



SCREENING DECISION REPORT
NIRB FILE NO.: 06LN086

January 29, 2007

Honorable Levinia Brown
Minister of Community Government and Services
Iqaluit, NU

Via email: lbrown@gov.nu.ca

Re: Screening Decision for M&T Services Ltd.'s Tehek Lake Access Road Camp

Dear Honorable Levinia Brown:

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

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.

NIRB Assessment and Screening Decision

After a thorough assessment of all material provided to the Board (please see Appendix A), 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

Project-Specific Conditions Recommended be incorporated into the Government of Nunavut Land Use Permit pursuant to Section 12.4.4 (a) of the NLCA

The Board is recommending the following project-specific conditions be imposed upon M&T Services Ltd. (the Proponent) through the Government of Nunavut Land Use Permit issued to the Proponent:

1. Should the Proponent wish to alter the camp-site location, all required land-use authorization must be applied for with the appropriate authorizing authority.
2. The Proponent must operate in accordance with all operating procedures as stated in all project information filed with NIRB, namely:
 - Proposed storage methods for fuel and hazardous wastes
 - Methods of disposal of wastes
 - Water intake methods
 - Equipment use
3. The Proponent shall ensure that the land use area is kept clean and tidy at all times.
4. The Proponent shall prepare the site in such a manner as to prevent rutting of the ground surface.
5. The Proponent shall not do anything that will cause erosion of the banks of any body of water on or adjacent to the land and shall provide necessary controls to prevent such erosion.
6. The Proponent shall be required to undertake corrective measures in the event of any damage to the land or water as a result of the Proponent's operation.
7. The Proponent shall not remove any material from below the ordinary high water mark of any water body.
8. If sumps are required for emergency purposes, the Proponent shall locate all sumps above the high water mark of any water body and in such a manner as to prevent the contents from any water body frequented by fish. All sumps must be back-filled upon completion and contoured to match the surrounding landscape.
9. The Proponent shall adopt such measures as required to control erosion by surface disturbance. Sediment and erosion control measures should be implemented prior to, and maintained during the work to prevent sediment entry into the water during a spring thaw.
10. The Proponent 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.
11. The Proponent shall suspend overland travel of equipment or vehicles if rutting occurs.

12. The Proponent shall only use water from sources approved by the Nunavut Water Board.
13. The Proponent shall have a Waste Management Plan approved by the Nunavut Water Board prior to commencing on-site activities. This Plan must include:
 - the procedures followed to address the requirement of accompanying waste manifests for hazardous waste movement
 - a description of the on-site diversion and segregation program for combustible, non-combustible and hazardous wastes, including the definition of 'acceptable non-combustible waste [to go to community land-fill]' (see NIRB Part 1 form, Section 6)
 - operating procedures for the on-site incinerator
 - storage measures to reduce wildlife attraction to camp wastes
14. The Proponent shall immediately submit an Emergency Response and Spill Contingency Plan for approval to the Nunavut Water Board that includes:
 - Follow-up monitoring procedures, including parameters monitored, for any on-site sewage spills
 - Follow-up monitoring, including parameters monitored, for receiving waters associated with short-term sewage sumps
 - Adaptive management plan for sewage treatment, should monitoring results indicate adverse impacts to water quality are occurring
 - Updated Environment Canada contact – Jim Noble (867-975-4644)
 - Procedures for removal of any on-site hydrocarbon contaminated soil
15. The Proponent shall not erect structures or store material on the surface ice of lakes or streams.
16. The Proponent shall locate all structures and storage facilities on gravel, sand or other durable land.
17. The Proponent shall keep the camp clean and tidy at all times so as not to attract carnivores.
18. The Proponent shall contact the Government of Nunavut, Department of Health and Social Services regarding guidelines for complying with Camp Sanitation Regulations.
19. The Proponent shall manage its fuel, chemicals and hazardous wastes as directed by the NWB.
20. The Proponent shall ensure the fuel storage location is above the high water mark of any water body.
21. The Proponent shall ensure that there is no damage to wildlife or wildlife habitat in conducting this operation.
22. The Proponent shall not feed wildlife.
23. The Proponent shall follow procedures outlined in the "Safety in Bear Country Manual", and should contact the Regional/Area Biologist or the Wildlife manager for information and advice on measures which should be taken to minimize the possibility of conflicts/interactions with bears.
24. The Proponent shall not locate any operation so as to block or cause substantial diversion to migration of caribou.
25. The Proponent shall not construct any camp or cache any fuel within 10 km of any "designated caribou crossing". The regional biologist should be contacted for known crossings.

