



NIRB File No.: 04DN001

AANDC File No.: N2014U0018

Previous AANDC File No.: N2008X0003

NWB File No.: NWB5DYE0409

July 30, 2014

The Honourable Bernard Valcourt
Minister of Aboriginal Affairs and Northern Development
c/o Tracey McCaie, A/Manager Land Administration
Aboriginal Affairs and Northern Development Canada
Box 100, Iqaluit, NU
X0A 0H0

Sent via email: tracey.mccaie@aandc.gc.ca; landsmine@aandc.gc.ca

Re: Application Exempt from the Requirement for Screening pursuant to Section 12.4.3 of the NLCA: Defence Construction Canada and the Department of National Defence's "DYE-M, Cape Dyer DEW Line Site Clean-up and Remediation" project, Qikiqtani (South Baffin) Region

Dear Tracey McCaie:

On July 25, 2014 the Nunavut Impact Review Board (NIRB or Board) received an application from Aboriginal Affairs and Northern Development Canada (AANDC) for a new quarry permit associated with Land Use Permit No. N2014U0018 for Defence Construction Canada and the Department of National Defence's "DYE-M, Cape Dyer DEW Line Site Clean-up and Remediation" project proposal. The Board notes that a conformity determination from the Nunavut Planning Commission was not required for this file, as the proposed project is located within a region that does not currently have an approved land use plan in place (South Baffin Region).

Please be advised that the original project proposal (NIRB File No.: 04DN001) was received by the NIRB from Indian and Northern Affairs Canada (INAC; now AANDC) on December 29, 2003 and was screened by the Board in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On February 25, 2004 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 associated with the "DYE-M, Cape Dyer DEW Line Site Clean-up and Remediation" project have also been reviewed by the NIRB following screening of the original project proposal (File No. 04DN001). 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 that the activities therein remained subject to the terms and conditions recommended in the original February 25, 2004 Screening Decision Report, with additional terms and conditions recommended on March 11, 2008. A summary of the additional applications associated with NIRB File No. 04DN001 is presented in Table 1.

Table 1: Additional applications associated with NIRB File No. 04DN001

Authorization	Application			NIRB Decision	
	Date Received by NIRB	Type	Reason for Application	Date Issued	Type
INAC (LUP: N2008X0003), Quarry Permits	Feb. 4, 2008	2-year extension	Continue remediation activities, include additional borrow area (#14)	Mar. 11, 2008	Reissued February 25, 2004 SDR and <i>additional</i> terms and conditions
INAC (LUP: N2008X0003)	Jun. 25, 2008	Amendment	Add temporary laydown area for excavated soil	Jul. 28, 2008	Reissued February 25, 2004 SDR and March 11, 2008 additional terms and conditions
INAC (LUP: N2008X0003), Quarry Permits	Jan. 22, 2009	1-year extension, new quarry permits	Continue remediation activities	Feb. 2, 2009	Reissued February 25, 2004 SDR and March 11, 2008 additional terms and conditions
INAC (LUP: N2008X0003)	Oct. 30, 2009	1-year extension	Continue remediation activities	Nov. 9, 2009	Reissued February 25, 2004 SDR and March 11, 2008 additional terms and conditions
INAC (LUP: N2008X0003), Quarry Permits	Jan. 12, 2011	1-year extension, new quarry permits	Continue remediation activities	Jan. 21, 2011	Reissued February 25, 2004 SDR and March 11, 2008 additional terms and conditions
AANDC (LUP: N2008X0003)	Mar. 22, 2012	1-year extension	Continue remediation activities	Mar. 29, 2012	Reissued February 25, 2004 SDR and March 11, 2008 additional terms and conditions
AANDC Quarry Permit	Jun. 13, 2012	New quarry permits	New quarry permit for the 2012 season	Aug. 10, 2012	Reissued February 25, 2004 SDR and March 11, 2008 additional terms and conditions
AANDC (LUP: N2008X0003)	Mar. 19, 2013	1-year extension	Continue remediation activities	Apr. 9, 2013	Reissued February 25, 2004 SDR and March 11, 2008 additional terms and conditions

