

SCREENING DECISION

May 9, 2003

Mr. Thomas Kudloo
Chairperson, Nunavut Water Board
Gjoa Haven, NT

Dear Mr. Kudloo:

RE: Screening Decision of the Nunavut Impact Review Board (NIRB) on Application:
NIRB #03DN052 NWB: #NWB5LON DIAND: #N2003X0013
Dew Line Site Clean-up, FOX-2 Longstaff Bluff, NU

Authority:

Section 12.4.4 of the Nunavut Land Claim Agreement states:

Upon receipt of a project proposal, NIRB shall screen the proposal and indicate to the Minister in writing that:

- a) the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out in Section 12.2.5;
- b) the proposal requires review under Part 5 or 6; NIRB shall identify particular issues or concerns which should be considered in such a review;
- c) the proposal is insufficiently developed to permit proper screening, and should be returned to the proponent for clarification; or
- d) the potential adverse impacts of the proposal are so unacceptable that it should be modified or abandoned.

Primary Objectives:

The primary objectives of the Nunavut Land Claims Agreement are set out in section 12.2.5 of the Land Claims Agreement. This section reads:

In carrying out its functions, the primary objectives of NIRB shall be at all times to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, and to protect the ecosystemic integrity of the Nunavut Settlement Area. NIRB shall take into account the well-being of the residents of Canada outside the Nunavut Settlement Area.

The decision of the Board in this case is 12.4.4 (a) **the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out in Section 12.2.5;**

Reasons for Decision:

NIRB's decision is based on specific considerations that reflect the primary objectives of the Land Claims Agreement. Our considerations in making this decision included:

- the potential impact of further contamination of the ecosystem from PCB's, heavy metals, petroleum products or other materials entering the marine environment and subsequently into the food chain from failure of the designed storage and containment structures;
- the adequacy of plans for the clean up, storage and removal of contaminated soils, spills and to prevent the further migration of PCB's and petroleum products;
- the adequacy of plans to control runoff and drainage control within and around the facility;
- the potential to contaminate clean areas from wind blown debris or contaminated machinery;
- the potential to impact fish or fish habitat;
- the impact and disturbance to nesting migratory birds and their habitat along coastal areas due to activities;
- the potential to impact on traditional hunting and fishing activities;
- the potential to impact permafrost causing long-term adverse effects such as differential settlement, terrain instability and erosion;
- the potential impact from disturbance to vegetation;
- the potential impacts to the terrain from heavy equipment and vehicles which may cause rutting and erosion;
- potential impact of quarrying activities to the ecosystem;
- the potential impact to the ecosystem from accidental spillage of petroleum products;
- the storage and disposal of fuel, garbage, sewage, and grey water, and the impact of these on the ecosystem.

Terms and Conditions:

- That the terms and conditions attached to this screening report will apply

Storage and Management of Hazardous Materials

1. The Permittee shall not mix or dilute any hazardous materials with any substance or divide into small or quantities to avoid meeting the definition of hazardous waste.
2. The Permittee shall store hazardous material in their original containers, where possible, or in containers manufactured for the purpose of storing hazardous waste. The containers must be sound, sealable and not damaged or leaking.
3. The Permittee shall maintain a record of the type and amount of waste in storage.
4. The Permittee shall label all containers according to the requirements of the Work Site Hazardous Materials Information System (WHMIS) of the Safety Act or the relevant Transportation Authority, if transportation is planned.

