



## SCREENING DECISION

**April 7, 2004**

Hon. Andy Mitchell  
Minister for Indian and Northern Affairs  
Ottawa, ON

Dear Minister:

**RE: Screening Decision of the Nunavut Impact Review Board (NIRB) on Application:  
NIRB: #04RN015                      DIAND: #N2004F0056  
Winter Road Between George Lake and Goose Lake - Miramar Bathurst Resources  
Authority:**

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 President 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.

### **Primary Objectives:**

The primary objectives of the Nunavut Land Claims Agreement is referenced in the screening section 12.4.4 (a) 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.

The decision of the Board in this case 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;**

**Reasons for Decision:**

NIRB's decision is based on specific considerations that reflect the primary objectives of the Land Claims Agreement. Our considerations in making this decision included:

- the movement of vehicles and equipment, and their impact on wildlife;
- the movement of vehicles and equipment and their impact on the terrain;
- impact to archaeological and cultural landmarks;
- storage and disposal of fuel, garbage, and sewage; and
- clean up and restoration upon abandonment.

**Terms and Conditions:**

- That the terms and conditions attached to this screening report will apply.

**Wildlife**

1. The Permittee shall not conduct any activity associated with the land use operation during critical periods of wildlife cycles (e.g. caribou migration, calving, fish spawning or raptor nesting).
2. That the Permittee shall ensure that there is no hunting along the winter roadway by employees of the company or any contractors hired.
3. The Permittee shall report any road kills or other wildlife problems to the nearest Renewable Resources Officer.
4. The Permittee shall not damage wildlife habitat in conducting this land use operation.
5. The Permittee shall ensure that the road alignment avoids known environmentally sensitive areas (denning, nesting etc.) by a minimum of 250 metres.
6. The harmful alteration, disruption or destruction of fish habitat is prohibited under the *Fisheries Act*.
7. The Permittee shall ensure compliance with Section 36 of the Fisheries Act which requires that no person shall deposit or permit the deposit of a deleterious substance on any type in water frequented by fish or in any place under any conditions where the deleterious substance may enter such a water body.

**Environmental**

8. The Permittee shall not use any material other than water in the construction of ice bridges. Stream crossings shall be removed or notched prior to spring break-up.
9. The Permittee shall remove all snow fills from stream crossings prior to spring break up.

10. The Permittee shall not allow any ice bridge to hinder the flow of water of any stream.
11. The Permittee shall scout all lines and select the best route prior to the movement of equipment.
12. The Permittee 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.
13. The Permittee shall prepare the site in such a manner as to prevent rutting of the ground surface.
14. The Permittee 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.
15. The Permittee shall suspend overland travel of equipment or vehicles if rutting occurs.
16. The Permittee shall construct and maintain winter roads with a minimum of ten (10) centimetres of packed snow at all times during this land use operation.
17. The Permittee shall confine the line to a maximum width of 10 metres unless otherwise authorized in writing by a land use inspector.
18. The Permittee shall offset vehicle travel in areas without a snow covered surface.
19. The Permittee shall ensure that stream crossings are located to minimize approach grades. Bank disturbance is to be avoided, and mechanized clearing should not be done immediately adjacent to any watercourse.
20. The Permittee shall not erect camps or store material on the surface ice of lakes or streams.

### **Archaeology**

21. The Permittee shall follow all terms and conditions for the protection and restoration of archaeological resources as outlined by the Department of Culture, Language, elders and Youths (CLEY) see the attached letter.

### **Attachments**

22. The Permittee shall refer to the attached Fisheries and Oceans letter of advice addressed to the Permittee.

### **Waste**

23. Permittee shall keep all garbage and debris in a covered metal container until disposed of.
24. The Permittee shall not place any petroleum fuel storage containers within thirty (30) metres of the normal high water mark of any water body.
25. The Permittee shall not allow petroleum products to spread to surrounding lands or waterbodies.
26. The Permittee shall have one extra fuel storage container on site equal to, or greater than, the size of the largest fuel container.

