



SCREENING DECISION REPORT NIRB FILE NO.: 08EN014

NIRB File No.: 08EN014
INAC File No: N2008C008

April 3rd, 2008

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

Joe Otokiak
President
Kitikmeot Inuit Association
Cambridge Bay, NU

Via email: Strahl.C@parl.gc.ca

Via email: jotokiak@qiniq.com

Re: Screening Decision for 5050 Nunavut Ltd. - McGregor Lake Campsite and Mineral Exploration Project Proposal

Dear Honourable Chuck Strahl and President Joe Otokiak:

The primary objectives of the Nunavut Land Claims Agreement are set out in section 12.2.5 of the Land Claims Agreement. This section reads:

In carrying out its functions, the primary objectives of 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 Nunavut Land Claim Agreement (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. 5050 Nunavut Limited (the Proponent) shall operate in accordance with all commitments stated in all documentation provided to Nunavut Impact Review Board (NIRB or Board) namely:
 - NIRB Part 2 Form - Project Specific Information Requirements (2008)
 - Indian and Northern Affairs Canada Application for Land Use Permit (February 2008)
 - 5050 Nunavut Ltd's – Detailed Project Description (2008)
 - 5050 Nunavut Ltd's - Abandonment and Restoration Plan (2008)
 - 5050 Nunavut Ltd's – Spill Contingency Plan (2008)
2. The Proponent shall maintain a copy of the Screening Decision issued by the NIRB at the site of operation at all times.
3. The Proponent shall forward copies of all permits required for this project to the NIRB prior to the commencement of the project.
4. The NIRB shall be notified of any changes in operating plans or conditions associated with this project prior to any such change.
5. The Proponent shall operate the project in accordance with all applicable Acts, Regulations and Guidelines.
6. The Proponent shall submit, to NIRB, a comprehensive annual report by January 31st of each year. A copy is to be provided to INAC, Lands Department, Iqaluit and the Kitikmeot Inuit Association. Annual reports shall be provided until the project has been completed. The report must contain, but not be limited to, the following information:
 - a. A summary of activities undertaken for the year, including local hires and initiatives;
 - b. A work plan for the following year, including any progressive reclamation work to be undertaken;
 - c. A record and maps of wildlife observation and critical habitats 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 their response to human presence);
 - Observations and locations of denning, calving areas, caribou crossings, raptor nests;
 - Timing of critical life history events observed such calving, mating, denning, nesting;
 - All potential impacts to wildlife from project;
 - All actions / mitigation taken;
 - An analysis of the effectiveness of mitigation measures for wildlife; and

- Any anticipated changes to mitigation measures and to wildlife monitoring plans
- 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;
- e. A discussion regarding the effects to human health from uranium exploration activities;
- f. A summary of 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. Site photos;
- h. Efforts made to achieve compliance with the *Canadian Wide Standards for Dioxins and Furans*, and the *Canadian Wide Standards for Mercury*; and
- i. A summary of how the Proponent has complied with NIRB conditions contained within this Screening Decision, and the conditions associated with all authorizations for the project proposal.

Wildlife

7. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation. Deliberate feeding of any wildlife is absolutely prohibited.
8. The Proponent shall restrict aircraft/helicopter activity related to the project to a minimum altitude of 610m above ground level unless there is a specific requirement for low-level flying, which does not disturb wildlife.
9. The Proponent shall ensure that aircraft/helicopters do not, unless for emergency, touch-down in areas where wildlife are present.
10. During the period of May 15 to July 15 if caribou are observed calving in the area, the proponent should suspend all operations, particularly drilling, blasting, overflights by aircraft of less than 610m above ground, and the use of snowmobiles and ATV's (All terrain vehicles) outside the immediate vicinity of camp.
11. During migration of caribou, 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 or movement of equipment or personnel until such time as the caribou have passed.
12. The Proponent shall not between May 15 and September 01 construct any camp, cache any fuel, conduct blasting or drilling operations, operate ground, air or water based mobile equipment, including geophysics surveys, if caribou are observed within ten (10) km of any caribou crossing.
13. The proponent shall monitor for wildlife presence near their operations and if monitoring indicates caribou presence within two (2) km of project activities, the Proponent shall cease project activities until caribou are at least two (2) km from the project activity location.
14. The Proponent shall avoid raptor nesting sites and concentrations of nesting or molting waterfowl by aircraft/helicopter at all times.
15. The Proponent shall ensure that aircraft maintain a vertical distance of 1000 meters and a horizontal distance of 1500 meters from any observed groups (colonies) of migratory birds.
16. The Proponent shall ensure that there will be no disturbance of nesting raptors from April 15 to September 1 by staying at least 1.5 km away from them when in transit by aircraft, and avoiding approaching nests closely while on foot.
17. The proponent take extra precautions to avoid all disturbances to nests during the early part of the nesting cycle (avoid nests from late May through to mid July).
18. The Proponent shall 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).

