



SCREENING DECISION REPORT NIRB FILE NO.: 08EN052

INAC File No.: N2008C0026
KIA File No.: KVL308C09
NWB File No.: 2BE-ANG

July 31, 2008

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

Via email: strahl.c@parl.gc.ca

Re: Screening Decision for Kivalliq Energy Corporation's "Angilak" Project Proposal

Dear Honourable Chuck Strahl:

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.

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:

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

General

1. Kivalliq Energy Corporation (the Proponent) shall maintain a copy of the Project Terms and Conditions at the site of operation at all times.
2. The Proponent shall forward copies of all permits obtained and required for this project to the Nunavut Impact Review Board (NIRB) prior to the commencement of the project.
3. The Proponent shall operate in accordance with all commitments stated in correspondence provided to NIRB (*NIRB Part 1 Form* dated June 26, 2008), to Indian and Northern Affairs Canada (*INAC Application for Land Use Permit*) and to the Kivalliq Inuit Association (*Access to Inuit Owned Lands*).
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 waterbody 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 should 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. The Proponent shall keep all garbage and debris in bags placed in a covered metal container or equivalent until disposed of. All wastes should be kept inaccessible to wildlife at all times.
8. The Proponent shall incinerate all combustible wastes daily, and remove the ash from incineration activities and non-combustible wastes from the project site to an approved facility for disposal.
9. The Proponent shall ensure that the disposal of combustible camp wastes comply with the *Canadian Wide Standards for Dioxins and Furans*, and the *Canadian Wide Standards for Mercury*.

Fuel and Chemical Storage

10. The Proponent shall locate all fuel and other hazardous materials 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.

11. The Proponent shall store all chemicals in such a manner that they are inaccessible to wildlife.
12. The Proponent shall report all spills of fuel, or other deleterious materials immediately to the 24 hour Spill Line at (867) 920-8130.
13. The Proponent shall use secondary containment or a surface liner (drip pans, fold-a-tanks, etc) at all refueling stations and fuel caches.
14. The Proponent shall ensure that proper spill kits are located at every fuel cache, drill site and refueling station.
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.

Wildlife

16. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.
17. 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.
18. The Proponent shall ensure that, unless there is a specific requirement for low-level flights, aircraft/helicopters maintain a minimum altitude of 610 metres above ground level in places where there are occurrences of wildlife. The Proponent shall ensure that aircraft/helicopter avoid critical and sensitive wildlife areas at all times.
19. In areas where there are observed groups (colonies) of birds, the Proponent shall ensure that flight levels are restricted to a vertical distance of 1000 metres and a horizontal distance of 1500 metres from the birds.
20. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
21. The Proponent shall not disturb or destroy the nests or eggs of any birds. If nests are encountered and/or identified, the Proponent shall take precaution to avoid further interaction and or disturbance.
22. In addition to the Caribou Protection Measures, the Proponent shall implement the following mitigation measures regarding caribou
 - a. During the period of May 15th to July 15th, if caribou are observed in the project area, the Proponent shall suspend all disruptive project activities. This includes drilling, blasting, overflights, surveys and the use of snowmobiles and ATVs outside of the immediate vicinity of the camp. Activities should not resume unless caribou are at least five (5) kilometers away from the areas where these activities are conducted.
 - b. The Proponent shall avoid flights of less than 610 metres above the ground when caribou are in sight of the project area.
 - c. During caribou migration, the Proponent shall not position or operate drilling activities such that they may block or cause diversion to migrating caribou.
 - d. The Proponent shall cease all activities that may interfere with migration of caribou, until the caribou have passed.
23. The Proponent shall follow procedures outlined in the "Safety in Bear Country Manual". Information about the latest bear detection and deterrent techniques can be obtained from the Department of Environment (Dan Shewchuck, 867-857-2828 or dshewchuk@gov.nu.ca) or the Regional Biologist (Mitch Campbell, 867-857-2828 or mcampbell@gov.nu.ca).

Physical Environment

24. 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.
25. The Proponent shall ensure that the land use area is kept clean and tidy at all times.

Drilling on Land

26. The Proponent shall not conduct any land based drilling or mechanized clearing within thirty-one (31) metres of the normal high water mark of a water body.
27. The Proponent shall not allow any drilling wastes to spread to the surrounding lands or water bodies.
28. The Proponent shall ensure all sumps are properly closed out at the end of project. Sumps should only be used for inert drilling fluids, not any other materials or substances.
29. If an artesian flow is encountered, the Proponent shall ensure the drill hole is immediately plugged and permanently sealed.
30. The Proponent shall ensure that all drill areas are constructed to facilitate minimizing the environmental footprint of the project area. Drill areas should be kept orderly with garbage removed daily to an approved disposal site.

