



SCREENING DECISION REPORT
NIRB FILE NO.: 08UN039

May 15, 2008

Honourable Levinia Brown
Minister of Community & Government Services
Government of Nunavut
Iqaluit, NU

Via email: lbrown1@gov.nu.ca

Re: Screening Decision for Community Government & Services “Rankin Inlet Fuel Facility Upgrade-Landfarm” Project Proposal, NIRB File No. 08UN039

Dear Honourable Levinia Brown:

The primary objectives of the Nunavut Land Claims Agreement (NLCA) 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 the Nunavut Impact Review Board (NIRB or Board) 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.

Section 12.4.4 of the NLCA 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.

NIRB ASSESSMENT AND DECISION

After a thorough assessment of all material provided to the Board (please see *Procedural History* and *Project Activities* in **Appendix A**), in accordance with the principles identified within Section 12.4.2 of the NLCA, the decision of the Board as per Section 12.4.4 of the NLCA 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.

RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS, PURSUANT TO SECTION 12.4.4(A) OF THE NLCA

The Board is recommending the following or similar project-specific terms and conditions be imposed upon the Proponent through all relevant legislation:

General

1. Government of Nunavut - Community Government & Services (the Proponent) shall maintain a copy of the Project Terms and Conditions at each site at all times.
2. The Proponent shall forward copies of all permits to the Nunavut Impact Review Board (NIRB) obtained and required for this project prior to the commencement of the project.
3. The NIRB shall be notified of any changes in operating plans or conditions associated with this project prior to any such change.
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.
5. The proponent shall submit NIRB, and Nunavut Water Board (NWB) and Government of Nunavut, Department of Environment (GN-DOE) a revised Monitoring Plan prior to the commencement of this project, which includes the following items:
 - a. The compliance with the discharge limits with the NWB Water License regarding the effluents from collecting sump used to contain the run offs;
 - b. The adopted treatment methods should the contaminants in the collecting sump not achieve the discharge standards before discharge into environments;
 - c. The residual contaminants level, as well as any mitigation measurements adopted at the original locations; and
 - d. Other issues related to this project should be monitored during the project operation period.
6. The Proponent shall submit an annual report with copies provided to the NIRB, NWB and GN-DOE before March 31 of each year for the duration of the project operation period. The report must contain, but not be limited to, the following information:
 - a. A summary of activities undertaken for the reporting year;
 - b. A work plan for the following year;
 - c. An analysis regarding the progress achieved for the contaminated soil under mediation in the landfarm;

- d. The compliance with the discharge limits with the NWB Water License regarding the effluents from runoff collecting sump;
 - e. The adopted treatment methods should the contaminants in the collecting sump not achieve the discharge standards before discharge into environments;
 - f. The residual contaminants level, as well as any mitigation measurements adopted in the original locations should also be identified and reported;
 - g. Site photos;
 - h. A summary of site-visits by Land Use Inspectors with results and follow-up actions;
 - i. Progressive reclamation work undertaken; and
 - j. A summary of extracted quarry materials and associated locations (if applicable).
7. The proponent shall provide NIRB and NWB with a revised Abandonment and Restoration Plan regarding the identification of the residual contaminants and compliance with the related standards.

Waste

8. The Proponent shall remove all garbage and debris from the project site and transport to an approved facility for disposal. All wastes should be kept inaccessible to wildlife at all times.

Fuel and Chemical Storage

9. Should the transportation or transferring of fuel be necessary while in the field or at project sites, the Proponent shall carry appropriate spill kits and shall ensure that all fuel and other hazardous materials are located a minimum of thirty (30) metres away from the high water mark of any water body and in such a manner as to prevent their release into the environment.
10. The Proponent shall report *all* spills of fuel or other deleterious material immediately to the 24 hour Spill Line at (867) 920-8130.

Wildlife

11. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation.
12. Harassment of wildlife is contrary to the *Wildlife Act*. This includes persistently worrying or chasing animals, or disturbing large groups of animals. Deliberate feeding of any wildlife is absolutely prohibited. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired.

Physical Environment

13. The Proponent shall ensure that the land use area is kept clean and tidy at all times.

Restoration

14. The Proponent shall remove all garbage, fuel and equipment upon abandonment.
15. The Proponent shall complete all clean-up and restoration of the lands used prior to the expiry date of the permit.

Other

16. The Proponent should, to the extent possible, hire local people and consult with local residents regarding their activities in the region.

