NUNAVUMI AVATILIKIYIN KATIMAYIN

SCREENING DECISION REPORT
NIRB FILE NO.: 11EN027

AANDC File No.: N2011C0014
NWB File No.: 2BE-PBP1115

August 16, 2012

The Honourable John Duncan
Minister of Aboriginal Affairs and Northern Development
10 Wellington, 21st Floor
Gatineau, QC K1A 0H4

Mr. Thomas Kabloona
Chairperson, Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0

Sent via email: duncan.j@parl.gc.ca; minister@aandc.gc.ca *and* tomkabloona@netkaster.ca

Re: Screening Decision for Northquest Ltd. Amendment Request with the Nunavut Water Board and Aboriginal Affairs and Northern Development Canada for its "Pistol Bay" Project, Kivalliq Region, Additional Application Terms and Conditions, 11EN027

Dear Sirs:

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

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

Section 12.4.3 of the NLCA states that:

> *"Any application for a component or activity of a project proposal that has been permitted to proceed in accordance with these provisions shall be exempt from the requirement for screening by NIRB unless:*
>
> *(a) such component or activity was not part of the original project proposal; or*
>
> *(b) its inclusion would significantly modify the project."*

NIRB Assessment and Decision

The NIRB has completed a review of Northquest Ltd.'s (Northquest or the Proponent) request to the Nunavut Water Board (NWB) and Aboriginal Affairs and Northern Development Canada (AANDC) for an amendment to their Water Licence (No. 2BE-PBP1115) and Land Use Permit (No. N2011C0014) for their "Pistol Bay" project.

After a thorough assessment of the project proposal, the amendment application information and the comments received (please see *Procedural History* and *Project Activities* in **Appendix A)**, in accordance with Section 12.4.3 of the NLCA, the Board has determined that this request will result in a change to the original scope of the project. Therefore, the NIRB is re-issuing the recommended project-specific terms and conditions contained in the June 8, 2011 Screening Decision, NIRB file No.: 11EN027 in addition to new terms and conditions which are designed to mitigate any potential impacts to the environment as per Section 12.4.4(a) of the NLCA.

Previously Approved Project-Specific Terms and Conditions

The following terms and conditions were previously approved by the NIRB for file **11EN027** in a Screening Decision Report dated June 8, 2011 and is available from NIRB's ftp site using the following link: http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/.

General

1. Northquest Ltd.'s (the Proponent) shall maintain a copy of the Project Terms and Conditions at the site of operation at all times.
2. The Proponent shall forward copies of all permits obtained and required for this project to the Nunavut Impact Review Board (NIRB) prior to the commencement of the project.
3. The Proponent shall operate in accordance with all commitments stated in correspondence provided to the NIRB, including:
    a. Abandonment and Reclamation Plan – March 3, 2011
    b. Environmental Procedures Monitoring and Management Plan for the Pistol Bay Project, Pistol Bay area, Nunavut – March 2011
    c. INAC Land Use Permit Application – March 3, 2011
    d. NIRB Part 1 Form – March 3, 2011
    e. Northquest Ltd. Emergency Response plan and Health and Safety Manual – March 2011
    f. Fuel Spill Contingency Plan – March 3, 2011
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

Water Use

5. The Proponent shall not extract water from any fish-bearing waterbody unless the water intake hose is equipped with a screen of appropriate mesh size to ensure that there is no entrapment of fish. Small lakes or streams should not be used for water withdrawal unless approved by the Nunavut Water Board.

6. The Proponent shall not use water, including constructing or disturbing any stream, lakebed or the banks of any definable water course unless approved by the Nunavut Water Board.

Waste Disposal

7. The Proponent shall keep all garbage and debris in bags placed in a covered metal container or equivalent until disposed of at an approved facility. All such wastes shall be kept inaccessible to wildlife at all times.

