



NWB2 PER

February 26, 2003

To: Phyllis Beaulieu
A/Licensing Administrator
Nunavut Water Board
Gjoa Haven, NU

Re: Exploratory Drilling at Peregrine Property

NIRB: 02EN108 & 02EN111

NWB NWB2PER

Enclosed are the completed Nunavut Impact Review Board (NIRB) Screening Decision Reports that were initially reviewed for the Department of Indian and Northern Affairs (DIAND). As these applications were screened in late 2002 and no additional information is included in the Nunavut Water Board (NWB) application, the NIRB sees no reason to re-screen the projects at this time.

NIRB's indication to the Minister 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;

Please contact me at (867) 983-2593 if you have any questions about the Screening Decision Report.

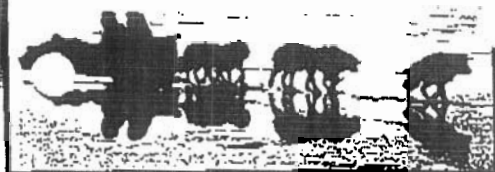
Yours truly,



Gladys Joudrey
Environmental Assessment Officer
Nunavut Impact Review Board

INTERNAL	
PC	J.P
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030226NW B2PER NIRB Screening - ILAE



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SCREENING DECISION

Date: July 8, 2002

Hon. Robert Nault
Minister Responsible for Indian and Northern Affairs
Ottawa, Ontario

Dear Minister:

**RE: Screening Decision of the Nunavut Impact Review Board (NIRB) on Application:
NIRB 02EN108 DIAND N2002C0031
Exploratory Drilling at Peregrine Property (Diamondex Resources Ltd.)**

Authority:

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:

- 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;
- the proposal requires review under Part 5 or 6; NIRB shall identify particular issues or concerns which should be considered in such a review;
- the proposal is insufficiently developed to permit proper screening, and should be returned to the proponent for clarification; or
- the potential adverse impacts of the proposal are so unacceptable that it should be modified or abandoned.

Primary Objectives:

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.

The decision of the Board in this case 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;

Reasons for Decision:

NIRB's decision is based on specific considerations that reflect the primary objectives of the Land Claims Agreement. Our considerations in making this decision included:

- the impact of drilling activities on the ecosystem;
- disposal of drill cuttings and waste water;
- impact to water quality, aquatic habitat and wildlife and fish populations from chemicals, drill waste, drill fluids and potential fuel spills;
- storage and disposal of chemicals, fuel, garbage, sewage, and gray water, and impact of these on the ecosystem;
- the impact of noise from drilling activities and their disturbance to wildlife and traditional users of the area;
- the impact of campsite and equipment on terrain;
- the impact of exploration activities on archaeological sites or cultural landmarks in the area; and
- clean up/restoration of the camp site and drilling locations upon abandonment.

Terms and Conditions:

That the terms and conditions attached to this screening report will apply.

Drill Sites

1. The Licensee shall not conduct any land based drilling within thirty (30) metres of the normal high water mark of a water body.
2. The Licensee shall not use drilling muds or additives in connection with drill holes unless they are re-circulated or contained such that they do not enter the water, or are certified to be non-toxic.
3. The Licensee shall ensure that any drill cuttings and waste water that cannot be re-circulated be disposed of in a properly constructed sump or an appropriate natural depression that does not drain into a waterbody or removed to appropriate disposal location.
4. The Licensee shall ensure that drilling wastes do not enter any water body. The use of biodegradable, salt free drill additives is encouraged over non-biodegradable types.
5. The Licensee shall ensure that the sump/depression capacity is sufficient to accommodate the volume of waste water and any fines that are produced so that there will be no additional impacts.
6. The Licensee shall not locate any sump within thirty (30) metres of the normal high water mark of any water body.
7. The Licensee shall not deposit nor permit the deposit of slash, debris or sediment into any waterbody. These materials shall be disposed of above the high water mark in such a fashion that they do not enter the water.
8. The Licensee shall ensure that disturbance of vegetation from deposit of drill fluids/cuttings is restricted to the area of the sump and the ground prepared for revegetation upon abandonment.

9. The Licensee shall, where flowing water from bore holes is encountered, plug, the bore hole in such a manner as to permanently prevent any further outflow of water. The occurrence shall be reported to the Nunavut Water Board and Land Use Inspector within 48 hours.
10. If the drilling requires water in sufficient volume that the source waterbody may be drawn down details must be submitted (volume required, size of waterbody, etc.) to DFO-FHM for review. DFO-FHM does not recommend the use of streams as a water source.

