



NIRB File No. 09YN013
INAC File No. 2009N0003

May 27, 2009

Dr. Joyia Chakungal
PO Box 2319
Iqaluit, NU
X0A 0H0

Via email: jchakung@nrcan.gc.ca

Re: Application Acknowledgement for Joyia Chakungal's amendment request with Nunavut Research Institute for the "Melville Peninsula Geo-Mapping (GEM)" project

Dear Joyia Chakungal:

On April 30, 2009 the Nunavut Impact Review Board (NIRB) received an application for an amendment to your Nunavut Research Institute (NRI) Licence for your "Melville Peninsula Geo-Mapping (GEM)" project.

Please be advised that the original project proposal (NIRB File No.: 09YN013) was received by the NIRB from NRI on December 18, 2008. In addition, the NIRB received a Land Use Permit application from Indian and Northern Affairs Canada (INAC) on January 27, 2009 and a Land Use Licence from the Qikiqtani Inuit Association (QIA) on January 29, 2009. The proposal was screened in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On March 27, 2009 the NIRB issued a 12.4.4(a) screening decision to NRI and INAC allowing the proposed project to proceed subject to project-specific recommended terms and conditions. Project components/activities included the following:

- Fuel caching at the Sarcpa Lake Dew Line camp site (March 2009)
- Aeromagnetic survey of the central part of the Melville Peninsula (April – May 2009)
- Ground-based geological mapping of the Melville Peninsula focusing on the Prince Albert and Penrhyn rock belts (June- August)
- Mapping of the surficial materials (glacial deposits)
- Sampling of bedrock and surficial materials for geochemical and geochronological analysis
- Helicopter supported research (pick-up and drop-off at survey locations)
- Temporary tent camp on the Kingora River upstream from the Sarcpa Lake DEW Line Station and potentially a two-man fly-camp(s) located south (~150 kilometres) of the main camp

- Fuel use and storage at the Sarcpa Lake Dew Line camp site
- Incineration of combustible material and ashes to be buried at site
- Removal of non-combustible material to municipal disposal facility
- Use of water and production of wastes

Joyia Chakungal is proposing to amend the research licence to include the following additional components/activities:

- Aeromagnetic surveys (airborne radiometric and magnetic surveys) of the southern part of Melville Peninsula (see attached map)
- Use of fixed-wing aircraft to support research

Please see the attached document for a summary of the requested amendment to the research licence. The NIRB has determined that this request may result in a change to the original scope of the project.

The original NIRB screening file, 09YN013, and the amendment request are also available from NIRB's ftp site at the following link:

http://ftp.nirb.ca/SCREENINGS/COMPLETED%20SCREENINGS/2009_SCREENINGS/09YN013-Joyia%20Chakungal/1-SCREENING/.

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.”

The NIRB is of the opinion that the request for the amendment is not likely to *significantly* change the general scope of the original project activities. Therefore the NIRB is *proposing* to re-issue the same terms and conditions as those in the attached March 27, 2009 Screening Decision, along with any new terms and conditions the NIRB considers appropriate. The NIRB is copying interested Parties and municipalities most affected by this project and we invite interested persons to comment directly to the NIRB by **June 3, 2009**.

The NIRB would like Parties to provide comments regarding:

- whether the proposed component or activity was a part of the original proposal;
- whether its inclusion would significantly modify the project;
- any additional mitigation measures that are appropriate; and
- any other matter of importance to the Party related to the project proposal.

Please send your comments to the attention of the NIRB's Manager of Environmental Administration Leslie Payette at info@nirb.ca or via fax to **(867) 983-2594**.

If you have any questions or concerns, please do not hesitate to contact the NIRB's Technical Advisor Sophia Granchinho at sgranchinho@nirb.ca or by phone at 867-983-4607.

Sincerely,



Sophia Granchinho
Technical Advisor
Nunavut Impact Review Board

cc: Distribution List
Donna Kenneally, NRI
Salamonie Shoo, Qikiqtani Inuit Association
Spencer Dewar, Indian and Northern Affairs Canada
Phyllis Beaulieu, Nunavut Water Board
David Corrigan, Natural Resources Canada
Leo Nadeau, Natural Resources Canada

Attachments: April 30, 2009 Amendment Request from Joyia Chakungal
NIRB Screening Decision Report, File No.: 09YN018 (March 27, 2009)

Request for Amendment to NRI Research License

Project Name: Melville Peninsula Geo-Mapping (GEM) Project

| Research Licence No: 0503309N-M

Researcher's Name and Affiliation: Joyia Chakungal, Canada-Nunavut
Geoscience Office

Amendment Activity:

Miertsching Lake, NU Airborne Radiometric/Magnetic Survey

Rationale:

An amendment to the research licence number listed above is requested to allow the addition of an airborne radiometric and magnetic survey to the project. The activity was considered central to the original project, but was not included in the original license application due to lack of funding. Recent initiatives have made the necessary funding available in the current fiscal year.

