



## SCREENING DECISION REPORT NIRB FILE No.: 16DN006

*Previous NIRB File No.: EX106*

*NPC File No.: 148184*

*NWB File No.: 8AC-ALT---*

*Previous NWB File No.: 3BC-ALT1015*

**May 16, 2016**

Following the Nunavut Impact Review Board's (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of Department of National Defence's "Canadian Forces Station (CFS) Alert Change in Water Licence" is not required pursuant to paragraph 92(1)(a) of the *Nunavut Planning and Project Assessment Act* (NuPPAA).

Subject to the Proponent's compliance with the terms and conditions as set out in below, the NIRB is of the view that the project proposal is not likely to cause significant public concerns, and it is unlikely to result in significant adverse environmental and social impacts. The NIRB therefore recommends that the responsible Minister(s) accepts this Screening Decision Report.

### OUTLINE OF SCREENING DECISION REPORT

- 1) REGULATORY FRAMEWORK
- 2) PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS
- 3) FACTORS FOR DETERMINING SIGNIFICANCE OF IMPACTS
- 4) RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS
- 5) OTHER NIRB CONCERNS AND RECOMMENDATIONS
- 6) REGULATORY REQUIREMENTS
- 7) CONCLUSION

### REGULATORY FRAMEWORK

The primary objectives of the 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."*

These objectives are confirmed under section 23 of the NuPPAA.

The purpose of screening is provided for under section 88 of the NuPPAA:

*“The purpose of screening a project is to determine whether the project has the potential to result in significant ecosystemic or socio-economic impacts and, accordingly, whether it requires a review by the Board...”*

To determine whether a review of a project is required, the NIRB is guided by the considerations as set out under subsection 89(1) of NuPPAA:

*“89. (1) The Board must be guided by the following considerations when it is called on to determine, on the completion of a screening, whether a review of the project is required:*

- (a) a review is required if, in the Board’s opinion,*
  - i. the project may have significant adverse ecosystemic or socio-economic impacts or significant adverse impacts on wildlife habitat or Inuit harvest activities,*
  - ii. the project will cause significant public concern, or*
  - iii. the project involves technological innovations, the effects of which are unknown; and*
- (b) a review is not required if, in the Board’s opinion,*
  - i. the project is unlikely to cause significant public concern, and*
  - ii. its adverse ecosystemic and socioeconomic impacts are unlikely to be significant, or are highly predictable and can be adequately mitigated by known technologies.”*

It is noted that subsection 89(2) provides that the considerations set out in paragraph 89(1)(a) prevail over those set out in paragraph 89(1)(b).

Where the NIRB determines that a project may be carried out without a review, the NIRB has the discretion to recommend specific terms and conditions to be attached to any approval of the project proposal. Specifically, paragraph 92(2)(a) of NuPPAA provides:

*“92. (2) In its report, the Board may also*  
*(a) recommend specific terms and conditions to apply in respect of a project that it determines may be carried out without a review.”*

## PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS

### 1. Project Description

The proposed “Canadian Forces Station (CFS) Alert Change in Water Licence” project is located within the Qikiqtani (North Baffin) region, approximately 400 kilometres (km) northeast from Eureka. The Canadian Forces Station (CFS) Alert is a permanent facility owned and operated by the DND for military purposes to maintain a sovereign Canadian Arctic Outpost in support of specific government tasks. The proposal is to support the change of DND’s Type B Water Licence to a Type A Water Licence to include the actual volume of water used to operate the water distribution system at CFS Alert. The program is ongoing.

According to the project proposal, the scope of the project includes the following undertakings, works or activities:

- Use of existing water distribution system to draw water from Upper Dumbell Lake;
- Constantly drawing and recirculating of raw and unadulterated water through the water lines to prevent the water intake and return lines from freezing and damaging (lines approximately 2.5 kilometres in length; one-way);
- Withdraw of up to 700 cubic metres per day (m<sup>3</sup>/day) of water from Upper Dumbell Lake with approximately 185 m<sup>3</sup>/day water used for domestic and industrial purposes; and
- When required, water is processed at the Water Treatment Plant used for domestic and industrial purposes.

