



SCREENING DECISION REPORT NIRB FILE No.: 15AN029

NPC File No.: 148266

Associated with QIA File No.: LUA-2015-009

August 8, 2016

Following the Nunavut Impact Review Board's (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of Arctic Kingdom Inc.'s "Navy Board Tourist Camp" 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) MONITORING AND REPORTING REQUIREMENTS
- 7) OTHER NIRB CONCERNS AND RECOMMENDATIONS
- 8) REGULATORY REQUIREMENTS
- 9) 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 June 7, 2016 the Nunavut Impact Review Board (NIRB or Board) received a referral to screen Arctic Kingdom Inc.’s “Navy Board Tourist Camp” project proposal from the Nunavut Planning Commission (NPC or Commission) with an accompanying positive conformity determination with the North Baffin Regional Land Use Plan.

1. Project Description

The proposed “Navy Board Tourist Camp” project is located on the northwest shore of Navy Board Inlet in Lancaster Sound in the Qikiqtani region (North Baffin) approximately 155 kilometres northwest of the community of Pond Inlet. The proponent intends to set-up a temporary base camp to be used as the base for tourist activities to conduct private expeditions. The program is proposed to take place during June and July on an annual basis.

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

- Setup and removal of temporary base camp on the northwest shore of Navy Board Inlet on an annual basis
 - Camp to support up to 30 people at a time;
 - Camp to include sleeping tents, work tents, dining and kitchen shelter tents;
- Use of helicopter, single otter plane and/or twin otter plane for location scouting, and transport personnel and equipment to and from camp facility;
- Use of aircraft for sightseeing purposes and potential visits to other sites on Devon, Cornwallis, Somerset Islands, Pond and Admiralty Inlets, and the Brodeur Peninsula;
- Use of snowmobiles, ATVs and a zodiac to transport personnel and equipment to facilitate sightseeing, wildlife watching, photography, filming, hiking, fishing, snorkeling, scuba diving, flightseeing, and other tourist activities;
- Potential visits to cultural and historical site in the vicinity of the base camp;
- Hiring of local personnel as guides, bear monitors and other personnel as needed;
- Storage and use of fuel (approximately 250 litres (L) gasoline, 220 L aviation fuel, 220 L diesel) and propane (approximately 90 L);
- Use of water for domestic purposes;
- Production of human and grey water waste; and,
- Removal of wastes (sewage and garbage) on a weekly basis for proper disposal.

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:

| Date | Stage |
|---------------|--|
| June 7, 2016 | Receipt of project proposal from the NPC |
| June 16, 2016 | Information request(s) |
| July 12, 2016 | Proponent responded to information request(s) |
| July 12, 2016 | Scoping pursuant to subsection 86(1) of the NuPPAA |
| July 14, 2016 | Public engagement and comment request |
| July 25, 2016 | Receipt of public comments |

4. Public Comments and Concerns

From July 14, 2016 to July 25, 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:

Government of Nunavut (GN)

- Noted that there are 142 recorded archaeological sites in the areas where excursions are intended to take place, but this does not preclude the presence of unrecorded sites or cultural features.
- Noted that the GN – Culture and Heritage department requires that commercial tourism operators interested in visiting Nunavut archaeological or paleontological sites obtain a Class 1 Permit.
- Request that the Proponent provide the following information as several of the intended excursions provided in the application will overlap with known archaeological sites:
 - Apply for a Class 1 permit in order to obtain authorization to visit cultural/historical/archaeological sites.
 - Provide the exact locations of the cultural and historical sites planned for visitation.
 - Provide the locations of airstrips in relation to the cultural/historical sites.
 - Noted that permit applications must be submitted to the Department of Culture and Heritage by March 31 of each year.
- Proponent needs to ensure that they have obtained all appropriate licences and ensure that the licences are valid prior to the start of the project, specifically the Nunavut Outfitters Licence and the Wildlife Observation Licence.
- Noted concern that activities which occur in areas frequented by caribou can induce various negative responses including; fleeing, habitat shifts, increased movement, decreased foraging and resting rates and decreased reproductive success.
- Recommended that activities be conducted in a manner that limits the physical disturbance to caribou that may exist in the area, and should be avoided during the critical timing window for barren ground caribou (Calving: May –late June/ Post-Calving: late June-late July).
- Noted that caribou may still approach team members while on the land and reminded the Proponent of Section 74(1) of the *Wildlife Act* and recommended members giving approaching caribou as much space as possible, never pursuing an animal, and keep at least 100 meters distance at all times while always allowing an avenue for retreat.
- Noted concern that the area of interest contains a high density of denning arctic fox which may be disturbed by activities.
- Recommended the Proponent refrain from approaching no closer than 300 metres from fox dens during the critical breeding period (June 15 - July 30) as denning females are susceptible to increased stressors during this time and may abandon den if perceived to be at risk.
- Noted the following regarding polar bears:
 - Designated species of species concern by the Federal Species at Risk Act and as such polar bears and their habitat are protected throughout their range in Canada.
 - Important component in arctic marine and terrestrial ecosystems.
 - Of commercial and cultural importance to the Inuit.

