

NIRB File No.: 08DN081
AANDC File No.: N2008X0037

November 27, 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
P.O. 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-2, Cape Young DEW Line Site Clean-up and Remediation” project

Dear Jeff Mercer:

On November 6, 2012 the Nunavut Impact Review Board (NIRB or Board) received an application from Aboriginal Affairs and Northern Canada (AANDC) for an extension to Land Use Permit No. N2008X0037 for Defence Construction Canada's (DCC) "PIN-2, Cape Young DEW Line Site Clean-up and Remediation" project proposal.

Please be advised that the original project proposal (NIRB File No.: 08DN081) was received by the NIRB from Indian and Northern Affairs Canada (INAC; now AANDC) on November 8, 2008 and was screened by the Board in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On December 18, 2008 the NIRB issued the enclosed NLCA 12.4.4(a) screening decision to the Minister of INAC indicating the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions.

On January 11, 2011 the NIRB received a request from AANDC to extend the Land Use Permit (No. N2008X0037) for the above mentioned project. After a thorough assessment of the extension request, the NIRB determined that the application was exempt from the requirement for further screening pursuant to Section 12.4.3 of the NLCA, and reissued the original December 18, 2008 screening decision report to the Minister of AANDC on January 13, 2011.

On January 17, 2011 the NIRB received a Quarry Permit application from AANDC in support of the above mentioned project. After a thorough assessment of the application materials, the NIRB determined that the application was exempt from the requirement for further screening pursuant

to Section 12.4.3 of the NLCA, and reissued the original screening decision report to the Minister of AANDC on January 20, 2011.

On July 6, 2011 the NIRB received an application to authorize an additional borrow source under the Quarry Permit associated with AAND Land Use Permit No. N2008X0037. After a thorough assessment of the Quarry Permit application, the NIRB determined that the application was exempt from the requirement for screening pursuant to Section 12.4.3 of the NLCA, and re-issued the original screening decision report to the Minister of AANDC on July 8, 2011.

The current AANDC application, the original NIRB Screening Decision Report (File No. 08DN081) and related file information are available from the NIRB's ftp site at the following link: <http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2008/08DN081-DCC%20-%20PIN-2/>.

PREVIOUSLY-SCREENED PROJECT PROPOSAL:

As previously screened by the NIRB (File No. 08DN081), the "PIN-2, Cape Young DEW Line Site Clean-up and Remediation" project was located within the Kitikmeot region, approximately 150 kilometres (km) north of Kugluktuk. The Proponent indicated that it intended to clean-up and remediate the former Cape Young Distant Early Warning (DEW) Line site.

The activities/components associated with the original proposal included:

- Demolition of existing facilities;
- Remediation of existing landfills;
- Construction of two new landfills;
- Excavation of contaminated soils;
- Removal of surface debris;
- Grading and restoration of land surfaces;
- Installation of a construction camp to accommodate up to 60 people
 - Average of 50 people on site at one time
 - Peak number of people on site from mid-July to late August
- Use of existing airstrip and roads for equipment transport, movement and access to work areas;
- Quarrying;
- Use of heavy machinery (excavators, tractors, loaders, etc.);
- Storage and offsite disposal of hazardous contaminated soils and hazardous waste;
- Construction of Tier II soil disposal facility; and
- Site monitoring following remediation.

Activities/components associated with the January 11, 2011 extension request and January 17, 2011 Quarry Application included:

- Final closure of the site;
- Capping of the Non-Hazardous Waste Landfill and Tier II Soil Disposal Facility;
- Reshape borrow areas;
- Complete closure of the sewage lagoon; and
- Excavation of the last area of contaminated soil.

On July 6, 2011 DCC also requested authorization for an additional borrow source under its existing Quarry Permit, in association with the AANDC Land Use Permit (No. N2008X0037). The application requested the addition of Borrow Area #7 in order to extract 800 cubic metres of granular material to complete remediation work. At that time, DCC also requested an extension to its Land Use Permit (No. N2008X0037) for an additional year to complete the project as proposed.

CURRENT APPLICATION:

DCC is requesting an additional one year extension to its Land Use Permit (No. N2008X0037) in order to allow additional time for the removal of PCB materials which are currently being stored on-site at a registered temporary storage area. DCC has plans to remove the PCB materials in 2013 and to complete the remediation of the Cape Young DEW Line site.

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 pursuant to Section 12.4.3 of the NLCA and the activities therein remain subject to the terms and conditions recommended in the original December 18, 2008 Screening Decision Report (enclosed).

If you have any questions or concerns, please contact Kelli Gillard, Technical Advisor, at (867) 983-4619 or kgillard@nirb.ca.

Sincerely,

A handwritten signature in black ink that reads "Ryan Barry". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Eva Schulz, AECOM
Tamara Van Dyck, Defence Construction Canada
Wynter Kuliktana, Kitikmeot Inuit Association
Phyllis Beaulieu, Nunavut Water Board
Tracey McCaie, Aboriginal Affairs and Northern Development Canada

Enclosed: NIRB Screening Decision Report, File No.: 08DN081 (December 18, 2008)