Water

11. The Licensee shall ensure that all water intake hoses are equipped with a screen with an appropriate mesh size to ensure that there is no entrapment of fish.

Fuel and Chemical Storage

12. The Licensee shall ensure that fuel storage containers are not located within thirty (30) metres of the ordinary high water mark of any body of water.
13. The Licensee shall ensure that any chemicals, fuels or wastes associated with the project do not spread to the surrounding lands or enter into any water body.
14. Fuel storage shall either be equipped with secondary containment and other hazardous materials should be located in such a manner as to prevent their release into the environment.
15. The Licensee shall take all reasonable precautions to prevent the possibility of migration of spilled petroleum fuel or chemicals over the ground surface.
16. The Licensee shall examine all fuel and chemical storage containers daily for leaks. All leaks should be prepared immediately.
17. The Licensee shall seal all container outlets except the outlet currently in use.
18. The Licensee shall mark all fuel containers with the Licensee's name.
19. The Licensee shall dispose of all combustible waste petroleum products by incineration and removal from the site.
20. The Licensee shall ensure all activities, including maintenance procedures and refueling, should be controlled to prevent the entry of petroleum products or other deleterious substances into the water.
21. The Licensee shall have an approved emergency response and spill contingency plans in place prior to the commencement of the operation.
22. The Licensee shall immediately report all spills of petroleum and hazardous chemicals to the twenty-four (24) hour spill report line at (867) 920-8130.

Waste Disposal

23. The Licensee shall not discharge or deposit any refuse substances or other waste materials in any body of water, or on the banks thereof, which will impair the quality of the waters of the natural environment.
24. The Licensee, prior to the discharge of fluids from any sump, shall carry out an analysis of the fluid in a manner prescribed by the NWB.
25. The Licensee shall treat greywater and sewage according to the terms and conditions outlined in the NWB approval.
26. The Licensee shall backfill and recontour all sumps to match the natural environment prior to the expiry date of the license.
27. The Licensee shall incinerate all combustible and food wastes daily.
28. The Licensee shall keep all garbage and debris in a covered metal container until disposed of.
29. The Licensee shall ensure that all wastes generated through the course of the operation are backhauled and disposed of in an approved dumpsite.
30. The Licensee shall deposit all scrap metal, discarded machinery and parts, barrels and kegs, at an approved disposal site.

Wildlife

31. The Licensee shall ensure that there is no damage to wildlife habitat in conducting this operation.
32. The Licensee shall not feed wildlife.
33. The Licensee shall use the latest bear detection and deterrent techniques to minimize man-bear interactions and shall report any Man-Bear Interactions to the nearest Renewable Resource Officer.
34. The Licensee shall ensure that the drill sites avoid known environmentally sensitive areas (denning, nesting etc.) by a minimum of 250 metres.
35. The Licensee shall not locate any operation so as to block or cause substantial diversion to migration of caribou.
36. The Licensee shall cease activities that may interfere with migration or calving, such as airborne geophysics surveys or movement of equipment, drilling activities until the caribou and their calves have vacated the area.
37. The Licensee shall not conduct any activity associated with the land use operation during critical periods of wildlife cycles (eg. caribou migration, calving, fish spawning or raptor nesting).
38. That the Licensee shall ensure that there is no hunting by employees of the company or any contractors hired.
39. The Licensee shall ensure that aircraft pilots adhere to recommended flight altitudes of greater than 300 m above ground level as to not disturb wildlife. Raptor nesting sites and concentrations of nesting or molting waterfowl should be avoided by aircraft at all times.
40. The Licensee shall ensure compliance with Section 36 of the Fisheries Act which requires that no person shall deposit or permit the deposit of a deleterious substance on any type in

water frequented by fish or in any place under any conditions where the deleterious substance may enter such a water body.

41. The harmful alteration, disruption or destruction of fish habitat is prohibited under Section 35 of the Fisheries Act. No construction or disturbance of any stream/lake bed or banks of any definable watercourse is permitted unless authorized by DFO.

