



SCREENING DECISION REPORT
NIRB FILE NO.: 10EA018

May 5, 2010

Honourable Chuck Strahl
Minister of Indian and Northern Affairs Canada
Indian and Northern Affairs Canada
Gatineau, QC

E-Mail: Strahl.C@parl.gc.ca

Re: Screening Decision for Comaplex Minerals Corp.'s "Meliadine Gold Underground Exploration" Project Proposal

Dear Honourable Minister:

The primary objectives of the Nunavut Impact Review Board (NIRB) are set out in Section 12.2.5 of the Nunavut Land Claims Agreement (NLCA) as follows:

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

Section 12.4.4 of the NLCA states:

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

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

NIRB ASSESSMENT AND DECISION

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

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

RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS (pursuant to Section 12.4.4(a) of the NLCA)

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

General

1. Comaplex Mineral Corp. (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 provided to NIRB, including those commitments made to authorizing agencies in the various project applications.
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

Water

5. The Proponent shall not extract water from any fish-bearing water body unless the water intake hose is equipped with a screen of appropriate mesh size to ensure that there is no entrapment of fish. Small lakes or streams shall not be used for water withdrawal.
6. 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

7. At the portal site, the Proponent shall keep all garbage and debris in bags placed in a covered metal container or equivalent until disposed of at an approved facility. All wastes shall be kept inaccessible to wildlife at all times.
8. The Proponent shall ensure that no waste oil/grease will be incinerated on site. All waste oil/grease must be transported off site and disposed of at an approved facility. A waste manifest must accompany the shipment of all waste oil/grease and the proponent must register with the Government of Nunavut – Department of Environment (GN-DOE). Contact the Manager of Pollution Control and Air Quality at (867) 975-7748 to obtain a manifest if hazardous waste is generated during project activities.

9. The Proponent shall ensure that an export manifest or the appropriate transportation of dangerous goods (TDG) documentation accompany all potential hazardous samples and/or materials that are transported off site.

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 use secondary containment or a surface liner (self-supporting instalberms, fold-a-tanks, etc), when storing barrelled fuel and chemicals, and at all refuelling stations. The Proponent shall ensure that appropriate spill response equipment and clean-up materials (e.g., shovels, pumps, barrels, drip pans, absorbents, etc) must be readily available during any transfer of fuel or hazardous substances, as well as at vehicle-maintenance areas and at drill sites.
13. The Proponent shall inspect and document the condition of all fuel tanks and fuel caches on a weekly basis, and a copy of this weekly inspection report must be made available to inspectors upon request. 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 and appropriate actions taken with leaked materials.
14. The Proponent shall remove and treat hydrocarbon contaminated soils on site or transport them to an approved disposal site.
15. The Proponent shall ensure that all on site personnel are properly trained in fuel and hazardous waste handling procedures as well as spill response procedures. All spills of fuel or other deleterious materials of any amount must be reported immediately to the 24 hour Spill Line at (867) 920-8130.

Wildlife

16. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.
17. 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.
18. 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.
19. The Proponent shall restrict aircraft/helicopter activity related to the project to a minimum altitude of 650 metres above ground level unless there is a specific requirement for low-level flying, which does not disturb wildlife and migratory birds.
20. 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.

It is recommended aircraft avoid critical and sensitive wildlife areas at all times by choosing alternate flight corridors.

21. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
22. 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 (e.g., a 100 metre buffer around the nests). If active nests of any birds are discovered (i.e. with eggs or young), the Proponent shall avoid these areas until nesting is complete and the young have left the nest.
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, drilling or movement of equipment or personnel until such time as the caribou have passed.
25. The Proponent shall not construct or operate any camp, cache any fuel or conduct blasting within 10 km, or conduct any drilling operation within 5 km of any designated caribou crossings.
26. During the period of May 15 to July 15, when caribou are observed within 1 km of project operations the Proponent shall suspend all operations, including low-level over flights, blasting, and use of snow mobiles and all terrain vehicles outside the immediate vicinity of the camps.
27. The Proponent shall ensure that all project personnel are made aware of the measures to protect wildlife and are provided with training and/or advice on how to implement these measures. The Proponent shall also advise all pilots of relevant flight restrictions and enforce their application over the project area and flight paths to or from the project area.

