



## SCREENING DECISION REPORT NIRB FILE No.: 16YN053

NPC File No.: 148312

**August 12, 2016**

Following the Nunavut Impact Review Board's (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of the University of British Columbia's (UBC) "Temperature Tolerance of Migratory Arctic Char" 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 REFERRAL
- 3) PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS
- 4) FACTORS FOR DETERMINING SIGNIFICANCE OF IMPACTS
- 5) RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS
- 6) OTHER NIRB CONCERNS AND RECOMMENDATIONS
- 7) REGULATORY REQUIREMENTS
- 8) 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 REFERRAL

On July 4, 2016 the NIRB received a referral to screen the project proposal from the Nunavut Planning Commission (NPC or Commission).

## PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS

### 1. Project Description

The proposed “Temperature Tolerance of Migratory Arctic Char” project is located within the Kitikmeot region, approximately 10 kilometres (km) southwest of Cambridge Bay. The proponent intends to conduct variable temperature studies to determine the temperature tolerance of Arctic Char. The program is proposed to take place from July 2016 to October 2016.

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

- Temporary installation of a mobile shipping container research laboratory to be used by up to five (5) project personnel;
  - Use of wind turbines and solar panels as primary power sources and use of a diesel generator as backup;
  - Use of chemicals, pharmaceuticals, and research equipment to facilitate research activities;
  - Manual collection and use of seawater to facilitate research operations;
  - Daily treatment and disposal of waste testing water;
  - Storage of greywater and other project wastes with disposal at appropriate municipal facilities;
- Angling of fish in the study area to be used for testing;
- Accommodations and use of facilities for up to five (5) project personnel in the community of Cambridge Bay;
- Transportation of personnel and equipment to facilitate project operations using a passenger vehicle and/or all-terrain vehicle; and
- Storage and use of fuel and chemicals for project operations.

## **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>
July 4, 2016	Receipt of project proposal from the NPC
July 4, 2016	Scoping pursuant to subsection 86(1) of the NuPPAA
July 22, 2016	Public engagement and comment request
August 2, 2016	Receipt of public comments

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

From July 22, 2016 to August 2, 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:

### **Kitikmeot Inuit Association (KIA):**

- Noted no concerns at this time and indicated support for the proposed project-specific terms and conditions distributed by the NIRB.

### **Fisheries and Oceans Canada (DFO):**

- Indicated that a licence to fish for scientific purposes should be obtained and DFO provided contact information where a licence application can be obtained.

**Indigenous and Northern Affairs Canada (INAC):**

- No comments or additional terms and conditions to offer 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 ranges to an area of approximately 10 square kilometres (km<sup>2</sup>) and includes mostly shoreline zones southwest of Cambridge Bay. In addition, the proposed project includes daily transportation to and from accommodations within the municipality of Cambridge Bay. The proposed activities may take place within habitats for many far-ranging wildlife species such as Dolphin and Union caribou, muskox, wolves, grizzly bears, and migratory birds, as identified by mapping sources, and may potentially affect animal migratory patterns.

2. *The ecosystemic sensitivity of that area.*

The proposed project would occur in an area with no specifically identified ecosystemic sensitivity. However, this area has been identified as having value and priority to the local community for terrestrial wildlife, including Peary caribou (or island caribou) and herd migration route.

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

The Proponent has indicated that there are no known areas of archaeological significance associated with the project area, however, indicated that the area is commonly used for traditional activities such as hunting and fishing, and is in proximity to numerous cabins accessed by a public road.

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

The proposed project would occur approximately 10 km from Cambridge Bay, 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 “Temperature Tolerance of Migratory Arctic Char” project is a proposed research 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. Impacts to test fish are considered irreversible but negligible considering the low magnitude of impacts associated with the proposed research undertakings.

