



SCREENING DECISION REPORT NIRB FILE NO.: 07YN003

March 15, 2007

Honorable Louis Tapardjuk
Minister of Culture, Language, Elders & Youth
Iqaluit, NU

Via email: ltapardjuksr@gov.nu.ca

Re: Screening Decision for Robert Scott, Axel Heiberg Island Project Proposal

Dear Honorable Louis Tapardjuk:

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 Appendix A), 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

NIRB's decision is based on specific considerations that reflect the primary objectives of the Land Claims Agreement. Our considerations in making this decision included:

- storage and disposal of fuel, garbage, sewage, and gray water, and impact of these on the ecosystem;
- the potential impact and disturbance to nesting and migrating birds;
- the potential impact on wildlife
- the impact on terrain;
- the impact on archaeological sites or cultural landmarks in the area; and
- clean up/restoration of the camp site upon completion of research.

Summary of Recommended Terms and Conditions

The Board is recommending the following or similar project-specific terms and conditions be imposed upon the Proponent through all relevant legislation:

General

1. Dr. Robert Scott-CASP (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 to the NIRB obtained and required for this project prior to the commencement of the project.
3. The NIRB shall be notified of any changes in operating plans or conditions associated with this project prior to any such change.

Water

4. The Proponent shall be advised that the use of water, disposal of wastewater or waste as a result of the project proposal activities require a Nunavut Water Board license and the project cannot proceed until this is obtained.
5. Any sumps, including those created for the disposal of grey water and sewage, shall be located above the high water mark of any water body and in such a manner as to prevent the contents from entering any water body frequented by fish. Further, all sumps shall be backfilled upon completion of the field season and contoured to match the surrounding landscape.
6. The Proponent shall not construct or disturb any stream, lakebed or banks of any definable water course unless authorized by the Department of Fisheries and Oceans.
7. The Proponent shall ensure compliance with Section 36 of the *Fisheries Act* which requires that no person shall deposit or permit the deposit of a deleterious substance on any type in water frequented

by fish or in any place under any conditions where the deleterious substance may enter such a water body.

Waste

8. The Proponent shall incinerate all combustible wastes daily, and remove the ash from incineration activities and non-combustible wastes from the project site to an approved facility for disposal.
9. The Proponent shall keep all garbage and debris in bags placed in a covered metal container or equivalent until disposed of.
10. The proponent shall ensure that any hazardous materials, including waste oil, be removed from the site and disposed of in accordance with Nunavut Territorial Regulations and Guidelines.

Fuel and Chemical Storage

11. The Proponent shall locate all fuel and other hazardous materials a minimum of thirty (30) metres away from the high water mark of any water body and in such a manner as to prevent their release into the environment.
12. All spills are to be documented and reported to the 24 hour Spill Line at (867) 920-8130. Environment Canada's environmental enforcement officer, Jimmy Noble should be contacted in the event of a spill at (867) 975-4644.
13. Drip pans, or other similar preventative measures, shall be used when refuelling equipment on site.

Wildlife

14. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation. Deliberate feeding of any wildlife is absolutely prohibited. The Proponent shall not hunt or fish, unless the appropriate permits and licenses are acquired.
15. The Proponent must avoid raptor nesting sites and concentrations of nesting or molting waterfowl by aircraft/helicopter at all times.
16. Pursuant to the *Migratory Bird Convention Act* Regulations, the Proponent shall not 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.
17. The Proponent shall ensure that there is minimal disturbance to any nesting birds and wildlife in the area. Harassment of wildlife is prohibited. This includes persistently worrying or chasing animals, or disturbing large groups of animals.
18. In order to reduce disturbance to nesting birds, the Proponent shall ensure that any aircraft used in conducting project activities maintain a flight altitude of at least 610 metres during horizontal (point to point) flight during the nesting season.
19. In order to reduce disturbance to resting, feeding, or moulting birds, the Proponent shall ensure that any aircraft used in conducting project activities maintain a vertical distance of 1000 m and minimum horizontal distance of 1500 m from any observed concentrations (flocks / groups) of birds.
20. The Proponent shall follow procedures outlined in the "Territorial Safety in Bear Country Manual", and should contact the Regional Biologist or the Wildlife manager for information and advice on

measures which should be taken to minimize the possibility of conflicts/interactions with bears. Consideration should be given to setting up an electric fence around the camp.

Species at Risk

21. The Proponent shall be aware that the Species at Risk Act came into effect on June 1, 2004. Attached in **Appendix B** is a list of Species at Risk in Nunavut that may be encountered. 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 (<http://www.sararegistry.gc.ca/>) 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.
22. The proposed project is not near any known Ivory Gull colonies. However, it is possible that Ivory Gull colonies exist in the High Arctic that have not yet been noted. Any observations of Ivory Gulls should be forwarded to Mark Mallory (Seabird Biologist, Canadian Wildlife Service, Environment Canada, Box 1714, Qimugjuk Bldg. 969, Iqaluit, NU, X0A 0H0, Ph: (867) 975.4637 or mark.mallory@ec.gc.ca). See attached fact sheet (**Appendix C**) for more information on Ivory Gulls.

Camp Sites

23. The Proponent shall ensure that the land use area is kept clean and tidy at all times.
24. The Proponent shall ensure that all camps are located on gravel, sand or other durable land.
25. The Proponent shall ensure that camp waste be made inaccessible to wildlife at all times. Camp waste can attract predators of migratory birds (e.g., foxes and ravens) to an area if not disposed of properly.

