



SCREENING DECISION REPORT
NIRB FILE NO.: 09DN018

DFO File No.: NU-11-0037
EC File No.: 4704 004 029

January 14, 2013

The Honourable John Duncan
Minister of Aboriginal Affairs and Northern Development
Government of Canada
Executive Offices
10 Wellington, 21st Floor
Gatineau, QC K1A 0H4

and

The Honourable Peter MacKay
Minister of National Defence
National Defence Headquarters
Major-General George R. Pearkes Building
Ottawa, ON K1A 0K2

Sent via email, facsimile and regular post

Re: Screening Decision for Department of National Defence's "Nanisivik Naval Facility" project proposal, Qikiqtani Region, NIRB File No. 09DN018

Dear Mr. John Duncan and Mr. Peter MacKay:

For the reasons set out in detail below, the Nunavut Impact Review Board (NIRB or Board) is recommending that the Department of National Defence's (DND or the Proponent) "Nanisivik Naval Facility" project proposal be returned to the Proponent for clarification pursuant to **Section 12.4.4(c)** of the Nunavut Land Claims Agreement (NLCA).

The Board recognizes that the NIRB screening process in respect of this project was originally engaged in March 2009, and as such, the project proposal has been in the screening stage for an exceptionally long period of time. The protracted screening timeline for this proposal reflects the Proponent's on-going development of the project proposal after its initial submission, significant delays and gaps in the Proponent's responses to information requests by the Board

and by reviewing parties, requests by the Proponent and some reviewing parties for extensions to the NIRB's typical timelines and, more recently, additional time required to respond to the Proponent's significant reduction to the scope of the original project proposal. These issues have contributed to an extended screening stage, including a period of almost 2 years (2009-2011) where the NIRB awaited a response from the Proponent to requests for project information critical to the ability of the NIRB and commenting parties to adequately screen the project proposal. The detailed procedural history provided in these reasons reflects these significant gaps in the on-going development of the project proposal and identifies several points in the process where the need for additional information caused extended delays to the NIRB's screening process.

LEGAL FRAMEWORK

The primary objectives that govern the functions of the NIRB are set out in Section 12.2.5 of the 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.”

Further, Section 12.4.4 of the NLCA states:

Upon receipt of a project proposal, NIRB shall screen the proposal and indicate to the Minister in writing that:

- a) the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out in Section 12.2.5;*
- b) the proposal requires review under Part 5 or 6; NIRB shall identify particular issues or concerns which should be considered in such a review;*
- c) the proposal is insufficiently developed to permit proper screening, and should be returned to the proponent for clarification; or*
- d) the potential adverse impacts of the proposal are so unacceptable that it should be modified or abandoned.*

PROCEDURAL HISTORY AND BACKGROUND

On November 14, 2008 the NIRB received the DND's "Nanisivik Naval Facility" project proposal directly from the Proponent. On November 17, 2008 the NIRB indicated to the Proponent that this project proposal appeared to be located in an area with an approved land use plan (North Baffin Regional Land Use Plan) and would consequently require a conformity determination from the Nunavut Planning Commission (NPC) prior to initiating the screening process. In addition, the NIRB requested that authorizing agencies with jurisdiction to authorize works or activities associated with this project forward copies of any such applications to the NIRB. On March 12, 2009 the NIRB received a positive conformity determination from the

NPC for this file. The NIRB assigned this project proposal file number 09DN018 and commenced screening pursuant to Part 4, Article 12 of the NLCA.

Following receipt of the initial application materials, the NIRB undertook a preliminary completeness check and found that the proposal as submitted did not contain sufficient information for the NIRB to permit proper screening. On March 23, 2009 the NIRB requested that additional information from the Proponent be provided to the Board by April 6, 2009. By April 20, 2009, not having received the requested additional information, the NIRB requested additional time to screen the project proposal. By May 20, 2009, the Board still had not received the necessary information and again requested that the Proponent submit the outstanding information by June 2, 2009.

On May 27, 2009 the Proponent provided the Board with written notification that the requested additional information would not be provided by June 2, 2009 as DND was in the process of hiring a design consultant and an environmental consultant. Subsequently, on April 29, 2011 the NIRB received additional information in support of this project proposal, but upon review of the submission, the NIRB found that it was still insufficiently developed to permit proper screening. On May 11, 2011 the NIRB requested that the additional outstanding information be provided to the Board by June 1, 2011.

On June 2, 2011 the Proponent provided the Board with written notification requesting additional time to address the outstanding items required by the Board, and on September 6, 2011 the NIRB received the Proponent's submission.

On September 12, 2011 the project proposal was distributed to community organizations in Arctic Bay as well as to relevant federal and territorial government agencies and Inuit organizations. The NIRB requested that interested parties review the proposal and provide the Board with any comments or concerns by October 3, 2011 regarding:

- Whether the project proposal is likely to arouse significant public concern; and if so, why;
- Whether the project proposal is likely to cause significant adverse eco-systemic and socio-economic effects; and if so, why;
- Whether the project is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (please provide any recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

On September 20, 2011 the NIRB received a request from the Qikiqtani Inuit Association (QIA) to extend the commenting deadline. The Board found this request to be reasonable and asked that parties provide comments by October 17, 2011. Comments were received from the following interested parties on or before October 17, 2011 (see [Appendix A](#) for complete comment submissions):

- QIA
- Government of Nunavut

- Nunavut Tourism
- Environment Canada
- Fisheries and Oceans Canada
- Transport Canada

After careful consideration of the comments received by parties, and in particular, the concerns expressed by parties that they required additional information and clarification in order to effectively consider the project proposal, on November 1, 2011 the NIRB requested that DND respond by November 22, 2011 to parties' comments, including providing the additional information and clarification requested by the parties. On November 30, 2011 DND requested additional time to respond to the comments and the Board granted the request to extend the response date to February 29, 2012.

On February 24, 2012 DND advised the NIRB that after undertaking a review of the infrastructure requirements of the Nanisivik Naval Facility, DND planned to reduce the functionality of the site while keeping the intent of the facility the same, i.e. a berthing and refuelling facility for the Arctic Offshore Patrol Ships and other Government of Canada vessels. Further, on March 5, 2012 the NIRB received DND's response to parties' comments and concerns pertaining to the Nanisivik Naval Facility project proposal. The response also included information that would be relevant to the project's reduced scope.

On March 8, 2012 the NIRB requested that parties review DND's March 5, 2012 response to comments as well as the February 24, 2012 reduced project scope, and provide the Board with any additional comments or concerns as may pertain to the revised scope of the proposal. Specifically, the NIRB requested that parties indicate whether or not the originally submitted comments remained valid and applicable in light of the reduced project scope as specified by DND. It was requested that comments be submitted to the NIRB office by March 22, 2012. Comments were received from the following interested parties on or before March 23, 2012 (see [Appendix A](#) for complete comment submissions):

- Government of Nunavut
- Environment Canada
- Fisheries and Oceans Canada
- Transport Canada

Following a review of all documentation submitted by DND including the revised scope of the Project and DND's response to parties' comments, the NIRB found that clarification on a number of topics as previously requested remained outstanding and would be required in order to facilitate the NIRB's assessment. On April 27, 2012 the Board requested that DND review and respond to those points raised in the public comment submissions received by the Board to date, and again requested that DND provide clarification regarding outstanding information requirements. The Board requested that DND provide clarification on the points raised and a response to the comment submissions by May 22, 2012.

On May 22, 2012 DND requested additional time to review and respond to the comments received and to address the outstanding items required by the Board. The Board granted DND's

request to provide a response by September 28, 2012. On September 10, 2012 DND again requested additional time to respond to the NIRB's requirements. , Subsequently, on November 8, 2012 the NIRB received the revised documents in support of the project proposal.

SCOPE OF PROJECT PROPOSAL

The proposed project is located in the North Baffin region approximately 33 kilometres (km) northeast of the hamlet of Arctic Bay. The objective of the proposed project is to serve primarily as a deep-water refuelling and resupply station for Arctic Offshore Patrol Ships, Canadian Coast Guard and other government ships transiting through the Northwest Passage during the navigable season. The facility as proposed would also be used to receive, marshal, hold and distribute cargo and goods from commercial sea vessels. The construction program is proposed to commence in 2014 with the facility becoming fully operational by 2016. The proposed facility has been designed for an anticipated life of at least 40 years with the facility being manned and operated from June through October, and normally remaining unmanned from November to June each year.

The *original* project activities as proposed in the November 14, 2008 application included:

- Establishment of construction camp between 2012 and 2015:
 - Pioneer construction camp (20 to 30 personnel) to develop quarry, upgrade roads and establish the construction camp
 - Construction camp (100 personnel) to construct the facility
- Use of existing dock during construction and operation to transport equipment and bulk material on cargo ships or barges;
- Upgrade berthing/wharf infrastructure;
- Construction of helicopter landing area;
- Construction of Shore Support Building, and a Cargo Storage and Marshalling Area;
- Construction of bulk fuel storage facilities:
 - Naval distillate fuel – five 3.75 million litre (L) single wall vertical tanks (22 meter diameter) with up to 15.0 million L stored at the facility
 - Diesel – three 500,000 L single wall vertical tanks (10 meter diameter) with up to 1.0 million L stored at the facility
 - Gasoline – 16 drums with total capacity of 3,200 L
 - Aviation Fuel – 60 drums with total capacity of 7,000 L at the facility and a horizontal storage tank at the proposed helicopter pad with a total capacity of 5,000 L
- Upgrade existing roads and development of new roads to provide access to components of the facility;
- Use of airport at Arctic Bay during construction period to transport personnel to and from the facility;
- Use of existing all-weather road between Arctic Bay and the facility during construction and operation to transport personnel and materials to the project site, and to potentially access medical services, police and other community services;
- Potential use of borrow sites for rock and aggregate (no areas have been identified yet);
- Water withdrawal from East Twin Lake to provide water for facility;
- Generation of waste:

- Domestic waste to be treated using mechanical package plant system or facultative lagoon
- Discharge of treated effluent into receiving environment if using lagoon
- Incineration of suitable solid waste, recycling of other wastes
- Separation of oily wastewater
- Chemical and hazardous material storage; and
- Potential use of a Project Management Office in Arctic Bay.

