



SCREENING DECISION REPORT NIRB FILE No.: 24YN037

Related NIRB File Nos.: 06EN006, 07EN001 & 19RA046

NPC File No.: 150445

Related NPC File Nos.: 148903, 149256, 149618 and 149885

July 23, 2025

Following the Nunavut Impact Review Board's (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of Canadian North Resources Inc.'s (CNRI) "Ferguson Lake, Nunavut Environmental Baseline Studies" 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, issued in accordance with s. 92(2)(a) of *NuPPAA*, 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(s) accepts this Screening Decision Report.

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REGULATORY FRAMEWORK

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*. The purpose of screening is provided for under Article 12, Section 12.4.1 of the *Nunavut Agreement* and s. 88 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 indicating one of three options:

- (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.

PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS

On August 1, 2024, the NIRB received a referral to screen Canadian North Resources Inc.'s (CNRI) "Ferguson Lake, Nunavut Environmental Baseline Studies" project proposal from the Nunavut Planning Commission (Commission), with an accompanying positive conformity determination with the Keewatin Regional Land Use Plan. The Commission noted that the proposal was a significant modification to the original proposed project because of it includes the assessment of freshwater fish habitats and scientific data collection.

All documents received and pertaining to this project proposal can be accessed from the NIRB's Public Registry by using any of the following search criteria or www.nirb.ca/project/126014:

- Project Name: Ferguson Lake, Nunavut, Environmental Baseline Studies
- NIRB File No.: 24YN037
- NIRB Application No.: 126014

1. Screening Process Timelines

The following key stages were completed for the screening process:

Table 1: NIRB's Assessment Process

Date	Stage
August 1, 2024	Receipt of project proposal and positive conformity determination (Keewatin Regional Land Use Plan) from the Commission.
August 7, 2024	Request to complete public registry online and provide information pursuant to s. 144(1) of the <i>NuPPAA</i>
December 2, 2024	Receipt of online application from Proponent
December 11, 2024	Request(s) to Proponent for additional information in order to carry out screening pursuant to s. 144(1) of the <i>NuPPAA</i>
December 20, 2024	Proponent responded to information request(s) and provided additional information
January 20, 2025	Scoping pursuant to s. 86(1) of the <i>NuPPAA</i>
January 14, 2025	Translated public engagement and comment request was issued to the communities

Date	Stage
February 4, 2025	Receipt of public comments with additional comments received February 25, 2025
February 12, 2025	Proponent provided with an opportunity to address comments/concerns raised by public
February 27, 2025	Proponent responded to comments/concerns raised by the public
March 31, 2025	Parties provided with an opportunity to review the responses provided by the Proponent on comments/concerns raised by the public
April 14, 2025	Parties responded to additional information provided by the Proponent
July 23, 2025	Issuance of Screening Decision Report

2. Project Scope

Project:	Ferguson Lake, Nunavut, Environmental Baseline Studies				
Region:	Kivalliq				
Location:	Ferguson Lake				
Closest Community:	Baker Lake	Distance (approximate)	165 kilometres (km)	Direction	Southwest
Summary of Project Description:	The Proponent intends to conduct studies to assess the feasibility of transportation and logistics infrastructure to connect the Ferguson Lake project to a transportation hub and sea-link facilities in either Baker Lake or Arviat via a possible winter road and/or all-weather road.				
Project Proposed Timeline:	June 2025 to October 2027 (during open-water season)				

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

- Conduct feasibility studies along the potential routes, SeaLink Facilities, and near the Ferguson Lake Camp as follows:
 - Install wildlife observation cameras, automated recording units and related support structure to study the composition of various ecological communities, wildlife and birds;
 - Conduct aerial surveys to capture images of all watercourse crossings;
 - Conduct studies at key watercourse crossings as follows:
 - Install underwater cameras;
 - Undertake field data collection (use of gillnets, hoop nets and electrofishing) and hydrological studies to enhance the understanding of waterways and fisheries habitats;
 - Collect water quality and environmental DNA;
 - Conduct acoustic surveys in lakes;
 - Conduct bathymetric surveys at watercourses, lakes along the potential routes, SeaLink Facilities and near Ferguson Lake;
 - Collect fisheries, habitat and aquatic data near Ferguson Lake Camp;
 - Collect soil, air, and vegetation samples;

- Conduct archaeological and traditional land use surveys;
- Potential assessment of marine fish habitat similar to freshwater environment including installation of underwater cameras, fish sampling and fish habitat assessment;
- Use of existing Ferguson Lake camp facilities and/or communities for lodging and fuel requirements;
- Transport workers to research locations by using a helicopter, all-terrain vehicle (ATV) and/or boat, and by walking;
- Consult with the affected community members about the best possible route for the road and possibly the sea link; and,
- Hire local community members to assist with research activities.