Activity Description

The purpose of the airborne survey is to acquire high-resolution aeromagnetic and radiometric data. Aeromagnetic surveys measure magnetic properties of bedrock and are one of the tools used in geological mapping. Radiometric surveys measure concentrations of certain elements and can map rocks by their characteristic signatures. The bedrock may contain mineral deposits, such as gold, copper, lead, zinc, and diamonds. Understanding the geology will help geologists map the area, assist mineral exploration activities, and provide useful information necessary for communities, aboriginal associations, and government to make land use decisions. This survey will be flown to improve our knowledge of the area. It will support potential future ground-based geological mapping and to provide basic information to support mineral exploration.

The method of transportation for this survey will be fixed-wing aircraft.

No permanent or temporary structures will be erected during the survey. The survey's activities and personnel will use only existing municipal airport facilities and accommodations. Restoration and abandonment plans are not required.

Activity Location

The project area is in the southern part of Melville Peninsula in the region described by N66.75° to N68.25° and W81.25° to W86.25°. The area is north of Repulse Bay and southwest of Hall Beach within the Kivalliq region of Nunavut.

Timeframe

The aeromagnetic survey is proposed to begin July 1st, 2009 and end by August 31, 2009.

Methodology

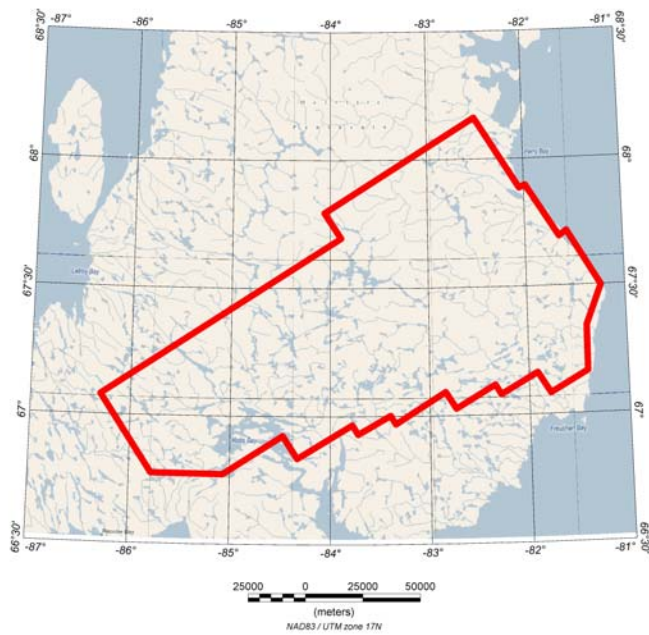
The survey will consist of approximately 49,000 line km of surveying flown at a line spacing of 400 m for traverse lines and 2400 m for orthogonal control lines. The flying height will be determined by a smooth draped surface with a minimum terrain clearance of 125 m. The intensity of the total magnetic field and radiometric data will be measured from the aircraft. Please note that aircraft will not touch down except at municipal airports. There will be no ground-based survey.

Data

In the short term, the data will be released to the public to reduce the risk in mineral exploration. In the longer term, the data will potentially be used to support ground-based geological mapping. The data collected can also be used to create an accurate digital elevation model. The survey will also collect video images of the ground which may have various applications.

Reporting

The data will be made available on-line for free download through the Geoscience Data Repository for Aeromagnetic and Radiometric Data (<http://gdr.nrcan.gc.ca/aeromag>). The data will be published as maps available digitally for free download through NRCan's MIRAGE application (<http://gdr.nrcan.gc.ca/mirage>).



Miertsching Lake, Nunavut
Proposed Radiometric/Magnetic Survey

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 PROJECT-SPECIFIC TERMS AND CONDITIONS (pursuant to Section 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. Joyia Chakungal (the Proponent) shall maintain a copy of the Project Terms and Conditions at the site of operation at all times.
2. The Proponent shall forward copies of all permits obtained and required for this project to the Nunavut Impact Review Board (NIRB) prior to the commencement of the project.
3. The Proponent shall operate in accordance with all commitments stated in correspondence provided to the Nunavut Research Institute (Scientific Research Licence Application, December 18, 2008), Indian and Northern Affairs Canada (Land Use Permit Application, January 27, 2009) and Qikiqtani Inuit Association (Application for Access to Inuit Owned Land, January 29, 2009).
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

Water

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

Waste

6. The Proponent shall incinerate all combustible wastes daily, and dispose of ash by burial beneath no less than one (1) metre of compacted soil. Non-combustible wastes shall be removed from the project site to an approved facility for disposal.
7. The Proponent shall ensure that the disposal of combustible camp wastes comply with the *Canadian Wide Standards for Dioxins and Furans*, and the *Canadian Wide Standards for Mercury*.
8. The Proponent shall keep all garbage and debris in bags placed in a covered metal container or equivalent until disposed of. All wastes shall be kept inaccessible to wildlife at all times.
9. The Proponent shall not locate any sump within thirty-one (31) metres of the normal high water mark of any water body. Sumps and areas designated for waste disposal (sewage and grey water) shall be sufficiently bermed or otherwise contained to ensure that substances do not enter a waterway unless otherwise authorized.