REGULATORY REQUIREMENTS

The Proponent is also advised that the following legislation may apply to the project:

1. The Proponent shall ensure compliance with the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* which states that “no person shall use, or permit the use of, waters in Nunavut except in accordance with the conditions of a licence,” and “no person shall deposit or permit the deposit of waste (a) in waters in Nunavut; or (b) in any other place in Nunavut under conditions in which the waste, or any other waste that results from the deposit of that waste, may enter waters in Nunavut” (<http://www.canlii.org/ca/sta/n-28.8/whole.html>).
2. The *Migratory Birds Convention Act* and *Migratory Birds Regulations* (<http://laws.justice.gc.ca/en/showtdm/cs/M-7.01>).
3. *The Species at Risk Act* (<http://laws.justice.gc.ca/en/showtdm/cs/S-15.3>). Attached in **Appendix B** is a list of Species at Risk in Nunavut. The Proponent should consult the Species at Risk Public Registry (<http://www.sararegistry.gc.ca/>) to identify any Species at Risk within the project location. Further, the Proponent shall develop monitoring plans for each relevant Species at Risk in accordance with any applicable status reports, recovery strategies, action plans, and management plans posted on the Species at Risk Public Registry and in consultation with the Government Organization with Primary Management Responsibility. Monitoring plans should record the locations and frequency of observing species of special concern and note any actions taken to avoid contact or cause disturbance to the species, its residence, or its critical habitat.
4. The *Nunavut Act* (<http://laws.justice.gc.ca/en/showtdm/cs/N-28.6>) which requires that no person alter or disturb any archaeological or palaeontological sites in Nunavut unless permission is first granted through the permitting process. If any archaeological or palaeontological sites are found they should remain undisturbed and their location should be reported to the Government of Nunavut Department of Culture, Language, Elders and Youth. The Proponent must comply with the proposed terms and conditions listed in the attached **Appendix C**.
5. The *Transportation of Dangerous Goods Regulations*, *Transportation of Dangerous Goods Act* (<http://www.tc.gc.ca/tdg/menu.htm>), and the *Environmental Protection Act* (<http://laws.justice.gc.ca/en/C-15.31/text.html>) which present the requirements for the handling, storing, managing and transportation of dangerous goods, including hazardous wastes, fuel and contaminated material. The Proponent must ensure that proper shipping documents accompany all movements of dangerous goods. The Proponent must register with GN-DOE by contacting Robert Eno at 867-975-7748 or reno@gov.nu.ca.

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 15, 2008 at Sanikiluaq, NU.



Lucassie Arragutainaq, Chair

Appendix A

Procedural History and Project Activities

Procedural History

On April 1, 2008 the Nunavut Impact Review Board (NIRB or Board) received Community Government & Services Government of Nunavut –Community Government and Services’ Rankin Inlet Fuel Facility Upgrade – Land farm project proposal from the Nunavut Water Board (NWB). Before that on March 31, 2008 the NIRB received email correspondence from the proponent regarding conformity to the Keewatin Land Use Plan (KRLUP) as the project is located within the Municipal boundaries issued by Nunavut Planning Commission (NPC). NIRB has assigned this project proposal file number 08UN039.

This application was distributed to the communities of Rankin Inlet as well as to interested Federal and Territorial Agencies, and Inuit Organizations. NIRB requested that interested Parties review the application and provide the Board with comments by May 7, 2008 regarding:

- Whether the project proposal is likely to arouse significant public concern; and if so, why;
- Whether the project proposal is likely to cause significant adverse eco-systemic and socio-economic effects; and if so, why;
- Whether the project is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (please provide any recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

On or before May 7, 2008 the NIRB received comments from the following interested Parties (see Comments and Concerns):

- Government of Nunavut – Department of Environment

All comments provided to NIRB regarding this project proposal can be viewed on NIRB’s ftp-site, at the following location: [ftp.nirb.ca - /SCREENINGS/COMPLETED SCREENINGS/2008_SCREENINGS/08UN039-Rankin Inlet Landfarm](ftp://ftp.nirb.ca/-/SCREENINGS/COMPLETED_SCREENINGS/2008_SCREENINGS/08UN039-Rankin%20Inlet%20Landfarm)

Project Activities

The project is located within the boundary of the Hamlet of Rankin Inlet, Nunavut. It is adjacent to the new Rankin Inlet Municipal Solid Waste Site.

The proposed activities associated with the project include the following:

- The site will be accessed by an existing all weather road.
- The construction and materials transfer to the land farm will be through a contractor.
- Construction of the land farm will take about 3 weeks; material transfer about 1 month.
- No fuel will be stored on site. Refuelling the equipment used during construction will be by transfer from fuel trucks by trained operators.
- The project will be undertaken during snow free months.
- Below is an estimate of types and number of equipment that the contractor will require to construct and operate the facility:
 - Bulldozer – 1 – Cat D6 or equivalent for Grading & compacting.

- Dump Truck - 10 yard or equivalent for soil transport.
- Rubber tire loader- 1 – Cat 950 – Manage soil.
- Smooth drum compactor – Bomag BW 213 for compaction.
- Pick up trucks – several – ½ ton for Personnel carriers.
- Fuel truck – 5 ton – Fuel transfer.
- Water truck – 5 ton – Soil compaction.

Appendix B SPECIES AT RISK IN NUNAVUT

This list includes species listed on one of the Schedules of SARA (*Species at Risk Act*) and under consideration for listing on Schedule 1 of SARA. These species have been designated as at risk by COSEWIC (Committee on the Status of Endangered Wildlife in Canada). This list may not include all species identified as at risk by the Territorial Government.