Environmental

42. The Licensee shall ensure that the land use area is kept clean and tidy at all times.
43. The Licensee shall prepare the site in such a manner as to prevent rutting of the ground surface.
44. The Licensee shall not do anything that will cause erosion of the banks of any body of water on or adjacent to the land and shall provide necessary controls to prevent such erosion.
45. The Licensee shall be required to undertake any corrective measures in the event of any damage to the land or water as a result of the Licensee's operation.
46. The Licensee shall not remove any material from below the ordinary high water mark of any waterbody.
47. The Licensee shall adopt such measures as required to control erosion by surface disturbance. Sediment and erosion control measures should be implemented prior to, and maintained during the work to prevent sediment entry into the water during a spring thaw.
48. The Licensee 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.
49. The Licensee shall suspend overland travel of equipment or vehicles if rutting occurs.

Structure & Storage Facilities

50. The Licensee shall not erect structures or store material on the surface ice of lakes or streams.
51. The Licensee shall locate all structures and storage facilities on gravel, sand or other durable land.

Archaeological Sites

52. The Licensee shall follow all terms and conditions for the protection and restoration of archaeological resources as outlined by the Department of Culture, Language, Elders and Youths (CLEY) in attached letter.

Reclamation

53. The Licensee shall remove all scrap metal, discarded machinery and parts, barrels and kegs, buildings and building material upon abandonment.
54. The Licensee shall complete all clean-up and restoration of the lands used prior to the expiry date of the permit.
55. The Licensee shall plug or cap all bore holes and cut off any drill casings that remain above ground to ground level upon abandonment of the operation.

Other Recommendations

1. NIRB would like to encourage the proponent to hire local people and services, to the extent possible.
2. NIRB strongly advises proponents to consult with local residents regarding their activities in the region, and do community consultation on the project to keep the communities informed.
3. Any amendment requests deemed by NIRB to be outside the original scope of the project will be considered a new project.
4. The Environmental Protection Branch (DOE), Department of Fisheries and Oceans (DFO), Nunavut Impact Review Board (NIRB), and the Nunavut Water Board (NWB) should be advised of any material changes to plans or operating conditions associated with the project.

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 July 8/02 at Yellowknife, NT


Elizabeth Copland, Chairperson

COMMENT FORM FOR NIRB SCREENINGS

The Nunavut Impact Review Board has a mandate to protect the integrity of the ecosystem for the existing and future residents of Nunavut. In order to assess the environmental and socio-economic impacts of the project proposals, NIRB would like to hear your concerns, comments and suggestions about the following project application:

Project Title: <u>Exploratory Drilling at Peregrine Property</u>	
Proponent: <u>Diamondex Resources Ltd</u>	
Location: <u>Kitikmeot Region</u>	
Comments Due By: <u>July 5, 2002</u>	NIRB #: <u>02EN108</u>

Indicate your concerns about the project proposal below:

<input checked="" type="checkbox"/> no concerns <input type="checkbox"/> water quality <input type="checkbox"/> terrain <input type="checkbox"/> air quality <input type="checkbox"/> wildlife and their habitat <input type="checkbox"/> marine mammals and their habitat <input type="checkbox"/> birds and their habitat <input type="checkbox"/> fish and their habitat <input type="checkbox"/> heritage resources in area	<input type="checkbox"/> traditional uses of land <input type="checkbox"/> limit harvesting activities <input type="checkbox"/> community involvement and consultation <input type="checkbox"/> local development in the area <input type="checkbox"/> tourism in the area <input type="checkbox"/> human health issues <input type="checkbox"/> other: _____
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Please describe the concerns indicated above:

Do you have any suggestions or recommendations for this application?

/

Do you support the project proposal? Yes ☒ No ☐ Any additional comments?

Name of person commenting: Ben Smith **of** _____

Position: Manager Resources **Organization:** Diamond

Signature: Ben Smith **Date:** July 8/02

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FAX NO. 867-8738185

P. 02/03



Environment Environnement
Canada Canada

Environmental Protection Branch
5204 - 50th Avenue
Suite 301
Yellowknife, NT X1A 1E3
Fax: 867-873-8185

5 July, 2002

Our File 4703 001 045

David Satoana
Environmental Assessment Officer
Nunavut Impact Review Board
PO Box 2379
Cambridge Bay, NU X0B 0C0

Fax: (867) 983-2594

Caroline West
Field Supervisor
Diamondex Resources Ltd
1410-650 W George St
Vancouver, BC V6B 4N8

Fax: (604) 687-1448

Re: NTRB 02EN108 - Exploratory Drilling at Peregrine Property - Diamondex Resources Ltd.