- Are of safety risk to humans.
- Are protected by law and no person shall otherwise molest, harm, or destroy a bear without a Government of Nunavut permit except in exceptional circumstances including clear and present threat to human safety.
- Recommended all interactions with polar bears must be reported to the nearest conservation officer as soon as possible.
- Concern noted that nesting raptors may be disturbed by activities which may lead to premature nest departures. Recommended the Proponent refrain from approaching nesting raptors during the critical timing window (May – July 15) and refrain from disturbing nesting birds of any kind during conditions of poor weather (rain, snow, high winds) which can stress chicks.
- Requested the Proponent monitor and report on any wildlife sightings in the area of operations during the time of operation and that these reports be sent to the Ecosystems Biologist.

Environment and Climate Change Canada (ECCC)

- Noted that if activities to occur in the Bylot Island Migratory Bird Sanctuary, then the Proponent must apply for a permit.
- Provided recommendations to reduce aircraft disturbance to migratory birds, subject to pilot discretion regarding safety.
- Noted the requirements under subsection 79(2) of the *Species at Risk Act* (SARA) and provided a table listing the species that may be encountered in the Project area that have been designated as at risk as well as their current listing within SARA.
- Provided recommendations if species at risk are encountered or affected by the Project and recommended monitoring be undertaken by the Proponent to determine the effectiveness of mitigation and/or identify where further mitigation is required.
- Noted the Government of Nunavut should be consulted to identify other appropriate mitigation and/or monitoring measures to minimize project effects to species under their management responsibility.

Indigenous and Northern Affairs Canada (INAC)

- Noted that the Proponent indicated in the Project Description that organic waste at sea ice camps will be disposed of through sea ice holes. For land camps, the Proponent indicated that organic waste is to be deposited on shoreline and allowed to be taken away at high tide. The Proponent did not state explicitly what constitutes organic waste.
- Reminded Proponent that term and condition #7 of the 2015 NIRB Screening Decision Report requires that all garbage and debris be bagged, stored in covered metal containers and later disposed of at an appropriate facility.
- Requested the Proponent refer to Section 4(1) of the Arctic Waters Pollution Prevention Act which prohibits the “deposit or permit the deposit of waste of any type in the arctic waters or in any place on the mainland or islands of the Canadian arctic under any conditions where the waste or any other waste that results from the deposit of the waste may enter the arctic waters”.
- It is the responsibility of the Proponent to ensure it obtains and complies with all permits, authorizations and associated terms and conditions required to undertake the proposed project.

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 has a physical footprint consisting of a 30-man tent camp and facilities and would include helicopter, single otter plan and/or twin otter plane for scouting of locations; to transport personnel and equipment to and from the camp facility and use of vehicles such as snowmobiles, ATVs and zodiac to transport personnel to facilitate sightseeing and wildlife activities. The proposed activities may take place within habitats for many far-ranging wildlife species such as Peary caribou, muskox, wolves, arctic fox, polar bears, migratory birds and Species at Risk (Ivory Gulls), as identified by the Proponent and 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 particular identified ecosystemic sensitivity; however, the camp location is located near the Bylot Island Migratory Bird Sanctuary and Sirmilik National Park. In addition, this area has been identified as having value and priority to the local community for:

- i. Terrestrial wildlife,
- ii. Migratory birds,
- iii. Caribou,
- iv. Marine wildlife (narwhal, walrus and beluga) and marine fish; and
- v. Polar bears.

