

Environment Canada (EC)

- Upon review of the project proposal submitted by INAC, EC is of the opinion that the quarry program does not significantly modify the original project proposal submitted in 2007, and therefore suggests the project be allowed subject to the terms and conditions proposed by the NIRB in the June 7, 2007 Screening Decision.
- INAC's A&R and Spill Contingency plans should be updated to include the new quarry sites. It should be noted that Jimmy Noble is no longer the Environment Canada Enforcement Officer, please update the contact list in the Spill Contingency Plan to include Curtis Didham.

Government of Nunavut – Department of Environment (DOE)

- The excavation slope of quarry sites should have a horizontal/vertical ratio of 2 to 1 to ensure safety. Erosion control measures should also put in place by installing silt fencing or silt curtains to protect integrity of nearby water bodies. Crushed materials of less than 1 mm have more acid-generating potential, and proponent should ensure the materials excavated and/or crushed are non-acid generating. If the materials are proven to be acid-generating, mitigation and remediation plans should be put in place.
- Recommendations for additional mitigation measures related to spill contingency planning, air quality and wildlife have also been provided.

Also, on August 13, 2009 an additional comment submission was received from Transport Canada:

Transport Canada (TC)

- TC is of the opinion that components of the project proposal may have the potential to cause interference to safe navigation. Components could include but not limited to, the facilities and infrastructure associated with the construction of the proposed barge landing sites, watercrossing or bridge work(s), and the enhancement of site access routes from Clyde River to Cape Christian.
- The proponent will need a formal submission to the NWPP to subsequently determine if a Navigable Waters Protection Act Approval is required for the proposed works and associated activities to be constructed, operated, and decommissioned.

Please note that Section 12.4.3 of the NLCA states that:

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

(a) such component or activity was not part of the original project proposal; or

(b) its inclusion would significantly modify the project.”

After completing a review of the information provided and the comments received, the NIRB is of the understanding that the application received from GN-CGS does not change the general scope of the original project activities, and the exceptions noted in NLCA 12.4.3(a) and (b) do not apply. Therefore, this application is exempt from screening as per Section 12.4.3 of the NLCA and the activities therein remain subject to the terms and conditions recommended in the original June 7, 2007 Screening Decision Report (attached).

If you have any questions or concerns, feel free to contact Ryan Barry, NIRB's Director, Technical Services, at rbarry@nirb.ca or (867) 983-4608.

Best regards,

A handwritten signature in black ink, appearing to read 'Stephanie Autut', with a stylized, cursive script.

Stephanie Autut
Executive Director

cc: Natalie Plato, INAC
 Dele Morakinyo, INAC
 Phyllis Beaulieu, NWB

Attachment: NIRB Screening Decision Report, File No. 07DN027 (June 7, 2007)



SCREENING DECISION REPORT NIRB FILE NO.: 07DN027

NIRB File No.: 07DN027

June 7, 2007

Honourable Levinia Brown
Minister of Community & Government Services
Government of Nunavut
Iqaluit, NU

Via email: lbrown1@gov.nu.ca

Re: Screening Decision for Indian and Northern Affairs Canada's (INAC) Cape Christian Site Remediation Project Proposal

Dear Honourable Levinia Brown:

The primary objectives of the Nunavut Land Claims Agreement are set out in section 12.2.5 of the Land Claims Agreement. This section reads:

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

Section 12.4.4 of the Nunavut Land Claim Agreement states:

Upon receipt of a project proposal, NIRB shall screen the proposal and indicate to the Minister in writing that:

- a) the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out in Section 12.2.5;
- b) the proposal requires review under Part 5 or 6; NIRB shall identify particular issues or concerns which should be considered in such a review;
- c) the proposal is insufficiently developed to permit proper screening, and should be returned to the proponent for clarification; or
- d) the potential adverse impacts of the proposal are so unacceptable that it should be modified or abandoned.

