

The NIRB has completed a review of CBR Gold Corp's request with Indian and Northern Affairs Canada (INAC) for amendment to the Land Use Permits (N2009C0018, N2009C0019) for its "Committee Bay Campsite and Mining Exploration" project.

After a thorough assessment of the project proposal, the amendment application information and the comments received (please see *Procedural History* and *Project Activities* in **Appendix A**), in accordance with Section 12.4.3 of the NLCA, the Board has determined that this request will result in a change to the original scope of the project. Therefore, the NIRB is re-issuing the recommended project-specific terms and conditions contained in the May 11, 2007 Screening Decision, NIRB file No.: 07EN021 in addition to new terms and conditions which are designed to mitigate any potential impacts to the environment as per Section 12.4.4(a) of the NLCA.

***PREVIOUSLY APPROVED* PROJECT-SPECIFIC TERMS AND CONDITIONS**

The following terms and conditions were previously approved by the NIRB for file **07EN021** in a Screening Decision Report dated May 11, 2007 which is available from the NIRB's ftp site at the following link <http://ftp.nirb.ca/SCREENINGS/COMPLETED%20SCREENINGS/>:

1. Committee Bay Resources Ltd. (the Proponent) shall operate the project in accordance with all commitments and mitigation measures stated in all correspondence and documents submitted to the Nunavut Impact Review Board (NIRB), Indian and Northern Affairs Canada (INAC), and the Nunavut Water Board (NWB).
2. The Proponent shall maintain a copy of this Screening Decision at the site of operation at all times.
3. The Proponent shall forward copies of all authorizations obtained for this project to NIRB prior to the commencement of the project.
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.
5. The Proponent shall contact NIRB and Environment Canada (EC) if on-ice drilling will occur. The Proponent will submit the number and location all holes to be drilled prior to the activity.
6. The Proponent shall submit a comprehensive annual report with copies provided to the NIRB, KIA, INAC, EC and Government of Nunavut, Department of Environment (GN-DOE) by January 31st of each year following the calendar year reported. Annual reports must be provided until the project has been completed. The report must contain, but not be limited to, the following information:
 - a. A summary of activities undertaken for the year, including any progressive reclamation work undertaken, and a work plan for the following year –site photos should be provided where relevant;
 - b. A summary of how the Proponent has complied with NIRB conditions contained within the Screening Decision, and the conditions associated with all authorizations for the project proposal;
 - c. Wildlife monitoring observations, including:

- i. description of any wildlife encounters and actions/mitigation taken
 - ii. maps of location of any sensitive wildlife sites
 - iii. timing of critical life history events
 - iv. potential impacts from the project
 - d. The results of environmental studies undertaken and plans for future studies;
 - e. A summary of local hires and initiatives;
 - f. A summary of community consultations undertaken and follow-up actions required to resolve any concerns expressed about the project proposal (if relevant);
 - g. A summary of site-visits by Land Use inspectors with results and follow-up actions;
 - h. A summary of site-visits with community members (if conducted); and
 - i. Efforts made to achieve compliance with the *Canada-Wide Standards for Dioxins and Furans*, and the *Canada-Wide Standards for Mercury*.
7. During the period of May 15th to July 15th, if caribou are observed calving in the project area, the Proponent must suspend all project activity (i.e. blasting, low-altitude flights, use of ATV's and snowmobiles, and the movement of equipment) until the caribou and calves have moved one (1) kilometre (km) away from project area. Furthermore, if caribou are observed within 1 (one) km of the project area, prior to May 15th or after July 15th, then drilling activities will be suspended until the caribou leave the area.
 8. The Proponent shall cease activities such as airborne geophysics surveys or movement of equipment that may interfere with caribou migration. Furthermore, the Proponent shall not conduct any exploration activities within ten (10) km of any important caribou crossings.
 9. The Proponent shall take care not to disturb nesting raptors from April 15th to September 1st, and stay at least 1.5 (one and half) km away from them while in transit by aircraft and to avoid approaching them closely while on foot.
 10. The Proponent must ensure that all aircraft maintain a flight altitude of at least 610 metres (m) during horizontal (point to point) flights at all times, particularly in bird nesting areas and when there are observed groups of caribou, and maintain a vertical distance of 1000 m and minimum horizontal of 1500 m from any observed concentrations of birds.
 11. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation. Deliberate feeding of any wildlife is absolutely prohibited. The Proponent shall ensure that there is not hunting or fishing, unless proper Nunavut authorizations have been acquired.
 12. In accordance with GN procedures and sections 5.6.52 and 5.6.55 of the Nunavut Land Claims Agreement, the Proponent shall contact the nearest Government of Nunavut Wildlife Office in the event of a defence kill of a Polar Bear, foxes, wolves or wolverine.
 13. The Proponent shall comply with *Transportation of Dangerous Goods Regulations*, the *Environmental Protection Act*, and the Part 3.6 of the *Guideline for the General Management of Hazardous Waste in Nunavut* when handling, storing, and managing hazardous wastes, fuel and contaminated material. A waste manifest must accompany all movements of hazardous waste. The Proponent must register with GN-DOE by contacting Robert Eno at 867-975-7748 or reno@gov.nu.ca.
 14. The Proponent shall be advised that calcium chloride (CaCl) is listed as a toxic substance under the *Canadian Environmental Protection Act* and the Proponent shall ensure that if