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

Notices regarding the NIRB's screening of this project proposal were distributed to community organizations (Table 1) as well as to relevant federal and territorial government agencies, Inuit organizations and other parties requesting they provide the Board with any comments or concerns 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 including whether any cumulative ecosystemic and socio-economic impacts could result from the impacts of the proposed project combined with those of any other project that has been carried out, is being carried out or is likely to be carried out inside the designated area, or wholly or partly outside the designated area.

Additionally, the NIRB noted that the NIRB and the Nunavut Water Board (NWB) are required to coordinate their processes¹ for projects that require a water licence, especially municipal undertakings in order ensure the timely review and processing of the application. In undertaking a coordinated NIRB-NWB process, the Proponent must provide information through the assessment to satisfy both the impact assessment requirements as well as the water licensing process; furthermore, where information to satisfy each process is similar, coordination of the timing or contents of applications may be considered when information is being submitted to both organizations. However, the Proponent has the option to request or opt out of a coordinated process

¹ As per Section 13.5.2 and 13.6.1 of the *Nunavut Agreement*, s. 193 of the *NuPPAA*, and s. 37 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*.

at any time. Should the Proponent wish to discontinue the coordinated process, the Proponent may do so in writing to both the NIRB and the NWB.

On or before February 4, 2025, the NIRB received comments from the following interested parties with additional comments received February 25, 2025:

Table 2: Comments Received

Commenting Party	NIRB Doc ID No.
Government of Nunavut	353080
Crown-Indigenous Relations and Northern Affairs Canada	353063
Fisheries and Oceans Canada	352979
Transport Canada	352749
Hugh Ikoe	353053
Beverly and Qamanirjuaq Caribou Management Board (BQCMB) [received February 25, 2025]	353385

a. Summary of Comments and Concerns Received

The following provides a summary of the comments and concerns received by the NIRB in relation to “Ferguson Lake, Nunavut Environmental Baseline Studies”:

Government of Nunavut (GN)

- GN has reviewed the project and has no comments or concerns.

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)

- With the authorizations in place and the use of known technology, CIRNAC viewed that the potential for significant cumulative impact is low, predictable, and mitigable.
- Recommended that the Proponent continue to gather information about how its development project may create additional negative pressures on terrestrial wildlife in the Kivalliq region, particularly on caribou and muskoxen.
- Recommended that the Proponent consult with the Hunters and Trappers Associations and Hamlet Councils of the communities of Baker Lake and Arviat, the Kivalliq Wildlife Board, and any other relevant organizations and individuals regarding its project proposal regarding:
 - Incorporation of Inuit Qaujimajatuqangit into project activities;
 - Mitigation measures designed to prevent any disturbance to wildlife, particularly caribou and muskoxen, and the environment;
 - The experience of community members who participate in traditional harvesting activities within or in close proximity to the project area;
 - Mitigation measures designed to prevent disturbance to sites with cultural, archaeological, and/or environmental significance;
 - Training and employment opportunities for Inuit and community members;
 - Procurement opportunities for local and Inuit-owned businesses; and
 - Regular updates on the status of project activities.
- Recommended that the Proponent adhere to applicable regulatory requirements and accepted practices to prevent and/or mitigate any potential disturbances to wildlife that may result project activities. In particular, efforts should be made to develop an acceptable

approach for the operation of a helicopter to prevent any negative impacts to caribou and muskoxen from sensory disturbances.

Fisheries and Oceans Canada (DFO)

- Concerns related to fish and their habitat.
- Noted that the Proponent may need a Licence to Fish for Scientific Purposes and Animal Use Protocol based on the proposed project activities.
- Recommended the Proponent review the Guidelines for a Licence to Fish for Scientific Purposes Application and send the application to Arctic Region Permitting.

Transport Canada (TC)

- TC has reviewed the project and has no comments to provide.

Hugh Ikoe

- Requested that family members be included in all consultation and land use surveys as family members were raised at the Ferguson Lake area and continue to use the area to hunt, fish, camp, and travel on the land.

