

## SCREENING DECISION

NUNAVUT WATER BOARD  
OCT 10 1998  
PUBLIC REGISTRY

Dear Mr. Kudloo:

**Authority:**

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.

The primary objectives of the Nunavut Land Claims Agreement is referenced in the screening section 12.4.4 (a) are set out in section 12.2.5 of the Land Claims 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.

The decision of the Board in this case is (12.4.4):

- a) the proposal may be proceed 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 Decisions:**

NIRB's decision is based on specific considerations that reflect the primary objectives of the Land Claims Agreement. Our considerations in making this decision included:

- impact to water quality, aquatic habitat and wildlife and fish populations from chemicals, drill fluids and cuttings and potential fuel spills;
- storage and disposal of chemicals, fuel, garbage, sewage and gray water, and impact of these on the ecosystem;
- clean up and restoration of the camp site and drilling locations upon abandonment;
- the impact of drilling activities on the ecosystem;
- the impact of exploration activities on archaeological sites in the area;
- the impact of exploration activities on tourism, outfitting, harvesting and traditional use of the area.

**Terms and Conditions:**

- That the terms and conditions attached to this screening report will apply.

**Location and Area**

1. The Permittee shall not conduct this land use operation on any lands not designated in the accepted application, unless otherwise authorized in writing by the Engineer.
2. The Permittee shall remove from Territorial Lands, all scrap metal, discarded machinery and parts, barrels and kegs, buildings and building material.
3. The Permittee shall not construct an adit or drill site within 30 metres of the normal high water of a stream unless approval in writing is obtained from the Engineer.
4. The Permittee shall locate all camps on gravel, sand or other durable land.
5. The Permittee shall use existing campsite.

**Time**

6. The Permittee shall advise a Land Use Inspector at least 10 days prior to the completion of the land use operation of (a) their plan for removal or storage of equipment and materials, and (b) when final clean-up and restoration of the lands used will be completed.

7. The Permittee shall remove all ice bridges prior to spring break-up or completion of the land use operation unless otherwise approved in writing by a Land Use Inspector.
8. The Permittee shall remove all snow fills from stream crossings prior to spring break-up or completion of the land use operation unless otherwise approved in writing by a Land Use Inspector.
9. The Permittee shall complete all clean-up and restoration of the lands used prior to the expiry of this permit.
10. The Engineer reserves the right to impose closure of any area to the Permittee in periods when dangers to natural resources are severe.

#### **Equipment**

11. The Permittee shall not use any equipment except of the type, size, and number that is listed in the accepted application, unless otherwise authorized in writing by the Land Use Inspector.
12. The Permittee shall burn all combustible garbage and debris in a container acceptable to a Land Use Inspector.
13. The Permittee shall keep all garbage and debris in a metal container until disposed of.

#### **Methods and Techniques**

14. The Permittee shall plug all bore holes as the land use operation progresses.
15. The Permittee shall refill and restore bore hole craters as the land use operation progresses.
16. The Permittee shall remove all wire from the land as the land use operation progresses.
17. The Permittee shall not erect camps or store material on the surface ice of streams.

#### **Type, Location, Capacity and Operation of Facilities**

18. The Permittee shall not locate any sump within thirty(30) metres of the normal high water mark any stream.
19. The permittee shall maintain all drill waste at least 1.2 metres below the lowest elevation of contiguous surrounding ground surface at all times.
20. The Permittee shall backfill and restore all sumps prior to the expiry date of this permit.

21. The Permittee shall ensure that the land use area is kept clean and tidy at all times.

#### **Control or Prevention of Flooding, Erosion and Subsidence of Land**

22. The Permittee shall, where flowing water from bore holes is encountered, plug the bore hole in such manner as to permanently prevent any further outflow of water.