Archaeological

26. The Proponent shall ensure that any archaeological or palaeontological sites encountered are not disturbed.
27. The Proponent should be aware of the law regarding disturbance of archaeological and palaeontological sites and the removal of artifacts found. If a site is found it should remain undisturbed and its location should be reported to the Government of Nunavut Department of Culture, Language, Elders and Youth. See attached **Appendix D**.
28. The Proponent shall confirm that no fossils as defined in the attached **Appendix E** "Nunavut Archaeological and Palaeontological Site Regulations" will be disturbed or collected.

Restoration

29. The Proponent shall remove all garbage (and dispose of at an approved waste disposal site), fuel and equipment upon abandonment.

30. The Proponent shall complete all clean-up and restoration of the lands used prior to the expiry date of the permit.

Other

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

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 Thursday, March 16, 2007 at Cambridge Bay, NU.



Lucassie Arragutainaq, Acting Chairperson

Attachments: Appendix A- File History
 Appendix B-Species at Risk in Nunavut
 Appendix C-Fact Sheet, Ivory Gulls (*Pagophila eburnea*)
 Appendix D-Archaeological and Palaeontological Resources Terms and Conditions for Land Use
 Permit Holders.
 Appendix E-Nunavut Archaeological and Palaeontological Site Regulations

APPENDIX A – FILE HISTORY

On January 25, 2007 NIRB received a positive conformity determination from the Nunavut Planning Commission for the CASP-Axel Heiberg Island Project, North Baffin (Axel Heiberg Island) Project Proposal and NIRB commenced the screening process.

After a pre-screening review it was determined that NIRB required additional information from CASP prior to commencing the Part 4 Screening for the Axel Heiberg Island Project. On February 17, 2007, NIRB received the additional information from CASP necessary to commence the Part 4 Screening.

This application was distributed on February 19, 2007 to interested Parties on NIRB's distribution list. NIRB requested that interested Parties review the application and provide appropriate comments.

Project Description

The project proposal is a research project on Axel Heiberg Island and forms an integral part of a PhD research project for a student based at CASP. The project proposal involves geological observation and mapping of five field localities for the Axel Heiberg sediment provenance. The research project is scheduled to take place between 22 June, 2007 and 21 July, 2007.

The research team will consist of four people, who will live in tents for the duration of the project proposal. Travel from one locality to the next will be on foot, while transportation to and from the field will be by Twin Otter or helicopter. Water usage will be small and only for the use of food preparation and drinking water. The proponent intends to bury sewage that will be generated and incinerate and return any garbage generated.

Comments

NIRB received comments from Environment Canada (EC) and the Government of Nunavut Department of Culture Language Elders and Youth on March 1, 2006.

Environment Canada (EC)

EC had concerns related to birds and their habitat. Conditions are recommended for all stages of the project. These recommendations have been attached.

Canadian Wildlife Services (CWS) of EC also provided comments and recommendations pursuant to the Migratory Birds Convention Act and pursuant to the Species at Risk Act (SARA). These recommendations are attached. CWS specifically requested that any observations of Ivory Gulls be noted and forwarded to Mark Mallory.

Government of Nunavut Department of Culture Language Elders and Youth

The GN-CLEY provided archaeological and palaeontological resources terms and conditions for land use permit holders. These recommendations have been attached as Appendix D to the list of terms and conditions for your consideration.

GN-CLEY recommended approval of the application on the condition that the proponent can confirm that no fossils as defined in Appendix E, "Nunavut Archaeological and Palaeontological Site Regulations" will be disturbed or collected.



APPENDIX C

Fact Sheet, Ivory Gulls (*Pagophila eburnea*)

Fact Sheet

Ivory Gulls (*Pagophila eburnea*)



Figure 1. Ivory gulls at an island breeding colony. Ivory gulls are identified by their pure white plumage and black legs (other gulls have gray wings and yellow or orange legs). Note birds sitting on nests constructed of moss.

Natural History:

The ivory gull is a small, white seabird which spends most of its life near ice (Fig. 1). It breeds on snow and windswept plateaus, ice-choked islands or nunataks surrounded by glaciers, and winters in pack ice. It feeds along floe edges and polynyas, and is often observed standing on elevated icebergs.

Ivory gulls feed on zooplankton and fish, and are well-known for their habit of scavenging from polar bear or Inuit kills of marine mammals.

Gulls arrive in the Arctic in late April, and begin to move to open water and south in September, although some may be seen in the Arctic much later. Birds arrive at breeding colonies in June, and remain there into August. Nests are constructed of available vegetation, and 1-3 eggs are laid.

Estimated Population Size:

1980s 1800 birds counted; 2400 birds suspected
 2002-2005 maximum 400 birds counted (approx. 80% decline)

The species is currently listed as *Endangered* by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). Surveys at breeding colonies, at sea, and on the wintering grounds, as well as Inuit traditional knowledge, all suggest that populations are declining.

Breeding Locations:

Ivory Gulls breed on Ellesmere, Devon, Seymour, Cornwallis and north Baffin islands (black dots on Fig. 2). Colonies are generally small, about 20 pairs of birds, but may get up to 200 pairs in some locations.

