

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 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. Barry Hanslit (the Proponent) shall maintain a copy of this Screening Decision at the site of operation at all times.
2. The Proponent shall forward copies to the Nunavut Impact Review Board (NIRB) of all permits obtained and required for this project prior to the commencement of the project.
3. The Proponent shall conduct project activities in accordance with all commitments stated in all documentation provided to NIRB and from Indian and Northern Affairs Canada (INAC).
4. The Proponent is required to submit a revised Spill Contingency Planning including the detailed description regarding cleaning up hydrocarbon spills. This shall be submitted to NIRB, INAC, from Government of Nunavut, Department of Environment (GN-DoE) within forty five (45) days of the issuance of the screening decision report.
5. The Proponent shall submit an annual report with copies provided to the NIRB, INAC and the GN-DoE before March 31, 2009 during the project operation period (i.e. 2009 and 2012). The report must contain, but not be limited to, the following information:
 - A summary of activities undertaken for the reporting year;
 - A work plan for the following year;
 - Description of any wildlife encounters and any actions/mitigation measures taken;
 - An analysis regarding potential impacts to wildlife from the project, and the any mitigation measurements adopted to modify the operational activities to minimize the impacts to wildlife in project areas.
 - A summary of site-visits by Land Use Inspectors with results and follow-up actions;
 - Site photos;
 - Progressive reclamation work undertaken;
 - A summary of the number and location of spills and failures which activated the Spill Contingency Plan.
 - The number of helicopter touch-downs on the land with date and location (provide unless confidential);

Fuel Storage

6. The Proponent shall ensure the locations of all fuel containers in a manner that allows easy access and removal of containers in the event of leak or spill.
7. The Proponent shall use drip pans, or other similar preventative measures when refueling equipments at project site.
8. The proponent should be aware that any spill of fuel or hazardous materials, adjacent to or into a water body, regardless of quantity, should be reported immediately to the NWT/NU 24-hour Spill Line, (867) 920-8130.

Waste Management

9. The Proponent is strongly recommended to apply appropriate technologies with the purpose of the disposal of combustible camp wastes comply with the *Canada-Wide Standards for Dioxins and Furans*, and the *Canada-Wide Standards for Mercury emissions*, Efforts made to achieve compliance shall be reported as part of the annual report.
10. The Proponent shall incinerate all combustible and food wastes daily and shall store the ash in such a way that it is inaccessible to wildlife at all times.
11. The Proponent shall ensure that no waste oil will be incinerated on site. All waste oil shall be transported off site and disposed of in an approved facility. A waste manifest must accompany the shipment of all waste oil products and all parties must register at GN-DoE with Robert Eno at reno@gov.nu.ca or (867) 975-7748.

Wildlife

12. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.
13. The Proponent is required to implement the following mitigation measurements regarding Caribou protection:
 - During the period of May 15 to July 15 when caribou are observed calving in the project area, the proponent should suspend all operations, particularly drilling. Furthermore, following July 15 when caribou with new calves are observed in the area, all activities should also be suspended.
 - Flights of less 610 m above ground should be avoided when caribou are in sight of operation.
 - During caribou migration, the proponent shall not locate or operate as to block or cause diversion to migrating caribou. The proponent shall cease activities that may interfere with migration such as airborne geophysics surveys or movement of equipment or personnel, until the caribou have passed.
 - Between May 15 and Sep. 1, the proponent shall not construct any camp, cache any fuel, conduct blasting or drilling operations, operate ground, air or water based mobile equipment, including geophysics surveys, within 10 km of caribou crossings.
14. The Proponent is required to records all wildlife observations in a 'wildlife log', and map the location of any sensitive wildlife sites such as denning sites, calving areas, caribou crossing sites, and raptor nests. The timing of critical life history events (i.e., calving, mating, denning and nesting) should also be identified and recorded in the "wildlife log". More information can be obtained from GN-DoE (Wildlife Division) Manager of Wildlife: Shane Sather, (867) 983 4167, ssather@gov.nu.ca; Conservation Officer (Kitikmeot Region): Allen Niptanatiak (867) 982-7451, kugwildlife2@qiniq.com.
15. 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.
16. 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.
17. The Proponent shall cease activities that may interfere with migration or calving, such as movement of equipment, drilling activities until the caribou and their calves have vacated the area.

18. The Proponent shall ensure all camp members are fully aware and trained in the human-bear/wolf/fox/wolverine encounter avoidance plans, especially in avoidance of any feeding of these species.