The *reduced* project activities as proposed in DND's February 24, 2012 letter included:

- Site preparation to commence 2014 with establishment of construction camp in 2015:
 - Use of pre-built mobile trailers for construction camp (50-60 personnel)
- Use of existing wharf as berthing facility during construction and operation to transport equipment and bulk material on cargo ships or barges; potential for minor improvements to maintain or improve its functionality;
- Establishment of Cargo Storage and Marshalling Area;
- Construction of helicopter landing area;
- Set-up of a general purpose storage building, wharf operator shelter and upgrades to three existing DND trailers;
- Construction of bulk fuel storage facilities:
 - Naval distillate fuel – two 3.75 million L single-walled, vertical tanks (22 meter diameter) with up to 7.5 million L stored at the facility
 - Diesel – two 81,000 L doubled-walled, horizontal tanks (3 meter diameter) with up to 162,000 L stored at the facility
 - Aviation Fuel – 15 drums with total capacity of 3,000 L
- Upgrade existing roads and development of new roads to provide access to components of the facility;
- Use of airport at Arctic Bay during construction and operation to bring in personnel and materials;
- Use of existing all-weather road between Arctic Bay and the facility during construction and operation to transport personnel and materials to the project site;
- Use of local borrow site for rock and aggregate (no areas have been identified yet), located approximately 3 km south of the facility;
- Potential for Arctic Bay to provide services in potable water and wastewater management; however if volume is to be a burden on the community then alternative would be to obtain water from Twin Lakes and to build sewage lagoon at site;
- Generation of waste:
 - Domestic waste and treated effluent to be treated in Arctic Bay or at on site facultative lagoon system;
 - Incineration of suitable solid waste, recycling of other wastes;
 - Separation of oily wastewater;
- Chemical and hazardous material storage.

COMMENTS AND CONCERNS

The following represents a *summary* of the comments and concerns received during the public commenting period for this file; please note that the original comment submissions have been included in their entirety in [Appendix A](#):

October 17, 2011 Comments

Oikiqtani Inuit Association (QIA)

QIA conducted community consultation on September 28, 2011 with the community of Arctic Bay and the following comments and concerns were raised by the community and QIA. In addition, QIA indicated that QIA cannot support this project until the Proponent addresses the questions, comments and concerns identified to date. Specifically, QIA identified the following issues:

- The proposal has aroused significant public concern and has the potential to cause significantly adverse eco-systemic and socio-economic effects especially if approved as is.
- Communication and consultation between the Proponent and Arctic Bay has been inadequate and QIA believes issues raised in the document could have been avoided if proper consultation was done in advance. Further consultation is required. In addition, QIA noted that any consultation conducted by DND to date has been meaningless because DND's plans keep changing.
- Indicated that the proposal could be modified to greatly reduce impacts and ease public concern while many questions and concerns remain to be answered by the Proponent.
- Expressed concerns regarding the following:
 - Use of both the Arctic Bay airport and existing all-weather road between Arctic Bay and Nanisivik; in particular that no mitigation strategies were provided for the potential additional use of the Arctic Bay airport.
 - Use of Arctic Bay emergency services such as fire, police and medical services, and the limited availability of emergency service infrastructure in Arctic Bay.
 - Potential to foster criminal activity as the facility is proposed to be unmanned during November to June of each year.
- Updates are required to the *Emergency Response Plan* to include the description of additional emergency resources to be provided in Arctic Bay.
- Questions were raised on the use of emergency equipment located in Arctic Bay and issues related to providing support during adverse weather conditions, fire suppression systems in place at site and limited emergency resources currently available at Arctic Bay.
- Noted that hunting conditions have changed since the mine has ceased operations and residents are concerned that increased activity due to the operation of the Nanisivik Naval Facility will scare away wildlife from the area again.
- Identified concerns regarding the potential for increased naval traffic to interfere with Inuit harvesting in and around Nanisivik.
- Reminded the Proponent of the rights and obligations associated with Article 6.3.1 of the NLCA regarding compensation and wildlife harvesting.

- Noted that no strategies have been presented to mitigate the negative effect of increased naval activity on local harvesting.
- Reminded the Proponent that they will be liable to compensate the community if any animals are killed which may reduce their annual quota of harvest.
- Requested that the Proponent hire experienced local Inuit to act as wildlife monitors.
- Identified that consultation needs to be conducted by the Proponent with the Hamlet of Arctic Bay and the Hunters & Trappers Association regarding boat paths on the sea ice to transport materials and to minimize impacts to Inuit hunters on the ice.
- Raised concern regarding the use of Arctic Offshore Patrol Ships past Arctic Bay and deeper into Admiralty Inlet, and concerns that residents would not have a say regarding what goes on in and around Arctic Bay.
- Sought additional information in the project proposal regarding whether DND intends to travel further into Admiralty Inlet for patrolling or exercises.
- Noted that locations of the aggregate quarry have not yet been determined by DND and advised DND that aggregate sites containing carving stone should remain off limits.
- Identified concern with the potential for introduction of invasive species to the area with washing-down of equipment at the wharf, and concern that the Proponent has not introduced a mitigation strategy.
- Requested that the proponent commit to monitoring for eco-systemic changes around the wharf area.
- QIA suggested the Proponent designate the Nanisivik Naval Facility as a spill response and search and rescue center with adequate equipment, resources and personnel on site to deal with an emergency of such magnitude as a major oil spill in Lancaster Sound and the high arctic.

Government of Nunavut (GN)

Comments from Nunavut Research Institute (NRI)

- Identified that the Proponent would require a Nunavut scientific research license issued pursuant to the *Scientists Act* to collect traditional knowledge as part of planned public consultation/engagement process. A scientific research license may also be required for environmental field studies carried out as part of monitoring efforts.
- Indicated that a detailed report on consultation conducted in 2007 and 2008 should be included in the project application.
- Also indicated that the project design should incorporate and address community preferences/concerns/knowledge documented during all consultation.
- Expressed that there was no indication that the current proposal considers local knowledge and perspectives in the selection of valued ecosystem components or valued socio-economic components, identification of impacts, the development and consideration of project alternatives, or in the development of mitigation and monitoring measures.
- Identified that the proposal was deficient as it does not provide clear information on whether the new consultation and gathering of traditional knowledge has been initiated as yet because no timeline for these steps was provided in the proposal. Requested that the Proponent be required to provide a detailed timeline and detailed plans for completing consultations and traditional knowledge studies. Information should also be provided on

the value of these consultation from its perspective and explain why it is occurring so late in the planning process.

- Requested that more detailed plans for local training and employment to be generated by the project should be provided in the proposal.
- Indicated that the Proponent should provide a more detailed description of anticipated requirements for services from the nearest community, Arctic Bay, in the proposal.

Department of Economic Development and Transportation (ED&T)

- Identified the following potential socio-economic effects:
 - Require clarification on what commercial or non-naval use may be permissible for the site, including cruise ships or yachts;
 - Potential future for marine tourism near Arctic Bay with the development of the Nanisivik Naval Facility; and
 - Hiring of local residents and the requirements for use of local businesses.
- Requested clarification on whether the proponent plans on using the access road between Arctic Bay and Nanisivik for the long term and if funding would be arranged for the long term for the continued maintenance and operation of the access road by the ED&T.

Department of Community and Government Services (CGS)

- Requested clarification on where solid waste would be disposed of.
- Requested that the Proponent provide information on whether a secondary water source would be used and what the storage or transfer of water may entail, and what the predicted water usage would be.
- Indicated the Proponent should develop and submit a sludge management plan.

Nunavut Tourism

- Noted the potential for serious impacts on the tourism sector, particularly to cruise ships and private yacht travel.
- Identified that Nanisivik is critical in terms of being a potential refuelling location.
- Indicated that access to a facility for refuelling will be critical for the development of marine tourism in Nunavut.
- Stated that having the port facility available to the cruise ship industry is very important to help develop that sector of the tourism economy.

Environment Canada (EC)

- Identified concern regarding the potential deposit of chemicals, sediments, wastes or fuels associated with the project into any water body. Noted that the Proponent is required to follow the *Fisheries Act*, Section 36 (3).
- Identified that a permit will be required if dredging is to occur for in-water works.
- EC expressed concerns regarding the following:
 - Potential deposit of sediment into any fish bearing waters;
 - Potential contamination of groundwater;
 - Release of contaminants to the air with incineration of wastes including dioxin and furan emissions; and
 - Potential impact to nesting habitat for migratory birds within the project boundaries.

- EC recommended the following:
 - Install bubble curtains prior to pile driving for the wharf upgrades be installed to prevent impacts prior to impacts occurring should noise levels be greater than 150 decibels (dB);
 - Maintain an undisturbed buffer zone of at least 100 metres between any quarrying and the normal high water mark of any waterbody;
 - Implement suitable erosion control measures;
 - Install silt fences/curtains down gradient of any quarrying activities;
 - No disturbance of the stream bed or banks of any definable watercourse is permitted; clearing adjacent to streams/lakes should be done without disturbing the organic layer;
 - Prepare an Abandonment and Restoration Plan for the proposed quarry sites;
 - Excavation and/or removal of material from the proposed quarry sites should only take place one metre or more above the groundwater table;
 - Proponent should apply the *Guidelines for Effluent Quality and Wastewater Treatment at Federal Establishments (1976)*;
 - The Proponent should be aware of the potential for the proposed *Wastewater Systems Effluent Regulations* by the Government of Canada to apply to the Facility after the 5-year period for research;
 - Proponent be required to treat all oily wastewater transferred from vessels or collected on-site separately from domestic wastewater treatment;
 - The burning of wastes should be considered only after all alternatives for waste disposal have been explored and devices used for incineration meet emission limits established under the Canadian Council of Ministers of the Environment (CCME) Canada-wide Standards;
 - The Proponent should develop an incineration management plan and provide the plan to EC prior to implementation;
 - Burning by the Proponent should be strictly limited to burning of clean wood only, in order to prevent the release of dioxins and furans; Approved movement documents must be completed for the transportation of hazardous wastes outside the territory of Nunavut;
 - The Proponent must maintain an up to date spill contingency plan.
 - The Proponent shall document and report any spill events to the Northwest Territories/Nunavut (NWT/NU) 24 hour Spill Line at (867) 920-8130.
 - The Proponent must identify storage tank systems to EC and the installation of all new tank systems must comply with the Canadian Environmental Protection Act (CEPA) *Storage Tank System for Petroleum Products and Allied Petroleum Products Regulations*.
 - The updated emergency response plan must include:
 - Whether the Proponent has discussed the requirements and possible demands of the project on community services with Arctic Bay;
 - Planning for various potential emergencies including air or ship emergencies or disasters; and
 - An examination and discussion of the ways in which allowances have been made to adjust emergency response to extreme weather events.