## **2. Scoping**

The NIRB has identified no additional works or activities in relation to the project proposal.

## **3. Key Stages of the Screening Process**

The following key stages were completed:

<b>Date</b>	<b>Stage</b>
February 22, 2016	Receipt of project proposal from the NPC
March 9, 2016	Information request(s)
April 7, 2016	Proponent responded to information request(s)
April 7, 2016	Scoping pursuant to subsection 86(1) of the NuPPAA
April 11, 2016	Public engagement and comment request
April 21, 2016	Receipt of public comments

## **4. Public Comments and Concerns**

From April 11, 2016 to April 21, 2016 the NIRB provided opportunity for the public to provide comments and concerns regarding the project proposal. The following is a summary of the comments and concerns received:

### **Indigenous and Northern Affairs Canada**

- Has reviewed the project proposal and has no comments to provide at this time.

## **5. Comments and Concerns with respect to Inuit Qaujimaningit**

No concerns or comments were received with respect to Inuit Qaujimaningit in relation to the proposed project.

### **FACTORS FOR DETERMINING SIGNIFICANCE OF IMPACTS**

In determining whether a review of the project is required, the Board considered whether the project proposal had a potential to result in significant ecosystemic or socio-economic impacts.

Accordingly, the assessment of impact significance was based on the analysis of those factors that are set out under section 90 of NuPPAA. The Board took particular attention to take into

account traditional knowledge and Inuit Qaujimaningit in carrying out its assessment and determination of the significance of impacts.

The following is a summary of the Board's assessment of the factors that are relevant to the determination of significant impacts with respect of this project proposal:

1. *The size of the geographic area, including the size of wildlife habitats, likely to be affected by the impacts.*

The size of the geographic area for the project proposal would encompass the existing water distribution system, the water intake and return lines that are approximately 2.5 kilometres (km) in length, one way, and the Upper Dumbell Lake. The project activities may take place within the habitats of many far-ranging wildlife species as well as habitats for small and large terrestrial mammals.

2. *The ecosystemic sensitivity of that area.*

The proposed project would occur in an area with no particular identified ecosystemic sensitivity.

3. *The historical, cultural and archaeological significance of that area.*

No known areas of historical, cultural and archaeological significance have been identified to be associated with the project area.

4. *The size of the human and the animal populations likely to be affected by the impacts.*

The proposed project would occur more than 400 km from Eureka and 800 km from Grise Fiord, the nearest community; as such no human populations are likely to be affected by project impacts. No specific animal populations have been identified as likely to be affected by potential project impacts.

5. *The nature, magnitude and complexity of the impacts; the probability of the impacts occurring; the frequency and duration of the impacts; and the reversibility or irreversibility of the impacts.*

As the "Canadian Forces Station (CFS) Alert Change in Water Licence" project is an existing water withdrawal project, the nature of potential impacts is considered to be well-known, with potential for infrequent, localized impacts to the biophysical environment that are temporary in nature, reversible and mitigable with due care.

6. *The cumulative impacts that could result from the impacts of the project combined with those of any other project that has been carried out, is being carried out or is likely to be carried out.*

No cumulative impacts have been identified as potentially resulting from this proposed project in association with any projects that have been carried out, are being carried out or are likely to be carried out.

7. *Any other factor that the Board considers relevant to the assessment of the significance of impacts.*

No other specific factors have been identified as relevant to the assessment of this project proposal.

In considering the factors as set out above in the screening of the project proposal, the NIRB has identified a number of issues and provides the following views regarding whether or not the proposed project has the potential to result in significant impacts, and has proposed terms and conditions that would mitigate the potential adverse impacts identified.

**Administrative Conditions:**

To encourage compliance with applicable regulatory requirements and assist the Board and responsible authorities with compliance and effects monitoring for project activities, the following project-specific terms and conditions have been recommended: 1-4.

**Ecosystem, wildlife habitat and Inuit harvesting activities:**

**Issue 1:** Potential negative impacts to wildlife and wildlife habitat resulting from the water withdrawal activities.

**Board views:** As discussed above in the assessment of factors relevant to this project proposal, the potential for impact(s) is applicable to an existing water distribution system, the water intake and return lines. As such the probability of impacts occurring is considered to be low, with potential adverse effects anticipated to be low in magnitude and it is unlikely that the proposed activities would interact significantly with identified wildlife and wildlife habitat.

