



NIRB File No. 11DN026
AANDC LUP No.: N2010X0009
NWB File No.: 1BR-FOX0713

April 27, 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: Defence Construction Canada's "FOX-4, Cape Hooper Supplementary Environmental Clean-up" project

Dear Jeff Mercer:

On March 27, 2012 the Nunavut Impact Review Board (NIRB or Board) received an application from Aboriginal Affairs and Northern Development Canada (AANDC) for an extension to AANDC Land Use Permit N2010X0009 and a re-issuance of quarry permits for Defence Construction Canada's (DCC) "FOX-4, Cape Hooper Supplementary Environmental Clean-up" project. On April 10, 2012 the NIRB received notification from the Nunavut Planning Commission that the previous conformity determination (North Baffin Regional Land Use Plan) associated with this project continues to apply to the current application.

Please be advised that the original project proposal (NIRB File No.: 11DN026) was received by the NIRB from Indian and Northern Affairs Canada (INAC; now AANDC) on April 7, 2011 and was screened by the Board in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On June 7, 2011 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.

The current AANDC application, the original NIRB Screening Decision Report (NIRB File No. 11DN026) and related file information are available from the NIRB's ftp site at the following link:

<http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2011/11DN026-DCC-FOX-4%20-%20Site%20Remediation/>.

PREVIOUSLY-SCREENED PROJECT PROPOSAL:

As previously screened by the NIRB (File No. 11DN026), the “FOX-4, Cape Hooper Supplementary Environmental Clean-up” project was located within the Qikiqtani region, at the former FOX-4, Cape Hooper DEW Line Site in the North Baffin region. The communities closest to the project site were Qikiqtarjuaq and Clyde River approximately 150 kilometres north and south of FOX-4, respectively. During the 2010 maintenance assessment of the FOX-4 site (note that these activities were screened separately as NIRB File No. 10DN038), it was identified that portions of the site were not in compliance with the Department of National Defence – Nunavut Tunngavik Inc. Cooperation Agreement and thus required additional remediation. DCC intended conduct additional work at FOX-4 from August 1, 2011 to October 1, 2013 to complete the remediation necessary to bring the site into compliance with the agreement.

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

- Air transport of personnel to and from the site and weekly domestic supplies using chartered aircraft;
- Barge transport of contractor’s equipment and facilities to the site and off-site once the proposed project is complete;
- Use of existing site infrastructure including beach landing area, airstrip and roads;
- Existing roads upgraded as required;
- Establishment of camp with equipment storage during winter months;
- Clean-up and appropriate disposal of contaminated soils;
- Establishment of a landfarm;
- Construction of a new non-hazardous waste landfill;
- Construction of a new Tier II soil disposal facility cell;
- Remediation of existing landfills as required;
- Restoring disturbed areas to a stable profile;
- Sewage treatment and disposal in accordance with the Land Use Permit and Water Use Licence;
- Domestic wastes to be disposed on in new non-hazardous waste landfill;
- Storage of fuel (diesel and gasoline) on site; and
- Use of existing quarries for extraction of granular material.

CURRENT APPLICATION:

DCC is proposing to extend its AANDC Land Use Permit No. N2010X0009 for one year as well as to have quarry permits reissued in order that it may continue with site remediation.

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 extension and reissue of previous quarry permits 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 June 7, 2011 Screening Decision Report (enclosed).

If you have any questions or concerns, 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 line extending from the end of the name.

Ryan Barry
Executive Director
Nunavut Impact Review Board

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

Enclosed: NIRB Screening Decision Report, File No.: 11DN026 (June 9, 2011)