5. The Permittee shall ensure that drainage into and from the site is controlled to prevent spills and leaks from leaving the site and to prevent run off from entering the site.
6. The Permittee shall segregate incompatible wastes by chemical compatibility to ensure safety of the public and workers and facility.
7. The Permittee shall ensure the storage facilities are a secured area with controlled access. Only persons authorized to enter and trained in waste handling procedures should have access to the storage site.
8. The Permittee shall perform regular inspections and provide reports to the authorizing agency.
9. The Permittee shall place containers so that each container can be inspected for signs of leaks and deterioration.
10. The Permittee shall remove any leaking and deteriorated containers and transfer their contents to a sound container.
11. The Permittee shall have emergency response equipment appropriate for the hazardous waste stored on site.
12. The Permittee shall ensure that all hazardous wastes are stored in a proper manner and transported from the site in accordance with the *Transportation of Dangerous Goods Act and Regulations*.
13. The Permittee shall ensure that the storage facility is registered if the site is to be used for long term storage (period of 180 days or more), and quantities to be stored exceed the quantities set out for individual waste classes or if the aggregate quantity for all classes of waste exceed 5000kg/L.

Fuel Transport and Storage

14. The deposition of deleterious substances into water bodies frequented by fish is prohibited under Section 36 of the *Fisheries Act* unless authorized by regulation. The Permittee shall therefore ensure that any deleterious chemicals, fuel or wastes associated with the proposed project do not enter such waters.
15. The Permittee shall ensure that the transportation of fuel shall be done in compliance with the *Transportation of Dangerous Goods Act and Regulations* requirements.
16. The Permittee shall ensure that fuel storage containers are not located within thirty-one (31) metres of the ordinary high water mark of any body of water unless authorized by the Minister.
17. The Permittee shall ensure that all fuel is kept in double walled containers. All valves on fuel tanks should have receptacles placed beneath them to catch any leaked fuel.
18. The Permittee shall inspect all fuel containers for leaks daily and shall report and repair all leaks immediately.
19. The Permittee shall construct a dyke around each stationary fuel container or group of stationary fuel containers where one container has a capacity exceeding 4000 litres.
20. The volume of the dyked area shall be 10% greater than the capacity of the largest fuel containment placed therein.
21. The dyke and area enclosed by the dyke shall be lined with a type of plastic film liner approved by the Engineer.

22. The Permittee shall ensure that the dyke and area enclosed by the dyke shall be impermeable to petroleum products at all times.
23. The Permittee shall take all reasonable precautions to prevent the possibility of migration of spilled petroleum fuel or chemicals over the ground surface.
24. The Permittee shall have emergency response and spill contingency plans for fuel transfer and storage as well as any other hazardous liquids at the site in place prior to the commencement of the land use activity.
25. The Permittee shall immediately report all spills of petroleum and hazardous chemicals to the Twenty-four (24) hour spill report line (867) 975-4295.
26. The Permittee shall ensure that vehicle and equipment maintenance and servicing shall be conducted only in designated areas and shall implement special procedures to manage fluids, waste and contain potential spills.
27. The Permittee should ensure that all ethylene glycol (antifreeze) is managed in accordance with the *Environmental Protection Act (EPA)* of NWT due to its high potential to attract wildlife.
28. The Permittee shall ensure that any chemicals, fuels or wastes associated with the project do not spread to the surrounding lands or enter into any water body.
29. The Permittee shall ensure that a land use inspector approves the containment of the contaminated soil.

Waste Disposal

30. The Permittee shall not discharge or deposit any refuse substances or other waste materials in any body of water, or on the banks thereof, which will impair the quality of the waters of the natural environment.
31. The Permittee shall ensure that any areas designated for waste disposal shall not be located within thirty (30) metres of the ordinary high water mark of any body of water, unless otherwise authorized.
32. The Permittee shall ensure that all waste management sites are mapped and inventoried.
33. The Permittee shall recover and recycle material wherever practical.
34. The Permittee shall construct, operate, maintain and monitor the containment areas to ensure that there is no seepage of leachate into natural drainage and waterways and subsequently into the marine environment. Any seepage that occurs should be collected and treated as hazardous material.
35. The Permittee shall regrade the landfills to match the contours of the land.
36. The Permittee shall treat and dispose of all lead and PCB contaminated paints as hazardous materials.
37. The Permittee shall keep all garbage in a covered metal container until disposed of in an approved disposal site.
38. The Permittee shall incinerate all combustible and food wastes in a forced air fuel-fired incinerator daily to eliminate potential for wildlife problems created by the attraction of wildlife to garbage.
39. The Permittee shall ensure that all ash and non-combustible non-hazardous wastes are buried in an approved landfill.

