



NIRB File No.: 07DN010
AANDC File No.: N2007X0007
NWB File No.: 1BR-BYR0712

September 7, 2011

The Honourable John Duncan
Minister of Aboriginal Affairs and Northern Development
Aboriginal Affairs and Northern Development Canada
c/o Jeff Mercer, Manager Land Administration
Aboriginal Affairs and Northern Development Canada
Iqaluit, NU

Via email: Jeff.Mercer@aandc.gc.ca and landsmining@aandc.gc.ca

**Re: Application exempt from Screening pursuant to Section 12.4.3 of the NLCA:
Defense Construction Canada's "PIN-4, Byron Bay Site Remediation" project**

Dear Jeff Mercer:

On September 2, 2011 the Nunavut Impact Review Board (NIRB or Board) received an application from Aboriginal Affairs and Northern Development Canada (AAND) for an additional quarry permit associated with Land Use Permit N2007X0007 for Defense Construction Canada's (DCC) "PIN-4, Byron Bay Site Remediation" project.

Please be advised that the original project proposal (NIRB File No.: 07DN010) was received by the NIRB from Indian and Northern Affairs Canada (INAC) on February 12, 2007 and was screened by the Board in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On March 29, 2007 the NIRB issued the enclosed NLCA 12.4.4(a) screening decision to the Minister of INAC which indicated that the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions.

Additional authorization and extension requests for AAND Land Use Permit N2007X0007 associated with this project have also been reviewed by the NIRB following screening of the original project proposal. In each instance the NIRB confirmed that the activities applied-for were within the scope of the original project proposal and were therefore not subject to further screening by the NIRB in accordance with Section 12.4.3 of the NLCA. The activities applied for in each instance remained subject to the terms and conditions recommended in the original March 29, 2007 Screening Decision Report.

Authorization	Application			Correspondence Issued by NIRB
	Date Received by NIRB	Type	Reason for Application	
Quarry Permit	April 29, 2008	Re-issue	Unable to mobilize in 2007	May 6, 2008
Land Use Permit	January 5, 2009	Extension	Continue remediation	January 12, 2009
Quarry Permit	January 21, 2009	Extension	No material extracted	February 3, 2009
Land Use Permit	October 30, 2009	Extension	Continue remediation	November 6, 2009
Quarry Permit	January 12, 2011	Extension	Continue remediation	January 13, 2011
Quarry Permit	January 17, 2011	Re-issue	Return old quarry permits, and issue new permit	January 19, 2011

The current AAND application, the original NIRB Screening Decision Report (07DN010) and related file information are available from the NIRB's ftp site at the following link: <http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2007/07DN010-DCC-PIN-4/>.

PREVIOUSLY-SCREENED PROJECT PROPOSAL:

As previously screened by the NIRB (File No. 07DN010), Defence Construction Canada's "PIN-4, Byron Bay Site Remediation" project was located within the Kitikmeot region, approximately 150 kilometres (km) west of Cambridge Bay. The Proponent proposed to clean-up and remediate the former Distant Early Warning (DEW) Line site over the active field season from 2007 through to 2010.

The activities/components associated with this proposal included:

- Demolish and remove existing facilities which were not required for the operation of the North Warning System;
- Disposal of contaminated soils;
- Stabilize existing landfills;
- Air transportation to and from the site;
- Marine transportation of bulk materials and equipment to and from site via sea-lift or barge;
- Use of existing airstrip and roads at site;
- Clean up surface debris;
- Construction of a non-hazardous waste landfill;
- Construction of a Tier II Soil Disposal Facility;
- Construction of temporary clean up camp-site for up to 60 persons, and demobilization of campsite at end of project life;
- Establishment of sewage lagoon for camp-site;
- Hazardous waste storage and disposal;
- Fuel storage;
- Quarrying activity;
- Consumption of water and generation of wastes.

On January 12, 2011 the Proponent requested that INAC extend Land Use Permit N2007X0007 to the end of the 2011 construction season in order to allow for the completion of the following activities:

- Contaminated soil excavation and disposal;
- Excavation of remaining landfills scheduled for removal;
- Re-grading;
- Demolition of the garage and warehouse;
- Final closure and capping of the Non-Hazardous Waste Landfill and Tier II Soil Disposal Facility;
- Closure of the sewage lagoon.

On January 17, 2011 DCC returned the previously issued quarry permits and applied to have a new quarry permit issued in support of the ongoing clean-up and remediation project associated with Land Use Permit N2007X0007.

CURRENT APPLICATION:

Defence Construction Canada is applying for an additional quarry permit for the following project activities:

- Remove an additional 40,000 cubic metres of granular material during 2011; including the removal of 10,000 cubic metres from borrow area 17 and 30,000 cubic metres from borrow area 18.

Please note that Section 12.4.3 of the NLCA states that:

“Any application for a component or activity of a project proposal that has been permitted to proceed in accordance with these provisions shall be exempt from the requirement for screening by NIRB unless:

(a) such component or activity was not part of the original project proposal; or

(b) its inclusion would significantly modify the project.”

After completing a review of the information provided in support of the current application, the NIRB is of the understanding that the proposed extension does not change the general scope of the original project activities, and the exceptions noted in NLCA 12.4.3(a) and (b) do not apply. Therefore, this application is exempt from the requirement for screening in accordance with Section 12.4.3 of the NLCA and the activities therein remain subject to the terms and conditions recommended in the original March 29, 2007 Screening Decision Report (enclosed).

If you have any questions or require clarification, please contact Tara Arko, Technical Advisor, at (867) 983-4611 or tarko@nirb.ca.

Sincerely,



Ryan Barry
Executive Director

cc: Eva Schultz, AECOM (Eva.Schulz@aecom.com)
Phyllis Beaulieu, NWB (licensing@nunavutwaterboard.org)
Steve Poaps, DCC (Steven.Poaps@dcc-cdc.gc.ca)
Tracey McCaie, AAND (Tracey.McCaie@aandc.gc.ca)

Enclosed: NIRB Screening Decision Report, File No.: 07DN010 (March 29, 2007)