- The Proponent should be required to conduct activities outside of the migratory bird nesting season.
- The Proponent should be required to take reasonable steps to ensure all wastes are inaccessible to wildlife at all times.
- The Proponent should identify what steps would be taken to protect wildlife (including marine birds) in the event of a spill. Information should be added to emergency and spill response plan(s).
- Proponent should be required to follow Section 5.1 and Section 6(a) of the *Migratory Birds Convention Act*.
- Provided recommendations to reduce aircraft disturbances to migratory birds.
- Provided standard comments and recommendations when encountering Species at Risk.
- Recommended that all field operations staff be made aware of the Proponent's commitments and project mitigation measures and provided with appropriate advice/training.

Fisheries and Oceans Canada (DFO)

- Identified that the project will result in the harmful alteration, disruption and destruction of fish habitat. The harmful alteration, disruption and destruction of fish habitat is prohibited unless authorized by DFO pursuant to subsection 35(2) of the *Fisheries Act* (NIRB note: as in place at the time the comments were provided).
- Indicated that the Proponent should develop a fish habitat offsetting plan to compensate for the fish habitat that will be destroyed or harmfully altered as a result of the wharf upgrading component of the project.

Transport Canada

- Indicated that Proponent should follow the standards/guidelines/acts that are applicable to the Transport Canada - Navigable Waters Protection Program (NWPP) and the *Navigable Waters Protection Act* (NWPAA) (NIRB note: as in place at the time the comments were provided).
- Outlined that the Proponent will be required to submit formal applications to the NWPP in order to obtain NWPP's approval, promulgation, or exemption for each specific work. Further stated that any design, construction, or operational changes should be provided to the NWPP.
- Identified that the Oil Pollution Prevention/Emergency plan for fuel transfer must be reviewed by regulators prior to storage capacity tank farms being put in place.

March 23, 2012 Comments

Government of Nunavut (GN)

- Identified that the reduced scope does not alter original comments, specifically those related to marine tourism and use of road between Arctic Bay and the facility.
 - Also stated that DND's response from February 24, 2012 does not address potential impacts the facility would have on the development of marine tourism on the region.
 - Indicated that continued discussion is required regarding the maintenance of the road between Arctic Bay and the Facility.

- Indicated that additional information is required to clarify how the reduced scope will affect the anticipated employment opportunities.
- Requested more detail on the anticipated requirements for services and support from Arctic Bay as a result of reduced onsite services.

Environment Canada (EC)

- Indicated that EC did not have any comments further to those provided on October 10, 2011. EC indicated that although the scope of the project has been reduced, the comments provided previously by EC remained relevant.

Fisheries and Oceans Canada (DFO)

- DFO indicated that given the reduced scope for the Nanisivik Naval Facility, additional work with DND to obtain further information is required to determine if the reduced scope and footprint of the project now requires a Fisheries Act Authorization. Once this determination has been made, DFO indicated that it will notify the NIRB of the decision.

Transport Canada (TC)

- TC acknowledged that in light of DND's response comments dated March 5, 2012, TC's October 17, 2011 recommendations remain valid and would be applicable to the reduced project scope as specified by DND.
- Advised DND to consult with TC's Marine Safety branch regarding the site specific plans and operation of the Facility as they are developed over time.

NIRB ASSESSMENT AND DECISION

After completing a review of the application materials received, including the revised scope of the Nanisivik Naval Facility project proposal and taking into account the Proponent's responses to comments, concerns and requests for clarification, it is the NIRB's opinion that this project proposal remains insufficiently developed to permit proper screening. The Board has identified a number of outstanding issues with this project proposal, including the following:

- Insufficient information presented on how the concerns raised by the public have been addressed and/or incorporated within the revised project design;
- Insufficient discussion presented on how traditional knowledge had been obtained and considered in the development of this proposal;
- Insufficient analysis of potential impacts to community services in Arctic Bay, including the airport, medical services, police, water and wastewater services, and any other services; and insufficient discussion on any mitigation strategies that might have to be put in place for the use of the facilities in Arctic Bay;
- Insufficient information presented on the aggregate source;
- Inadequate information provided on the potential impacts to marine wildlife from the project proposal;
- Inadequate information on the potential impacts from increased noise to marine wildlife during the wharf upgrades, as the information on noise provided was limited to only those impacts on the community of Arctic Bay;

- No information was provided on the potential impacts to the marine environment from the use of the cathodic protection system to control erosion on the wharf;
- Insufficient discussion was provided to the potential (direct and indirect) impacts to Inuit harvesting resulting from project activities, including increased shipping activities enabled and/or facilitated by the presence of the proposed Nanisivik Naval Facility;
- Insufficient discussion presented on the potential socio-economic impacts to Arctic Bay from Arctic Offshore Patrol Ships patrolling in and around the area including: interactions between patrol ships and harvesters; and use of patrol ships to support community initiatives such as search and rescue operations or other response efforts (i.e. emergency or spill); and,
- Insufficient information provided on discussions with the GN regarding the road between Arctic Bay and the future Nanisivik Naval Facility and specifically, identification of the party responsible for ongoing maintenance of the road.

In correspondence to the NIRB dated March 5, 2012, DND indicated that the operation of ships at sea is outside of the mandate of this project, which is limited to infrastructure only, and that the Nanisivik Naval Facility project team does not have the authority to speak to potential ship operations. However, it is the Board's view that the planned use of the facility by ships is an essential element of the scope of the project proposal and the Board is required to give consideration to the impacts from ship movement which will result as a consequence of the proposed infrastructure. Thus a full understanding of DND's plans for the use of the Nanisivik Naval Facility, including DND's intentions to allow private or other commercial vessels to use the facility (i.e for refueling, cargo loading and other purposes), is necessary for the Board to adequately assess the potential for impacts from the infrastructure set out in the project proposal.

RECOMMENDATION TO THE MINISTER

Given these significant deficiencies in the information required for proper assessment, it is the opinion of the Board that there is insufficient information in the current project proposal to make a determination under NLCA Section 12.4.4 (a), (b), or (d). After completing a review of all application materials received and taking into account the comments from the parties and the public as well as responses provided by DND, it is the NIRB's determination that this project proposal is insufficiently developed to permit proper screening, and the project proposal should be returned to the Proponent for clarification to address the deficiencies listed above in accordance with **Section 12.4.4(c) of the NLCA**.

In making this recommendation, the Board acknowledges that it is uncommon for the NIRB to indicate to the Minister that a project proposal should be returned for clarification in this manner. However, the potential for significant adverse impacts to the ecosystem cannot be properly assessed without receiving the critical information related to this project proposal as requested by the NIRB and several of the commenting parties. As noted in the summary of comments and in the procedural history provided in the preceding sections, the information necessary to conduct an effective and timely assessment of the project proposal has been requested several times from the Proponent since 2009. However, despite repeated requests and several opportunities to do so, essential information has not been provided and significant information gaps in the project proposal remain. While the Board regrets that at this time it is unable to make a determination as

set out under Sections 12.4.4 (a), (b) or (d) of the NLCA, the Board believes that providing the Proponent with the opportunity to submit a better developed project proposal will best support an effective and efficient screening of the project going forward.

The NIRB looks forward to receiving your decision and will respond in a timely and efficient manner to your direction once received.

Yours truly,



Elizabeth Copland
Chairperson
Nunavut Impact Review Board

cc: Honourable Keith Ashfield, Government of Canada, Minister of Fisheries and Oceans
The Honourable Eva Ariak, Premier of Nunavut
Thomas Kabloona, Chairperson, Nunavut Water Board
Okalik Eegeesiak, President, Qikiqtani Inuit Association

Attachments: Appendix A: Comment Submissions Received by Parties (October 17, 2011 & March 23, 2012)

Appendix A
Comment Submissions Received by Parties (October 17, 2011 & March 23, 2012)



BY-ELECTRONIC MAIL: info@nirb.ca

Sophia Granchinho
Technical Advisor
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU
X0A 0B0

ᑭᓴᑦᑲᓴᑦ
Clyde River

Re: Request for Comments on Notice of Part 4 Screening of 09DN018 - Department of National Defence's "Nanisivik Naval Facility" project proposal.

On September 12, 2011 the Nunavut Impact Review Board (NIRB) invited interested parties to comment on the Department of National Defence's (DND or the Proponent) "Nanisivik Naval Facility" project proposal (NIRB file: 09DN018). The Qikiqtani Inuit Association (QIA) is concerned by this proposal because it has aroused significant public concern and has the potential to cause significantly adverse eco-systemic and socio-economic effects especially if approved as is.

Δ⁵Δ^c
Iqaluit

QIA feels that communication between the proponent and the community of Arctic Bay has been inadequate and many of the issues brought up in the following document could have been avoided if the proponent had committed to a proper consultation process with Arctic Bay residents. Based on this review of documents provided to NIRB and our own consultation with the residents of Arctic Bay, certain elements of the project proposal could be modified to greatly reduce impacts and ease public concern while many questions and concerns remain to be answered by the proponent. The following is a summary QIA's concerns, questions, and recommendations regarding specific aspects of the Nanisivik Naval Facility project proposal.

Arctic Bay Airport and All-Weather Road

The proponent has stated that it plans to use both the Arctic Bay Airport and the existing all-weather road between Arctic Bay and the project site during construction and operation to transport personnel and materials to the project site, and to access health, police and other community services in Arctic Bay (Section 2.4 - Project Specific Information Requirements, PSIR).

The limited space on scheduled airlines is a concern to the residents of Arctic Bay as they fear an influx of military personnel may increase the likelihood of being “bumped”. The proponent

P.O. Box 1340 Iqaluit, Nunavut, X0A 0H0, Phone 867 975 8400 Fax 867 979 1643
www.gia.ca





Sanikiluaq

3



Sanikiluaq

In section 3.2.2 of the PSIR, DND states that local aggregate is expected to be used during construction. However, even at this advanced stage of planning, the location of the aggregate quarry has not yet been determined. DND also states that aggregate sites will be investigated for carving stone. The following locations are known to have carving stone and should remain

4



off limits to the developer: Right below the old Nanisivik mine entrance and within the mine and also in the Kuhulu Lake area east of the naval facility.