27. The Permittee shall have a spill contingency plan in place prior to commencement of the land use operation. Waste tracking, or "manifesting" should be implemented to ensure proper use, storage, and management of materials.
28. The Permittee shall report all spills immediately to the Twenty four (24) hour spill report line (403) 920-8130.
29. The Permittee shall ensure that all ethylene glycol (antifreeze) is managed in accordance with the Environmental Protection Act (EPA) of NWT, and Transportation of Dangerous Goods Act (TDGA).
30. The Permittee shall ensure that all spills are contained and completely cleaned up with shovels and absorbent rags and that any leaks detected are repaired and monitored at all times.
31. The Permittee shall ensure that the land use area is kept clean and tidy at all times.

### **Reclamation**

32. The Permittee shall remove from Territorial Lands, all scrap metal, discarded machinery and parts, barrels and kegs, buildings and building material upon abandonment.
33. The Permittee shall complete all clean-up and restoration of the lands used prior to the expiry date of the permit.

### **Other Recommendations**

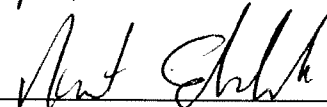
1. NIRB would like to encourage the proponent to hire local people and services, to the extent possible.
2. NIRB advises the Permittee to consult with the local residents regarding their activities in the region.
3. Any amendment requests deemed by NIRB to be outside the original scope of the project will be considered as a new project.

### **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 April 2/04 at Cambridge Bay, NU

  
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Albert Ehloak, A/ Chairperson

## **SCREENING DECISION**

**September 17, 2004**

Hon. Andy Scott  
Minister for Indian and Northern Affairs  
Ottawa, ON

Dear Minister:

**RE: Screening Decision of the Nunavut Impact Review Board (NIRB) on Application:**

**NIRB: #04RN101**

**DIAND: #N2004F0038**

**Winter Road from Bathurst Inlet to Goose and George Lake – Miramar Bathurst Resources Ltd.**

**Authority:**

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.

**Primary Objectives:**

The primary objectives of the Nunavut Land Claims Agreement is referenced in the screening section 12.4.4 (a) 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.

The decision of the Board in this case 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;**

**Reasons for Decision:**

NIRB's decision is based on specific considerations that reflect the primary objectives of the Land Claims Agreement. Our considerations in making this decision included:

- the movement of vehicles and equipment, and their impact on wildlife;
- the movement of vehicles and equipment and their impact on the terrain;
- storage and disposal of fuel, garbage, and sewage; and
- clean up and restoration upon abandonment.

**Terms and Conditions:**

- That the terms and conditions attached to this screening report will apply.

**Fuel and Chemical Storage**

1. The Permittee shall ensure that fuel storage containers are not located within thirty-one (31) metres of the ordinary high water mark of any body of water.
2. The Permittee shall ensure that any chemicals, fuels or wastes associated with the project do not spread to the surrounding lands or enter into any water body.
3. The Permittee shall construct an impermeable dyke around each stationary fuel container or group of stationary fuel containers where one container has the capacity exceeding 4,000 litres.
4. The fuel storage facilities of the Permittee, including tanks, hoses, pumps, fuel transfer lines and associated mechanical connections and valves shall be installed and maintained in accordance with the Environmental Code of Practice for Aboveground Storage Tank Systems Containing Petroleum Products (CCME Environmental Code) and the National Fire Code, any reasonable modifications or improvements that are deemed necessary shall be approved by the Engineer.
5. The Permittee shall take all reasonable precautions to prevent the possibility of migration of spilled petroleum fuel or chemicals over the ground surface.
6. The Permittee shall examine all fuel and chemical storage containers for leaks. All leaks should be prepared immediately.
7. The Permittee shall dispose of all combustible waste petroleum products by incineration or removal from the site.
8. The Permittee shall ensure all activities, including maintenance procedures and refueling, should be controlled to prevent the entry of petroleum products or other deleterious substances into the water. The use of drip pans, or other preventative measures when refueling equipment on site is recommended.
9. The Permittee shall have an approved emergency response and spill contingency plans in place prior to the commencement of the operation.

10. The Permittee shall immediately report all spills of petroleum and hazardous chemicals to the twenty four (24) hour spill report line at (867) 920-8130.
11. The Permittee shall have one extra fuel storage container on site equal to, or greater than, the size of the largest fuel container.

