



February 16, 2026

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*Sent via email*

**Re: Notification and request for comments in relation to a proposed screening exemption agreement under Article 12, Schedule 12-1(7) of the Nunavut Agreement and s. 230 of the NuPPAA between Fisheries and Oceans Canada (DFO) and the Nunavut Impact Review Board applicable to activities licensed by DFO under s. 52 of the Fisheries (General) Regulation SOR/93-53 and s. 38 of the Marine Mammal Regulations SOR/93-56**

Dear Parties:

As provided for under Article 12, Schedule 12-1(7) of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)*, and s. 230 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*) on January 20, 2026, the Nunavut Impact Review Board (NIRB or Board) received a request from Fisheries and Oceans Canada (DFO) to develop a new screening exemption agreement between DFO and the NIRB (Exemption Agreement).<sup>1</sup> As described in DFO's request, the Exemption Agreement would apply to specified activities authorized by DFO under a License to Fish for Scientific Purposes under s. 52 of the *Fisheries (General) Regulation*, SOR/93-53 and/or Authorized Disturbance of Marine Mammals under s. 38 of the *Marine Mammal Regulations*. Purpose).

<sup>1</sup> Letter to D. Filiatrault (Executive Director, NIRB) from A. Amos (Regional Director General, Arctic Region, DFO), RE: Schedule 12-1 Exemption, January 20, 2026, attached.

In the request to NIRB, DFO described the internal processes conducted by DFO prior to the issuance of any License to Fish for Scientific Purpose and/or Authorized Disturbance of Marine Mammals as follows:

*Before any issuance of any license to conduct activities under a License to Fish for Scientific Purposes and/or Authorized Disturbance of Marine Mammals, DFO conducts a thorough analysis of the activities, methods, and purposes before the issuance of a license. This review is conducted through several sectors within DFO, including a scientific review conducted by our Science sector, a review by our Resource Management team, which reviews for cumulative ecosystemic and socio-economic impacts, as well as our Animal Care Committee, which reviews projects to ensure proper care of fish and marine mammals. Moreover, DFO requires that all projects receive a letter of support from the local communities/HTOs, ensuring that community-level engagement has occurred and issues and concerns are addressed before any project is approved. DFO does not rely on the NIRB screening process to fulfill any Crown consultation requirements for these activities.*

DFO also indicated that in the 2025 field season, at least 16 project proposals in relation to these types of licenses were submitted to the Nunavut Planning Commission, with the majority being referred to the NIRB for screening. The NIRB's screening of the projects proposals concluded that these activities were all low impact activities, and the project proposals were recommended to proceed without further assessment.

After consideration of DFO's request and supporting rationale for the Exemption Agreement, the NIRB concluded that it was appropriate for the proposed activities to be exempted from NIRB screening and engaged with DFO to develop a *Draft Exemption Agreement* to apply to project proposals requiring a License to Fish for Scientific Purposes and/or Authorized Disturbance of Marine Mammals from DFO as described in the attached *Draft Exemption Agreement*.

As set out in ss. 230(1) and 230(2) of *NuPPAA*,<sup>2</sup> by way of this correspondence the Board is providing **notification** of the proposed Exemption Agreement to the Minister and the designated Inuit organizations and is also **inviting interested parties to submit their comments** about the draft Exemption Agreement to the NIRB on or before **June 16, 2026**.

#### BACKGROUND ON THE GENERAL PROCESS FOR DEVELOPING AND IMPLEMENTING SCREENING EXEMPTION AGREEMENTS

Under Article 12, Schedule 12-1(7) of the *Nunavut Agreement* and s. 230 of the *NuPPAA*, the NIRB has the authority to enter into agreements with relevant government Ministers to define categories of physical works or activities that constitute project proposals that would normally

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<sup>2</sup> Schedule 3 — proposed agreement

*230 (1) Before entering into an agreement under item 7 of Schedule 12-1 to the Agreement, the Board must notify the designated Inuit organization and either the federal Minister or the territorial Minister, as the case may be, in writing of the classes of physical works and activities that are the subject of the proposed agreement.*

Comments

*(2) The recipient of a notice referred to in subsection (1) may, within 120 days after receiving the notice, provide the Board with comments in writing on the proposed agreement.*

trigger a screening level assessment by the NIRB, but that a regulatory authority<sup>3</sup> has requested be exempted from the requirement to undergo screening by the NIRB. If a regulatory authority requests the NIRB to consider entering into this type of screening exemption agreement, the following steps outline the process the Board and regulatory authority engage in to develop a screening exemption agreement.

1. The NIRB and applicable regulatory authority develop a list of all categories of activities or projects that require formal government licenses, permits or approvals (i.e. authorizations) and that trigger the requirement for screening by the NIRB under the *Nunavut Agreement*, and Part 3 of the *NuPPAA* including descriptions or definitions of the physical works or activities that should be exempt from screening (Exemption List).
2. The NIRB reviews the draft Exemption List, and if the Board determines that it is consistent with the objectives of the Board under the *Nunavut Agreement* if the class of works or activities included on the draft Exemption List is excluded from screening by the Board, the NIRB and the regulatory authority prepare a consultation draft of a screening exemption agreement that defines/describes the class of exempted works or activities and the terms and conditions associated with such exemptions, including items such as reporting requirements and the ability of the regulatory authority or NIRB to terminate the screening exemption agreement, etc.
3. When the draft of the screening exemption agreement has been prepared, written notification of the draft agreement is provided to the designated Inuit organization and applicable federal or territorial Minister (as required under s. 230(1) of *NuPPAA*) and comments are invited on the screening exemption agreement for a period of at least 120 days (as required under s. 230(2) of *NuPPAA*).
4. Once comments are received from interested parties and taken into account by the Board, the NIRB considers whether it remains appropriate for the Board to exempt the proposed class of works or activities from NIRB screening under Schedule 12-1(7) of the *Nunavut Agreement*.
5. If the Board and regulatory authority determine that the screening exemption agreement continues to be appropriate, the Board works collaboratively with the regulatory authority to finalize the screening exemption agreement to respond to comments received.
6. The final screening exemption agreement is executed by the NIRB and the relevant federal or territorial Minister under Schedule 12-1(7) of the *Nunavut Agreement*.
7. The NIRB provides written notice of the screening exemption agreement to the designated Inuit organization, and the relevant federal or territorial Minister (as required by 230(3) of *NuPPAA*).
8. Upon the receipt of the Notice of the screening exemption agreement coming into force, the federal Minister responsible for *NuPPAA* must amend Schedule 3 of *NuPPAA* to

