



SCREENING DECISION REPORT NIRB FILE NO.: 08EN059

NIRB File No.: 08EN059
INAC File No.: N2008C0030

June 27, 2008

The 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 Uranium North Resources Corporation's South Baker – Dubawnt Lake Uranium Exploration 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**), and in accordance with the principles identified within Section 12.4.2 of the NLCA, the decision of the Board as per Section 12.4.4 of the NLCA is:

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

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

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

General

1. Uranium North Resources 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 (Project Description and *NIRB Part 1 Form*, submitted May, 2008) and to Indian and Northern Affairs Canada (*INAC Application for Land Use Permit*).
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

Water

5. The Proponent shall ensure that any extraction of water via intake from any fish-bearing water body employs an intake hose equipped with a screen with an 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 ensure camp sewage is directed to a properly constructed sump. Should a natural depression be situated in such a manner as to ensure sewage does not leach into any surrounding water body, the Proponent may utilize such a depression as a natural sump.
8. The Proponent shall incinerate all combustible and food wastes daily in an appropriate device to ensure the complete combustion of wastes. A dual chamber, forced-air incinerator is recommended.
9. The Proponent shall ensure that the disposal of combustible camp wastes comply with the *Canada-Wide Standards for Dioxins and Furans*, and the *Canada-Wide Standards for Mercury emissions*. Efforts made to achieve compliance shall be reported as part of the annual report.
10. The Proponent shall ensure that no waste oil will be incinerated on site. All waste oil will be transported off site and disposed of in an approved facility. A waste manifest must accompany the

shipment of all waste oil products and all parties must register at GN-DoE with Robert Eno at reno@gov.nu.ca or (867) 975-7748.

11. 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.

Fuel and Chemical Storage

12. 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.
13. The Proponent shall store all chemicals in such a manner that they are inaccessible to wildlife.
14. The Proponent shall report all spills of fuel, or other deleterious materials immediately to both the NT/NU 24 hour Spill Line at (867) 920-8130 and to Environment Canada's 24 Hour Duty Officer at 867-766-3737.
15. The Proponent shall use self-supporting insta berms at barreled fuel catch locations, and drip pans or other similar preventative measures when refueling equipments at the project site.
16. The Proponent shall remove and treat hydrocarbon contaminated soils on site, or transport and treat contaminated soils at an approved disposal site.

Wildlife

17. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.
18. The Proponent shall ensure that there is no hunting or fishing by employees of the company, or any hired contractors, unless the proper Nunavut authorizations have been obtained.
19. Harassment of wildlife is contrary to the *Wildlife Act*. This includes persistently worrying or chasing animals, or disturbing large groups of animals. Deliberate feeding of any wildlife is absolutely prohibited. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired.
20. The Proponent shall not touch, feed or entice wildlife to approach by holding out or setting out decoys or any such devices, foodstuffs or bait of any kind.
21. The Proponent shall ensure that unless there is a specific requirement for low level flights, aircraft maintain a minimum altitude of 610 meters above ground level in places where there are occurrences of wildlife. It is recommended aircraft avoid critical and sensitive wildlife areas at all times by choosing alternate flight corridors
22. The Proponent shall ensure that aircraft maintain a vertical distance of 1000 metres and a horizontal distance of 1500 metres from any observed groups (colonies) of migratory birds.
23. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
24. The Proponent is required to implement the following mitigation measurements regarding caribou:
 - a) During the period of May 15 to July 15, when caribou are observed calving in the project area the Proponent shall suspend all operations, particularly overflights by aircraft of less than 610 m above ground, and the use of snowmobiles and ATV's (all-terrain vehicles) outside the immediate vicinity of the camp. Furthermore, following July 15, when caribou with new calves are observed in the area, all project activities shall be suspended.
 - b) Flights of less than 610 m above ground should be avoided when caribou are in sight of the project area.