Beverly and Qamanirjuaq Caribou Management Board (BQCMB)

- Noted the proximity of the proposed project to a critical calving ground, Qamanirjuaq Lake, and stressed concerns with the potential impacts of the proposed baseline studies on the Qamanirjuaq caribou herd.
- Noted that helicopter activities during the calving and post-calving seasons poses a significant risk and may disrupt caribou.
- Requested that the information on spatial data on study site locations be made available to ensure a comprehensive assessment of potential impacts.
- Recommended the Proponent fully incorporate and adhere to best practices outline in the Kivalliq Inuit Association Mobile Caribou Protection Measures Guidelines to minimize impacts on caribou.
- Urge the Proponent to take a precautionary approach and implement strong protective measures to avoid further pressure on a vulnerable caribou herd.
- Recommended the Proponent outline how caribou disturbance mitigation practices will be implemented during calving and post-calving periods.
- Noted that the Beverly and Qamanirjuaq caribou herds are integral to the cultural and subsistence practices of Indigenous communities across multiple jurisdictions and any disturbance to their critical habitat poses a significant risk to herd sustainability.
- Noted concerns regarding the long-term implications of potential future road developments on sensitive caribou herds and stressed that future developments must be carefully evaluated with a strong precautionary approach.
- Reminded the Proponent that there are multiple Indigenous communities (Nunavut, Northwest Territories, Saskatchewan and Manitoba) who rely upon the caribou herd(s) that should be consulted if potential development is to occur and that the engagement must be meaningful and lead to concrete measures the prioritize the protection of caribou.
- Noted that BWCMB's broader concern remains the cumulative impacts of increased infrastructure development and associated human activities on caribou migration routes, habitat fragmentation, and overall herd health. Urge the Proponent to integration robust caribou protection measures at every stage of project planning and decision-making.

5. Comments and Concerns with respect to Inuit Qaujimaningit, Indigenous and Community Knowledge

No concerns or comments were received with respect to Inuit Qaujimaningit, Indigenous and Community Knowledge in relation to this project proposal.

6. Proponent's Response to Public Comments and Concerns

Due to the comments, and questions received from parties, the NIRB provided an opportunity for the Proponent to respond. The following is a summary of the Proponent's response to concerns:

- In response to recommendations regarding consultation, the Proponent noted that the entire baseline study and evaluation of potential routings and logistics would be guided by a multi-year engagement and consultation process with Inuit and stakeholders to ensure the integration of Inuit Qaujimajatuqangit (IQ), as well as by scientific data collection and engineering assessments.
- In response to concerns raised regarding potential negative impacts to caribou and muskox, the Proponent indicated that it would work with interested parties and relevant stakeholders to collect data and inform acceptable approaches to prevent negative impacts to caribou and muskoxen.
- In response to DFO's recommendations, the Proponent has committed to applying for the necessary permits and report to DFO in accordance with the regulations.
- In response to concerns raised regarding the inclusion of descendants of Basil Scottie in all consultations and land use surveys, the Proponent noted that consultation, engagement and land use studies will be conducted for the duration of this work to ensure an integration of IQ into the environmental planning and environmental monitoring, including while the project is active, visits to the area in particular by elders and descendants of those raised in Ferguson Lake area from Baker Lake, Arviat and Rankin Inlet.
- In response to the NIRB's request to list licenses and/or permits associated with the project proposal, the Proponent noted that the following may apply depending on the areas of baseline studies:
 - *Nunavut Research Institute* – Scientific Research License
 - *Fisheries and Oceans* – Licence to Fish for Scientific Purposes and animal use protocol approval
 - *Government of Nunavut-Culture and Heritage* – Archaeological and Palaeontology Permit
 - *Government of Nunavut -Department of Wildlife* – Wildlife Research Permit and Wildlife Observation Licence
- The Proponent provided a figure noting the starting point for environmental baseline study areas as requested by the NIRB. Exact research sites have not been identified as the Proponent is beginning to assess the feasibility of transportation and logistics infrastructure to connect the Ferguson Lake Project to a transportation hub.

7. Parties' Opportunity to Review Responses to Comments by the Proponent

Following receipt of the Proponent's responses to comments and concerns, the NIRB provided parties with an opportunity to review the Proponent's response to comments and provide additional comments, if necessary:

Government of Nunavut (GN):

- Recommended that aircraft flights occur at or above 610 metres above ground level to reduce sensory disturbance to wildlife and does not require pilots to visually locate animals on the ground. Exceptions to this recommendation may apply due to safety reasons.
- Understands that the Proponent is not seeking to undertake low altitude flights for the proposal; however, should the Proponent seek to undertake low altitude flights for future amendments, the GN requested the Proponent provide clear information in their application.

