or concentrations of wildlife. Aircraft should avoid critical and sensitive wildlife areas at all times by choosing alternate flight corridors.
32. The Proponent shall restrict helicopter activity related to the project to a minimum flight altitude of 610 metres (2,100 ft) above ground level except during landing, take-off or if there is a specific requirement for low-level flying, which does not disturb wildlife or migratory birds.

¹ Recommended setback distances to define buffer zones have been established by Environment and Climate Change Canada for different bird groups nesting in tundra habitat and can be found at www.ec.gc.ca/paom-itmb.

33. The Proponent shall avoid known concentrations of birds (e.g., bird colonies, moulting areas) by a lateral distance of 1.5 kilometre. If avoidance is not possible maintain a minimum flight altitude of 1,100 metres (3,500 feet) over these areas.
34. The Proponent shall ensure that helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
35. The Proponent shall advise all pilots of relevant flight restrictions and enforce their application over the project area, including flight paths to/from the project area.

Caribou and Muskoxen Disturbance

36. 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.
37. The Proponent shall not locate any operation or undertake activities that could block or cause any diversion to migration of caribou or muskoxen.
38. The Proponent shall implement mobile caribou conservation measures and immediately cease activities that may interfere with the migration or calving of caribou or muskox, until the caribou or muskox have passed.
39. The Proponent shall not construct or operate any camp, cache any fuel or conduct blasting within ten (10) kilometres, or conduct any drilling operation within five (5) kilometres of any designated caribou water crossings.
40. During the period of May 15 to July 15, the Proponent shall suspend all project operations, the Proponent shall suspend all operations and activities outside the immediate vicinity of the camps. Restricted activities include, but are not limited to, air and vehicle traffic, loud or repetitive noise or vibration disturbances, low-level over flights, blasting, and use of mobile equipment including snowmobiles and all terrain vehicles, and personnel walking within sight of the caribou group(s), until the caribou are no longer in the immediate area. Should the results of localized monitoring satisfy the land use inspector the project operations may resume without disturbing pregnant caribou cows or cows with young calves the suspension may be lifted for the periods specified.
41. 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, including low level overflights, drilling, blasting/trenching, and use of snowmobiles and all terrain vehicles outside the immediate vicinity of the camp, until caribou are no longer in the immediate area.

Drilling – General

42. The Proponent shall not allow any drilling wastes to spread to the surrounding lands or water bodies.
43. The Proponent shall ensure that that any deleterious substances (as defined in the *Fisheries Act*) resulting from its activities do not enter into any water bodies frequented by fish.

44. The Proponent shall ensure that all drill areas are constructed to facilitate minimizing the environmental footprint of the project area.

Drilling on Land

45. The Proponent shall not conduct any land-based drilling or mechanized clearing activities a minimum distance of the normal high-water mark of any water body as required by an authorizing agency.

46. If an artesian flow is encountered, the Proponent shall ensure the drill hole is immediately plugged and permanently sealed.

47. The Proponent shall ensure that all sump/depression capacities are sufficient to accommodate the volume of wastewater and any fines that are produced. The sumps shall only be used for inert drilling fluids, and not any other materials or substances.

48. The Proponent shall not locate any sumps within a minimum distance of the normal high-water mark of any water body as required by an authorizing agency.

49. 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.

Land Use and Restoration of Disturbed Areas

50. The Proponent shall use existing trails where possible during project activities on the land.

51. The Proponent shall ensure that the land use area is kept clean and tidy at all times.

52. The Proponent shall avoid disturbance on slopes prone to natural erosion, and alternative locations shall be utilized.

53. 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.

54. 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.

Camps

55. The Proponent shall ensure that all camps are located durable surfaces, such as gravel or sand that is consolidated and can withstand repeated, heavy use. Measures shall be put in place to prevent erosion, trail formation and damage to the ground.

56. The Proponent shall not erect camps or store materials on the surface ice of lakes or streams, except that which is for immediate use.

Other

57. The Proponent should consult with local residents regarding their activities in the area and solicit available Inuit Qaujimaningit and information that can inform project activities.