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

The project proponent has indicated that tourist activities could also include visiting cultural and historical sites in the vicinity of the camp location. Further, it is noted that the camp location is in the vicinity of the Sirmilik National Park. The Government of Nunavut also noted that there are 142 recorded archaeological sites in the areas where excursions are intended to take place.

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

The proposed project would occur more than 155 km from Pond Inlet, 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 “Navy Board Tourist Camp” project is a proposed tourist 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.*

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 “One Ocean Expeditions” (NIRB File No. 12AN025); “L’Astral 2016” (NIRB File No. 13AN028); “Periglacial biogeosystem dynamics in response to climate change” (NIRB File No. 15YN017) and “Effects of Climate Change on Snow Geese Nesting Success on Bylot Island” (NIRB File No. 15YN022). Potential for cumulative impacts to the biophysical environment resulting from increased human traffic and research activities have 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 related to the baseline studies.

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 direct engagement with the community, HTO 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 caribou, wildlife, migratory birds and associated wildlife habitat from the setup and removal of temporary base camp; use of aircrafts to transport personnel and equipment to and from camp facility; use of aircrafts, snowmobiles, ATVs and zodiacs for sightseeing activities and potential visits to other sites; and potential site visits to historical/cultural sites.

Board views: As discussed above in the assessment of factors relevant to this project proposal, the potential for impact(s) is applicable to a small geographic area and is limited due to infrequent activities. Some project activities, such as transport and sightseeing activities could potentially disturb arctic fox, polar bears, marine mammals and migratory birds with home range sizes habituated to the project area. It is also noted that the camp location is in vicinity of the Bylot Island Migratory Bird Sanctuary and Sirmilik National Park. Minimum flight altitudes and seasonal restrictions are expected to mitigate potential adverse impacts to wildlife.

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 the Proponent to maintain minimum flight altitudes and seasonal restrictions, to not harass wildlife and not disturb or destroy nests or eggs of any birds, to comply with operational restrictions for use of vehicles for overland transportation, fuel use and general wildlife management. The following terms and conditions are recommended to mitigate the potential adverse impacts: 6, 7, 11, and 13 through 27.

Issue 2: Potential negative impacts to the land, vegetation and water quality from the development of the temporary camp, fuel transportation, usage and storage and sightseeing activities using snowmobiles and/or ATVs.

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.

The Proponent would require a water licence from the Nunavut Water Board for the water usage activities and fuel storage. In addition, the Proponent would also be required to follow the *Fisheries Act*, the *Transportation of Dangerous Goods Regulations*, *Transportation of Dangerous Goods Act* and the *Canadian Environmental Protection Act* (see *Regulatory Requirements* section).

Recommended Mitigation Measures: The potential negative impacts are issues relevant for consideration by the Nunavut Water Board. It is recommended that the potential negative impacts may be mitigated by measures such as requiring the Proponent to use appropriate spill response equipment and clean-up materials (drip pans and absorbents) during fueling, and to remove all waste materials and debris following project activities and complying with operational restrictions for overland travel. In addition, the following terms and conditions are recommended to mitigate the potential adverse impacts: 5, 6, 8 through 10, and 28 through 32.

Issue 3: Potential negative impacts to traditional land use activities in the area due to transportation of personnel and equipment to and from camp facility; use of aircrafts, snowmobiles, ATVs and zodiacs for sightseeing activities and potential visits to other sites; and potential site visits to historical/cultural sites.