The Proponent would be required to follow the *Migratory Birds Convention Act* and *Migratory Birds Regulations*, *Species at Risk Act*, and the *Nunavut Wildlife Act* (see Regulatory Requirements section).

**Recommended Mitigation Measures:** The following terms and conditions are recommended to mitigate the potential adverse impacts to wildlife and wildlife habitat: 6, 7, and 8.

**Issue 2:** Potential negative impacts to surface and ground water quality, and fish and fish habitat resulting from the water withdrawal activities.

**Board views:** As noted above, the potential for negative impacts is applicable to a small geographic area, with a low probability of impacts occurring, and the impacts being reversible in nature. The Proponent has provided an Operations and Maintenance Plan and a Spill Contingency Plan that detail environmental protocols and operational measures to be taken for the protection of the surrounding environment throughout the duration of the project. As such, the magnitude of potential impacts is considered to be low and would also have a low probability of extending beyond the immediate project area.

The Proponent would require a water licence from the Nunavut Water Board for the water usage activities and would be required to follow the *Fisheries Act* (see Regulatory Requirements section).

Recommended Mitigation Measures: Term and condition 5 is recommended to mitigate the potential adverse impacts to groundwater, surface water quality and fish and fish habitat. Further, the potential negative impacts are issues relevant for consideration by the Nunavut Water Board.

**Socio-economic effects on northerners:**

No specific issues have been identified associated with this project proposal.

**Significant public concern:**

No specific issues have been identified associated with this project proposal.

**Technological innovations for which the effects are unknown:**

No specific issues have been identified associated with this project proposal.

In considering the above factors and subject to the Proponent's compliance with the terms and conditions necessary to mitigate against the potential adverse environmental and social effects, the Board is of the view that the proposed project is unlikely to cause significant public concern and its adverse ecosystemic and socioeconomic impacts are unlikely to be significant, or are highly predictable and can be adequately mitigated by known technologies.

RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS

The Board is recommending the following specific terms and conditions to apply in respect of the project:

**General**

1. Department of National Defence (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 the Nunavut Planning Commission (Questionnaire February 22, 2016; Spill Contingency Plan, February 22, 2016 and Operations Management plan, February 22, 2016), and the NIRB (NIRB Part 1 Form, April 7, 2016) .
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

**Water**

5. 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.

## **Wildlife - General**

6. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.

## **Restoration of Disturbed Areas**

7. The Proponent shall remove all garbage, fuel and equipment upon abandonment.
8. The Proponent shall complete all clean-up and restoration of the lands used upon abandonment of site.

## **OTHER NIRB CONCERNS AND RECOMMENDATIONS**

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

### **Change in Project Scope**

1. Responsible authorities or Proponent shall notify the Nunavut Planning Commission (NPC) and the NIRB of any changes in operating plans or conditions, including phase advancement, associated with this project prior to any such change.

### **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.enr.gov.nt.ca/sites/default/files/web\\_pdf\\_wd\\_bear\\_safety\\_brochure\\_1\\_may\\_2015.pdf](http://www.enr.gov.nt.ca/sites/default/files/web_pdf_wd_bear_safety_brochure_1_may_2015.pdf). There are polar bear and grizzly bear safety resources available from the Government of Nunavut at the following link: <http://env.gov.nu.ca/wildlife/resources/polarbearsafety> and a “You are in Polar Bear Country” pamphlet from Parks Canada at the following link <http://www.pc.gc.ca/eng/lhn-nhs/mb/prince/securite-safety/ours-bear.asp> 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 from Resolute Bay, phone: (867) 252-3879).

### **Species at Risk**

4. The Proponent review Environment and Climate Change Canada’s “Environment Assessment Best Practice Guide for Wildlife at Risk in Canada”, available at the following link: [http://epe.lac-bac.gc.ca/100/200/301/environment\\_can/cws-scf/environmental\\_assessment-ef/ea\\_best\\_practices\\_2004\\_e.pdf](http://epe.lac-bac.gc.ca/100/200/301/environment_can/cws-scf/environmental_assessment-ef/ea_best_practices_2004_e.pdf). 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.