## **Wildlife**

12. The Permittee shall not conduct any activity associated with the land use operation during critical periods of wildlife cycles (e.g. caribou migration, calving, fish spawning or raptor nesting).
13. That the Permittee shall ensure that there is no hunting along the winter roadway by employees of the company or any contractors hired.
14. The Permittee shall report any road kills or other wildlife problems to the Renewable Resources Officer in Cambridge Bay.
15. The Permittee shall not damage wildlife habitat in conducting this land use operation.
16. The Permittee shall ensure that the road alignment avoids known environmentally sensitive areas (denning, nesting etc.) by a minimum of 250 metres.
17. The harmful alteration, disruption or destruction of fish habitat is prohibited under the *Fisheries Act*.
18. The Permittee shall ensure compliance with Section 36 of the Fisheries Act which requires that no person shall deposit or permit the deposit of a deleterious substance on any type in water frequented by fish or in any place under any conditions where the deleterious substance may enter such a water body.

## **Environmental**

19. The Permittee shall not use any material other than water in the construction of ice bridges. Stream crossings shall be removed or notched prior to spring break-up.
20. The Permittee shall remove all snow fills from stream crossings prior to spring break up.
21. The Permittee shall not allow any ice bridge to hinder the flow of water of any stream.
22. The Permittee shall scout all lines and select the best route prior to the movement of equipment.
23. The Permittee 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.
24. The Permittee shall prepare the site in such a manner as to prevent rutting of the ground surface.
25. The Permittee 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.
26. The Permittee shall suspend overland travel of equipment or vehicles if rutting occurs.
27. The Permittee shall construct and maintain winter roads with a minimum of ten (10) centimetres of packed snow at all times during this land use operation.
28. The Permittee shall confine the line to a maximum width of 10 metres unless otherwise authorized in writing by a land use inspector.
29. The Permittee shall offset vehicle travel in areas without a snow covered surface.

30. The construction or disturbance of any stream/lake bed or banks of any definable watercourse is not permitted unless authorized by the Department of Fisheries and Oceans.
31. The Permittee shall ensure that stream crossings are located to minimize approach grades. Bank disturbance is to be avoided, and mechanized clearing should not be done immediately adjacent to any watercourse.
32. The Permittee shall not erect camps or store material on the surface ice of lakes or streams.

### **Waste**

33. Permittee shall keep all garbage and debris in a covered metal container until disposed of.
34. The Permittee shall ensure that all ethylene glycol (antifreeze) is managed in accordance with the Environmental Protection Act (EPA) of NWT, and Transportation of Dangerous Goods Act (TDGA).
35. The Permittee shall ensure that all spills are contained and completely cleaned up with shovels and absorbent rags and that any leaks detected are repaired and monitored at all times.
36. The Permittee shall ensure that the land use area is kept clean and tidy at all times.

### **Archaeological Sites**

37. The Permittee shall follow all terms and conditions for the protection and restoration of archaeological resources as outlined by the Department of Culture, Language, Elders and Youths (CLEY) in attached letter.

### **Reclamation**

38. The Permittee shall remove from Territorial Lands, all scrap metal, discarded machinery and parts, barrels and kegs, buildings and building material upon abandonment.
39. The Permittee shall complete all clean-up and restoration of the lands used prior to the expiry date of the permit.

### **Other Recommendations**

1. NIRB would like to encourage the proponent to hire local people and services, to the extent possible.
2. NIRB advises the Permittee to consult with the local residents regarding their activities in the region.
3. Any amendment requests deemed by NIRB to be outside the original scope of the project will be considered as a new project.