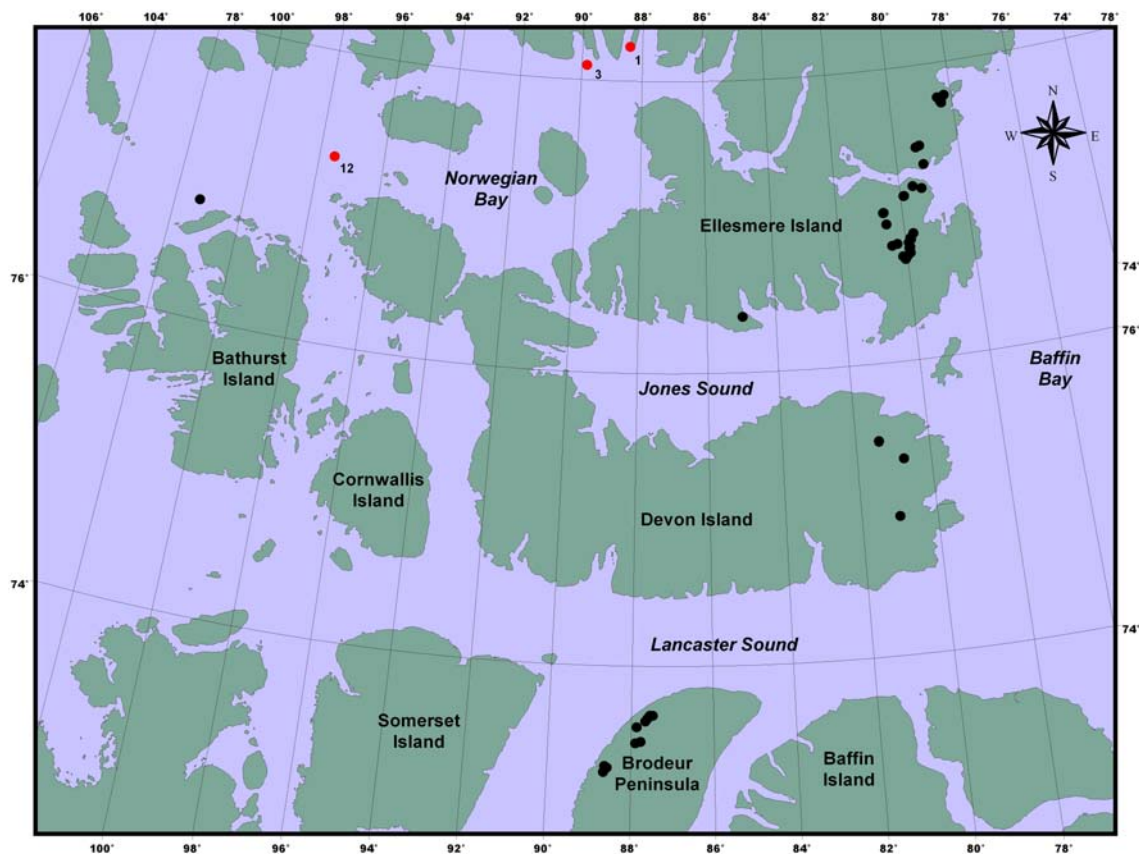


Figure 2. Breeding locations of ivory gulls in Nunavut, denoted by black dots (red dots are recent observations at sea).

Since the 1980s, many former colonies have been abandoned (Fig. 3), and recent colonies generally support fewer birds than colonies from 20+ years ago.

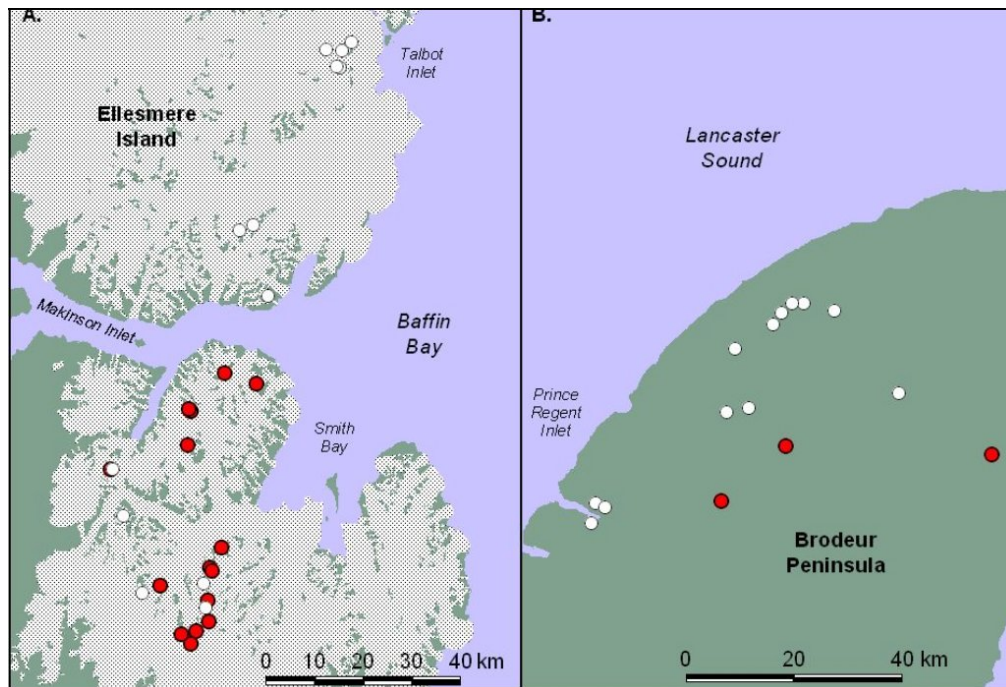


Figure 3. Former (white dots) and recent (red dots) colonies of ivory gulls on eastern Ellesmere Island (left panel) and the Brodeur Peninsula, Baffin Island (right panel).

