

NIRB Assessment and Decision

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

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

Recommended Project-Specific Terms and Conditions, pursuant to Section 12.4.4(a) of the NLCA

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

Following review of all the materials provided to the Board regarding this project proposal, the Technical Advisor is making the recommendation that, pursuant to Section 12.4.4(a) of the Nunavut Land Claims Agreement, the following or similar project-specific terms and conditions be imposed upon the Proponent through all relevant legislation:

General

1. Golder Associates Ltd. (the Proponent) shall maintain a copy of the Project Terms and Conditions at each survey/study area at all times.
2. The Proponent shall forward copies of all permits to the NIRB obtained and required for this project prior to the commencement of the project.
3. The NIRB shall be notified of any changes in operating plans or conditions associated with this project prior to any such change.
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

Waste

5. The Proponent shall remove all garbage and debris from the project site and transport to an approved facility for disposal. All wastes should be kept inaccessible to wildlife at all times.

Fuel and Chemical Storage

6. Should the transportation or transferring of fuel be necessary while in the field or at study sites, the Proponent shall carry appropriate spill kits and shall ensure that all fuel and other hazardous materials are located a minimum of thirty (30) metres away from the high water mark of any water body and in such a manner as to prevent their release into the environment.
7. The Proponent shall report *all* spills of fuel or other deleterious material immediately to the 24 hour Spill Line at (867) 920-8130.

Wildlife

8. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation. Deliberate feeding and harassment of any wildlife is absolutely prohibited.
9. The Proponent shall restrict aircraft/helicopter activity related to the project to a minimum altitude of 610m above ground level unless there is a specific requirement for low-level flying, and which does not disturb wildlife.
10. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
11. The Proponent shall avoid raptor nesting sites and concentrations of nesting or molting waterfowl by aircraft/helicopter at all times and ensure that there is minimal disturbances to any nesting birds, migratory birds and wildlife in the area.
12. The Proponent shall follow procedures outlined in the "Safety in Bear Country Manual" , and should contact the Regional Biologist or the Wildlife manager for information and advice on measures which should be taken to minimize the possibility of conflicts/interactions with bears. Consideration should be given to setting up an electric fence around camp.

Physical Environment

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

Restoration

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

Other

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

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. Indian and Northern Affairs Canada (INAC)

- INAC impose strict mitigation measures, conditions and monitoring requirements, pursuant to the Federal Land Use Permit, which require Coronation Minerals to respect the ecosystem in the project area. These mitigation measures, conditions and monitoring requirements should be in regard to:
 - Wildlife and fisheries habitat protection.
 - Use, Storage, Handling and Disposal of Chemical or Toxic Material.
 - Petroleum Fuel Storage.
 - Matters Not Consistent with the Regulations.
- The DIAND Caribou Protection Measures for the Kivalliq Region should also be considered for the Kitikmeot Region.

- INAC should also consider the importance of conducting regular Land Use Inspections, pursuant to the authority of the Federal Land Use Permit, while the project is in operation. The Land Use Inspections should be focused on ensuring the Proponent is in compliance with the conditions imposed through the Federal Land Use Permit.

Regulatory Requirements

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

1. The Proponent shall ensure compliance with 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 Proponent shall ensure compliance with the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* which states that “no person shall use, or permit the use of, waters in Nunavut except in accordance with the conditions of a licence,” and “no person shall deposit or permit the deposit of waste (a) in waters in Nunavut; or (b) in any other place in Nunavut under conditions in which the waste, or any other waste that results from the deposit of that waste, may enter waters in Nunavut” (<http://www.canlii.org/ca/sta/n-28.8/whole.html>).
3. 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>).
4. The *Species at Risk Act* (<http://laws.justice.gc.ca/en/showtdm/cs/S-15.3>). Attached in **Appendix B** is a list of Species at Risk in Nunavut. 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.
5. 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**.
6. The *Nunavut Wildlife Act* contains provisions to protect and conserve wildlife and wildlife habitat, including specific protection measures for wildlife habitat and species at risk.
7. The *Navigable Waters Protection Act (NWPA)* <http://www.tc.gc.ca/marinesafety/oep/nwpp/menu.htm>

