



**SCREENING DECISION REPORT  
NIRB FILE NO.: 09AN034**

AANDC File No.: N2013J0013

September 9, 2013

The Honourable Bernard Valcourt  
Minister of Aboriginal Affairs and Northern Development  
Aboriginal Affairs and Northern Development Canada  
Government of Canada  
10 Rue Wellington  
Gatineau, QC K1A 0H3

Via email: [minister@aandc.gc.ca](mailto:minister@aandc.gc.ca) and [bernard.vacourt@parl.gc.ca](mailto:bernard.vacourt@parl.gc.ca)

**Re: Screening Decision for Canadian Arctic Holidays Ltd.'s application with Aboriginal Affairs and Northern Development Canada for its "Tourism & Wildlife Observation at Somerset Island and Prince Leopold Island Bird Sanctuary", Oikiqtani Region, Additional Application Terms and Conditions, 09AN034**

Dear Mr. Valcourt:

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

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

Section 12.4.3 of the NLCA states that:

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

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

## NIRB ASSESSMENT AND DECISION

The NIRB has completed a review of Canadian Arctic Holidays Ltd.'s application with Aboriginal Affairs and Northern Development Canada (AANDC) for a new Land Use Permit (N2013N0013) in support of their "Tourism & Wildlife Observation at Somerset Island and Prince Leopold Island Bird Sanctuary" project.

After a thorough assessment of the project proposal, the new application information and the comments received (please see *Procedural History* and *Project Activities* in **Appendix A**), in accordance with Section 12.4.3 of the NLCA, the Board has determined that this request will result in a change to the original scope of the project. Therefore, the NIRB is re-issuing the recommended project-specific terms and conditions contained in the June 2, 2009 Screening Decision, NIRB file No.: 09AN034 in addition to new terms and conditions which are designed to mitigate any potential impacts to the environment as per Section 12.4.4(a) of the NLCA.

### ***PREVIOUSLY APPROVED*** PROJECT-SPECIFIC TERMS AND CONDITIONS

The following terms and conditions were previously approved by the NIRB for file **09AN034** in a Screening Decision Report dated June 2, 2009 and is available from NIRB's online public registry using the following link

<http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/>:

#### **General**

1. Canadian Arctic Holidays (the Proponent) shall maintain a copy of the Project Terms and Conditions at the site of operation at all times.
2. The Proponent shall forward copies of all permits obtained and required for this project to the Nunavut Impact Review Board (NIRB) prior to the commencement of the project.
3. The Proponent shall operate in accordance with all commitments stated in correspondence provided to NIRB (NIRB Part 1 Form, April 24, 2009), to the Qikiqtani Inuit Association (Application for Access to Inuit Owned Lands, February 25, 2009), and to the Canadian Wildlife Service (Bird Sanctuary Permit Application, April 24, 2009).
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

#### **Water**

5. The Proponent shall not extract water from any fish-bearing waterbody unless the water intake hose is equipped with a screen of appropriate mesh size to ensure that there is no entrapment of fish. Small lakes or streams shall not be used for water withdrawal.
6. The Proponent shall not use water, including constructing or disturbing any stream, lakebed or the banks of any definable water course unless approved by the Nunavut Water Board.

#### **Waste**

7. The Proponent shall remove all wastes from Prince Leopold Island daily after each trip, and shall dispose of the wastes at an approved facility.

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

#### **Fuel and Chemical Storage**

9. The Proponent shall report all spills of fuel, or other deleterious materials immediately to the 24 hour Spill Line at (867) 920-8130.

#### **Wildlife**

10. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.
11. The Proponent shall not harass wildlife. This includes persistently worrying or chasing animals, or disturbing large groups of animals. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired.
12. The Proponent shall restrict aircraft/helicopter activity related to the project to a minimum altitude of 610 metres above ground level unless there is a specific requirement for low-level flying, which does not disturb wildlife and migratory birds.
13. The Proponent shall ensure that aircraft maintain a vertical distance of 1000 metres and a horizontal distance of 1500 metres from any observed groups (colonies) of migratory birds.
14. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
15. The Proponent shall not disturb or destroy the nests or eggs of any birds. If active nests of any birds are discovered (i.e. with eggs or young), the Proponent shall avoid these areas until nesting is complete and the young have left the nest.
16. The Proponent shall cease activities that may interfere with migration or calving of caribou or muskox, until the caribou or muskox have passed or left the area.
17. The Proponent shall ensure that all project staff are trained in appropriate bear/carnivore detection and deterrent techniques.