CaCl is used as a drill additive; all sumps containing CaCl are properly constructed and located to ensure that the contents will not enter any water body.

15. The Proponent shall ensure that disposal of combustible wastes comply with the *Canada-wide Standards for Dioxins and Furans* and the *Canada-wide Standard for Mercury*. Efforts made to achieve compliance shall be reported to the NIRB as part of the annual report.
16. 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.
17. The Proponent shall consult with community residents of the Kitikmeot region, conduct regular information meetings to ensure that residents are kept aware of the activities and progress of the project and its phases.
18. The Proponent shall confirm to EC's, INAC's and GN-DOE's satisfaction that the entire site has been reclaimed, as much as possible, to its previous condition during the abandonment and restoration stage of the project. Depending on the results of confirmation sampling, the need for post closure monitoring will be re-evaluated.

NEW 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 **additional** project-specific terms and conditions be imposed upon the Proponent through all relevant legislation:

Winter Road

19. The Proponent shall select a winter route that maximizes the amount of frozen water bodies used.
20. The Proponent shall not erect camps or store materials on the surface ice of lakes or streams, except that which is for immediate use.
21. The Proponent shall ensure that no disturbance of the stream bed or banks of any definable watercourse be permitted.
22. The Proponent shall not move any equipment or vehicles without prior testing the thickness of the ice to ensure the lake is in a state capable of fully supporting the equipment or vehicles.
23. 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.
24. The Proponent shall suspend overland travel of equipment or vehicles if rutting occurs. Likewise, upon spring break up; or at such a time as the shorelines of frozen water bodies begin to thaw, the Proponent shall suspend all travel over water bodies if disturbance to the banks or shorelines of any definable water body occurs.
25. The Proponent shall ensure that winter lake/stream crossings are located to minimize approach grades and constructed entirely of ice and snow materials. Ice or snow free of sediment should be the only materials used to construct temporary crossings over any ice-covered watercourse. Cutting or filling of crossing approaches below the high water mark

will require prior review and approval by Fisheries and Oceans Canada - Fish Habitat Management Branch (DFO-FHM).

26. The Proponent shall not allow mechanized clearing to be carried out immediately adjacent to any watercourse.
27. The Proponent shall avoid disturbance on slopes prone to natural erosion, and alternative locations shall be utilized.
28. The Proponent shall ensure that temporary crossings constructed from ice and snow, which may cause jams, flooding or impede fish passage and or water flow, are removed prior to spring break-up.
29. The Proponent shall implement sediment and erosion control measures prior to, and during operations to prevent sediment entry into the water during the spring thaw. This includes ensuring that a sufficient thickness of snow and ice is present on the winter road to prevent unnecessary erosion of the underlying ground surface and impact on underneath vegetation.
30. The Proponent shall re-vegetate exposed soil to assist in road-bed stabilization and sediment control.
31. The Proponent shall ensure that the land use area is kept clean and tidy at all times.

Fuel and Chemical Storage

32. 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.
33. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife.

Drilling on Land

34. 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.
35. The Proponent shall not allow any drilling wastes to spread to the surrounding lands or water bodies.
36. If an artesian flow is encountered, the Proponent shall ensure the drill hole is immediately plugged and permanently sealed.
37. 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.
38. The Proponent shall ensure that all sump/depression capacities are sufficient to accommodate the volume of waste water and any fines that are produced. The sumps shall only be used for inert drilling fluids, and not any other materials or substances.
39. The Proponent shall not locate any sump 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.

40. The Proponent shall ensure all drill holes are backfilled or capped at the end of the project. The Proponent shall backfill and restore all sumps to match the natural environment prior to the end of project.

Restoration

41. The Proponent shall ensure that all disturbed areas are stabilized as required, upon completion of work, and restored to a pre-disturbed state.
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.

