



**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

#### Reasons for Decision

- This screening is for quarrying (extraction of granular material without blasting) which may result in potential eco-systematic and socio-economic impacts.
- The Proponent has submitted an abandonment and restoration plan which, if followed, will minimize the potential eco-systematic and socio-economic impacts.
- No sewage and or waste will be processed and/or disposed of at the work site and any waste will be carried back daily to Iqaluit and disposed of in authorized facilities. Therefore the potential pollution to ground water would be eliminated.
- The Trail Area Deposit is considered an interim (medium term) source of aggregate for infrastructure construction in the City of Iqaluit.

#### TERMS AND CONDITIONS

**The Board is recommending the following or similar project-specific terms and conditions be imposed upon the Proponent through all relevant legislation, pursuant to 12.4.4(a) of the NLCA:**

##### General

1. Prior to commencement of operations, the City of Iqaluit (the Proponent) shall submit to NIRB all copies of authorizations required for the project activities.
2. The Proponent is required to submit to NIRB final site design document.
3. The Proponent is required to file an annual report with the Board no later than March 31 of the year following the year the work was started and each year thereafter until abandonment and restoration of the project site has been completed. The annual report shall contain but not be limited to the following:
  - a. An updated site map;
  - b. A summary of activities undertaken for the year. ( ie. quantity of material extracted, quantity of material stockpiled, volumes, types and methods of waste disposed of );
  - c. A work plan for the following year;
  - d. Wildlife encounters and actions/mitigation taken;
  - e. A summary of local hires and initiatives;
  - f. Occupational Health and Safety Report (summary of accidents and incidents);
  - g. Any spills reported;
  - h. Site photos (i.e. fuel cache, site facilities, sumps);
  - i. Revisions to the Abandonment and Restoration Plan;
  - j. Progressive reclamation work undertaken;
  - k. A summary of how the Proponent has implemented and complied with all project terms and conditions;
  - l. A list with coordinates of any <species under public concern> encountered during the field season;

## **Physical Environment**

4. The Proponent is required to ensure the site for stockpiling and processing of quarried material is contaminant free prior to project activities taking place.
5. Slope of quarry pits should have a horizontal to vertical ratio of 2 to 1 for public safety purposes.
6. The Proponent is required not to obstruct or divert natural drainage unless authorized by DFO and/or the Nunavut Water Board.
7. The construction or disturbance of any stream/lake bed or banks of any definable water course are not permitted unless authorized by the Department of Fisheries and Oceans (DFO).
8. The Proponent is required to adopt measures as required to control erosion by surface disturbance including silt curtains and/or silt fencing.

## **Water**

9. The Proponent shall not deposit or permit the deposit of sediment into any water body.
10. The Proponent shall not deposit, nor permit the deposit of any fuel, chemicals, or wastes into any water body. Be advised that the Fisheries Act, Section 36(3), states that deposition of deleterious substances of any type in water frequented by fish, or in any place, under any conditions, where the deleterious substance that results from the deposit of the deleterious substance may enter any such water, is prohibited.

## **Fuel and Chemical Storage**

11. The Proponent is required to have a Spill Contingency Plan. A copy must be submitted to GN-DOE, GN-CGS and NIRB prior to any activity commencing.
12. The Proponent shall immediately report all spills of petroleum and hazardous chemicals in accordance with the Government Spill Report. Twenty four (24) hour spill report line (867) 920-8130 (if applicable).
13. All waste generated through the operation must be disposed of at an approved facility.

## **Archaeological Sites**

14. The Proponent shall not disturb any archaeological or palaeontological site if an archeological site is encountered or disturbed in the course of the land used activities.
15. The Proponent shall follow the attached conditions from the Government of Nunavut, Department of Culture, Language, Elders and Youth (CLEY) that specify plans and methods of site protection and restoration attached in Appendix B.

## **Wildlife**

16. The Proponent shall ensure that there is no damage to wildlife habitat outside of the site boundary while conducting this land use operation.
17. The Proponent shall avoid active migratory bird nests (nests containing eggs or young) until nesting is complete. The migratory bird breeding season is from approximately May 15 to August 1 and in

accordance with paragraph 6(a) of the Migratory Birds Regulations, no one shall disturb or destroy the nests or eggs of migratory birds.

