



Pitquhiliqiyikkut

Department of Culture, Language,
Elders and Youth

Ministère de la Culture, de la Langue,
des Aînés et de la Jeunesse

July 29, 2009

Richard Dwyer
Licensing Administrator
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0

**Re: Nunavut Water Board Licence 2BE-GOO0510 Assignment of License from Dundee Precious Metals Inc. to Sabina Silver Corporation
(Sabina Silver Corporation)**

Due Date: August 10, 2009

Dear Mr. Dwyer:

At your request, the Department of Culture, Language Elders and Youth (CLEY), Government of Nunavut, has reviewed the above-noted application. Our recommendations are limited to CLEY's mandate and follow.

The Department of Culture, Language Elders and Youth has no objection to the assignment of water licence 2BE-GEO0210 from Dundee Precious Metals to Sabina Silver Corporation assuming that Sabina Silver Corporation will comply with the attached conditions which specify plans and methods of site protection and restoration to be followed by the Sabina Silver Corporation if an archaeological site is encountered or disturbed in the course of the land use activity.

We recommend the applicant retain the services of a professional consulting archaeologist to conduct a preliminary heritage resource overview assessment of the project area. At this stage the overview assessment does not require field work. An assessment is required to assist the applicant with avoiding recorded and unrecorded heritage resources and project planning in relation to heritage resources. A copy of the assessment needs to be provided to CLEY.

Attached is a list of consultants with experience working in Nunavut who may be contacted to conduct an overview assessment. Other professional archaeological consultants may also be hired.

Sincerely,

original signed

Julie Ross
for Douglas Stenton
Director, Culture and Heritage
Department of Culture, Language, Elders and Youth



ARCHAEOLOGICAL AND PALAEOONTOLOGICAL 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]

Palaeontology

Under the Nunavut Act¹, the federal government can make regulations for the protection, care and preservation of palaeontological sites and specimens in Nunavut. Under the *Nunavut Archaeological and Palaeontological Sites Regulations*², it is illegal to alter or disturb any palaeontological site in Nunavut unless permission is first granted through the permitting process.

Definitions

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.

¹ s. 51(1)

² 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.

**Professional Archaeological Consultants known to be able to conduct Overview
Assessments in Nunavut**

Arctic Archaeology

Sylvie LeBlanc PhD
Arctic Archaeology
10035-114 St # 701
Edmonton, Alberta
T5K 1R6
780 482-7040
sylvieblanc@shaw.ca

FMA Heritage

Gloria J. Fedirchuk, Ph.D.
FMA Heritage
200, 1719 Tenth Avenue S.W.
Calgary, Alberta
T3C 0K1
Phone: (403) 806-1312
Fax: (403) 244-4701
E-mail:
Gloria.Fedirchuk@FMAHeritage.com

Golder Associates Ltd

www.golder.com
Brad Novecosky
Golder Associates Ltd.
1721 8th Street East,
Saskatoon, Saskatchewan,
S7H 0T4
Phone: (306) 665 7989
Fax: (306) 665 3342
Cell: (306) 222 5412
E-mail: Brad_Novecosky@golder.com

Brent Murphy
Golder Associates Ltd
102, 2535 - 3rd Avenue S.E.,
Calgary, Alberta,
T2A 7W5
Phone: (403) 299 5600
Fax: (403) 299 5606
Cell: (403) 828 2214
E-mail: Brent_Murphy@golder.com

**Northern Lights Heritage Services
Inc.**

Virginia Petch, Ph.D., RPA, CEP
Northern Lights Heritage Services Inc.
2739 Pembina Highway
Winnipeg, Manitoba
R3T 2H5
Phone: (204) 231-8190
E-mail:
vpetch@northernlightsheritageservices.ca
www.northernlightsheritageservices.ca

Points West Heritage Consulting Ltd.

Jean Bussey
Points West Heritage Consulting Ltd.
2595 - 204th Street
Langley, B.C.
V2Z 2B6
Phone: (604) 534-5054
Fax: (604) 534-6381
E-mail: pointswest@telus.net

Thomson Heritage Consultants

Callum Thomson and Jane Sproull
Thomson
12 Moodie Cove Road
RR2, Trenton, NS B0K 1X0
Phone: (902) 752-4633
E-mail: jmthomso@ucalgary.ca or
jmthomso@gmail.com (Callum)
E-mail: jsthomso@ucalgary.ca or
jsthomso@gmail.com (Jane)

Sandra Ratch
Thomson Heritage Consultants
5313 51 Ave
Wetaskiwin, AB T9A 0V7
Tel: (780) 352-3836
E-mail: snratch@telus.net