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<sup>3</sup> Under s. 2(1) a regulatory authority is defined as “...a department or agency, a municipality or any other public body responsible for issuing a licence, permit or other authorization required by or under any other Act of Parliament or a territorial law for a project to proceed.”

include a description of the class of works or activities exempted from screening under the terms and conditions of the screening exemption agreement.

9. When the screening exemption agreement is in force, project proposals submitted to the Nunavut Planning Commission and meeting the definitions of exempted works or activities included within the scope of the screening exemption agreement would not be forwarded to the NIRB for screening unless the Nunavut Planning Commission has concerns in respect of any cumulative ecosystemic and socio-economic impacts associated with the project proposal.

#### THE DEVELOPMENT OF THE DRAFT EXEMPTION AGREEMENT REQUESTED BY DFO

In the case of this proposed Exemption Agreement, to determine whether the class of works and activities proposed by DFO should be exempted from screening, the NIRB determined that the proposed class of works or activities:

1. Will not result in land disturbances that exceed the nature and extent of land disturbances that are acceptable under a Class B land use permit.
2. Will not result in any disturbance to the land such that the land cannot be remediated and returned to its original state or its original function.
3. Will not require water uses that trigger the requirement for a public hearing under Article 13, Section 13.7.3 of the *Nunavut Agreement*.
4. Will not involve the bulk storage of hazardous materials, the bulk storage of fuel, power generation with nuclear fuels, or hydro power and any industrial activity.
5. Will not result in any substance entering into surface or ground water.
6. Will not occur on land that has cultural or historical significance.
7. Will not interfere with Inuit harvesting activities, including travel routes or traditional camp locations.
8. Will not have the potential to cause any negative socio-economic effects on northerners, including the movement of peoples.
9. Will not involve the use of technological innovations for which the effects may be unknown.
10. Is not likely to be the cause of significant public concern and would require direct letters of support from the Hunters and Trappers Organizations.
11. Will not have the potential to cause any negative effects on human health.
12. Is the type of activity or project where the effects are highly predictable and any adverse effects will be insignificant and mitigated.

#### REQUEST FOR COMMENTS

The attached draft of the proposed Exemption Agreement has been developed jointly by DFO and the NIRB and has been provided for review and comment by interested parties with this

distribution. The NIRB requests that interested parties submit comments regarding the proposed draft Exemption Agreement with Fisheries and Oceans Canada as provided for under the *Nunavut Agreement* Schedule 12-1(7); specifically, the Board asks that interested parties include comments addressing the following:

- Whether the party has any concerns with the Board exempting from screening the types of works associated with activities licensed by DFO under s. 52 of the *Fisheries (General) Regulation* SOR/93-53 and s. 38 of the *Marine Mammal Regulations* SOR/93;
- Whether exemptions of this nature should be time-limited and/or flexible; and if so, why; and
- Any other relevant matter relating to the attached draft Exemption Agreement which should be taken into account during the Board's consideration of DFO's screening exemption request.

The NIRB invites interested parties to submit comments directly to the Board via email to [info@nirb.ca](mailto:info@nirb.ca) or via fax to (867) 983-2594 on or before **June 16, 2026**.

Should you have any questions or require additional information, please contact the undersigned at (867) 983-4611 or [tarko@nirb.ca](mailto:tarko@nirb.ca).

Sincerely,



Tara Arko  
Director, Operations  
Nunavut Impact Review Board

cc: System-Wide Distribution List  
Amy Amos – Fisheries and Oceans Canada  
Chantelle Sawatzky – Fisheries and Oceans Canada  
Sharon Ehaloak – Nunavut Planning Commission  
Jonathan Savoy – Nunavut Planning Commission  
Stephanie Autut – Nunavut Water Board  
Karén Kharatyan – Nunavut Water Board  
Dustin Fredlund – Nunavut Tunngavik Inc.  
Carson Gillis – Nunavut Tunngavik Inc.  
Jorgan Aitaok – Nunavut Tunngavik Inc.  
Cory Barker – Kitikmeot Inuit Association  
Tannis Bolt – Kitikmeot Inuit Association  
Luis Manzo – Kivalliq Inuit Association  
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Conor Goddard – Qikiqtani Inuit Association  
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Assol Kubeisinova – Qikiqtani Inuit Association  
Kaitlyn Bakker – Government of Canada  
Spencer Dewar – Crown-Indigenous Relations and Northern Affairs Canada  
Kim Pawley – Crown-Indigenous Relations and Northern Affairs Canada  
Adrian Paradis – Canadian Northern Economic Development Agency  
Lisa Dyer – Canadian Northern Economic Development Agency  
Justin Buller – Government of Nunavut  
Dianne Lapierre – Government of Nunavut

Enclosed (2): DFO Arctic 12-1 Exemption Request  
*Draft* NIRB-DFO Schedule 12-1(7) Exemption Agreement (*February 4, 2026*)