



NIRB File No.: 05AN018
INAC File No.: N2008N0028
NWB File No.: 3BC-KAR

February 23, 2010

Honourable Chuck Strahl
Minister of Indian and Northern Affairs Canada
c/o Spencer Dewar, Manager Land Administration
Indian and Northern Affairs Canada
Iqaluit, NU

Via email: Spencer.Dewar@inac-ainc.gc.ca

**Re: Application Exempt from NIRB Screening Pursuant to Section 12.4.3 of the NLCA:
Canadian Wildlife Services' "Population Ecology of Arctic Breeding" Project**

Dear Mr. Dewar:

On February 18, 2010 the Nunavut Impact Review Board (NIRB) received an application from Indian and Northern Affairs Canada (INAC) for Canadian Wildlife Services' (CWS) "Population Ecology of Arctic Breeding" project proposal. The application is for an extension to CWS' INAC Land Use Permit (#N2008N0028) which pertains to a research camp associated with the project.

Please be advised that the original project proposal (NIRB File No.: 05AN018) was received by the NIRB from INAC on February 8, 2005. The proposal was screened in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA) and on May 6, 2005 the NIRB issued a 12.4.4(a) screening decision to the Minister of Environment indicating the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions.

On May 1, 2008 the NIRB received a renewal application from INAC for CWS's Land Use Permit (#N2008N0028). After a thorough assessment of the project proposal, the NIRB indicated that the application was exempt from screening as per Section 12.4.3 of the NLCA, and the NIRB reissued the original May 6, 2005 Screening Decision.

The current INAC application, the original NIRB screening file and Screening Decision (NIRB File No.: 05AN018) are available from the NIRB's ftp site at the following link:

<http://ftp.nirb.ca - /SCREENINGS/COMPLETED>
[SCREENINGS/ARCHIVE/2005_SCREENINGS/05AN018-Ray_Aliauskas/](http://ftp.nirb.ca - /SCREENINGS/ARCHIVE/2005_SCREENINGS/05AN018-Ray_Aliauskas/)

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, the NIRB is of the understanding that the application received from INAC does not change the 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 screening as per Section 12.4.3 of the NLCA and the activities therein remain subject to the terms and conditions recommended in the original May 6, 2005 Screening Decision Report (attached).

If you have any questions or concerns, feel free to contact the NIRB’s Technical Advisor, Li Wan at (867) 983-4606 or lwan@nirb.ca.

Sincerely,



Stephanie Autut
Executive Director

cc: Dana Kellett, Canadian Wildlife Services (Dana.Kellett@ec.gc.ca)
Siu-Ling Han, Canadian Wildlife Services (Siu-Ling.Han@ec.gc.ca)
Phyllis Beaulieu, Nunavut Water Board (licensing@nunavutwaterboard.org)

Attachment: NIRB Screening Decision Report, File No.: 05AN018 (May 6, 2005)

SCREENING DECISION

May 6, 2005

Hon. Stephane Dion
Minister of Environment
Ottawa, Ontario

Dear Minister:

**RE: Screening Decision of the Nunavut Impact Review Board (NIRB) on Application:
NIRB: #05AN018 CWS
Population Ecology of Arctic Breeding Waterfowl – Ray Alisauska**

Authority:

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.

Primary Objectives:

The primary objectives of the Nunavut Land Claims Agreement is referenced in the screening section 12.4.4 (a) 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.

The decision of the Board in this case 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;**

Reasons for Decision:

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 grey water, and impact of these on the ecosystem
- Clean up/restoration of the sites
- The impact and disturbance to nesting birds
- Impact and disturbance of wildlife
- Impact and disturbance to archaeological sites

Terms and Conditions:

- That the terms and conditions attached to this screening report will apply.

Waste

1. The Permittee shall incinerate all combustible garbage and debris to eliminate the potential for wildlife problems created by the attraction of wildlife to garbage.
2. The Permittee shall keep all ashes and non-combustible garbage in a covered metal container until disposed of to prevent attraction by wildlife and shall disposed of them in an approved community dump site.
3. The Permittee shall store dead samples in a sealed bag and covered metal container until dissection is undertaken. Following dissection, the samples shall immediately be incinerated.
4. The Permittee shall not let dead samples accumulate on the land.
5. The Permittee shall collect and backhaul all spent shotgun casings for disposal at an approved dumpsite.
6. The Permittee shall ensure that no substances, including any chemicals, fuels or wastes associated with the project are deposited into any other water body.
7. The Permittee shall not locate any sump within thirty (30) metres of the normal high water mark of any water body and shall ensure that the contents do not enter any waterbody.
8. The Permittee shall remove all scrap metal, discarded machinery and parts, barrels, kegs, buildings and building materials that are no longer required at the site.
9. The Permittee shall complete all clean-up and restoration of the lands used prior to the expiry date of the permit.
10. The Permittee shall ensure that the land use area is kept clean and tidy at all times.

Fuel Use and Storage

1. The Permittee shall ensure that all sumps, wastes and fuel caches be located a minimum of thirty (30) metres from the normal high water mark of any water body.

2. The Permittee shall have one extra fuel storage container on site equal to, or greater than the size of the largest fuel container.
3. The Permittee shall use drip pans when refueling equipment.
4. The Permittee shall report all spills of fuel, or other deleterious materials immediately to the 24 hour Spill Line at (867) 920-8130.

Wildlife

1. The Permittee shall ensure that there is no damage to wildlife habitat in conducting this operation.
2. The Permittee 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.
3. Pursuant to the Migratory Bird Convention Act Regulations the Permittee shall not disturb or destroy the nests or eggs of migratory birds.
4. Unless absolutely required for research, the Permittee shall avoid nests containing eggs or young birds until nesting is complete and the young have left the nest.
5. The Permittee shall avoid raptor nesting sites and contact the Regional Wildlife Officer to identify areas which should be avoided.
6. The Permittee shall cease activities that may interfere with migration or calving of caribou , until the caribou have passed or left the area.
7. The Permittee shall not conduct any activity associated with the land use operation if critical periods of wildlife cycles are observed (eg. caribou migration, calving, fish spawning or raptor nesting). The Permittee shall note that the caribou calving season occurs between May 15th and July 15th.
8. The Permittee shall ensure that aircraft/helicopter pilots adhere to flight altitudes of greater than 300 m above ground level as to not disturb wildlife.
9. The Permittee shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
10. The Permittee should take the utmost precautions to avoid Bear interactions/conflicts and contact the regional Wildlife Officer for information prior to the commencement of project activity.
11. The harmful alteration, disruption or destruction of fish habitat is prohibited under the *Fisheries Act*. No construction or disturbance of any stream/lake bed or banks of any definable watercourse is permitted unless authorized by DFO.
12. The Permittee shall ensure that no sediment is released into waterbodies frequented by fish during research activities.
13. The Permittee shall not hunt or fish, unless the appropriate permits and licenses are acquired from GN Renewable Resources Officer.

Camp

1. The Permittee shall use existing camp facilities located at the research station.

Archaeological

1. The Permittee shall ensure that any archaeological or palaeontological sites encountered are not disturbed.
2. The Permittee 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 Department of Culture, Language, Elders and Youths. See attached letter.

Restoration

1. The Permittee shall remove all garbage, fuel and equipment upon abandonment.
2. The Permittee shall backfill all sumps.

Recommendations

1. NIRB would like to encourage the Permittee to hire local people and to consult with local residents regarding their activities in the region.
2. NIRB would like the Permittee to submit the results of their research to the Board once it is complete.

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 _____ at Cambridge Bay, NU

Albert Ehloak, A/Chairperson