### **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 \_\_\_\_\_ at Cambridge Bay, NU

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Albert Ehaloak, A/Chairperson



**SCREENING DECISION REPORT**  
**NIRB FILE NO.: 09RN066**

**NIRB File No. 09RN066**  
INAC File No. N2004C0006  
KIA File No. KTL304F049

November 30, 2009

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

Via email: [Strahl.C@parl.gc.ca](mailto:Strahl.C@parl.gc.ca)

**Re: Screening Decision for Sabina Gold and Silver Corporation's Winter Roads Project Proposal, 09RN066**

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Dear Honourable Chuck Strahl:

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

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

Section 12.4.4 of the NLCA states:

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

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

## NIRB ASSESSMENT AND DECISION

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

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

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

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

#### General

1. Sabina Gold and Silver 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 the NIRB (NIRB Part 1 Form, October 16, 2009; NIRB PSIR Form, October 19, 2009; Non-Technical Summary, October 16, 2009; Spill Contingency Plan, October 19, 2009; Abandonment and Restoration Plan, October 19, 2009; Covering Email to the NIRB, October 19, 2009) and to Indian and Northern Affairs Canada (Land Use Permit Application Form, October 16, 2009).
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

#### Water

5. 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

6. The Proponent shall backhaul all solid wastes to a previously permitted camp for proper disposal in accordance with any licenses or permits in place at those facilities.
7. The Proponent shall keep all garbage and debris in bags placed in a covered metal container or equivalent until disposed of. All wastes shall be kept inaccessible to wildlife at all times.
8. The Proponent shall ensure that the appropriate transportation of dangerous goods (TDG) documentation accompany all potential hazardous samples that are transported off site.

#### Fuel and Chemical Storage

9. 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.
10. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife.

11. The Proponent shall use secondary containment or a surface liner (drip pans, fold-a-tanks, etc) at all refuelling stations. The Proponent shall ensure that the vehicles transporting equipment and materials on the winter road routes are equipped with appropriate spill kits.
12. The Proponent shall remove and treat hydrocarbon contaminated soils on-site or transport them to an approved disposal site.
13. The Proponent shall ensure that all on site personnel are properly trained in fuel and hazardous waste handling procedures as well as spill response procedures. All spills of fuel or other deleterious materials of any amount must be reported immediately to the 24 hour Spill Line at (867) 920-8130.

## **Wildlife**

14. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.
15. 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.
16. The Proponent shall restrict aircraft/helicopter activity related to the project to a minimum altitude of 610 metres above ground level unless there is a specific requirement for low-level flying, which does not disturb wildlife and migratory birds.
17. 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.
18. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
19. 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.
20. The Proponent shall cease activities that may interfere with migration or calving of caribou or muskox, until the caribou or muskox have passed or left the area.
21. The Proponent shall not block or cause any diversion to caribou migration, and shall cease activities likely to interfere with migration such as the movement of equipment or personnel until such time as the caribou have passed.
22. The Proponent shall take all possible measures to avoid wildlife encounters. Any problem wildlife should be reported immediately to the Government of Nunavut, Department of Environment.
23. The Proponent shall ensure all project staff are trained in appropriate bear/carnivore detection and deterrent techniques.

## **Physical Environment**

24. 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.
25. The Proponent shall ensure that stream crossings are located to minimize approach grades. Bank disturbance is to be avoided, and mechanized clearing should not be done immediately adjacent to any watercourse.
26. 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.
27. 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

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

### **Restoration**

29. The Proponent shall remove all garbage, fuel and equipment upon abandonment.

30. The Proponent shall complete all clean-up and restoration of the lands used prior to the end of each field season.

### **Archaeological and Historical Sites**

31. The Proponent shall commission a survey of archaeological resources along the proposed road route(s) and any alternative route(s) prior to the construction or use of such road routes.

32. The Proponent shall avoid all known archaeological sites within the project area.

### **Other**

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

34. Any activity related to this application, and outside the original scope of the project as described in the application, will be considered a new project and should be submitted to the NIRB for Screening.

### **Other NIRB Concerns and Recommendations**

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>.
2. The Proponent shall maintain a record of wildlife observations while operating within the project area. The reports should include locations (i.e., latitude and longitude), species, number of animals, a description of the animal activity, and a description of the gender and age of animals if possible. Prior to conducting project activities, the Proponent should map the location of any sensitive wildlife sites such as denning sites, calving areas, caribou crossing sites, and raptor nests in the project area, and identify the timing of critical life history events (i.e., calving, mating, denning and nesting).