58. The Proponent shall ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.

59. The Proponent should, to the extent possible, hire local people and access local services where possible.

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

Bear and Carnivore Safety

3. The Proponent should review the Government of Nunavut's booklet on Bear Safety, which can be downloaded from this link: http://gov.nu.ca/sites/default/files/bear_safety_-_reducing_bear-people_conflicts_in_nunavut.pdf. Further information on bear/carnivore detection and deterrent techniques can be found in the "Safety in Grizzly and Black Bear Country" pamphlet, which can be downloaded from this link: https://www.enr.gov.nt.ca/sites/enr/files/resources/safety_in_grizzly_and_black_bear_country_english.pdf.
4. 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.
5. 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 Kugluktuk, phone: (867) 982-3058).

Species at Risk

6. The Proponent review Environment and Climate Change Canada's "Environment Assessment Best Practice Guide for Wildlife at Risk in Canada", available at the following link:

http://www.sararegistry.gc.ca/virtual_sara/files/policies/EA%20Best%20Practices%202004.pdf. The guide provides information to the Proponent on what is required when Wildlife at Risk, including *Species at Risk*, are encountered or affected by the project.

Migratory Birds

7. 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.
8. 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.

Incineration of Wastes

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

CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the Leeward Capital Corp.'s "Pistol Lake Project". The NIRB remains available for consultation with the Minister regarding this report as necessary.

Dated May 31, 2021 at Baker Lake, NU.



Kaviq Kaluraq, Chairperson

Attachments: Appendix A: Species at Risk in Nunavut
Appendix B: Archaeological and paleontological 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) to get the current status of a species.

Updated: September 2019

Terrestrial Species at Risk ²	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility ³
Migratory Birds			
Buff-breasted Sandpiper	Special Concern	Schedule 1	Environment and Climate Change Canada (ECCC)
Common Nighthawk	Threatened	Schedule 1	ECCC
Eskimo Curlew	Endangered	Schedule 1	ECCC
Harlequin Duck	Special Concern	Schedule 1	ECCC
Harris's Sparrow	Special Concern	Schedule 1	ECCC
Horned Grebe	Special Concern	Schedule 1	ECCC
Ivory Gull	Endangered	Schedule 1	ECCC
Olive-sided Flycatcher	Threatened	Schedule 1	ECCC
Peregrine Falcon	Special Concern	Schedule 1	ECCC
Red Knot Islandica Subspecies	Special Concern	Schedule 1	ECCC
Red-necked Phalarope	Special Concern	Schedule 1	ECCC
Ross's Gull	Threatened	Schedule 1	ECCC
Rusty Blackbird	Special Concern	Schedule 1	ECCC
Short-eared Owl	Special Concern	Schedule 1	ECCC
Vegetation			
Porsild's Bryum	Threatened	Schedule 1	Government of Nunavut (GN)
Arthropods			
Transverse Lady Beetle	Special Concern	No Schedule	GN
Terrestrial Wildlife			
Caribou (Dolphin and Union Population)	Endangered	Schedule 1	GN
Caribou (Barren-ground Population)	Threatened	No Schedule	GN
Caribou (Torngat Mountains Population)	Endangered	No Schedule	GN
Grizzly Bear (Western Population)	Special Concern	Schedule 1	ECCC
Peary Caribou	Endangered	Schedule 1	GN
Polar Bear	Special Concern	Schedule 1	ECCC
Wolverine	Special Concern	Schedule 1	GN
Marine Wildlife			
Atlantic Walrus (High Arctic Population)	Special Concern	No Schedule	Fisheries and Oceans Canada (DFO)
Atlantic Walrus (Central/Low Arctic Population)	Special Concern	No Schedule	DFO
Beluga Whale (Cumberland Sound Population)	Threatened	Schedule 1	DFO
Beluga Whale (Eastern Hudson Bay Population)	Endangered	No Schedule	DFO

² The Department of Fisheries and Oceans has responsibility for aquatic species.

