



NIRB File No.: 10DN038
INAC File No.: N2010X0009

July 15, 2011

The Honourable John Duncan
Minister of Aboriginal Affairs and Northern Development
c/o Jeff Mercer, Manager Land Administration
Aboriginal Affairs and Northern Development Canada
Iqaluit, NU

Via email: jeff.mercer@inac-ainc.gc.ca and landsmining@inac-ainc.gc.ca

Re: Application Exempt from NIRB Screening Pursuant to Section 12.4.3 of the NLCA:
Defence Construction Canada's "FOX-4, Cape Hooper – Site Remediation" project

Dear Jeff Mercer:

On July 5, 2011, the Nunavut Impact Review Board (NIRB or Board) received an application from Indian and Northern Affairs Canada (INAC), now Aboriginal Affairs and Northern Development Canada (AAND), for an extension to INAC Land Use Permit N2010X0009; this extension has been applied for in support of Defence Construction Canada's (DCC; the Proponent) "FOX-4, Cape Hooper – Site Remediation" project.

Please be advised that the original "FOX-4, Cape Hooper – Site Remediation" project proposal (NIRB File No.: 10DN038) was received by the NIRB from INAC on March 1, 2010 and was screened by the NIRB in accordance with Article 12, Part 4 of the Nunavut Land Claims Agreement (NLCA). On May 31, 2010, the NIRB issued the enclosed 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.

The current AAND application, the original NIRB Screening Decision Report (10DN038) and related file information are available from the NIRB's ftp site at the following link:

<ftp://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2010/10DN038-Defence%20Construction%20Canada/>

PREVIOUSLY-SCREENED PROJECT PROPOSAL:

As previously screened by the NIRB (File No.: 10DN038), the "FOX-4, Cape Hooper – Site Remediation" project proposal was located approximately 150 kilometres south of the community of Clyde River, North Baffin region.

The activities/components associated with this proposal included:

- Setting up of temporary camp;
- Incineration of garbage;
- Use of helicopter for site to site pick-ups and drop offs;
- Use of 1 mini-excavator for the excavation of test pits;
- Use of 12 All-Terrain Vehicles for on-site transportation;
- Use of 1 generator for camp use;
- Storage of diesel (820 litres) and gasoline (410 litres);
- Collection of soil samples around existing landfills;
- Collection of water samples;
- Geophysical survey of landfills to confirm lateral extent of buried waste; and,
- Conducting topographic and location surveys.

CURRENT APPLICATION:

DCC is currently applying for an extension to AAND Land Use Permit N2010X0009 to continue its remediation activities as set out above at the FOX-4, Cape Cooper site in the Fall of 2011.

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, the NIRB is of the understanding that the application received from INAC 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 Screening Decision Report dated May 31, 2010 (enclosed).

If you have any questions or concerns, feel free to contact Kofi Boa-Antwi, Assistant Technical Advisor, at 867-983-4609 or kboa-antwi@nirb.ca.

Sincerely,



Stephanie Autut
Executive Director

cc: Eva Shultz, AECOM (Eva.Shultz@aecom.com)
Joseph Monteith, AAND (Joseph.Monteith@inac-ainc.gc.ca)
Phyllis Beaulieu, NWB (licensing@nunavutwaterboard.org)
Tracey McCaie, AAND

Enclosed: NIRB Screening Decision Report, File No.: 10DN038 (May 31, 2010)