Additionally, the Proponent should indicate potential impacts from the project, and ensure that operational activities are managed and modified to avoid impacts on wildlife and sensitive sites. A copy of this wildlife record or report should be submitted annually at the end of the operational season to the appropriate Government of Nunavut contacts.

### **Regulatory Requirements**

In addition, the Proponent is 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 *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.
8. 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 November 30, 2009 at Sanikiluaq, NU.



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Lucassie Arragutainaq, Chairperson

Attachments: Appendix A: Procedural History and Past 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 October 19, 2009 the Nunavut Impact Review Board (NIRB or Board) received Sabina Gold and Silver Corporation's (Sabina or 'the Proponent') *Winter Road* project proposal from Indian and Northern Affairs Canada (INAC). The proposed project is located approximately 100 kilometres south of the nearest community of Kingaok (Bathurst Inlet) in the West Kitikmeot region of Nunavut. As no approved Land Use Plan is in place for the West Kitikmeot region, the Nunavut Planning Commission was not required to make a conformity determination for this project. The NIRB assigned this project proposal file number **09RN066**.

In addition to applying for a Land Use Permit with INAC, Sabina further requested the renewal of an existing Land Use Permit previously issued to Dundee Precious Metals Inc. for a winter road located between Sabina's recently acquired Goose Lake and George Lake camps. The winter road between Goose Lake and George Lake camps was screened by the NIRB in 2004 and allowed to proceed in accordance with Section 12.4.4 (a) of the Nunavut Land Claims Agreement (NLCA), subject to project-specific terms and conditions contained within the NIRB's Screening Decision (NIRB File No. 04RN015). The Proponent has applied for a one year authorization for the currently proposed winter road routes (March 1, 2010 through March 1, 2011), with a period of operation lasting for three weeks sometime during the months of March and April 2010.

In recognition of Sabina's recent acquisition of the Goose Lake and George Lake properties, and in order to manage all related filing and permit applications, the Board consolidated the previous NIRB file 04RN015 with the current file, **09RN066**.

This project proposal was distributed to community organizations in Cambridge Bay as well as to relevant federal and territorial government agencies and Inuit organizations. The NIRB requested that interested parties review the proposal and provide the Board with any comments or concerns by November 16, 2009 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 recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

On November 16, 2009 the NIRB received email correspondence from the Government of Nunavut – Department of Environment requesting an extension to the public commenting period. The NIRB granted the extension request, providing parties until November 23, 2009 to provide comments on the project proposal. On or before November 23, 2009 the NIRB received comments from the following interested parties:

- **Government of Nunavut – Culture Language Elders and Youth (GN-CLEY)**
- **Government of Nunavut – Department of Environment (GN-DOE)**
- **Environment Canada (EC)**
- **Transport Canada (TC)**



All comments provided to the NIRB regarding this project proposal can be viewed on the NIRB's ftp-site at the following location: <http://ftp.nirb.ca/SCREENINGS/COMPLETED%20SCREENINGS/>.

### ***Project Activities***

The proposed project is located approximately 100 kilometres south of the nearest community of Kingaok (Bathurst Inlet) in the West Kitikmeot region of Nunavut. The Proponent intends to reconstruct a previously established winter road route between the George Lake and Goose Lake camps, in addition to developing a new winter road route between the George Lake and Hackett River camps. Use of these winter road routes would occur over a three week period sometime during the months of March and April 2010.

The proposed project activities include:

- Construction of winter road route between the George Lake and Goose Lake camps (per file 04RN015);
- Construction of winter road route between the George Lake and Hackett River camps (approximately 60 kilometres in length);
- Finalized route selection to be based upon environmental conditions, determined via helicopter and/or snow machine reconnaissance trips;
- Temporary survival tents (1-2) to be established along the winter road routes, for the duration of permitted activities only;
- Redistribution of current inventory of equipment and materials (including chemicals) via Cat-haul transportation between the George Lake, Goose Lake, and Hackett River camps;
- Fuel and supplies delivered daily to personnel along the routes, with removal of waste material to camp as required;
- Clean-up of the routes in preparation for closure; and
- Abandonment and restoration of road routes upon completion of transportation activities.