NIRB Assessment and Decision

After a thorough assessment of all material provided to the Board (please see Procedural History and Project Activities in **Appendix A**), in accordance with the principles identified within section 12.4.2 of the NLCA, the decision of the Board as per section 12.4.4 of the NLCA is:

12.4.4 (a): the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out in Section 12.2.5

Recommended Terms and Conditions, pursuant to 12.4.4(a) of the NLCA

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

General

1. Indian and Northern Affairs Canada (the Proponent) shall maintain a copy of the Project Terms and Conditions at the site of operation at all times.
2. The Proponent shall ensure that all field operations staff are made aware of the Proponent's commitments to these Terms and Conditions and are provided with appropriate advice/training on how to implement them.
3. The Proponent shall forward copies of all permits obtained and required for this project to the NIRB, prior to the commencement of the project.
4. Prior to the commencement of Project activities, and within 30 days of the awarding of a contract for the Project Activities, The Proponent shall provide the NIRB with finalized versions of the all Project plans including the Contractor Work Methodology Plan, Fuel Management Plan, Environmental Protection Plan, Spill Contingency Plan, and Emergency Response Plan. Please note:
 - a. The Spill Contingency Plan should include Mr. Jimmy Noble (1-867-975-4644), Environment Canada's Enforcement Officer. It is recommended that the Proponent refer to the *Government of Nunavut Spill Planning and Reporting Regulations* which can be found at http://www.gov.nu.ca/Nunavut/environment/home/Spill_Planning.pdf.
 - b. The Monitoring Protocols for the Land Farm Facilities should closely conform to the following established standards:
 - i. Canadian Council for Ministers of the Environment (CCME) Canada-Wide Standard for Petroleum Hydrocarbons in Soil (CWS-PHC) (CCME, 2001);
 - ii. Canadian Standards Association (CSA) Environmental Site Assessment Standards Z768-01 (2001) and Z769-00 (200), for Phase 1 and Phase 2; and
 - iii. Subsurface Assessment Handbook for Contaminated Sites (CCME, 1994).
5. The NIRB shall be notified of any changes in operating plans or conditions associated with this project prior to any such change.
6. The Proponent shall submit a comprehensive annual report with copies provided to the NIRB by March 31st of each year following the calendar year reported. Annual reports

will be provided until the project has been completed. The report must contain, but not be limited to, the following information:

- a. A summary of activities undertaken for the year
 - b. A work plan for the following year;
 - c. An update on the extent of contamination on-site and supporting documentation;
 - d. Descriptions of any wildlife encounters and actions/mitigation taken;
 - e. A summary of local hires and initiatives;
 - f. A summary of community consultations undertaken and the results (if any);
 - g. A summary of site-visits by inspectors with results and follow-up actions;
 - h. A summary of site-visits with community members (if conducted);
 - i. Site photos and updated site maps;
 - j. The number of barges utilized;
 - k. Issues related to monitoring including updates to the Monitoring Plan;
 - l. A summary of how it has complied with all project Terms and Conditions and how the terms and conditions are achieving their purpose.
7. The Proponent shall apply the recommended mitigation measures in the *Environmental Assessment of the Site Remediation of the Former U.S. Coast Guard LORAN Station, Cape Christian, Nunavut* prepared by Gartner Lee Limited (April 2007) and the *Former U.S. Coast Guard LORAN Station, Cape Christian, Nunavut- Remediation Action Plan (FINAL)* prepared by Earth Tech Canada Inc. (January 2007), to this project.
8. The Proponent should, to the extent possible, hire local people and consult with local residents regarding the project activities in their region.
9. The Proponent shall conduct community consultation throughout the duration of the project to ensure that community members are kept well informed about the activities, results, and plans regarding the site and are active participants in the remedial action plan development.