Drilling on Ice

31. If drilling on lake ice, the Proponent shall ensure that any return water is non-toxic, and will not result in an increase in total suspended solids in the immediate receiving waters.
32. The Proponent shall ensure that drill muds and additives are not used in connection with holes drilled through lake ice unless they are re-circulated or contained such that they do not enter the water, or demonstrated to be non-toxic.
33. The Proponent shall ensure that all drill cuttings are removed from ice surfaces.

Drilling and Disposal of Related Radioactive Substances

34. The Proponent shall ensure that all drill holes are sealed by cementing (grouting) the upper 30 meters of the bedrock or the entire depth of the holes; whichever is less.
35. The Proponent shall ensure that drill holes which encounter uranium mineralization with a content greater than 1.0 % over a length of one (1) metre, or with a metre-percent concentration greater than 5 %, are sealed by cementing over the entire mineralization zone; this should be at least ten (10) metres above and below each mineralization zone
36. The Proponent shall ensure that drill cuttings with a uranium concentration greater than 0.05 % are disposed of down the drill hole and the hole subsequently sealed.
37. Following backfilling, the Proponent shall conduct a radiometric survey. When material is found to exceed background radiation levels, then the appropriate regulator must be contacted for review and approval of handling procedures.
38. The Proponent shall ensure that core storage shacks/tents are well ventilated and remain open when employees or contractors are working within. Core storage areas should be located at least 100 metres from the high water mark of all water bodies.
39. The Proponent shall ensure that gamma radiation levels of a long-term core storage area are not greater than 1.0 micro Sievert (μSv), and never exceeds 2.5 μSv . When core is found to exceed the

levels identified, then the appropriate regulator must be contacted for review and approval of the handling procedures.

Camp

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

Restoration

42. The Proponent shall remove all garbage, fuel and equipment upon abandonment.
43. The Proponent shall complete all clean-up and restoration of the lands used prior to the end of each field season.

Other

44. The Proponent should, to the extent possible, hire local people and to consult with local residents regarding their activities in the region.
45. The Proponent shall follow the Heritage River Management Plan for the Kazan River and shall not locate camps or facilities within one (1) kilometre of the river.

Monitoring and Reporting Requirements

In addition, the Board is recommending the following:

1. The Proponent shall update its Spill Contingency Plan to include the following:
 - a. Updated contact information:
 - i. Government of Nunavut-Department of Environment (867-975-7700)
 - ii. Manager of Pollution Control and Air Quality (867-975-7748)
 - iii. Environment Canada's 24 hour duty officer (867-766-3737)
 - b. Site map illustrating the project's facility locations relative to areas that may be affected by a potential spill. This map shall be provided once the camp is established; and
 - c. Locations of disposal sites.

The Proponent shall provide the NIRB with this updated plan ***no more than 30 days*** after commencing operations.

2. The Proponent shall maintain a record of wildlife observations while operating within the project area. The Proponent shall compile this information into a *Wildlife Monitoring Report* which will include but not limited to:
 - a. Locations (i.e., latitude and longitude);
 - b. Species;
 - c. Number of animals;
 - d. Description of the animal activity;
 - e. Description of the gender and age (young present) of animals, if possible;
 - f. Observations and locations of denning sites, calving areas, caribou crossing sites, and raptor nests;
 - g. Observations of Species at Risk;
 - h. Timing of critical life history events observed such as calving, mating, denning and nesting;
 - i. All potential impacts to wildlife from project activities;
 - j. All actions/mitigation taken to reduce adverse impacts to wildlife; and

- k. An analysis of the effectiveness of mitigation measures implemented with regards to wildlife based on the results of the “Wildlife Record”.

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). A copy of the *Wildlife Monitoring Report* shall be submitted annually at the end of the operational season to the NIRB as part of the *Annual Report*, and also to the Beverly and Qamanirjuaq Caribou Management Board (BQCMB) and to the following Government of Nunavut contacts:

- a. Manager, Wildlife – Dan Shewchuck, (867) 857-2828, dshewchuk@gov.nu.ca
 - b. Kivalliq Region Biologist – Mitch Campbell, (867) 857-2828, mcampbell@gov.nu.ca
3. The Proponent shall submit a comprehensive *Annual Report* to the NIRB, with copies to INAC, GN-DOE, EC and KIA by January 31st of each year of project activities. The report must contain, but not be limited to, the following information:
- a. A summary of activities undertaken for the reporting year;
 - b. A work plan for the following year, including any progressive reclamation work to be undertaken;
 - c. A *Wildlife Monitoring Report* as described above in item (2);
 - d. A discussion regarding the steps taken (including any baseline work conducted) by the Proponent to thoroughly identify, analyze and manage the environmental impacts and cumulative effects from the project activities, particularly in respect to caribou;
 - e. Site photos;
 - f. Efforts made to achieve compliance with the *Canadian Wide Standards for Dioxins and Furans*, and the *Canadian Wide Standards for Mercury*;
 - g. Efforts to implement a comprehensive waste management strategy (especially waste segregation) that is designed to reduce and control the volumes of wastes produced, transported, and disposed of;
 - h. A summary of emissions from the sewage incineration as per the National Pollutant Release Inventory (NPRI); as well as the following:
 - i. manufacturer, model and year of the incinerator
 - ii. air pollution control equipment used
 - iii. handling procedures for transporting the sewage from the “Pacto Toilets” to the incinerator
 - i. A summary of community consultations conducted; and
 - j. A summary of how the Proponent has complied with the NIRB terms and conditions contained within this Screening Decision, and the terms and conditions associated with all authorizations for the project.

Other NIRB Concerns and Recommendations

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

General

1. All Authorizing Agencies shall notify the NIRB of any changes in operating plans or conditions associated with this project prior to any such change.
2. Territorial and federal government agencies in Nunavut should work together with Regional Inuit Associations, co-management boards and industry to develop an action plan to identify and mitigate potential cumulative effects of human land use activities, including mineral exploration, on barren-

ground caribou. This assessment of cumulative effects should occur at a regional scale (i.e., larger than individual project areas).

3. Territorial and federal government agencies update the Caribou Protection Map with updated data and information from the Beverly Qamanirjuaq Caribou Management Board (BQCMCB).
4. The Proponent should refer to the Canadian Council of Ministers of the Environment (CCME): *Canada-Wide Standards for Petroleum Hydrocarbon in Soil*, for remediation guidelines.

Kivalliq Inuit Association (KIA) and Indian and Northern Affairs Canada (INAC)

1. As an overriding consideration, the Kivalliq Inuit Association and Indian and Northern Affairs Canada (the Agencies) impose mitigation measures, conditions and monitoring requirements pursuant to the Land Use Permit/Licence, which require the Proponent to respect the sensitivities and importance of the area. These mitigation measures, conditions and monitoring requirements should be in regard to the location and area; type, location, capacity and operation of facilities; use, storage, handling and disposal of chemical or toxic material; wildlife and fisheries habitat; and petroleum fuel storage.
2. That the Agencies recognize that any activity related to this application outside the original project scope should be considered a new project and submitted to NIRB for screening. In addition, NIRB would like to recommend to the Agencies that any renewal requests for the project proposal should be forwarded to NIRB for assessment in accordance with 12.4.3 of the Nunavut Land Claims Agreement.
3. The Agencies must consider the importance of conducting regular Land Use Inspections, while the project is in operation. The Land Use Inspections should be focused on ensuring the Proponent is in compliance with the NIRB terms and conditions, and the conditions imposed through the authorizing permits.
4. It is recommended to the Agencies that no renewals or extensions be issued to any permits/licences until the Proponent's *Annual Report* (including their *Wildlife Monitoring Report*) is received. These reports are due January 31st of each year of the project activities.

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

1. The Government of Nunavut – Department of Environment (GN-DoE) Conservation Officers should coordinate with INAC and KIA to conduct random inspections of the project location during the months of April, May, June and August to ensure the Proponent is in compliance with the NIRB terms and conditions related to wildlife protection.
2. The GN-DoE should conduct on-going review of wildlife monitoring results submitted from the Proponent as required by the *Wildlife Monitoring Report*. Following submission of the required annual report by the Proponent, the GN-DoE should report to NIRB, INAC and the KIA its findings regarding the possible impact of the project on the Beverly and Qamanirjuaq caribou herds, as well as any recommendations regarding mitigation measures to minimize the associated impacts by March 31st of each year.

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/>).

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 31, 2008 at Sanikiluaq, NU.



Lucassie Arragutainaq, A/Chair

Appendix A

Procedural History and Project Activities

Procedural History

The Nunavut Impact Review Board (NIRB or Board) received Kivalliq Energy Corporation's (Proponent) "Angilak" application for Access to Inuit Owned Lands from the Kivalliq Inuit Association (KIA) on March 27, 2008. However, because the project proposal appeared to be located in an area with an established land use plan (*Keewatin Regional Land Use Plan*), the NIRB forwarded the proposal to the Nunavut Planning Commission (NPC) for a conformity determination. Additionally, the NIRB undertook a preliminary completeness check of the project proposal and found that it did not contain sufficient information to conduct an environmental screening. A request was subsequently sent to the Proponent on March 28, 2008 for the additional required information.