## 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](http://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 <sup>1</sup>
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

<sup>†</sup> 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 Act<sup>1</sup>, 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*<sup>2</sup>, it is illegal to alter or disturb any palaeontological site in Nunavut unless permission is first granted through the permitting process.

**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.

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<sup>1</sup> s. 51(1)

<sup>2</sup> P.C. 2001-1111 14 June, 2001

“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.



**SCREENING DECISION REPORT  
NIRB FILE NO.: 09RN066**

**NIRB File No.: 09RN066**  
**INAC LUP No.: N2009F0015**

February 11, 2010

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

Via email: [Strahl.C@parl.gc.ca](mailto:Strahl.C@parl.gc.ca)

**Re: Screening Decision for Sabina Gold & Silver Corp.'s Amendment request with INAC for its "Winter Roads" project proposal – Additional Terms and Conditions, 09RN066**

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Dear Honourable Chuck Strahl:

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

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

Section 12.4.3 of the NLCA states that:

*Any application for a component or activity of a project proposal that has been permitted to proceed in accordance with these provisions shall be exempt from the requirement for screening by NIRB unless:*

- (a) such component or activity was not part of the original project proposal; or*
- (b) its inclusion would significantly modify the project.*

The NIRB has completed a review of Sabina Gold & Silver Corp.'s request to Indian and Northern Affairs Canada (INAC) for an amendment to the Land Use Permit (LUP No. N2009F0015) for its "Winter Roads" 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 November 30, 2009 Screening Decision, NIRB file No.: 09RN066 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 No. **09RN066** in a Screening Decision issued to the Minister of INAC on November 30, 2009. The Screening Decision is available from NIRB's ftp site at the following link  
<http://ftp.nirb.ca/SCREENINGS/COMPLETED%20SCREENINGS/>:

#### **General**

1. Sabina Gold and Silver 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 the NIRB (NIRB Part 1 Form, October 16, 2009; NIRB PSIR Form, October 19, 2009; Non-Technical Summary, October 16, 2009; Spill Contingency Plan, October 19, 2009; Abandonment and Restoration Plan, October 19, 2009; Covering Email to the NIRB, October 19, 2009) and to Indian and Northern Affairs Canada (Land Use Permit Application Form, October 16, 2009).
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

#### **Water**

5. 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**

6. The Proponent shall backhaul all solid wastes to a previously permitted camp for proper disposal in accordance with any licences or permits in place at those facilities.
7. The Proponent shall keep all garbage and debris in bags placed in a covered metal container or equivalent until disposed of. All wastes shall be kept inaccessible to wildlife at all times.
8. The Proponent shall ensure that the appropriate transportation of dangerous goods (TDG) documentation accompany all potential hazardous samples that are transported off site.

#### **Fuel and Chemical Storage**



9. 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.
10. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife.
11. The Proponent shall use secondary containment or a surface liner (drip pans, fold-a-tanks, etc) at all refuelling stations. The Proponent shall ensure that the vehicles transporting equipment and materials along the winter road routes are equipped with appropriate spill kits.
12. The Proponent shall remove and treat hydrocarbon contaminated soils on site or transport them to an approved disposal site.
13. The Proponent shall ensure that all on site personnel are properly trained in fuel and hazardous waste handling procedures as well as spill response procedures. All spills of fuel or other deleterious materials of any amount must be reported immediately to the 24 hour Spill Line at (867) 920-8130.

### **Wildlife**

14. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.
15. 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.
16. The Proponent shall restrict aircraft/helicopter activity related to the project to a minimum altitude of 610 metres above ground level unless there is a specific requirement for low-level flying, which does not disturb wildlife and migratory birds.
17. 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.
18. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
19. 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.
20. The Proponent shall cease activities that may interfere with migration or calving of caribou or muskox, until the caribou or muskox have passed or left the area.
21. The Proponent shall not block or cause any diversion to caribou migration, and shall cease activities likely to interfere with migration such as the movement of equipment or personnel until such time as the caribou have passed.
22. The Proponent shall take all possible measures to avoid wildlife encounters. Any problem wildlife should be reported immediately to the Government of Nunavut, Department of Environment.
23. The Proponent shall ensure all project staff are trained in appropriate bear/carnivore detection and deterrent techniques.

