

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 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:

1. Golden Bull Resources Corporation (the Proponent) shall maintain a copy of this Screening Decision Report at the site of operation at all times.
2. The Proponent shall operate in accordance with all commitments stated in all documentation provided to Nunavut Impact Review Board (NIRB), namely:
 - a. NIRB Part 2 Form - Project Specific Information Requirements (July 2007)
 - b. Kitikmeot Inuit Association (KIA) Application for Access to Inuit Owned Land, including Appendix A (July 2007)
 - c. Nunavut Water Board License Application Form and Supplementary Questionnaire (August 2007)
 - d. Golden Bull Resources Corporation Abandonment and Restoration Plan (July 2007)
 - e. Golden Bull Resources Corporation Spill Contingency Plan (July 2007)
3. The Proponent shall forward copies to NIRB of all permits required for this project prior to the commencement of the project.
4. The Proponent shall notify NIRB 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 should, to the extent possible, hire local people and consult with local residents regarding their activities in the region.
7. On or before December 14, 2007, the Proponent shall submit to Environment Canada (EC), the Government of Nunavut Department of the Environment (GN-DOE), and the Nunavut Water Board, a *revised* Spill Contingency Plan which addresses the comments provided to NIRB by EC and the GN-DOE.
8. On or before December 14, 2007, the Proponent shall submit to EC, the GN-DOE, and the Nunavut Water Board, a Waste Management Plan which addresses the comments provided to the NIRB by EC and the GN-DOE.

9. On or before December 19, 2007, the Proponent shall submit to Environment Canada (EC) and the GN-DOE a Wildlife Mitigation and Monitoring Plan. At a minimum, the Plan must address and include:
 - a. The following requirements:
 - i. During the period of May 15 to July 15, if caribou are observed calving in the project area, the Proponent must suspend all operations until the caribou and calves have moved 1km away from project area. Furthermore, the Proponent shall ensure that no blasting, associated with the amendment activities, takes place when caribou are observed within 1km of the project area.
 - ii. During any caribou migration, the Proponent must not conduct any activity such that it blocks or causes substantial diversion to migrating caribou.
 - iii. The Proponent must ensure that all aircraft maintain a flight altitude of 610m, except during landing or take-off. Where large concentrations of birds are observed, all aircraft must maintain a flight altitude of 1000m vertical distance and 1500m horizontal distance from the birds.
 - iv. The Proponent shall ensure that aircraft do not, unless for emergency, touch-down in areas where concentrations of wildlife are present. All raptor nesting sites and concentrations of nesting or molting waterfowl should be avoided by aircraft.
 - v. The Proponent shall not disturb or destroy the nests or eggs of migratory birds. 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).
 - vi. The Proponent shall ensure that camp waste is made inaccessible to wildlife at all times and feeding of wildlife is prohibited.
 - b. Provision of a clear description and commitment to conduct GIS-mapping of critical habitat and wildlife features within the project area. This should include, at a minimum:
 - i. Dens and potential denning areas for fur-bearers
 - ii. Caribou calving areas and crossing sites
 - iii. Raptor, waterfowl and shorebird nesting areas
 - c. Provide a summary of predicted impacts to wildlife from project activities
 - d. Provide proposed site-specific measures to reduce anticipated adverse impacts to wildlife, including a fur-bearer deterrent strategy
 - e. Provide proposed procedures for wildlife monitoring, including frequency, locations where monitoring will occur, recording and reporting protocols, and discussion regarding how the data collected in the wildlife monitoring program will be used to determine if adaptive mitigation and management strategies for wildlife are required.
10. The Proponent shall submit an annual report with copies provided to the NIRB, INAC, the KIA, EC and the GN-DOE by March 31 each year that the project is in operation, commencing March 31, 2008. The report must contain, but not be limited to, the following information:
 - a. A detailed summary of activities undertaken for the year, including any progressive reclamation work undertaken – site photos should be included where relevant.
 - b. A work plan for the following year.
 - c. A summary of how the Proponent has complied with the recommended terms and conditions contained within this Screening Decision Report.
 - d. The results of environmental studies undertaken and plans for future studies.
 - e. Results from the Wildlife Mitigation and Monitoring Program, including an analysis of the effectiveness of mitigation measures for wildlife.
 - f. A summary of any community consultations undertaken and the results.
 - g. A summary of site-visits by inspectors with results and follow-up actions.