19. 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).
20. The Proponent shall avoid concentrations of nesting or molting waterfowl by aircraft/helicopter at all times.
21. The Proponent is advised that the operation is in an area where carnivores such as foxes, wolves, wolverine and bears may be encountered and could result in injury or death to either the animal or humans. Therefore all possible efforts to avoid human-wildlife encounters must be made, including proper food handling, storage and garbage disposal procedures. Additionally all staff should be fully aware and trained 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.
22. 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 advise on measures which should be taken to minimize the possibility of bear-people conflicts.

DOE Wildlife Contacts

- Ecosystem Biologist (Environmental Assessment)
 - Hillary Robinson (867) 934-2176 hrobinson@nunavutwildlife.ca
- Manager, Wildlife
 - Shane Sather (867) 983-4167 ssather@gov.nu.ca
- Conservation Officer – Kitikmeot Region
 - Allen Niptanatiak (867) 982-7451 kugwildlife2@qiniq.com
- Regional Biologist
 - Mathieu Dumond (867) 982-7444 mdumond@gov.nu.ca

Waste Disposal and Air Quality

23. 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.
24. 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.
25. 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*. Wastewood 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.
26. The Proponent shall not burn or incinerate hazardous wastes.
27. The Proponent 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.

Fuel Storage / Spill Contingency Plan

28. The proponent is required to locate all fuel and other hazardous materials a minimum of thirty (30) metres away from the high water mark of any water body and in such a manner as to prevent their release into the environment.
29. The proponent is required to ensure the main fuel cache at camp is placed within an Insta-berm.
30. The proponent is required to use secondary containment or a surface liner (drip pans, fold-a-tanks, etc) at all refueling spots.
31. The Proponent shall ensure that appropriate spill kits are located at every fuel cache and drill site and that the drilling staff trained to respond in the event of a spill.
32. The Proponent is required to utilize the revised spill reporting form in case of spills, and any spill reporting is to be recorded electronically. The revised spill form, with instructions, can be obtained from the Spill Line at (867) 920-8130 or at (<http://www.gov.nu.ca/env/>).
33. The Proponent should update their Spill Contingency Plan to include a more thorough description of the training provided to employees with regards to spill response and clean up.

Drilling / Drilling Holes disposal

34. The *Canadian Environmental Protection Act* lists CaCl as a toxic substance. The Proponent shall therefore ensure that if CaCl is used as a drill additive, all sumps containing CaCl are properly constructed and located in such a manner to ensure that the contents will not enter any water body.
35. Land based drilling should not occur within 30 m of the high water mark of any water body. Drilling wastes from land based drilling shall be disposed of properly such that the contents do not enter any water body
36. Drilling additives or mud shall not be 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 are demonstrated to be non-toxic.
37. Drill holes that encounter uranium mineralization with a content greater than 1.0% over a length of more than 1 meter with a meter-percent concentration greater than 5% should be sealed by cementing over the entire mineralization zone; this should be at least 10 meters above and below each mineralization zone.
38. Drill cuttings with a uranium concentration of greater than 0.05% should be disposed of down the drill hole and sealed.
39. The Proponent shall ensure that core storage shacks/tents are well ventilated and remain open when employees or contractors are working within. Core storage areas should be located at least 100 metres from the high water mark of all water bodies. Gamma radiation levels of a long-term core storage area should not be greater than 1.0 μSv , and should never exceed 2.5 μSv . Instruments that measure radiation in counts per second should be converted to μS .
40. The proponent is advised that if artesian flow is encountered, the drill holes be immediately plugged and permanently sealed.
41. The proponent shall not store materials on the surface ice of lakes or streams, except that which is for immediate use.
42. Drill areas should be kept to a minimum and constructed to facilitate minimizing the environmental footprint of the project area. It also should be kept orderly and any garbage is to be removed daily from the area to an approved disposal site.