40. The Permittee shall deposit all sewage and greywater discharged in a sump ensuring drainage is away from any waterbody.
41. The Permittee shall backfill and recountour all sumps to mach the natural environment prior to the expiry date of the permit.

Environmental

42. The Permittee shall ensure that all hazardous material management areas shall be located a minimum distance of one hundred (100) metres from the nearest water body.
43. The Permittee shall implement procedures to screen CEPA soils to avoid / minimize the spreading of contaminated dust.
44. The Permittee shall control all movement of heavy machinery, vehicles and equipment within the hazardous material management area to prevent the dispersion of potentially hazardous dust and materials into the environment.
45. The Permittee shall clean (decontaminate) all heavy machinery and equipment prior to movement to another area. All fluids (including water) resulting from the cleaning shall be treated as hazardous waste and shall be containerized and disposed of as per the regulations.
46. The Permittee shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging.
47. The Permittee shall suspend operation if rutting occurs.
48. The Permittee shall avoid causing soil damage that disturbs natural drainage patterns or expose permafrost. These areas shall be repaired immediately.
49. The Permittee shall insulate the ground surface beneath all structures and facilities, by constructing gravel pads or other approved methods to prevent any vegetation present from being removed and to prevent the degradation of permafrost causing ground settling and/or erosion.
50. The Permittee shall leave a strip of undisturbed vegetation at least thirty (30) metres width between roads, quarry or navigable waterways.
51. The Permittee shall commence and foster revegetation on all parts of the land used. Methods should include scarification and transplanting of native vegetation from other areas.
52. The Permittee shall remove any obstruction to natural drainage caused by any part of this land use operation.
53. The harmful alteration, disruption or destruction of fish habitat is prohibited under Section 35 of the *Fisheries Act*. No construction or disturbance of any stream/lake bed or banks of any definable watercourse is permitted unless authorized by DFO.
54. The Permittee shall not deposit or permit the deposit of sediment into any waterbody.
55. The Permittee shall not conduct mechanized clearing within thirty (30) metres of the normal high water mark of a watercourse in order to maintain a vegetative mat for bank stabilization.
56. The Permittee shall ensure that culverts are removed upon abandonment of roadways.

Quarry

57. The Permittee shall not remove any material from below the ordinary high water mark of any stream.

58. The Permittee shall slope the sides of the excavations and embankments except in solid rock to 2:1 (two horizontal, one vertical).
59. The Permittee may only excavate and stockpile in areas designated.

Wildlife

60. The Permittee shall ensure that there is no damage to wildlife habitat in conducting this land use operation.
61. The Permittee shall use the latest bear detection and deterrent techniques to minimize man-bear interactions. The Permittee is strongly urged to contact DSD wildlife officers regarding safety in polar bear country literature and training.
62. The Permittee shall ensure that land use activities avoid environmentally sensitive areas (denning, nesting areas) by a minimum of 250metres.
63. The Permittee shall make all efforts to minimize harassment to wildlife including conduction operations in sensitive areas during critical time periods (denning, nesting, staging etc.).

Camp

64. The Permittee shall not erect camps or store material on the surface ice of lakes or streams.
65. The Permittee shall locate all infrastructure facilities on gravel, or other durable land.
66. The Permittee shall keep the land use area clean and tidy at all times.

Archaeological Sites

67. The Permittee shall follow all terms and conditions for the protection and restoration of archaeological resources as outlined by the Department of Culture, Language, Elders and Youths (CLEY).

Monitoring

68. The Permittee shall maintain all site signs and notices at the PCB storage facility.

Recommendations

1. NIRB would like to encourage the proponent to hire local people and services, to the extent possible
2. NIRB advises all proponents that they should consult with the local residents regarding their activities in the region.
3. Any amendment requests deemed by NIRB to be outside the original scope of the project will be considered a new project.
4. The Permittee shall notify NIRB, DFO, DOE and the NWB of any changes or plans in operating conditions associated with this land use activity.