Fuel and Chemical Storage

10. The Proponent shall locate all fuel and other hazardous materials a minimum of thirty-one (31) metres away from the high water mark of any water body and in such a manner as to prevent their release into the environment.
11. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife.
12. The Proponent shall inspect and document the condition of all large fuel caches (in excess of 20 drums) on a weekly basis. The Proponent shall examine all fuel and chemical storage containers immediately upon delivery for leaks. All containers must be marked with the Proponent's name. All leaks should be repaired immediately.
13. The Proponent shall use secondary containment or a surface liner (drip pans, fold-a-tanks, etc) at all refuelling stations. The Proponent shall ensure that appropriate spill kits are located at every fuel cache.
14. The Proponent shall report all spills of fuel, or other deleterious materials immediately to the 24 hour Spill Line at (867) 920-8130.

Wildlife

15. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.
16. The Proponent shall not harass wildlife. This includes persistently worrying or chasing animals, or disturbing large groups of animals. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired.
17. The Proponent shall not touch, feed or entice wildlife to approach by holding out or setting out decoys or any such devices, foodstuffs or bait of any kind.
18. The Proponent shall restrict aircraft/helicopter activity related to the project to a minimum altitude of 610 metres above ground level unless there is a specific requirement for low-level flying, which does not disturb wildlife and migratory birds.
19. The Proponent shall ensure that aircraft maintain a vertical distance of 1000 metres and a horizontal distance of 1500 metres from any observed groups (colonies) of migratory birds.
20. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
21. The Proponent shall not disturb or destroy the nests or eggs of any birds. If nests are encountered and/or identified, the Proponent shall take precaution to avoid further interaction and or disturbance.
22. The Proponent is advised that Turton Island (66°24'N, 82°55'W) which is located in the Foxe Basin on the south eastern tip of Melville Peninsula is an active migratory site for Northern Common Eiders. The Proponent shall avoid this area during the active migratory bird season (late May to August).
23. The Proponent shall cease activities that may interfere with migration or calving of caribou or muskox, until the caribou or muskox have passed or left the area.
24. The Proponent shall not block or cause any diversion to caribou migration, and shall cease activities likely to interfere with migration such as airborne geophysics surveys, or movement of equipment or personnel until such time as the caribou have passed.

25. The Proponent shall not construct or operate any camp, or cache any fuel, near paths or crossings frequented by caribou.
26. The Proponent shall take all possible measures to avoid wildlife encounters. Any problem wildlife should be reported immediately to the Government of Nunavut, Department of Environment (Regional Wildlife Manager, Seeglook Akeegok, (867) 975-7800, sakeegok@gov.nu.ca).
27. The Proponent shall ensure all project staff are trained in appropriate bear/carnivore detection and deterrent techniques.

Physical Environment

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

Camp

29. The Proponent shall ensure that all camps are located on gravel, sand or other durable land.
30. The Proponent shall not erect camps or store material on the surface ice of lakes or streams.

Restoration

31. The Proponent shall remove all garbage, fuel and equipment upon abandonment.
32. The Proponent shall complete all clean-up and restoration of the lands used prior to the expiry date of the permit.

Other

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

Monitoring and Reporting Requirements

In addition, the Board is recommending the following:

1. The Proponent shall update its Spill Contingency Plan to include the up to date emergency contact numbers for the Government of Nunavut-Department of Environment (867-975-7700) and the Manager of Pollution Control and Air Quality (867-975-7748). In addition, the following should be included in the plan:
 - a. Environment Canada Contact Information:
Curtis Didham, Enforcement Officer
Cell: 867-222-1925
Office: 867-975-4644
Fax: 867-975-4645
 - b. Updates requested by the Government of Nunavut, Department of Environment in their March 23, 2009 comments to this project proposal.
2. The Proponent shall maintain a record of wildlife observations while operating within the project area. The reports should include locations (i.e., latitude and longitude), species, number of animals, a description of the animal activity, and a description of the gender and age of animals if possible. Prior to conducting project activities, the Proponent should map the location of any sensitive wildlife sites such as denning sites, calving areas, caribou crossing sites, and raptor nests in the project area, and identify the timing of critical life history events (i.e., calving, mating, denning and nesting). Additionally, the Proponent should indicate potential impacts from the project, and ensure that operational activities are managed and modified to avoid impacts on wildlife and sensitive sites.