Water

10. The Proponent shall be advised that the use of water, disposal of wastewater or waste as a result of the project activities require a Nunavut Water Board license and the project cannot proceed until this is obtained.
11. The Proponent shall discharge surface water and waste water in accordance with a license issued by the Nunavut Water Board (NWB).
12. The Proponent shall not construct or disturb any stream, lakebed or banks of any definable water course unless authorized by the Department of Fisheries and Oceans.
13. If the fresh water reservoir is to be drained and used for a land fill, The Proponent shall submit detailed information the NIRB and the NWB prior to construction of the landfill. In addition, the Proponent shall provide confirmation that this is not a fish-bearing water body.
14. The Proponent shall use water instead of calcium chloride as a dust suppressant on site.

Wildlife

15. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation. Deliberate feeding of any wildlife is absolutely prohibited. The Proponent shall not hunt or fish, unless the appropriate permits and licenses are acquired. Harassment of wildlife is prohibited. This includes persistently worrying or chasing animals, or disturbing large groups of animals
16. The Proponent shall ensure that minimum flying altitudes of 610 m above ground level for nesting migratory birds and known raptor nesting sites, and 1100 m where birds are known to concentrate (moulting/brooding areas) and identified caribou calving and post-calving areas are implemented. In addition, a minimum horizontal distance of 1500 m from any observed concentrations of birds shall be maintained.
17. The Proponent shall cease activities that may interfere with migration or calving of caribou, until the caribou have passed or left the area. If caribou are observed calving in the area during the period of May 15 to July 15, the Proponent shall suspend all operations outside the immediate vicinity of the camp. All personnel should remain quietly in camp or be removed from the site if possible. The Proponent may resume project activities prior to July 15 if the caribou have ceased to use the project area for calving or post-calving.
18. The Proponent shall follow procedures outlined in the "Territorial Safety in Bear Country Manual", and should contact the Regional Biologist or the Wildlife manager for information and advice on measures which should be taken to minimize the possibility of conflicts/interactions with bears. Consideration should be given to setting up an electric fence around the camp.
19. The Proponent shall document any wildlife observations in the general vicinity of their operation, noting locations and frequencies, and modify activities accordingly to avoid wildlife when possible. Special note should be taken of any designated *Species at Risk* (see Appendix A) observed in the project area. These wildlife observations shall be reported to a Regional Wildlife Biologist and the nearest Conservation Officer at the end of each operational season.

Physical Environment

20. 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.
21. The Proponent shall control all movement of heavy machinery, vehicles and equipment within the hazardous material management area to prevent the dispersion of potentially hazardous dust and materials into the environment.
22. The Proponent shall ensure that all vehicles and equipment transported from other areas are thoroughly washed of all soil and debris prior to arrival at the project site.
23. The Proponent shall ensure that compacted surfaces such as all-season roads; building, AST, and garage and gravel pads; and airstrips are loosened or scarified upon remediation. This will include roads utilized between Clyde River and Cape Christian, and roads utilized on site at Cape Christian.
24. Following remediation activities, the Proponent shall ensure that the ground surface is prepared to facilitate vegetation establishment where possible. If seed mixes are used, only arctic seed mixes appropriate for the eastern arctic should be used.

Storage and Management of Waste, Hazardous Waste and other Hazardous Materials

25. The Proponent shall install and operate an incineration device capable of meeting the emission limits established under the *Canada-Wide Standards (CWS) for Dioxins and Furans* and the *CWS for Mercury Emissions*. The use of a dual-chamber, forced air incinerator is recommended.
26. The Proponent shall keep all containers for domestic waste and incinerators in enclosed bear-proof structures.
27. The Proponent shall recover and recycle material wherever practical.
28. The Proponent shall ensure that all hazardous materials (with the exception of asbestos) be removed from the project site and disposed of in accordance with the *Environmental Protection Act*, *Nunavut Territorial Regulations and Guidelines*, and *Nunavut Hazardous Waste Disposal Manual*.
29. The Proponent shall ensure that workers follow established protocols for working with hazardous material and/or contaminated soil and conducting all on site works.
30. The Proponent shall collect and dispose of sewage in accordance with the applicable *Nunavut Water Board License* and the *Nunavut Public Health Act*.