5. The Permittee shall advise NIRB of the final destination of the contaminated soil in the year 2003, and ensure all the proper permits for transportation of the soil are obtained prior to removal.

Validity of Land Claims Agreement

Section 2.12.2

Where there is any inconsistency or conflict between any federal, territorial and local government laws, and the Agreement, the Agreement shall prevail to the extent of the inconsistency or conflict.

Dated May 12/03 at Arviat, NU


Elizabeth Sopland, Chairperson



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Department of
Culture, Language, Elders & Youth

Pithohilikioni

Ministère du gouvernement
Culture Langues, Aînés et Jeunesse

March 26, 2003

Gladys Joudrey
Environmental Assessment Officer
Nunavut Impact Review Board
Box 2379
Cambridge Bay, NU X0E 0C0

Re: Land Use Application NIRB 03DN052 DEW Line Site Clean-up FOX-2, Longstaff Bluff
(Defence Construction Canada Ltd.)

Due Date: April 6, 2003

Dear Ms. Joudrey:

At your request, the Department of Culture and Heritage, Government of Nunavut, has reviewed the above-noted application. Our recommendations follow.

We recommend approval of the above-cited application, on the condition that the proponent's activities avoid the known archaeological sites listed in Attachment #1. The information contained in Attachment #1 is provided solely for the purpose of the proponent's land use activities as described in the land use application, and must otherwise be treated confidentially by the proponent.

The attached conditions specify plans and methods of site protection and restoration to be followed by the permittee if an archaeological site is encountered or disturbed in the course of the land use activity.

Sincerely,

Douglas Stenton
Director, Heritage
Department of Culture, Language, Elders and Youth

Encl.



Attachment 1

Borden No.	NfFj-2
Latitude	68 54 20 N
Longitude	075 02 30 W
Map No.	37A
Class.	prehistoric
Borden No.	NfFj-8
Latitude	68 54 39 N
Longitude	075 14 06 W
Map No.	37A
Class.	prehistoric;indigenous
historic	
Borden No.	NfFj-3
Latitude	68 53 48 N
Longitude	075 06 47 W
Map No.	37A
Class.	prehistoric
Borden No.	NfFj-4
Latitude	68 54 11 N
Longitude	075 06 38 W
Map No.	37A
Class.	prehistoric;indigenous
historic	
Borden No.	NfFj-5
Latitude	68 54 30 N
Longitude	075 05 41 W
Map No.	37A
Class.	prehistoric;indigenous
historic	



ARCHAEOLOGICAL AND PALAEOONTOLOGICAL RESOURCES TERMS AND CONDITIONS FOR LAND USE PERMIT HOLDERS

BACKGROUND

Archaeology

As stated in Article 33 of the Nunavut Land Claims Agreement:

The archaeological record of the Inuit of Nunavut is a record of Inuit use and occupancy of lands and resources through time. The evidence associated with their use and occupancy represents a cultural, historical and ethnographic heritage of Inuit society and, as such, Government recognizes that Inuit have a special relationship with such evidence, which shall be expressed in terms of special rights and responsibilities. [33.2.1]

The archaeological record of Nunavut is of spiritual, cultural, religious and educational importance to Inuit. Accordingly, the identification, protection and conservation of archaeological sites and specimens and the interpretation of the archaeological record is of primary importance to Inuit and their involvement is both desirable and necessary. [33.2.2]

In recognition of the cultural, spiritual and religious importance of certain areas in Nunavut to Inuit, Inuit have special rights and interests in these areas as defined by Article 33 of the Nunavut Land Claims Agreement. [33.2.5]

Palaeontology

Under the Nunavut Act¹, the federal government can make regulations for the protection, care and preservation of palaeontological sites and specimens in Nunavut. Under the *Nunavut Archaeological and Palaeontological Sites Regulations*², it is illegal to alter or disturb any palaeontological site in Nunavut unless permission is first granted through the permitting process.