Physical Environment

28. The Proponent shall ensure that the land use area is kept clean and tidy at all times.
29. The Proponent shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging. The Proponent shall suspend overland travel of equipment or vehicles if rutting occurs.
30. The Proponent shall stockpile all overburden/topsoil generated for reclamation using proper erosion prevention measures. The Proponent shall use the stockpiled materials upon reclamation and re-vegetate all disturbed areas.
31. The Proponent shall implement suitable erosion and sediment suppression measures on disturbed areas before, during and after construction until vegetation or other appropriate measures are established in order to prevent sediment from entering any water body.

Drilling and Bulk Sample

32. The Proponent shall have all equipment inspected for leaks or cracks prior to use and on a regular basis. Any problems encountered must be addressed immediately.

33. The Proponent shall not locate any sump or cell within thirty-one (31) metres of the normal high water mark of any water body. Sumps and areas designated for waste disposal shall be sufficiently bermed or otherwise contained to ensure that substances do not enter a waterway unless otherwise authorized.
34. The Proponent shall properly discharge/dispose of contaminated water in either a sump or a cell. Prior to discharge to the environment, the Proponent shall ensure that the water quality meets with the Nunavut Water Board water licence discharge criteria.
35. If an artesian flow is encountered, the Proponent shall ensure the drill hole is immediately plugged and permanently sealed.
36. The Proponent shall use water and/or non-toxic and biodegradable additives for dust suppression, where dust suppression is required.
37. The Proponent shall ensure there is no obstruction of natural drainage, flooding or channel diversion when determining locations of rock pads, road expansion, stockpiling etc.
38. The Proponent shall ensure that all reasonable public safety procedures are implemented during the life of the operation.

Restoration

39. The Proponent shall remove all garbage, fuel and equipment upon abandonment.
40. The Proponent shall complete all clean-up and restoration of the lands used upon abandonment of site.

Other

41. The Proponent should, to the extent possible, hire local people and to consult with local residents regarding their activities in the region.
42. Any activity related to this application, and outside the original scope of the project as described in the application, will be considered a new project and should be submitted to the NIRB for Screening.

MONITORING AND REPORTING REQUIREMENTS

1. The Proponent shall submit a comprehensive annual report with copies provided to the Kivalliq Inuit Association, Government of Nunavut Department of Environment, Indian and Northern Affairs Canada and the Nunavut Impact Review Board by March 31 of each year of permitted activities. The annual report must contain the following information, at a minimum:
 - a. A summary of activities undertaken for the year;
 - b. A work plan for the following year;
 - c. A summary of monitoring results based on the Mitigation and Monitoring Plan;
 - d. A summary of the annual wildlife observations record or report;
 - e. A summary of actions taken to protect archaeological and paleontological resources in the project area;
 - f. Details regarding steps taken to ensure all staff are properly trained and aware of the Proponent's obligations and commitments;

- g. A summary of local hires and initiatives;
 - h. A summary of site-visits by Land Use Inspectors with results and follow-up actions;
 - i. Site photos;
 - j. Efforts made to achieve compliance with the Canadian Wide Standards for Dioxins and Furans, and the Canadian Wide Standards for Mercury;
 - k. A summary of the number and location of spills and failures which activated the Spill Contingency Plan; and
 - l. A summary of how the Proponent has complied with NIRB conditions contained within this Screening Decision, and the conditions associated with all authorizations for the project.
2. The Proponent shall update its Spill Contingency Plan to include the following:
- a. Up to date emergency contact numbers for the Government of Nunavut- Department of Environment (867-975-4644) and the Manager of Pollution Control and Air Quality (867-975-7748).
 - b. Correct the Environment Canada Yellowknife office phone number to 867-669-4730; remove the 24 hr Emergency pager and the phone number for Environment Canada Protection to 867-975-4644.
 - c. Include best management practices for the construction and operation of an ice airstrip.
 - d. The Proponent should use best management practices to reduce noise.
 - e. The Proponent should use best management practices in regards to air quality.
3. The Proponent should implement the recommendations found in the 2003 CCME Guidance Document PN 1326 entitled “Environmental Code of Practice for Above Ground and Underground Storage Tank Systems containing Petroleum Product and Allied Petroleum Products”.
4. 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 – Department of Environment contacts:
- Biologist, Kivalliq Region: Mitch Campbell, (867) 857-2828, mcampbell@gov.nu.ca
 - Wildlife Deterrent Specialist: Sarah Medill, (867) 934-4335, smedill@gov.nu.ca
5. The Proponent should update its detailed Blasting Program to ensure the effects of blasting on fish and fish habitat, water quality and wildlife is minimized. The Blasting Program should also:

- a. Comply with the DFO guidelines;
- b. Include a monitoring and mitigation plan
- c. Restrict blasting when migrating caribou, or sensitive local carnivores or birds may be negatively affected; and
- d. Minimize the use of ammonium nitrate to reduce the effects of blasting on water quality.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

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

It is recommended that:

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 polar bears 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>.
2. The Proponent review Environment Canada’s “Environmental Assessment Best Practice Guide for *Wildlife at Risk in Canada*”, available at the following link: http://www.cws-scf.ec.gc.ca/publications/eval/index_e.cfm. The guide provides information to the Proponent on what is required when Wildlife at Risk, including *Species at Risk*, are encountered or affected by the project.
3. The Proponent review Transport Canada’s “Syntheses of Best Practices – Road Salt Management”, available at the following link: <http://www.tac-atc.ca/english/resourcecentre/roadsalt.cfm>. The synthesis of best practices provides information to the Proponent on responsible usage of calcium chloride (CaCl).
4. The Proponent review the Government of Nunavut – Department of Environment “Environmental Guidelines for Dust Suppression”, available at the following link: www.gov.nu.ca/env/suppression.pdf.

Kivalliq Inuit Association

The KIA impose strict mitigation measures and/or conditions upon the Proponent pursuant to the Inuit Owned Lands License in regard to fuel and chemical storage, drilling, water conditions, ground disturbance and wildlife on Inuit owned land.

Nunavut Water Board

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

REGULATORY REQUIREMENTS

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

1. The Proponent is advised that the *Canadian Environmental Protection Act* (<http://laws.justice.gc.ca/en/C-15.31/>) lists calcium chloride (CaCl) as a toxic substance. The Proponent should assess alternatives (including biodegradable and non-toxic) to drill additives prior to the use of CaCl and try to avoid the use of CaCl.
2. The *Fisheries Act* (<http://laws.justice.gc.ca/en/showtdm/cs/F-14///en>).
3. The *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (<http://www.canlii.org/ca/sta/n-28.8/whole.html>).
4. The *Migratory Birds Convention Act* and *Migratory Birds Regulations* (<http://laws.justice.gc.ca/en/showtdm/cs/M-7.01>).
5. 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.
6. 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.
7. 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**.
8. 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.
9. The *Aeronautics Act* (<http://laws.justice.gc.ca/en/A-2/>).
10. The Northwest Territories and Nunavut Mining Regulations (<http://laws.justice.gc.ca/en/T-7/C.R.C.-c.1516/index.html>).
11. The Safety Act <http://www.canlii.org/en/nu/laws/stat/rsnwt-nu-1988-c-s-1/73125/rsnwt-nu-1988-c-s-1.html>).


12. The Mine Health and Safety Act <http://www.canlii.org/en/nu/laws/regu/nu-reg-016-2003/72742/nu-reg-016-2003.html>).
13. The Explosive Use Act (<http://www.canlii.org/en/nu/laws/stat/rsnwt-nu-1988-c-e-10/72964/rsnwt-nu-1988-c-e-10.html>).

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 4, 2010 at Sanikiluaq, NU.



Lucassie Arragutainaq, Chairperson

Attachments: Appendix A: Procedural History and Project Activities
Appendix B: Species at Risk in Nunavut
Appendix C: Archaeological and Palaeontological Resources Terms and Conditions for Land Use Permit Holders

Appendix A

Procedural History and Project Activities

Procedural History

On February 25, 2010 the Nunavut Impact Review Board (NIRB or Board) received Comaplex Minerals Corp.'s (Comaplex)" Meliadine Gold Underground Exploration" project proposal from Comaplex. On March 8, 2010 the NIRB received a positive conformity determination (Keewatin Regional Land Use Plan) from the Nunavut Planning Commission for this file. The NIRB assigned this project proposal file number 10EA018.

This project proposal was distributed to community organizations in Arviat, Whale Cove, Rankin Inlet, Chesterfield Inlet, and Baker Lake, as well as to relevant federal and territorial government agencies, and Inuit organizations. The NIRB requested that interested parties review the proposal and provide the Board with any comments or concerns by April 6, 2010.