Invasive Species Monitoring

In section 3.2.3 of the PSIR, DND states that water will be used at the wharf for wash-down of equipment to remove “marine growth”. This practice may increase the risk of introducing invasive species to the area especially considering the number of vessels potentially using the naval facility. The proponent has not stated this as a problem nor have they introduced a mitigation strategy. QIA notes that the proponent has proposed to use a “wildlife log” to monitor wildlife in the region. This may be adequate to record terrestrial wildlife movements however it is insufficient to monitor the wharf area for changes to the ecosystem including the presence of new species. Will the proponent commit to monitoring for eco-systemic changes?

64736
Clyde River

Grise Fiord

5095
Hall Beach

Δ⁴-3-oxo-
Iglolik

Δ^{bc}Δ^c
Iqaluit

Kimmirut

$\langle \sigma^z \rangle$
Pangnirtung

Pond Inlet

Qikiqtarjuaq

Resolute Bay

Sanikiluaq

Spill Response Center and Search & Rescue

As climate change continues to lengthen the navigable season in the Northwest Passage, there is an equal increase of commercial naval traffic in those waters. Furthermore, as oil, gas and mineral development in this region continues to grow it has become apparent that our infrastructure will be heavily tested if a major emergency were to occur. It is well known that no military search and rescue resources are permanently based in the High Arctic nor are communities equipped to deal with major oil spills off the Nunavut Coast. According to section 4.2.7 of the PSIR, nearby Lancaster Sound has been designated as a Marine Area of Importance and a proposed National Marine Conservation Area. QIA would like to ask the proponent whether they will designate the Nanisivik Naval Facility as a spill response and search and rescue center with adequate equipment, resources and personnel on site to deal with an emergency of such magnitude as a major oil spill in Lancaster Sound and the high arctic.

Consultation with Arctic Bay

In the project description, the proponent states that “an objective of the Nanisivik Naval Facility is to build a sustainable relationship with the community of Arctic Bay”. At this point, QIA and residents of Arctic Bay feel that consultation between the proponent and stakeholders in Arctic Bay has been entirely inadequate. The Arctic Bay Community Liaison Officer and Community Lands and Resources Committee have met with Rodney Watson from DND several times and they feel that talks have been meaningless because plans are always changing. For example, residents claim that DND once proposed building a facility in Arctic Bay that could be used by cadets and residents. Then those plans were subsequently cancelled and no longer found within the project description.



Conclusion

As previously stated, on September 28th 2011, QIA undertook consultation in Arctic Bay to collect comments and questions for submission to NIRB. We feel that many concerns were brought up during this meeting that should have been addressed before an application was sent in to NIRB. This document has listed several questions, comments and concerns for your review and consideration. QIA cannot support this project until the proponent addresses these questions, comments and concerns.

Should you require more information about these comments, please do not hesitate to contact Joel Fortier, QIA Project Coordinator at 867 975 8425 or by electronic mail to projcoord@qia.ca

We look forward to NIRB's response.

Sincerely,

Robert J. St. Eloi
Director of Lands
Qikiqtani Inuit Association

Qikiqtani Inuit Association

P.O. Box 1340 Iqaluit, Nunavut, X0A 0H0, Phone 867 975 8400 Fax 867 979 1643
www.qia.ca

Resolute Bay

Sanikiluaq

COMMENT FORM FOR NIRB SCREENINGS

The Nunavut Impact Review Board (NIRB) has a mandate to protect the integrity of the ecosystem for the existing and future residents of Nunavut. To assess the environmental and socio-economic impacts of the project proposal, NIRB would like to hear your concerns, comments and suggestions about the following project proposal application:

Project Proposal Title: <u>Nanisivik Naval Facility</u>																			
Proponent: <u>Department of National Defense</u>																			
Location: <u>North Baffin</u>																			
Comments Due By: <u>October 17, 2011</u>	NIRB #: <u>09DN018</u>																		
<p>Indicate your concerns about the project proposal below:</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> no concerns</td> <td><input type="checkbox"/> traditional uses of land</td> </tr> <tr> <td><input type="checkbox"/> water quality</td> <td><input type="checkbox"/> Inuit harvesting activities</td> </tr> <tr> <td><input type="checkbox"/> terrain</td> <td><input type="checkbox"/> community involvement and consultation</td> </tr> <tr> <td><input type="checkbox"/> air quality</td> <td><input type="checkbox"/> local development in the area</td> </tr> <tr> <td><input type="checkbox"/> wildlife and their habitat</td> <td><input type="checkbox"/> tourism in the area</td> </tr> <tr> <td><input type="checkbox"/> marine mammals and their habitat</td> <td><input type="checkbox"/> human health issues</td> </tr> <tr> <td><input type="checkbox"/> birds and their habitat</td> <td><input type="checkbox"/> other: _____</td> </tr> <tr> <td><input type="checkbox"/> fish and their habitat</td> <td>_____</td> </tr> <tr> <td><input type="checkbox"/> heritage resources in area</td> <td>_____</td> </tr> </table> <p>Please describe the concerns indicated above:</p> 		<input type="checkbox"/> no concerns	<input type="checkbox"/> traditional uses of land	<input type="checkbox"/> water quality	<input type="checkbox"/> Inuit harvesting activities	<input type="checkbox"/> terrain	<input type="checkbox"/> community involvement and consultation	<input type="checkbox"/> air quality	<input type="checkbox"/> local development in the area	<input type="checkbox"/> wildlife and their habitat	<input type="checkbox"/> tourism in the area	<input type="checkbox"/> marine mammals and their habitat	<input type="checkbox"/> human health issues	<input type="checkbox"/> birds and their habitat	<input type="checkbox"/> other: _____	<input type="checkbox"/> fish and their habitat	_____	<input type="checkbox"/> heritage resources in area	_____
<input type="checkbox"/> no concerns	<input type="checkbox"/> traditional uses of land																		
<input type="checkbox"/> water quality	<input type="checkbox"/> Inuit harvesting activities																		
<input type="checkbox"/> terrain	<input type="checkbox"/> community involvement and consultation																		
<input type="checkbox"/> air quality	<input type="checkbox"/> local development in the area																		
<input type="checkbox"/> wildlife and their habitat	<input type="checkbox"/> tourism in the area																		
<input type="checkbox"/> marine mammals and their habitat	<input type="checkbox"/> human health issues																		
<input type="checkbox"/> birds and their habitat	<input type="checkbox"/> other: _____																		
<input type="checkbox"/> fish and their habitat	_____																		
<input type="checkbox"/> heritage resources in area	_____																		
<p>Do you have any suggestions or recommendations for this application?</p> <p>Navigable Waters Protection Program (NWPP):</p> <p>The Proponent should be guided by and directed to the following standards/guidelines/acts that are applicable to the Transport Canada - Navigable Waters Protection Program (NWPP) and the Navigable Waters Protection Act (NWA). The NWPP is the Federal Authority mandated with enforcing the NWA. <u>All proponents</u> must deal directly with NWPP for any work(s) to be built or placed in, on, over, under, through, or across any navigable water.</p> <p>The proponent will need to submit formal applications to the NWPP in order to obtain NWPP's approval, promulgation, or exemption for each specific work. The proponent shall also inform the NWPP of any design, construction, or operational changes accordingly. If the proponent is uncertain of the NWPP's requirements as they pertain to an application for a specific work(s) for this project, please refer to the NWPP Internet site or contact the NWPP office.</p> <p>http://www.tc.gc.ca/eng/marinesafety/oep-nwpp-menu-1978.htm Transport Canada Navigable Waters Protection Program Canada Place 1100 - 9700 Jasper Avenue Edmonton, Alberta T5J 4E6 Phone: 780-495-8215</p>																			

8. Comment Form Distribution

Canada Shipping Act 2001

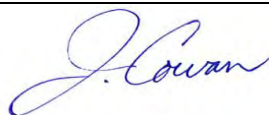
The *Canada Shipping Act* (CSA) 2001 outlines Canada's marine oil spill preparedness and to ensure a prepared response to possible ship-source oil pollution incidents. The CSA defines standards, including specifications and technical / operational requirements. These standards provide details for operators of designated oil handling facilities in developing their oil pollution emergency plans to ensure that plans will comply with the requirements for procedures, equipment and resources as set out in the legislation. Regulations from the CSA stipulate specific responsibilities of Response Organizations and Oil Handling Facilities (OHF) Regulations and Standards. The fundamental requirement is the production of an Oil Pollution Prevention/Emergency Plan for fuel transfer from a ship to a particular storage capacity tank farm. An OHF plan is a regulatory requirement and must be reviewed prior to such tanks being put into use. The regulations stipulate what is required in the plan including (but not limited to) a declaration, personnel training requirements, equipment requirements, prescribed response scenarios, and a schedule of exercises.

Do you support the project proposal? Yes ☐ No ☐ Any additional comments?

Name of person commenting: John Cowan **of** Environmental Affairs

Position: **Organization:** Transport Canada

Signature: **Date:** October 13, 2011



Environmental Assessment North
Environmental Protection Operations (EPO)
Qimugjuk Building 969
P.O. Box 1870
Iqaluit, NU X0A 0H0
Tel: (867) 975-4631
Fax: (867) 975-4645

17 October 2011

EC file: 4704 004 029
NIRB file: 09DN018

Sophia Granchinho
Technical Advisor
Nunavut Impact Review Board
29 Mitik, PO Box 1360
Cambridge Bay, NU X0B 0C0

Via email: info@nirb.ca

RE: Notice of Part 4 Screening for the Department of National Defence's "Nanisivik Naval Facility" project proposal

Environment Canada (EC) has reviewed the information submitted with the above-mentioned project proposal to the Nunavut Impact Review Board (NIRB). The following specialist advice has been provided pursuant to the *Canadian Environmental Protection Act*, Section 36(3) of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

The Department of National Defence is proposing to establish a deep-water refuelling and supply station at Nanisivik for the Arctic Offshore Patrol Ships (AOPS), Canadian Coast Guard, and other government ships during the navigable season through the Northwest Passage. Project activities include the establishment of a construction camp between 2012 and 2015; use of existing dock facilities during construction; upgrading of berthing/wharf infrastructure; construction of a helicopter landing area; construction of a Shore Support Building, and a Cargo Storage and Marshalling Area; construction of bulk fuel storage facilities; upgrading existing roads and development of new access roads; use of the Arctic Bay airport during construction to transport personnel to the facility; use of the all-weather road between Arctic Bay and the facility during construction and operation to transport personnel and materials and potentially medical, police, and community services; potential use of borrow sites for rock and aggregate; water withdrawal from East Twin Lake to provide water for the facility; generation of waste; chemical and hazardous material storage; and potential use of a project management office in Arctic Bay.