³ Environment and Climate Change Canada (ECCC) has a national role to play in the conservation and recovery of Species at Risk in Canada, as well as responsibility for management of birds described in the Migratory Birds Convention Act (MBCA). Day-to-day management of terrestrial species not covered in the MBCA is the responsibility of the Territorial Government. Populations that exist in National Parks are also managed under the authority of the Parks Canada Agency.

Terrestrial Species at Risk²	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility³
Beluga Whale (Eastern High Arctic-Baffin Bay Population)	Special Concern	No Schedule	DFO
Beluga Whale (Western Hudson Bay Population)	Special Concern	No Schedule	DFO
Fish			
Atlantic Cod (Arctic Lakes Population)	Special Concern	No Schedule	DFO
Fourhorn Sculpin (Freshwater Form)	Data Deficient	Schedule 3	DFO
Lumpfish	Threatened	No Schedule	DFO
Thorny Skate	Special Concern	No Schedule	DFO

**APPENDIX B: ARCHAEOLOGICAL AND PALEONTOLOGICAL 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 paleontological resources.

TERMS AND CONDITIONS

- 1) The permittee/proponent shall have a professional archaeologist and/or paleontologist 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/ paleontological Overview Assessment
b)	Diamond drilling for exploration or geotechnical purpose or planning of linear disturbances	Archaeological/ paleontological 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/ paleontological 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 Paleontologist Permit. CH is authorized by way of the *Nunavut and Archaeological and paleontological Site Regulations*⁴ to issue such permits.

⁴P.C. 2001-1111 14 June, 2001

- 2) The permittee/proponent shall not operate any vehicle over a known or suspected archaeological or paleontological site.
- 3) The permittee/proponent shall not remove, disturb, or displace any archaeological artifact or site, or any fossil or paleontological 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 paleontological 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 paleontological 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 paleontological 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 paleontological 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 paleontological sites and fossils.
- 9) If a list of recorded archaeological and/or paleontological 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 paleontological 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]

Paleontology and Archaeology

Under the *Nunavut Act*⁵, the federal government can make regulations for the protection, care and preservation of paleontological and archaeological sites and specimens in Nunavut. Under the *Nunavut Archaeological and paleontological Sites Regulations*⁶, it is illegal to alter or disturb any paleontological or archaeological site in Nunavut unless permission is first granted through the permitting process.

Definitions

As defined in the *Nunavut Archaeological and paleontological 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).

“paleontological site” means a site where a fossil is found.

“fossil” includes:

Fossil means the hardened or preserved remains or impression of previously living organisms or vegetation and includes:

- (a) natural casts;*
- (b) preserved tracks, coprolites and plant remains; and*
- (c) the preserved shells and exoskeletons of invertebrates and the preserved eggs, teeth and bones of vertebrates.*

Guidelines for Developers for the Protection of Archaeological Resources in the Nunavut Territory

(Note: Partial document only, complete document at: www.ch.gov.nu.ca/en/Archaeology.aspx)

Introduction

The following guidelines have been formulated to ensure that the impacts of proposed developments upon heritage resources are assessed and mitigated before ground surface altering activities occur. Heritage resources are defined as, but not limited to, archaeological and historical sites, burial grounds, paleontological sites, historic buildings and cairns. Effective collaboration between the developer, the Department of Culture, and Heritage (CH), and the contract archaeologist(s) will ensure proper preservation of heritage resources in the Nunavut Territory. The roles of each are briefly described.

CH is the Nunavut Government agency which oversees the protection and management of

⁵ s. 51(1)

⁶ P.C. 2001-1111 14 June, 2001

heritage resources in Nunavut, in partnership with land claim authorities, regulatory agencies, and the federal government. Its role in mitigating impacts of developments on heritage resources is as follows: to identify the need for an impact assessment and make recommendations to the appropriate regulatory agency; set the terms of reference for the study depending upon the scope of the development; suggest the names of qualified individuals prepared to undertake the study to the developer; issue an archaeologist or paleontologist 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 paleontologist is hired to perform the required study and that provisions of the contract with the archaeologist or paleontologist 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 paleontologist 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 paleontologist 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 paleontologist. This individual is also bound by the legal requirements of the *Nunavut Archaeological and paleontological 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.