Definitions

As defined in the *Nunavut Archaeological and Palaeontological Sites Regulations*, the following definitions apply:

"archaeological site" means a place where an archaeological artifact is found.

¹ s. 51(1)

² P.C. 2001-1111 14 June, 2001

"archaeological artifact" means any tangible evidence of human activity that is more than 50 years old and in respect of which an unbroken chain of possession or regular pattern of usage cannot be demonstrated, and includes a Denesuline archaeological specimen referred to in section 40.4.9 of the Nunavut Land Claims Agreement.

"palaeontological site" means a site where a fossil is found.

"fossil" includes:

- (a) natural casts
- (b) preserved tracks, coprolites and plant remains; and
- (c) the preserved shells and exoskeletons of invertebrates and the eggs, teeth and bones of vertebrates.

Terms and Conditions

- 1) The permittee shall not operate any vehicle over a known or suspected archaeological or palaeontological site.
- 2) The permittee shall not remove, disturb, or displace any archaeological artifact or site, or any fossil or palaeontological site.
- 3) The permittee shall immediately contact the Department of Culture, Language, Elders and Youth (867) 934-2033 or (867) 975-5500 should an archaeological site or specimen, or a palaeontological site or fossil be encountered or disturbed by any land use activity.
- 4) The permittee shall immediately cease any activity that disturbs an archaeological or palaeontological site encountered during the course of a land use operation, until permitted to proceed with the authorization of the Department of Culture, Language, Elders and Youth, Government of Nunavut.
- 5) The permittee shall follow the direction of the Department of Culture, Language, Elders and Youth and DIAND in restoring disturbed archaeological or palaeontological sites to an acceptable condition.
- 6) The permittee shall provide all information requested by the Department of Culture, Language, Elders and Youth concerning all archaeological sites or artifacts and all palaeontological sites and fossils encountered in the course of any land use activity.
- 7) The permittee shall make best efforts to ensure that all persons working under authority of the permit are aware of these conditions concerning archaeological sites and artifacts, and palaeontological sites and fossils.
- 8) The permittee shall avoid the known archaeological and/or palaeontological sites listed in Attachment 1.

- 9) The permittee shall have an archaeologist or palaeontologist perform the following functions, as required by the Department of Culture, Language, Elders and Youth:
- a) survey
 - b) inventory and documentation of the archaeological or palaeontological resources of the land use area
 - c) assessment of potential for damage to archaeological or palaeontological sites
 - d) mitigation
 - e) marking boundaries of archaeological or palaeontological sites
 - f) site restoration

The Department of Culture, Language, Elders and Youth shall authorize by way of a Nunavut Archaeologist Permit or a Nunavut Palaeontologist Permit, all procedures subsumed under the above operations.

APR-10-03 12:50 From:ENV CAN IQALUIT NUNAVUT

8969754646

T-585 P.02/03 Job-296



Environment Canada
Environnement Canada

Environmental Protection Branch
Qimugluk Building 969 P.O. Box 1870
Iqaluit, NU X0A 0H0
Tel: (867) 975-4639
Fax: (867) 975-4646

April 10, 2003

Our file: 4517 000 002

Gladys Joudrey
Environmental Assessment Officer
Nunavut Impact Review Board
P.O. Box 2379
Cambridge Bay, NU X0B 0C0
Tel: (867) 983-2593
Fax: (867) 983-2594

RE: NIRB 03DN052 - Defence Construction Canada - DEW Line Site Clean-up - FOX-2, Longstaff Bluff, NU

On behalf of Environment Canada (EC), I have reviewed the information submitted with the above-mentioned application. The following specialist advice has been provided pursuant to Environment Canada's mandated responsibilities for the enforcement of the *Canadian Environmental Protection Act*, Section 36(3) of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

UMA Engineering Ltd., on behalf of Defence Construction Canada, is proposing to excavate hydrocarbon contaminated soils from the Beach Landing and Storage Area of the FOX-2 Longstaff Bluff DEW Line Site. The excavated soil will be stockpiled within the existing bermed POL tank area until the full clean-up of the site in 2009.

