



NIRB File No.: **09AN049**

November 6, 2009

Hamlet of Chesterfield Inlet  
c/o David Kattegatsiak  
Community Economic Development Officer  
P.O. Box 10  
Chesterfield Inlet, NU X0C 0B0

Via email: [edo\\_hamlet@qiniq.com](mailto:edo_hamlet@qiniq.com)

**Re: Outstanding information required to facilitate the NIRB's screening of the *Josephine Lake Road* project proposal**

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Dear David Kattegatsiak:

On June 4, 2009 the Nunavut Impact Review Board (NIRB or Board) received the Hamlet of Chesterfield Inlet's (Proponent) *Josephine Lake Road* project proposal from the Kivalliq Inuit Association (KIA). On June 10, 2009 the NIRB received a positive conformity determination (Keewatin Regional Land Use Plan) from the Nunavut Planning Commission for this file.

Following a preliminary completeness check, the NIRB determined that this project proposal did not contain sufficient information to permit proper screening and, on June 15, 2009 requested that additional project-specific information be submitted to the Board on or before **July 6, 2009**. By July 15, 2009 the Board had received the requested information and commenced screening of this project proposal in accordance with Section 12.4.1 of the Nunavut Land Claims Agreement (NLCA).

As you know, the NIRB invited interested parties to provide comments to the Board regarding the *Josephine Lake Road* project proposal by July 31, 2009. On or before July 31, 2009 the NIRB received comments from the following interested parties:

- Government of Nunavut – Department of Environment
- Government of Nunavut – Department of Culture, Language, Elders and Youth
- Environment Canada
- Transport Canada
- Fisheries and Oceans Canada
- Indian and Northern Affairs Canada

All comments received pertaining to this project proposal can be obtained from the NIRB's ftp site at: <ftp://ftp.nirb.ca/SCREENINGS/ACTIVE%20SCREENINGS/09AN049-Hamlet%20of%20Chesterfield%20Inlet%20-%20Josephine%20Lake%20Road/1-SCREENING/02-DISTRIBUTION/COMMENTS/>.

Parties' comments are summarized as follows:

- An overview of heritage resources within the project area has not been commissioned
- There are discrepancies regarding project location coordinates
- Clarification is required regarding of project activities covered by current application
- Clarification is required regarding the preferred road routing and details on associated water crossings
- A Spill Contingency Plan has been omitted
- An Abandonment and Restoration Plan has been omitted
- There are concerns regarding abutment and culvert construction materials, fuel transfers and spill response procedures

Due to these identified concerns and omissions, on August 6, 2009 the NIRB provided the Proponent with an opportunity to address comments and provide the requested information before proceeding with the next steps of the screening process. The NIRB requested that the Proponent respond to this request for information by **August 14, 2009**.

To date, the NIRB has not received the requested information from the Proponent, despite numerous attempts to follow up periodically with the Proponent as follows:

- August 28, 2009: NIRB phone call to Proponent
- August 28, 2009: NIRB sends follow up email to Proponent
- August 31, 2009: Proponent emails response to advise it was still working to compile information
- September 9, 2009: NIRB phone call to Proponent's consultant (Maskwa Engineering)
- September 23, 2009: NIRB phone call to Maskwa Engineering revealed Proponent still working to compile requested information

The NIRB is tasked with making one of four decisions in accordance with Section 12.4.4 of the NLCA as it pertains to the screening of project proposals. Section 12.4.4 of the NLCA 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.*

Owing to the outstanding information requirements for this file, it appears that the Board may be unable to make a NLCA 12.4.4 (a, b, or d) screening determination as listed above. The Proponent has failed to address the deficiencies as noted in correspondence sent August 6, 2009 (attached), leaving the Board with the option of issuing a screening determination pursuant to section 12.4.4 (c) of the NLCA.

Prior to making its decision, the NIRB would like to provide the Proponent with a final opportunity to submit the required information on or before Monday **November 16, 2009**. Failure to do so will result in the project proposal being returned for clarification in accordance with the NLCA, Section 12.4.4 (c) as detailed above. If the Proponent determines that additional time is required to cure these deficiencies, the NIRB advises that the Proponent withdraw its application with the Kivalliq Inuit Association and the NIRB, and re-submit a project proposal once the requested information has been compiled.

Please forward any forthcoming submission to the attention of the NIRB at [info@nirb.ca](mailto:info@nirb.ca) or by fax at 867-983-2594. Should you have any questions or require additional clarification, please feel free to contact the NIRB's Technical Advisor, Amanda Hanson, at 867-983-4615 or [ahanson@nirb.ca](mailto:ahanson@nirb.ca).