#### **Physical Environment**

18. The Proponent shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging. The Proponent shall suspend overland travel of equipment or vehicles if rutting occurs.
19. The Proponent shall ensure that the land use area is kept clean and tidy at all times.

#### **Restoration**

20. The Proponent shall remove all garbage, fuel and equipment upon abandonment.
21. The Proponent shall complete all clean-up and restoration of the lands used prior to the expiry date of the permit.

#### **Other**

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

**NEW RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS**  
(pursuant to Section 12.4.4(a) of the NLCA)

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

**General**

23. The Proponent shall operate in accordance with all commitments stated in correspondence provided to NIRB (NIRB Part 1 Form, July 19, 2013; non-technical project proposal summary (ies) in English and Inuktitut); Nunavut Water Board (Revised Spill Contingency Plan, July 16, 2013); Aboriginal Affairs and Northern Development Canada (Land Use Permit application, May 28, 2013) and Nunavut Planning Commission (Conformity Determination, May 27, 2013).

**Waste Disposal/Incineration**

24. 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.
25. The Proponent shall incinerate all combustible wastes daily and dispose of ash by burial beneath no less than one (1) metre of compacted soil. Non-combustible wastes shall be removed from the project site to an approved facility for disposal.
26. The Proponent shall ensure that the incineration of combustible camp wastes comply with the *Canadian Wide Standards for Dioxins and Furans*, and the *Canadian Wide Standards for Mercury*.
27. The Proponent shall ensure that no waste oil/grease is incinerated on site.

**Fuel and Chemical Storage**

28. The Proponent shall locate all fuel and other hazardous materials a minimum of thirty-one (31) metres away from the high water mark of any water body and in such a manner as to prevent their release into the environment.
29. The Proponent shall ensure that re-fuelling of all equipment occurs a minimum of thirty-one (31) metres away from the high water mark of any water body.
30. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife.
31. The Proponent shall use adequate secondary containment or a surface liner (e.g. self-supporting insta-berms and fold-a-tanks), when storing barreled fuel and chemicals at all locations.
32. The Proponent shall use drip pans or other equivalent device when refueling equipment on-site. Appropriate spill response equipment and clean-up materials (e.g., shovels, pumps, barrels, drip pans, and absorbents) must be readily available during any transfer of fuel or hazardous substances.
33. The Proponent shall remove and treat hydrocarbon contaminated soils on site or transport them to an approved disposal site for treatment.

34. The Proponent shall ensure that all personnel are properly trained in fuel and hazardous waste handling procedures, as well as spill response procedures. All spills of fuel or other deleterious materials of any amount must be reported immediately to the 24 hour Spill Line at (867) 920-8130.

#### **Wildlife - General**

35. The Proponent shall not touch, feed or entice wildlife to approach by holding out or setting out decoys or any such devices, foodstuffs or bait of any kind.
36. The Proponent shall ensure that all project personnel are made aware of the measures to protect wildlife and are provided with training and/or advice on how to implement these measures.

#### **Aircraft Flight Restrictions**

37. The Proponent shall advise all pilots of relevant flight restrictions and enforce their application over the project area, including flight paths to/from the project area.

#### **Other**

38. Any activity related to this application, and outside the original scope of the project as described in the application, will be considered a new project and should be submitted to the NIRB for Screening.

### **MONITORING AND REPORTING REQUIREMENTS**

In addition, the Board is recommending the following:

#### **Fuel and Chemical Storage**

1. The Proponent shall implement the recommendations found in the 2003 CCME Guidance Document PN 1326 entitled "Environmental Code of Practice for Above Ground and Underground Storage Tank Systems containing Petroleum Product and Allied Petroleum Products".

#### **Transport of Waste/Dangerous Goods**

2. The Proponent shall ensure that a waste manifest accompanies the shipment of all waste oil/grease and is registered with the Government of Nunavut Department of Environment (GN-DoE). Contact the Manager of Pollution Control and Air Quality at (867) 975-7748 to obtain a manifest if hazardous waste will be generated during project activities.
3. The Proponent shall ensure that an export manifest or the appropriate transportation of dangerous goods (TDG) documentation accompany all potential hazardous samples and/or materials that are transported off site.

