



NIRB File No.: 09UN052
EC File No. 4704 004041
DFO File No. NU-09-0003
TC File No. 8200-T-11419.1
NWB File No. 1BW-DUV-xxxx

April 21, 2011

John Davidson
Lead Project Manager
Project Management Resources
Public Works and Government Services Canada
Suite 100, 167 Lombard Avenue
Winnipeg, MB R3C 2Z1

Via email: john.davidson@pwgsc.gc.ca

Re: Application Acknowledgement for PWGSC's Amendment Request with Environment Canada for its "Disposal at Sea of Dredged Sediments, Pangnirtung Fjord" project

Dear John Davidson:

On April 20, 2011 the Nunavut Impact Review Board (NIRB or Board) received an application from Environment Canada for an amendment to Public Works and Government Services Canada's (PWGSC) "Disposal at Sea of Dredged Sediments, Pangnirtung Fjord" project.

The original application for the "Pangnirtung Small Craft Harbour Development" project (NIRB File No.: 09UN052) was received from DFO – Small Craft Harbours Branch on June 22, 2009. The project proposal was screened in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA) and on July 24, 2009 the NIRB issued a 12.4.4 (a) screening decision to the Ministers of Fisheries and Oceans Canada, Minister of Transportation and Minister of Environment allowing the proposed Pangnirtung Small Craft Harbour Development activities to proceed subject to project-specific recommended terms and conditions (July 24, 2009 Screening Decision Report).

On August 11, 2009 the NIRB received an amendment from DFO for the above mentioned project. After a thorough assessment of the amendment request, the NIRB determined that the application was exempt from further screening as per Section 12.4.3 of the NLCA, and reissued the screening decision report (July 24, 2009).

On May 12, 2010 the NIRB received a second amendment request from DFO for the project and after thorough assessment of the request, the NIRB determine again that the application was

exempt from further screening as per Section 12.4.3 of the NLCA and reissued the July 24, 2009 screening decision report.

On December 20, 2010 the Nunavut Impact Review Board (NIRB or Board) received Public Works and Government Services Canada's (PWGSC) "Disposal at Sea Permit" project proposal from Environment Canada (EC). This amendment to the original "Pangnirtung Small Craft Harbour Development" project was to allow for a Disposal At Sea Permit for the disposal of dredged materials created through the harbor improvements associated with the original project. This was screened in accordance with Part 4, Article 12 of the NLCA and on March 22, 2011 the NIRB issued a 12.4.4(a) screening decision to the Minister of Environment allowing the proposed amendment to proceed subject to project-specific recommended terms and conditions (March 22, 2011 Screening Decision Report).

Amendment

PWGSC is proposing to amend its Disposal at Sea Permit to include the following additional components/activities:

- Change working hours from 16 hours per day, 6 days a week to 24 hours per day, 7 days a week; and
- During times of darkness, the Marine Wildlife Observer will use strong lighting and possibly ship-borne radar to ensure mammals (such as beluga whales and narwhales) can be sighted if in the area.

The NIRB has determined that this request may result in a change to the original scope of the project.

The Environment Canada application and the original NIRB screening file, 09UN052 are available from NIRB's ftp site at the following link: <http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2011/09UN052-DFO%20-%20Pangnirtung%20Harbour/01-APPLICATION/110106-09UN052-Disposal%20At%20Sea/>

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."

The NIRB is of the opinion that the request for the amendment is not likely to *significantly* change the general scope of the original project activities. Therefore the NIRB is *proposing* to re-issue the same terms and conditions as those in the attached March 22, 2011 Screening Decision, along with any new terms and conditions the NIRB considers appropriate. The NIRB

is copying parties and municipalities potentially affected by this project and we invite interested persons to comment directly to the NIRB by **Tuesday May 3, 2011**.

The NIRB would like Parties to provide comments regarding:

- whether the proposed component or activity was a part of the original proposal;
- whether its inclusion would significantly modify the project;
- any additional mitigation measures that are appropriate; and
- any other matter of importance to the Party related to the project proposal.

Please send your comments directly to the NIRB at info@nirb.ca or via fax to **(867) 983-2594**.

If you have any questions or concerns, please do not hesitate to contact me at kgillard@nirb.ca or by phone (867) 983-4619.

Sincerely,



Kelli Gillard B.Sc., P.Ag.
Nunavut Impact Review Board

cc: Distribution List
 Carey Ogilvie, Environment Canada
 Derrick Moggy, Fisheries and Oceans Canada
 Doug Soloway, Transport Canada
 Phyllis Beaulieu, Nunavut Water Board

Enclosed: Comment Forms (English and Inuktitut)
 NIRB Screening Decision Report, File No.: 09UN052 (March 22, 2011)