### **Migratory Birds**

5. The Proponent review Canadian Wildlife Services’ “Key migratory bird terrestrial habitat sites in the Northwest Territories and Nunavut”, available at the following link: <http://publications.gc.ca/site/eng/317630/publication.html> and “Key marine habitat sites for migratory birds in Nunavut and the Northwest Territories”, available at the following link: <http://publications.gc.ca/site/eng/392824/publication.html>. The guide provides information

to the Proponent on key terrestrial and marine habitat areas that are essential to the welfare of various migratory bird species in Canada.

6. For further information on how to protect migratory birds, their nests and eggs when planning or carrying out project activities, consult Environment and Climate Change Canada's Incidental Take web page and the fact sheet "Planning Ahead to Reduce the Risk of Detrimental Effects to Migratory Birds, and their Nests and Eggs" available at <http://www.ec.gc.ca/paom-itmb/>.

#### REGULATORY REQUIREMENTS

The Proponent is also advised that the following legislation may apply to the project:

1. The *Fisheries Act* (<http://laws-lois.justice.gc.ca/eng/acts/F-14/index.html>).
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-lois.justice.gc.ca/eng/acts/M-7.01/>).
4. The *Species at Risk Act* (<http://laws-lois.justice.gc.ca/eng/acts/S-15.3/index.html>). Attached in **Appendix A** is a list of Species at Risk in Nunavut.
5. The *Wildlife Act* (<http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html>) 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-lois.justice.gc.ca/eng/acts/N-28.6/>). The Proponent must comply with the proposed terms and conditions listed in the attached **Appendix B**.

#### CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the Department of National Defence's "Canadian Forces Station (CFS) Alert Change in Water Licence".

Dated May 16, 2016 at Arviat, NU.



Elizabeth Copland, Chairperson

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



## Appendix A

### 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 check the SARA registry ([www.sararegistry.gc.ca](http://www.sararegistry.gc.ca)) to get the current status of a species.

Updated: June 2015

Species at Risk <sup>1</sup>	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility <sup>2</sup>
Eskimo Curlew	Endangered	Schedule 1	Environment Canada (EC)
Ivory Gull	Endangered	Schedule 1	EC
Ross's Gull	Threatened	Schedule 1	EC
Harlequin Duck (Eastern population)	Special Concern	Schedule 1	EC
Rusty Blackbird	Special Concern	Schedule 1	Government of Nunavut (GN)
Peregrine Falcon	Special Concern ( <i>anatum-tundrius</i> complex <sup>3</sup> )	Schedule 1 - Threatened ( <i>anatum</i> ) Schedule 3 – Special Concern ( <i>tundrius</i> )	GN
Short-eared Owl	Special Concern	Schedule 3	GN
Red Knot ( <i>rufa</i> subspecies)	Endangered	Schedule 1	EC
Red Knot ( <i>islandica</i> subspecies)	Special Concern	Schedule 1	EC
Horned Grebe (Western population)	Special Concern	Pending	EC
Red-necked Phalarope	Special concern	Pending	EC
Buff-breasted Sandpiper	Special concern	Pending	EC
Felt-leaf Willow	Special Concern	Schedule 1	GN
Porsild's Bryum	Threatened	Schedule 1	GN
Peary Caribou	Endangered	Schedule 1	GN
Barren-ground Caribou	Special Concern	Schedule 1	GN