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.*

The proposed project would take place in proximity to other active projects that have been or is currently being assessed by the Board. This includes the “One Ocean Expeditions” (NIRB File No. 12AN025); the “L’AUSTRAL 2016 – Cruise Kangerlussuaq, Greenland to Nome” (NIRB File No. 13AN028); the “Cambridge Bay Nearshore Ecological Survey” (NIRB File No. 16YN027); the “MY GALILEO G Northwest Passage 2016” (NIRB File No. 16TN050); and the “Baseline Monitoring of Marine Productivity and Oceanography Spanning the Northwest Passage Using Ships of Opportunity” (NIRB Application No. 124691). Potential for cumulative impacts to terrestrial wildlife and marine wildlife resulting from increased noise activities in the area from transportation of personnel and research activities has been identified and considered in development of the recommended mitigation measures set out in the following section. Further, this project proposal could induce additional research activities in the area.

Although no public concerns were raised during the public commenting period, the NIRB notes that the close proximity of the proposed activities to the community of Cambridge Bay and an area used by residents for recreational/traditional pursuits could potentially contribute to public concern developing. A term and condition has been recommended to encourage direct engagement with the community and posting of public notices to ensure residents are aware of the research being or to be conducted.

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, including caribou, muskox, and migratory birds, from research activities and daily transport of personnel to the project site by passenger and all-terrain vehicles.

**Board views:** As discussed above in the assessment of factors relevant to this project proposal, the potential for impacts is applicable to a small geographic area and is limited due to infrequent activities within sensitive wildlife temporal periods. It is unlikely that the specific areas identified by the Proponent for research activities could be actively used by caribou and muskox; however, any resulting impacts would be expected to be temporary only.

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

**Recommended Mitigation Measures:** It is recommended that the potential negative impacts may be mitigated by measures such as requiring such as requiring the Proponent to comply with operational restrictions and wildlife management measures. Terms and conditions 6, 9, and 13 through 18 are recommended to mitigate potential impacts to wildlife populations that could interact with the project area and transportation routes.

**Issue 2:** Potential negative impacts to surface and marine water quality from the storage and use of fuel, chemicals, and research activities.

**Board views:** The potential for impacts is applicable to a small geographic area and the probability of impacts occurring is considered to be low, with potential adverse effects anticipated to be low in magnitude, infrequent in occurrence, and reversible in nature as the Proponent has provided a comprehensive Spill Contingency Plan. Further, the Proponent has committed to storing fuel and wastes away from shore (greater than 100 metres).

The Proponent would require authorization from the Nunavut Water Board for the storage of fuel and water usage activities. In addition, the Proponent would also be required to follow the *Fisheries Act*, the *Transportation of Dangerous Goods*

*Regulations, Transportation of Dangerous Goods Act, the Canadian Environmental Protection Act and Arctic Waters Pollution Prevention Act (see Regulatory Requirements section).*

**Recommended Mitigation Measures:** It is recommended that the potential negative impacts be mitigated by measures such as requiring the Proponent to implement operational restrictions, including proper fuel storage and spill response. Terms and conditions 5, 7, 8, and 10 through 12 are recommended to mitigate potential impacts to water quality resulting from research activities and the storage and use of fuel and chemicals.

**Issue 3:** Potential negative impacts to soil quality from storage and use of fuel and chemicals, research operations, and temporary installation of a mobile laboratory.

**Board views:** The potential for impacts is applicable to a small geographic area and the probability of impacts occurring is considered to be low, with potential adverse effects anticipated to be low in magnitude, infrequent in occurrence, and reversible in nature as the Proponent has provided a comprehensive Spill Contingency Plan. Further, the Proponent has committed to removing waste daily to limit potential contamination, to use vehicles only when necessary, and to travel along established roads and paths whenever possible.

**Recommended Mitigation Measures:** Terms and conditions 6, 10 through 12, and 19 through 23 are recommended to mitigate potential impacts to soil quality resulting from research operations, storage and use of fuel and chemicals, and the temporary installation of a mobile laboratory.

**Issue 4:** Potential negative impacts to public and traditional land use activities in the area due to research activities and transportation of personnel and equipment to the temporary research site.