On behalf of Environment Canada (EC), I have reviewed the above noted land use permit application, NTRB 02EN108, to conduct mineral exploration in the Kitikmeot Region, NU. The comments provided for the above application have been made under Section 36(3) of the Fisheries Act, the Canadian Environmental Protection Act (CEPA), and the Migratory Birds Convention Act (MBCA).

Diamondex Resources Ltd. is proposing to establish an exploration base camp in order to locate diamondiferous and potential economic kimberlite intrusions on their Peregrine property. Proposed activities include; geological mapping, geophysical surveys, regional till sampling, and diamond drilling.

Comments and Recommendations

The proponent neglected to:

- state that "all spills" are to be documented and reported to the NWT 24 Hour Spill Line at (867) 920-8130
- provide an adequate spill contingency plan outlining a clear path of response
- indicate if spill kits are to be used at camp, fuel caches and drill sites
- provide a detailed description and map at 1:50 000 scale of proposed works such as:
 - * drilling activities when known;
 - * land area to be affected by proposed works;
 - * number of holes and the location of holes in relation to water when known
 - * land or ice-based drilling when known.
- provide a detailed map indicating the locations of camp in relation to water
- include the estimated volume of proposed sumps for camp and drilling activities
- provide a map indicating the locations of all land-based sumps in relation to water
- include location of fuel storage in relation to water for aircraft, camps and drilling uses

The following conditions should be applied throughout all phases of the project:

- The proponent shall ensure that drill cuttings, chemicals, fuel or wastes associated with the project do not enter waters frequented by fish. All sumps, spill basins and fuel caches should be located in such a manner that the contents do not

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P. 03/03


enter any definable waterbody.

- EC encourages proponents, to use a secondary containment rather than relying on, "natural depressions", when storing barrelled fuel at a location. Self supporting insta-bertins are available from various suppliers within Canada.
- Toxic drilling additives or muds shall not be used in connection with holes drilled through lake ice, unless they are re-circulated or contained such that they do not enter the water.
- provide to my attention coordinates in degrees, minutes and seconds for camp, fuel caches and drill sites.
- If artesian flow is encountered, drill holes shall be plugged and permanently sealed immediately.
- Environment Canada recommends the use of an approved incinerator.

EPB should be notified of changes in the proposed or permitted activities associated with this application.

Please do not hesitate to contact me at (867) 669-4744 or ron.bujold@ec.gc.ca with any questions or comments.

Yours truly,



Ron Bujold
Environmental Assessment Technician

cc: Steve Harbicht (Head, Assessment & Monitoring, EPB)
Paula Pacholek (Coordinator, A&M, EPB)
Caroline West (Field Supervisor Diamondex Resources Ltd.)



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Coast Guard

Garde côtière

Central & Arctic Region

Région du Centre et de l'Arctique

201 N. Front Street, Suite 703
Sarnia, Ontario
N7T 8B1

Your file Votre référence

Our file Notre référence
1675-9-9

June 18, 2002

Gladys Joudrey
Nunavut Impact Review Board
PO Box 2379
Cambridge Bay, NT X0E 0C0

Dear Madam:

Thank you for your submission with regard to NIRB # 02EN108, Exploratory Drilling at Peregrine Property, Diamondex Resources Limited, Kitikmeot Region, Nunavut.

The information will be reviewed by this office and our response will be forwarded to DFO Fish Habitat in Iqaluit. They in turn will prepare a Departmental response encompassing both the Navigable Waters Protection Act and the Fisheries Act.

Yours truly,

Barry Putt
A/Inspections Supervisor
Navigable Waters Protection

BP/kab

cc: FHM



Canada



June 18 2002

David Sateana
Environmental Assessment Officer Trainee
NIRB - Cambridge Bay

Diamondex Resources - Exploratory Drilling at Peregrine Property

This is actually also quite an impressive application, as it seems to fully explain most aspects of environmental impact concern that we try to address.

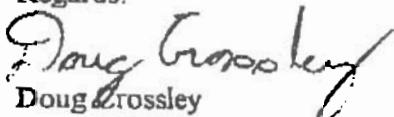
A couple of comments though. They make reference to flying their geologists and assistants around to carry out the initial till sampling program and then picking up the 500 samples by Helicopter. I would suggest that some reference be provided to the proponent about minimum altitudes required to not distract wildlife and also about any "bans" on flying when there are migrating herds of caribou in the vicinity. Their camp will likely see the passage of some of Bathurst or Bluenose caribou during the summer season they plan their initial activities and they must be aware and ready to comply with any animal interference restrictions.

