



NIRB File No.: 07EN046
INAC File No.: N2007C0017

May 14, 2009

Anthony Williamson
Project Manager – Nunavut
Forum Uranium Corporation
910 – 475 Howe Street
Vancouver, BC V6C 2B3

Via email: a.williamson@froumuranium.com

Re: Application Acknowledgement for Forum Uranium Corporation's Renewal Request with Indian and Northern Affairs Canada for their North Thelon Joint Venture Project

Dear Tony Williamson:

On May 11, 2009 the Nunavut Impact Review Board (NIRB or Board) received an application from Indian and Northern Affairs Canada (INAC) for a renewal to Forum Uranium Corporation's Land Use Permit (N2007C0017) for their *North Thelon Joint Venture* project.

Please be advised that the original project proposal (NIRB File No.: 07EN046) was received by the NIRB from the Kivalliq Inuit Association (KIA) on March 27, 2007. The proposal was screened in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On July 11, 2007 the NIRB issued a 12.4.4(a) screening decision to the Minister of INAC and President of the KIA allowing the proposed project to proceed subject to project-specific recommended terms and conditions.

The NIRB received a Right of Way Application from the Kivalliq Inuit Association for Forum Uranium Corporation's *North Thelon Joint Venture* project on March 5, 2008 and assigned the project File No. 08EN064. Further to this, on May 29, 2008, the NIRB received a request for a renewal to Forum Uranium Corporation's INAC Land Use Permit (N2007C0017, NIRB File No.: 07EN046). The NIRB processed both the renewal request and Right of Way application as one succinct proposal, under File No. 08EN064. On July 2, 2008, the NIRB received a request from the Proponent to cease the screening of the Right of Way application, as the activities contained therein were previously screened under NIRB File No. 08FN009. The NIRB therefore proceeded to screen the request for a renewal to Land Use Permit N2007C0017 (07EN046), omitting activities pertaining to the Right of Way. The renewal request was granted by the NIRB on July 15, 2008, subject to additional Terms and Conditions to be applied to the *North Thelon Joint Venture* Project under File No. 08EN064 (attached).

Project components/activities for the original screening and 2008 renewal request included the following:

- Aircraft remote sensing (airborne geophysical survey)
- Soil/till sampling
- On-land diamond drilling
 - Estimated total of 3,000 – 4,000 metres
 - Approximately 20 drill holes, each between 20-25 metres in depth
- Use of Thom Lake airstrip
- Use of existing Thom Lake camp (maintained and operated by Outland Camos)
- Overland transportation of fuel from Thom Lake camp to temporary fuel caches located near drill sites
- Caching of fuel at Thom Lake camp and at drill sites

Currently, Forum Uranium Corporation is proposing to renew their Land Use Permit (N2007C0017) for this project for a period of two years, until July 17, 2011.

The INAC application, the original NIRB screening file (07EN046) and all related correspondence including comments made during the original screenings are available from NIRB's ftp site at the following link:

<http://ftp.nirb.ca/SCREENINGS/ACTIVE%20SCREENINGS/07EN046-Forum%20Uranium%20Corporation/1-SCREENING/>.

Please note, Section 12.4.3 of the NLCA states that:

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

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

The NIRB is of the opinion that the request for the renewal does not *significantly* change the general scope of the original project activities. Therefore the NIRB is *proposing* to re-issue the same terms and conditions as those in the attached July 11, 2007 Screening Decision and July 15, 2008 Additional Terms and Conditions, along with any new terms and conditions the NIRB feels are appropriate. The NIRB is copying interested Parties and municipalities most affected by this project and we invite interested persons to comment directly to the NIRB by **May 21, 2009**.

The NIRB would like Parties to provide comments regarding:

- whether the proposed component or activity was a part of the original proposal;
- whether its inclusion 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.

Please send your comments to the attention of the NIRB's Manager of Environmental Administration Leslie Payette at info@nirb.ca or via fax to **(867) 983-2594**.

If you have any questions or concerns, please do not hesitate to contact me directly via email at ahanson@nirb.ca or by or by phone at 867-983-4615.