- c) During caribou migration, the proponent shall not locate or operate so as to block or cause diversion to migrating caribou. The Proponent shall cease activities that may interfere with migration such as airborne geophysics surveys or movement of equipment or personnel, until the caribou have passed.
 - d) Between May 15 and September 1, the Proponent shall not construct any camp, cache any fuel, conduct drilling operations, operate ground, air or water based mobile equipment, including geophysics surveys, within 10 km of caribou crossings.
25. If active nests of migratory birds are discovered, the Proponent shall cease all activities in the nesting area until nesting is complete (i.e. the young have left the vicinity of the nest).
 26. The Proponent shall not disturb or destroy the nests or eggs of any birds.
 27. If nest sites are encountered and/or identified, the Proponent shall take precaution to avoid further interaction and/or disturbance.
 28. The Proponent shall cease activities that may interfere with migration or calving of until the caribou have passed or left the area.
 29. The Proponent shall take all possible measures to avoid human-wildlife encounters, specifically bears.
 30. 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 (Shane Sather, 867-983-4167, sshather@gov.nu.ca) or the Regional Biologist (Mathieu Dumond, 867-982-7444, mdumond@gov.nu.ca).
 31. The Proponent shall record all wildlife observation in a wildlife log and map the location of any sensitive wildlife sites, such as denning areas or nesting areas.
 32. The Proponent should be aware that the proposed area for the project is near the Thelon Wildlife Sanctuary. Therefore, the Proponent should avoid aircraft disturbance when conducting airborne geophysical works. This includes ensuring no low-level flights occur over this area during project operations.

Drilling and Disposal of Related Radioactive Substances

33. The proponent shall not allow any drilling wastes to spread to the surrounding lands or water bodies.
34. The *Canadian Environmental Protection Act* lists calcium chloride (CaCl) as a toxic substance. The Proponent shall therefore ensure that if CaCl is used as a drill additive, all sumps containing CaCl are properly constructed and located in such a manner to ensure that the contents will not enter any water body.
35. The Proponent shall ensure that all sumps are properly closed out at the end of project. The sumps should only be used for inert drilling fluids, not any other materials or substances.
36. 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. Drill holes that encounter uranium mineralization with a content greater than 1.0 % over a length of one (1) metre with a metre-percent concentration greater than 5 % should be sealed by cementing over the entire mineralization zone; this should be at least ten (10) metres above and below each mineralization zone.
37. The Proponent shall ensure that drill cuttings with a uranium concentration greater than 0.05% should be disposed of down the drill hole and the hole subsequently sealed.

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. Gamma radiation levels of a long-term core storage area should not be greater than 1.0 μSv , and should never exceed 2.5 μSv . Instruments that measure radiation in counts per second should be converted to μS .
39. The Proponent is advised that if artesian flow is encountered, drill holes must be immediately plugged and permanently sealed.
40. Drill areas should be kept to a minimum and constructed with the intention of minimizing the environmental footprint of the project area. Drill areas should be kept orderly and any garbage shall be removed daily from the area to an approved disposal site.

Physical Environment

41. 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.
42. Suitable erosion and sediment suppression measures will be implemented on disturbed areas before, during and after construction until vegetation or other appropriate measures are established in order to prevent sediment from entering any waterbody.
43. The Proponent shall ensure that the land use area is kept clean and tidy at all times.

Camp

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

Restoration

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

Other

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

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:
 - Government of Nunavut-Department of Environment (867-975-7700)
 - Government of Nunavut Environmental Protection - Manager of Pollution Control and Air Quality (867-975-7748)
 - Environment Canada's 24 Hour Duty Officer (867-766-3737), fax (867-873-8185)

- b. A site map illustrating the project's facilities locations relative to areas that may be affected by a potential spill. This map shall be provided once a camp is established, and should include the location of all facilities, drainage patterns, and any nearby bodies of water.

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 and other information while operating within the project area. The Proponent shall compile this information into a Wildlife Monitoring Report which will include but not be limited to:
 - a. Location (i.e., latitude and longitude);
 - b. Species;
 - c. Number of animals;
 - d. Description of the gender and age (young present?) of animals if possible;
 - e. Observations and locations of denning, calving areas, caribou crossings, raptor nests;
 - f. Timing of critical life history events observed such calving, mating, denning, nesting;
 - g. All potential impacts to wildlife from project activities;
 - h. All actions / mitigation taken to reduce adverse impacts to wildlife; and
 - i. An analysis of the effectiveness of mitigation measures implemented with regards to wildlife based on the results of the "Wildlife Log".

Furthermore, prior to conducting project activities, the Proponent shall map and document 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). This information shall be included in the report.