Fuel and Chemical Storage

8. The Proponent shall ensure that storage of fuel and hazardous materials and re-fuelling of project equipment is conducted at a minimum of thirty-one (31) metres away from the high water mark of any water body and in such a manner as to prevent their release into the environment.
9. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife.
10. The Proponent shall use adequate secondary containment or a surface liner (e.g. self-supporting insta-berms and fold-a-tanks) when storing barrelled fuel and chemicals at all locations. Appropriate spill response equipment and clean-up materials (e.g., shovels, pumps, barrels, drip pans and absorbents) must be readily available during any transfer of fuel or hazardous substances, as well as at fuel caches, vehicle-maintenance areas and at drill sites.
11. The Proponent shall inspect and document the condition of all fuel caches on a weekly basis. All fuel and chemical storage containers must be clearly marked with the Proponent's name and examined for leaks immediately upon delivery.
12. The Proponent shall remove and treat any hydrocarbon-contaminated soils on site or transport them to an approved disposal site for treatment.
13. The Proponent shall ensure that all personnel are properly trained in fuel and hazardous waste handling procedures, as well as spill response procedures. All spills of fuel or other deleterious materials of any amount must be reported immediately to the 24 hour Spill Line at (867) 920-8130.

Wildlife - General

14. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.
15. The Proponent shall not harass wildlife. This includes persistently worrying or chasing animals, or disturbing large groups of animals. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired.
16. The Proponent shall ensure that all project personnel are made aware of the measures to protect wildlife and are provided with training and/or advice on how to implement these measures.

Migratory Birds and Raptors Disturbance

17. The Proponent shall not disturb or destroy the nests or eggs of any birds. If nests are encountered and/or identified, the Proponent shall take precaution to avoid further interaction

and or disturbance (e.g., a 100 metre buffer around the nests). If active nests of any birds are discovered (i.e. with eggs or young), the Proponent shall avoid these areas until nesting is complete and the young have left the nest.

Aircraft Flight Restrictions

18. The Proponent shall restrict aircraft/helicopter activity related to the project to a minimum altitude of 610 metres above ground level unless there is a specific requirement for low-level flying, which does not disturb wildlife and migratory birds.
19. The Proponent shall ensure that aircraft maintain a vertical distance of 1000 metres and a horizontal distance of 1500 metres from any observed groups (colonies) of migratory birds. Aircraft should avoid critical and sensitive wildlife areas at all times by choosing alternate flight corridors.
20. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
21. The Proponent shall advise all pilots of relevant flight restrictions and enforce their application over the project area, including flight paths to/from the project area.

Caribou Disturbance

22. The Proponent shall cease activities that may interfere with the migration or calving of caribou, until the caribou have passed or left the area.
23. 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.
24. The Proponent shall not construct/operate any camp or fuel cache within 10 km, or conduct any drilling operation within 5 km, of any paths or crossings known to be frequented by (e.g. designated caribou crossings).
25. During the period of May 15 to July 15, when caribou are observed within 1 km of project operations, the Proponent shall suspend all operations, including low-level over flights and use of all-terrain vehicles outside the immediate vicinity of the camp. Following July 15, if caribou cows or calves are observed within 1 km of project operations, the Proponent shall also suspend all operations in the vicinity, including low-level over flights and use of all-terrain vehicles, until caribou are no longer in the immediate area.

Ground Disturbance

26. The Proponent shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging. Overland travel of equipment or vehicles must be suspended if rutting occurs.
27. The Proponent shall avoid disturbance on slopes prone to natural erosion and shall implement suitable erosion and sediment suppression measures on any disturbed areas before, during and after construction in order to prevent sediment from entering any waterbody.

Drilling on Land

28. 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.
29. The Proponent shall not allow any drilling wastes to spread to the surrounding lands or water bodies.
30. If an artesian flow is encountered, the Proponent shall ensure the drill hole is immediately plugged and permanently sealed.
31. The Proponent shall ensure that all drill areas are constructed to facilitate minimizing the environmental footprint of the project area. Drill areas should be kept orderly with garbage removed daily to an approved disposal site.
32. The Proponent shall ensure that all sump/depression capacities are sufficient to accommodate the volume of waste water and any fines that are produced. The sumps shall only be used for inert drilling fluids, and not any other materials or substances.
33. 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 to do not enter a waterway unless otherwise authorized.
34. The Proponent shall ensure all drill holes are backfilled or capped prior to the end of each field season. All sumps must be backfilled and restored to original or stable profile prior to the end of each field season.

