



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

August 2, 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, Qikiqtaaluk Region

Dear Jeff Mercer:

On July 6, 2012 the Nunavut Impact Review Board (NIRB or Board) received an application from Aboriginal Affairs and Northern Development Canada (AANDC) for an additional quarry permit associated with the AANDC Land Use Permit (No. N2010X0009) for Defence Construction Canada's (DCC) "FOX-4, Cape Hooper Supplementary Environmental Clean-up" project proposal. The NIRB did not require a conformity determination from the Nunavut Planning Commission for this application, as the previous conformity determination issued for this file on April 27, 2011 continues to apply.

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 9, 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.

On March 27, 2012 the NIRB received an application from Aboriginal Affairs and Northern Development Canada (AANDC) for an extension to the Land Use Permit (No. N2010X0009) and for the re-issuance of quarry permits for the above mentioned project. After a thorough assessment of the extension and quarry permit requests, the NIRB determined that the application was exempt from the requirement for further screening pursuant to Section 12.4.3 of the NLCA, and reissued the enclosed screening decision report on April 27, 2012.

The current AANDC quarry permit application, the original NIRB Screening Decision Report (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 Qikiqtaaluk region, at the former FOX-4, Cape Hooper DEW Line Site in the North Baffin region. 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 to conduct additional work at FOX-4 from August 1, 2011 to October 1, 2013 in order 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 and domestic supplies to and from the site;
- Sealift transport of contractor's equipment and facilities to the site (and to be removed off-site upon project completion);
- 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;
- Restoration of disturbed areas to stable profiles;
- Sewage treatment and disposal in accordance with the Land Use Permit and Water Use Licence;
- Domestic waste disposal in non-hazardous waste landfill;
- Storage of fuel (diesel and gasoline) on site; and
- Use of existing quarries for extraction of granular material.

The activities and components associated with the previous March 27, 2012 Land Use Permit (No. N2010X0009) extension and quarry permit application included:

- One year extension of Land Use Permit to continue remediation efforts;
- Reissue quarry permits pertaining to Borrow Areas 1-3, 5-13 for a total of 99,100 cubic metres of material to be extracted.

CURRENT APPLICATION:

DCC is proposing to add an additional quarry site associated with its Land Use Permit (No. N2010X0009) for this file in order to complete ongoing remediation efforts with the following additional components:

- Addition of Borrow Area 14 to provide an additional 27,100 cubic metres of granular materials for road capping and to secure finer grained granular materials that are otherwise not available in the previously permitted borrow areas.

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 additional quarry permit as proposed 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 9, 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,



Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Eva Schulz, AECOM
Tamara Van Dyck, 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)