



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

April 12, 2012

The Honourable John Duncan
Minister of Aboriginal Affairs and Northern Development
c/o Jeff Mercer, Manager Land Administration
Aboriginal Affairs and Northern Development Canada
PO Box 100
Iqaluit, NU X0A 0H0

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

Re: Application Exempt from the Requirement for Screening pursuant to Section 12.4.3 of the NLCA: Defence Construction Canada's "PIN-4, Byron Bay Site Remediation" project

Dear Jeff Mercer:

On March 27, 2012 the Nunavut Impact Review Board (NIRB or Board) received an application from Aboriginal Affairs and Northern Development Canada (AANDC) for an extension to the Land Use Permit (No. N2007X0007) and an additional quarry permit in support of Defence Construction Canada's (DCC) "PIN-4, Byron Bay Site Remediation" project proposal.

Please be advised that the original project proposal (NIRB File No.: 07DN010) was received by the NIRB from Indian and Northern Affairs Canada (INAC; now AANDC) 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 the AANDC Land Use Permit (No. N2007X0007) and quarry permits 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 applications were exempt from the requirement for further screening pursuant to Section 12.4.3 of the NLCA and the activities therein 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 Permits various	April 29, 2008	Re-issue/ New Permit	Unable to mobilize in 2007	May 6, 2008
Land Use Permit N2007X0007	January 5, 2009	Extension	Continue remediation	January 12, 2009
Quarry Permits various	January 21, 2009	Re-issue	No material extracted	February 3, 2009
Land Use Permit N2007X0007	October 30, 2009	Extension	Continue remediation	November 6, 2009
Land Use Permit N2007X0007	January 12, 2011	Extension	Continue remediation	January 13, 2011
Quarry Permits various	January 17, 2011	Re-issue	Continue remediation	January 19, 2011
Land Use Permit N2007X0007, Quarry Permits various	September 2, 2011	Extension/ New Permit	Continue remediation/ Remove additional material	September 7, 2011

The current AANDC application, the original NIRB Screening Decision Report (NIRB File No. 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), the "PIN-4, Byron Bay Site Remediation" project was located within the Kitikmeot region, approximately 150 kilometres west of Cambridge Bay. The Proponent indicated that it intended to remediate the former Distant Early Warning (DEW) Line site between 2007 and 2010.

The activities and components associated with the previously screened 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;
- 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;
- Marine transportation of bulk materials and equipment to and from site via sea-lift or barge; and,
- Consumption of water and generation of wastes.

On April 29, 2008 the Proponent requested that INAC reissue its quarry permits (previous no. 2007QP0043, 2007QP0044, 2007QP0049, and 2007QP0050) associated with Land Use Permit (No. N2007X0007) as well as additional quarry permits (no. 2008QP0040 through 2008QP0047) as the crew were unable to mobilize in 2007.

On January 5, 2009 the Proponent requested that INAC extend the Land Use Permit (No. N2007X0007) to continue remediation efforts, and shortly followed with a request on January 21, 2009 to re-issue the quarry permits (previous no. 2008QP0040 through 2008QP0047) for Borrow Areas 1 to 8, with a new application to add Borrow Areas 9 through 16,

On January 12, 2011 the Proponent requested that INAC extend the Land Use Permit (No. N2007X0007) associated with this project to the end of the 2011 construction season in order to allow for the completion of the following activities:

- Excavation and disposal of contaminated soil;
- Excavation of remaining landfills scheduled for removal;
- Re-grading of site areas;
- 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 (previous no. 2010QP0073 through 2010QP0087) to be re-issued in support of the ongoing clean-up and remediation project associated with the project Land Use Permit (No. N2007X0007).

The quarry application submitted September 2, 2011 included a request to re-issue the quarry permits (previous 2011QP0026 through 2011QP0038) and remove an additional 40,000 cubic metres of granular material during 2011 from two new borrow sites, Borrow Areas 17 (no. 2011QP0111) and 18 (no. 2011QP0112).

CURRENT APPLICATION:

DCC is proposing to extend the Land Use Permit (No. N2007X0007) with AANDC for this file to continue the remediation of the site, as well as applying for re-issue of the quarry permit to include the following project components/activities:

- Extract an additional 223,500 cubic metres of granular material from previous sites:
 - Borrow Area 1 (previous no. 2011QP0026)
 - Borrow Area 2 (previous no. 2011QP0027)
 - Borrow Area 3 (previous no. 2011QP0028)

- Borrow Area 5 (previous no. 2011QP0030)
- Borrow Area 8 (previous no. 2011QP0031)
- Borrow Area 11 (previous no. 2011QP0033)
- Borrow Area 12 (previous no. 2011QP0034)
- Borrow Area 13 (previous no. 2011QP0035)
- Borrow Area 14 (previous no. 2011QP0036)
- Borrow Area 15 (previous no. 2011QP0037)
- Borrow Area 16 (previous no. 2011QP0038)
- Borrow Area 18 (previous no. 2011QP0112).

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 and additional quarry permit 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 pursuant to 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 concerns, please contact Tara Arko, Technical Advisor, at 867-983-4611 or tarko@nirb.ca.

Sincerely,



Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Eva Schultz, AECOM
Tamara Van Dyck, Defence Construction Canada
Steve Poaps, Defence Construction Canada
Phyllis Beaulieu, Nunavut Water Board
Tracey McCaie, Aboriginal Affairs and Northern Development Canada

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