Sincerely,



Ryan Barry  
Director, Technical Services  
Nunavut Impact Review Board

Cc:                   Distribution List  
                      Spencer Dewar, Indian and Northern Affairs Canada  
                      Luis Manzo, Kivalliq Inuit Association  
                      Richard Johnston, Maskwa Engineering  
                      Lillian Simik, A/Senior Administrative Officer, Hamlet of Chesterfield Inlet

Attachment:       NIRB correspondence to the Proponent requesting additional information (August 6, 2009)



NIRB File No.: 09AN049  
KIA File No.: KVRW08E22

August 6, 2009

Hamlet of Chesterfield Inlet  
c/o David Kattegatsiak  
Community Economic Development Officer  
P.O. Box 10  
Chesterfield Inlet, NU X0C 0B0

Via email: [edo\\_hamlet@qiniq.com](mailto:edo_hamlet@qiniq.com)

**Re: Opportunity to Address Comments Received and Additional Information Required**

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Dear David Kattegatsiak:

On June 4, 2009 the Nunavut Impact Review Board (NIRB or Board) received the Hamlet of Chesterfield Inlet's (the Hamlet or Proponent) *Josephine Lake Road* project proposal from the Kivalliq Inuit Association (KIA). On June 10, 2009 the NIRB received a positive conformity determination (Keewatin Regional Land Use Plan) from the Nunavut Planning Commission for this file.

Following a preliminary completeness check, the NIRB determined that this project proposal did not contain sufficient information to permit proper screening and, on June 15, 2009, requested that additional project-specific information be submitted to the Board on or before July 6, 2009. The Board received the required information on July 6, 14, and 15, 2009 and commenced screening of this project proposal in accordance with Section 12.4.1 of the Nunavut Land Claims Agreement (NLCA).

As you know, the NIRB recently invited interested parties to provide comments to the Board regarding the *Josephine Lake Road* project proposal by July 31, 2009. On or before July 31, 2009, the NIRB received comments from the following interested parties:

- Government of Nunavut – Department of Environment
- Government of Nunavut – Department of Culture, Language, Elders and Youth
- Environment Canada
- Transport Canada
- Fisheries and Oceans Canada
- Indian and Northern Affairs Canada

A *summary* of the comments and concerns received during the public commenting period for this project proposal is included as **Appendix A** to this letter.

All comments received and pertaining to this project proposal may be obtained from the NIRB's ftp site at the following address:

<ftp://ftp.nirb.ca/SCREENINGS/ACTIVE%20SCREENINGS/09AN049-Hamlet%20of%20Chesterfield%20Inlet%20-%20Josephine%20Lake%20Road/1-SCREENING/02-DISTRIBUTION/COMMENTS/>

Due to these comments and concerns, the NIRB would like to provide the Hamlet with an opportunity to address all comments and concerns before reporting its determination on this file to the Minister. In preparation of your response, it is strongly recommended that the Hamlet review all comment submissions provided to the NIRB, and communicate with the Board regarding any items requiring clarification.

Furthermore, on August 6, 2009, the NIRB received a Non-Technical Summary from the Hamlet (attached) which indicated that the road routing will follow route two as identified in maps provided with the original application. Also, the currently stated purpose of the road development is to provide access to the mineral exploration site currently operated and maintained by Shear Minerals Ltd., which differs from the purpose stated in the original project application materials as follows: the establishment of eco-tourism and sight-seeing sites; the establishment of local business opportunities; the improvement of dock service for sealift and other shipping operations; the establishment of commercial fishing sites; tourist camp sites and traditional camp sites; and furthermore, that a link to mining developments such as Shear Minerals Ltd would provide additional business opportunities within the community (see Project Work Plan, dated July 2, 2009). The proposed objectives and uses of the road are of critical importance to the NIRB as it must consider the potential for direct, indirect, and cumulative impacts from this project.

Also, by copy of this letter, the NIRB respectfully requests that Shear Minerals Ltd provide information regarding its proposed utilisation of the proposed road from Josephine Lake to the Hamlet of Chesterfield Inlet and, where applicable, provide specific details as they relate to:

- Shear Minerals Ltd's intended use of the road (frequency, vehicle type, purpose of use); and,
- How the proposed road may affect operation at the exploration camp/site including, but not limited to:
  - Security requirements,
  - Safety procedures,
  - Project fuel requirements,
  - Inuit and local hires,
  - Contracts with local businesses, and
  - Level of general site activity.

The NIRB requests that a response to all identified items be submitted by **August 14, 2009**. Please forward submissions to the attention of the NIRB's Manager of Environmental Administration, Leslie Payette, at [info@nirb.ca](mailto:info@nirb.ca) or via fax to 867-983-2594.