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. Table 3. The Board took particular care to consider Inuit Qaujimaningit, Indigenous 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:

Table 3: Summary of the Board's Assessment of Factors s. 90 *NuPPAA*

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 encompasses an area north of Ferguson Lake Camp towards Baker Lake (approximately 165 kilometres) and south towards Arviat (approximately 250 kilometres).▪ The proposed project would take place within habitats of far-ranging wildlife species such as migratory and non-migratory birds (Peregrine Falcon, Gyrfalcon, Snowy Owl), waterfowl, Arctic fox, Arctic hare, caribou, muskoxen, grizzly bear, wolf, wolverine and Species at Risk such as Polar Bears.
The ecosystemic sensitivity of that area.	<ul style="list-style-type: none">▪ No specific areas of ecosystemic sensitivity have been identified by the Proponent within the physical footprint of the proposed project.
The historical, cultural and archaeological significance of that area.	<ul style="list-style-type: none">▪ With the exception of areas in or near Ferguson Lake project area, no additional specific areas of historical, cultural and archaeological significance have been identified by the Proponent within the physical footprint of the proposed project.
The size of the human and the animal populations likely to be affected by the impacts.	<ul style="list-style-type: none">▪ The proposed project would occur in areas near Baker Lake and Arviat; as such human population may be affected by proposed project. No specific animal populations have been identified as likely to be affected by potential project impacts.

Factor	Comment
The nature, magnitude and complexity of the impacts; the probability of the impacts occurring; the frequency and duration of the impacts; and the reversibility or irreversibility of the impacts.	<ul style="list-style-type: none"> ▪ A zone of influence of up to 50 km from the most potentially-disruptive project activities was selected for the NIRB's assessment. ▪ With adherence to the relevant regulatory requirements and application of the mitigation measures recommended by the NIRB, no significant residual effects are expected to occur.
The cumulative impacts that could result from the impacts of the project combined with those of any other project that has been carried out, is being carried out or is likely to be carried out.	<ul style="list-style-type: none"> ▪ The 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. ▪ Although few public concerns were raised during the public commenting period, the NIRB notes that the close proximity of the proposed activities to the communities of Baker Lake and Arviat and that the areas outside the community may be used by residents for recreational/traditional pursuits could potentially contribute to public concern developing.
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 however, see below for Regulatory Requirements mandating mitigation and/or reporting.

Regulatory Requirements

The Proponent is also advised that the following legislation may apply to the Project:

Acts and Regulations

1. The *Fisheries Act* (<http://laws-lois.justice.gc.ca/eng/acts/F-14/index.html>).
2. The *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (<http://laws-lois.justice.gc.ca/eng/acts/n-28.8/>).
3. The *Migratory Birds Convention Act* (<http://laws-lois.justice.gc.ca/eng/acts/M-7.01/>), the *Migratory Birds Regulations* (https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._1035/index.html) and the *Migratory Bird Sanctuary Regulations* (https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.,_c._1036/index.html).
4. The *Species at Risk Act* (<https://laws-lois.justice.gc.ca/eng/acts/s-15.3/>). Attached in **Appendix A** is a list of Species at Risk in Nunavut.
5. The *Wildlife Act* (Nunavut) and its corresponding regulations (<http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html>).
6. The *Nunavut Act* (<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**.

7. The *Canadian Environmental Protection Act* (<http://laws-lois.justice.gc.ca/eng/acts/C-15.31/>).
8. The *Aeronautics Act* (<http://laws-lois.justice.gc.ca/eng/acts/A-2/>) and the *Canadian Aviation Regulations* (<https://www.tc.gc.ca/eng/acts-regulations/regulations-sor96-433.html>).
9. The *Canadian Navigable Waters Act* (<https://laws.justice.gc.ca/eng/acts/N-22/>).

VIEWS OF THE BOARD

In considering the above factors, the Board has identified the following and respectfully provides its views regarding whether or not the proposed project has the potential to result in significant impacts. The NIRB has also proposed terms and conditions that would mitigate the potential adverse impacts identified.

