NUNAVUT ACT

Nunavut Archaeological and Palaeontological Sites Regulations

P.C. 2001-1111 14 June, 2001

Her Excellency the Governor General in Council, on the recommendation of the Minister of Indian Affairs and Northern Development, pursuant to subsection 51(1) of the Nunavut Act, hereby makes the annexed Nunavut Archaeological and Palaeontological Sites Regulations.

NUNAVUT ARCHAEOLOGICAL AND PALAEONTOLOGICAL SITES REGULATIONS

INTERPRETATION

1. The following definitions apply in these Regulations.

“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.

“archaeological site” means a site where an archaeological artifact is found.

“Class 1 permit” means a permit that entitles the permittee to survey and document the characteristics of an archaeological or palaeontological site in a manner that does not alter or otherwise disturb the site.

“Class 2 permit” means a permit that entitles the permittee to:
(a) survey and document the characteristics of an archaeological or palaeontological site;
(b) excavate an archaeological or palaeontological site;
(c) remove archaeological artifacts from an archaeological site or remove fossils from a palaeontological site; or
(d) otherwise alter or disturb an archaeological or palaeontological site.

“designated agency” has the same meaning as in section 33.1.1 of the Nunavut Land Claims Agreement.

“fossil” includes:
(a) natural casts;
(b) preserved tracks, coprolites and plant remains; and
(c) the preserved shells and exoskeletons of invertebrates and the eggs, teeth and bones of vertebrates.

“Inuit-owned lands” has the same meaning as in section 1.1.1 of the Nunavut Land Claims Agreement.

“Nunavut Land Claims Agreement” means the Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada, signed on May 25, 1993. (Accord sur les revendications territoriales du Nunavut)
“palaeontological site” means a site where a fossil is found. (lieu paléontologique)

APPLICATION

2. These Regulations apply to all lands and waters in Nunavut other than (a) those within the boundaries of a park, as defined in the Canada National Parks Act; and (b) any lands set apart as a national historic site of Canada under section 42 of that Act.

PROTECTION OF ARTIFACTS AND FOSSILS

3. (1) Subject to subsection (2), no person shall possess or sell (a) an archaeological artifact that was removed from an archaeological site on or after June 15, 2001; or (b) a fossil that was removed from a palaeontological site on or after June 15, 2001.

(2) The prohibition on possession in subsection (1) does not apply to (a) a person or organization receiving an archaeological artifact or fossil pursuant to section 15 or 16; (b) a person or organization possessing an archaeological artifact or fossil under the terms of an agreement with a person or organization referred to in paragraph (a); or (c) the holder of a Class 2 permit, during the term of the permit and for a period of three months after the expiration of the permit.

PROTECTION OF ARCHAEOLOGICAL SITES

4. No person shall search for archaeological sites or archaeological artifacts, or survey an archaeological site, without a Class 1 or Class 2 permit.

5. (1) No person shall excavate, alter or otherwise disturb an archaeological site, or remove an archaeological artifact from an archaeological site, without a Class 2 permit.

(2) No person, other than a person engaged in a search and rescue operation, shall dive, or approach with an underwater submersible, to within 30 m of an archaeological artifact without a Class 2 permit.

(3) Subsection (1) shall not be interpreted to prohibit the establishment of an outpost camp on an archaeological site in accordance with section 7.6.3 of the Nunavut Land Claims Agreement.

PROTECTION OF PALAEOONTOLOGICAL SITES

6. No person shall search for palaeontological sites or fossils, or survey a palaeontological site, without a Class 1 or Class 2 permit.

7. No person shall excavate, alter or otherwise disturb a palaeontological site, or remove a fossil from a palaeontological site, without a Class 2 permit.

ISSUANCE OF PERMITS

8. (1) A person may apply for a Class 1 permit by submitting an application, in writing, to the designated agency, setting out
(2) Subject to section 10 of these Regulations and section 33.5.6 of the Nunavut Land Claims Agreement, within 90 days after receipt of an application made under subsection (1), or after any longer period required to ascertain that the requirements of paragraphs (a) and (b) have been met, the designated agency shall issue a Class 1 permit for the proposed project if
(a) the applicant has demonstrated the expertise in archaeology necessary to conduct the project and complete the report required under subsection 14(2); and
(b) the applicant has complied with all conditions precedent to obtaining such a permit set out in the Nunavut Land Claims Agreement.

9. (1) A person may apply for a Class 2 permit by submitting an application, in writing, to the designated agency, setting out
(a) the name and qualifications of the applicant and of all persons who will be working on the proposed project;
(b) a description of the project, including
(i) a statement as to whether the project relates to archaeological or palaeontological sites, and
(ii) a map and geographic coordinates of the project area; and
(c) the objectives of the project.

