



## SCREENING DECISION REPORT NIRB FILE NO.: 08EA038

INAC No. N2006J0017  
KIA No. KVL306C23  
NWB No. 2BE-KAZ0609

May 16, 2008

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

Via email: [strahl.c@parl.gc.ca](mailto:strahl.c@parl.gc.ca)

**Re: Screening Decision for Pacific Ridge Exploration Ltd.'s Baker Lake Project Proposal,  
NIRB File No. 08EA038**

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Dear Honourable Chuck Strahl:

The primary objectives of the Nunavut Land Claims Agreement (NLCA) 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 the Nunavut Impact Review Board (NIRB or Board) 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 the following or similar project-specific terms and conditions be imposed upon the Proponent through all relevant legislation:

#### General

1. Pacific Ridge Explorations Ltd. (the Proponent) shall maintain a copy of the Nunavut Impact Review Board (NIRB) Recommended Project-Specific Terms and Conditions at the sites of operation at all times and shall ensure that all employees/contractors associated with the project are aware of the terms and conditions therein.
2. The Proponent shall forward copies of all permits obtained and required for this project to the NIRB prior to the commencement of the project.
3. The Proponent shall notify the NIRB of any changes in operating plans or conditions associated with this project prior to any such change.
4. The Proponent shall operate in accordance with all commitments stated in correspondence provided to the NIRB including:
  - a. NIRB Part 1 Form (April 3, 2008)
  - b. Nunavut Planning Commission (NPC) Application for Conformity with the Keewatin Regional Land Use Plan (March 31, 2008)
  - c. Nunavut Water Board (NWB) license amendment application (Feb. 14, 2008)
  - d. Correspondence to Indian and Northern Affairs Canada (INAC) (March 25, 2008)
5. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.
6. The Proponent shall submit a comprehensive annual report to the NIRB by January 31<sup>st</sup> of each year of permitted activities. A copy is to be provided to the Kivalliq Inuit Association (KIA), INAC; and the Government of Nunavut - Department of Environment (GN-DoE). The annual report must contain, but not be limited to, the following information:
  - a. A summary of activities undertaken for the year, including: a map showing the approximate location of drill sites; a description of local hires and initiatives; the number of take-offs & landings from an airstrip with approved flight path, date and location; the number of helicopter touch-downs on the land with date, location and reason.
  - b. A work plan for the following year, including any progressive reclamation work to be undertaken;
  - c. a Wildlife Monitoring and Mitigation Report;

- d. A discussion regarding the steps taken (including any baseline work conducted) by the Proponent to thoroughly identify, analyze and manage the environmental and cumulative effects from the project activities, particularly in respect to barren ground caribou;
- e. Any approvals given by Land Use Inspectors regarding Caribou Protection Measures;
- f. A description of the Proponent's consultation strategy and a summary of any community consultations undertaken, including issues and concerns, discussions and advice offered to the company, and follow-up actions required to resolve any concerns expressed about the project proposal;
- g. A summary of site-visits by Land Use Inspectors with results and follow-up actions;
- h. Site photos;
- i. Efforts made to achieve compliance with the *Canadian Wide Standards for Dioxins and Furans*, and the *Canadian Wide Standards for Mercury*; and
- j. A summary of how the Proponent has complied with the recommended terms and conditions contained within this NIRB Screening Decision Report, and the terms and conditions associated with all authorizations for the project proposal.

## **Wildlife**

- 7. The Proponent shall ensure that there is no damage to wildlife habitat in as a result of project activities.
- 8. The Proponent shall not harass wildlife. This includes persistently worrying or chasing animals, or disturbing large groups of animals. Deliberate feeding of any wildlife is absolutely prohibited. The Proponent and its employees and contractors shall not hunt or fish within the project area unless proper Nunavut authorizations have been acquired.
- 9. 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.
- 10. The Proponent shall submit a revised Wildlife Monitoring and Mitigation Plan (WMMP) to KIA, INAC, GN-DoE and NIRB prior to the commencement of project operations. This plan must include, but not be limited to the following:
  - a. A list of all terms and conditions from project authorizations related to the protection of wildlife and wildlife habitat including those contained within the NIRB Screening Decision Report;
  - b. A description of any predicted impacts to wildlife and wildlife habitat from project activities, including Species at Risk, and proposed measures to mitigate any adverse predicted impacts;
  - c. Proposed adaptive mitigation and management strategies, including thresholds that will be used to determine the necessity for implementation of these strategies. A protocol for initiating shut down of all exploration and camp activities during periods of caribou migration or presence through/in the project area must be included as part of an adaptive management strategy;
  - d. Proposed monitoring procedures, including: locations where monitoring will occur; frequency and duration of monitoring efforts; recording and reporting protocols to be used; protocols for implementation of adaptive mitigation and management strategies and; incorporation of traditional knowledge into monitoring procedures;
  - e. Procedures to reduce the potential for human-carnivore conflict, including but not limited to proper food handling, storage, garbage disposal and training for staff in human – bear/wolf/fox/wolverine encounter and avoidance plans. If the proponent experiences any interactions with carnivores they are advised to contact the local conservation officer;
  - f. Any subsequent direction provided by the GN-DoE;
  - g. Procedures for evaluating and monitoring the effectiveness of mitigation measures;
  - h. A description of how the procedures and protocols contained within the WMMP will be communicated to on-site personnel and any contractors/pilots associated with the project; and
  - i. A daily record or log containing results from monitoring activities including:

- Location (i.e. latitude and longitude);
  - Species;
  - Number of animals;
  - Description of the gender and age (young present?) of animals if possible;
  - Description of the animal activity/behaviour prior to encounter and the response to human presence;
  - Observations and locations of denning, calving areas, caribou crossings, raptor nests and other ;
  - Timing of critical life history events observed such calving, mating, denning, nesting;
  - All actions / mitigation taken to reduce adverse impacts to wildlife; and
  - An analysis of the effectiveness of mitigation measures or adaptive management strategies implemented.
11. The Proponent shall submit a Wildlife Monitoring and Mitigation Report to the NIRB which summarizes the efforts undertaken as part of the WMMP, the effectiveness of those efforts, and any proposed changes to the WMMP for the following field season. Data resulting from monitoring activities should also be summarized and presented, with daily records available for review upon request. This report is to be included as part of the Proponent's annual reporting requirements.
  12. The Proponent shall employ an independent caribou monitor (preferably from the Baker Lake area) to conduct daily ground-based surveys to help assess when caribou are within or moving towards the project area. If daily monitoring indicates caribou presence within 2 km of project activities, the Proponent shall cease drilling operations, blasting, airborne geophysical surveys and the operation of ground, air or water based mobile equipment until caribou are at least 2 km from the project activity location. Efforts undertaken by the independent caribou monitor are to be summarized and included within the Wildlife Mitigation and Monitoring Report.
  13. Prior to significant operational movements (i.e. drilling, moving drill rigs, conducting airborne geophysical surveys etc.), the Proponent shall undertake high altitude aerial reconnaissance (minimum altitude of 610 m) or an equivalent observation technique with the assistance of an independent caribou monitor to determine whether any migrating caribou, caribou cows (pre-calving), caribou cows and calves or large herds (> 25 animals) are present within a 20 km radius of the project area. If caribou are observed, the Proponent must suspend or relocate any exploration activities; drilling, blasting, over flights by aircraft of less than 610 m above ground level, airborne geophysical surveys, movement of equipment and personnel and the use of snowmobiles, snowcat and all terrain vehicles, until monitoring indicates the caribou are at least 10 km from the project area.
  14. The Proponent shall not block or cause any diversion to caribou migration, and shall cease activities likely to interfere with migration such as airborne geophysics surveys, drilling or movement of equipment or personnel until such time as the caribou have passed.
  15. The Proponent shall not construct or operate any camp, cache any fuel or conduct blasting within 10 km, or conduct any drilling operation within 5 km, of any designated caribou crossing.
  16. 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. In areas where there are observed nesting raptors or large concentrations of birds, flight level is to be restricted to 1,000 meters vertical distance and 1,500 meters horizontal distance from the birds. It is recommended aircraft avoid critical and sensitive wildlife areas at all times by choosing

alternate flight corridors. The Proponent shall advise all pilots of these restrictions and enforce their application over the project area and flight paths to/from the project area.