Physical Environment

43. 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.

Abandonment and Restoration

44. The Proponent shall remove and treat hydrocarbon contaminated soils on site or transport them to an approved disposal site.
45. 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 its previous pre-exploration conditions. Soil samples and pictures before and after project would make this process easy on the proponent and leading agencies involved in determining the areas of concern.

Others

46. The Proponent should be aware of the law regarding disturbance of archaeological and palaeontological sites and the removal of surface artifacts found. If a site is found it should remain undisturbed and its location reported to the Government of Nunavut Department of Culture, Language, Elders and Youth.
47. The Proponent shall adhere to conditions stated in attached **Appendix C Archaeological and Palaeontological Resources – Terms and Conditions for Land Use Permit Holders**.
48. The proponent shall consult with community residents of the Kitikmeot Region, conduct regular information meetings to ensure that residents are kept aware of the activities and progress of the project and its phases.

Other NIRB Concerns and Recommendations

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

Indian and Northern Affairs Canada (INAC)

- INAC impose strict mitigation measures, conditions and monitoring requirements, pursuant to the Federal Land Use Permit, which require 5050 Nunavut Limited to respect the ecosystem in the project area. These mitigation measures, conditions and monitoring requirements should be in regard to:
 - Wildlife and fisheries habitat protection.
 - Routings, timing and locations of airborne geophysics.
 - Use, Storage, Handling and Disposal of Chemical or Toxic Material.
 - Petroleum Fuel Storage.
 - Matters Not Consistent with the Regulations.
- 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 is also 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>) which has orders and regulations for the protection of fish, fish habitat and pollution prevention measures. For example according to the *Fisheries Act*, Section 36(3), the deposition of deleterious substances of any type in water frequented by fish, or in any other place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water is prohibited.
2. The Proponent shall ensure compliance with the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (<http://www.canlii.org/ca/sta/n-28.8/whole.html>) which permits the use of waters in Nunavut in accordance with the conditions of a licence, and has such regulations as “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”
3. The *Migratory Birds Convention Act* and *Migratory Birds Regulations* which requires 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 Wildlife Act* 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>) 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.
7. The *Aeronautics Act* <http://www.tc.gc.ca/CivilAviation/Regserv/Affairs/cars/Part3/Subpart1.htm> Transport Canada’s Aviation Branch administers and supports the regulatory requirements under the Aeronautics Act. This legislation is concerned with the regulation and supervision of aeronautic matters such as aerodrome certification, pilots, aircraft, operations and safety. The Canadian Aviation Regulations are a component of the Aeronautics Act, which compile regulatory requirements to enhance safety within the Canadian aviation industry. Construction and operation of airstrips may require certification to Transport Canada requirements and standards based upon their classification.

8. The *Navigable Waters Protection Act (NWPA)* <http://www.tc.gc.ca/marinesafety/oep/nwpp/menu.htm>
All proponents must deal with the Navigable Waters Protection Program for any work(s) to be built or placed in, on, over, under, through, or across any navigable water. The proponent will need to submit formal applications to the NWPP in order to obtain NWPP's approval, promulgation, or exemption for each specific work. The proponent shall also inform the NWPP of any design, construction, or operational changes accordingly. If the proponent is uncertain of the NWPP's requirements as they pertain to an application for specific work, please refer to the NWPP Internet site or contact the NWPP office.
8. The *Transportation of Dangerous Goods Regulations, Transportation of Dangerous Goods Act* (<http://www.tc.gc.ca/tdg/menu.htm>), and the *Environmental Protection Act* (<http://laws.justice.gc.ca/en/C-15.31/text.html>) 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.

The Proponent will also be advised that:

1. 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 ____April 3rd, 2008____ at Sanikiluaq, NU.



Lucassie Arragutainaq, A/Chair

Appendix A

Procedural History and Project Activities

Procedural History

On February 18, 2008 the Nunavut Impact Review Board (NIRB or Board) received 5050 Nunavut Limited's (5050 Nunavut) application for the 2008 McGregor Lake Campsite and Mineral Exploration project proposal from Indian and Northern Affairs Canada (INAC) for activities on Crown Land. On March 11, 2008 NIRB requested an extension from INAC Minister Chuck Strahl to screen this project proposal.