On or before April 6, 2010 the NIRB received comments from the following interested parties:

- Environment Canada
- Government of Nunavut – Department of Environment
- Government of Nunavut – Culture Language Elders and Youth
- Indian and Northern Affairs Canada
- Fisheries and Oceans Canada

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

This project is located in the Kivalliq region approximately 30 kilometres northwest of Rankin Inlet and within the Meliadine Gold Project area (formerly known as the Meliadine West Gold Property). During 2007 and 2008, Comaplex conducted a bulk sampling program (NIRB File No. 07EN044) which included the construction of a portal site, waste and ore rock pads, a road, a bulk sampling tower and ancillary infrastructure. The current proposal involves the expansion of the existing portal, ramp and existing infrastructure to conduct bulk sampling at deeper depths while completing the feasibility study for the Meliadine Gold Mine. The proposed bulk sampling program is slated to begin in 2010 and is expected to be completed by 2013.

The proposed project activities are to include:

- Expansion of the existing waste and ore rock pads (increase by 3.2 hectares);
- Widening of the existing road from the portal to the pad sites;
- Construction of a multi-plate cover over the portal;
- Re-activation of the existing portal and ramp;
- Increase the amount of equipment (mining and transportation) and materials on site by 850 tonnes;
- Increase the number of structures and generators at portal site for equipment storage;

- The repair and upgrade of existing infrastructure at portal site;
- Construction of 1,920 metres (m) of decline (ramp) at 5.2 m wide by 5.2 m high from the end of the existing decline down to 400 m below the surface;
- Construction of a 490 m of 4.5 m by 4.5 m decline, branching off the main ramp;
- Construction of a 245 m long, vertical 3.0 m diameter ventilation rise with the construction of a fan house and exhaust fan at the surface;
- Conduct 45,000 m of underground diamond drilling;
- Extraction of 22,000 tonne bulk samples;
- Increase Type 4 magazines on site (bring in 5 more magazines);
- Increase the amount of explosives stored on site;
- Transportation of explosives to site via helicopter;
- Expansion of on-site fuel storage capacity to 2 million litres;
- Increase on-site storage of calcium chloride for the purposes of drilling;
- Construction of an ice air strip to increase plane access during winter months; and
- Increase the existing camp capacity from 60 men to 80 men for year round accommodation.

Some portions of the proposed bulk sample project have been previously screened by the NIRB (03EN077, 05EN006, 05EN101, 07AN063, 08EN005, or 08EN043) and may include, but are not limited to the following activities: winter road, wash car, waste water treatment plant, new wetlands area, bulk sampling tower, existing agreements with the Hamlet of Rankin Inlet and fuel transfer stations.

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: August 4, 2009

Species at Risk	COSEWIC Designation	Schedule of SARA	Government Organization with Lead Management Responsibility ¹
Eskimo Curlew	Endangered	Schedule 1	EC
Ivory Gull	Endangered	Schedule 1	EC
Ross's Gull	Threatened	Schedule 1	EC
Harlequin Duck (Eastern population)	Special Concern	Schedule 1	EC
Rusty Blackbird	Special Concern	Schedule 1	Government of Nunavut
Felt-leaf Willow	Special Concern	Schedule 1	Government of Nunavut
Peregrine Falcon (<i>anatum-tundrius</i> complex)	Special Concern	Schedule 1 (<i>anatum</i>) Schedule 3 (<i>tundrius</i>)	Government of Nunavut
Short-eared Owl	Special Concern	Schedule 3	Government of Nunavut
Peary Caribou	Endangered	Pending	Government of Nunavut
Beluga Whale (Eastern Hudson Bay)	Endangered	Pending	DFO

population)			
Red Knot (<i>rufa</i> subspecies)	Endangered	Pending	EC
Beluga Whale (Cumberland Sound population)	Threatened	Pending	DFO
Atlantic Cod (Arctic population)	Special Concern	Pending	DFO
Beluga Whale (Western Hudson Bay population)	Special Concern	Pending	DFO
Beluga Whale (Eastern High Arctic – Baffin Bay population)	Special Concern	Pending	DFO
Bowhead Whale (Eastern Canada – West Greenland population)	Special Concern	Pending	DFO
Killer Whale (Northwest Atlantic / Eastern Arctic populations)	Special Concern	Pending	DFO
Porsild's Bryum	Threatened	Pending	Government of Nunavut
Atlantic Walrus	Special Concern	Pending	DFO
Narwhal	Special Concern	Pending	DFO
Red Knot (<i>islandica</i> subspecies)	Special Concern	Pending	EC
Horned Grebe (Western population)	Special Concern	Pending	EC
Barren-ground Caribou (Dolphin and Union population)	Special Concern	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 (EC) 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. The Department of Fisheries and Oceans (DFO) has responsibility for management of aquatic species.

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.