Board Views: The Proponent has indicated that the proposed project would take place near the northwest shore of Navy Board Inlet which is located approximately 155 km northwest of the community of Pond Inlet. Due to the distance it is possible that the area could be used for traditional activities; however, no comments were received from the community on this aspect. Further, noise from the tourist activities may temporarily change distribution of harvested species through avoidance and may affect personal enjoyment of the land. A term and condition has been recommended to ensure minimal impacts to traditional land use activities.

Recommended Mitigation Measures: Term and condition 35 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 4: Potential negative impacts to historical, cultural and archaeological sites due to tourist excursion activities.

Board Views: The Proponent is proposing to work in an area that has been identified by the Government of Nunavut – Culture and Heritage Department to have 142 recorded archaeological sites was of known historical significance which may cause potential negative impacts. The Proponent is required to contact the Culture and Heritage

Department when encountering historical sites and is required to follow the *Nunavut Act* (as recommended in Regulatory Requirements section).

Recommended Mitigation Measures: Term and condition 12 is recommended to ensure that the Proponent inform clients and staff of its regulatory requirements associated with archaeological sites. Further, term and condition 33 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 5: Potential positive socio-economic effect on northerners as Proponent has committed to hiring of local guides and labour for project activities.

Board Views: It is noted that the Proponent has committed to hiring of local guides and labour for project activities, as well as purchasing food and supplies from local businesses.

Recommended Mitigation Measures: Terms and conditions 33 and 34 have been recommended to ensure the Proponent continues to inform the community of the tourist activities and findings as well as provide community members with information to ensure a successful local hiring opportunity. Consultation with community organizations would assist in planning for supplies purchasing to ensure adequate supply to the community.

Significant public concern:

Issue 6: 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. In addition, it is recommended that the Proponent considers hiring local people for the project activities.

Recommended Mitigation Measures: Term and condition 33 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. Term and condition 34 is recommended to ensure that the Proponent provide community members with information to ensure a successful local hiring opportunity.

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. Arctic Kingdom Inc. (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, June 7, 2016), and the NIRB (Online Application Form, NIRB's Part 1 Summary Form in Inuktitut, June 30, 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. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife.
8. The Proponent shall use adequate secondary containment or a surface liner (e.g., self-supporting insta-berms and fold-a-tanks), when storing barreled fuel and chemicals at all locations.
9. 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.
10. 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 Viewing and Tourism Activities

11. The Proponent shall ensure that all passengers (clients and staff) are aware of the Proponent's responsibilities and requirements regarding wildlife and wildlife habitat protection. This

should include pre-landing briefings on wildlife sensitivities and potential hazards, proper wildlife viewing techniques and safety practices.

12. The Proponent shall ensure that all passengers (clients and staff) are aware of the Proponent's responsibilities and requirements regarding archaeological or palaeontological sites that are encountered during land-based activities. This should include pre-landing briefings explaining the prohibitions regarding removal of artifacts, and defacing or writing on rocks and infrastructure.
13. While on the zodiacs, the Proponent shall limit viewing time of each concentration of marine mammals to a maximum of thirty (30) minutes in order to minimize disturbance.
14. The Proponent shall not attempt to intersect or interfere with the movements of marine mammals. Strategic positioning of vessels ahead of the path being traveled by mobile whales and waiting for the whales to pass is also prohibited.
15. The Proponent shall ensure that visitation of cliffs used by nesting and breeding birds is restricted to zodiacs only, and then only during morning and early afternoon hours. Noise should be kept to a minimum when visiting these bird colonies.

Wildlife - General

16. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.
17. 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.
18. 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

19. 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.
20. The Proponent shall minimize activities during periods when birds are particularly sensitive to disturbance such as migration, nesting and moulting.
21. The Proponent shall avoid the seaward site of seabird colonies and areas used by flocks of migrating waterfowl by three (3) kilometres.
22. The Proponent shall ensure its aircraft avoid excessive hovering or circling over areas where bird presence is likely.

Aircraft Flight Restrictions

23. The Proponent shall restrict aircraft/helicopter activity related to the project to a minimum altitude of 610 metres above ground level unless there is a specific requirement for low-level flying, which does not disturb wildlife and migratory birds.