**Board Views:** The Proponent has indicated that the proposed project would take place approximately 10 km southwest of Cambridge Bay. Due to the close proximity to the community and to recreational cabins, it is likely that the area would be used for recreational and/or traditional activities. Noise from the research activities may temporarily change distribution of harvested species through avoidance and may affect personal enjoyment of the land. Terms and conditions have been recommended to ensure safety to the public and to minimize impacts to traditional land use activities.

**Noted Traditional Knowledge or Inuit Qaujimaningit:** Within the project application the Proponent provided a letter of support from the Ekaluktutiak Hunters and Trappers Organization who noted that it supported the proposed project based on the potential for the project to increase the regional understanding of environmental effects on Arctic Char, a species identified as a valuable economic, subsistence, and traditional resource for the community.

Recommended Mitigation Measures: Term and condition 24 is recommended to ensure that the affected communities and organizations are informed about the project proposal and term and condition 26 has been recommended to ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities in the area.

**Socio-economic effects on northerners:**

**Issue 5:** Potential negative impacts to historical, cultural, and archaeological sites from research activities.

Board Views: The Proponent has indicated that the area is commonly used for cultural and recreational activities; and the Proponent would be required to contact the Government of Nunavut Department of Culture and Heritage when encountering historical sites (see Regulatory Requirements section).

The Proponent is required to follow the *Nunavut Act* (as recommended in Regulatory Requirements section).

Recommended Mitigation Measures: Term and condition 24 is recommended to ensure that available Inuit Qaujimaningit can inform project activities, and reduce the potential for negative impacts occurring to any additional historical sites.

**Issue 6:** Potential positive impact to the community and region as the Proponent has committed to hiring local contractors for project services, sourcing accommodations for project personnel within the community, and sharing research findings.

Board Views: It is noted that the Proponent has committed to continue to consult with local community members from Cambridge Bay on the research activities which is considered a continued positive impact.

Recommended Mitigation Measures: Terms and conditions 24 and 25 have been recommended to ensure the Proponent continues to inform the community of the research activities and findings as well as provide community members with information to ensure successful local hiring opportunities.

**Significant public concern:**

**Issue 7:** No significant public concern was expressed during the public commenting period for this file.

Board Views: Follow up consultation and involvement of local community members is expected to mitigate any potential for public concern resulting from project activities. Further it is noted that the Proponent has committed to consult with local community members on the results of the scientific research.

Recommended Mitigation Measures: Term and condition 24 is recommended to ensure that the affected community and organizations are informed about the project proposal, and to



provide the Proponent with an opportunity to proactively address or mitigate any concerns that may arise from the project activities findings.

**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. The University of British Columbia (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 (Application to Determine Conformity, July 4, 2016), and the NIRB (Online Application Form, July 19, 2016).
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

**Water Use**

5. The Proponent shall ensure that water extraction from any fish-bearing waterbody is done with appropriate care and caution. Small lakes or streams should not be used for water withdrawal unless approved by the Nunavut Water Board.

**Waste Disposal**

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

**Fuel and Chemical Storage**

7. Unless otherwise authorized by the Nunavut Water Board, 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.

8. The Proponent shall ensure that re-fueling of all equipment occurs a minimum of thirty-one (31) metres away from the high water mark of any water body, unless otherwise authorized by the Nunavut Water Board.
9. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife.
10. The Proponent shall use adequate secondary containment or a surface liner when fuel and chemicals at all locations.
11. The Proponent shall ensure that appropriate spill response equipment and clean-up materials (e.g., shovels, pumps, barrels, drip pans, and absorbents) are readily available during any transfer of fuel or hazardous substances, and at all fuel storage sites.
12. 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**

13. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.
14. 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.
15. 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.

#### **Migratory Birds and Raptors Disturbance**

16. The Proponent shall not disturb or destroy the nests or eggs of any birds. If nests are encountered and/or identified, the Proponent shall take precaution to avoid further interaction and or disturbance (e.g., a 100 metres buffer around the nests). 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.
17. The Proponent shall minimize activities during periods when birds are particularly sensitive to disturbance such as migration, nesting and molting.