Transportation and Storage of Contaminated Solid Wastes

31. The Proponent shall install an impermeable membrane underneath containers that contain contaminated soil. Containers containing contaminated soil shall not be placed directly on the ground.
32. The Proponent shall ensure that all containers with contaminated wastes stored on site are removed on an annual basis.
33. The Proponent shall ensure that soils with metal concentrations greater than the Canadian Council of the Minister of Environment (CCME) Environmental Quality Guideline (EQG) for residential/ parkland land use are containerized and labeled in accordance with the *Transportation of Dangerous Goods Act*.
34. The Proponent shall ensure that any exposed soil piles are covered to prevent migration of wind blown contaminants.

Fuel and Chemical Storage

35. The Proponent shall locate all fuel and other hazardous materials a minimum of thirty (30) metres away from the high water mark of any water body and in such a manner as to prevent their release into the environment.
36. Any releases of harmful substances, regardless of quantity, are immediately reportable to the 24 hour Spill Line at 867-920-8130 or Environment Canada's 24-hour pager 867-920-5131, where the release:
 - a. is near or into a water body;
 - b. is near or into a designated sensitive environment or sensitive wildlife habitat;
 - c. poses an imminent threat to human health or safety; or
 - d. poses an imminent threat to a listed species at risk or its critical habitat.
37. The Proponent shall ensure that appropriate secondary containment or surface liners are used for all fuel transfers on the project site.

38. The Proponent shall store all chemicals in such a manner that they are inaccessible to wildlife.

Other NIRB Concerns and Recommendations

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

Indian and Northern Affairs Canada

- Indian and Northern Affairs Canada (INAC) 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.
- INAC should also 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 all project activities are in compliance with the terms and conditions imposed through the Federal Land Use Permit.
- INAC communicate to other Parties how they are addressing:
 - The prioritization of Remediation Projects with due regard given to Section 11.9.1 of the NCLA; and
 - Their compliance with Article 24 of the NCLA, particularly their commitments in regard to Procurement Policies as described in Section 24.3.2 .

Regulatory Requirements

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

1. Section 36(3) of the *Fisheries Act* (<http://laws.justice.gc.ca/en/showtdm/cs/F-14///en>) which states that no person shall deposit or permit the deposit of a deleterious substance in any type in water frequented by fish or in any place under any conditions where the deleterious substance may enter such a water body.
2. The *Migratory Birds Convention Act* (<http://laws.justice.gc.ca/en/showtdm/cs/M-7.01>) which states that no person disturb or destroy the nests or eggs of migratory birds. If nests containing eggs or young are encountered, the Proponent shall avoid these areas until nesting is complete and the young have left the nest.
3. *The Species at Risk Act* (<http://laws.justice.gc.ca/en/showtdm/cs/S-15.3>). Attached in **Appendix B** is a list of Species at Risk in Nunavut. The Proponent should consult the Species at Risk Public Registry (<http://www.sararegistry.gc.ca/>) to identify any Species at Risk within the project location. Further, the Proponent shall develop monitoring plans for each relevant Species at Risk in accordance with any applicable status reports, recovery strategies, action plans, and management plans posted on the Species at Risk Public Registry and in consultation with the Government Organization with Primary Management Responsibility. Monitoring plans should record the locations and frequency of observing species of special concern and note any actions taken to avoid contact or cause disturbance to the species, its residence, or its critical habitat.