Winter Road/Trail

35. The Proponent shall select a winter route which maximizes the use of frozen water bodies and ensures that a sufficient thickness of snow and ice is present to prevent erosion of the underlying ground surface or damage to vegetation.
36. The Proponent shall not erect camps or store materials on the surface ice of lakes or streams, except that which is for immediate use.
37. The Proponent shall ensure that no disturbance of the stream bed, banks or shoreline of any definable watercourse be permitted.
38. The Proponent shall not move any equipment or vehicles without prior testing the thickness of the ice to ensure the lake is in a state capable of fully supporting the equipment or vehicles.
39. The Proponent shall ensure that temporary crossings over any ice-covered watercourse are constructed solely of sediment-free ice and snow materials and are located to minimize approach grades.
40. The Proponent shall ensure that temporary crossings over any ice-covered watercourse which may cause jams, flooding or impede fish passage and or water flow, are removed or notched prior to spring break-up.

Temporary Camps

41. The Proponent shall ensure that all camps are located on gravel, sand or other durable land.

42. The Proponent shall not erect camps or store material on the surface ice of lakes or streams.

Restoration of Disturbed Areas

43. The Proponent shall ensure that all disturbed areas are restored to a stable or pre-disturbed state as practical as possible upon completion of field work.

44. The Proponent shall complete all clean-up and restoration of the lands used prior to the end of each field season and/or upon abandonment of site.

45. The Proponent shall remove all garbage, fuel and equipment at the end of each field season.

Other

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

ADDITIONAL MONITORING AND REPORTING REQUIREMENTS

The Board has previously recommended the following:

1. The Proponent shall update the following plans and re-submit to the NIRB and Indian and Northern Affairs Canada (INAC; now AANDC) prior to starting the program:
    a. The Environmental Procedures Monitoring and Management Plan for the Pistol Bay Project contact people for the Kivalliq Region shall be updated to reflect the current staff in the region, as well as the Water Resources Manager.
    b. Ensure Regulatory Bodies in the Spill contingency plan up to date including:
        i. Environment Canada Enforcement Officer (Iqaluit) – (867) 975-4644.
        ii. GN-DoE Environmental Protection – Rob Eno (867) 975-7729
        iii. Emergency numbers such as fire, ambulance, and RCMP and a list of local contractors or clean-up specialist in case of a spill.

In addition, the Board is recommending the following:

Palaeontological Inventory Report

The Proponent shall submit a comprehensive Archaeological/Palaeontological Inventory according to the *Archaeological and Palaeontological Resources Terms and Conditions for Land Use Permit Holders* (**Appendix C**) and provide copies of this Inventory to the NIRB and to the Government of Nunavut, Culture and Heritage prior to the commencement of drilling operations in area C7.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

In addition to the project-specific terms and conditions, the Board has previously recommended the following:

Bear and Carnivore Safety

1. The Proponent review the bear/carnivore detection and deterrent techniques outlined in "Safety in Grizzly and Black Bear Country" which can be down-loaded from this link:

http://www.enr.gov.nt.ca/_live/documents/content/Bear_Safety.pdf. Note that some recommendations in this manual are also relevant to polar bears. Polar Bear specific information is available from the "Safety in Polar Bear Country" pamphlet by Parks Canada at the following link http://www.pc.gc.ca/eng/pn-np/nu/auyuittuq/visit/visit6/d/i.aspx.