(2) Subject to section 10 of these Regulations and section 33.5.6 of the Nunavut Land Claims Agreement, within 90 days after receipt of an application, in writing, to the designated agency, setting out
(a) the name and qualifications of the applicant;
(b) a description of the project, including
(i) a statement as to whether the project relates to archaeological or palaeontological sites, and
(ii) a map and geographic coordinates of the project area; and
(c) the objectives of the project.
90 days after receipt of an application made under subsection (1), or
after any longer period required to ascertain that the requirements of
paragraphs (a) to (c) have been met, the designated agency shall issue
a Class 2 permit for the proposed project if
(a) the applicant has demonstrated the expertise in archaeology or
palaontology necessary to conduct the project;
(b) the scientific and cultural benefits of the project outweigh
the adverse impact of the project on the archaeological or
Palaontological site; and
(c) the applicant has complied with all conditions precedent to
obtaining such a permit set out in the Nunavut Land Claims
Agreement.

10. An applicant who has contravened these Regulations or the
conditions of any previous permit or other authorization for the
search for, or excavation of, archaeological or palaeontological sites
that was issued in any country is not entitled to issuance of a permit
under section 8 or 9, if the contravention has not been remedied.

ASSIGNMENT

11. A permit shall not be assigned.

EXPIRATION

12. A permit expires on December 31 of the year for which it was
issued.

SITE RESTORATION

13. A person who excavates an archaeological or palaeontological
site shall, on completion of the excavation, restore the site, in so far
as is practicable, to its original state.

REPORTS

14. (1) On or before March 31 of the year following the year for
which a permit was issued, the holder of a Class 1 permit shall
provide a copy of the report referred to in subsection (2), and the
holder of a Class 2 permit shall provide a copy of the report referred
to in subsection (3), to each of
(a) where the permit is in respect of an archaeological site,
(i) the Inuit Heritage Trust;
(ii) the minister of the government of Nunavut responsible
for culture and heritage; and
(iii) the Canadian Museum of Civilization; and
(b) where the permit is in respect of a palaeontological site, the
minister of the government of Nunavut responsible for culture
and heritage.
(2) A report of work done under a Class 1 permit shall set out the
name of the permittee, the date of the report and the permit number
and shall include, for each archaeological or palaeontological site
visited, a description of the work undertaken, including
(a) a description of the site;
(b) National Topographic Series maps, on a scale of 1:50,000 or
1:250,000, showing the location of the site;
(c) a detailed plan of the site; and
(d) representative photographs of the site.
(3) A report of work done under a Class 2 permit shall set out the
name of the permittee, the date of the report and the permit
number and shall include, for each archaeological or palaeontological site visited,
(a) a description of the work undertaken, including
(i) a description of the site,
(ii) National Topographic Series maps, on a scale of 1:50,000 or 1:250,000, showing the location of the site,
(iii) detailed plans of the site and each excavation unit on the site,
(iv) a vertical scale drawing of the stratigraphy of each excavation unit,
(v) representative photographs of the site, taken before and during excavation and after completion of restoration of the site,
(vi) a description of any subsurface testing, and
(vii) measurements of the depths at which all archaeological artifacts or fossils were found and their horizontal provenience;
(b) a description of the methods used in data acquisition, recording and analysis, including those used in field, archival and laboratory investigations;
(c) a description of any archaeological artifact or fossil conservation treatments and the name of the conservator;
(d) a description of any environmental factors and recent history relating to the site;
(e) an assessment of the current physical status of the site and any present or potential factors that could alter that status; and
(f) an interpretation of the significance of the site based on a summary examination of the findings resulting from the work undertaken.

REPOSITORY

15. (1) Subject to subsection (2), all archaeological artifacts collected by a permittee shall be submitted, on or before March 31 of the year following the year for which the permit was issued,
(a) where the artifacts were collected on Inuit-owned lands, to a curation repository designated by the Inuit Heritage Trust under section 33.7.6 of the Nunavut Land Claims Agreement; or
(b) where the artifacts were collected on any other lands, to a curation repository designated by the designated agency under section 33.7.7 of the Nunavut Land Claims Agreement.

(2) Any Denesuline archaeological specimens collected by a permittee shall be submitted to the designated agency on or before March 31 of the year following the year for which the permit was issued.

16. All fossils collected by a permittee shall be submitted, on or before March 31 of the year following the year for which the permit was issued, to the minister of the government of Nunavut responsible for culture and heritage.

COMING INTO FORCE


N.B. The Regulatory Impact Analysis Statement for these Regulations appears at page 1283 following SOR/2001-218.