Sincerely,



Amanda Hanson
Technical Advisor
Nunavut Impact Review Board

cc: Distribution List
Brian O'Mara, Indian and Northern Affairs Canada
Jackson Lindell, Kivalliq Inuit Association

Attachment: NIRB Screening Decision Report, File No.: 07EN046 (July 11, 2007)
Additional Terms and Conditions, File No.: 08EN064 (July 15, 2007)



SCREENING DECISION REPORT NIRB FILE NO.: 07EN046

July 11, 2007

Tongola Sandy
President of Kivalliq Inuit Association
Rankin Inlet, NU

Hon. Jim Prentice
Minister of Indian & Northern Affairs Canada
Ottawa, ON

E-Mail: tsandy@kivalliqinuit.ca

E-mail: Prentice.J@parl.gc.ca

**Re: Screening Decision for Forum Uranium Corporation – North Thelon Joint Venture
Project Proposal**

Dear President Sandy and Honourable Mr. Prentice:

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 NIRB shall be at all times to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, and to protect the ecosystemic integrity of the Nunavut Settlement Area. NIRB shall take into account the well-being of the residents of Canada outside the Nunavut Settlement Area.

Section 12.4.4 of the Nunavut Land Claim Agreement states:

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

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

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 Terms and Conditions, pursuant to 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. Forum Uranium Corporation (the Proponent) shall maintain a copy of this Screening Decision at the site of operation at all times.
2. The Proponent shall conduct project activities in accordance with all commitments stated in all documentation provided to NIRB, INAC, NPC and KIA.
3. The Proponent shall forward copies to NIRB of all permits obtained and required for this project prior to the commencement of the project.
4. The Proponent is required to submit to the NIRB, INAC, KIA, GN-DOE and BQCMB a revised Wildlife Mitigation Plan that includes provision of legible maps and a section on migratory birds and nests within thirty (30) days of the issuance of the Screening Decision Report.
5. The Proponent is required to submit a revised Spill Contingency Plan with a 24 hour telephone number clearly identified. An appropriate oil skimmer shall be included into the spill kit. The plan is to be submitted prior to any project activities commencing.
6. The Proponent is required to submit to NIRB, INAC, KIA and GN-DOE a revised Abandonment and Restoration Plan prior to commencing any drilling program in 2008.
7. The term of the permitted activities associated with Land Use Permit N2007C0017 and KVL 307C01 is subject to any findings, direction or advice received by INAC and KIA from the GN-DOE as a result of the improved knowledge of caribou herd population trends and potential impact of exploration activities (this screening decision only applies for July 2007 to July 2008 exploration activities, subject to direction from GN-DOE).
8. The Proponent shall submit an annual report with copies provided to the NIRB, INAC, KIA and the GN-DOE commencing January 31, 2008. The report must contain, but not be limited to, the following information:
 - A summary of activities undertaken for the year;
 - A work plan for the following year;
 - All monitoring results based on the revised Wildlife Mitigation Plan;
 - Description of any wildlife encounters and any actions/mitigation measures taken;
 - Evidence regarding the Proponent's commitment to require on-site personnel read and understand the comments provided to NIRB by the GN-DOE, EC and BQCMB;
 - A summary of local hires and initiatives;
 - A summary of community consultations undertaken as detailed in NIRB application documents (PSIR);
 - A summary of site-visits by Land Use Inspectors with results and follow-up actions;
 - Any approvals given by Land Use Inspectors regarding Caribou Protection Measures;
 - The number of take-offs & landings from an airstrip with approved flight path with date and location;
 - The number of helicopter touch-downs on the land with date and location (provide unless confidential);
 - Site photos;
 - Progressive reclamation work undertaken;

- Efforts made to achieve compliance with the Canadian Wide Standards for Dioxins and Furans, and the Canadian Wide Standards for Mercury;
- The results of compliance with above noted standards when proposed incinerator is applied to dispose of used oil proposed by the proponent;
- A summary of the number and location of spills and failures which activated the Spill Contingency Plan; and
- 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

9. The Proponent shall abide by all DIAND Caribou Protection Measures (CPM), except where NIRB has recommended a more stringent condition than the CPM. In the case where the CPM and NIRB's recommended conditions conflict, the NIRB condition shall prevail. If the Proponent is given any approvals to stay within the project area by a Land Use Inspector during the presence of caribou, the Proponent shall provide NIRB with written proof of this within ten (10) days of receipt of approval.

