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Indian and Northern Affairs Canada
Field Operations
P.O. Box 100
Iqaluit, Nunavut
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Your file - Votre référence

Our file - Notre référence

May 12, 2006

John Hussey
Acting Chief Administrative Officer
City of Iqaluit
Box 460
Iqaluit, Nunavut
X0A 0H0

Dear Mr. Hussey:

Re: Clarification of Indian and Northern Affairs Canada Inspector's Direction of July 8, 2004 related to the extraction of aggregate material from the North 40 site.

Thank you for your participation in our meeting yesterday among representatives of the Nunavut Regional Office, the Government of Nunavut, and the City of Iqaluit regarding the extraction of granular material from the North 40 area in Iqaluit. As discussed at this meeting, Indian and Northern Affairs Canada (INAC) is providing clarification on past letters of direction from departmental inspectors relating to granular quarry activities at the North 40.

In summer 2004, two inspector's letters of direction were written to the City of Iqaluit in response to the appearance of waste in waters adjacent to the North 40 location. One dated June 3, 2004 and a second dated July 8, 2004. The latter supercedes the former. This letter clarifies conditions outlined in the July 8, 2004 letter. It is important to remember that, due to the historic use of the North 40 location as a dump site, the City of Iqaluit's granular quarry activities could disturb or uncover existing waste, possibly contaminating the environment if appropriate mitigation measures are not undertaken. Also, contaminated gravel found at the North 40 location could be used inadvertently for construction or other activities in Iqaluit if sufficient precautions are not applied. For these reasons, and in respect of INAC's authority and obligations under the Nunavut Waters and Nunavut Surface Rights Tribunal Act, the department expects that the City of Iqaluit will comply with the following clarified requirements from the July 8, 2004 inspector's letter of direction.

1. Prior to commencing granular extraction from the North 40 location, the City of Iqaluit shall submit to the Nunavut Water Board a strategy for managing any existing waste disturbed and / or encountered during granular extraction activity.

2. The City of Iqaluit shall submit to the Nunavut Water Board an Abandonment and Restoration Plan for the North 40 municipal quarry, including the management of existing waste uncovered and/or disturbed during granular extraction. This would not be a remediation plan for the North 40 metal dump; however, it should include measures to ensure the protection of the environment from contamination, including possible contamination from existing waste uncovered and/or disturbed during granular extraction activity.
3. The City of Iqaluit shall ensure that all contractors extracting aggregate from the North 40 location abide by the July 8, 2004 letter of direction as here clarified.
4. Disturbance of permanent water bodies within or adjacent to the North 40 location is prohibited unless all required approvals and authorizations are obtained from the appropriate authorities.
5. Silt curtains and any other required protection will be installed previous to allowing any equipment to operate within five (5) metres of any water bodies.
6. The City of Iqaluit shall take all reasonable preventative measures to ensure that no organic, inorganic or otherwise deleterious substances resulting from North 40 quarrying activities enter any water bodies.
7. The City of Iqaluit shall take all reasonable measures to immediately mitigate any release of organic, inorganic, or otherwise deleterious substances into the environment due to North 40 quarrying activities.
8. The City of Iqaluit shall ensure that a Spill Report is completed and submitted to the 24-Hour Spill Line at (867) 920-8130 for all unauthorized releases of organic, inorganic, or otherwise deleterious substances into the environment.
9. The City of Iqaluit shall outline areas of uncontaminated safe quarry activities to the best of their ability. This information will be communicated to all City and contract employees working at the North 40 location.
10. The City of Iqaluit shall continue the aggregate sampling protocol described in the City's letter to INAC of July 8, 2004 (Brad Sokach July 8, 2004 letter to Scott Stewart).
11. If, during excavation of aggregate, waste material is encountered, the City shall stop processing, evaluate the waste encountered, and then segregate the waste. Any metal or other waste encountered during the extraction of aggregate material will be segregated and separately stored such that said waste can be evaluated by the Inspector during and/or after the extraction season.
12. Water sampling will be performed during each week of quarrying operations at the Self Monitoring Program (SMP) sites identified by the INAC inspector.

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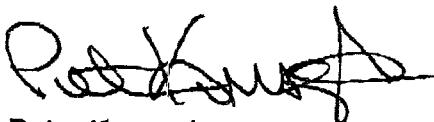
13. All sampling will be performed following appropriate sampling protocols.
14. All sample testing will be conducted in accordance with CCME criteria and all sample analysis will be conducted by a laboratory certified by the Canadian Association of Environmental Analytical Laboratories.

We hope that these clarifications are of value to the City of Iqaluit and have made clearer INAC's expectations for the management of possible environmental impacts arising from granular extraction activities at the North 40 location. Should you have further questions or concerns, please do not hesitate to contact our office by telephone at (867) 975-4295 or by reply letter. As you are aware, compliance with the conditions of the July 8, 2004 letter of direction, even as clarified above, do not exclude the City of Iqaluit from following all Federal and Territorial regulations that may apply to its activities.

City of Iqaluit participants in yesterday's meeting also mentioned that the anticipated granular extraction activities at the North 40 location for the 2006 construction season may not require a water license. This could be the case and we encourage you to refer to the Nunavut Waters and Surface Rights Tribunal Act to be certain. The Act can be found at the following website, <http://laws.justice.gc.ca/en/N-28.8/203360.html>, and Sections 11 and 12 of the Act outline the requirements for a water licence.

Thank you again for your participation in yesterday's meeting.

Sincerely,



Peter Kusugak
Manager of Field Operations

cc. Doug Sitland, Community Government and Services, Government of Nunavut
Philippe DiPizzo, Executive Director, Nunavut Water Board