Notes: AANDC = Aboriginal Affairs and Northern Development Canada; LUP = Land Use Permit; NIRB = Nunavut Impact Review Board; SDR = Screening Decision Report

The current AANDC application, the original NIRB Screening Decision Report (File No. 04DN001) and related file information are available from the NIRB's online public registry at the following location:

PREVIOUSLY-SCREENED PROJECT PROPOSAL:

As previously screened by the NIRB (File No. 04DN001), the “DYE-M, Cape Dyer DEW Line Site Clean-up and Remediation” project was located within the Qikiqtani (South Baffin) region, on Baffin Island, approximately 180 kilometres (km) southeast of Qikiqtarjuaq. The Proponent indicated that it intended to clean-up and remediate the former DEW Line site between 2004 and 2011.

The activities and components associated with the previously screened proposal included:

- Demolition and removal of the remaining facilities not required for the operation of the North Warning System;
- Disposal of contaminated soils in engineered landfill facilities;
- Removal of hazardous materials;
- Remediation of existing landfills;
- Removal of surface debris; and
- Demobilization of contractor’s camp and equipment.

The activities associated with the previous February 4, 2008 renewal application included:

- Renew Land Use Permit for two years to support ongoing remediation efforts; and
- Apply for new quarry permits for continued extractions from previous quarry locations as well as one additional borrow location (#14).

The activities associated with the previous June 25, 2008 amendment application included:

- Use of Cape Dyer DEW Line site’s abandoned runway as temporary laydown area for staging excavated soils during sample collection and analysis which would determine which method of disposal is appropriate.

The activities associated with the previous January 22, 2009 request were to extend the Land Use Permit for one year with additional quarry permits to continue remediation activities.

The activities associated with the one-year extension request, received October 30, 2009, were to continue remediation activities.

The activities associated with the January 12, 2011 request were to extend the Land Use Permit for one year with additional quarry permits to continue remediation activities.

The activities associated with the March 22, 2012 extension application included:

- Excavation of all remaining landfills and buried debris;
- Disposal of excavation materials in an on-site landfill or offsite landfill;
- Excavation of remaining contaminated soil areas; and
- Completion of demolition activities. Final closure of the landfill facilities and demolition of the camp and equipment was proposed to occur in 2013.

The activities associated with the June 13, 2012 application for new quarry permits included:

- Extract granular material from eleven of the previously accessed borrow sites to complete the remediation efforts outlined in the March 22, 2012 application.

The activities associated with the March 19, 2013 amendment were to extend the Land Use Permit for one year to continue previously permitted remediation activities.

CURRENT APPLICATION:

DCC is currently proposing to replace its previously issued and expiring Land Use Permit (No. N2008X0003) with a new Land Use Permit (No. N2014U0018) and to apply for new quarry permits with AANDC in order to continue with previously permitted remediation activities at the Cape Dyer DEW Line site, specifically:

- Removal of the contractors construction camp and reshaping of the camp pad area;
- Removal of the roadway culverts; and
- Reshaping of the soil stockpile south of the hangar, as well as completion of the airstrip repairs.

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 replacement Land Use Permit and new quarry permits do 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 February 25, 2004 Screening Decision Report and March 11, 2008 additional terms and conditions(enclosed).

If you have any questions or require additional clarification, please contact Tara Arko, Technical Advisor, at (867) 983-4611 or tarko@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: Tamara Van Dyck, Defence Construction Canada
Phyllis Beaulieu, Nunavut Water Board
Joel Fortier, Qikiqtani Inuit Association

Enclosed (2): Additional Terms and Conditions for NIRB File No.: 04DN001 (March 11, 2008)
NIRB Screening Decision Report, File No.: 04DN001 (February 25, 2004)