On the Brodeur Peninsula, ivory gulls nest on flat ground (Fig. 4) but will generally jump into the air and circle their colony at the approach of an aircraft or predator. There are few if any other birds in this area, so white birds observed are undoubtedly ivory gulls.



Figure 4. Ivory gulls nesting on flat ground.

Wintering Locations:

Canadian ivory gulls are thought to spend the winter in the pack ice in Davis Strait, off of Labrador and Newfoundland. Some birds are observed near shore occasionally.

Threats:

Like many breeding seabirds, ivory gulls are susceptible to disturbance when at the breeding colony. As migratory birds, they are protected during the breeding season by the *Migratory Birds Convention Act* and *Migratory Birds Regulations*, which prohibit disturbance or destruction of nests and eggs. Some researchers have suggested that they are particularly vulnerable to disturbance from aircraft, although other scientists have suggested that they can tolerate minor or very infrequent disturbance.

At sea, these gulls are susceptible to pollution and disturbance at feeding areas, and they are also harvested in Greenland.

Future Considerations:

Ivory gull population size and trends are perilously low, and it is very likely that this species will be uplisted to *Threatened* or *Endangered* pursuant to the *Species At Risk Act* in the near future. That action will be associated with some restrictions on activities that can have a negative effect on the birds near ivory gull colonies. For that reason, it is essential that colonies be identified and avoided for the protection of the birds. Industrial activities near nesting areas should not proceed.

If a colony is spotted, we strongly recommend that the aircraft maintain a vertical distance of 610 m and a horizontal distance of 2 km from the location.

If ivory gulls are observed, please record the location and contact us:

Mark Mallory
Environment Canada, CWS
Box 1714
Iqaluit, NU, Canada X0A 0H0
P: 867 975 4637
F: 867 975 4645
E: mark.mallory@ec.gc.ca

Grant Gilchrist
Environment Canada, NWRC
Raven Road, Carleton University
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P: 613 998 7364
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APPENDIX D

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



ARCHAEOLOGICAL AND PALAEOONTOLOGICAL 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]

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 site” means a place where an archaeological artifact is found.

¹ s. 51(1)

² P.C. 2001-1111 14 June, 2001

“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.



APPENDIX E

Nunavut Archaeological and Palaeontological Site Regulations

2001-07-04 Canada Gazette Part II,
Vol. 135, No. 14 Gazette du Canada
Partie II, Vol. 135, n o 14
SOR/DORS/2001-220

Registration

SOR/2001-220 14 June, 2001

NUNAVUT ACT

**Nunavut Archaeological and
Palaeontological Sites Regulations**

P.C. 2001-1111 14 June, 2001

Her Excellency the Governor General
in Council, on the recommendation of
the Minister of Indian Affairs and
Northern Development, pursuant to
subsection 51(1) of the Nunavut Act,
hereby makes the annexed Nunavut
Archaeological and Palae-ontological
Sites Regulations.

**NUNAVUT ARCHAEOLOGICAL AND
PALAEONTOLOGICAL SITES REGULATIONS**

INTERPRETATION

The following definitions apply in
these Regulations.

"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. (artefact archéologique)

"archaeological site" means a site
where an archaeological artifact is
found. (lieu archéologique)

"Class 1 permit" means a permit that
entitles the permittee to survey and
document the characteristics of an
archaeological or palaeontological
site in a manner that does not alter
or other-wise disturb the site.
(permis de classe 1)

"Class 2 permit" means a permit that
entitles the permittee to
(a) survey and document the
characteristics of an archaeological
or palaeontological site;

(b) excavate an archaeological or
palaeontological site;

(c) remove archaeological artifacts
from an archaeological site or remove
fossils from a palaeontological site;
or

(d) otherwise alter or disturb an
archaeological or palaeontological
site. (permis de classe 2)

"designated agency" has the same
meaning as in section 33.1.1 of
the Nunavut Land Claims Agreement.
(organisme désigné)

"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. (fossile)

"Inuit-owned lands" has the same
meaning as in section 1.1.1 of the
Nunavut Land Claims Agreement.
(terres inuit)

"Nunavut Land Claims Agreement" means
the Agreement between the
Inuit of the Nunavut Settlement Area
and Her Majesty the Queen in
right of Canada, signed on May 25,
1993. (Accord sur les revendications
territoriales du Nunavut)

"palaeontological site" means a site
where a fossil is found. (lieu
paléontologique)

APPLICATION

2. These Regulations apply to all
lands and waters in Nunavut
other than

(a) those within the boundaries of a
park, as defined in the
Canada National Parks Act; and

(b) any lands set apart as a national historic site of Canada under section 42 of that Act.

PROTECTION OF ARTIFACTS AND FOSSILS

3. (1) Subject to subsection (2), no person shall possess or sell
(a) an archaeological artifact that was removed from an archaeological site on or after June 15, 2001; or
(b) a fossil that was removed from an palaeontological site on or after June 15, 2001.
(2) The prohibition on possession in subsection (1) does not apply to
(a) a person or organization receiving an archaeological artifact or fossil pursuant to section 15 or 16;
(b) a person or organization possessing an archaeological artifact or fossil under the terms of an agreement with a person or organization referred to in paragraph (a); or
(c) the holder of a Class 2 permit, during the term of the permit and for a period of three months after the expiration of the permit.