A copy of this wildlife record or report should be submitted annually at the end of the operational season to the following Government of Nunavut contacts:

- a. Seeglook Akeeagok, Regional Manager, Wildlife, 867-975-7800, sakeeagok@gov.nu.ca
- b. Debbie Jenkins, Baffin Region Biologist, 867-899-8876, pondbiologist@qiniq.com
- c. Sarah Medill, Wildlife Deterrent Specialist, 867-934-4335, smedill@gov.nu.ca

Other NIRB Concerns and Recommendations

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

1. The Proponent review the bear/carnivore detection and deterrent techniques outlined in “Safety in Grizzly and Black Bear Country” which can be down-loaded from this link: <http://www.nwtwildlife.com/Publications/safetyinbearcountry/safety.htm>. Note that some recommendations in this manual are also relevant to polar bears. There is a DVD about bear conflict prevention, responses to bear encounters and safety available from Nunavut Parks at the following link <http://www.nunavutparks.com/english/visitor-information/suggested-resources.html> and a “Safety in Polar Bear Country” pamphlet from Parks Canada at the following link <http://www.pc.gc.ca/pn-np/nu/auyuittuq/pdf/PolarBearEnglish2007final.pdf>.

In addition, information on bear safety for industry, exploration or research camps is available from *Safety in Bear Country – A reference manual*, Northwest Territories Renewable Resources by M. Bromley.

General

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

Regulatory Requirements

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

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

documents accompany all movements of dangerous goods. The Proponent must register with the GN-DOE Manager of Pollution Control and Air Quality at 867-975-7748.

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 _____ March 27, 2009 _____ at Sanikiluaq, NU.



Lucassie Arragutainaq, Chairperson

Appendix A

Procedural History and Project Activities

Procedural History

On December 18, 2008 the Nunavut Impact Review Board (NIRB or Board) received Joyia Chakungal's "Melville Peninsula Geo-Mapping (GEM)" project proposal from the Nunavut Research Institute (NRI) and informed the proponent that the project proposal appeared to be located in an area which required conformity with the Keewatin Regional Land Use Plan (KRLUP). On March 9, 2009 the NIRB received a positive conformity determination (KRLUP) from the Nunavut Planning Commission (NPC) and commenced screening of this project. In addition, the NIRB received a Land Use Permit application from Indian and Northern Affairs Canada (INAC) on January 27, 2009 and a Land Use Licence from the Qikiqtani Inuit Association (QIA) on January 29, 2009.

This application was distributed to the communities of Igloolik, Hall Beach and Repulse Bay, and to interested Federal and Territorial Agencies, and Inuit Organizations. The NIRB requested that interested Parties review the application and provide the NIRB with comments by March 23, 2009 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 March 24, 2009, the NIRB received comments from the following interested Parties (see Comments and Concerns):

- Environment Canada
- Government of Nunavut, Department of Environment
- Transport Canada
- Hall Beach Hunters and Trappers Association
- Government of Nunavut, Department of Culture, Language, Elders and Youth
- Kivalliq Inuit Association

All comments provided to NIRB regarding this project proposal can be viewed on NIRB's ftp-site, at the following location: <http://ftp.nirb.ca/SCREENINGS/COMPLETED%20SCREENINGS/>

Project Activities

The proponent intends to conduct geoscientific research on the Melville Peninsula, to provide up-to-date information for exploration companies working in the area, with the intention to increase the level of mineral exploration. The program is proposed to take place from June 2009 to August 2009 and continue to 2011. In addition, fuel caching is proposed for March 2009 and an aeromagnetic survey is proposed for April to May 2009.

The project is located in both the North Baffin and Keewatin regions. The nearest communities are Igloolik, Hall Beach and Repulse Bay.

The proposed major activities for the program involve the following components:

- Fuel caching at the Sarcpa Lake Dew Line camp site (March 2009)
- Aeromagnetic survey of the central part of the Melville Peninsula (April – May 2009)
- Ground-based geological mapping of the Melville Peninsula focusing on the Prince Albert and Penrhyn rock belts (June- August)
- Mapping of the surficial materials (glacial deposits)
- Sampling of bedrock and surficial materials for geochemical and geochronological analysis
- Helicopter supported research (pick-up and drop-off at survey locations)
- Temporary tent camp on the Kingora River upstream from the Sarcpa Lake DEW Line Station and potentially a two-man fly-camp(s) located south (~150 kilometres) of the main camp
- Fuel use and storage at the Sarcpa Lake Dew Line camp site
- Incineration of combustible material and ashes to be buried at site
- Removal of non-combustible material to municipal disposal facility
- Use of water and production of wastes

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.