#### **Caribou and Muskoxen Disturbance**

18. The Proponent shall cease activities that may interfere with the migration or calving of caribou or muskox, until the caribou or muskox have passed or left the area.

#### **Ground Disturbance**

19. 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. Overland travel of equipment or vehicles must be suspended if rutting occurs.

## **Land Use**

20. The Proponent shall ensure that all temporary infrastructure is located on gravel, sand or other durable land.
21. The Proponent shall ensure that the land use area is kept clean and tidy at all times.

## **Restoration of Disturbed Areas**

22. The Proponent shall remove all garbage, fuel and equipment upon abandonment.
23. The Proponent shall ensure that all disturbed areas are restored to a stable or pre-disturbed state as practical as possible upon completion of field work.

## **Other**

24. The Proponent should engage with local residents regarding planned activities in the area and should solicit available Inuit Qaujimaningit and information regarding current recreational and traditional usage of the project area which may inform project activities. Posting of translated public notices and direct engagement with potentially interested groups and individuals prior to undertaking project activities is strongly encouraged.
25. The Proponent should, to the extent possible, hire local people.
26. The Proponent shall ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.

## **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 should review the Government of Nunavut's booklet on Bear Safety, which can be downloaded from this link: [http://gov.nu.ca/sites/default/files/bear\\_safety\\_-\\_reducing\\_bear-people\\_conflicts\\_in\\_nunavut.pdf](http://gov.nu.ca/sites/default/files/bear_safety_-_reducing_bear-people_conflicts_in_nunavut.pdf). Further information on bear/carnivore detection and deterrent techniques can be found in the "*Safety in Grizzly and Black Bear Country*" pamphlet, which can be downloaded 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).
3. There are polar bear and grizzly bear safety resources available from the Bear Smart Society with videos on polar bear safety available in English, French and Inuktitut at <http://www.bearsmart.com/play/safety-in-polar-bear-country/>. Information can also be obtained from Parks Canada's website on bear safety at the following link: <http://www.pc.gc.ca/eng/pn-np/nu/quttinirpaaq/visit/visit6/d.aspx> or in reviewing the "*Safety in Polar Bear Country*" pamphlet, which can be downloaded from the following link:

[http://www.pc.gc.ca/eng/pn-np/nu/quttinirpaaq/visit/visit6/~media/pn-np/nu/auyuittuq/pdf/shared/PolarBearSafety\\_English.ashx](http://www.pc.gc.ca/eng/pn-np/nu/quttinirpaaq/visit/visit6/~media/pn-np/nu/auyuittuq/pdf/shared/PolarBearSafety_English.ashx).

4. 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 of Cambridge Bay, phone: (867) 983-4164).

### **Species at Risk**

5. 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://www.sararegistry.gc.ca/virtual\\_sara/files/policies/EA%20Best%20Practices%202004.pdf](http://www.sararegistry.gc.ca/virtual_sara/files/policies/EA%20Best%20Practices%202004.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**

6. 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.
7. 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/>.

### **Waste Management**

8. Environment and Climate Change Canada recommends that all hazardous wastes, including waste oil, receive proper treatment and disposal at an approved facility.
9. The Proponent shall provide an authorization or letter of conformation of disposal from the owner/operator of the landfill to be used for disposal of project-related wastes.

## **REGULATORY REQUIREMENTS**

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

### **Acts and Regulations**

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://laws-lois.justice.gc.ca/eng/acts/n-28.8/>).
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**.
7. The *Transportation of Dangerous Goods Regulations* (<http://www.tc.gc.ca/eng/tdg/clear-tofc-211.htm>), *Transportation of Dangerous Goods Act* (<http://laws-lois.justice.gc.ca/eng/acts/t-19.01/>), 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.
8. The *Arctic Waters Pollution Prevention Act* (<http://laws-lois.justice.gc.ca/eng/acts/A-12/>).

#### CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the University of British Columbia's (UBC) "Temperature Tolerance of Migratory Arctic Char".

Dated August 12, 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.