## OTHER NIRB CONCERNS AND RECOMMENDATIONS

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

1. The Proponent distribute to tourists taking part in Canadian Arctic Holidays' Tourism and Wildlife Observation program, the Government of Nunavut, Department of Culture, Language Elders and Youth brochure regarding archaeological sites in Nunavut.

The Board is currently also recommending the following:

### Bear and Carnivore Safety

2. The Proponent review the bear/carnivore detection and deterrent techniques outlined in "Safety in Grizzly and Black Bear Country" which can be down-loaded from this link: [http://www.cnr.gov.nt.ca/live/documents/content/Bear\\_Safety.pdf](http://www.cnr.gov.nt.ca/live/documents/content/Bear_Safety.pdf). Note that some recommendations in this manual are also relevant to polar bears. There is a DVD about polar bears and safety available from Nunavut Parks at the following link <http://www.nunavutparks.com/english/visitor-information/suggested-resources.html> and a "Safety in Polar Bear Country" pamphlet from Parks Canada at the following link <http://www.pc.gc.ca/eng/pn-np/nu/auyuittuq/visit/visit6/d/i.aspx>.
3. Any problem wildlife or any interaction with carnivores should be reported immediately to the local Government of Nunavut, Department of Environment Conservation Office (Conservation Officer for Resolute, Tabitha Mullen, phone: (867) 252-3879).

### Incineration of Wastes

4. The Proponent review Environment Canada's "Technical Document for Batch Waste Incineration", available at the following link: <http://www.ec.gc.ca/gdd-mw/default.asp?lang=En&n=F53EDE13-1>. The technical document provides information on appropriate incineration technologies, best management and operational practices, monitoring and reporting.

### Species at Risk

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

### Change in Project Scope

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

### Aboriginal Affairs and Northern Development Canada

7. Aboriginal Affairs and Northern Development Canada (AANDC) impose mitigation measures, conditions and monitoring requirements pursuant to the Federal Land Use Permit, which require the Proponent to respect the sensitivities and importance of the area. These mitigation measures, conditions and monitoring requirements should be in regard to the location and area; type, location, capacity and operation of facilities; use, storage, handling and disposal of chemical or toxic material; wildlife and fisheries habitat; and petroleum fuel storage.
8. AANDC 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.

### Regional Inuit Association

9. The Regional Inuit Association (RIA) impose strict mitigation measures and/or conditions upon the Proponent pursuant to the Inuit Owned Lands License in regard to fuel and chemical storage, water conditions, ground disturbance and wildlife on Inuit owned land.

## REGULATORY REQUIREMENTS

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

1. The *Fisheries Act* (<http://laws.justice.gc.ca/en/showtdm/cs/F-14///en>).
2. The *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (<http://www.canlii.org/ca/sta/n-28.8/whole.html>).
3. The *Migratory Birds Convention Act* and *Migratory Birds Regulations* (<http://laws.justice.gc.ca/en/showtdm/cs/M-7.01>).
4. The *Species at Risk Act* (<http://laws.justice.gc.ca/en/showtdm/cs/S-15.3>). Attached in **Appendix B** is a list of Species at Risk in Nunavut.
5. The *Nunavut Wildlife Act* which contains provisions to protect and conserve wildlife and wildlife habitat, including specific protection measures for wildlife habitat and species at risk.
6. The *Nunavut Act* (<http://laws.justice.gc.ca/en/showtdm/cs/N-28.6>). The Proponent must comply with the proposed terms and conditions listed in the attached **Appendix C**.
7. The *Aeronautics Act* (<http://laws.justice.gc.ca/en/A-2/>).
8. The *Navigable Waters Protection Act (NWPA)* (<http://laws.justice.gc.ca/en/N-22/index.html>).

In addition, the Proponent is also advised that the following legislation may apply to the project:

9. The *Transportation of Dangerous Goods Regulations*, *Transportation of Dangerous Goods Act* (<http://www.tc.gc.ca/eng/tdg/safety-menu.htm>), and the *Canadian Environmental Protection Act* (<http://laws-lois.justice.gc.ca/eng/acts/C-15.31/>). The Proponent must ensure that proper shipping documents accompany all movements of dangerous goods. The Proponent must register with the Government of Nunavut, Department of Environment Manager of Pollution Control and Air Quality at 867-975-7748.



## Validity of Land Claims Agreement

### *Section 2.12.2*

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

Dated August 9, 2013 at Arviat, NU.



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Elizabeth Copland, Chairperson

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