26. From May 15 to July 15, the Proponent shall cease activities that interfere with migration or calving, such as movement of equipment, ATV or snowmobile use until the caribou and their calves have vacated the area.
27. The Proponent shall ensure that during the presence of caribou and muskox within sight and sound of a camp that all personnel will remain quietly in camp.
28. The Proponent shall not conduct any activity associated with the land use operation if critical periods of wildlife cycles are observed (eg. caribou migration, calving, fish spawning or raptor nesting).
29. The Proponent shall ensure there is minimal disturbance to any nesting birds and wildlife in the area. All raptor nests must be avoided by a distance of 1.5km at all times. Harassment of wildlife is prohibited. This includes persistently worrying or chasing animals, or disturbing large groups of animals.
30. The Proponent shall ensure that there is no hunting or fishing by employees of the company or any contractors hired.
31. The Proponent shall not deposit or permit to be deposited, oil, oil wastes, or any other substance harmful to migratory birds in any water or any area frequented by migratory birds in accordance with Section 35 of the Migratory Birds Regulations
32. Pursuant to the Migratory Bird Convention Act Regulations, the Proponent shall ensure that no one disturbs the nests or eggs of migratory birds. If active nests are encountered, the Proponent shall avoid these areas until nesting is complete and the young have left the vicinity of the nest.
33. The Proponent shall not cause disturbance to any species of Special Concern under Schedule 3 of the Species at Risk Act.
34. The Proponent shall develop a monitoring plan for species of special concern as required by the Species at Risk Act (SARA) Section 79 (2). The Proponent shall develop this monitoring plan in consultation with the Government of Nunavut-Department of Environment and Environment Canada. The plan must be submitted to Environment Canada and the Government of Nunavut prior to commencing on-site activities.
35. 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.
36. The Proponent shall avoid any archaeological or palaeontological site.
37. The Proponent shall immediately contact the Government of Nunavut Department of Culture, Language, Elders and Youths (CLEY) if any archaeological or palaeontological site is encountered or disturbed.
38. The Proponent shall have an Abandonment and Restoration Plan approved by the NWB prior to commencing on-site activities.
39. The Proponent is encouraged to hire local people and services, to the extent possible.
40. The Proponent is advised to consult with local residents as well as the Beverly and Qamanirjuaq

Caribou Management Board regarding their activities in the region, and do community consultation regarding the project to keep the communities informed.

Validity of the 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 January 29, 2007 at Cambridge Bay, NU

A handwritten signature in black ink, appearing to read 'E. Copland', is written over a light gray rectangular background.

Elizabeth Copland, A/ Chairperson

APPENDIX A – FILE HISTORY

On December 18, 2006, the Nunavut Impact Review Board (NIRB) received an application from the Government of Nunavut-Community Government Services (GN-CGS) for Nuna M&T Services Ltd.'s construction camp to accommodate the construction crew building the Tehek Lake access road (associated with the Meadowbank Gold Project).

The construction camp will be built within municipal lands, approximately 3.5 – 4 km from Baker Lake.

The information for this temporary camp was **not** included as part of the Meadowbank Gold Project, which was subject to a Part 5 Review.

Therefore, on January 5, 2007 correspondence regarding this temporary construction camp was sent out to the Meadowbank distribution list requesting comments on the project proposal, as per the NLCA Part 4 screening requirements. Included in the correspondence was a list of draft recommended terms and conditions for which reviewers were to provide comments.

In addition, during the Project Certificate meeting in December, NIRB staff became aware that the temporary camp in question may be mobile in nature (for example, as the road construction moved from Commissioners land to Inuit-Owned Land, the camp would move as well). Consequently, in the January 5, 2007 correspondence, the Proponent was advised that if in fact the camp was to be mobile in nature, Nuna M&T should consider placing all camp applications before NIRB to be screened at once. NIRB has not received any information in response to this request. Therefore, this Screening Decision pertains to the one GN-CGS application associated with the camp.

The project activities include the following:

- 60-person mobile camp
- Temporary fuel storage (2-1300 litre Enviro Tank)
- Temporary storage of propane (100lbs)
- Temporary storage of hazardous materials and chemicals
- Use of water and deposition of wastes
- Generation of 1500 litres/day of sewage
- Generation of 5800 litres/day of greywater
- Generation of combustible, non-combustible, and hazardous wastes

Operational procedures identified by the proponent to reduce and/or eliminate potential adverse environmental impacts include:

- Diesel fuel stored in Enviro tanks, with secondary containment measures
- Sewage generated will be transported to the Hamlet of Baker Lake sewage lagoon via vacuum truck
- Greywater generated will be transported to the Hamlet of Baker Lake sewage lagoon via vacuum truck
- Combustible wastes will be incinerated daily
- Non-combustible wastes will be separated, and acceptable waste hauled to community landfill, and leftover non-combustible waste will be disposed of at approved facility
- Hazardous wastes will be disposed of at approved facility
- Water intake pump will be fitted with approved mesh as dictated by DFO Guidelines to prevent the entrapment of fish

The project proposal was distributed to the hamlets of Baker Lake, Chesterfield Inlet, and Rankin Inlet, and to interested Federal and Territorial agencies. The following comments were received from the Parties.

Government of Nunavut – Department of Environment (GN-DOE) Comments

On January 19, 2007 the GN-DOE provided comments on the project proposal. GN-DOE offered recommendations regarding:

- Abandonment and restoration of hydrocarbon contaminated soils
- Hazardous waste management
- Raptor nesting areas

Environment Canada (EC) Comments

On January 8, 2007 EC provided comments on the project proposal. EC offered recommendations regarding:

- Deposition of deleterious substances (*Fisheries Act, Migratory Birds Regulations*)
- Location of sewage and grey water disposal sumps
- Location of fuel storage
- Incineration of combustible wastes
- Sewage Spill response
- Waste Management strategies
- Disturbance of migratory birds, nesting sites
- Species at Risk (Special Concern Status: Short-eared Owl, Peregrine Falcon, Grizzly Bear, Wolverine)

Transport Canada Comments

On January 19, 2007 Transport Canada provided comments to NIRB. These comments stated that the Proponent will be required to deal directly with the Navigable Waters Protection Program for any works to be built or placed in, on, over, under, through, or across navigable waters.