23. The artesian occurrence shall be reported to the Engineer within forty-eight (48) hours.

24. The Permittee shall remove any obstruction to natural drainage by part of this land use operation.

25. The Permittee shall not cut any stream bank unless authorized in writing by a Land Use Inspector.

26. The Permittee shall use any material other than water in the construction of ice bridges.

27. The Permittee shall not allow any ice bridge to hinder the flow of water in any stream.

28. The Permittee 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.

29. The Permittee shall suspend overland travel of equipment or vehicles if rutting occurs.

#### **Use, Storage, Handling and Disposal of Chemical or Toxic Material**

30. The Permittee shall not use chemicals in connection with the land use operation without the prior approval of the Engineer.

31. The Permittee shall deposit all sewage into a sump.

32. The Permittee shall deposit all drill waste into a sump.

33. The Permittee shall not allow any drilling waste to spread to the surrounding lands, or water bodies.

34. The Permittee shall burn all garbage and debris daily.

35. The Permittee shall remove all noncombustible garbage and debris from the land use area to a disposal site approved in writing by a Land Use Inspector.

36. The Permittee shall dispose of all combustible waste petroleum products by incineration or removal.

37. The Permittee shall dispose of all toxic or persistent substances in a manner as approved in writing by the Engineer.
38. The Permittee shall report all spills immediately in accordance with instructions contained in "Spill Report" form N.W.T. 1086(10/79). 24 hour spill report line (867) 920-8130.

#### **Wildlife and Fisheries Habitat**

39. The Permittee shall not unnecessarily damage wildlife habitat in conducting this land use operation.
40. The permittee shall not feed wildlife.
41. The harmful alteration, disruption or destruction of fish habitat is prohibited under section 35 of the Fisheries Act, unless authorized by regulation. No disturbance of the bottom or banks of any definable watercourse is permitted unless authorized by DFO. DFO recommends that mechanized clearing not be permitted within 30 metres of the normal high water mark of a watercourse in order to maintain a vegetation mat for bank stabilization
42. If applicable, the construction of any winter stream/lake crossings to access drill sites should be located to minimize approach grades. The use of material other than ice or snow to construct a temporary crossing over any ice-covered stream is prohibited under Section 11 of the Northwest Territories Fishery Regulation, unless authorized by a Fishery Officer. All temporary crossings shall be removed prior to spring breakup in a manner and to the satisfaction of a Fishery Officer.
43. The deposition of deleterious substance into water bodies frequented by fish is prohibited under Section 36 of the Fisheries Act unless authorized by regulation. The proponent shall, therefore, ensure that any chemicals, fuel or wastes associated with the proposed project do not enter any such waters.
44. The Permittee shall not erect camps or store material on the surface ice of streams or lakes.

#### **Petroleum Fuel Storage**

45. The Permittee shall report in writing to a Land Use Inspector the location and quantity of all petroleum fuel cache within ten (10) days after the establishment.
46. The Permittee shall not place any petroleum storage containers within thirty (30) metres of the normal high water mark of any water body.
47. The Permittee shall not allow petroleum product to spread to surrounding land or into water bodies.

48. The Permittee shall have one extra fuel storage container on site equal to, or greater than, the size of the largest fuel container.
49. The Permittee shall not use bladders for storing petroleum products.
50. The Permittee shall not use bladders for transporting petroleum products.
51. The Permittee shall mark all fuel containers with the Permittee's name.

#### **Other Recommendations**

1. NIRB would like to encourage the proponent to hire local people and services, to the extent possible, and to continue consulting with local residents regarding their activities in the region.
2. Any amendment requests deemed by NIRB to be outside the original scope of the project will be considered a new project.
3. That the Dept. of Fisheries and Oceans, Dept. of Environment, Nunavut Water Board and Nunavut Impact and Review Board should be advised of any material operation conditions or changes to plans associated with this land use activity.

#### **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 October 9, 1998 at Cambridge Bay, NT

  
Larry Pokok Aknavigak, Chairperson

cc. Nunavut Water Board  
Gjoa Haven, NT