



NIRB File No.: 12UN011
AANDC File No.: N2012X0011

August 28, 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: Aboriginal Affairs and Northern Development Canada's "Durban and Padloping Islands Remediation" project

Dear Jeff Mercer:

On August 23, 2012 the Nunavut Impact Review Board (NIRB or Board) received an application from Aboriginal Affairs and Northern Development Canada (AANDC) for additional quarry permits related to the previously issued AANDC Land Use Permit N2012X0011 in support of the ongoing AANDC Contaminated Sites' "Durban and Padloping Islands Remediation" project.

Please be advised that the original project proposal (NIRB File No.: 12UN011) was received by the NIRB from AANDC on March 16, 2012 and was screened by the Board in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On April 30, 2012 the NIRB issued the enclosed NLCA 12.4.4(a) screening decision to the Minister of Aboriginal Affairs and Northern Development which indicated that the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions.

The current AANDC application, the original NIRB Screening Decision Report (12UN011) and related file information are available from the NIRB's ftp site at the following link:

<http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2012/12UN011-AANDC-Durban%20and%20Padloping%20Islands-Remediation%20Project/>

PREVIOUSLY-SCREENED PROJECT PROPOSAL:

As previously screened by the NIRB (File No. 12UN011), AANDC – Contaminated Sites Division’s “Durban and Padloping Islands Remediation” project was located within the Qikiqtani region, approximately 100 kilometres (km) southeast of Qikiqtarjuaq. The Proponent indicated that it intended to remediate sites on both islands commencing in June 2012, anticipating that work would be completed by September 2017.

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

- Remediation of the former Intermediate Distant Early Warning Line site (FOX-E) on Durban Island and the former weather station and settlement area on Padloping Island;
- Utilization of a total crew of fifty (50) at both sites;
- Mobilize equipment and supplies to the sites via sealift and helicopter;
- Construct a main camp on Durban Island and a secondary camp on Padloping Island;
- Construct a sewage lagoon at both sites;
- Excavate borrow materials for road construction and site grading;
- Upgrade site access roads on Durban and Padloping Islands;
- Package and stockpile hazardous and non-hazardous waste for removal via sealift to licensed disposal facilities in the South;
- Removal of the remains of two barges near the shoreline on Padloping Island;
- Construct hydrocarbon treatment landfarm facilities on Durban and Padloping Islands;
- Demobilize equipment and infrastructure from both sites including removal of all stockpiled material;
- Utilize a total of 200,000 litres (L) each of diesel fuel and aviation fuel, 50,000 L of gasoline, and 2,000 pounds of propane; and
- All waste generated during the proposed project would be disposed of at approved sites. Sewage and grey water would be disposed of at the sewage lagoons to be constructed on site.

CURRENT APPLICATION:

AANDC Contaminated Sites is applying for quarry permits, associated with AANDC Land Use Permit N2012X0011, which are required to allow for the continued extraction of materials from previously identified Borrow Areas 2, 3, 5, and 6, with planned removal of up to 35,000 cubic metres of sand and gravel from these sites.

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 amendment 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 April 30, 2012 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

cc: Natalie Plato, Aboriginal Affairs and Northern Development Canada
Tracey McCaie, Aboriginal Affairs and Northern Development Canada
Phyllis Beaulieu, Nunavut Water Board
Bernie MacIsaac, Qikiqtani Inuit Association

Enclosed: NIRB Screening Decision Report, File No.: 12UN011 (April 30, 2012)