

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

June 20, 2013

The Honourable Bernard Valcourt
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

Sent via email: jeff.mercer@aandc.gc.ca, 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, Qikiqtani (South Baffin) Region

Dear Jeff Mercer:

On May 22, 2013 the Nunavut Impact Review Board (NIRB or Board) received an application from Aboriginal Affairs and Northern Development Canada (AANDC) for quarry permits associated with the previously issued AANDC Land Use Permit (No. N2012X0011) for AANDC Contaminated Sites' ongoing "Durban and Padloping Islands Remediation" project. Please be advised 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.: 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.

On August 23, 2012 the NIRB received an application from AANDC for additional quarry permits associated with the previously issued AANDC Land Use Permit (No. N2012X0011). After a thorough assessment of the quarry permit applications, the NIRB determined that the applications were exempt from the requirement for further screening pursuant to Section 12.4.3 of the NLCA, and reissued the enclosed screening decision report on August 28, 2012.

The current AANDC application, the original NIRB Screening Decision Report (File No. 12UN011) and related file information are available from the NIRB's online public registry at the following location:

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, with work anticipated to be complete by September 2017.

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

- Remediate the former Intermediate Distant Early Warning Line site (FOX-E) on Durban Island and the former weather station and settlement area on Padloping Island;
- Utilize a total crew of fifty (50) people 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 each site;
- 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 to be disposed of at approved sites; disposal of sewage and grey water at sewage lagoons to be constructed on site.

The activities and components associated with the previous August 23, 2012 permit application included:

Increased amount of borrow material (up to 35,000 cubic metres)

CURRENT APPLICATION:

AANDC-Contaminated Sites is proposing to amend its Land Use Permit (No. N2012X0011) to include the following additional components/activities:

- Two additional borrow sites on Padloping Island
- Increased amount of borrow material (up to 151,700 cubic metres)

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."

On June 7, 2013 NIRB distributed the current quarry applications to a regional distribution list, requesting submission of any comments or concerns related to the application by June 17, 2013.

The following comments were received from Environment Canada regarding the proposed amendment:

 Mitigation measures and comments from the previous April 12, 2012 submission continue to apply to this amendment request.

After completing a review of the information provided in support of the current application as well as the comments received from interested parties, 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 require additional clarification, please contact Tannis Bolt, Assistant Technical Advisor, at (867) 983-4603 or tbolt@nirb.ca.

Sincerely,

Ryan Barry

Executive Director

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Nunavut Impact Review Board

cc: Stephen Hooey, AANDC-Contaminated Sites

Tracey McCaie, Aboriginal Affairs and Northern Development Canada

Phyllis Beaulieu, Nunavut Water Board Bernie MacIsaac, Qikiqtani Inuit Association

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