On April 29, 2008 the NIRB received a positive conformity determination for the Kivalliq Energy Corporation's *Angilak* project proposal from the NPC and commenced the Part 4 Screening as per the Nunavut Land Claims Agreement (NLCA). On May 5, 2008 the NIRB received an additional Land Use Application from Indian and Northern Affairs Canada (INAC) for the *Angilak* project. The NIRB has assigned this project proposal file number 08EN052.

On May 12, 2008, the NIRB requested once more for additional information from the Proponent to conduct the screening of this project proposal. On June 5, 2008 the Proponent indicated (via telephone) that certain information requirements were difficult to complete and requested additional time to submit the information. Accordingly, on June 13, 2008 the NIRB requested additional time from the Minister of INAC to complete the screening of the *Angilak* project. On June 26, 2008 the NIRB received the requested information.

This project proposal was distributed to the communities of Rankin Inlet and Whale Cove, and to interested Federal and Territorial Agencies, and Inuit Organizations. The NIRB requested that interested Parties review the application and provide the NIRB with comments by July 18, 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, (please provide any recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

On or before July 18, 2008 NIRB received comments from the following interested Parties (see Comments and Concerns):

- Kangiqliniq Hunters' and Trappers' Organization in Rankin Inlet
- Beverly and Qamanirjuaq Caribou Management Board
- Environment Canada
- Government of Nunavut, Department of Environment

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

Kivalliq Energy Corporation proposes to conduct exploration activities for IOCG (Iron Oxide Copper Gold) and uranium on their claim area (both IOL and Crown). The work is expected to be carried out between May and October 2008, up to 2013. In 2008, exploration work will include prospecting, mapping, and ground and airborne geophysics. In 2009, Kivalliq Energy Corporation proposes to commence exploratory drilling.

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

- Temporary camp construction (10-14 people)
- Exploration activities – prospecting, mapping and geophysical surveys (ground and airborne)
- On land and on-ice exploration drilling (up to 25 drill holes)
- Project supported by helicopter (transportation of field crews and movement of drill)
- Fuel storage and transportation (70 drums diesel, 5 drums gasoline, 100 drums aviation fuel, 10 x 100 lb propane tanks)
- Chemical and hazardous waste storage
- Water use for domestic (camp) purposes and drilling purposes
- Production of wastes
- Incineration of combustible waste
- Use of ‘Pacto’ toilets and incineration of sewage waste

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.



NIRB File No.: EX157

Associated NIRB File No.: 08EN052

AANDC File No: N2008C0026

KIA File No.: KVL308C09

NWB File No.: 2BE-ANG0813

November 30, 2012

Phyllis Beaulieu
Manager of Licensing
Nunavut Water Board
PO Box 119
Gjoa Haven, NU X0B 1J0

Sent via email: licensing@nunavutwaterboard.org

Re: Application Exempt from Screening Pursuant to NLCA Schedule 12-1: Kivalliq Energy Corporation's "Angilak" project

Dear Phyllis Beaulieu:

On November 22, 2012 the Nunavut Impact Review Board (NIRB) received an application from the Nunavut Water Board (NWB) for a renewal to Kivalliq Energy Corporation's Type B Water Licence (2BE-ANG0813) for the "Angilak" project. The NIRB has determined that the renewal to the Type B Water Licence is exempt from screening pursuant to item 5 of Schedule 12-1 of the Nunavut Land Claims Agreement (NLCA), *Types of Project Proposals Exempt from Screening*:

NLCA Schedule 12-1 (5):

"Water uses that do not require a public hearing under Section 13.7.3."

As this project proposal is exempt from the requirement for screening by the NIRB, authorizations associated with this proposal may be processed by your office. This application is associated with a project proposal which has been previously screened by the NIRB (File No. 08EN052), and the NIRB's Screening Decision Report may contain recommendations which are relevant to your organization, and to the issuance of any further authorizations associated with the project. A copy of the March 23, 2012 Screening Decision Report has been enclosed for your review and can be accessed online from the NIRB's public registry using the following link:

<http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2008/08EN052-Kivalliq%20Energy%20Corporation/>

If you have any questions or require additional clarification, please contact the undersigned directly at tarko@nirb.ca or 867-983-4611.

Sincerely,



Tara Arko
Technical Advisor
Nunavut Impact Review Board

cc: Jeff Ward, Kivalliq Energy Corporation
Andrew Berry, Kivalliq Energy Corporation
Maria Egerton, Kivalliq Energy Corporation
Allison Rippin Armstrong, Kivalliq Energy Corporation
Jeff Mercer, Aboriginal Affairs and Northern Development Canada
Tracey McCaie, Aboriginal Affairs and Northern Development Canada
Luis Manzo, Kivalliq Inuit Association

Enclosed: NIRB Screening Decision Report, File No.: 08EN052 (March 23, 2012)