### **Physical Environment**

24. 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.
25. The Proponent shall ensure that stream crossings are located to minimize approach grades. Bank disturbance is to be avoided, and mechanized clearing should not be done immediately adjacent to any watercourse.

26. 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.
27. 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.
28. The Proponent shall ensure that the land use area is kept clean and tidy at all times.

#### **Restoration**

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

#### **Archaeological and Historical Sites**

31. The Proponent shall commission a survey of archaeological resources along the proposed road route(s) and any alternative route(s) prior to the construction or use of such road routes.
32. The Proponent shall avoid all known archaeological sites within the project area.

#### **Other**

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

### ***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:

1. The Proponent shall not utilise water for the purposes of constructing or maintaining winter roads or an ice airstrip without prior authorization from the Nunavut Water Board.
2. The Proponent shall submit an updated Spill Contingency Plan (Plan) to the NIRB within 30 days of the Board's decision. The updated Plan shall at a minimum:
  - a. Include measures for spill contingency relating to the D'Arcy Lake ice airstrip. Section "1.0 Introduction" of the current Spill Contingency Plan indicates that the plan "was prepared to outline response measures for activities associated with the construction, operation and closure of the winter road. The existing camps operate under their own Spill Contingency Plans." The airstrip **must** be addressed by the updated Plan.
  - b. Address the refuelling of aircraft at D'Arcy Lake, including how fuel transfer will be undertaken and a description of the minimum secondary containment measures to be employed during refuelling.
  - c. Provide an update to Section "5.2 Spill Response Procedure," where the listing of measures under (Item 4) "Ice" appears to be incomplete.

- d. Include an upgrade to the Proponent's requirement for 3 spill response kits as found in Section "5.5 Disposal" (Item 9) to a total of 4, with the additional kit being located at the D'Arcy Lake airstrip.
3. The Proponent shall not store chemicals, fuel, or other materials on the surface of frozen lakes or streams, except for that which is intended for **immediate use**.

#### MONITORING AND REPORTING REQUIREMENTS

In addition, the Board is recommending the following:

1. The Proponent shall submit a comprehensive annual report with copies provided to the NIRB and to the Government of Nunavut, Culture Language Elders and Youth by June 30<sup>th</sup> of each year of permitted activities. The annual report must contain, but not limited to, the following information:
  - a. A summary of activities undertaken for the year, including: a map showing the location of all winter road routes built and/or utilised; photographs of the winter routes and the ice airstrip; a detailed summary of any consultations undertaken with Elders or other individuals regarding archaeological resources within the project area; results of archaeological reconnaissance completed during snow free periods; and a description of local hires and initiatives.

#### OTHER NIRB CONCERNS AND RECOMMENDATIONS

In addition to the project-specific terms and conditions, the Board has previously recommended 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>.
2. The Proponent maintain a record of wildlife observations while operating within the project area. The reports should include locations (i.e., latitude and longitude), species, number of animals, a description of the animal activity, and a description of the gender and age of animals if possible. Prior to conducting project activities, the Proponent should map the location of any sensitive wildlife sites such as denning sites, calving areas, caribou crossing sites, and raptor nests in the project area, and identify the timing of critical life history events (i.e., calving, mating, denning and nesting).

Additionally, the Proponent should indicate potential impacts from the project, and ensure that operational activities are managed and modified to avoid impacts on wildlife and sensitive sites. A copy of this wildlife record or report should be submitted annually at the end of the operational season to the appropriate Government of Nunavut contacts.

The Board is currently also recommending the following:

#### 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.

#### Indian and Northern Affairs Canada

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

## REGULATORY REQUIREMENTS

The Proponent has been previously 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 *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.
8. The *Navigable Waters Protection Act (NWPA)* (<http://laws.justice.gc.ca/en/N-22/index.html>).

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

1. 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 February 11, 2010 at Sanikiluaq, NU.



