

NIRB File Nos.: 06YN015, 06YN024

New AANDC File No.: N2012N0015 CWS File Nos.: NUN SCI 09 01, NUN MBS 09 01 NWB File Nos. 3BC-PLI0811, 3BC-TER0811

April 24, 2013

The Honourable Peter Kent, Minister of Environment Government of Canada c/o Jason Akearok, Habitat Biologist Canadian Wildlife Services P.O. Box 1870, Iqaluit, NU, XOA 0H0

Sent via email: jason.akearok@ec.gc.ca

Re: Application Exempt from the Requirement for Screening pursuant to Section 12.4.3 of the NLCA: Mark Mallory's "Breeding Ecology of High Arctic Marine Birds" project, Qikiqtani (North Baffin) Region

Dear Jason Akearok:

On April 9, 2013 the Nunavut Impact Review Board (NIRB or Board) received an application from the Canadian Wildlife Service (CWS) for an amendment to Scientific Permit NUN-SCI-12-04 for Mark Mallory's its "Breeding Ecology of High Arctic Marine Birds" project.

Please be advised that the original project proposals (NIRB File No.: 06YN015 and 06YN024) were received by the NIRB from the Canadian Wildlife Service on April 5, 2006 and a positive conformity determination (North Baffin Regional Land Use Plan) was received by the NIRB from the Nunavut Planning Commission on April 30, 2012. The project proposal was screened in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA) and on May 15, 2006 the NIRB issued both of the enclosed NLCA 12.4.4(a) screening decisions to the Minister of Environment, Government of Canada which indicated that the proposed projects could proceed subject to the NIRB's recommended project-specific terms and conditions as issued for each separate project.

Additional authorization and extension requests associated with the "Breeding Ecology of High Arctic Birds" project have also been reviewed by the NIRB following screening of the original project proposals (File Nos. 06YN015 & 06YN024). In each instance the NIRB confirmed that the applications were exempt from the requirement for further screening pursuant to Section 12.4.3 of the NLCA and the activities therein remained subject to the terms and conditions

recommended in the original May 15, 2006 Screening Decision Report. A summary of the additional applications associated with NIRB File Nos. 06YN015 & 06YN024 is presented in Table 1.

Table 1: Additional applications associated with NIRB File Nos. 06YN015 & 06YN024

	Application				NIRB Decision	
Authorization	Date Received by NIRB	NIRB File No.	Туре	Reason for Application	Date Issued	Туре
CWS Scientific Research Licence (NUN-SCI-06-01) INAC LUP	April 29, 2008 May 20,	06YN024 06YN024	Amendment New Permit	Establish new field site on Tern Island	June 9, 2008	Reissued May 15, 2006 SDR
(068H16) INAC LUP (N2003J0014 & 58E2-1)	2008 May 21, 2008	06YN015	New Permit	Conduct research activities related to "Prince Leopold Island Research Camp"	May 30, 2008	Reissued May 15, 2005 SDR
CWS Scientific Research Licence (NUN-SCI-09-01, NUN-MBS-09-01)	March 18, 2009	06YN015 & 06YN024	Renewal	Continue research activities	March 26, 2009	Reissued May 15, 2006 SDR
CWS Scientific Research Licence (NUN-SCI-09-01, NUN-MBS-09-01)	April 3, 2012	06YN015 & 06YN024	Amendment and Extension	Continue research activities	April 16, 2012	Reissued May 15, 2006 SDR
AANDC LUP (N2012N0015)	April 25, 2012	06YN015 & 06YN024	New Permit	Continue research activities	May 14, 2012	Reissued May 15, 2006 SDR

Notes: CWS = Canadian Wildlife Service; INAC = Indian and Northern Affairs Canada; LUP = Land Use Permit; AANDC = Aboriginal Affairs and Northern Development Canada; NIRB= Nunavut Impact Review Board; SDR= Screening Decision Report

The current CWS application, the original NIRB Screening Decision Reports (File Nos. 06YN015 & 06YN024) and related file information are available from the NIRB's online public registry at the following locations:

http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2006/06YN015-Mark%20Mallory%20-%20Prince%20Leopold%20Island/

http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2006/06YN024-Mark%20Mallory%20-%20Cape%20Vera/

PREVIOUSLY-SCREENED PROJECT PROPOSAL:

As previously screened by the NIRB (File No. 06YN024), the Mark Mallory's "Breeding Ecology of High Arctic Marine Birds" project was located within the Qikiqtani region, approximately 300 kilometres (km) northeast of Resolute Bay. The Proponent indicated that it intended to monitor populations of seabirds and test for contaminants in their eggs.

The activities and components associated with the previously screened proposal included:

- Capture up to 50 Glaucous Gulls take blood sample and feces swab, attach satellite and VHF transmitters and then release;
- Use of 2 established field camps at Cape Vera and Prince Leopold Island by 8 people total;
- Flights to and from site using twin otters and helicopters provided by the Polar Continental Shelf Project; and
- ATV use for periodic travel to and from landing strip to cabin.

The activities and components associated with the previous April 29 2008 and May 20, 2008 amendment include:

- Establishment of a new field site on "Tern Island", a small island north of Cornwallis Island; and
- The same sampling regime excluding attachment of satellite and VHF transmitters, and for Arctic Terns rather than Glaucous Gulls.

The activities and components associated with the previous April 3, 2012 amendment (06YN015 and 06YN024) include:

- Conduct project activities at an unnamed island near Cornwallis Island; and
- Observe colonies of birds and record food consumption as well as any reactions to people
 walking, aircraft flying over, and ATV travel on the island to assess at what proximity the
 birds' exhibit behavioural changes.

CURRENT APPLICATION:

Mark Mallory is proposing to amend its Canadian Wildlife Service Scientific Research Permit to continue previous research activities in 2013 and 2014, and to include the following additional components/activities:

- To collect a total of 40 adult marine birds for contaminants analysis; and
- To collect up to 45 marine bird eggs for contaminants analysis.

Please note that 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."

After completing a review of the information provided in support of the current application, the NIRB is of the understanding that the proposed amendment does not change the general scope of the original project activities, and the exceptions noted in NLCA 12.4.3(a) and (b) do not apply. Therefore, this application is exempt from the requirement for screening pursuant to Section 12.4.3 of the NLCA and the activities therein remain subject to the terms and conditions recommended in the original May 15, 2006 Screening Decision Reports (enclosed).

If you have any questions or require additional clarification, please contact Robert Maksagak, Assistant Technical Advisor, at (867) 983-4622 or rmaksagak@nirb.ca

Sincerely,

Ryan Barry

Executive Director

Ryan Barry

Nunavut Impact Review Board

cc: Mark Mallory, Acadia University

Jeff Mercer, Aboriginal Affairs and Northern Development Canada Tracey McCaie, Aboriginal Affairs and Northern Development Canada

Phyllis Beaulieu, Nunavut Water Board Bernie MacIsaac, Qikiqtani Inuit Association

Enclosure (2): NIRB Screening Decision Report, File No.: 06YN015 (May 15, 2006)

NIRB Screening Decision Report, File No.: 06YN024 (May 15, 2006)