Other NIRB Concerns and Recommendations

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

1. The Kitikmeot Inuit Association (KIA) impose environmental protection measures through the issuance of an Inuit Owned Lands License, related to:
 - a. General Standards
 - b. Fuel and Chemical Storage
 - c. Camp sites
 - d. Fisheries
 - e. Ground Disturbance
 - f. Wildlife
2. Indian and Northern Affairs Canada (INAC) impose mitigation measures and/or conditions pursuant to the Federal Land Use Permit, in regard to:
 - a. Location and Area
 - b. Time
 - c. Equipment
 - d. Methods and Techniques
 - e. Control or Prevention of Flooding, Erosion and Subsidence of Land
 - f. Use, Storage, Handling and Disposal of Chemical or Toxic Material
 - g. Wildlife and Fisheries Habitat
 - h. Objects and Places of Recreational, Scenic and Ecological Value
 - i. Petroleum Fuel Storage
 - j. Matters Not Consistent with the Regulation

Regulatory Requirements

The Proponent is also advised 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 Proponent shall ensure compliance with the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* which states that “no person shall use, or permit the use of, waters in Nunavut except in accordance with the conditions of a licence,” and “no person shall deposit or permit the deposit of waste (a) in waters in Nunavut; or (b) in any other place in Nunavut under conditions in which the waste, or any other waste that results from the deposit of that waste, may enter waters in Nunavut” (<http://www.canlii.org/ca/sta/n-28.8/whole.html>).
3. The *Migratory Birds Convention Act* (<http://laws.justice.gc.ca/en/showtdm/cs/M-7.01>) which states that no person disturb or destroy the nests or eggs of migratory birds. If nests containing eggs or young are encountered, the Proponent shall avoid these areas until nesting is complete and the young have left the nest.
4. The *Species at Risk Act* (<http://laws.justice.gc.ca/en/showtdm/cs/S-15.3>). Attached in **Appendix B** is a list of Species at Risk in Nunavut. The Proponent should consult the Species at Risk Public Registry (<http://www.sararegistry.gc.ca/>) to identify any Species at Risk within the project location. Further,

the Proponent shall develop monitoring plans for each relevant Species at Risk in accordance with any applicable status reports, recovery strategies, action plans, and management plans posted on the Species at Risk Public Registry and in consultation with the Government Organization with Primary Management Responsibility. Monitoring plans should record the locations and frequency of observing species of special concern and note any actions taken to avoid contact or cause disturbance to the species, its residence, or its critical habitat.

5. The *Nunavut Act* (<http://laws.justice.gc.ca/en/showtdm/cs/N-28.6>) which requires that no person alter or disturb any archaeological or palaeontological sites in Nunavut unless permission is first granted through the permitting process. If any archaeological or palaeontological sites are found they should remain undisturbed and their location should be reported to the Government of Nunavut Department of Culture, Language, Elders and Youth. The Proponent must comply with the proposed terms and conditions listed in the attached **Appendix C**.
6. The *Transportation of Dangerous Goods Regulations*, *Transportation of Dangerous Goods Act* (<http://www.tc.gc.ca/tdg/menu.htm>), and the *Environmental Protection Act* (<http://laws.justice.gc.ca/en/C-15.31/text.html>) which present the requirements for the handling, storing, managing and transportation of dangerous goods, including hazardous wastes, fuel and contaminated material. The Proponent must ensure that proper shipping documents accompany all movements of dangerous goods. The Proponent must register with GN-DOE by contacting Robert Eno at 867-975-7748 or reno@gov.nu.ca.

The Proponent will also be advised that:

1. All releases of harmful substances are to be reported to the 24 hour Spill Line at (867) 920-8130, especially 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 November 8, 2007 at Sanikiluaq, NU.



Lucassie Arragutainaq, A/Chair

Appendix A

Procedural History and Project Activities

Procedural History

On September 19, 2007 the Nunavut Impact Review Board (NIRB) received a project proposal for Golden Bull Resources Corporation (GBR) SLAVE Contwoyto Lake – Hood River Exploration Project. The project proposal was received from the Kitikmeot Inuit Association (KIA).

The project is located in the Kitikmeot region of Nunavut. The nearest community is Kugluktuk, located approximately 210 km northwest of GBR's Contwoyto Lake concessions.

On September 28, 2007 NIRB received an additional application from Indian and Northern Affairs Canada (INAC) for GBR's proposed on-ice (Crown land) drilling program (part of the overall project).

This application was distributed to the communities of Kugluktuk, Bathurst Inlet, Umingmaktok, and to interested Federal and Territorial Agencies. The NIRB requested that interested Parties review the application and provide NIRB with comments by October 19, 2007.

On or before October 19, 2007, the NIRB received comments from the following interested Parties:

- Government of Nunavut Department of Environment (GN-DOE)
- Environment Canada (EC)

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

Project Activities

The project activities include:

- On-ice drilling activities commencing in January 2009 (Crown Land - Contwoyto Lake)
- Approximately 2000-3000 m of land based drilling (Inuit-Owned Land)
- Exploration activities including ground magnetic surveys, induced polarization and electro magnetic geophysical surveys, mapping and sampling
- Construction of two temporary camps (non-simultaneous), composed of Weatherhaven-type canvas and wood frame tent structures
- Possible use of snow machines for secondary geophysical surveys in 2008/09
- Sewage and grey water disposal via sump
- Incineration of combustible wastes (including sewage) and removal of non-combustible wastes
- Chemical transportation and storage
- Transportation of drills and associated work crews via helicopter and fixed wing aircraft
- Seasonal and fly camps to be decommissioned upon site relocation or end of field season
- Temporary fuel storage at drill site locations
- Consumption of water and generation of wastes
- Hazardous waste storage
- Abandonment and restoration

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
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.

¹ s. 51(1)

² P.C. 2001-1111 14 June, 2001

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:

- (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.