A copy of this *Wildlife Monitoring Report* shall be compiled annually at the commencement of each operational season and submitted to the NIRB as part of the *Annual Report*, and also to the following Government of Nunavut contacts:

- a. Manager, Wildlife - Shane Sather, (867) 983-4167, ssather@gov.nu.ca
 - b. Keewatin Regional Manager – Dan Shewchuk, (867) 857-2828, dshewchuk@gov.nu.ca
 - c. Regional Biologist - Mathieu Dumond, (867) 982-7444, mdumond@gov.nu.ca
3. The Proponent shall submit a comprehensive *Annual Report* to the NIRB, with copies to INAC, GN-DOE and EC 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* to include requirements as listed in (2) above;
 - d. Site photos; and
 - e. Efforts made to achieve compliance with the *Canadian Wide Standards for Dioxins and Furans*, and the *Canadian Wide Standards for Mercury*.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

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

General

1. All Authorizing Agencies 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 Projection Map with the most up to date data and information from the Beverly Qamanirjuaq Caribou Management Board (BQCMB).

Indian and Northern Affairs Canada

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.

It is recommended to INAC that no extension be issued to the Land Use Permit until the Proponent's *Annual Report* (including their *Annual Wildlife Monitoring Report*) is received. These reports are due January 31st of each year of project activities.

REGULATORY REQUIREMENTS

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

1. The *Fisheries Act* (<http://laws.justice.gc.ca/en/showtdm/cs/F-14///en>).
2. The *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (<http://www.canlii.org/ca/sta/n-28.8/whole.html>).
3. The *Migratory Birds Convention Act* and *Migratory Birds Regulations* (<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.
5. 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.
6. 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**.
7. The use of water, disposal of wastewater or waste as a result of the project proposal activities require a Nunavut Water Board license and the project cannot proceed until this is obtained (<http://www.nunavutwaterboard.org/en/legislation>).

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 June 27, 2008 at Sanikiluaq, NU.



Lucassie Arragutainaq, A/Chair

Appendix A

Procedural History and Project Activities

Procedural History

On May 14, 2008, the Nunavut Impact Review Board (NIRB or Board) received Uranium North Resources Corporation's (Uranium North's) "*South Baker – Dubawnt Lake Uranium Exploration*" project proposal from the Nunavut Water Board. On May 16, 2008, the NIRB received a positive conformity determination (Keewatin Regional Land Use Plan) from the Nunavut Planning Commission. NIRB assigned this project proposal file number 08EN059.

This application was distributed to the Hamlets and Hunters and Trappers Organizations of Baker Lake and Arviat, to the Athabasca and Manitoba Denesuline, and to interested Federal and Territorial Agencies. NIRB requested that interested Parties review the application and provide NIRB with comments by June 17, 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 June 17, 2008, the NIRB received comments from the following interested Parties (see Comments and Concerns):

- Arviat Hunters and Trappers Organization
- Environment Canada
- Beverly and Qamanirjuaq Caribou Management Board
- 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

The proposed uranium exploration project is located near Dubawnt Lake in the Kivalliq Region of Nunavut, approximately 320 km southwest of Baker Lake. The Proponent intends to conduct activities from June through August each year of operation.

The project activities occur on Crown lands, and include:

- Exploration (diamond) drilling;
 - 20 holes (100 m depth) proposed for 2008 field season
 - Approximately 10 holes drilled each year of the program
- Geophysical surveying;
- Geological mapping;
- Prospecting;
- Surface rock and soil geochemical sampling;
- Bedrock sampling;

- Transportation and storage of fuel (project total quantities listed);
 - 10,250 L diesel
 - 6,150 L heating oil
 - 11,000 L propane
 - 24,600 L aviation fuel
- Project supported by helicopter and fixed-wing aircraft;
- Use of Kasba Lake Lodge, NWT;
 - Use of private airstrip
 - Staging area for supplies
- Temporary camp at Dubawnt Lake;
 - Accommodations for 10-12 person crew
 - Serviced from Kasba Lake Lodge weekly
- Daily water use of 60-80 m³ (camp and drilling operations combined);
- Production of wastes (hazardous, domestic, and industrial); and
- Production of greywater and sewage.

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.