10. Spatial and Temporal restricted operation.

During the months of **May** and **August**:

- The proponent must employ fully independent wildlife monitors to determine when caribou cows and calves are in the areas of operation.
- When caribou are within 1 km of any project activities, the proponent shall suspend all blasting, over-flights of aircraft with an altitude of less than 610 metres above ground level and operation of ATV's and snowmobiles and any other ground based or water based mobile equipment.
- During migration of caribou the proponent shall not block or cause any diversion to migration.
- During caribou migration, the proponent shall cease activities likely to interfere with migration such as airborne geophysics surveys or movement of equipment or personnel until the caribou have passed.
- The proponent must not construct a camp, cache fuel, operate ground, air or water based mobile equipment within 10km of a 'designated caribou crossing'; or conduct drilling within 5km.

During the months of **June** and **July**:

- The proponent, with the independent wildlife monitor, shall undertake daily high altitude (300m) aerial reconnaissance to determine whether caribou cows and calves are present within a 20km radius of the site, or if caribou are migrating through the site. If caribou are observed the monitor will instruct the proponent to suspend any activities within 10 km of the sightings.
- At the end of each month, the proponent will submit a report to the DOE detailing when and how, these measures have been implemented. The time when caribou are present in the project area can corroborated with the DOE caribou satellite collar data.
- During these months the DOE Conservation Officers will be inspecting this site and others within, or close to caribou calving and post -calving grounds randomly twice a month to ensure compliance with these measures.

11. The Proponent shall ensure no disturbance of nesting raptors from 15 April to 1 September by staying at least 1.5 km away from them when in transit by aircraft, and to avoid approaching them closely while on foot.
12. The Proponent shall ensure all disturbances to nests during the early part of the nesting cycle must be avoided (avoid nest sites from late May through to mid-July).
13. The Proponent shall treat all nest sites with equal precaution, regardless of the response of the bird. Do not disturb raptor nests during conditions of poor weather (rain, snow, high winds)
14. The Proponent shall ensure all activity within 100m of a nest site during the latter part of the nest stage (August 10-20 for peregrine falcons in this region) must be avoided.

Waste management

15. 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.
16. 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. Efforts made to achieve compliance shall be reported to the NIRB as part of the annual report.
17. The Proponent shall ensure that no waste oil will be incinerated on site. All waste oil will be transported off site and disposed of in an approved facility. A waste manifest must accompany the shipment of all waste oil products.

Spill Contingency Plan

18. All large fuel caches will be inspected daily.
19. A spill kit will be located at each fuel cache (including one empty drum).

Drilling / drilling holes disposal of relating radiation substances

20. The Proponent is required use biodegradable and non-toxic additives. 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 as to ensure that the contents will not enter any water body.
21. 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.
22. Drill holes should be sealed by cementing the upper 30 meters of the bedrock or the entire depth of the holes; whichever is less.
23. Drill cuttings with a uranium concentration of greater than 0.05% should be disposed of down the drill hole and sealed.
24. Core storage areas should be located at least 100 meters from the high waterline of all water bodies.
25. 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.

26. Final inspections of the entire site should be conducted by the proponent and lead agency to make sure that all areas of the site have been reclaimed as much as possible to its previous condition.

Others

27. The Proponent shall adhere to conditions stated in attached **Appendix B** Archaeological and Palaeontological Resources – Terms and Conditions for Land Use Permit Holders.
28. The Proponent is required to ensure the camp-site is clean and tidy. Furthermore, upon abandonment of the project activities, the Proponent shall ensure that the project area is clean and tidy, and no remnants of past exploration activities are left within the project area. The area should left in a state as near as possible to pre-exploration conditions.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

With respect for NIRB's primary objectives as well as the sensitivity and importance to caribou herds of proposed project area, the NIRB is recommending that:

Indian and Northern Affairs Canada (INAC)

- INAC impose strict mitigation measures, conditions and monitoring requirements, pursuant to the Federal Land Use Permit, which require Forum Uranium Corporation to respect the sensitivities and importance of the area. These mitigation measures, conditions and monitoring requirements should be in regard to:
 - Wildlife, especially caribou/habitants protection.
 - Routings, timing and locations of airborne geophysics.
 - Use, Storage, Handling and Disposal of Chemical or Toxic Material.
 - Heritage resources protection (Canadian Heritage River-Thelon River).
 - 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.