PROTECTION OF ARCHAEOLOGICAL SITES

4. No person shall search for archaeological sites or archaeological artifacts, or survey an archaeological site, without a Class 1 or Class 2 permit.
5. (1) No person shall excavate, alter or otherwise disturb an archaeological site, or remove an archaeological artifact from an archaeological site, without a Class 2 permit.
(2) No person, other than a person engaged in a search and rescue operation, shall dive, or approach with an underwater submersible, to

within 30 m of an archaeological artifact without a Class 2 permit.
(3) Subsection (1) shall not be interpreted to prohibit the establishment of an outpost camp on an archaeological site in accordance with section 7.6.3 of the Nunavut Land Claims Agreement.

PROTECTION OF PALAEOONTOLOGICAL SITES

6. No person shall search for palaeontological sites or fossils, or survey a palaeontological site, without a Class 1 or Class 2 permit.
7. No person shall excavate, alter or otherwise disturb a palaeontological site, or remove a fossil from a palaeontological site, without a Class 2 permit.

ISSUANCE OF PERMITS

8. (1) A person may apply for a Class 1 permit by submitting an application, in writing, to the designated agency, setting out

- (a) the name and qualifications of the applicant and of all persons who will be working on the proposed project;
- (b) a description of the project, including
 - (i) a statement as to whether the project relates to archaeological or palaeontological sites, and
 - (ii) a map and geographic coordinates of the project area; and
- (c) the objectives of the project.

(2) Subject to section 10 of these Regulations and section 33.5.6 of

the Nunavut Land Claims Agreement, within 90 days after receipt of an application made under subsection (1), or after any longer period required to ascertain that the requirements of paragraphs (a) and (b) have been met, the designated agency shall issue a Class 1 permit for the proposed project if

(a) the applicant has demonstrated the expertise in archaeology necessary to conduct the project and complete the report required under subsection 14(2); and

(b) the applicant has complied with all conditions precedent to obtaining such a permit set out in the Nunavut Land Claims Agreement.

9. (1) A person may apply for a Class 2 permit by submitting an application, in writing, to the designated agency, setting out

(a) the name and qualifications of the applicant;

(b) the name and qualifications of all persons who will be working on the proposed project, if known;

(c) a description of the project, including

(i) a statement as to whether the project relates to archaeological or palaeontological sites, and

(ii) a map and geographic coordinates of the project area;

(d) the objectives of the project;

(e) plans for the conservation of any archaeological artifacts or fossils proposed to be collected under the permit;

(f) where the project relates to an archaeological site, a description of arrangements made for acceptance,

(i) by a curation repository designated by the Inuit Heritage Trust under section 33.7.6 of the Nunavut Land Claims Agreement, of any archaeological artifacts proposed to be

collected under the permit on Inuit-owned lands, or

(ii) by a curation repository designated by the designated agency under section 33.7.7 of the Nunavut Land Claims Agreement, of any archaeological artifacts proposed to be collected under the permit on any other lands;

(g) where the project relates to a palaeontological site, a description of arrangements made with the minister of the government of Nunavut responsible for culture and heritage for acceptance of any fossils proposed to be collected under the permit;

(h) a copy of the budget of the project, including funds allocated for the preservation of archaeological artifacts or fossils, and a confirmation of the project funding; and

(i) a description of the manner in which the archaeological or palaeontological site will be restored.

(2) Subject to section 10 of these Regulations and section 33.5.6 of the Nunavut Land Claims Agreement, within 90 days after receipt of an application made under subsection (1), or after any longer period required to ascertain that the requirements of

paragraphs (a) to (c) have been met, the designated agency shall issue a Class 2 permit for the proposed project if

(a) the applicant has demonstrated the expertise in archaeology or palaeontology necessary to conduct the project;

(b) the scientific and cultural benefits of the project outweigh the adverse impact of the project on the archaeological or Palaeontological site; and

(c) the applicant has complied with all conditions precedent to obtaining such a permit set out in the Nunavut Land Claims

Agreement.

10. An applicant who has contravened these Regulations or the conditions of any previous permit or other authorization for the search for, or excavation of, archaeological or palaeontological sites that was issued in any country is not entitled to issuance of a permit under section 8 or 9, if the contravention has not been remedied.

ASSIGNMENT

11. A permit shall not be assigned.

EXPIRATION

12. A permit expires on December 31 of the year for which it was issued.

SITE RESTORATION

13. A person who excavates an archaeological or Palaeontological site shall, on completion of the excavation, restore the site, in so far as is practicable, to its original state.

REPORTS

14. (1) On or before March 31 of the year following the year for which a permit was issued, the holder of a Class 1 permit shall provide a copy of the report referred to in subsection (2), and the holder of a Class 2 permit shall provide a copy of the report referred to in subsection (3), to each of

(a) where the permit is in respect of an archaeological site,

(i) the Inuit Heritage Trust;

(ii) the minister of the government of Nunavut responsible for culture and heritage; and

(iii) the Canadian Museum of Civilization; and

(b) where the permit is in respect of a palaeontological site, the minister of the government of Nunavut responsible for culture and heritage.

(2) A report of work done under a Class 1 permit shall set out the name of the permittee, the date of the report and the permit number and shall include, for each

archaeological or palaeontological site visited, a description of the work undertaken, including

(a) a description of the site;

(b) National Topographic Series maps, on a scale of 1:50,000 or 1:250,000, showing the location of the site;

(c) a detailed plan of the site; and

(d) representative photographs of the site.