Ecosystem, wildlife habitat and Inuit harvesting activities:

Valued Component	Caribou
Potential effects:	Potential adverse effects to caribou and their migratory routes from noise and visual disturbance generated from the research activities including transportation of personnel and equipment via aircraft to the proposed research sites, the installation of data collection equipment, aerial surveys and boating activities.
Nature of Impacts:	The potential for impacts is considered to be limited due to infrequent and temporary activities within sensitive wildlife temporal periods. Project activities, such as transport of personnel, ground and aerial research activities could potentially disturb caribou with home range sizes habituated to the project area; however, any resulting impacts would be expected to be reversible and temporary only.
Mitigating Factors:	<p>The Proponent proposes to minimize impacts to wildlife disturbance by scheduling field activities outside the migratory period for barren-ground caribou and ensuring helicopter overflights would be conducted at high altitudes. Further, local Inuit would be hired to help reduce or avoid crew interactions with wildlife.</p> <p>The Board is recommending terms and conditions to minimize and mitigate potential adverse impacts to terrestrial wildlife and migratory birds.</p>
Proposed Terms and Conditions:	Waste Management – 8 Wildlife-General – 10 through 13 Aircraft Flight Restrictions – 18 through 23 Caribou and Muskoxen Disturbance – 24 through 28

Valued Component	Migratory and non-migratory birds, terrestrial wildlife, and Species at Risk.
Potential effects:	Potential adverse effects to migratory and non-migratory birds, Species at Risk (such as Polar Bears), terrestrial wildlife (such as muskox, fox, hare, wolverine, wolf), and their migratory routes from noise and visual

	disturbance generated from the research activities including transportation of personnel and equipment via aircraft to the proposed research sites, the installation of data collection equipment, aerial surveys and boating activities.
Nature of Impacts:	The potential for impacts is considered to be limited due to infrequent and temporary activities within sensitive wildlife temporal periods. Project activities, such as transport of personnel, ground and aerial research activities could potentially disturb terrestrial wildlife and migratory birds with home range sizes habituated to the project area; however, any resulting impacts would be expected to be reversible and temporary only.
Mitigating Factors:	<p>The Proponent proposes to minimize impacts to wildlife disturbance by scheduling field activities outside the migratory period for wildlife and breeding bird season, and ensuring helicopter overflights would be conducted at high altitudes. Further, local Inuit would be hired to help reduce or avoid crew interactions with wildlife.</p> <p>The Board is recommending terms and conditions to minimize and mitigate potential adverse impacts to terrestrial wildlife and migratory birds.</p>
Proposed Terms and Conditions:	<p>Waste Management – 8</p> <p>Wildlife-General – 10 through 13</p> <p>Migratory Birds and Raptors Disturbance – 14 through 17</p> <p>Aircraft Flight Restrictions – 18 through 23</p> <p>Caribou Disturbance – 24 through 28</p>

Valued Component	Marine waters, marine mammals and marine habitat
Potential effects:	Potential adverse impacts to marine mammals and marine habitat (e.g., fish and benthic populations) and key critical habitat (calving, post-calving areas, and migratory pathways) resulting from increased noise and/or physical disturbance associated with the research activities including the use of boats to access research sites, installation of underwater cameras, fish sampling and fish habitat assessment. Cumulative effects on marine wildlife and marine habitat could occur if multiple activities are encountered in the same area
Nature of Impacts:	The potential for impacts is applicable to the areas being surveyed near Baker Lake and Arviat during the open-water season. The probability of impacts occurring is considered to be low, with potential adverse effects anticipated to be low in magnitude, infrequent in occurrence and reversible in nature.
Mitigating Factors:	The Board is recommending terms and conditions to ensure the project activities minimize adverse impacts to marine wildlife and their habitat.
Proposed Terms and Conditions:	<p>Water courses/Water bodies – 6 and 7</p> <p>Waste Management – 8</p> <p>Wildlife-General – 10 through 12</p> <p>Migratory Birds and Raptors Disturbance – 16 and 17</p>