<b>Species at Risk <sup>1</sup></b>	<b>COSEWIC Designation</b>	<b>Schedule of SARA</b>	<b>Government Organization with Primary Management Responsibility <sup>2</sup></b>
(Dolphin and Union population)			
Polar Bear	Special Concern	Schedule 1	GN/Fisheries and Oceans Canada (DFO)
Grizzly Bear	Special Concern	Pending	GN
Wolverine	Special Concern	Pending	GN
Atlantic Cod, Arctic Lakes	Special Concern	Pending	DFO
Atlantic Walrus	Special Concern	Pending	DFO
Beluga Whale (Cumberland Sound population)	Threatened	Schedule 2	DFO
Beluga Whale (Eastern Hudson Bay population)	Endangered	Pending	DFO
Beluga Whale (Western Hudson Bay population)	Special Concern	Pending	DFO
Beluga Whale (Eastern High Arctic – Baffin Bay population)	Special Concern	Pending	DFO
Bowhead Whale (Eastern Canada – West Greenland population)	Special Concern	Pending	DFO
Bowhead Whale (Eastern Arctic population)		Schedule 2	DFO
Killer Whale (Northwest Atlantic / Eastern Arctic populations)	Special Concern	Pending	DFO
Narwhal	Special Concern	Pending	DFO

<sup>1</sup> The Department of Fisheries and Oceans has responsibility for aquatic species.

<sup>2</sup> Environment Canada (EC) 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.

<sup>3</sup> The *anatum* subspecies of Peregrine Falcon is listed on Schedule 1 of SARA as threatened. The *anatum* and *tundrius* subspecies of Peregrine Falcon were reassessed by COSEWIC in 2007 and combined into one subpopulation complex. This subpopulation complex was assessed by COSEWIC as Special Concern.

**Appendix B:**  
Archaeological and Palaeontological Resources Terms and Conditions for Land Use Permit Holders



INTRODUCTION

The Department of Culture and Heritage (CH) routinely reviews land use applications sent to the Nunavut Water Board, Nunavut Impact Review Board and the Indigenous and Northern Affairs Canada. These terms and conditions provide general direction to the permittee/proponent regarding the appropriate actions to be taken to ensure the permittee/proponent carries out its role in the protection of Nunavut's archaeological and palaeontological resources.

TERMS AND CONDITIONS

- 1) The permittee/proponent shall have a professional archaeologist and/or palaeontologist perform the following **Functions** associated with the **Types of Development** listed below or similar development activities:

	<b>Types of Development</b> (See Guidelines below)	<b>Function</b> (See Guidelines below)
a)	Large scale prospecting	Archaeological/Palaeontological Overview Assessment
b)	Diamond drilling for exploration or geotechnical purpose or planning of linear disturbances	Archaeological/ Palaeontological Inventory
c)	Construction of linear disturbances, Extractive disturbances, Impounding disturbances and other land disturbance activities	Archaeological/ Palaeontological Inventory or Assessment or Mitigation

Note that the above-mentioned functions require either a Nunavut Archaeologist Permit or a Nunavut Palaeontologist Permit. CH is authorized by way of the *Nunavut and Archaeological and Palaeontological Site Regulations*<sup>1</sup> to issue such permits.

- 2) The permittee/proponent shall not operate any vehicle over a known or suspected archaeological or palaeontological site.

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<sup>1</sup> P.C. 2001-1111 14 June, 2001

- 3) The permittee/proponent shall not remove, disturb, or displace any archaeological artifact or site, or any fossil or palaeontological site.
- 4) The permittee/proponent shall immediately contact CH at (867) 934-2046 or (867) 975-5500 should an archaeological site or specimen, or a palaeontological site or fossil, be encountered or disturbed by any land use activity.
- 5) The permittee/proponent 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 CH.
- 6) The permittee/proponent shall follow the direction of CH in restoring disturbed archaeological or palaeontological sites to an acceptable condition. If these conditions are attached to either a Class A or B Permit under the Territorial Lands Act Indigenous and Northern Affairs Canada directions will also be followed.
- 7) The permittee/proponent shall provide all information requested by CH concerning all archaeological sites or artifacts and all palaeontological sites and fossils encountered in the course of any land use activity.
- 8) The permittee/proponent shall make best efforts to ensure that all persons working under its authority are aware of these conditions concerning archaeological sites and artifacts and palaeontological sites and fossils.
- 9) If a list of recorded archaeological and/or palaeontological sites is provided to the permittee/proponent by CH as part of the review of the land use application the permittee/proponent shall avoid the archaeological and/or palaeontological sites listed.
- 10) Should a list of recorded sites be provided to the permittee/proponent, the information is provided solely for the purpose of the proponent's land use activities as described in the land use application, and must otherwise be treated confidentially by the proponent.