(3) A report of work done under a Class 2 permit shall set out the name of the permittee, the date of number and shall include, for each archaeological or palaeontological site visited,

(a) a description of the work undertaken, including

(i) a description of the site,

(ii) National Topographic Series maps, on a scale of 1:50,000 or 1:250,000, showing the location of the site,

(iii) detailed plans of the site and each excavation unit on the site,

(iv) a vertical scale drawing of the stratigraphy of each excavation unit,

(v) representative photographs of the site, taken before and during excavation and after completion of restoration of the site,

(vi) a description of any subsurface testing, and

(vii) measurements of the depths at which all archaeological artifacts or fossils were found and their horizontal provenience;

(b) a description of the methods used in data acquisition, re-cording and analysis, including those used in field, archival and laboratory investigations;

(c) a description of any archaeological artifact or fossil conservation treatments and the name of the conservator;

(d) a description of any environmental factors and recent history relating to the site;

(e) an assessment of the current physical status of the site and any present or potential factors that could alter that status; and
(f) an interpretation of the significance of the site based on a summary examination of the findings resulting from the work undertaken.

REPOSITORY

15. (1) Subject to subsection (2), all archaeological artifacts collected by a permittee shall be submitted, on or before March 31 of the year following the year for which the permit was issued,
(a) where the artifacts were collected on Inuit-owned lands, to a curation repository designated by the Inuit Heritage Trust under section 33.7.6 of the Nunavut Land Claims Agreement; or
(b) where the artifacts were collected on any other lands, to a curation repository designated by the designated agency under section 33.7.7 of the Nunavut Land Claims Agreement.
(2) Any Denesuline archaeological specimens collected by a permittee shall be submitted to the designated agency on or before March 31 of the year following the year for which the permit was issued.
16. All fossils collected by a permittee shall be submitted, on or before March 31 of the year following the year for which the permit was issued, to the minister of the government of Nunavut responsible for culture and heritage.

COMING INTO FORCE

17. These Regulations come into force on June 15, 2001.
N.B. The Regulatory Impact Analysis Statement for these Regulations appears at page 1283 following
SOR/2001-218.

a S.C. 1993, c.28
Enregistrement

DORS/2001-220 14 juin 2001
LOI SUR LE NUNAVUT
Règlement sur les lieux
archéologiques et
paléontologiques du Nunavut
C.P. 2001-1111 14 juin 2001
Sur recommandation du ministre des
Affaires indiennes et du Nord
canadien et en vertu du paragraphe
51(1) de la Loi sur le Nunavut, Son
Excellence la Gouverneure générale en
conseil prend le Règlement sur
les lieux archéologiques et
paléontologiques du Nunavut, ci-
après.

**RÈGLEMENT SUR LES LIEUX
ARCHÉOLOGIQUES ET
PALÉONTOLOGIQUES DU NUNAVUT
DÉFINITIONS**

1. Les définitions qui suivent
s'appliquent au présent règle-ment.
« Accord sur les revendications
territoriales du Nunavut »
L'Accord entre les Inuit de la région
du Nunavut et Sa Majesté la Reine
du chef du Canada, signé le 25 mai
1993. (Nunavut Land Claims
Agreement)
« artefact archéologique » Toute
preuve tangible de l'activité humaine
qui a plus de cinquante ans et pour
laquelle la chaîne de possession ou
les habitudes d'utilisation ne
peuvent être éta-blies. La présente
définition vise également les
spécimens ar-chéologiques denesuline
visés à l'article 40.4.9 de l'Accord
sur les revendications territoriales
du
Nunavut. (archaeological artifact)
« fossile » Sont notamment visés :
a) les moules internes;
b) les traces, coprolithes et restes
de plantes conservés;
c) les exosquelettes et coquilles
d'invertébrés et les oeufs,
dents et os de vertébrés, qui sont
conservés. (fossil)
« lieu archéologique » Lieu où est
trouvé un artefact archéologi-que.
(archaeological site)
« lieu paléontologique » Lieu où est
trouvé un fossile. (palaeontological

site)
« organisme désigné » S'entend au
sens de l'article 33.1.1 de
l'Accord sur les revendications
territoriales du Nunavut.
(designated agency)
« permis de classe 1 » Permis
autorisant le titulaire à enregistrer
les
caractéristiques d'un lieu
archéologique ou paléontologique et à
en lever
le plan sans le modifier ni le
perturber de quelque autre façon.
(Class 1
permit)
« permis de classe 2 » Permis
autorisant le titulaire à, selon le
cas :
a) enregistrer les caractéristiques
d'un lieu archéologique ou
paléontologique et à en lever le
plan;
b) effectuer des fouilles dans ce
lieu;
c) enlever des artefacts
archéologiques du lieu archéologique
ou des fossiles du lieu
paléontologique;
a a L.C. 1993, c.28

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SOR/DORS/2001-220

d) modifier ou perturber ce lieu de
quelque autre façon.
(Class 2 permit)
« terres inuit » S'entend au sens de
l'article 1.1.1 de l'Accord sur
les revendications territoriales du
Nunavut. (Inuit-owned lands)

CHAMP D'APPLICATION

2. Le présent règlement s'applique à
toutes les terres et toutes les eaux
situées au Nunavut, sauf les
suivantes :
a) celles qui sont situées dans les
limites d'un parc au sens de la Loi
sur les parcs nationaux du Canada;
b) les terres érigées en lieu
historique national du Canada en
vertu de
l'article 42 de cette loi.