2. The Proponent ensure that any problem wildlife or any interaction with carnivores should be reported immediately to the local Government of Nunavut, Department of Environment Conservation Office as well as the following additional contacts for the Kivalliq region:
   a. Wildlife Biologist – Mitch Campbell, (867) 857-2828, mcampbell1@gov.nu.ca; and
   b. Wildlife Manager – David Vetra, (867) 857-2976

Species at Risk

3. The Proponent review Environment Canada's "Environment Assessment Best Practice Guide for Wildlife at Risk in Canada", available at the following link: http://www.ec.gc.ca/Publications/default.asp?lang=En&xml=5407909E-10F6-4AFE-ACDF-75B9E820B4A1. The guide provides information to the Proponent on what is required when Wildlife at Risk, including *Species at Risk*, are encountered or affected by the project.

Change in Project Scope

4. All Authorizing Agencies shall notify the NIRB of any changes in operating plans or conditions associated with this project prior to any such change.

REGULATORY REQUIREMENTS

The Proponent has been previously advised that the following legislation may apply to the project:

1. The *Fisheries Act* (http://laws.justice.gc.ca/en/showtdm/cs/F-14///en).

2. The *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (http://www.canlii.org/ca/sta/n-28.8/whole.html).

3. The *Migratory Birds Convention Act* and *Migratory Birds Regulations* (http://laws.justice.gc.ca/en/showtdm/cs/M-7.01).

4. The *Species at Risk Act* (http://laws.justice.gc.ca/en/showtdm/cs/S-15.3). Attached in **Appendix B** is a list of Species at Risk in Nunavut.

5. The *Nunavut Wildlife Act* which contains provisions to protect and conserve wildlife and wildlife habitat, including specific protection measures for wildlife habitat and species at risk.

6. The *Nunavut Act* (http://laws.justice.gc.ca/en/showtdm/cs/N-28.6). The Proponent must comply with the proposed terms and conditions listed in the attached **Appendix C**.

7. The *Navigable Waters Protection Act (NWPA)* (http://laws.justice.gc.ca/en/N-22/index.html).

Validity of Land Claims Agreement

Section 2.12.2
Where there is any inconsistency or conflict between any federal, territorial and local government laws, and the Agreement, the Agreement shall prevail to the extent of the inconsistency or conflict.

Dated August 16, 2012 at Arviat, NU.

Elizabeth Copland, Acting Chairperson

Attachments: Appendix A: Procedural History and Project Activities
Appendix B: Species at Risk in Nunavut
Appendix C: Archaeological and Palaeontological Resources Terms and Conditions for Land Use Permit Holders.

Appendix A
Procedural History and Project Activities

Procedural History

On June 29, 2012 the Nunavut Impact Review Board (NIRB) received an amendment application for Northquest Ltd.'s (Northquest; the Proponent) "Pistol Bay" project from the Nunavut Water Board (NWB) Water Licence 2BE-PBP1115, and then on July 6, 2012 the NIRB received an application for an amendment to the Aboriginal Affairs and Northern Development Canada (AANDC) Land Use Permit (No. N2011C0014) associated with this project. The previous May 6, 2011 conformity determination (Keewatin Regional Land Use Plan) from the Nunavut Planning Commission continues to apply to this amendment.

Past File History

The original application for the project (NIRB File No.: 11EN027) was received from Indian and Northern Affairs Canada (INAC; now AANDC) for Land Use Permit No. N2011C0014 on May 20, 2011. The Board received a positive conformity determination (Keewatin Regional Land Use Plan) from the Nunavut Planning Commission on May 6, 2011 for the original application. The project proposal was screened in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA) and on June 8, 2011 the NIRB issued a 12.4.4 (a) screening decision to the Minister of Aboriginal Affairs and Northern Development recommending that the proposed exploration activities be allowed to proceed subject to the Board's recommended project-specific terms and conditions.

Current File History

Northquest is currently proposing an amendment to its existing water licence 2BE-PBP1115 and Land Use Permit No. N2011C0014. The NWB amendment application involves the inclusion of additional drill on site and an increase to site water usage. The proposal to amend the Land Use Permit, involves the inclusion of an additional four claims as well as an additional drill target to the drilling program.