17. The Proponent shall not disturb nesting raptors and should treat all nest sites with equal precaution, regardless of the response of the bird. It is especially important not to disturb raptor nests during conditions of poor weather (rain, snow or high winds), and nesting (late May through July).
18. The Proponent shall avoid any and all activity within 100 m of a raptor nest site during the latter part of the nesting stage (August 10-20 for peregrine falcons in this region).
19. The Proponent shall ensure that all drill targets avoid known environmentally sensitive areas (denning, nesting etc.) by a minimum of 250 metres.
20. The Proponent and all employees should follow procedures outlined in the "Safety in Bear Country Manual", and should contact the regional biologist indicated below for information and advice on measures which should be taken to minimize the possibility of bear-people conflicts.
  - Ecosystems Biologist (Environmental Assessment)
    - Hillary Robinson (867) 934-2176, [hrobinson@nunavutwildlife.ca](mailto:hrobinson@nunavutwildlife.ca)
  - GN-DOE Manager, Wildlife
    - Dan Shewchuck, (867) 857-2828, [dshechuck@gov.nu.ca](mailto:dshechuck@gov.nu.ca)
  - Biologist, Kivalliq Region
    - Mitch Campbell, (867) 857-2828, [mcampbell@gov.nu.ca](mailto:mcampbell@gov.nu.ca)

#### **Drill Sites**

21. The Proponent shall not conduct any land based drilling or mechanized clearing within thirty-one (31) metres of the normal high water mark of a water body.
22. If drilling on lake ice, the Proponent shall ensure that any return water is non-toxic, and will not result in an increase in total suspended solids in the immediate receiving waters above the Canadian Council of Ministers for the Environment (CCME) Guidelines for the Protection of Freshwater Aquatic Life (i.e. 10 mg/L for lakes with background levels under 100 mg/L, or 10% for those above 100 mg/L).
23. The Proponent shall ensure that drill muds and additives are not used in connection with holes drilled through lake ice unless they are re-circulated or contained such that they do not enter the water, or demonstrated to be non-toxic.
24. The Proponent shall ensure that all drill cuttings are removed from ice surfaces (if applicable).
25. The Proponent shall ensure that any drill cuttings and waste water that cannot be re-circulated be disposed of in a properly constructed sump or an appropriate natural depression that does not drain into a waterbody. The use of biodegradable, salt free drill additives is encouraged over non-biodegradable types. The sump shall be backfilled upon completion of the hole.
26. The Proponent shall ensure that the sump/depression capacity is sufficient to accommodate the volume of waste water and any fines that are produced so that there will be no additional impacts.
27. The Proponent shall not locate any sump within thirty-one (31) metres of the normal high water mark of any water body. Sumps and areas designated for waste disposal shall be sufficiently bermed or otherwise contained to ensure that substances do not enter a waterway unless otherwise authorized.

The Proponent shall backfill and recontour all sumps to match the natural environment prior to the expiry date of the license.

28. The Proponent shall ensure that disturbance of vegetation from deposit of drill fluids/cuttings is restricted to the area of the sump and the ground prepared for revegetation upon abandonment.

#### **Drilling and Disposal of Related Radioactive Substances**

29. 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.
30. 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 10 metres above and below each mineralization zone.
31. Following backfilling, a radiometric survey must be conducted. When material is found to exceed background radiation levels, then the appropriate regulator must be contacted for review and approval of handling procedures.
32. The Proponent shall ensure that core storage sheds/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. When core is found to exceed the levels identified, then the appropriate regulator must be contacted for review and approval of the handling procedures.
33. The Proponent shall ensure that if artesian flow is encountered, the drill holes are immediately plugged and permanently sealed.
34. Instruments that measure radiation counts per second must be converted to µs according to the specifications of that instrument.
35. The Proponent shall ensure drill areas are kept to a minimum and constructed to minimize the environmental footprint of the project area.

#### **Water**

36. The Proponent shall ensure that all water intake hoses are equipped with a screen with an appropriate mesh size to ensure that there is no entrapment of fish; that the rate of water withdrawal is such that no fish become impinged on the screen; the fish guard or screen is properly maintained; and that during fish guard or screen repair, the entrance of the water intake is closed.
37. The Proponent shall only use the specified volume of water from sources approved by the Nunavut Water Board.