Upon review of the supporting documents for this project proposal, EC provides the following comments and recommendations for the NIRB's consideration:

General

- The proponent shall not deposit, nor permit the deposit of chemicals, sediment, wastes, or fuels associated with the project into any water body. According to the *Fisheries Act*, Section 36 (3), the deposition of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any deleterious substance that results from the deposit of the deleterious substance, may enter any such water, is prohibited.

- In Section 3.3.2 Disposal at Sea, EC notes that the project description includes a substantial amount of in-water work but does not indicate dredging will occur. However, if disposal at sea activities are to occur a permit for such works must be obtained from EC prior to any such activities.
- In Section 5.2.3 Aquatic Species (Fish and Marine Mammals) and Habitat, EC suggests that, prior to pile driving for the wharf upgrades, bubble curtains be installed to prevent impacts rather than after impacts occur should noise levels be expected to be greater than 150 dB at 10m from the pile driving activities.

Quarrying

- It is recommended that an undisturbed buffer zone of at least 100 metres be maintained between any quarrying that may occur and the normal high water mark of any water body.
- Suitable erosion control measures shall be implemented. The proponent shall not deposit nor permit the deposit of sediment into any fish bearing waters. Stream bank disturbances must be minimized and all disturbed areas stabilized upon completion of the project
- The proponent shall ensure that silt fences/curtains are installed down gradient of any quarrying activities.
- No disturbance of the stream bed or banks of any definable watercourse is permitted; clearing adjacent to streams/lakes should be done without disturbing the organic layer.
- EC recommends that an Abandonment and Restoration Plan be prepared for the proposed quarry sites. This Plan should communicate the proponent's reclamation objectives and procedures for the area affected by excavation activities.
- The Proponent shall ensure that quarry activities do not result in the contamination of groundwater. Excavation and/or removal of material from the quarry should only take place to within one metre of the high water mark above the ground water table.

Appendix C: Waste Management Plan

- Under Section 3.1, Domestic Wastewater Treatment, EC recommends the proponent apply the *Guidelines for Effluent Quality and Wastewater Treatment at Federal Establishments (1976)*.
- Section 36(3) of the *Fisheries Act* prohibits any person from depositing or permitting the deposit of a deleterious substance of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water. The deposit of a deleterious substance to water frequented by fish constitutes a violation of the *Fisheries Act*, whether or not the receiving water itself is made deleterious by the deposit, except where federal regulations under subsection 36(5) of the Act, or other Governor in Council regulations, permit the discharge of the deleterious substance to levels set out in the regulations.
- It is important to be aware that On March 20, 2010, the Government of Canada published, in *Canada Gazette*, Part I, proposed *Wastewater Systems Effluent Regulations* under the *Fisheries Act*. The North, including the Territory of Nunavut, is excluded from this proposed regulation for a 5-year period for research on factors that affect performance of wastewater facilities in northern conditions. Within the lifetime of this project, wastewater effluent regulations applicable to this system can be expected. In the meantime, effluent quality requirements in existing authorizations including Subsection 36(3) of the *Fisheries Act* which prohibits any person from depositing or permitting the deposit of a deleterious substance of any type in water frequented by fish will continue to apply.
- Oily Wastewater - EC recommends that all oily wastewater transferred from vessels or collected on-site be treated separately from the domestic wastewater treatment. EC supports the proponents plans for off-site treatment and disposal.
- The burning of waste products releases numerous contaminants to the air, many of them persistent, bio-accumulative and toxic (e.g. polycyclic aromatic hydrocarbons - PAH's –

heavy metals, chlorinated organics – dioxins and furans). These contaminants can result in harmful impacts to human and wildlife health through direct inhalation and they can also be deposited to land and water, where they bio-accumulate through food chains affecting wildlife and country foods. Therefore, burning should only be considered after all other alternatives for waste disposal have been explored and the devices used for incineration meet the emission limits established under the CCME Canada-wide Standards (CWS) for Dioxins and Furans and the CWS for Mercury Emissions. The Government of Canada, the Governments of the Northwest Territories, Nunavut and the Yukon are signatories to these standards and are required to implement them according to their respective jurisdictional responsibilities.

- EC recommends the use of an approved incinerator for the disposal of combustible camp wastes. EC has developed a Technical Document for Batch Waste Incineration, and is available at the following web link:

<http://www.ec.gc.ca/gdd-mw/default.asp?lang=En&n=F53EDE13-1>

The technical document provides information on appropriate incineration technologies, best management and operational practices, monitoring and reporting. This information should be incorporated into an incineration management plan for the facility. EC would like the opportunity to review this plan prior to implementation.

- Solid wastes that are conditionally suitable for burning are paper products, paperboard packaging and untreated wood. EC is concerned with possible side effects of dioxin and furan emissions which can occur due to the incineration of certain wood structures and therefore requests that only clean wood, which has not been coated with preservative chemicals or paint, be considered for incineration.
- A waste manifest form shall accompany all hazardous waste in transit and all parties will be properly registered as per the Environmental Protection Service (EPS) of the Department of Sustainable Development of the Government of Nunavut.
- The Plan states that hazardous waste will be transported from to off-site facilities for disposal. Under the *Canadian Environmental Protection Act* (CEPA 1999) and the *Interprovincial Movement of Hazardous Wastes Regulations*, the transportation of hazardous waste between territories and to provinces requires that the proponent completes movement documents. The Government of Nunavut only regulates waste in Nunavut and has no authority outside of Nunavut. An approved movement document must be completed.

Appendix D: Spill Contingency Plan

- Under Section 7.0 Emergency Contacts, EC's contact information should be updated to: Environment Canada Enforcement Office (867) 975-4644.
- A spill kit, including shovels, barrels, absorbents, etc. should be readily available at all locations where fuel is being stored or transferred in order to provide immediate response in the event of a spill and should accommodate 110% of the capacity of the largest fuel storage container.
- EC recommends that a copy of the Plan be posted at any location where these products are stored and at each fuel cache and refuel station, accessible to on-site crew members.
- Spills are to be documented and reported to the NWT/NU 24 hour Spill Line at (867)920-8130. EC recommends that all releases of harmful substances, regardless of quantity, are immediately reported where the release:
 - is near or into a water body;
 - is near or into a designated sensitive environment or sensitive wildlife habitat;
 - poses an imminent threat to human health or safety; or,
 - poses an imminent threat to a listed species at risk or its critical habitat.
- Please note the new *CEPA Storage Tank System for Petroleum Products and Allied Petroleum Products Regulations* that came into force on June 12, 2008. These regulations apply to both outside, aboveground and underground storage tank systems (including the piping and other tank associated equipment) under federal jurisdiction containing petroleum

and allied petroleum products that have a capacity greater than 230 litres. This includes tanks located on federal or Aboriginal lands. Exceptions are pressurized tanks, mobile tanks, tanks regulated by the National Energy Board, and outdoor, aboveground storage tank systems that have a total combined capacity of 2500 litres or less and are connected to a heating appliance or emergency generator. All storage tank system owners must identify their tank systems to EC and installation of new systems must comply with the regulation's design requirements. Further information on these regulations can be found at www.ec.gc.ca/st-rs.

Appendix E: Emergency Response Plan

- In Section 2.0, the EMP states that the proponent is going to rely on Arctic Bay for ancillary emergency response assistance. Has the proponent discussed the requirements and possible demands of this project on community services?
- Under Section 3.0 Potential Emergencies, the list of potential emergencies does not include air or ship emergencies or disasters.
- EC recommends that the plan should include an examination and discussion of the ways in which allowances have been made to adjust emergency response to extreme weather events.

Appendix F: Wildlife Mitigation and Monitoring Plan / Wildlife and Species at Risk

- Section 6 (a) of the *Migratory Birds Regulations* states that no one shall disturb or destroy the nests or eggs of migratory birds. Although the proposed Nanisivik Naval Facility will be built on a previously disturbed site, nesting habitat for migratory birds may nonetheless exist within the project boundaries. The best mitigation measure to ensure compliance is to conduct activities with a risk of disturbing or destroying nests or eggs outside of the migratory bird nesting season. High risk activities include disturbance of large amounts of habitat during the nesting season or conducting activities in areas with large concentrations of nesting birds.

Other mitigation measures may help reduce the risk of accidental disturbance or destruction of nests or eggs during the nesting season, but will not necessarily completely eliminate the risk. Flushing nesting birds also increases the risk of predation of the eggs or young, or may cause the parent bird to abandon its nest. If project activities are conducted during the nesting season, areas should be checked for nests before work begins and all crew members should be trained on how to recognize signs that a bird might be nesting in the area. If an active nest is found, the area should be avoided until nesting is completed (i.e. the young have left the vicinity of the nest).

In the northern Arctic region of the Northwest Territories and Nunavut, migratory birds may be found incubating eggs from May 31 until August 4, and young birds can be present in the nest until August 28.

- EC recommends that food, domestic wastes, and petroleum-based chemicals (e.g., greases, gasoline, and glycol-based antifreeze) be made inaccessible to wildlife at all times. Such items can attract predators of migratory birds such as foxes, ravens, gulls, and bears. Although these animals may initially be attracted to the novel food sources, they often will also eat eggs and young birds in the area. These predators can have significant negative effects on the local bird populations.
- Section 5.1 of the *Migratory Birds Convention Act* prohibits persons from depositing substances harmful to migratory birds in waters or areas frequented by migratory birds or in a place from which the substance may enter such waters or such an area.
- Marine birds are vulnerable to oil spills and to pollution of their feeding areas. Environment Canada recommends that the proponent consider what steps would be taken to protect wildlife (including marine birds) in the event of a spill. This information could be incorporated into an existing emergency response and/or spill response plan. This could include specific measures to keep wildlife out of a contaminated area, equipment available to

do this, what measures would be taken if animals do come in contact with the spill, and when such procedures should be used. Having this information outlined not only benefits wildlife, but also gives clear direction to the field crew on what to do in a spill situation if wildlife is nearby.