The NIRB determined that this request may result in a change to the original scope of the project and on August 3, 2012 distributed the project proposal to community organizations in Arviat, Whale Cove, and Rankin Inlet, as well as to relevant federal and territorial government agencies, and Inuit organizations. The NIRB requested that interested parties review the proposal and the NIRB's previously recommended terms and conditions and provide the Board with any comments or concerns by August 13, 2012 regarding:

- Whether the inclusion of the additionally proposed component(s) and/or activity(ies) would significantly modify the project;
- Any additional mitigation measures that are appropriate; and
- Any other matter of importance to the Party related to the project proposal.

On or before August 13, 2012 the NIRB received comments from the following interested parties:

- **Environment Canada**
- **Government of Nunavut – Department of Culture and Heritage**

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/01-SCREENINGS/COMPLETED%20SCREENINGS/

Project Activities

The proposed project is located in the Kivalliq region approximately 20 kilometres north of Whale Cove. The objective of the project would be to conduct initial stage exploration activities to assess the potential for gold north, northwest, and within the Municipal boundary of Whale Cove. The program is proposed to take place between June and September in 2011 with further work in 2012 and 2013 to be based upon the results of the 2011 field season.

The original application as previously screened included the following project activities:

- Materials and fuel brought to camp site by cat-train;
- Construction of a permanent camp to house 17 people;
- Use of an All-Terrain Vehicle for transportation of equipment in camp;
- Groceries and personnel will be brought by truck (part way) and helicopter to camp;
- Helicopter transportation of crew and equipment between drill sites and camp;
- Prospecting and mapping;
- Rock sampling;
- One diamond drill will be used with approximately 15 locations drilled per year (approximately 3000 metres per year);
- Fuel (9225 Litres of diesel; 4100 Litres of gasoline, 10,000 pounds of propane and 30,750 Litres of jet B Fuel) stored at camp in "insta-berms";
- Oil, calcium chloride and drill additives also stored at camp;
- Sewage will be disposed of in pits and/or sumps;
- All wastes/garbage will be back hauled every two days to Whale Cove; and
- Hazardous wastes to be back hauled to Whale Cove.

Northquest is proposing to amend its Land Use Permit (No. N2011C0014) to include an additional four claims as well as an additional drill target to its drilling program.

Northquest has also proposed to amend its Water Licence (No. 2BE-PBP1115) to include the following:

- Increase water allotment from 85 cubic metres to 120 cubic metres per day;
- Enlarge the base camp by adding two new sleeping tents and one core cutting tent as well as bringing in an additional electric core saw and generator; and,
- Increase the number of drills on site from one to two.

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 (http://www.sararegistry.gc.ca/default_e.cfm) to get the current status of a species.

Updated: January 2012

Terrestrial Species at Risk [1]	**COSEWIC Designation**	**Schedule of SARA**	**Government Organization with Primary Management Responsibility** [2]
Eskimo Curlew	Endangered	Schedule 1	EC
Ivory Gull	Endangered	Schedule 1	EC
Ross's Gull	Threatened	Schedule 1	EC
Harlequin Duck (Eastern population)	Special Concern	Schedule 1	EC
Rusty Blackbird	Special Concern	Schedule 1	GN
Felt-leaf Willow	Special Concern	Schedule 1	GN
Peregrine Falcon	Special Concern (*anatum-tundrius* complex[3])	Schedule 1 - Threatened (*anatum*) Schedule 3 – Special Concern (*tundrius*)	GN
Short-eared Owl	Special Concern	Schedule 3	GN
Peary Caribou	Endangered	Schedule 1	GN
Barren-ground Caribou (Dolphin and Union population)	Special Concern	Schedule 1	GN

