



NIRB File No.: 09UN052

DFO File No. NU-09-0003

TC File No. 8200-T-11419.1

EC File No. 4543-2-02896

May 31, 2010

Honourable Gail Shea
Minister of Fisheries and Oceans
c/o Gary Cooper, Habitat Management Biologist
Fisheries and Oceans Canada
Iqaluit, NU

Via email: Gary.Cooper@dfo-mpo.gc.ca

Re: Application Exempt from Screening pursuant to Section 12.4.3 of the NLCA: DFO's amendment request for the "Pangnirtung Small Craft Harbour Development" project

Dear Gary Cooper:

On May 12, 2010 the Nunavut Impact Review Board (NIRB or Board) received notification from Fisheries and Oceans Canada (DFO) regarding an amendment to DFO's "Pangnirtung Small Craft Harbour Development" project.

Please be advised that the original project proposal (NIRB File No.: 09UN052) was received by the NIRB from DFO on June 22, 2009, and was screened by the Board in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On July 24, 2009 the NIRB issued the enclosed NLCA 12.4.4(a) screening decision to the Minister of DFO indicating the proposed project could proceed subject to NIRB's recommended project-specific terms and conditions.

On August 11, 2009 the NIRB received notification from DFO regarding an amendment to the above project which included the addition of reinstating a crossing of the Duval River in Pangnirtung for the purpose of transporting rock from the existing quarry to the harbour for construction materials. After a thorough assessment of the application information and public comments received, the NIRB determined that this request would not change the general scope of the original project activities and re-issued the recommended terms and conditions contained in the July 24, 2009 Screening Decision Report.

The DFO application, the original NIRB screening file and Screening Decision, 09UN052 are available from the NIRB's ftp site at the following link:

http://ftp.nirb.ca/SCREENINGS/COMPLETED%20SCREENINGS/ARCHIVE/2009_SCREENINGS/09UN052-DFO%20-%20Pangnirtung%20Harbour/1-SCREENING/

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 DFO 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 July 24, 2009 Screening Decision Report (attached).

If you have any questions or concerns, feel free to contact Sophia Granchinho, Technical Advisor, at (867) 983-4607 or sgranchinho@nirb.ca.

Best regards,



Stephanie Autut
Executive Director

cc: Alan Kathan, DFO
Eric Kan, DFO
Rick Kiriluk, DFO
Phyllis Beaulieu, Nunavut Water Board

Enclosure: NIRB Screening Decision Report, File No.: 09UN052 (July 24, 2009)