	Marine-Based Activities – 34 through 41
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Valued Component	Surface water quality, fish and fish habitat, terrestrial land, soil and vegetation
Potential effects:	Potential adverse impacts to the aquatic environment, terrestrial land and vegetation from the research activities including use of all-terrain vehicles and boats to access research sites, installation of underwater cameras, freshwater aquatic sampling and conducting acoustic surveys in lakes.
Nature of Impacts:	The potential impacts are applicable to the areas being surveyed during the open-water season. The probability of impacts occurring is considered to be low, with potential adverse effects anticipated to be low in magnitude, infrequent in occurrence and reversible in nature.
Mitigating Factors:	<p>The Proponent indicated that the potential acoustic impacts to fish are expected to be minimal and would occur only for short durations during the survey on lakes.</p> <p>The Board is recommending terms and conditions to ensure the proposed project activities do not negatively affect the land, terrestrial vegetation, ground stability, and the aquatic environment. Further, the Board recommends the Proponent follows regulatory authorities' guidance and engage community members to avoid, reduce and off-set the harm to freshwater fish and fish habitat.</p>
Proposed Terms and Conditions:	<p>Watercourses/Waterbodies – 6 and 7</p> <p>Waste Management – 8</p> <p>Road and Ground Disturbance – 29</p> <p>Land Use and Restoration of Disturbed Areas – 30 through 33</p>

Valued Component	Air Quality
Potential effects:	Potential adverse effects to air quality from emissions due to dust along trails from the use of all-terrain vehicles to access research sites and the use of boats on lakes.
Nature of Impacts:	The potential for adverse impacts are considered to be likely during the proposed activities as the use of gas-powered vehicles/boats and increase in dust and emissions. The potential for impacts are considered to be limited and temporary and any resulting impacts would be expected to be reversible once the research activities are complete.
Mitigating Factors:	The Board is recommending a term and condition to mitigate the potential project impacts to air quality.
Proposed Terms and Conditions:	Air Quality – 9

Valued Component	Public and Traditional Land Use Activities.
Potential effects:	Public concern were raised with respect to the continued use of the area to hunt, fish, camp, and travel on the land in or near the Ferguson Lake Camp.

Nature of Impacts:	The potential for impacts is considered to be minimal due to the temporary and low-impact nature of the activities and any resulting impacts would be expected to be reversible.
Mitigating Factors:	As noted a public member, the area has been and would be used for traditional land use activities. The Board is recommending the Proponent engage with local residents if possible and practical, regarding planned activities in the area to ensure project activities are informed by available Inuit Qaujimaningit and that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities, and to ensure safety to the public.
Proposed Terms and Conditions:	Waste Management – 8 Wildlife-General – 10 Aircraft Flight Restrictions – 18 and 19 Land Use and Restoration of Disturbed Areas – 30 Public Consultation – 44 Inuit Harvesting and Traditional Land Use – 45

Socio-economic effects on northerners:

Valued Component	Archaeological and Historical Sites
Potential effects:	No specific areas of historical, cultural and archaeological significance have been identified by the Proponent within the physical footprint of the proposed activities. However, as part of the proposed activities, survey studies would be conducted to locate any archaeological sites which is considered a positive impact.
Nature of Impacts:	The potential for impacts is considered to be minimal due to the nature of the activities and due to the fact that surveys activities would identify and map any potential archaeological sites.
Mitigating Factors:	The Proponent has noted that archaeological studies would be conducted as part of the research activities. The Board is recommending terms and conditions to ensure that project activities do not negatively affect historical or heritage sites.
Proposed Terms and Conditions:	Heritage Sites – 42 and 43

Valued Component	Local hiring, contracting and economic impact
Potential effects:	The potential for impacts is considered to be positive as the Proponent plans to hire and train local community members. The Proponent also noted the use of local accommodations and potential expenditures at local businesses.
Nature of Impacts:	The potential for impacts is considered to be positive for the local Inuit who will be hired, and to local companies from the purchase of local goods and use of local facilities.
Mitigating Factors:	The Board recommends terms and conditions to ensure the Proponent continues to inform the community of the proposed research activities

	and findings, as well as provide community members with information to ensure a successful local hiring opportunity
Proposed Terms and Conditions:	Public Consultation – 44 Local Hiring and Services – 46

Significant public concern:

Valued Component	Public Concerns
Potential effects:	No significant public concern was expressed during the public commenting period for this file; however, there is potential adverse effects to Inuit harvesting, and terrestrial and aquatic wildlife
Nature of Impacts:	The potential for impacts is considered to be minimal as long as the Proponent follows the recommended terms and conditions.
Mitigating Factors:	The Board is recommending 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 utilize available Inuit Qaujimaningit.
Proposed Terms and Conditions:	Public Consultation – 44 Local Hiring and Access Local Services– 46

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 regulatory requirements and 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. Canadian North Resources Inc. (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.: 150445), and the NIRB (Online Application Form, December 2, 2024; Revised Application Form, January 7, 2025). 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).