4. The *Nunavut Act* (<http://laws.justice.gc.ca/en/showtdm/cs/N-28.6>) which requires that no person alter or disturb any archaeological or palaeontological sites in Nunavut unless permission is first granted through the permitting process. If any archaeological or palaeontological sites are found they should remain undisturbed and their location should be reported to the Government of Nunavut Department of Culture, Language, Elders and Youth. The Proponent must comply with the proposed terms and conditions listed in the attached **Appendix C**.
5. The *Transportation of Dangerous Goods Act* (<http://www.tc.gc.ca/tdg/menu.htm>), and the *Environmental Protection Act* (<http://laws.justice.gc.ca/en/C-15.31/text.html>) which present the requirements for the handling, storing, managing and transportation of dangerous goods, including hazardous wastes, fuel and contaminated material. The Proponent must ensure that proper shipping documents accompany all movements of dangerous goods. The Proponent must register with GN-DOE by contacting Robert Eno at 867-975-7748 or reno@gov.nu.ca.
6. In addition to the *Transportation of Dangerous Goods Act* and the *Environmental Protection Act*, all contaminated waste handling operations, beginning at Cape Christian and ending at the licensed disposal facility, may be subject to the following legislation or requirements:
 - a. The *Arctic Waters Pollution Prevention Act*;
 - b. The *Guidelines for the Operation of Tankers and Barges in Canadian Arctic Waters*;
 - c. The *Arctic Ice Regime Shipping System Standards*;
 - d. The *International Maritime Organization Dangerous Goods Code*; and
 - e. All other environmental and regulatory laws in Canada, including but not limited to: the *Fisheries Act*; *Canada Shipping Act*; *Safe Containers Convention Act*; *Nunavut Public Health Act*; *Nunavut Safety Act*; *Nunavut Spill Contingency Planning and Reporting Regulations*; and the *Canada Labour Act*.

Validity of Land Claims Agreement

Section 2.12.2

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

Dated ____ May 28, 2007 ____ at Sanikiluaq, NU.



Lucassie Arragutainaq, A/Chair

Appendix A

Procedural History and Project Activities

Procedural History

On April 16, 2007 the Nunavut Impact Review Board (NIRB or Board) received a positive conformity determination for Indian and Northern Affairs Canada's (INAC's) "Cape Christian Site Remediation project proposal from the Nunavut Planning Commission (NPC). The NIRB assigned this project proposal file number 07DN027.

During an initial check for technical completeness it was determined that additional information was required before a Part 4, NLCA screening could commence. On April 18, 2007, the NIRB requested the proponent submit additional information regarding the project design, contingency plans and environmental assessments. On April 26, 2007, the NIRB received the requested additional information.

This application was distributed to the community of Clyde River and to interested Federal and Territorial Agencies. NIRB requested that interested Parties review the application and provide NIRB with comments by May 17, 2007 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 and socio-economic effects; and if so, why;
- Whether the project is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (please provide any recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

On or before May 22, 2007, NIRB received comments from the following interested Parties (see Comments and Concerns):

- Nunavut Tunngavik Incorporated (NTI)
- Government of Nunavut - Department of Environment (GN-DOE)
- Environment Canada (EC)

Project Activities

The project is for the remediation of the former US Coast Guard LORAN Station at Cape Christian, located 16 km from Clyde River, North Baffin Region. The site remediation is proposed to begin with mobilization during the summer of 2007, and end with demobilization during September 2010.

The proposed activities for the program involve the following components:

- Mobilization of equipment, materials and personnel to Clyde River and Cape Christian;
- Enhancement of site access routes – from Clyde River to Cape Christian;
- River / stream / lake crossing or work / bridge;
- Camp set up and operation;
- Sewage or grey water disposal via sump;
- Solid waste disposal;
- Hazardous material removal;
- Temporary storage on site for hazardous materials, equipment and fuels;
- Building and infrastructure demolition;
- Debris consolidation and disposal;
- Excavation and relocation of PHC contaminated soils to the land farm cell;
- Excavation and removal of metals and PCB contaminated soils from site;

- Quarrying of gravel and overburden materials;
- Landfill construction and closure;
- Land farm cell construction and decommissioning;
- Site grading;
- Site roads improvement;
- Airstrip improvement (if required);
- Sealift landing site (if required);
- Demobilization of equipment, materials/wastes and personnel; and
- Site monitoring (post remediation).