- Schedule 1 is the official legal list of Species at Risk for SARA. SARA applies to all species on Schedule 1. The term “listed” species refers to species on Schedule 1.
- Schedule 2 and 3 of SARA identify species that were designated at risk by the COSEWIC prior to October 1999 and must be reassessed using revised criteria before they can be considered for addition to Schedule 1.
- Some species identified at risk by COSEWIC are “pending” addition to Schedule 1 of SARA. These species are under consideration for addition to Schedule 1, subject to further consultation or assessment.

Schedules of SARA are amended on a regular basis so it is important to periodically check the SARA registry (www.sararegistry.gc.ca) to get the current status of a species.

Updated: January 3, 2007

Species at Risk	COSEWIC Designation	Schedule of SARA	Government Organization with Lead Management Responsibility ¹
Eskimo Curlew	Endangered	Schedule 1	EC
Ivory Gull	Endangered ²	Schedule 1	EC
Peregrine Falcon (subspecies anatum)	Threatened	Schedule 1	Government of Nunavut
Ross's Gull	Threatened	Schedule 1	EC
Harlequin Duck (Eastern population)	Special Concern	Schedule 1	EC
Felt-leaf Willow	Special Concern	Schedule 1	Government of Nunavut
Peregrine Falcon (subspecies tundrius)	Special Concern	Schedule 3	Government of Nunavut
Short-eared Owl	Special Concern	Schedule 3	Government of Nunavut
Fourhorn Sculpin	Special Concern	Schedule 3	DFO
Peary Caribou	Endangered ³	Pending	Government of Nunavut
Beluga Whale (Eastern Hudson Bay population)	Endangered	Pending	DFO
Beluga Whale (Cumberland Sound population)	Threatened	Pending	DFO
Beluga Whale (Western Hudson Bay population)	Special Concern	Pending	DFO
Beluga Whale (Eastern High Arctic –	Special Concern	Pending	DFO

Baffin Bay population)			
Bowhead Whale (Hudson Bay-Foxe Basin population)	Threatened ⁴	Pending	DFO
Bowhead Whale (Davis Strait-Baffin Bay population)	Threatened ⁴	Pending	DFO
Porsild's Bryum	Threatened	Pending	Government of Nunavut
Atlantic Walrus	Special Concern	Pending	DFO
Narwhal	Special Concern	Pending	DFO
Rusty Blackbird	Special Concern	Pending	Government of Nunavut
Barren-ground Caribou (Dolphin and Union population)	Special Concern ³	Pending	Government of Nunavut
Grizzly Bear	Special Concern	Pending	Government of Nunavut
Polar Bear	Special Concern	Pending	Government of Nunavut
Wolverine (Western Population)	Special Concern	Pending	Government of Nunavut

¹ Environment Canada has a national role to play in the conservation and recovery of Species at Risk in Canada, as well as responsibility for management of birds described in the Migratory Birds Convention Act (MBCA). Day-to-day management of terrestrial species not covered in the MBCA is the responsibility of the Territorial Government. Populations that exist in National Parks are also managed under the authority of the Parks Canada Agency. EC = Environment Canada, DFO = Department of Fisheries and Oceans

² Designated as Endangered by COSEWIC in April 2006 and it is expected that the category of concern in SARA will also be changed from Special Concern to Endangered.

³ Peary Caribou was split into three separate populations in 1991: Banks Island (Endangered), High Arctic (Endangered) and Low Arctic (Threatened) populations. The Low Arctic population also included the Barren-ground Caribou - Dolphin and Union population. In May 2004 all three population designations were de-activated, and the Peary Caribou, Rangifer tarandus pearyi, was assessed separately from the Barren-ground Caribou (Dolphin and Union population), Rangifer tarandus groenlandicus. The subspecies pearyi is composed of a portion of the former "Low Arctic population" and all of the former "High Arctic" and "Banks Island" populations, and it was designated Endangered in May 2004. Although SARA lists Peary Caribou on Schedule 2 as three separate populations, the most current designation is the COSEWIC designation of the subspecies pearyi as Endangered.

⁴ The "Eastern and Western Arctic populations" of Bowhead Whale were given a single designation of Endangered in April 1980 by COSEWIC. These were split into two populations to allow separate designations in April 1986. The Eastern population was not re-evaluated in April 1986, but retained the Endangered status of the original "Eastern and Western Arctic populations". The Eastern Arctic population was further split into two populations (Hudson Bay-Foxe Basin population and Davis Strait-Baffin Bay population) in May 2005, and both these populations were designated as Threatened. Both these populations are under consideration for addition to Schedule 1. Although SARA lists the Eastern Arctic population as Endangered (Schedule 2), the most current designation is the COSEWIC designations of the Hudson Bay-Foxe Basin and Davis Strait-Baffin Bay populations as Threatened.

Appendix C
Archaeological and Palaeontological 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]

BACKGROUND: 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:

¹ s. 51(1)

² P.C. 2001-1111 14 June, 2001

“archaeological site” means a place where an archaeological artifact is found.

“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) 934-2046 or (867) 975-5500 or 1 (866) 934-2035 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.