They also do not reference potentially using any local labour and resources. This might be an oversight of the application given its' thoroughness in dealing with the environmental side; however there seems to be at least a few (4 - 5) positions that could be carried out with local Kugluktuk or Bathurst Inlet/Brown Sound expertise. It is also likely local suppliers could meet many of their ongoing material needs and likely at costs that could compete with elsewhere. The proponent should be made aware of the benefits of utilization of the "Local Resource".

The process could also provide the proponent with an accepted manner of ensuring fuel storage security with a sample spill contingency plan attached. I am assuming they likely have this in hand but did not see reference to same in the application.

Otherwise my support is there. Anyone who is considering aircraft removal of biological wastes to distant locations appears to be serious about maintaining environmental integrity. Don't think I'd want to be on the same plane out though.

Regards:


Doug Crossley
Special Advisor
CG&T - Cambridge Bay

COMMENT FORM FOR NIRB SCREENINGS

The Nunavut Impact Review Board has a mandate to protect the integrity of the ecosystem for the existing and future residents of Nunavut. In order to assess the environmental and socio-economic impacts of the project proposals, NIRB would like to hear your concerns, comments and suggestions about the following project application:

Project Title: Exploratory Drilling at Peregrine Property
Proponent: Diamondex Resources Ltd
Location: Kittikmeot Region
Comments Due By: July 5, 2002 NIRB #: 02EN108

Indicate your concerns about the project proposal below:

no concerns
water quality
terrain
air quality
☒ wildlife and their habitat
marine mammals and their habitat
birds and their habitat
fish and their habitat
heritage resources in area

traditional uses of land
Inuit harvesting activities
community involvement and consultation
local development in the area
tourism in the area
human health issues
other: _____

Please describe the concerns indicated above:

Minimum Flight Altitude Requirements + possible Ban
during periods of animal migration

Do you have any suggestions or recommendations for this application?

Local Use of Resources + Labour

Do you support the project proposal? Yes ☒ No ☐ Any additional comments?

Fuel Storage / Spill Contingency

Name of person commenting: Doug Crossley of Cambridge Bay
Position: Special Advisor Organization: C.G. + T
Signature: Doug Crossley Date: June 18/02



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Department of
Culture, Language, Elders & Youth

Pitohilikiani

Ministère du gouvernement
Culture, Langues, Aînés et Jeunesse

June 22, 2002

Gladys Joudrey
Environmental Assessment Screener
Nunavut Impact Review Board
Box 2379
Cambridge Bay, NU X0E 0C0

Re: Land Use Application NIRB 02EN108 Exploratory Drilling at Peregrine Property (Diamondex Resources Ltd.)

Due Date:

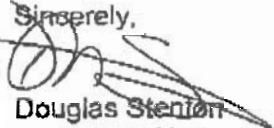
Dear Ms. Joudrey:

At your request, the Department of Culture and Heritage, Government of Nunavut, has reviewed the above-noted application. Our recommendations follow.

We recommend approval of the above-cited application, as the proponent's proposed activities do not constitute a threat to known archaeological resources.

The attached conditions specify plans and methods of site protection and restoration to be followed by the permittee if an archaeological site is encountered or disturbed in the course of the land use activity.

Sincerely,


Douglas Stenton
A/Director, Heritage

Department of Culture, Language, Elders and Youth



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Department of
Culture, Language, Elders & Youth

Pithohilikioni

Ministère du gouvernement
Culture Langues, Aînés et Jeunesse

June 22, 2002

Gladys Joudrey
Environmental Assessment Screener
Nunavut Impact Review Board
Box 2379
Cambridge Bay, NU X0E 0C0

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Due Date:

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Sincerely,


Douglas Stenton
A/Director, Heritage
Department of Culture, Language, Elders and Youth

Reasons for Decision:

NIRB's decision is based on specific considerations that reflect the primary objectives of the Land Claims Agreement. Our considerations in making this decision included:

- the impact of drilling activities on the ecosystem;
- disposal of drill cuttings and waste water;
- impact to water quality, aquatic habitat and wildlife and fish populations from chemicals, drill waste, drill fluids and potential fuel spills;
- storage and disposal of chemicals, fuel, garbage, sewage, and gray water, and impact of these on the ecosystem;
- the impact of noise from drilling activities and their disturbance to wildlife and traditional users of the area;
- the impact of campsite and equipment on terrain;
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31. The Licensee shall ensure that aircraft pilots adhere to recommended flight altitudes of greater than 300 m above ground level as to not disturb wildlife. Raptor nesting sites and concentrations of nesting or molting waterfowl should be avoided by aircraft at all times.
32. The Licensee shall ensure compliance with Section 36 of the Fisheries Act which requires that no person shall deposit or permit the deposit of a deleterious substance on any type in water frequented by fish or in any place under any conditions where the deleterious substance may enter such a water body.
33. The harmful alteration, disruption or destruction of fish habitat is prohibited under Section 35 of the Fisheries Act. No construction or disturbance of any stream/lake bed or banks of any definable watercourse is permitted unless authorized by DFO.

Environmental

34. The Licensee shall ensure that the land use area is kept clean and tidy at all times.
35. The Licensee shall be required to undertake any corrective measures in the event of any damage to the land or water as a result of the Licensee's operation.
36. The Licensee shall not remove any material from below the ordinary high water mark of any waterbody.
37. The Licensee 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.
38. The Licensee shall suspend overland travel of equipment or vehicles if rutting occurs.

Structure & Storage Facilities

39. The Licensee shall use the existing camp on the Block 1 portion.

AUG-20-02 TUE 12:28 PM CHIEF CORONER NUNAVUT
19-Aug-2002 04:40pm From-Nunavut Impact Review Board

FAX:867 896 9607

PAGE 1

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Archaeological Sites

40. The Licensee shall follow all terms and conditions for the protection and restoration of archaeological resources as outlined by the Department of Culture, Language, Elders and Youths (CLEY) in attached letter.

Reclamation

41. The Licensee shall remove all scrap metal, discarded machinery and parts, barrels and kegs, buildings and building material upon abandonment.
42. The Licensee shall complete all clean-up and restoration of the lands used prior to the expiry date of the permit.
43. The Licensee shall plug or cap all bore holes and cut off any drill casings that remain above ground to ground level upon abandonment of the operation.

Other Recommendations

1. NIRB would like to encourage the proponent to hire local people and services, to the extent possible.
2. NIRB strongly advises proponents to consult with local residents regarding their activities in the region, and do community consultation on the project to keep the communities informed.
3. Any amendment requests deemed by NIRB to be outside the original scope of the project will be considered a new project.
4. The Environmental Protection Branch (DOE), Department of Fisheries and Oceans (DFO), Nunavut Impact Review Board (NIRB), and the Nunavut Water Board (NWB) should be advised of any material changes to plans or operating conditions associated with the project.

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 Aug 20/02 at Arviat, NU.


Elizabeth Copland, Chairperson

Jul-22-02 09:49pm From-Culture Language Elders & Youth Iqaluit +8678755504

T-324 P.02/05 F-686



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Department of
Culture, Language, Elders & Youth

Pituhilikoni

Ministère du gouvernement
Culture Langues, Aînés et Jeunesse

July 22, 2002

Gladys Joudrey
Environmental Assessment Screener
Nunavut Impact Review Board
Box 2379
Cambridge Bay, NU X0E 0C0

Re: Land Use Application NIRB 02EA111 Exploratory Drilling at Peregrine Property (Block 1A) (Diamondex Resources Ltd.)

Due Date: August 9, 2002

Dear Ms. Joudrey:

At your request, the Department of Culture and Heritage, Government of Nunavut, has reviewed the above-noted application. Our recommendations follow.

We recommend approval of the above-cited application, as the proponent's proposed activities do not constitute a threat to known archaeological resources.

The attached conditions specify plans and methods of site protection and restoration to be followed by the permittee if an archaeological site is encountered or disturbed in the course of the land use activity.

Sincerely,


Douglas Stenton
Director, Heritage
Department of Culture, Language, Elders and Youth

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P.O. Bag 1000, Station 800
Iqaluit, Nunavut X0A 0H0

Sac 1000, Station 800
Iqaluit, Nunavut X0A 0H0

867-975-5500
867-975-5504

Received 22-Jul-2002 02:42pm

From+8679755504

To-Nunavut Impact Review Page 002



ARCHAEOLOGICAL AND PALAEOLOGICAL 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]

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 site" means a place where an archaeological artifact is found.