5050 Nunavut has also applied for a renewal to their KIA Land Use License: KTL306C0126, and their Water license 2BE-MCG0608. The project components and activities on Inuit Owned Land were previously screened by NIRB (NIRB File #06EN055). NIRB has also recently screened a winter trail application associated with this project (NIRB File #07RN072).

This application was distributed to the community of Kugluktuk and to interested Federal and Territorial Agencies. NIRB requested that interested Parties review the application and provide NIRB with comments by March 17, 2008 regarding:

- Whether the project proposal is likely to arouse significant public concern; and if so, why;
- Whether the project proposal is likely to cause significant adverse eco-systemic and socio-economic effects; and if so, why;
- Whether the project is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (please provide any recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

On or before March 17, 2008, NIRB received comments from the following interested Parties (see Comments and Concerns):

- Kitikmeot Inuit Association
- Environment Canada
- Transport Canada
- Government of Nunavut Department of Environment (GN-DOE)

All comments provided to NIRB regarding this project proposal can be viewed on NIRB's ftp-site, at the following location: ftp://ftp.nunavut.ca/nirb/NIRB_SCREENINGS/COMPLETED_SCREENINGS/

Project Activities

The project is located on Crown and Inuit Owned Land near McGregor Lake in the Kitikmeot Region of Nunavut. Kugluktuk is the nearest community approximately 100km from the project area. The proponent will be using an existing camp to support staking, prospecting, exploration (geophysical ground and air) and drilling activities associated with their Mackenzie Igneous Event (MIE) and Bear Valley Uranium exploration projects in the area. The minerals under exploration include copper, nickel, platinum, palladium and uranium. The camp will be operational from February to October, and will be shut down from November to February. An ice airstrip will be constructed immediately west of the McGregor Lake Campsite for use during the winter months. In summer no airstrip will be used as they intend to use floatplanes.

The proposed major activities for the program involve the following components:

- Camp use for 25-30 people and minor construction (new core shack, additional sleeping units)

- Ice Airstrip (1 mile long by 300feet wide)
- Staking and Prospecting
- 10,000m exploratory drill program (approx. 40 boreholes)
- Transportation (helicopter, fixed wing, snowmobiles)
- Water Use
- Fuel transport and storage
- Geophysical surveys (ground and airborne)
- Storage of Products, Chemicals and Hazardous Materials, and
- Production of associated waste.

Appendix B

SPECIES AT RISK IN NUNAVUT

This list includes species listed on one of the Schedules of SARA (*Species at Risk Act*) and under consideration for listing on Schedule 1 of SARA. These species have been designated as at risk by COSEWIC (Committee on the Status of Endangered Wildlife in Canada). This list may not include all species identified as at risk by the Territorial Government.

- Schedule 1 is the official legal list of Species at Risk for SARA. SARA applies to all species on Schedule 1. The term “listed” species refers to species on Schedule 1.
- Schedule 2 and 3 of SARA identify species that were designated at risk by the COSEWIC prior to October 1999 and must be reassessed using revised criteria before they can be considered for addition to Schedule 1.
- Some species identified at risk by COSEWIC are “pending” addition to Schedule 1 of SARA. These species are under consideration for addition to Schedule 1, subject to further consultation or assessment.

Schedules of SARA are amended on a regular basis so it is important to periodically check the SARA registry (www.sararegistry.gc.ca) to get the current status of a species.

Updated: January 3, 2007

Species at Risk	COSEWIC Designation	Schedule of SARA	Government Organization with Lead Management Responsibility ¹
Eskimo Curlew	Endangered	Schedule 1	EC
Ivory Gull	Endangered ²	Schedule 1	EC
Peregrine Falcon (subspecies anatum)	Threatened	Schedule 1	Government of Nunavut
Ross's Gull	Threatened	Schedule 1	EC
Harlequin Duck (Eastern population)	Special Concern	Schedule 1	EC
Felt-leaf Willow	Special Concern	Schedule 1	Government of Nunavut
Peregrine Falcon (subspecies tundrius)	Special Concern	Schedule 3	Government of Nunavut
Short-eared Owl	Special Concern	Schedule 3	Government of Nunavut
Fourhorn Sculpin	Special Concern	Schedule 3	DFO
Peary Caribou	Endangered ³	Pending	Government of Nunavut
Beluga Whale (Eastern Hudson Bay population)	Endangered	Pending	DFO
Beluga Whale (Cumberland Sound population)	Threatened	Pending	DFO
Beluga Whale (Western Hudson Bay population)	Special Concern	Pending	DFO