Drilling / drilling holes

19. It is recommended that the proponent use biodegradable and non-toxic additives. The Canadian Environmental Protection Act lists calcium chloride (CaCl) as a toxic substance. The proponent shall therefore ensure that if CaCl is used as a drill additive, all sumps containing CaCl are properly constructed and located in such a manner as to ensure that the contents will not enter any water body.
20. The proponent shall ensure that land based drilling not occur within 30 m of the high water mark of any water body. Drilling wastes from land based drilling shall be disposed of in a sump such that the contents do not enter any water body.
21. The Proponent is required that the drill holes should be properly backfilled or capped at the end of project, and drill sumps should only be used for inert drilling fluids, not any other materials or substances

Others

22. The Proponent shall remove all garbage, fuel and equipment upon abandonment.
23. The Proponent shall complete all clean-up and restoration of the lands used prior to the expiry date of the permit. The area should left in a state as near as possible to pre-exploration conditions

OTHER NIRB CONCERNS AND RECOMMENDATIONS

With respect to NIRB's primary objectives, it is recommended the following:

Indian and Northern Affairs Canada (INAC)

- INAC impose strict mitigation measures, conditions and monitoring requirements, pursuant to the Federal Land Use Permit, which require Barry Hanslit to respect the ecosystem in the project area. These mitigation measures, conditions and monitoring requirements should be in regard to:
 - a. Use, storage, handling and disposal of chemicals or toxic materials.
 - b. Petroleum fuel storage.
 - c. Matters not consistent with the Regulations.
- INAC should 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 inspections should be focused on ensuring the Proponent is in compliance with the DIAND Caribou Protection Measures and the conditions imposed through the Federal Land Use Permit.

Government of Nunavut, Department of Environment (GN-DoE)

- The GN-DOE should consider proposing additional mitigation measures regarding the impacts to wildlife, if required, after reviewing the Annual Report from the Proponent.

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>). Section 35(1) of the *Fisheries Act* specifies that unless authorized by federal regulation, no person shall carry on any

work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat. Section 36(3) of the *Fisheries Act* specifies that unless authorized by federal regulation, 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* and *Migratory Birds Regulations* which state that no person disturb or destroy the nests or eggs of migratory birds, and that no person shall deposit or permit to be deposited oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds (<http://laws.justice.gc.ca/en/showtdm/cs/M-7.01>)
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 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>) which presents 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. Article 13.7.1 of the NLCA and Section 173(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, state that no person shall use water or dispose of waste into water without the approval of the Nunavut Water Board (NWB). The Proponent is encouraged to contact the NWB prior to engaging in any activities to determine if a license is required (<http://www.nunavutwaterboard.org/en/home>).

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 7, 2008 at at Sanikiluaq, NU.



Lucassie Arragutainaq, Chair

APPENDIX A

Procedural History and Project Activities

Procedural History

On March 31, 2008 the Nunavut Impact Review Board (NIRB or Board) received Barry Hanslit's (the Proponent's) *Fork Property Mining Exploration* project proposal from Indian and Northern Affairs Canada (INAC), and assigned this project proposal file number **08EN036**. Upon a preliminary completeness check, NIRB determined there was insufficient information to commence the Part 4 Screening. On April 3, 2008 NIRB requested the Proponent provide the required information on or before April 9, 2008.

On April 8, 2008 NIRB received the required supplementary information from the Proponent and commenced Screening for this project proposal.

On April 9, 2008 the NIRB distributed the applications to the Hamlet and HTO of Kugluktuk and Bathurst Inlet as well as interested Federal and Territorial Agencies for comments by April 30, 2008.

On April 30, 2008, the NIRB received comments from the Government of Nunavut, Department of Environment and all comments can be viewed on NIRB's ftp-site, at the following location:

[http://ftp.nirb.ca - /SCREENINGS/COMPLETED SCREENINGS/2008_SCREENINGS/08EN036-Barry Hanslit/](http://ftp.nirb.ca - /SCREENINGS/COMPLETED SCREENINGS/2008_SCREENINGS/08EN036-Barry_Hanslit/)

Project Activities

This project is located in the Kitikmeot Region of Nunavut, approximately 130 km southeast of Kugluktuk and 217 km northwest of Bathurst Inlet. The proposed project activities are in support of a preliminary exploration for kimberlite bodies, and would be conducted from May 1, 2008 to September 30, 2012.

The proposed project activities include:

- Set up and operation of temporary seasonal camp;
- Aircraft (helicopter or float equipped fixed wing) operation for drop off and pick up of site personnel and site supplies;
- Prospecting;
- Ground and airborne geophysics;
- Diamond drilling;
- Waste disposal;
- Water use; and
- Drill site restoration upon the close of the field seasons of the field seasons.

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)	Special Concern	Pending	DFO

population)			
Beluga Whale (Eastern High Arctic – Baffin Bay population)	Special Concern	Pending	DFO
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

Government of Nunavut – Department of Culture, Language, Elders and Youth Standard Terms and Conditions



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]

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

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

“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.