¹ s. 51(1)

² P.C. 2001-1111 14 June, 2001

"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) 934-2033 or (867) 975-5500 should an archaeological site or specimen, or a palaeontological site or fossil be encountered or disturbed by any land use activity.
- 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.

June 18 2002

David Sateana
Environmental Assessment Officer Trainee
NIRB – Cambridge Bay

Diamondex Resources – Exploratory Drilling at Peregrine Property

This is actually also quite an impressive application, as it seems to fully explain most aspects of environmental impact concern that we try to address.

A couple of comments though. They make reference to flying their geologists and assistants around to carry out the initial till sampling program and then picking up the 500 samples by Helicopter. I would suggest that some reference be provided to the proponent about minimum altitudes required to not distract wildlife and also about any "bans" on flying when there are migrating herds of caribou in the vicinity. Their camp will likely see the passage of some of Bathurst or Bluenose caribou during the summer season they plan their initial activities and they must be aware and ready to comply with any animal interference restrictions.

They also do not reference potentially using any local labour and resources. This might be an oversight of the application given its' thoroughness in dealing with the environmental side; however there seems to be at least a few (4 – 5) positions that could be carried out with local Kugluktuk or Bathurst Inlet/Brown Sound expertise. It is also likely local suppliers could meet many of their ongoing material needs and likely at costs that could compete with elsewhere. The proponent should be made aware of the benefits of utilization of the "Local Resource".

The process could also provide the proponent with an accepted manner of ensuring fuel storage security with a sample spill contingency plan attached. I am assuming they likely have this in hand but did not see reference to same in the application.

Otherwise my support is there. Anyone who is considering aircraft removal of biological wastes to distant locations appears to be serious about maintaining environmental integrity. Don't think I'd want to be on the same plane out though.

Regards:

Doug Crossley
Special Advisor
CG&T – Cambridge Bay

COMMENT FORM FOR NIRB SCREENINGS

The Nunavut Impact Review Board has a mandate to protect the integrity of the ecosystem for the existing and future residents of Nunavut. In order to assess the environmental and socio-economic impacts of the project proposals, NIRB would like to hear your concerns, comments and suggestions about the following project application:

Project Title: <u>Exploratory Drilling at Peregrine Property (Block 1A)</u>	
Proponent: <u>Diamondex Resources Ltd</u>	
Location: <u>Kitikmeot Region</u>	
Comments Due By: <u>August 9, 2002</u>	NIRB #: <u>02EN111</u>
Indicate your concerns about the project proposal below:	
<input checked="" type="checkbox"/> no concerns	traditional uses of land
water quality	fruit harvesting activities
terrain	community involvement and consultation
air quality	local development in the area
wildlife and their habitat	tourism in the area
marine mammals and their habitat	human health issues
birds and their habitat	other _____
fish and their habitat	_____
heritage resources in area	_____
Please describe the concerns indicated above:	
n/a	
Do you have any suggestions or recommendations for this application?	
n/a	
Do you support the project proposal? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Any additional comments?	
fine local fruit and train during operation.	
Name of person commenting: <u>Stanley Anable</u> of <u>Kugluktuk</u>	
Position: <u>ICIA Lands Officer</u>	Organization: <u>ICIA</u>
Signature: <u>[Signature]</u>	Date: <u>July 23/02</u>



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Coast Guard

Garde côtière

Central & Arctic Region

Région du Centre et de l'Arctique

201 N. Front Street, Suite 703
Sarnia, Ontario
N7T 8B1

Your file Votre référence

Our file Notre référence

1675-9-9

July 24, 2002

Gladys Joudrey
Nunavut Impact Review Board
PO Box 2379
Cambridge Bay, NT X0E 0C0

Dear Madam:

Thank you for your submission with regard to NIRB # 02EN111, Exploratory Drilling at Peregrine Property (Block 1A), Diamondex Resources Limited, Kitikmeot Region, Nunavut.

The information will be reviewed by this office and our response will be forwarded to DFO Fish Habitat in Iqaluit. They in turn will prepare a Departmental response encompassing both the Navigable Waters Protection Act and the Fisheries Act.

Yours truly,

Barry Putt
A/Inspections Supervisor
Navigable Waters Protection



BP/kab

cc: FHM

Canada