Beluga Whale (Eastern High Arctic – Baffin Bay population)	Special Concern	Pending	DFO
Bowhead Whale (Hudson Bay-Foxe Basin population)	Threatened ⁴	Pending	DFO
Bowhead Whale (Davis Strait-Baffin Bay population)	Threatened ⁴	Pending	DFO
Porsild's Bryum	Threatened	Pending	Government of Nunavut
Atlantic Walrus	Special Concern	Pending	DFO
Narwhal	Special Concern	Pending	DFO
Rusty Blackbird	Special Concern	Pending	Government of Nunavut
Barren-ground Caribou (Dolphin and Union population)	Special Concern ³	Pending	Government of Nunavut
Grizzly Bear	Special Concern	Pending	Government of Nunavut
Polar Bear	Special Concern	Pending	Government of Nunavut
Wolverine (Western Population)	Special Concern	Pending	Government of Nunavut

¹ Environment Canada has a national role to play in the conservation and recovery of Species at Risk in Canada, as well as responsibility for management of birds described in the Migratory Birds Convention Act (MBCA). Day-to-day management of terrestrial species not covered in the MBCA is the responsibility of the Territorial Government. Populations that exist in National Parks are also managed under the authority of the Parks Canada Agency. EC = Environment Canada, DFO = Department of Fisheries and Oceans

² Designated as Endangered by COSEWIC in April 2006 and it is expected that the category of concern in SARA will also be changed from Special Concern to Endangered.

³ Peary Caribou was split into three separate populations in 1991: Banks Island (Endangered), High Arctic (Endangered) and Low Arctic (Threatened) populations. The Low Arctic population also included the Barren-ground Caribou - Dolphin and Union population. In May 2004 all three population designations were de-activated, and the Peary Caribou, Rangifer tarandus pearyi, was assessed separately from the Barren-ground Caribou (Dolphin and Union population), Rangifer tarandus groenlandicus. The subspecies pearyi is composed of a portion of the former "Low Arctic population" and all of the former "High Arctic" and "Banks Island" populations, and it was designated Endangered in May 2004. Although SARA lists Peary Caribou on Schedule 2 as three separate populations, the most current designation is the COSEWIC designation of the subspecies pearyi as Endangered.

⁴ The "Eastern and Western Arctic populations" of Bowhead Whale were given a single designation of Endangered in April 1980 by COSEWIC. These were split into two populations to allow separate designations in April 1986. The Eastern population was not re-evaluated in April 1986, but retained the Endangered status of the original "Eastern and Western Arctic populations". The Eastern Arctic population was further split into two populations (Hudson Bay-Foxe Basin population and Davis Strait-Baffin Bay population) in May 2005, and both these populations were designated as Threatened. Both these populations are under consideration for addition to Schedule 1. Although SARA lists the Eastern Arctic population as Endangered (Schedule 2), the most current designation is the COSEWIC designations of the Hudson Bay-Foxe Basin and Davis Strait-Baffin Bay populations as Threatened.

Appendix C
Archaeological and Palaeontological Resources Terms and Conditions for Land Use Permit Holders



BACKGROUND: Archaeology

As stated in Article 33 of the Nunavut Land Claims Agreement:

The archaeological record of the Inuit of Nunavut is a record of Inuit use and occupancy of lands and resources through time. The evidence associated with their use and occupancy represents a cultural, historical and ethnographic heritage of Inuit society and, as such, Government recognizes that Inuit have a special relationship with such evidence, which shall be expressed in terms of special rights and responsibilities. [33.2.1]

The archaeological record of Nunavut is of spiritual, cultural, religious and educational importance to Inuit. Accordingly, the identification, protection and conservation of archaeological sites and specimens and the interpretation of the archaeological record is of primary importance to Inuit and their involvement is both desirable and necessary. [33.2.2]

In recognition of the cultural, spiritual and religious importance of certain areas in Nunavut to Inuit, Inuit have special rights and interests in these areas as defined by Article 33 of the Nunavut Land Claims Agreement. [33.2.5]

BACKGROUND: Palaeontology

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

Definitions

As defined in the *Nunavut Archaeological and Palaeontological Sites Regulations*, the following definitions apply:

¹ s. 51(1)

² P.C. 2001-1111 14 June, 2001

“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.