Waste Management

8. 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.

Air Quality

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

Wildlife – General

10. 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.
11. 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.
12. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired.

13. 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.

Migratory Birds and Raptors Disturbance

14. 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*.
15. 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 zone² appropriate for the species and the surrounding habitat.
16. 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.
17. 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

18. The Proponent shall not alter flight paths to approach wildlife and avoid flying directly over animals.
19. 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.
20. The Proponent shall restrict aircraft/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.
21. 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.
22. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
23. The Proponent shall advise all pilots of relevant flight restrictions and enforce their application over the project area, including flight paths to/from the project area.

² 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.

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.
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, including low level overflights, and use of snowmobiles and all terrain vehicles outside the immediate vicinity of the camp, until caribou are no longer in the immediate area.
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. This includes all operations, including low-level over flights, and the use of all-terrain vehicles outside the immediate vicinity of the camps.

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.

Land Use and Restoration of Disturbed Areas

30. The Proponent shall use existing trails where possible during project activities on the land.
31. The Proponent shall ensure that the land use area is kept clean and tidy at all times.
32. 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.
33. 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.

Marine-Based Activities

34. The Proponent shall ensure that noise be kept to a minimum and shall refrain from making sharp or loud noises, blowing horns or whistles and shall maintain constant engine noise levels.
35. The Proponent shall not visit cliffs used by nesting and breeding birds during the late afternoon or early evening hours during the months of August and September.
36. The Proponent shall not attempt to intersect or interfere with the movements of marine mammals. This includes ensuring that there are no wake zones within 250 metres and a minimum of 100 metre no go zone around marine mammals. Strategic positioning of vessels

ahead of the path being traveled by mobile mammals and waiting for the mammals to pass is also prohibited.

37. When marine mammals appear to be trapped or disturbed by vessel movements, the Proponent shall implement appropriate measures to mitigate disturbance, including stoppage of movement until wildlife have moved away from the immediate area.
38. The Proponent shall maintain a distance of 100 metres if a Polar Bear is encountered on land or ice while conducting activities from a zodiac or other small craft; all interaction with Polar Bears should be avoided if possible.
39. The Proponent shall suspend all project activities should any dead fish or wildlife (both marine and terrestrial), or any injured wildlife be observed during any works or activities in and around the marine waters. Activities may only be resumed on the recommendation of the authorizing agencies.
40. The Proponent shall report all incidents, injuries or sightings of marine mammals to the appropriate authorizing agencies.
41. The Proponent shall implement measures designed to minimize disturbance to seabed sediments and benthic communities and marine wildlife when carrying out project activities within the marine environment.

Heritage Sites

42. 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.
43. 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.

Other

44. 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.
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.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

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.

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 and reports 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. 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.
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.
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 Baker Lake, phone: 867-793-2940; Arviat, phone: 867-857-2976).

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. 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.

Heritage Resources

10. During the assessment, the NIRB has identified that no archaeology surveys have been conducted in the proposed project areas and that potential for the presence of archaeological resources is likely, therefore the Proponent shall contact the Department of Culture and Heritage to initiate a field archaeology assessment program prior to undertaking any land disturbance activities.

Caribou Management

11. Territorial and federal government agencies in Nunavut should work together with Regional Inuit Associations, co-management boards and industry to develop an action plan to identify and mitigate potential cumulative effects of human land use activities, including mineral exploration, on barren-ground caribou. This assessment of cumulative effects should occur at a regional scale (i.e., larger than individual project areas).
12. Territorial and federal government agencies update the Caribou Protection Map with updated data and information from the Beverly Qamanirjuaq Caribou Management Board.
13. As a result of expressed concerns regarding mineral exploration and the associated potential for cumulative effects on caribou and caribou habitat within the Kivalliq region, the NPC, territorial and federal government agencies should work together with Regional Inuit Associations, co-management boards, the public, and industry to develop a plan that identifies appropriate land use in these areas prior to potential mineral exploration. The plan should identify and mitigate potential cumulative effects of human land use activities on barren-ground caribou on both localized and regional scales.
14. The NPC should be aware of the public concerns regarding a perceived lack of protection for caribou and caribou habitat within the Kivalliq region of Nunavut. In developing a Nunavut-wide land use plan, the NPC may wish to consider formalized protection of important caribou habitat, and seasonal restrictions on potentially disruptive activities in these areas to minimize disturbance to caribou lifecycles and Inuit harvesting activities.