Terrestrial Species at Risk [1]	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility [2]
Polar Bear	Special Concern	Schedule 1	GN
Red Knot (*rufa* subspecies)	Endangered	Pending	EC
Red Knot (*islandica* subspecies)	Special Concern	Pending	EC
Porsild's Bryum	Threatened	Pending	GN
Horned Grebe (Western population)	Special Concern	Pending	EC
Grizzly Bear	Special Concern	Pending	GN
Wolverine (Western population)	Special Concern	Pending	GN
Atlantic Cod, Arctic Lakes	Special Concern	No schedule	DFO
Atlantic Walrus	Special Concern	Pending	DFO
Beluga Whale (Cumberland Sound population)	Threatened	Pending	DFO
Beluga Whale (Eastern Hudson Bay population)	Endangered	Pending	DFO
Beluga Whale (Western Hudson Bay population)	Special Concern	Pending	DFO
Beluga Whale (Eastern High Arctic – Baffin Bay population)	Special Concern	Pending	DFO
Bowhead Whale (Eastern Canada – West Greenland population)	Special Concern	Pending	DFO
Killer Whale (Northwest Atlantic / Eastern Arctic populations)	Special Concern	Pending	DFO
Narwhal	Special Concern	Pending	DFO

[1] The Department of Fisheries and Oceans has responsibility for aquatic species.

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

[3] The *anatum* subspecies of Peregrine Falcon is listed on Schedule 1 of SARA as threatened. The *anatum* and *tundrius* subspecies of Peregrine Falcon were reassessed by COSEWIC in 2007 and combined into one subpopulation complex. This subpopulation complex was assessed by COSEWIC as Special Concern.

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

INTRODUCTION

The Department of Culture and Heritage (CH) routinely reviews land use applications sent to the Nunavut Water Board, Nunavut Impact Review Board and the Department of Indian and Northern Affairs Canada. These terms and conditions provide general direction to the permittee/proponent regarding the appropriate actions to be taken to ensure the permittee/proponent carries out its role in the protection of Nunavut's archaeological and palaeontological resources.

TERMS AND CONDITIONS

1) The permittee/proponent shall have a professional archaeologist and/or palaeontologist perform the following **Functions** associated with the **Types of Development** listed below or similar development activities:

	Types of Development (See Guidelines below)	**Function** (See Guidelines below)
a)	Large scale prospecting	Archaeological/Palaeontological Overview Assessment
b)	Diamond drilling for exploration or geotechnical purpose or planning of linear disturbances	Archaeological/ Palaeontological Inventory
c)	Construction of linear disturbances, Extractive disturbances, Impounding disturbances and other land disturbance activities	Archaeological/ Palaeontological Inventory or Assessment or Mitigation

Note that the above-mentioned functions require either a Nunavut Archaeologist Permit or a Nunavut Palaeontologist Permit. CH is authorized by way of the *Nunavut and Archaeological and Palaeontological Site Regulations*[1] to issue such permits.

[1] P.C. 2001-1111 14 June, 2001

2) The permittee/proponent shall not operate any vehicle over a known or suspected archaeological or palaeontological site.

3) The permittee/proponent shall not remove, disturb, or displace any archaeological artifact or site, or any fossil or palaeontological site.

4) The permittee/proponent shall immediately contact CH at (867) 934-2046 or (867) 975-5500 should an archaeological site or specimen, or a palaeontological site or fossil, be encountered or disturbed by any land use activity.

5) The permittee/proponent 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 CH.

6) The permittee/proponent shall follow the direction of CH in restoring disturbed archaeological or palaeontological sites to an acceptable condition. If these conditions are attached to either a Class A or B Permit under the Territorial Lands Act INAC's directions will also be followed.

7) The permittee/proponent shall provide all information requested by CH concerning all archaeological sites or artifacts and all palaeontological sites and fossils encountered in the course of any land use activity.

8) The permittee/proponent shall make best efforts to ensure that all persons working under its authority are aware of these conditions concerning archaeological sites and artifacts and palaeontological sites and fossils.

9) If a list of recorded archaeological and/or palaeontological sites is provided to the permittee/proponent by CH as part of the review of the land use application the permittee/proponent shall avoid the archaeological and/or palaeontological sites listed.

10) Should a list of recorded sites be provided to the permittee/proponent, the information is provided solely for the purpose of the proponent's land use activities as described in the land use application, and must otherwise be treated confidentially by the proponent.