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Lucassie Arragutainaq, Chairperson

Appendices: 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 January 11, 2010 the Nunavut Impact Review Board (NIRB or Board) received an application from Indian and Northern Affairs Canada (INAC) for an amendment to Sabina Gold & Silver Corp.'s (Sabina) "Winter Roads" project. As the "Winter Roads" project is located in the Kitikmeot Region which does not have an approved Land Use Plan in place, no conformity determination was required from the Nunavut Planning Commission for this file.

#### ***Past File History***

The original application for the project (NIRB File No.: 09RN066) was received from INAC on October 19, 2009. The project proposal was screened in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA) and on November 30, 2009 the NIRB issued a 12.4.4 (a) screening decision to the Minister of INAC recommending the proposed winter road activities be allowed to proceed subject to project-specific terms and conditions (November 30, 2009 Screening Decision Report).

#### ***Current File History***

Sabina's current application is for an amendment to its existing INAC Land Use Permit (LUP No. N2009F0015) to allow for the construction of an ice airstrip at D'Arcy Lake with the capacity to land Hercules type aircraft. The current proposal would also include a 2 kilometre winter road corridor between D'Arcy Lake and the previously permitted winter road connecting the Hackett River to the George Lake camps (09RN066).

The NIRB determined that this request would result in a change to the original scope of the project and therefore distributed the project proposal to community organizations in Kugluktuk and Cambridge 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 1, 2010 regarding:

- Whether the amended activities are likely to arouse significant public concern; and if so, why;
- Whether the amended activities are likely to cause significant adverse eco-systemic and socio-economic effects; and if so, why;
- Whether the amended activities are 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 February 1, 2010, the NIRB received comments from the following interested parties:

- Environment Canada (EC)

All comments provided to the NIRB regarding this project proposal can be accessed from the NIRB's ftp site, at the following location:

<http://ftp.nirb.ca/SCREENINGS/COMPLETED%20SCREENINGS/>

## ***Project Activities***

This project is located approximately 100 kilometres south of the nearest community of Kingaok (Bathurst Inlet) in the West Kitikmeot region of Nunavut. The Proponent intends to construct an ice airstrip approximately 5,400 feet (1645 m) in length on D'Arcy Lake and which is capable of landing Hercules type aircraft for a total of approximately 50 flights during a 60 day period in the spring of 2010 (between the months of March and May). The Proponent also intends to construct an additional winter road corridor of approximately 2 kilometres in length and that would link the existing and previously permitted Hackett River-George Lake camp winter road with the D'Arcy Lake airstrip.

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

- Construction of winter road route between the George Lake and Goose Lake camps (per file 04RN015);
- Construction of winter road route between the George Lake and Hackett River camps (approximately 60 metres in length);
- Finalized route selection to be based upon environmental conditions, determined via helicopter and/or snow machine reconnaissance trips;
- Temporary survival tents (1-2) to be established along the winter road routes, for the duration of permitted activities only;
- Redistribution of current inventory of equipment and materials (including chemicals) via Cat-haul transportation between the George Lake, Goose Lake, and Hackett River camps;
- Fuel and supplies delivered daily to personnel along the routes, with removal of waste material to camp as required;
- Clean-up of the routes in preparation for closure; and
- Abandonment and restoration of road routes upon completion of transportation activities.

Sabina is proposing to amend their LUP to include the following additional components and activities to further assist in the annual re-supply of the Hackett River camp and Wishbone exploration project:

- Construction and operation of an ice airstrip at D'Arcy Lake including:
  - Use of Hercules aircraft at airstrip
  - Airstrip operation for up to sixty days between February 20 and May 31, 2010
- Construction and use of a winter road route (approximately 2 kilometres in length) between the D'Arcy Lake and the previously permitted winter road between Hackett River and George Lake camps (INAC LUP No. 2009F0015)

The proposed activities are to occur over the period of February through May 2010.

## 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](http://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 <sup>1</sup>
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
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Beluga Whale (Eastern High Arctic – Baffin Bay population)	Special Concern	Pending	DFO
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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

<sup>1</sup> 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 Act<sup>1</sup>, 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*<sup>2</sup>, it is illegal to alter or disturb any palaeontological site in Nunavut unless permission is first granted through the permitting process.

**Definitions**

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<sup>1</sup> s. 51(1)

<sup>2</sup> 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.