### Legal Framework

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

*Where an application is made for a land use permit in the Nunavut Settlement Area, and there are reasonable grounds to believe that there could be sites of archaeological importance on the lands affected, no land use permit shall be issued without written consent of the Designated Agency. Such consent shall not be unreasonably withheld. [33.5.12]*

*Each land use permit referred to in Section 33.5.12 shall specify the plans and methods of archeological site protection and restoration to be followed by the permit holder, and any other conditions the Designated Agency may deem fit. [33.5.13]*

### Palaeontology and Archaeology

Under the *Nunavut Act*<sup>2</sup>, the federal government can make regulations for the protection, care and preservation of palaeontological and archaeological sites and specimens in Nunavut. Under

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<sup>2</sup> s. 51(1)

the *Nunavut Archaeological and Palaeontological Sites Regulations*<sup>3</sup>, it is illegal to alter or disturb any palaeontological or archaeological 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.*

*“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:*

*Fossil means the hardened or preserved remains or impression of previously living organisms or vegetation and includes:*

- (a) natural casts;*
- (b) preserved tracks, coprolites and plant remains; and*
- (c) the preserved shells and exoskeletons of invertebrates and the preserved eggs, teeth and bones of vertebrates.*

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<sup>3</sup> P.C. 2001-1111 14 June, 2001

## *Guidelines for Developers for the Protection of Archaeological Resources in the Nunavut Territory*

(Note: Partial document only, complete document at: [www.ch.gov.nu.ca/en/Archaeology.aspx](http://www.ch.gov.nu.ca/en/Archaeology.aspx))

### **Introduction**

The following guidelines have been formulated to ensure that the impacts of proposed developments upon heritage resources are assessed and mitigated before ground surface altering activities occur. Heritage resources are defined as, but not limited to, archaeological and historical sites, burial grounds, palaeontological sites, historic buildings and cairns. Effective collaboration between the developer, the Department of Culture, Language, Elders and Youth (CH), and the contract archaeologist(s) will ensure proper preservation of heritage resources in the Nunavut Territory. The roles of each are briefly described.

CH is the Nunavut Government agency which oversees the protection and management of heritage resources in Nunavut, in partnership with land claim authorities, regulatory agencies, and the federal government. Its role in mitigating impacts of developments on heritage resources is as follows: to identify the need for an impact assessment and make recommendations to the appropriate regulatory agency; set the terms of reference for the study depending upon the scope of the development; suggest the names of qualified individuals prepared to undertake the study to the developer; issue an archaeologist or palaeontologist permit authorizing field work; assess the completeness of the study and its recommendations; and ensure that the developer complies with the recommendations.

The primary regulatory agencies that CH provides information and assistance to are the Nunavut Impact Review Board, for development activities proposed for Inuit Owned Lands (as defined in Section 1.1.1 of the Nunavut Land Claims Agreement), and the Indigenous and Northern Affairs Canada, for development activities proposed for federal Crown Lands.

A developer is the initiator of a land use activity. It is the obligation of the developer to ensure that a qualified archaeologist or palaeontologist is hired to perform the required study and that provisions of the contract with the archaeologist or palaeontologist allow permit requirements to be met; i.e. fieldwork, collections management, artifact and specimen conservation, and report preparation. On the recommendation of the contract archaeologist or palaeontologist in the field and the Government of Nunavut, the developer shall implement avoidance or mitigative measures to protect heritage resources or to salvage the information they contain through excavation, analysis, and report writing. The developer assumes all costs associated with the study in its entirety.