LEGAL FRAMEWORK

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

Where an application is made for a land use permit in the Nunavut Settlement Area, and there are reasonable grounds to believe that there could be sites of archaeological importance on the lands affected, no land use permit shall be issued without written consent of the Designated Agency. Such consent shall not be unreasonably withheld. [33.5.12]

Each land use permit referred to in Section 33.5.12 shall specify the plans and methods of archeological site protection and restoration to be followed by the permit holder, and any other conditions the Designated Agency may deem fit. [33.5.13]

Palaeontology and Archaeology

Under the *Nunavut Act*[2], the federal government can make regulations for the protection, care and preservation of palaeontological and archaeological sites and specimens in Nunavut. Under the *Nunavut Archaeological and Palaeontological Sites Regulations*[3], it is illegal to alter or disturb any palaeontological or archaeological 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.*
>
> *"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:*
> *Fossil means the hardened or preserved remains or impression of previously living organisms or vegetation and includes:*
> *(a) natural casts;*
> *(b) preserved tracks, coprolites and plant remains; and*
> *(c) the preserved shells and exoskeletons of invertebrates and the preserved eggs, teeth and bones of vertebrates*

[2] s. 51(1)
[3] P.C. 2001-1111 14 June, 2001

GUIDELINES FOR DEVELOPERS FOR THE PROTECTION OF ARCHAEOLOGICAL RESOURCES IN THE NUNAVUT TERRITORY

(**NOTE:** Partial document only, complete document at: http://gov.nu.ca/cley/english/arch.html)

Introduction

The following guidelines have been formulated to ensure that the impacts of proposed developments upon heritage resources are assessed and mitigated before ground surface altering activities occur. Heritage resources are defined as, but not limited to, archaeological and historical sites, burial grounds, palaeontological sites, historic buildings and cairns Effective collaboration between the developer, the Department of Culture, Language, Elders and Youth (CH), and the contract archaeologist(s) will ensure proper preservation of heritage resources in the Nunavut Territory. The roles of each are briefly described.

CH is the Nunavut Government agency which oversees the protection and management of heritage resources in Nunavut, in partnership with land claim authorities, regulatory agencies, and the federal government. Its role in mitigating impacts of developments on heritage resources is as follows: to identify the need for an impact assessment and make recommendations to the appropriate regulatory agency; set the terms of reference for the study depending upon the scope of the development; suggest the names of qualified individuals prepared to undertake the study to the developer; issue an archaeologist or palaeontologist permit authorizing field work; assess the completeness of the study and its recommendations; and ensure that the developer complies with the recommendations.

The primary regulatory agencies that CH provides information and assistance to are the Nunavut Impact Review Board, for development activities proposed for Inuit Owned Lands (as defined in Section 1.1.1 of the Nunavut Land Claims Agreement), and the Department of Indian and Northern Affairs, for development activities proposed for federal Crown Lands.

A developer is the initiator of a land use activity. It is the obligation of the developer to ensure that a qualified archaeologist or palaeontologist is hired to perform the required study and that provisions of the contract with the archaeologist or palaeontologist allow permit requirements to be met; i.e. fieldwork, collections management, artifact and specimen conservation, and report preparation. On the recommendation of the contract archaeologist or palaeontologist in the field and the Government of Nunavut, the developer shall implement avoidance or mitigative measures to protect heritage resources or to salvage the information they contain through excavation, analysis, and report writing. The developer assumes all costs associated with the study in its entirety.

Through his or her active participation and supervision of the study, the contract archaeologist or palaeontologist is accountable for the quality of work undertaken and the quality of the report produced. Facilities to conduct fieldwork, analysis, and report preparation should be available to this individual through institutional, agency, or company affiliations. Responsibility for the curation of objects recovered during field work while under study and for documents generated in the course of the study as well as remittance of artifacts, specimens and documents to the repository specified on the permit accrue to the contract archaeologist or palaeontologist. This

individual is also bound by the legal requirements of the *Nunavut Archaeological and Palaeontological Sites Regulations*.