### **Fuel and Chemical Storage / Spill Contingency**

38. The Proponent shall report all spills of fuel, or other deleterious materials immediately to the 24 hour Spill Line at (867) 920-8130.
39. The Proponent shall inspect and document the condition of all large fuel caches (in excess of 20 drums) on a weekly basis. The Proponent shall examine all fuel and chemical storage containers immediately upon delivery for leaks. All containers must be marked with the Proponent's name. All leaks should be repaired immediately.
40. The Proponent shall use secondary containment or a surface liner (drip pans, fold-a-tanks, etc) at all refueling stations.
41. The Proponent shall ensure that appropriate spill kits are located at every fuel cache and drill site and that drilling staff are trained to respond in the event of a spill. A supply of spill kits, shovels, barrels, sorbents, and pumps should be maintained on-site at the camp, the main fuel cache, and at drill sites.
42. The Proponent shall remove and treat hydrocarbon contaminated soils on site or transport them to an approved disposal site.
43. The Proponent shall utilize the revised spill reporting form in case of spills, and any spill reporting is to be recorded electronically. This revised spill form, with instructions, can be obtained from the Spill Line (867) 920-8130 or at (<http://www.gov.nu.ca/env/>)
44. Chemicals containing salts, which may attract wildlife to the site, should be stored so that they are inaccessible to wildlife.
45. The Proponent shall ensure that fuel storage containers are not located below, or within thirty (30) metres of the ordinary high water mark of any body of water. Further, self supporting insta-berms shall be used when storing barrel fuel on location, rather than relying on natural depressions.
46. The Proponent shall take all reasonable precautions to prevent the possibility of migration of spilled petroleum fuel or chemicals over the ground surface. Fuel storage containers in excess of 4,000 litres capacity shall either be double-walled, self-bermed construction, or diked with adequate emergency storage capacity. An impermeable liner shall be used to ensure that no fuel escapes.
47. 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.

### **Waste Management**

48. The Proponent shall incinerate all combustible and food wastes daily and shall store the ash in such a way that it is inaccessible to wildlife at all times.
49. The Proponent shall apply appropriate technologies to ensure the complete combustion of wastes. The use of a dual chamber, forced-air incinerator is recommended. In addition, the Proponent is encouraged to implement a comprehensive waste management strategy (especially waste segregation) to reduce and control the volumes of waste produced, transported and disposed of. Details of this strategy should be included as part of the Proponent's annual reporting requirements.
50. The Proponent shall ensure that the disposal of combustible camp wastes comply with the *Canadian Wide Standards for Dioxins and Furans*, and the *Canadian Wide Standards for Mercury*. Waste wood

treated with preservatives such as creosote, pentachlorophenol or heavy metal solution should not be burned. Additionally plastics, electrical wire, asbestos and building demolition wastes (except clean wood) are wastes likely to produce dioxins and furans and should be excluded from incineration.

51. The Proponent shall not burn or incinerate hazardous wastes and shall ensure that all hazardous material is managed, removed from site and disposed in accordance with the *Environmental Protection Act (EPA)* and the Nunavut Hazardous Waste Disposal Manual.
52. The Proponent shall ensure that no waste oil will be incinerated on site. All waste oil must be transported off site and disposed of at an approved facility. A waste manifest must accompany the shipment of all waste oil and the proponent must register with the GN-DoE. Contact Robert Eno at [reno@gov.nu.ca](mailto:reno@gov.nu.ca) or (867) 975-7748 to obtain a manifest if hazardous waste is generated during project activities.

### **Physical Environmental**

53. 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.
54. The Proponent should conduct progressive reclamation of the site as practicable. Furthermore, upon abandonment of the project activities, the Proponent shall conduct final inspections of the entire site with the lead authorizing agency to ensure that all areas of the site have been reclaimed as much as possible to pre-exploration conditions. Soil samples and pictures before and after project activities would aid both the Proponent and leading agencies involved in determining the areas of concern.
55. The Proponent shall not disturb any archaeological or palaeontological site.
56. The Proponent shall immediately contact the Government of Nunavut Department of Culture, Language, Elders and Youths (CLEY) if any archaeological or palaeontological site is encountered or disturbed.
57. The Proponent shall not conduct any activities within the Fall Caribou Crossing National Historic Site and shall maintain a 1 km distance from the site at all times.
58. The Proponent shall not conduct any project activities within one (1) km of the Kazan River.

### **Other Recommendations**

59. The NIRB would like to encourage the Proponent to hire local people and services, to the greatest extent possible.
60. The NIRB strongly advises the Proponent to consult with local residents including the Baker Lake Elders, Youth, and Hunters and Trappers, regarding their activities in the region, and to keep the communities informed regarding project activities near the community of Baker Lake.
61. 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

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

Due to the sensitivities and importance of the proximity of the project proposal to the Kazan Heritage River and the fact that the Proponent will be operating within a special management area/caribou protection area, mitigating impacts to designated caribou management areas, caribou crossings and traditional calving grounds of the Qamanirjuaq caribou herd is of particular importance. Therefore, it is recommended that:

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

- As an overriding consideration, the Kivalliq Inuit Association and Indian and Northern Affairs Canada (the Agencies) impose strict mitigation measures, conditions and monitoring requirements pursuant to the land use permit, which require Pacific Ridge Exploration Ltd. (the Proponent) to respect the sensitivities and importance of the area. These mitigation measures, conditions and monitoring requirements should be in regard to:
  - a. location and area;
  - b. time;
  - c. campsites;
  - d. equipment;
  - e. methods and techniques;
  - f. use, storage, handling and disposal of chemical or toxic material;
  - g. wildlife and fisheries habitat;
  - h. objects and places of recreational, scenic and ecological value; and
  - i. petroleum fuel storage
- That the Agencies recognize that the project is located in an area which has been identified by the Beverly Qamanirjuaq Caribou Management Board (BQCMB) as a caribou calving and post-calving area for the Qamanirjuaq herd. The Agencies are asked to ensure that the project is required to operate in a manner consistent with the intent of protecting the calving grounds of the Qamanirjuaq herd.
- That the term of the permitted activities associated with this project proposal be subject to any findings, direction or advice received by the Agencies from the GN-DoE as a result of improved knowledge of the caribou herd population trends and potential impact of the exploration activities.
- That the Agencies recognize that any activity related to this application outside the original project scope should be considered a new project and submitted to NIRB for screening. In addition, NIRB would like to recommend to the Agencies that any renewal requests for the project proposal should be forwarded to NIRB for assessment in accordance with 12.4.3 of the Nunavut Land Claims Agreement.
- The Agencies must consider the importance of conducting regular Land Use Inspections, while the project is in operation. The Land Use Inspections should be focused on ensuring the Proponent is in compliance with the NIRB terms and conditions and the conditions imposed through the Land Use Permits.

- The Agencies consider enforcing DIAND Caribou Protection Measures for this project, owing to the location of the project adjacent to with the defined Caribou Protection Area and within calving and post-calving areas identified by the BQCMB.

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

- The Government of Nunavut – Department of Environment (GN-DoE) Conservation Officers should coordinate with INAC and KIA to conduct random inspections of the project location during the months of April, May, June and August to ensure the Proponent is in compliance with the NIRB terms and conditions related to wildlife protection.
- The GN-DoE should assist the Proponent with the developing their Wildlife Monitoring and Mitigation Plan, including:
  - The development of criteria by which the cessation of all activities is required due to the sustained presence of the caribou
  - Recommended mitigation measures the Proponent should follow when large groups (> than 25) of caribou or significant numbers (>5) of Species at Risk are present within the project site
  - Survey and recording protocols
- The GN-DoE should assist the Proponent, as best possible, with the identification of an appropriate individual to conduct caribou monitoring.
- The GN-DoE should conduct on-going review of wildlife monitoring results submitted from the Proponent as required by the Wildlife Monitoring and Mitigation Plan. Following submission of the required annual report by the proponent, the GN-DoE should report to NIRB, INAC and the KIA its findings regarding the possible impact of the project on the Beverly caribou herd.
- The GN-DoE should continue to conduct population surveys in 2008 and future years to obtain information on the status and health of the Qamanirjuaq herd that can be used towards future impact assessment.

General

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).

**Regulatory Requirements**

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

1. The Proponent shall ensure compliance with the *Fisheries Act* (<http://laws.justice.gc.ca/en/showtdm/cs/F-14///en>). Section 35(1) of the *Fisheries Act* specifies that unless authorized by federal regulation, no person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat. Section 36(3) of the *Fisheries Act* specifies that unless authorized by federal regulation, no person shall deposit or permit the deposit of a deleterious substance in any type in water frequented by fish or in any place under any conditions where the deleterious substance may enter such a water body.