- In order to reduce aircraft disturbance to migratory birds, Environment Canada recommends the following:
 - Fly at times when few birds are present (e.g., early spring, late fall, winter)
 - If flights cannot be scheduled when few birds are present, plan flight paths that minimize flights over habitat likely to have birds and maintain a minimum flight altitude of 650 m (2100 feet).
 - Minimize flights during periods when birds are particularly sensitive to disturbance such as migration, nesting, and moulting.
 - Plan flight paths to avoid known concentrations of birds (e.g., bird colonies, moulting areas) by a lateral distance of at least 1.5 km. If avoidance is not possible, maintain a minimum flight altitude of 1100 m (3500 feet) over areas where birds are known to concentrate.
 - Avoid the seaward side of seabird colonies and areas used by flocks of migrating waterfowl by 3 km.
 - Avoid excessive hovering or circling over areas likely to have birds.
 - Inform pilots of these recommendations and areas known to have birds.
- The following comments are pursuant to the *Species at Risk Act* (SARA), which came into full effect on June 1, 2004. Section 79 (2) of SARA, states that during an assessment of effects of a project, the adverse effects of the project on listed wildlife species and its critical habitat must be identified, that measures are taken to avoid or lessen those effects, and that the effects need to be monitored. This section applies to all species listed on Schedule 1 of SARA. However, as a matter of best practice, Environment Canada suggests that species on other Schedules of SARA and under consideration for listing on SARA, including those designated as at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), be considered during an environmental assessment in a similar manner.

EC notes that the proponent incorrectly identified Ivory Gull as a species of Special Concern on Schedule 1 of SARA in their project description and wildlife management plan. The designation for Ivory Gull on Schedule 1 of SARA was elevated to **Endangered** in 2009, and the recovery strategy for this species is expected to be available on the SARA registry in 2012. The proponent should be aware of the location of historical and active Ivory Gull breeding colonies found on the Brodeur Peninsula. The closest colony to the project site is roughly 50 km away. Polar Bear will likely be added to Schedule 1 of SARA as a species of Special Concern in November 2011.

The Table below lists terrestrial species that may be encountered in the project area that have been assessed by COSEWIC as well as their current listing on Schedules 1-3 of SARA (and designation if different from that of COSEWIC). Project impacts could include species disturbance and attraction to operations.

Terrestrial Species at Risk ¹	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility ²
Ivory Gull	Endangered	Schedule 1	EC
Ross's Gull	Threatened	Schedule 1	EC
Peregrine Falcon	Special Concern (<i>anatum-tundrius</i>)	Schedule 3 – Special Concern (<i>tundrius</i>)	Government of Nunavut

	complex ³)		
Red Knot (<i>rufa</i> subspecies)	Endangered	Pending	EC
Red Knot (<i>islandica</i> subspecies)	Special Concern	Pending	EC
Polar Bear	Special Concern	Pending	Government of Nunavut
Wolverine (Western population)	Special Concern	Pending	Government of Nunavut

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 listed by COSEWIC as Special Concern.

- For any Species at Risk that could be encountered or affected by the project, the proponent should note any potential adverse effects of the project to the species, its habitat, and/or its residence. All direct, indirect, and cumulative effects should be considered. Refer to species status reports and other information on the Species at Risk registry at www.sararegistry.gc.ca for information on specific species.
- If Species at Risk are encountered or affected, the primary mitigation measure should be avoidance. The proponent should avoid contact with or disturbance to each species, its habitat and/or its residence.
- Monitoring should be undertaken by the proponent to determine the effectiveness of mitigation and/or identify where further mitigation is required. As a minimum, this monitoring should include recording the locations and dates of any observations of Species at Risk, behaviour or actions taken by the animals when project activities were encountered, and any actions taken by the proponent to avoid contact or disturbance to the species, its habitat, and/or its residence. This information should be submitted to the appropriate regulators and organizations with management responsibility for that species, as requested.
- For species primarily managed by the Territorial Government, the Territorial Government should be consulted to identify other appropriate mitigation and/or monitoring measures to minimize effects to these species from the project.
- Mitigation and monitoring measures must be taken in a way that is consistent with applicable recovery strategies and action/management plans.
- All mitigation measures identified by the proponent, and the additional measures suggested herein, should be strictly adhered to in conducting project activities. This will require awareness on the part of the proponents' representatives (including contractors) conducting operations in the field. Environment Canada recommends that all field operations staff be made aware of the proponents' commitments to these mitigation measures and provided with appropriate advice / training on how to implement these measures.
- Implementation of these measures may help to reduce or eliminate some effects of the project on migratory birds and Species at Risk, but will not necessarily ensure that the proponent remains in compliance with the *Migratory Birds Convention Act*, *Migratory Birds Regulations*, and the *Species at Risk Act*. The proponent must ensure they remain in compliance during all phases and in all undertakings related to the project.
- The Canadian Wildlife Service of Environment Canada is interested in observations of birds, especially observations of birds identified as Species at Risk (e.g., Ivory Gull, Ross's Gull, and Red Knot). Observations can be reported through the

NWT/NU Bird Checklist program.

NWT/NU Bird Checklist Survey
Canadian Wildlife Service, Environment Canada
5019 - 52 Street, 4th Floor
P.O. Box 2310
Yellowknife NT, X1A 2P7
Phone: 867.669.4771
Email: NWTChecklist@ec.gc.ca

Blank checklist survey forms are available at:
<http://www.ec.gc.ca/reom-mbs/default.asp?lang=En&n=D19D8726-1>

If there are any modifications to the proposed project, EC should be notified, as further review may be necessary. Please do not hesitate to contact me with any questions or comments with regards to the foregoing at (867) 975-4631 or by email at Paula.C.Smith@ec.gc.ca.

Yours truly,



Paula C. Smith
Environmental Assessment Coordinator

cc: Carey Ogilvie (Head, Environmental Assessment-North, EPO, Yellowknife, NT)
Ron Bujold (Environmental Assessment Technician, EPO, Yellowknife, NT)
Allison Dunn (Sr. Environmental Assessment Coordinator, EPO, Iqaluit, NU)
James Hodson (Environmental Assessment Analyst, CWS, Yellowknife, NT)



ᑭᐱᐃᐱᑭᑭᑦ

Kavamaliqiyikkut

Ministère de l'Exécutif et des Affaires Intergouvernementales

Department of Executive & Intergovernmental Affairs

October 17, 2011

Sophia Granchinho
Technical Advisor
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU
X0B 0C0

via Email to: sgranchionho@nirb.nunavut.ca

RE: NIRB FILE # 09DN018 – Department of National Defence's "Nanisivik Naval Facility" project proposal

Dear Ms. Granchinho:

As requested by NIRB on September 12, 2011, the Government of Nunavut (GN) has considered the "Nanisivik Naval Facility" project proposal, submitted for NIRB screening by the Department of National Defence's (DND) and have attached the following comments and recommendations under Appendix A.

We thank NIRB for giving us the opportunity to review and provide comments on this screening and we look forward to receiving further information on this project. If you have any questions or comments please contact me, Pauloosie Suvega, at (867) 975-6022 or psuvega@gov.nu.ca.

Qujannamiik,

Original signed by

Pauloosie Suvega
Assistant Deputy Minister, Sustainable Development
Department of Executive and Intergovernmental Affairs

Appendix A

Consolidated Comments from the Government of Nunavut

Nunavut Research Institute

Section 2.2.4: Regulatory Framework

The Nunavut Scientists Act should be added to the table of applicable legislation. The proponent would require a Nunavut scientific research license issued pursuant to the *Scientists Act* to collect traditional knowledge as part of planned public consultation/engagement process. A scientific research license may also be required for environmental field studies carried out as part of monitoring efforts.

Section 2.1.2: Public Involvement/Traditional Knowledge (TK)

The proposal indicates that DND and Defence Construction Canada (DCC) consulted with interested parties in 2007 and 2008. A detailed report on these consultations should be included in the project application. Community preferences/concerns/knowledge documented during the 2007/2008 consultations should be fully incorporated and addressed in the project design. There is no indication that the current proposal considers local knowledge and perspectives in the selection of VECs VSECs, identification of impacts, the development and consideration of project alternatives, or in the development of mitigation and monitoring measures.

The proposal also outlines plans to undertake new consultation and traditional knowledge collection activities to identify concerns and determine potential impacts of the project on the community. Whether these consultations have already been initiated is unclear (no timeline is provided) given the intention to start construction in 2012, the proponent must provide NIRB a detailed timeline and detailed plans for completing consultations and TK studies. The proponent should also justify the value of these consultations from its perspective and explain why they are occurring so late in the planning process, after most of the key project designs are finalized. If the project does proceed as planned in 2012 there would be very little ability to modify project designs based on concerns and recommendations documented through the consultations.

The proposal should include more detailed plans for local training and employment to be generated by the project.

Similarly a more detailed description of anticipated requirements for services from the nearest community (Arctic Bay) such as medical care, policing, fire-fighting, education, etc. particularly for the construction phase when 100 people are expected to be on-site year round.

The proposal is unclear whether the road connecting Arctic Bay to the Naval facility will be maintained (3.27). Proponent should outline plans for consultation with the GN to determine how this critical road will be maintained.

Department of Economic Development and Transportation (ED&T)

The Department of Economic Development and Transportation has reviewed the following documents distributed by the Nunavut Impact Review Board for the Nanisivik Naval Facility proposal:

- NIRB Part 1 Application Form (Revised)

- NIRB Part 2 PSIR Application form (Revised) and Appendices

- Non Technical Project Summary

- NPC Conformity Determination

Relevant correspondence

ED&T understands that the proposed activity is to use the existing Nanisivik site to establish a deep-water docking and refueling facility. Proposed Project activities include construction of storage and laydown areas, cargo marshalling area helicopter landing area, beach land and launching area, and camp services/utilities. Additionally, upgrades to the berthing infrastructure, fuel system, and roads are proposed. The construction phase is expected to last ~3 years, and the site may be fully operational by 2015. The facility will be manned and operated from June to October of each year, and left unmanned for the remainder of the year. The life of the facility is predicted to be at least 40 years.

Potential socio-economic effects of the Project:

ED&T requires clarification on what commercial or non-naval use may be permissible for the site. In the NIRB Part 2 revised PSIR Screening Form, the proponent noted that cruise ships, though once using Nanisivik, now arrive in Arctic Bay (pg. 4.66), and imply that Nanisivik is no longer used. However, there is current use of the Nanisivik site by commercial and private yachts during the open water season. For example, in 2009, Cruise North's itinerary included a stop at Nanisivik for refueling, and passengers disembarked and hiked the surrounding mountains with local guides during the 7 hour stop. More recently, in 2011 a private yacht carrying 6 tourists tried refueling in Arctic Bay, but waters by the breakwater were not deep enough. The fuel truck met the yacht at Nanisivik to refuel, and the travelers spent the day in Arctic Bay, making purchases at local businesses. These examples demonstrate the future potential for marine tourism near Arctic Bay, and the role that Nanisivik has recently played. Access to a fueling station between Greenland and Alaska is necessary to developing a marine tourism economy in Nunavut waters.