Through his or her active participation and supervision of the study, the contract archaeologist or palaeontologist is accountable for the quality of work undertaken and the quality of the report produced. Facilities to conduct fieldwork, analysis, and report preparation should be available to this individual through institutional, agency, or company affiliations. Responsibility for the curation of objects recovered during field work while under study and for documents generated in the course of the study as well as remittance of artifacts, specimens and documents to the repository specified on the permit accrue to the contract archaeologist or palaeontologist. This individual is also bound by the legal requirements of the *Nunavut Archaeological and*

## **Types of Development**

In general, those developments that cause concern for the safety of heritage resources will include one or more of the following kinds of surface disturbances. These categories, in combination, are comprehensive of the major kinds of developments commonly proposed in Nunavut. For any single development proposal, several kinds of these disturbances may be involved

- *Linear disturbances: including the construction of highways, roads, winter roads, transmission lines, and pipelines;*
- *Extractive disturbances: including mining, gravel removal, quarrying, and land filling;*
- *Impoundment disturbances: including dams, reservoirs, and tailings ponds;*
- *Intensive land use disturbances: including industrial, residential, commercial, recreational, and land reclamation work, and use of heritage resources as tourist developments.*
- *Mineral, oil and gas exploration: establishment of camps, temporary airstrips, access routes, well sites, or quarries all have potential for impacting heritage resources.*

## **Types of Studies Undertaken to Preserve Heritage Resources**

**Overview:** An overview study of heritage resources should be conducted at the same time as the development project is being designed or its feasibility addressed. They usually lack specificity with regard to the exact location(s) and form(s) of impact and involve limited, if any, field surveys. Their main aim is to accumulate, evaluate, and synthesize the existing knowledge of the heritage of the known area of impact. The overview study provides managers with baseline data from which recommendations for future research and forecasts of potential impacts can be made. A Class I Permit is required for this type of study if field surveys are undertaken.

**Reconnaissance:** This is done to provide a judgmental appraisal of a region sufficient to provide the developer, the consultant, and government managers with recommendations for further development planning. This study may be implemented as a preliminary step to inventory and assessment investigations except in cases where a reconnaissance may indicate a very low or negligible heritage resource potential. Alternately, in the case of small-scale or linear developments, an inventory study may be recommended and obviate the need for a reconnaissance.

The main goal of a reconnaissance study is to provide baseline data for the verification of the presence of potential heritage resources, the determination of impacts to these resources, the generation of terms of reference for further studies and, if required, the advancement of preliminary mitigative and compensatory plans. The results of reconnaissance studies are primarily useful for the selection of alternatives and secondarily as a means of identifying impacts that must be mitigated after the final siting and design of the development project.

Depending on the scope of the study, a Class 1 or Class 2 Permit is required for this type of investigation.

**Inventory:** A resource inventory is generally conducted at that stage in a project's development at which the geographical area(s) likely to sustain direct, indirect, and perceived impacts can be well defined. This requires systematic and intensive fieldwork to ascertain the effects of all possible and alternate construction components on heritage resources. All heritage sites must be recorded on Government of Nunavut Site Survey forms. Sufficient information must be amassed from field, library and archival components of the study to generate a predictive model of the heritage resource base that will:

- allow the identification of research and conservation opportunities;
- enable the developer to make planning decisions and recognize their likely effects on the known or predicted resources; and
- make the developer aware of the expenditures, which may be required for subsequent studies and mitigation. A Class 1 or 2 permit is required.

**Assessment:** At this stage, sufficient information concerning the numbers and locations of heritage resources will be available, as well as data to predict the forms and magnitude of impacts. Assessments provide information on the size, volume, complexity and content of a heritage resource, which is used to rank the values of different sites or site types given current archaeological knowledge. As this information will shape subsequent mitigation program(s), great care is necessary during this phase.

**Mitigation:** This refers to the amelioration of adverse impacts to heritage resources and involves the avoidance of impact through the redesign or relocation of a development or its components; the protection of the resource by constructing physical facilities; or, the scientific investigation and recovery of information from the resource by excavation or other method. The type(s) of appropriate mitigative measures are dictated by their viability in the context of the development project. Mitigation strategies must be developed in consultation with, and approved by, the Department of Culture and Heritage. It is important to note that mitigation activities should be initiated as far in advance of the construction of the development as possible.

**Surveillance and monitoring:** These may be required as part of the mitigation program.

*Surveillance* may be conducted during the construction phase of a project to ensure that the developer has complied with the recommendations.

*Monitoring* involves identification and inspection of residual and long-term impacts of a development (i.e. shoreline stability of a reservoir); or the use of impacts to disclose the presence of heritage resources, for example, the uncovering of buried sites during the construction of a pipeline.