Environment Canada recommends that the following conditions be applied throughout all phases of the project:

- The proponent shall not deposit, nor permit the deposit of any fuel, chemicals, wastes or sediment into any water body. According to the *Fisheries Act*, Section 36(3), the deposition of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water, is prohibited.
- All sumps shall be located above the highwater mark of any water body and in such a manner as to prevent the contents from entering any water body frequented by fish. Further, all sumps shall be backfilled upon completion of the season and recontoured so as to match the existing landscape.
- Environment Canada recommends the use of an approved incinerator for the disposal of combustible camp wastes.
- Environment Canada recommends that if it is necessary to excavate contaminated soils in close proximity to a water body, measures be taken to ensure that sedimentation of the waterway does not occur. This could include the use of silt curtains, silt fences, or other such preventative measures.
- The proponent shall not deposit nor permit the deposit of sediment into any water body. The ecological balance of fish and plants in rivers and lakes can easily be upset by sedimentation or blockage from quarrying. A minimum undisturbed buffer zone of one hundred metres (100) shall be maintained between the proposed quarry operation and the high water mark of any definable watercourse as identified on a 1:50,000 NTS map.

Canada

Environment Canada



APR-10-03 12:51 From:ENV CAN IQALUIT NUNAVUT

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T-585 P.03/03 Job-296

- Environment Canada recommends that when storing paraffined fuel on location for the project, secondary containment, such as self-supporting insta-berms, be used.

Please do not hesitate to contact me with any questions or comments with regards to the foregoing at (867) 975-4639 or by email at colette.meloche@ec.gc.ca.

Yours truly,


Colette Meloche
Environmental Assessment Specialist

cc: (Mike Fournier, Northern Environmental Assessment Coordinator, Environment Canada, Yellowknife)

COMMENT FORM FOR NIRB SCREENINGS

The Nunavut Impact Review Board has a mandate to protect the integrity of the ecosystem for the existing and future residents of Nunavut. In order to assess the environmental and socio-economic impacts of the project proposals, NIRB would like to hear your concerns, comments and suggestions about the following project application:

Project Title: DEW Line Site Clean-up FOX-2, Longstaff Bluff
Proponent: Defence Construction Canada Ltd.
Location: Baffin Island, Nunavut
Comments Due By: Wednesday, April 16, 2003 **NIRB #:** 03DN052

Indicate your concerns about the project proposal below:

- | | |
|--|--|
| <input type="checkbox"/> no concerns | <input type="checkbox"/> traditional uses of land |
| <input type="checkbox"/> water quality | <input type="checkbox"/> limit harvesting activities |
| <input checked="" type="checkbox"/> terrain | <input checked="" type="checkbox"/> community involvement and consultation |
| <input type="checkbox"/> air quality | <input type="checkbox"/> local development in the area |
| <input checked="" type="checkbox"/> wildlife and their habitat | <input type="checkbox"/> tourism in the area |
| <input type="checkbox"/> marine mammals and their habitat | <input type="checkbox"/> human health issues |
| <input checked="" type="checkbox"/> birds and their habitat | <input type="checkbox"/> other: _____ |
| <input type="checkbox"/> fish and their habitat | |
| <input type="checkbox"/> heritage resources in area | |

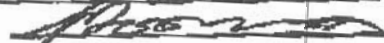
Please describe the concerns indicated above:

Do you have any suggestions or recommendations for this application?

Consult Igloodik & Hall Beach.
 Hamlets & HTO.

Do you support the project proposal? Yes ☒ No ☐ Any additional comments?

** Reg Htg 03-07 March 27, 2003 Passed Motion 03-115 **

Name of person commenting: LORIE THOMASIE of QIKIGTARJUAQ
Position: MAYOR **Organization:** Municipality of Qikigtarjuaq
Signature:  **Date:** 3/27/03