MONITORING AND REPORTING REQUIREMENTS

The Board has previously recommended the following term and condition for reporting requirements:

6. The Proponent shall submit a comprehensive annual report with copies provided to the NIRB, KIA, INAC, EC and Government of Nunavut, Department of Environment (GN-DOE) by January 31st of each year following the calendar year reported. Annual reports must be provided until the project has been completed. The report must contain, but not be limited to, the following information:
- a. A summary of activities undertaken for the year, including any progressive reclamation work undertaken, and a work plan for the following year –site photos should be provided where relevant;
 - b. A summary of how the Proponent has complied with NIRB conditions contained within the Screening Decision, and the conditions associated with all authorizations for the project proposal;
 - c. Wildlife monitoring observations, including:
 - i. description of any wildlife encounters and actions/mitigation taken
 - ii. maps of location of any sensitive wildlife sites
 - iii. timing of critical life history events
 - iv. potential impacts from the project
 - d. The results of environmental studies undertaken and plans for future studies;
 - e. A summary of local hires and initiatives;
 - f. A summary of community consultations undertaken and follow-up actions required to resolve any concerns expressed about the project proposal (if relevant);
 - g. A summary of site-visits by Land Use inspectors with results and follow-up actions;
 - h. A summary of site-visits with community members (if conducted); and
 - i. Efforts made to achieve compliance with the *Canada-Wide Standards for Dioxins and Furans*, and the *Canada-Wide Standards for Mercury*.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

In addition to the project-specific terms and conditions, the Board has previously recommended the following:

Indian and Northern Affairs

Indian and Northern Affairs Canada (INAC) impose mitigation measures, conditions and monitoring requirements pursuant to the Federal Land Use Permit, 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.

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.

The Board is currently also recommending the following:

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. If ice bridges are constructed, the Proponent follow the mitigation measures outlined in Fisheries and Oceans Canada’s (DFO) Operational Statement for Ice Bridges, available at the following internet address: <http://www.dfo-mpo.gc.ca/regions/central/habitat/os-co/provinces-territoires-territoires/nu/index-eng.htm>.

General

All Authorizing Agencies shall notify the NIRB of any changes in operating plans or conditions associated with this project prior to any such change.

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. In particular, mitigation measures, conditions and monitoring requirements should be considered for the use of water, snow and ice for the development and maintenance of the winter road for this project.

INAC Water Resources

INAC Water Resources should consider the importance of conducting regular inspections, pursuant to the authority of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, while the project is in operation. The inspectors should focus on ensuring the Proponent is in compliance with the conditions imposed through the Water Licence.

REGULATORY REQUIREMENTS

The Proponent has been previously advised that the following legislation may apply to the project:

1. Section 36(3) of the *Fisheries Act* (<http://laws.justice.gc.ca/en/showtdm/cs/F-14///en>) which states that no person shall deposit or permit the deposit of a deleterious substance in any type in water frequented by fish or in any place under any conditions where the deleterious substance may enter such a water body.
2. The *Migratory Birds Convention Act* (<http://laws.justice.gc.ca/en/showtdm/cs/M-7.01>) which states that no person disturb or destroy the nests or eggs of migratory birds. If nests containing eggs or young are encountered, the Proponent shall avoid these areas until nesting is complete and the young have left the nest.
3. The *Species at Risk Act* (<http://laws.justice.gc.ca/en/showtdm/cs/S-15.3>). Attached in **Appendix B** is a list of Species at Risk in Nunavut. The Proponent should consult the Species at Risk Public Registry (<http://www.sararegistry.gc.ca/>) to identify any Species at Risk within the project location. Further, the Proponent shall develop monitoring plans for each relevant Species at Risk in accordance with any applicable status reports, recovery strategies, action plans, and management plans posted on the Species at Risk Public Registry and in consultation with the Government Organization with Primary Management Responsibility. Monitoring plans should record the locations and frequency of observing species of special concern and note any actions taken to avoid contact or cause disturbance to the species, its residence, or its critical habitat.
4. The *Nunavut Act* (<http://laws.justice.gc.ca/en/showtdm/cs/N-28.6>) which requires that no person alter or disturb any archaeological or palaeontological sites in Nunavut unless permission is first granted through the permitting process. If any archaeological or palaeontological sites are found they should remain undisturbed and their location should be reported to the Government of Nunavut Department of Culture, Language, Elders and Youth. The Proponent must comply with the proposed terms and conditions listed in the attached **Appendix C**.
5. The *Transportation of Dangerous Goods Regulations*, *Transportation of Dangerous Goods Act* (<http://www.tc.gc.ca/tdg/menu.htm>), and the *Environmental Protection Act* (<http://laws.justice.gc.ca/en/C-15.31/text.html>) which present the requirements for the handling, storing, managing and transportation of dangerous goods, including hazardous wastes, fuel and contaminated material. The Proponent must ensure that proper shipping documents accompany all movements of dangerous goods. The Proponent must register with GN-DOE by contacting Robert Eno at 867-975-7748 or reno@gov.nu.ca.