PROTECTION DES ARTEFACTS ARCHÉOLOGIQUES ET DES

FOSSILES

3. (1) Sous réserve du paragraphe (2), nul ne peut vendre ou posséder :

- a) un artefact archéologique qui a été enlevé d'un lieu archéologique le 15 juin 2001 ou après cette date;
- b) un fossile qui a été enlevé d'un lieu paléontologique le 15 juin 2001 ou après cette date.

(2) L'interdiction de possession prévue au paragraphe (1) ne s'applique pas :

- a) à la personne ou à l'organisation à qui a été remis un artefact archéologique ou un fossile en application des articles 15 ou 16;
- b) à la personne ou à l'organisation qui est en possession d'un artefact archéologique ou d'un fossile en vertu d'un accord conclu avec la personne ou l'organisation visée à l'alinéa a);
- c) au titulaire d'un permis de classe 2 pendant la durée de validité du permis et les trois mois suivant son expiration.

PROTECTION DES LIEUX ARCHÉOLOGIQUES

4. Nul ne peut, sans le permis de classe 1 ou 2, rechercher un lieu archéologique ou des artefacts archéologiques ni lever le plan d'un tel lieu.

5. (1) Nul ne peut, sans le permis de classe 2, fouiller, modifier ou perturber de quelque autre façon un lieu archéologique ou y enlever un artefact archéologique.

(2) Nul ne peut – autre que le participant à une opération de recherche et de sauvetage –, sans le permis de classe 2, faire de la plongée ou s'approcher à bord d'un submersible à moins de 30 m d'un artefact archéologique.

(3) Le paragraphe (1) n'a pas pour effet de prohiber l'établissement de camps éloignés sur des lieux archéologiques prévu à l'article 7.6.3 de l'Accord sur les revendications territoriales du Nunavut.

PROTECTION DES LIEUX PALÉONTOLOGIQUES

6. Nul ne peut, sans le permis de classe 1 ou 2, rechercher un lieu paléontologique ou des fossiles ni lever le plan d'un tel lieu.

7. Nul ne peut, sans le permis de classe 2, fouiller, modifier ou perturber de quelque autre façon un lieu paléontologique ou y enlever un fossile.

DÉLIVRANCE DE PERMIS

8. (1) Toute demande de permis de classe 1 doit être présentée par écrit à l'organisme désigné et contenir les renseignements suivants :

- a) les nom et qualités du demandeur et de toute personne affectée au projet;
- b) la description du projet, y compris :
 - (i) une mention indiquant s'il s'agit d'un projet concernant un lieu archéologique ou bien un lieu paléontologique,
 - (ii) la carte et les coordonnées géographiques de la zone du projet;
- c) les objectifs du projet.

(2) Sous réserve de l'article 10 du présent règlement et de l'article 33.5.6 de l'Accord sur les revendications territoriales du Nunavut, dans les quatre-vingt-dix jours suivant la réception de la demande ou dans un délai plus long lorsque cela est nécessaire pour vérifier la conformité de la demande aux exigences des alinéas a) à b), l'organisme désigné délivre le permis de classe 1 pour le projet si les conditions suivantes sont réunies:

- a) le demandeur démontre qu'il possède l'expertise nécessaire pour mener à bien le projet et pour rédiger le rapport prévu au paragraphe 14(2);
- b) le demandeur a satisfait aux conditions préalables à l'obtention

du permis prévues par l'Accord sur les revendications territoriales du Nunavut.

9. (1) Toute demande de permis de classe 2 doit être présentée par écrit à l'organisme désigné et contenir les renseignements suivants:

a) les nom et qualités du demandeur;
b) les nom et qualités, s'ils sont connus, de toute personne affectée au projet;

c) la description du projet, y compris :

(i) une mention indiquant s'il s'agit d'un projet concernant un lieu archéologique ou bien un lieu paléontologique,

(ii) la carte et les coordonnées géographiques de la zone du projet;

d) les objectifs du projet;

e) les projets de conservation de tout artefact archéologique ou fossile que l'on prévoit recueillir en vertu du permis;

f) dans le cas d'un projet concernant un lieu archéologique, la description des arrangements pris pour confier les artefacts archéologiques que l'on prévoit recueillir en vertu du permis :

(i) à un dépôt de conservation désigné par la Fiducie du patrimoine inuit en vertu de l'article 33.7.6 de l'Accord sur les revendications territoriales du Nunavut, lorsqu'ils sont recueillis sur les terres inuit,

(ii) à un dépôt de conservation désigné par l'organisme désigné en vertu de l'article 33.7.7 de l'Accord sur les revendications territoriales du Nunavut, lorsqu'ils sont recueillis sur toute autre terre;

g) dans le cas d'un projet concernant un lieu paléontologique, la description des arrangements pris avec le ministre du gouvernement du Nunavut responsable de la culture et du patrimoine pour lui confier tout fossile que l'on prévoit recueillir en vertu du permis;

h) une copie du budget du projet, y compris les fonds affectés à

la conservation des artefacts archéologiques ou des fossiles, et la confirmation du financement du projet;

i) la description de la manière dont le lieu archéologique ou paléontologique sera remis en état.