Appendix B

Species at Risk in Nunavut

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

- Schedule 1 is the official legal list of Species at Risk for SARA. SARA applies to all species on Schedule 1. The term “listed” species refers to species on Schedule 1.
- Schedule 2 and 3 of SARA identify species that were designated at risk by the COSEWIC prior to October 1999 and must be reassessed using revised criteria before they can be considered for addition to Schedule 1.
- Some species identified at risk by COSEWIC are “pending” addition to Schedule 1 of SARA. These species are under consideration for addition to Schedule 1, subject to further consultation or assessment.

Schedules of SARA are amended on a regular basis so it is important to periodically check the SARA registry (www.sararegistry.gc.ca) to get the current status of a species.

Updated: January 3, 2007

Species at Risk	COSEWIC Designation	Schedule of SARA	Government Organization with Lead Management Responsibility ¹
Eskimo Curlew	Endangered	Schedule 1	EC
Ivory Gull	Endangered ²	Schedule 1	EC
Peregrine Falcon (subspecies anatum)	Threatened	Schedule 1	Government of Nunavut
Ross's Gull	Threatened	Schedule 1	EC
Harlequin Duck (Eastern population)	Special Concern	Schedule 1	EC
Felt-leaf Willow	Special Concern	Schedule 1	Government of Nunavut
Peregrine Falcon (subspecies tundrius)	Special Concern	Schedule 3	Government of Nunavut
Short-eared Owl	Special Concern	Schedule 3	Government of Nunavut
Fourhorn Sculpin	Special Concern	Schedule 3	DFO
Peary Caribou	Endangered ³	Pending	Government of Nunavut
Beluga Whale (Eastern Hudson Bay population)	Endangered	Pending	DFO
Beluga Whale (Cumberland Sound population)	Threatened	Pending	DFO
Beluga Whale (Western Hudson Bay population)	Special Concern	Pending	DFO
Beluga Whale	Special Concern	Pending	DFO

(Eastern High Arctic – Baffin Bay population)			
Bowhead Whale (Hudson Bay-Foxe Basin population)	Threatened ⁴	Pending	DFO
Bowhead Whale (Davis Strait-Baffin Bay population)	Threatened ⁴	Pending	DFO
Porsild's Bryum	Threatened	Pending	Government of Nunavut
Atlantic Walrus	Special Concern	Pending	DFO
Narwhal	Special Concern	Pending	DFO
Rusty Blackbird	Special Concern	Pending	Government of Nunavut
Barren-ground Caribou (Dolphin and Union population)	Special Concern ³	Pending	Government of Nunavut
Grizzly Bear	Special Concern	Pending	Government of Nunavut
Polar Bear	Special Concern	Pending	Government of Nunavut
Wolverine (Western Population)	Special Concern	Pending	Government of Nunavut

¹ Environment Canada 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. EC = Environment Canada, DFO = Department of Fisheries and Oceans

² Designated as Endangered by COSEWIC in April 2006 and it is expected that the category of concern in SARA will also be changed from Special Concern to Endangered.

³ Peary Caribou was split into three separate populations in 1991: Banks Island (Endangered), High Arctic (Endangered) and Low Arctic (Threatened) populations. The Low Arctic population also included the Barren-ground Caribou - Dolphin and Union population. In May 2004 all three population designations were de-activated, and the Peary Caribou, *Rangifer tarandus pearyi*, was assessed separately from the Barren-ground Caribou (Dolphin and Union population), *Rangifer tarandus groenlandicus*. The subspecies *pearyi* is composed of a portion of the former "Low Arctic population" and all of the former "High Arctic" and "Banks Island" populations, and it was designated Endangered in May 2004. Although SARA lists Peary Caribou on Schedule 2 as three separate populations, the most current designation is the COSEWIC designation of the subspecies *pearyi* as Endangered.

⁴ The "Eastern and Western Arctic populations" of Bowhead Whale were given a single designation of Endangered in April 1980 by COSEWIC. These were split into two populations to allow separate designations in April 1986. The Eastern population was not re-evaluated in April 1986, but retained the Endangered status of the original "Eastern and Western Arctic populations". The Eastern Arctic population was further split into two populations (Hudson Bay-Foxe Basin population and Davis Strait-Baffin Bay population) in May 2005, and both these populations were designated as Threatened. Both these populations are under consideration for addition to Schedule 1. Although SARA lists the Eastern Arctic population as Endangered (Schedule 2), the most current designation is the COSEWIC designations of the Hudson Bay-Foxe Basin and Davis Strait-Baffin Bay populations as Threatened.

