



NIRB File No.: 03DA035
NWB File No.: 1BR-QIK0712
INAC File No.: N2005X0042

March 6, 2011

Honourable Lorne Kusugak
Minister of Community and Government Services
Government of Nunavut
c/o Ken Wasylyshen
Regional Lands Administrator, Government of Nunavut
Community and Government Services
P.O. Box 330, Cape Dorset, NU X0A 0C0

Via email: kwasylyshen@gov.nu.ca

**Re: Application exempt from Screening pursuant to Section 12.4.3 of the NLCA:
Defence Construction Canada's "FOX-5 Supplemental Clean Up" project**

Dear Ken Wasylyshen:

On April 28, 2011 the Nunavut Impact Review Board (NIRB or Board) received an application from the Government of Nunavut Department of Community and Government Services (GN-CGS) for a quarry permit for Defence Construction Canada's (DCC) "FOX-5 Supplemental Clean Up" project proposal.

Please be advised that the original project proposal (NIRB File No.: 03DA035) was received by the NIRB from Indian and Northern Affairs Canada (INAC) and the Nunavut Water Board (NWB) on February 28, 2003, and was screened by the Board in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On April 15, 2003 the NIRB issued the enclosed NLCA 12.4.4(a) screening decision to the Minister of INAC, the Minister of GN-CGS and the Chairperson of the NWB indicating the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions.

On December 9, 2005 the NIRB received an application for a Land Use Permit from INAC for the above mentioned project. After a thorough assessment of the Land Use Permit application, the NIRB determined that the proposed project activities were exempt from further screening as per Section 12.4.3 of the NLCA, and reissued the enclosed screening decision report on January 5, 2006.

Furthermore, on April 8, 2011 the NIRB received an application for a Land Use Permit from the GN-CGS for ongoing work at the FOX-5 site. After a thorough assessment of the Land Use

Permit application, the NIRB determined that the proposed project activities were exempt from further screening as per Section 12.4.3 of the NLCA, and reissued the enclosed screening decision report on April 18, 2011.

The current GN-CGS application, the original NIRB Screening Decision Report (03DA035) and related file information are available from the NIRB's ftp site at the following link:

<ftp://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2003/03DA035-DEW%20Line%20Broughton%20Island/>.

PREVIOUSLY-SCREENED PROJECT PROPOSAL:

As previously screened by the NIRB (File No. 03DA035), the "FOX-5 Supplemental Clean Up" project was located within the Qikiqtani region, within the municipal boundary of the Hamlet of Qikiqtarjuaq. The Proponent indicated that it intended to conduct decommissioning and remediation of the FOX-5 DEW Line site located on Broughton Island.

The activities/components associated with this proposal included:

- Development of borrow sources (quarries);
- Establishment of land farms for remediation of hydrocarbon contaminated soils;
- Demolition and removal of buildings and facilities not required for North Warning System;
- Disposal of contaminated soils in engineered landfill facilities;
- Removal of hazardous materials;
- Remediation of existing landfills;
- Removal of surface debris;
- General site grading during final decommissioning; and,
- Demobilization of camp and equipment.

CURRENT APPLICATION:

DCC is applying for a quarry permit from the Hamlet of Qikiqtarjuaq to include the following additional components/activities:

- Withdrawal of 1,600 cubic metres of material from an existing borrow source (*labelled #8 in project application materials*)

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 quarry activity 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 screening as per Section 12.4.3 of the NLCA and the activities therein remain subject to the terms and conditions recommended in the original April 15, 2003 Screening Decision Report (enclosed).

If you have any questions or concerns, please contact Amanda Hanson, Technical Advisor, at 867-983-4615 or via email at ahanson@nirb.ca.

Sincerely,

A handwritten signature in black ink that reads "Ryan Barry". The signature is written in a cursive style with a long horizontal line extending from the end.

Ryan Barry
Director, Technical Services

For:

Stephanie Autut
Executive Director

cc: Tamara van Dyck, Defence Construction Canada
Jeff Mercer, Indian and Northern Affairs Canada
Phyllis Beaulieu, Nunavut Water Board

Enclosed: NIRB Screening Decision Report, File No.: 03DA035 (April 15, 2003)