The Government of Nunavut Department of Environment (GN-DOE)

- The GN-DOE should assist the Proponent, as best possible, to employ fully independent wildlife monitors to determine when caribou cows and calves are in the areas of operation. Furthermore, the GN-DOE should assist the Proponent with the revisions necessary regarding the Proponent's Wildlife Monitoring Plan, including:
 - Developing criteria, which apply when the cessation of all activities is required due to the sustained presence of the caribou.
 - Recommend mitigation measures.
 - Survey and recording protocols are conducted pertain to the submitted Wildlife Mitigation Plan.
- The GN-DOE should also conduct on-going review of wildlife monitoring results submitted from the Proponent as required by the Wildlife Monitoring Plan. Following submission of the required annual report by January 31, 2008 to NIRB, INAC and the GN-DOE, the GN-DOE should report to NIRB and INAC its findings regarding the possible impact of the project on the Beverly and Qamanirjuaq (if applicable) caribou herds. As noted in correspondence provided to NIRB, the

GN recommended a one-year Land Use Permit to be issued, subject to the improved knowledge of caribou herd population trends and potential impact of exploration activities.

- During the month of June and July, DOE Conservation Officers should inspect the site randomly twice a month.

Kivalliq Inuit Association (KIA)

KIA impose strict wildlife mitigation measures and/or conditions (especially for caribou protection) upon the Proponent pursuant to the Inuit Owned Lands License in regard to fuel and chemical storage, drilling, water conditions, ground disturbance and wildlife on Inuit owned land.

Regulatory Requirements

The Proponent will be advised, should the project proceed, that the following legislation may apply to the project:

1. Section 36(3) of the *Fisheries Act* (<http://laws.justice.gc.ca/en/showtdm/cs/F-14///en>) which states that 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 *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>)
3. *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.
4. 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**.
5. 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 presents 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.
6. Article 13.7.1 of the NLCA and Section 173(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, state that no person shall use water or dispose of waste into water without the approval of the Nunavut Water Board (NWB). The Proponent is encouraged to contact the NWB prior to

engaging in any activities to determine if a license is required
(<http://www.nunavutwaterboard.org/en/home>).

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 July 11, 2007 at Sanikiluaq, NU.



Lucassie Arragutainaq– A/Chair

APPENDIX A

Procedural History and Project Activities

Procedural History

On March 27, 2007 the Nunavut Impact Review Board (NIRB or Board) received Forum Uranium Corporation's (Forum) North Thelon Joint Venture (North Thelon) project proposal from the Kivalliq Inuit Association.

On April 4, 2007 NIRB notified Forum that this project was in the Keewatin Regional Land Use Planning region, and therefore required a conformity determination from the Nunavut Planning Commission (NPC). On May 22, 2007 NIRB received a positive conformity determination for the project proposal from the NPC, NIRB assigned the project proposal file number 07EN046.

On May 23, 2007 NIRB requested additional information from Forum, and received it on May 31, 2007. On May 25, 2007, NIRB also received an application for the project proposal from Indian and Northern Affairs Canada (INAC).

The project is located in the Kivalliq region, and the nearest community is Baker Lake. The intent of the project proposal is to evaluate the uranium potential of the claim area through exploration activities.

On June 4, 2007 this application was distributed for comment to interested Federal and Territorial Agencies as well as municipalities most affected by the North Thelon project proposal.

On or before June 22, 2007, the NIRB received comments from the following interested Parties:

- Environment Canada (EC);
- The Government of Nunavut Department of Environment (GN-DOE); and
- The Beverly and Qamanirjuaq Caribou Management Board (BQCMB).

Major concerns regarding caribou protection in the proposed project area were expressed by GN-DOE and BQCMB. Therefore, on June 26, 2007 the NIRB offered the proponent an opportunity to respond to these comments and concerns by July 3, 2007. NIRB received this additional response from Forum on July 4, 2007, in which concerns raised by parties were addressed.