18. The Proponent shall not locate any operation so as to block or cause substantial diversion to migration of caribou.
19. From May 15 to July 15, the Proponent shall cease activities that interfere with caribou migration or calving, such as the movement of equipment and excavation activities until the caribou and their calves have vacated the area.
20. The Proponent shall adopt a "wildlife has the right of way" policy to minimize road kills and undue stress on animals, near, on or crossing the roadway.

### **Reclamation**

21. The Proponent shall practice progressive reclamation in accordance with the restoration guidelines outlined in Indian and Northern Affairs Canada's document entitled Environmental Guidelines for Pits and Quarries.
22. The Proponent shall complete all clean-up and restoration of the lands used prior to the expiry date of the permit, unless an extension or renewal is granted.

### **Other Recommendations**

23. The Proponent should ensure that all reasonable public safety procedures are implemented during the life of the operation.
24. Any amendment requests deemed by NIRB to be outside the original scope of the project will be considered a new project.

### **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 April 13, 2007 at Sanikiluaq, NU



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Lucassie Arragutainaq, A/Chairperson

## APPENDIX A

### FILE HISTORY

On February 22, 2007, the Nunavut Impact Review Board (NIRB or Board) received the City of Iqaluit's Trail Area Deposit-Quarry Development project proposal from the Government of Nunavut, Community and Government Service (GN-CGS) in Iqaluit. This project consists of two parts; construction of a 1.3 km access road and quarrying of granular aggregate material within municipal boundaries. As per schedule 12-1(3), NLCA, the road construction is exempt from screening as it is construction of a service within a municipality. However the quarry component of the project is classified as industrial activity and must be screened. This project proposal has been assigned file number 07QN020. After a pre-screening review it was determined that NIRB required additional information from GN-CGS prior to commencing the Part 4 Screening. On March 21, 2007, NIRB received the additional information from the GN-CGS necessary to commence the Part 4 Screening.

The project is approximately 1.3 km north of Upper Base, Iqaluit, and should provide approximately 10 to 12 years of aggregate material for the City of Iqaluit based on a yearly consumption of 100,000 cubic metres. The operation period will last from June, 2007 to June, 2027.

The project activities include:

- Quarrying - Extraction of granular material (no blasting )
- Overburden Removal – 1 metre or less

On March 27, 2007, this project proposal was distributed to City of Iqaluit, Iqaluit HTO and interested Federal and Territorial Agencies.

On or before April 7, 2007, comments were received from:

- Government of Nunavut Department of Culture, Language, Elders and Youth (GN-CLEY)
- Government of Nunavut, Department of Environment (GN-DOE).

All parties supported the project. GN-DOE provided recommendations for the Board's consideration.

### Comments and Recommendations

Government of Nunavut, Department of Environment (GN-DOE):

- The proposed area for stockpiling and quarry processing (North 40 Quarry) is contaminated with asbestos and other materials. Therefore clean up of the site is required for this designated use.
- The source of granular material for road construction is contaminant free.
- Slope of quarry pits should have a horizontal to vertical ratio of 2 to 1 for public safety purposes.

Government of Nunavut, Department of Culture, Language, Elders and Youth (GN-CLEY):

- The GN-CLEY provided Archaeological and Palaeontological Resources Terms and Conditions for this land Use Permit Holder.

### Proponent Commitments

Operational procedures identified by the Proponent to reduce and/or eliminate potential adverse environmental impacts from the project proposal include:

- Slump control measures if required, will be detailed during the site design phase.
- No stockpiling will take place on quarry site; extracted material will be transported to another area for processing.
- Safety measures will be developed in accordance with the Mine Safety Act.
- Culverts will be put in place to manage water crossings as well as filter cloth when necessary. Ditching will also be done along the perimeter of the quarry.
- The quarry design and layout will ensure that surface water and underground water is properly diverted to protect the tundra and the access road.
- No sewage and/or waste will be processed and/or disposed at the work site and any waste will be carried back daily to Iqaluit and disposed of in authorized facilities.
- Equipment will be fueled in Iqaluit. If there is a need to fuel equipment on site, then the contractor will use drip pans or other spill prevention measures.
- No chemicals or hazardous waste will be used on site.
- No blasting is being proposed for the extraction of granular material.

## APPENDIX B



### *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]

#### *Palaeontology*

Under the Nunavut Act<sup>1</sup>, 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*<sup>2</sup>, 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:

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

<sup>1</sup>

s. 51(1)

<sup>2</sup>

P.C. 2001-1111 14 June, 2001

“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.