



NIRB File No.: 09UN052

EC File No.: 4704 004 041

NWB File No.: 1BW-DUV1214

DFO File No.: 09-HCAA-CA7-00003

May 12, 2015

Mr. Thomas Kabloona
Chairperson, Nunavut Water Board
c/o Phyllis Beaulieu, Manager of Licensing
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0

Sent via email: Phyllis.beaulieu@nwb-oen.ca

Re: Application Exempt from the Requirement for Screening pursuant to Section 12.4.3 of the NLCA: Hamlet of Pangnirtung's "Pangnirtung Small Craft Harbour Development" project, Qikiqtani (South Baffin) Region

Dear Phyllis Beaulieu:

On April 8, 2015 the Nunavut Impact Review Board (NIRB or Board) received an application from the Nunavut Water Board (NWB) for a renewal to NWB Type B Water Licence No. 1BW-DUV1214 for the Hamlet of Pangnirtung's¹ "Pangnirtung Small Craft Harbour Development-Duval River Bridge" project. The Board notes that a conformity determination from the Nunavut Planning Commission was not required for this file, as the proposed project is located within a region that does not currently have an approved land use plan in place (South Baffin Region).

Please be advised that the original project proposal (NIRB File No.: 09UN052) "Pangnirtung Small Craft Harbour Development" was received by the NIRB from Fisheries and Oceans Canada (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 an NLCA 12.4.4(a) screening decision to the Minister of Fisheries and Oceans indicating that the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions. During the NIRB's assessment, it was identified that a Disposal at Sea permit from Environment Canada (EC) may be required for the project. It was further noted that any application for such an authorization would likely require additional screening by the Board.

¹ Formerly Fisheries and Oceans Canada's project and was assigned to the Hamlet of Pangnirtung April 2014.

Additional authorization and extension requests associated with the “Pangnirtung Small Craft Harbour Development” project have also been reviewed by the NIRB following screening of the original project proposal (File No. 09UN052). A summary of the additional applications associated with NIRB File No. 09UN052 is presented in Table 1.

Table 1: Additional applications associated with NIRB File No. 09UN052

Authorization	Application Received by the NIRB			NIRB Decision	
	Date Received	Type	Reason for Application	Date Issued	Type
Fisheries Act authorization and NWB Type B Water Licence	August 11, 2009	Amendment	Reinstate crossing of Duval River to allow transport of material from quarry to harbour	August 20, 2009	Reissued July 24, 2009 SDR
Fisheries Act HADD	May 5, 2010	Amendment	Amend the area to be compensated under the HADD	May 31, 2010	Reissued July 24, 2009 SDR
EC Disposal at Sea Permit	December 14, 2010	Additional Permit requirement	Disposal at sea for dredged materials unsuitable for construction	March 22, 2011	Reissued July 24, 2009 SDR with additional Terms and Conditions
EC Disposal at Sea Permit	April 20, 2011	Amendment	Permit dredging 24 hours a day, 7 days a week	May 12, 2011	Reissued March 22, 2011 SDR with additional Terms and Conditions
Fisheries Act authorization and NWB Type B Water Licence	April 20, 2012	Extension and Amendment	Continue construction and dredging work at the harbour for an additional year and do geotechnical drilling	June 4, 2012	Reissued May 12, 2011 SDR with additional terms and conditions
EC Disposal at Sea Permit	June 14, 2012	Extension	Continue dredging work	June 18, 2012	Reissued June 4, 2011 SDR

Notes: EC=Environment Canada; HADD= Harmful Alteration, Disruption and Destruction; NIRB=Nunavut Impact Review Board; NWB=Nunavut Water Board; SDR=Screening Decision Report

The current NWB application, the original NIRB Screening Decision Report (File No. 09UN052) and related file information are available from the NIRB’s online public registry site at the following location:

<http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2009/09UN052-DFO%20-%20Pangnirtung%20Harbour/>.

PREVIOUSLY-SCREENED PROJECT PROPOSAL:

As previously screened by the NIRB (File No. 09UN052), the “Pangnirtung Small Craft Harbour Development” project was located within the Qikiqtani region, within the Hamlet of Pangnirtung. The Proponent indicated that it intended to upgrade the existing docking facility in Pangnirtung into a small craft harbour capable of accommodating larger vessels.

The activities/components associated with the original project proposal included:

- Dredging of marine area;
- Disposal of dredged sediments (potentially at sea, to be determined);
- Installation of a culvert within a freshwater stream;
- Temporary isolation/dewatering of tidal flats areas to permit in-water construction;
- Installation of floating docks;
- Construction of marshalling areas;
- Extension of existing breakwater;
- Construction of new breakwater; and,
- Use of existing fuelling infrastructure.

In August 11, 2009 the Proponent applied to amend its *Fisheries Act* authorization (No. 09-HCAA-CA7-00003) and NWB Type B Water Licence (No. 1BW-DUV0911) to include the following additional activities:

- Reinstate a crossing of the Duval River in Pangnirtung for the purpose of transporting rock from the existing quarry to the harbour for construction materials.

On May 5, 2010 the Proponent applied to amend its *Fisheries Act* authorization (No. 09-HCAA-CA7-00003) to include the following:

- Enlarge Marshalling Area A from originally approved size;
- Not construct Marshalling Area B; and
- Approval for shorter West Breakwater.

In December 20, 2010 the Proponent applied for a Disposal at Sea Permit from Environment Canada to dispose of dredged materials resulting from improvements to the Pangnirtung harbour. Work was proposed to take place over a 12 week period between June 1, 2011 and October 31, 2011 with the option of an additional year if weather and/or ice delays occurred.

In April 20, 2011 the Proponent proposed to amend its Disposal at Sea Permit with Environment Canada to include the following additional 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 would employ strong lighting and possibly ship-borne radar to ensure mammals (such as beluga whales and narwhales) could be sighted if in the area.

On April 20, 2012 the Proponent proposed to extend its Water Licence (No. 1BW-DUV0911) and *Fisheries Act* HADD authorization (No. 09-HCAA-CA7-00003) for an additional year, to December 31, 2013, and undertake the following additional project activities:

- Geotechnical drilling of up to 20 boreholes in the harbour to assess the depth to bedrock.

On June 14, 2012 the Proponent applied to renew its Disposal at Sea Permit with Environment Canada for one year to allow completion of the dredging work.

CURRENT APPLICATION:

The Hamlet of Pangnirtung² is currently proposing to renew its NWB Type B Water Licence 1BW-DUV1214 to continue maintenance and operation of the Duval River Bridge until 2024 as required to access the municipal quarry.

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:

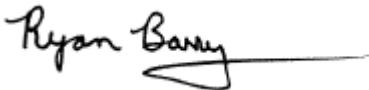
(a) such component or activity was not part of the original project proposal; or

(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 proposed renewal 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 June 4, 2012 Screening Decision Report (enclosed).

If you have any questions or require additional clarification, please contact Kelli Gillard, Technical Advisor, at (867) 983-4619 or kgillard@nirb.ca.

Sincerely,



Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Shawn A. Trepanier, Hamlet of Pangnirtung
Joel Fortier, Qikiqtani Inuit Association
Georgina Williston, Fisheries and Oceans Canada
Meighan Andrews, Transport Canada

Enclosure: NIRB Screening Decision Report, File No.: 09UN052 (June 4, 2012)

² After the completion of the Harbour project, the water licence was transferred to the Hamlet of Pangnirtung