Furthermore, in Section 3.3.1 of the PSIR form, the proponent notes that "the Nanisivik Naval Facility may also serve to receive, marshal, hold and distribute cargo and goods from commercial vessels..." (pg. 3.34), and Table 3.2 notes several vessels that may use the Naval Facility. The application does not consider cruise ships or yachts that may need to refuel, resupply, and disembark.

Therefore, ED&T would like to confirm whether stops for cruise ships or yachts will be allowed at the proposed naval facility.

The proposed project may result in employment of local residents during construction or the operations/maintenance of the facility. This is noted by the proponent, and ED&T wishes to express our expectations that the proponent will aim to hire local residents and utilize local businesses whenever possible. Further, as this is a multi-year operation, any effort to build technical capacity and improve job skills with local residents is strongly encouraged. ED&T also requests clarification on whether local residents hired for construction of the facility will remain in the 100-person camp during their work rotation, or will travel to and from Arctic Bay.

Other matters related to the Project proposal:

In their NIRB Part 2 PSIR Revised Screening Form, DND proposes to use the Arctic Bay airport during the construction phase to transport personnel and to receive materials and goods. The all weather road will be used during both construction and operations to transfer and resupply goods, move personnel, and to access the community health center, police, fire, and other community services (pg. 2.22).

However, the proponent states in Section 3.2.3 of the NIRB Part 2 PSIR Form that "at this time, it has not been determined whether the road between the Nanisivik Naval Facility and Arctic Bay will be maintained" (pg. 3.30). Further, the proponent notes in a letter to DCC dated August 23, 2011, that "long-term maintenance of the road during operation of the facility is being negotiated between DND and the

GN". ED&T has been in communication with DND and understands some of the constraints they may be under regarding ownership of the all weather road. As such, ED&T and DND have discussed possible funding arrangements that would enable ED&T to maintain the road seasonally. ED&T requires clarification on whether the proponent plans on using the road for the long term, and, if so, respectfully requests that the proponent provide assurances that a long term funding arrangement has been determined for the continued maintenance and operation of the all weather road between the facility and Arctic Bay.

Department of Community and Government Services. (CGS)

The GN also requests clarity on where solid waste will be disposed of. In the NIRB Part 2 PSIR Screening Form, Appendix C, the proponent suggests that all wastes will be transported off-site (pg. 3.3). The GN wishes to confirm whether this will include any transport of solid waste to the municipal land fill.

The GN requests the proponent to indicate if they will draw water from a secondary water source, and what the storage or transfer may entail, and what the potential usage may be. In addition, the GN requests the proponent develop a sludge management plan. Communication with the CGS can assist with responding to these requests, and may include an MOU to outline certain responsibilities.



Fisheries and Oceans Canada Pêches et Océans Canada

Eastern Arctic Area
Iqaluit Office

Region Arctique de L'est
Bureau de Calgary

P.O Box 358.
Iqaluit NU X0A 0H0

C.P. 358
Iqaluit NU X0A 0H0

Tel: (867) 979-8007
Fax: (867) 979-8039

Tél: (867) 979-8007
Télé: (867) 979-8039

Your file Votre référence
09DN018

Our file Notre référence
NU-11-0037

October 17, 2011

Sophia Granchinho
Technical Advisor
Nunavut Impact Review Board
PO Box 9
Baker Lake NU, X0C 0A0

Dear Ms. Granchinho:

Subject: DFO Comments, - Nanisivik Naval Facility

Fisheries and Oceans Canada (DFO) received this project proposal from the Nunavut Impact Review Board (NIRB) on September 12, 2011. The proponent of this project is the Department of National Defence and the project involves an upgrade to the Nansivik Naval Facility. DFO has assigned the following referral title and project numbers to this project.

Referral File No.:	11-HCAA-CA7-00037
Habitat File No.:	NU-11-0037
Referral Title:	Nanasivik Naval Facility Upgrade, Arctic Bay

Based on the information provided, we have concluded that this project will result in the harmful alteration, disruption and destruction of fish habitat. The harmful alteration, disruption and destruction of fish habitat is prohibited unless authorized by DFO pursuant to subsection 35(2) of the *Fisheries Act*.

In reviewing this proposal, DFO will consider the Department's Policy for the Management of Fish Habitat, which provides that no authorizations be issued unless acceptable measures for any fish habitat loss's are developed and implemented by the proponent. The proponent should develop a fish habitat offsetting plan to compensate for the fish habitat that will be destroyed or harmfully altered as a result of the wharf upgrade project. Through the review of this project, DFO will work with the proponent to mitigate any potential impacts to fish and fish habitat that may result from construction or operation of this upgraded wharf structure.

If you have any questions concerning the above or would like to discuss in greater detail please contact me directly by telephone at (403) 292-8675 by email at Robert.Bedingfield@dfo-mpo.gc.ca

Sincerely,



Bobby Bedingfield
Fish Habitat Biologist
Eastern Arctic Area, Iqaluit Office

cc. Derrick Moggy, DFO Eastern Arctic
Rodney Watson, Department of National Defence

111017-09DN018-Nunavut Tourism Comments-IA1E

From: Ryan Barry <rbarry@nirb.ca>
Sent: October-17-11 3:25 PM
To: info@nirb.ca
Cc: Sophia Granchinho - NIRB; Amanda Hanson - NIRB
Subject: FW: Nanisivik Naval Facility Proposal

Please see the comments below re the Nanisivik screening.

Cheers,

Ryan

Ryan Barry
Executive Director
Nunavut Impact Review Board
(direct) 1-867-983-4608

From: Colleen Dupuis [mailto:ceo@nunavuttourism.com]
Sent: October-17-11 5:04 PM
To: rbarry@nirb.ca
Subject: FW: Nanisivik Naval Facility Proposal

From: Colleen Dupuis
Sent: Monday, October 17, 2011 4:57 PM
To: 'dlapierre1@gov.nu.ca'
Subject: Nanisivik Naval Facility Proposal

Ms. Lapierre –

The proposed plans for the new facility at Nanisivik have recently come to my attention. These plans have serious impact on the tourism sector, particularly as it relates to cruise ships and private yacht travel. Both of these are growing in Nunavut and we need to ensure that we nurture this growth.

While, Nanisivik is not commonly a scheduled port of call for these vessels but is critical in terms of being a potential refueling location. Having a port facility in Canadian waters to refuel at is a significant attraction and makes refueling much simpler. Refueling can be done by longer lines or tankers in communities but this does increase the potential for an environmental incident.

Nunavut Tourism and the Government of Nunavut are working to develop this sector which has significant growth potential and is something many communities throughout Nunavut are interested in developing. A facility for refueling will be critical for the development of marine tourism in Nunavut.

Nanisivik is not currently listed in our Explorer's Guide under the cruise ship section. This guide is a visitor's guide and as such discusses what is important to the visitor TO Nunavut. Having the port facility available to the cruise ship industry is VERY important to help develop that sector of the tourism economy. I would be happy to put you in touch with our cruise ship operators to discuss their concerns

111017-09DN018-Nunavut Tourism Comments-IA1E

and thoughts on the importance of Nanisivik being available to them for refueling, staging cargo, etc.

I am just back in the office but understand the timeline for an expression of concern/interest on this matter is today. We would be happy to submit more detail if you require it. Please do not hesitate to contact me if you would like further detail or clarification.

Colleen Dupuis

120314-09DN018-DFO Comments-1A1E

From: Bedingfield, Robert <Robert.Bedingfield@dfo-mpo.gc.ca>
Sent: March-14-12 2:51 PM
To: info@nirb.ca
Cc: RODNEY.WATSON@forces.gc.ca; Moggy, Derrick
Subject: RE: NIRB 09DN018: Request Comments Re Department of National Defence's Proposed Revised Scope of the "Nanisivik Naval Facility" project proposal and its Response to Parties' Comments

Follow Up Flag: Follow up
Flag Status: Completed

Hello,
Given the reduced scope for the Nanisivik Naval Facility Project, DFO looks forward to working with the Department of National Defence to obtain further information to determine if the reduced scope and footprint of the project will require a Fisheries Act Authorization. Once this determination has been made DFO will notify NIRB of the decision.

Thank you,

Bobby Bedingfield

Telephone/Téléphone 403 292-8675

Facsimile/Télécopieur 403 292-5173

E-mail/Courriel Robert.Bedingfield@dfo-mpo.gc.ca

Fish Habitat Biologist Biologiste, Habitat du poisson

Eastern Arctic Area Région Arctique de l'est

Central and Arctic Region Région du Centre et de l'Arctique

Fisheries and Oceans Canada Pêches et Océans Canada

7646 8th Street NE 7646, 8e Rue N.-E.

Calgary, Alberta T2E 8X4 Calgary (Alberta) T2E 8X4

From: Info at NIRB [info@nirb.ca]

Sent: 2012-March-08 1:55 PM

To: 'Distribution List'

Cc: rodney.watson@forces.gc.ca; Brian Aglukark; Phyllis Beaulieu;

bernie.macisaac@aandc.gc.ca;

Jeff Mercer; Jeff Mercer; Moggy, Derrick; Dahl, Mark [Wpg]; Allen Cadenhead;

tamara.vandyck@dcc-

cdc.gc.ca; Louis.Lemay@dcc-cdc.gc.ca; Tracey McCaie

Subject: NIRB 09DN018: Request Comments Re Department of National Defence's Proposed

Revised Scope of the "Nanisivik Naval Facility" project proposal and its Response to Parties' Comments

Attachments: 120308-09DN018-NIRB Ltr Distr Request Comment Re Revised

Scope-0T2E.pdf;

120224-09DN018-DND Ltr to NIRB Re Reduced Project Scope-IDTE.PDF;

120305-09DN018-DND Cover

Ltr to NIRB Re Response to Comments-IDTE.PDF; 120305-09DN018-DND Response to NIRB Re

Opportunity to Address Comments-IDTE.PDF

Dear Parties:

On February 24, 2012 to the Nunavut Impact Review Board (NIRB or Board) received correspondence from the Department of National Defence (DND) indicating that after undertaking a review of the infrastructure requirements of the Nanisivik Naval Facility, it

planned to reduce the functionality of the site while keeping the intent of the facility the

same (i.e. a berthing and refuelling facility for the Arctic Offshore Patrol Ships

120314-09DN018-DF0 Comments-IA1E

and other

Government of Canada vessels). Further, on March 5, 2012 the NIRB received DND's response to parties' comments and concerns pertaining to the Nanisivik Naval Facility

proposal (enclosed). The March 5, 2012 response also included information that would

be relevant to the reduction in the project scope. All materials received and pertaining

to the Board's assessment of the Nanisivik Naval Facility, including original application

materials, can be accessed from the NIRB's online public registry using the following

link: [http://ftp.nirb.ca/01-SCREENINGS/ACTIVE%20SCREENINGS/09DN018-DND-](http://ftp.nirb.ca/01-SCREENINGS/ACTIVE%20SCREENINGS/09DN018-DND-Nanisivik%20Naval%20Facility/)

[Nanisivik%20Naval%20Facility/](http://ftp.nirb.ca/01-SCREENINGS/ACTIVE%20SCREENINGS/09DN018-DND-Nanisivik%20Naval%20Facility/).