Project Activities

This project is considered to be a small-scale exploration project and the project activities include:

- Aircraft remote sensing (airborne geophysical survey)
- Soil/till sampling
- Up to 25 on-land drill holes (anticipated for 2008 season)
- Use of Thom Lake airstrip
- Use of existing Thom Lake camp (rented from Tanqueray Resources Ltd. New camp in 2008)
- Fuel transportation and storage to camp, and fuel storage caches

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	Special Concern	Pending	DFO

(Western Hudson Bay population)			
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

Government of Nunavut – Department of Culture, Language, Elders and Youth Standard Terms and Conditions



BACKGROUND

Archaeology

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

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

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

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

Palaeontology

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

Definitions

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

“archaeological 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.



NIRB File No.: 07EN046, 08EN064

INAC File No.: N2007C0017

July 15, 2008

Honourable Chuck Strahl
Minister of Indian and Northern Affairs Canada
c/o Jeff Holwell
Lands Specialist
Indian and Northern Affairs Canada
Iqaluit, NU

Via email: HolwellJ@inac-ainc.gc.ca

Re: Application Terms and Conditions for Forum Uranium Corporation's Renewal Request with Indian and Northern Affairs Canada for its North Thelon Joint Venture

Dear Jeff Holwell:

The Nunavut Impact Review Board (NIRB) has completed a review of Forum Uranium Corporation's request to Indian and Northern Affairs Canada (INAC) for a renewal of the Land Use Permit for their *North Thelon Joint Venture* project. The NIRB received a new application for a Right of Way associated with the *North Thelon Joint Venture* project at the same time, and processed the renewal and Right of Way application as one project, under NIRB File No. 08EN064.

NIRB distributed the Right of Way application and renewal request to the distribution list requesting any concerns related to the application.

The following comments were received from the Beverly and Qamanirjuaq Caribou Management Board and the Government of Nunavut – Department of Environment regarding the proposed project:

- Proposed activities slated to occur on the calving and post-calving range of the Beverly caribou herd;
- Proposed activities located within the fall and spring migration corridors for both Beverly and Ahik caribou herds;
- Possibility of Forum's activities to impact barren-ground caribou;
- Potential for cumulative effects of mineral exploration on caribou;
- Potential impacts to migratory birds;
- Potential impacts of flight altitudes; and
- Potential for spills and related impacts.

On July 2, 2008, the NIRB received a request from the Proponent to cease the screening of the Right of Way application, as the activities contained therein were previously screened under NIRB File No. 08FN009. As such, the NIRB proceeded to screen the renewal request (07EN046), omitting those activities pertaining to the Right of Way.

After review of the project proposal, the NIRB has determined that the renewal does not significantly change the general scope of the original project activities. Therefore, the NIRB is re-issuing the recommended project-specific terms and conditions contained in the July 11, 2007 Screening Decision, NIRB file No.: 07EN046 (attached).

In addition to these terms and conditions, the NIRB would like to include the following additional terms and conditions which are designed to mitigate any potential impacts to the environment. They are as follows:

1. The term of the permitted activities associated with Land Use Permit N2007C0017 and KVL 307C01 is subject to any findings, direction or advice received by INAC and KIA from the GN-DOE as a result of the improved knowledge of caribou herd population trends and potential impact of exploration activities. Information of this nature may be forthcoming as part of the GN-DOE's Caribou Management Strategy for Nunavut, anticipated to be completed by early 2009.
2. The Proponent shall update their Spill Contingency Plan to include:
 - a) A 24-hour contact number for spill reporting and response.
 - b) Telephone numbers (in Sections 5.4 and 6.2) for:
 - The GN-DOE: (867) 975-7700; and
 - The Manager Pollution Control and Air Quality (867) 975-7748.
 - c) A site map intended to illustrate the facilities' relationship to other areas that may be affected by a potential spill. The map should be to scale and be large enough to include the location of the facility (e.g. fuel cache) and nearby drainage patterns and bodies of water.

If you have any questions or concerns, feel free to contact the NIRB's Assistant Technical Advisor, Amanda Hanson, at 867-983-4615 or ahanson@nirb.ca.

Sincerely,



Stephanie Autut
Executive Director

cc: Rick Mazur, Forum Uranium Corporation
Tony Williamson, Forum Uranium Corporation
Ken Wheatley, Forum Uranium Corporation
Jacques Stacey, Taiga Consultants Ltd.

Attachment: NIRB Screening Decision Report, File No.: 07EN046 (July 11, 2007)