Appendix C
Archaeological and Palaeontological Resources Terms and Conditions
for Land Use Permit Holders



BACKGROUND: Archaeology

As stated in Article 33 of the Nunavut Land Claims Agreement:

The archaeological record of the Inuit of Nunavut is a record of Inuit use and occupancy of lands and resources through time. The evidence associated with their use and occupancy represents a cultural, historical and ethnographic heritage of Inuit society and, as such, Government recognizes that Inuit have a special relationship with such evidence, which shall be expressed in terms of special rights and responsibilities. [33.2.1]

The archaeological record of Nunavut is of spiritual, cultural, religious and educational importance to Inuit. Accordingly, the identification, protection and conservation of archaeological sites and specimens and the interpretation of the archaeological record is of primary importance to Inuit and their involvement is both desirable and necessary. [33.2.2]

In recognition of the cultural, spiritual and religious importance of certain areas in Nunavut to Inuit, Inuit have special rights and interests in these areas as defined by Article 33 of the Nunavut Land Claims Agreement. [33.2.5]

BACKGROUND: Palaeontology

Under the Nunavut Act¹, the federal Government can make regulations for the protection, care and preservation of palaeontological sites and specimens in Nunavut. Under the *Nunavut Archaeological and Palaeontological Sites Regulations*², it is illegal to alter or disturb any palaeontological site in Nunavut unless permission is first granted through the permitting process.

Definitions

¹ s. 51(1)

² P.C. 2001-1111 14 June, 2001

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

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

“archaeological artifact” means any tangible evidence of human activity that is more than 50 years old and in respect of which an unbroken chain of possession or regular pattern of usage cannot be demonstrated, and includes a Denesuline archaeological specimen referred to in section 40.4.9 of the Nunavut Land Claims Agreement.

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

“fossil” includes:

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

Terms and Conditions

- 1) The permittee shall not operate any vehicle over a known or suspected archaeological or palaeontological site.
- 2) The permittee shall not remove, disturb, or displace any archaeological artifact or site, or any fossil or palaeontological site.
- 3) The permittee shall immediately contact the Department of Culture, Language, Elders and Youth (867) 934-2046 or (867) 975-5500 or 1 (866) 934-2035 should an archaeological site or specimen, or a palaeontological site or fossil be encountered or disturbed by any land use activity.
- 4) The permittee 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 the Department of Culture, Language, Elders and Youth, Government of Nunavut.
- 5) The permittee shall follow the direction of the Department of Culture, Language, Elders and Youth and DIAND in restoring disturbed archaeological or palaeontological sites to an acceptable condition.
- 6) The permittee shall provide all information requested by the Department of Culture, Language, Elders and Youth concerning all archaeological sites or artifacts and all palaeontological sites and fossils encountered in the course of any land use activity.
- 7) The permittee shall make best efforts to ensure that all persons working under authority of the permit are aware of these conditions concerning archaeological sites and artifacts, and palaeontological sites and fossils.
- 8) The permittee shall avoid the known archaeological and/or palaeontological sites listed in Attachment 1.

9) The permittee shall have an archaeologist or palaeontologist perform the following functions, as required by the Department of Culture, Language, Elders and Youth:

- a. survey
- b. inventory and documentation of the archaeological or palaeontological resources of the land use area
- c. assessment of potential for damage to archaeological or palaeontological sites
- d. mitigation
- e. marking boundaries of archaeological or palaeontological sites
- f. site restoration

The Department of Culture, Language, Elders and Youth shall authorize by way of a Nunavut Archaeologist Permit or a Nunavut Palaeontologist Permit, all procedures subsumed under the above operations.