24. The Proponent shall ensure that aircraft maintain a vertical distance of 1000 metres and a horizontal distance of 1500 metres from any observed groups (colonies) of migratory birds. Aircraft should avoid critical and sensitive wildlife areas at all times by choosing alternate flight corridors.
25. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
26. The Proponent shall advise all pilots of relevant flight restrictions and enforce their application over the project area, including flight paths to/from the project area.

Caribou and Muskoxen Disturbance

27. 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

28. 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.

Temporary Camps and Land Use

29. The Proponent shall ensure that all camps are located on gravel, sand or other durable land.
30. The Proponent shall ensure that the land use area is kept clean and tidy at all times.

Restoration of Disturbed Areas

31. The Proponent shall remove all garbage, fuel and equipment upon abandonment.
32. The Proponent shall complete all clean-up and restoration of the lands used prior to the end of each field season and/or upon abandonment of site.

Other

33. The Proponent should consult with local residents regarding their activities in the area and solicit available Inuit Qaujimaningit and information that can inform project activities.
34. The Proponent should, to the extent possible, hire local people.
35. The Proponent shall ensure that project activities do not interfere with Inuit wildlife harvesting or traditional land use activities.

MONITORING AND REPORTING REQUIREMENTS

Wildlife Report

1. The Proponent shall maintain a record of wildlife observations while operating within the project area and include it as part of the summary report to the Nunavut Impact Review Board and Government of Nunavut – Ecosystems Biologist. The summary report based on wildlife observations should include the following:
 - a) Locations (i.e., latitude and longitude), species, number of animals, a description of the animal activity, and a description of the gender and age of animals if possible.

- b) Prior to conducting project activities, the Proponent should map the location of any sensitive wildlife sites such as denning sites, calving areas, caribou crossing sites, and raptor nests in the project area, and identify the timing of critical life history events (i.e., calving, mating, denning and nesting).
- c) Additionally, the Proponent should indicate potential impacts from the project, and ensure that operational activities are managed and modified to avoid impacts on wildlife and sensitive sites.
- d) An analysis of the effectiveness of mitigation measures for wildlife.

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. 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.
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.
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 Pond Inlet, phone: (867) 899-8819 or (867) 899-8035).

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%2020

[04.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/>.

Fishing Licence

8. The Proponent shall ensure that all guests partaking in sport fishing activities during their stay at the camp obtain fishing licences from the Government of Nunavut-Department of Environment.

Transport of Waste/Dangerous Goods and Waste Management

9. Environment and Climate Change Canada recommends that all hazardous wastes, including waste oil, receive proper treatment and disposal at an approved facility.
10. The Proponent shall ensure that a waste manifest or the appropriate transportation of dangerous goods (TDG) documentation accompany all potential hazardous samples and/or materials that are transported off site. Further, the Proponent shall ensure that the shipment of waste is registered with the Government of Nunavut Department of Environment (GN-DoE). Contact the Manager of Pollution Control and Air Quality at (867) 975-7748 to obtain a manifest if hazardous waste will be generated during project activities.

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 *Aeronautics Act* (<http://laws-lois.justice.gc.ca/eng/acts/A-2/>).

CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the Arctic Kingdom Inc.'s "Navy Board Tourist Camp".

Dated August 8, 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) to get the current status of a species.

Updated: June 2015

| Species at Risk ¹ | COSEWIC Designation | Schedule of SARA | Government Organization with Primary Management Responsibility ² |
|---|---|---|---|
| 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 ³) | 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 |

| Species at Risk ¹ | COSEWIC Designation | Schedule of SARA | Government Organization with Primary Management Responsibility ² |
|--|----------------------------|-------------------------|--|
| (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 |

¹ The Department of Fisheries and Oceans has responsibility for aquatic species.

² 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.

³ 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:

| | Types of Development (See Guidelines below) | Function (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*¹ to issue such permits.

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

¹ 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*², the federal government can make regulations for the protection, care and preservation of palaeontological and archaeological sites and specimens in Nunavut. Under

² s. 51(1)

the *Nunavut Archaeological and Palaeontological Sites Regulations*³, 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.*

³ 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)

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.