Types of Development

In general, those developments that cause concern for the safety of heritage resources will include one or more of the following kinds of surface disturbances. These categories, in combination, are comprehensive of the major kinds of developments commonly proposed in Nunavut. For any single development proposal, several kinds of these disturbances may be involved

- *Linear disturbances: including the construction of highways, roads, winter roads, transmission lines, and pipelines;*
- *Extractive disturbances: including mining, gravel removal, quarrying, and land filling;*
- *Impoundment disturbances: including dams, reservoirs, and tailings ponds;*
- *Intensive land use disturbances: including industrial, residential, commercial, recreational, and land reclamation work, and use of heritage resources as tourist developments.*
- *Mineral, oil and gas exploration: establishment of camps, temporary airstrips, access routes, well sites, or quarries all have potential for impacting heritage resources.*

Types of Studies Undertaken to Preserve Heritage Resources

Overview: An overview study of heritage resources should be conducted at the same time as the development project is being designed or its feasibility addressed. They usually lack specificity with regard to the exact location(s) and form(s) of impact and involve limited, if any, field surveys. Their main aim is to accumulate, evaluate, and synthesize the existing knowledge of the heritage of the known area of impact. The overview study provides managers with baseline data from which recommendations for future research and forecasts of potential impacts can be made. A Class I Permit is required for this type of study if field surveys are undertaken.

Reconnaissance: This is done to provide a judgmental appraisal of a region sufficient to provide the developer, the consultant, and government managers with recommendations for further development planning. This study may be implemented as a preliminary step to inventory and assessment investigations except in cases where a reconnaissance may indicate a very low or negligible heritage resource potential. Alternately, in the case of small-scale or linear developments, an inventory study may be recommended and obviate the need for a reconnaissance.

The main goal of a reconnaissance study is to provide baseline data for the verification of the presence of potential heritage resources, the determination of impacts to these resources, the generation of terms of reference for further studies and, if required, the advancement of preliminary mitigative and compensatory plans. The results of reconnaissance studies are primarily useful for the selection of alternatives and secondarily as a means of identifying

impacts that must be mitigated after the final siting and design of the development project. Depending on the scope of the study, a Class 1 or Class 2 Permit is required for this type of investigation.

Inventory: A resource inventory is generally conducted at that stage in a project's development at which the geographical area(s) likely to sustain direct, indirect, and perceived impacts can be well defined. This requires systematic and intensive fieldwork to ascertain the effects of all possible and alternate construction components on heritage resources. All heritage sites must be recorded on Government of Nunavut Site Survey forms. Sufficient information must be amassed from field, library and archival components of the study to generate a predictive model of the heritage resource base that will:

- allow the identification of research and conservation opportunities;
- enable the developer to make planning decisions and recognize their likely effects on the known or predicted resources; and
- make the developer aware of the expenditures, which may be required for subsequent studies and mitigation. A Class 1 or 2 permit is required

Assessment: At this stage, sufficient information concerning the numbers and locations of heritage resources will be available, as well as data to predict the forms and magnitude of impacts. Assessments provide information on the size, volume, complexity and content of a heritage resource, which is used to rank the values of different sites or site types given current archaeological knowledge. As this information will shape subsequent mitigation program(s), great care is necessary during this phase.

Mitigation: This refers to the amelioration of adverse impacts to heritage resources and involves the avoidance of impact through the redesign or relocation of a development or its components; the protection of the resource by constructing physical facilities; or, the scientific investigation and recovery of information from the resource by excavation or other method. The type(s) of appropriate mitigative measures are dictated by their viability in the context of the development project. Mitigation strategies must be developed in consultation with, and approved by, the Department of Culture, Language, Elders and Youth. It is important to note that mitigation activities should be initiated as far in advance of the construction of the development as possible.

Surveillance and monitoring: These may be required as part of the mitigation program.

Surveillance may be conducted during the construction phase of a project to ensure that the developer has complied with the recommendations.

Monitoring involves identification and inspection of residual and long-term impacts of a development (i.e. shoreline stability of a reservoir); or the use of impacts to disclose the presence of heritage resources, for example, the uncovering of buried sites during the construction of a pipeline.