The NIRB requests that parties review DND's March 5, 2012 response to comments as well as the February 24, 2012 reduced project scope and provide the Board with any additional comments or concerns as may pertain to the revised scope of the proposal. Specifically, the NIRB requests that parties indicate whether or not the

originally submitted comments remain valid and applicable to the reduced project scope

as specified by DND.

NIRB File No.:

Project Name:

Project Proponent:

Project Type:

Location:

Comments Requested By:

March 22, 2012

09DN018

Nanisivik Naval Facility

Department of National Defence

Refuelling and Docking Facility

North Baffin

Please send your comments to the NIRB at info@nirb.ca or via fax to 867-983-2594.

If you have any questions or concerns, feel free to contact Sophia Granchinho, Technical Advisor directly at 867-793-4633 or sgranchinho@nirb.ca.

Best regards,

Derek Ehaloak

Environmental Administrator

Nunavut Impact Review Board

P.O. Box 1360 (29 Mitik)

Cambridge Bay, NU, X0B 0C0

Phone: 867-983-4600

Fax: 867-983-2594

E-mail: info@nirb.ca

Web: www.nirb.ca

Public Registry: ftp.nirb.ca

Environmental Assessment North
Environmental Protection Operations (EPO)
Qimugjuk Building 969
P.O. Box 1870
Iqaluit, NU X0A 0H0
Tel: (867) 975-4631
Fax: (867) 975-4645

22 March 2012

EC file: 4704 004 029
NIRB file: 09DN018

Sophia Granchinho
Technical Advisor
Nunavut Impact Review Board
29 Mitik, PO Box 1360
Cambridge Bay, NU X0B 0C0

Via email: info@nirb.ca

RE: Request Comments Re Department of National Defence's Proposed Revised Scope of the "Nanisivik Naval Facility" project proposal and its Response to Parties' Comments

Environment Canada (EC) previously reviewed the information submitted to the Nunavut Impact Review Board (NIRB) regarding the above-mentioned project proposal. The following specialist advice has been provided pursuant to the *Canadian Environmental Protection Act*, Section 36(3) of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

The Department of National Defence is proposing to establish a deep-water refuelling and supply station at Nanisivik for the Arctic Offshore Patrol Ships (AOPS), Canadian Coast Guard, and other government ships during the navigable season through the Northwest Passage. Project activities include the establishment of a construction camp between 2012 and 2015; use of existing dock facilities during construction; upgrading of berthing/wharf infrastructure; construction of a helicopter landing area; construction of a Shore Support Building, and a Cargo Storage and Marshalling Area; construction of bulk fuel storage facilities; upgrading existing roads and development of new access roads; use of the Arctic Bay airport during construction to transport personnel to the facility; use of the all-weather road between Arctic Bay and the facility during construction and operation to transport personnel and materials and potentially medical, police, and community services; potential use of borrow sites for rock and aggregate; water withdrawal from East Twin Lake to provide water for the facility; generation of waste; chemical and hazardous material storage; and potential use of a project management office in Arctic Bay.

The DND recently indicated to the NIRB that after completing a review of the infrastructure requirement of the Nanisivik Naval Facility it is planning to reduce the functionality of the site while keeping the intent of the facility the same (i.e. reducing the scope of the project).

At this time EC does not have any comment further to those provided on 10 October 2011. Although the scope of the project has been reduced, comments provided by EC would still be relevant. If there are any modifications to the proposed project, EC should be notified, as further review may be necessary. Please do not hesitate to contact me with any questions or comments with regards to the foregoing at (867) 975-4631 or by email at Paula.C.Smith@ec.gc.ca.

Yours truly,



Paula C. Smith
Environmental Assessment Coordinator

cc: **Carey Ogilvie (Head, Environmental Assessment-North, EPO, Yellowknife, NT)**
Ron Bujold (Environmental Assessment Technician, EPO, Yellowknife, NT)
Allison Dunn (Sr. Environmental Assessment Coordinator, EPO, Iqaluit, NU)



ᓕᓕᓕᓕᓕᓕᓕᓕ

KAVAMALIQUIYIKKUT

Ministère de l'Exécutif et des Affaires Intergouvernementales

Department of Executive & Intergovernmental Affairs

March 22nd, 2012

Sophia Granchinho
Technical Advisor
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU X0A 0H0

via Email to: info@nirb.ca

RE: NIRB: 09DN018 – Department of National Defence's (DND) proposed revised scope of the "Nanisivik Naval Facility" project proposal.

Dear Sophia Granchinho:

Thank you for the opportunity to provide comments on the Department of National Defence's proposed revised scope of the "Nanisivik Naval Facility" project proposal.

The Government of Nunavut (GN) has reviewed the Department of National Defence revised scope of the project. Comments regarding the application can be found in the Appendix.

We thank NIRB for providing the GN with the opportunity to review and provide comments regarding the Department of National Defence revised scope of the project and we look forward to receiving further information on this project from NIRB. Please do not hesitate to contact me at (867) 975-6071 if you have any questions or comments.

Qujannamiik,

Pauloosie Suvega
Assistant Deputy Minister, Sustainable Development
Government of Nunavut



ᓕᓕᓕᓕᓕᓕᓕᓕ

KAVAMALIQUIYIKKUT

Ministère de l'Exécutif et des Affaires Intergouvernementales

Department of Executive & Intergovernmental Affairs

Appendix

Validity of Original Comments

The Government of Nunavut has reviewed these documents and is of the opinion that the reduced scope does not alter our original comments. Specifically, the GN comments, submitted to NIRB on October 17, 2011, focused on possible impacts to marine tourism and on the long term use and maintenance of the road between Arctic Bay and the naval facility. The information provided in DND's reduced scope does not appear to change the project such that these concerns are no longer applicable. Rather, DND's responses in the February 24 document do not address whether stops for cruise ships or yachts will be allowed at the proposed facility or how the facility will impact the development of marine tourism in the region. In addition, the GN acknowledges that continued discussions with DND will aim to resolve questions regarding maintenance of the road between Arctic Bay and the naval facility. However, the original comments are still applicable to this proposal.

Additional Comments

Employment

The original project proposed a 100-person camp, and associated facilities. With the removal of permanent accommodations at the Nanisivik Naval Facility, the GN requests clarity in how the reduced project scope will affect the anticipated employment opportunities available.

Community Services

The removal of the permanent accommodations and associated site infrastructure has resulted in a change to the project. In a letter from Stantec on behalf of DND to NIRB, dated August 23, 2011, it states that during operations, the site will be equipped with the appropriate infrastructure and that there would likely be no adverse impacts to the community services of Arctic Bay. However, DND's March 6, 2012 response to stakeholders states that the facility will no longer be self-sufficient and will consider community services and support as part of their project (item 4-4). Furthermore, DND's February 24, 2012 document summarizing the reduced scope of the project states that support from the local community of Arctic Bay will be required for potable water and wastewater management.

Therefore, the GN requests more detail on the anticipated requirement for services and support from Arctic Bay as a result of reduced onsite services. Specifically, the GN requests:

1. Information on the specific support required by the local community for water and wastewater services.
2. The winter storage plans for infrastructure, including security plans.
3. Whether DND will use incinerators and whether DND will ship all material, including organic material, south or to Arctic Bay for disposal.

ገጽ ፩

KAVAMALIQIYIKKUT

Ministère de l'Exécutif et des Affaires Intergouvernementales

Department of Executive & Intergovernmental Affairs

4. According to the reduced scope, the maximum storage (2 x 3.75ML capacity tanks) equals the required supply of 7.5ML naval distillate. Therefore, what contingency exists if DND requires more distillate than anticipated in a given year, and how might this impact the community's fuel supply?
5. Start up and shut down plans for the facility on a seasonal basis and how many people from the community may be required.
6. Other services required by the community, such as police, fire, and medical services.



Transport Canada Transports Canada

Environmental Affairs, Programs
P.O. Box 8550
3rd Floor, 344 Edmonton Street
Winnipeg, Manitoba
R3C 0P6

Your file / Votre référence
09DN018

Our file / Notre référence
7075-70-1-100

March 22, 2012

Sophia Granchinho
Technical Advisor
Nunavut Impact Review Board (NIRB)
P.O. Box 1360
Cambridge Bay, NU, X0B 0C0

Re: Request Comments Regarding Department of National Defence's Proposed Revised Scope of the "Nanisivik Naval Facility" Project Proposal and its Response to Parties' Comments

Dear Ms. Granchinho,

Transport Canada has reviewed your March 8, 2012 letter requesting comments on the revised project scope of the referenced Nanisivik Naval Facility proposal. Based upon a review of the revised scope and March 5, 2012 comments provided by the Department of National Defense (DND), Transport Canada acknowledges that DND's response comments and our October 17, 2011 recommendations contained within the NIRB comment form, both remain valid and would be applicable to the reduced project scope as specified by DND. Transport Canada would also advise that DND consult with our Marine Safety branch regarding the site specific plans and operation of this facility, as they are developed over time.

Should you have any questions regarding Transport Canada's comments concerning this project, please contact me via email at john.cowan@tc.gc.ca or by telephone at (204) 983-1139.

Regards,

John Cowan
Environmental Affairs

Canada 