All proponents must deal with the Navigable Waters Protection Program under Transport Canada for any work(s) to be built or placed in, on, over, under, through, or across any navigable water. The proponent will need to submit formal applications to the NWPP in order to obtain NWPP's approval, promulgation, or exemption for each specific work. The proponent shall also inform the NWPP of any design, construction, or operational changes accordingly. If the proponent is uncertain of the NWPP's requirements as they pertain to an application for specific work, please refer to the NWPP Internet site or contact the NWPP office.

8. The *Aeronautics Act* <http://www.tc.gc.ca/CivilAviation/Regserv/Affairs/cars/Part3/Subpart1.htm>
Transport Canada's Aviation Branch administers and supports the regulatory requirements under the Aeronautics Act. This legislation is concerned with the regulation and supervision of aeronautic matters such as aerodrome certification, pilots, aircraft, operations and safety. The Canadian Aviation Regulations are a component of the Aeronautics Act, which compile regulatory requirements to enhance safety within the Canadian aviation industry. Construction and operation of airstrips may require certification to Transport Canada requirements and standards based upon their classification. The following Internet link provides the necessary information concerning the requirements contained in CARs: <http://www.tc.gc.ca/civilaviation/RegServ/Affairs/cars/menu.htm>

The Proponent is also advised that all releases of harmful substances are immediately reportable where the release:

- a. is near or into a water body;
- b. is near or into a designated sensitive environment or sensitive wildlife habitat;
- c. poses an imminent threat to human health or safety; or
- d. poses an imminent threat to a listed species at risk or its critical habitat

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 30, 2008_____ at Sanikiluaq, NU.



Lucassie Arragutainaq, A/Chair

Appendix A

Procedural History and Project Activities

Procedural History

On April 16, 2008 the Nunavut Impact Review Board (NIRB) received a project proposal from Golder Associates Ltd.'s (Golder or the "Proponent") for Baseline environmental studies in support of the Comaplex Minerals Corporation – Meliadine West Gold Project proposal from the Nunavut Research Institute (NRI).

This application was distributed to Rankin Inlet and Chesterfield Inlet and to interested Federal and Territorial Agencies. NIRB requested that interested Parties review the application and provide NIRB with comments by May 14, 2008 regarding:

- Whether the project proposal is likely to arouse significant public concern; and if so, why;
- Whether the project proposal is likely to cause significant adverse eco-systemic and socio-economic effects; and if so, why;
- Whether the project is of a type where the potential adverse effects are highly predictable and mitigable with known technology; and
- Any matter of importance to the Party related to the project proposal.

The NIRB received no comments from interested Parties as of the deadline of May 14, 2008.

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

Project Activities

The Proponent plans to collect the following baseline environmental data along the proposed all-weather road from Rankin Inlet to the Comaplex project site:

- Collect wildlife data and document wildlife habitat, including:
 - aerial surveys for caribou (~ six per year);
 - aerial caribou trail survey;
 - aerial survey for waterfowl;
 - upland songbirds and shorebirds survey; and
 - aerial surveys for raptors.
- Vegetation field surveys: vegetation inventory to delineate the common plant communities and a helicopter fly over of sites to confirm interpretation of satellite imagery.
- Rare plant surveys and identifying rare plant potential.
- Aquatic field surveys: detailed habitat mapping to describe and quantify fish habitat; watercourse crossing studies to identify and verify potential Arctic grayling spawning sites.
- Water quality and sediment quality surveys.
- Snowcourse survey and hydrometric monitoring.
- Heritage resources survey.

This project is located in the Kivalliq region approximately 30 km from Rankin Inlet and 60 km from Chesterfield Inlet.

Appendix B SPECIES AT RISK IN NUNAVUT

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

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

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

Updated: January 3, 2007

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

Beluga Whale (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
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.

¹ s. 51(1)

² P.C. 2001-1111 14 June, 2001

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.

“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.