2. The Proponent shall ensure compliance with the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* which states that “no person shall use, or permit the use of, waters in Nunavut except in accordance with the conditions of a licence,” and “no person shall deposit or permit the deposit of waste (a) in waters in Nunavut; or (b) in any other place in Nunavut under conditions in which the waste, or any other waste that results from the deposit of that waste, may enter waters in Nunavut” (<http://www.canlii.org/ca/sta/n-28.8/whole.html>).
3. The *Migratory Birds Convention Act* and *Migratory Birds Regulations* which state that no person disturb or destroy the nests or eggs of migratory birds, and that no person shall deposit or permit to be deposited oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds (<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. The Proponent should consult the Species at Risk Public Registry (<http://www.sararegistry.gc.ca/>) to identify any Species at Risk within the project location. Further, the Proponent shall develop monitoring plans for each relevant Species at Risk in accordance with any applicable status reports, recovery strategies, action plans, and management plans posted on the Species at Risk Public Registry and in consultation with the Government Organization with Primary Management Responsibility. Monitoring plans should record the locations and frequency of observing species of special concern and note any actions taken to avoid contact or cause disturbance to the species, its residence, or its critical habitat.
5. The *Nunavut Act* (<http://laws.justice.gc.ca/en/showtdm/cs/N-28.6>) which requires that no person alter or disturb any archaeological or palaeontological sites in Nunavut unless permission is first granted through the permitting process. If any archaeological or palaeontological sites are found they should remain undisturbed and their location should be reported to the Government of Nunavut Department of Culture, Language, Elders and Youth. The Proponent must comply with the proposed terms and conditions listed in the attached **Appendix C**.
6. The *Transportation of Dangerous Goods Regulations*, *Transportation of Dangerous Goods Act* (<http://www.tc.gc.ca/tdg/menu.htm>), and the *Environmental Protection Act* (<http://laws.justice.gc.ca/en/C-15.31/text.html>) which present the requirements for the handling, storing, managing and transportation of dangerous goods, including hazardous wastes, fuel and contaminated material. The Proponent must ensure that proper shipping documents accompany all movements of dangerous goods. The Proponent must register with GN-DOE by contacting Robert Eno at 867-975-7748 or [reno@gov.nu.ca](mailto:reno@gov.nu.ca).
7. The *Nunavut Wildlife Act* contains provisions to protect and conserve wildlife and wildlife habitat, including specific protection measures for wildlife habitat and species at risk.

The Proponent is also advised that all releases of harmful substances are immediately reportable where the release:

- a. is near or into a water body;
- b. is near or into a designated sensitive environment or sensitive wildlife habitat;
- c. poses an imminent threat to human health or safety; or
- d. poses an imminent threat to a listed species at risk or its critical habitat

### **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 \_\_\_\_May 16, 2008\_\_\_\_ at Sanikiluaq, NU.



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Lucassie Arragutainaq, A/Chair



## **Appendix A**

### **Procedural History and Project Activities**

#### ***Procedural History***

On March 31, 2008 the Nunavut Impact Review Board (NIRB or Board) received a Land Use Permit extension request for Pacific Ridge Exploration Ltd.'s "Baker Lake Project" from Indian and Northern Affairs Canada (INAC). On April 1, 2008 the NIRB received a positive conformity determination (Keewatin Regional Land Use Plan) from the Nunavut Planning Commission for the proposed project. NIRB has assigned this project proposal file number **08EA038**.

This application was distributed to the community of Baker Lake, interested Federal and Territorial Agencies, and Inuit Organizations. NIRB requested that interested Parties review the application and provide NIRB with comments by April 28, 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 April 28, 2008 NIRB received comments from the following interested Parties (see Comments and Concerns):

- Government of Nunavut – Department of Environment (GN-DoE)
- Beverly Qamanirjuaq Caribou Management Board (BQCMB)
- Environment Canada (EC)

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 in the Kivalliq Region, near the community of Baker Lake. The original project proposal was screened in 2006 in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On August 17, 2006 the NIRB issued a 12.4.4(a) screening decision to INAC allowing the proposed project to proceed subject to specific recommended terms and conditions.

In addition to extending the timeframe of the previously-permitted project activities, the extension request proposes to amend several project activities. The amended project activities would include:

- Increase in permit timeframe to September 30, 2009 (currently scheduled to expire August 17, 2008)
- Total estimated metreage to be drilled of approximately 8000 m
- Addition of a second drill rig
- Increase in number of workers from 15 to 20
- Establishment of a campsite with 15 tents and facilities to support 2 drill rigs
- Increased water usage to total 115 cubic metres for drills and campsite
- Use of 3 drill zones including both previously drilled and new areas

## 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.

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Updated: January 3, 2007

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 <sup>2</sup>	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 <sup>3</sup>	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	Special Concern	Pending	DFO

(Eastern High Arctic – Baffin Bay population)			
Bowhead Whale (Hudson Bay-Foxe Basin population)	Threatened <sup>4</sup>	Pending	DFO
Bowhead Whale (Davis Strait-Baffin Bay population)	Threatened <sup>4</sup>	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 <sup>3</sup>	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 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

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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 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.