Crown Indigenous and Northern Affairs Canada

15. Crown Indigenous and Northern Affairs Canada (CIRNAC) impose mitigation measures, conditions and monitoring requirements pursuant to the Federal Land Use Permit, which require the Proponent to respect the sensitivities and importance of the area. These mitigation measures, conditions and monitoring requirements should be in regard to the location and

area; type, location, capacity and operation of facilities; use, storage, handling and disposal of chemical or toxic material; wildlife and fisheries habitat; and petroleum fuel storage.

16. CIRNAC consider the importance of conducting regular Land Use Inspections, pursuant to the authority of the Federal Land Use Permit, while the project is in operation. The Land Use Inspections should be focused on ensuring the Proponent is in compliance with the conditions imposed through the Federal Land Use Permit.
17. CIRNAC forward to the NIRB copies of any decisions by Inspectors which allow project activities to continue in areas of caribou presence between dates indicating work stoppages are necessary (exemptions from Caribou Protection Measures).

Nunavut Water Board

18. The Nunavut Water Board impose mitigation measures, conditions and monitoring requirements pursuant to the Water Licence, which require the Proponent to respect the sensitivities and importance of water in the area. These mitigation measures, conditions and monitoring requirements should be in regard to use of water, snow and ice; waste disposal; access infrastructure and operation for camps; drilling operations; spill contingency planning; abandonment and restoration planning; and monitoring programs.

Crown Indigenous and Northern Affairs Canada – Water Resources Division

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

CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the Canadian North Resources Inc.'s "Ferguson Lake, Nunavut Environmental Baseline Studies". The NIRB remains available for consultation with the Minister regarding this report as necessary.

Dated July 23, 2025 at Iqaluit, NU.



Albert Ehloak, *Acting* 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*, S.C. 2002, c. 29 (*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 Risk³	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility⁴
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
Porsild's Bryum	Threatened	Schedule 1	Government of Nunavut (GN)
Transverse Lady Beetle	Special Concern	No Schedule	GN
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
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
Beluga Whale (Eastern High Arctic-Baffin Bay Population)	Special Concern	No Schedule	DFO
Beluga Whale (Western Hudson Bay Population)	Special Concern	No Schedule	DFO
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

³ The Department of Fisheries and Oceans has responsibility for aquatic species.

⁴ 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.

APPENDIX B: ARCHAEOLOGICAL AND PALAEOONTOLOGICAL RESOURCES TERMS AND CONDITIONS FOR LAND USE PERMIT HOLDERS



INTRODUCTION

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

TERMS AND CONDITIONS

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

	Types of Development (See Guidelines below)	Function (See Guidelines below)
a)	Large scale prospecting	Archaeological/Palaeontological Overview Assessment
b)	Diamond drilling for exploration or geotechnical purpose or planning of linear disturbances	Archaeological/Palaeontological Overview Assessment and/or Inventory and Documentation and/or Mitigation
c)	Construction of linear disturbances, Extractive disturbances, Impounding disturbances and other land disturbance activities	Archaeological/Palaeontological Overview Assessment and/or Inventory and Documentation and/or Mitigation

Note that the above-mentioned functions require either a Nunavut Archaeologist Permit or a Nunavut Palaeontologist Permit. CH is authorized by way of the *Nunavut and Archaeological and Palaeontological Site Regulations*⁵ to issue such permits.

⁵ 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*⁶, 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*⁷, it is illegal to alter or disturb any palaeontological or archaeological site in Nunavut unless permission is first granted through the permitting process.

Definitions

As defined in the *Nunavut Archaeological and Palaeontological Sites Regulations*, the following definitions apply:

“archaeological site” means a place where an archaeological artifact is found.

“archaeological artifact” means any tangible evidence of human activity that is more than 50 years old and in respect of which an unbroken chain of possession or regular pattern of usage cannot be demonstrated, and includes a Denesuline archaeological specimen referred to in section 40.4.9 of the Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement).

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

“fossil” includes:

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

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

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

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

Introduction

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

CH is the Nunavut Government agency which oversees the protection and management of heritage resources in Nunavut, in partnership with land claim authorities, regulatory agencies, and

⁶ s. 51(1)

⁷ 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.