In addition, the Proponent is also advised that the following legislation may apply to the project:

1. The *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (<http://www.canlii.org/ca/sta/n-28.8/whole.html>).
2. 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.
3. The *Navigable Waters Protection Act (NWPA)* (<http://laws.justice.gc.ca/en/N-22/index.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 February 26, 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 2, 2010, the Nunavut Impact Review Board (NIRB or Board) received an application from Indian and Northern Affairs Canada (INAC) for an amendment to CBR Gold Corp.'s (formerly Committee Bay Resources Ltd) "Committee Bay Campsite and Mining Exploration" project. The project proposal did not require a conformity determination from the Nunavut Planning Commission as the project is located in the Kitikmeot region, an area with no currently approved land use plan.

Past File History

The original application for the project (NIRB File No.: 07EN021) was received from INAC on February 28, 2007. The project proposal was screened in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA) and on May 11, 2007 the NIRB issued a 12.4.4(a) screening decision to the Minister of INAC allowing the proposed mining exploration and campsite activities to proceed subject to project-specific recommended terms and conditions (May 11, 2007 Screening Decision Report).

On February 29, 2008 the NIRB received an application from the Nunavut Planning Commission for an amendment to the Proponent's water licence. After a thorough assessment of amendment request and the comments received, the NIRB determined that the request did not significantly change the general scope of the project and re-issued the original terms and conditions (Screening Decision dated May 11, 2007).

On January 26, 2009 the NIRB received an application from INAC for an extension to the Proponent's land use permits. After a review of the information provided, the NIRB determined that the proposed extension did not significantly change the general scope of the original project activities and re-issued the original terms and conditions.

Current File History

The current project proposal by CBR Gold Corp is for an amendment to their existing land use permits with INAC.

The NIRB determined that this request may result in a change to the original scope of the project and on February 4, 2010, the NIRB distributed the project proposal to community organizations in Kugaaruk and Repulse Bay, as well as to relevant federal and territorial government agencies, and Inuit organizations. The NIRB requested that interested parties review the proposal and the NIRB's previously recommended terms and conditions and provide the Board with any comments or concerns by February 11, 2010 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, (providing any additional recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

On or before February 11, 2010, the NIRB received comments from the following interested parties:

- Kitikmeot Inuit Association (KIA)
- Environment Canada (EC)
- Government of Nunavut – Department of Environment (GN-DoE)
- Fisheries and Oceans Canada (DFO)

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/>

On February 12, 2010, the NIRB provided an opportunity for the proponent to respond to some questions that were raised by the GN-DoE during the public commenting period. The Proponent provided a response to concerns on February 12, 2010.

Project Activities

This project is located within the Kitikmeot region, approximately 260 kilometres (km) from Kugaaruk and approximately 270 km from Repulse Bay. The Proponent intends to conduct an extensive gold exploration program covering most of the Committee Bay greenstone belt. The original planned exploration was to take place from March 2007 to September 2009.

The original application, that was screened in accordance with Part 4, Article 12 of the NLCA, included the following project components/activities:

- Delivery of equipment, fuel and supplies required for program;
- Ice strip construction for temporary airstrip on lake at Hayes Camp;
- Exploration and drilling on ice and on land;
- Repositioning of drill equipment;
- Use of existing airstrip at Crater Lake Camp;
- Landing of aircraft with tundra tires on an esker at Ingot Camp;
- Use of existing seasonal exploration camps at Ingot, Crater, Hayes and Bullion camps;
- Chemical storage of drilling fluids;
- Fuel transportation and storage;
- Geochemical soil sampling;
- Gridding and ground geophysical surveys;
- Geological mapping and prospecting, sampling (rock, till and water) and stacking;

- Consumption of water for drilling purposes;
- Disposal of waste and wastewater;
- Preparation of landing site for helicopter; and
- Baseline environmental work at Hayes Camp.

The Proponent is currently applying for an amendment to their land use permits which includes the following additional components or activities:

- Increase the number of drills to be used from 3 to 6 drills
 - 6 drills to be used concurrently with 2 of the 4 camps open at any one time
- Build a temporary winter road approximately 10 kilometres long from Hayes Camp to the Three Bluffs deposit
 - Road to be used to haul water, drills and related equipment and personnel to the deposit to enable spring exploration drilling

The proposed original activities and the amended activities are to occur for a period of 1 year, from March 1, 2010 to October 30, 2011.

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 population)	Endangered	Pending	DFO
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.