(2) Sous réserve de l'article 10 du présent règlement et de l'article 33.5.6 de l'Accord sur les revendications territoriales du

Nunavut, dans les quatre-vingt-dix jours suivant la réception de la demande ou dans un délai plus long lorsque cela est nécessaire pour vérifier la conformité de la demande aux exigences des ali-néas a) à c), l'organisme désigné délivre le permis de classe 2 pour le projet si les conditions suivantes sont réunies :

a) le demandeur démontre qu'il possède l'expertise nécessaire dans le domaine de l'archéologie ou de la paléontologie pour mener à bien le projet;

b) les retombées scientifiques et culturelles du projet l'emportent sur les effets défavorables de celui-ci sur le lieu archéologique ou paléontologique;

c) le demandeur a satisfait à toutes les conditions préalables à l'obtention du permis prévues par l'Accord sur les revendications territoriales du Nunavut.

10. Quiconque a contrevenu au présent règlement ou aux conditions d'un permis ou d'une autre autorisation antérieurs delivers n'importe

où dans le monde pour la recherche ou la fouille de lieux

archéologiques ou paléontologiques ne peut se voir délivrer un permis en vertu des articles 8 ou 9, à moins d'avoir remédié au manquement.

INCESSIBILITÉ

11. Les permis sont incessibles.

EXPIRATION

12. Tout permis expire le 31 décembre de l'année visée par celui-ci.

REMISE EN ÉTAT DES LIEUX

13. La personne qui fouille un lieu archéologique ou paléontologique doit, une fois les fouilles terminées, remettre le lieu, dans la mesure du possible, en l'état où il se trouvait avant les fouilles.

RAPPORTS

14. (1) Au plus tard le 31 mars de l'année suivant celle visée par le permis, le titulaire doit fournir une copie du rapport vise aux paragraphes (2) ou (3), selon le cas, aux personnes et organismes suivants :

a) dans le cas d'un permis concernant un lieu archéologique:

- (i) la Fiducie du patrimoine inuit,
- (ii) le ministre du gouvernement du Nunavut responsable de la culture et du patrimoine,
- (iii) le Musée canadien des civilisations;

b) dans le cas d'un permis concernant un lieu paléontologique, le ministre du gouvernement du Nunavut responsable de la culture et du patrimoine.

(2) Dans le cas du permis de classe 1, le rapport doit contenir le nom du titulaire de permis, la date du rapport, le numéro du permis ainsi que, pour chaque lieu archéologique ou paléontologique exploré, une description des travaux effectués, y compris :

- a) une description du lieu;
- b) des cartes de la Série nationale de référence cartographique, à l'échelle de 1/50 000 ou de 1/250 000, indiquant l'emplacement du lieu;
- c) un plan détaillé du lieu;
- d) des photographies représentatives du lieu.

(3) Dans le cas du permis de classe 2, le rapport doit contenir le nom du titulaire de permis, la date du rapport, le numéro du

permis ainsi que, pour chaque lieu archéologique ou paléontologique exploré :

- a) une description des travaux effectués, y compris :
 - (i) une description du lieu,
 - (ii) des cartes de la Série nationale de référence cartographique,

à l'échelle de 1/50 000 ou de 1/250 000, indiquant

l'emplacement du lieu,

(iii) un plan détaillé du lieu ainsi que de chaque unité de

fouille du lieu,

(iv) des croquis à échelle verticale de la stratigraphie de chaque unité de fouille,

(v) des photographies représentatives du lieu prises avant et

pendant les fouilles et après sa remise en état,

(vi) la description des analyses subsuperficielles,

(vii) les mesures de la profondeur à laquelle les artefacts

archéologiques ou les fossiles ont été trouvés et leur strate de provenance;

b) la description des méthodes de collecte, d'enregistrement et d'analyse des données, notamment

celles utilisées pour la recherche sur le terrain, en

laboratoire ou dans les archives;

c) la description des traitements de conservation des artefacts

archéologiques ou des fossiles ainsi que le nom du conservateur;

d) la description de l'évolution récente du lieu et des facteurs environnementaux pertinents;

e) l'évaluation de l'état physique actuel du lieu et de tout facteur, existant ou potentiel, qui pourrait le modifier;

f) l'interprétation de l'importance du lieu d'après l'examen

sommaire des conclusions des travaux.
DÉPÔT

15. (1) Sous réserve du paragraphe

(2), au plus tard le 31 mars de l'année suivant celle visée par le

permis, tous les artefacts

archéologiques

recueillis par le titulaire de permis doivent être re-mis,

selon le cas :

a) au dépôt de conservation désigné par la Fiducie du patri-moine

inuit en vertu de l'article 33.7.6 de l'Accord sur les revendications

territoriales du Nunavut, lorsqu'ils ont été recueillis sur les terres

inuit;

b)audépôt de conservation désigné par l'organisme désigné en vertu de l'article 33.7.7 de l'Accord sur les revendications territoriales du Nunavut, lorsqu'ils ont été recueillis sur toute autre

terre.

(2) Au plus tard le 31 mars de l'année suivant celle visée par le permis, les spécimens archéologiques dénombrés recueillis par le titulaire de permis doivent être remis à l'organisme désigné.

16. Au plus tard le 31 mars de l'année suivant celle visée par le permis, tous les fossiles recueillis par le titulaire de permis doivent

être remis au ministre du gouvernement du Nunavut responsable de la culture et du patrimoine.

ENTRÉE EN VIGUEUR

17. Le présent règlement entre en vigueur le 15 juin 2001.

N.B. Le Résumé de l'étude d'impact de la réglementation de ce règlement se trouve à la page 1283, suite au DORS/2001-218.