Should you have any questions or concerns, or require further clarification on NIRB's information requirements, please feel free to contact me directly at 867-983-4615 or [ahanson@nirb.ca](mailto:ahanson@nirb.ca).

Sincerely,

Amanda Hanson  
Technical Advisor  
Nunavut Impact Review Board

Cc: Pamela Strand, Shear Minerals Ltd ([pstrand@interbaun.com](mailto:pstrand@interbaun.com))  
Allison Rippin-Armstrong ([ar\\_enviro@yahoo.ca](mailto:ar_enviro@yahoo.ca))  
Brian Aglukark, Nunavut Planning Commission ([aglukark@nunavut.ca](mailto:aglukark@nunavut.ca))  
Phyllis Beaulieu, Nunavut Water Board ([licensing@nunavutwaterboard.org](mailto:licensing@nunavutwaterboard.org))  
Spencer Dewar, Indian and Northern Affairs Canada ([spencer.dewar@inac-ainc.gc.ca](mailto:spencer.dewar@inac-ainc.gc.ca))  
Luis Manzo, Kivalliq Inuit Association ([lmanzo@kivalliqinuit.ca](mailto:lmanzo@kivalliqinuit.ca))  
Distribution List

Attach: Appendix A – Comment Summary  
Correspondence from the Hamlet of Chesterfield Inlet to the NIRB (August 6, 2009)

## Appendix A – Comment Summary

### GN-CLEY

- The Proponent should retain the services of a professional archaeologist to conduct a preliminary heritage resources overview assessment of the project area. A copy of this assessment should be provided to the GN-CLEY upon completion.

### GN-DOE

- The Proponent should clarify the project coordinates, as some discrepancies within application materials were noted. Coordinates for road routing and associated water crossings, and any quarry sources (existing and new) should be clearly noted.
- The Proponent should provide clarification regarding a temporary runway identified at the end of proposed Route 1 in a map provided by the Proponent.
- The Proponent must submit a separate application for any new quarry sources identified by the proposed project activities prior to any future development.
- The Proponent should provide additional information to address omissions identified in the Spill Contingency Plan.

### EC

- The Proponent should note that the *Fisheries Act* may be applicable to this project.
- The Proponent should utilize only clean abutment and culvert construction materials.

### DFO

- The Proponent should clarify the preferred road routing and provide details of associated water crossings within the work plan.
- Application contained insufficient information to determine the extent of the impact on fish and fish habitat through installation of culverts. The Proponent should provide the location and detailed description of any such water crossings.
- The Proponent should provide additional information regarding proposed water crossings and any infilling of a water course or water body.
- The Proponent should obtain the necessary approvals from DFO prior to road construction.

### TC

- Components of the proposed project may have the potential to cause interference to safe navigation.
- Advise that the Proponent contact the Navigable Waters Protection Program (NWPP) to discuss details of proposed project, and further, that the Proponent formally submit an application to the NWPP for potential approval in accordance with the *Navigable Waters Protection Act*.

### INAC

- The Proponent may be required to apply for a Land Use Permit or Land Lease with Indian and Northern Affairs Canada in accordance with the *Territorial Lands Act*.



CHESTERFIELD INLET, NUNAVUT X0C 0B0  
PHONE (867) 898-9951 FAX (867) 898-9108

August-4-09

Amanda Hanson, Technical Advisor  
Nunavut Impact Review Board  
P.O. Box 1360  
Cambridge Bay, Nunavut X0E 0C0  
Tel: (867) 983-4615 Fax: (867) 983-2594



Attention: Amanda Hanson:

**RE: Josephine Lake Access Trail Non-Technical Summary:**

The Hamlet of Chesterfield Inlet access trail development proposal towards Josephine Lake plan is to develop a proposed access trail to mineral exploration site (*Shear Minerals Ltd. based camp – route two*) southwest of Chesterfield Inlet approximately thirty-five kilometres, as copy attached. This includes accessing a plan for potential quarry zone due to limited gravel around the municipal boundary of Chesterfield Inlet with heavy-equipments such as front end loader, Cat, dump truck and grader with approximately six/seven workers on site determined upon funds submitted under community access road program – Government of Nunavut; inclusive subcontract work with local heavy-equipment operators based on financial support to operate with the *Municipality of Chesterfield Inlet* on annual access trail project.

The intent of this access trail development is to coordinate the project annually (summer & fall season) to proposed route two as originally plan by the *Hamlet of Chesterfield Inlet* and to work with *Shear Minerals Ltd.* including local businesses/organizations/community members to developed potential economic opportunities; inclusive to work and coordinate with engineer firm hired to survey mapping route to Josephine Lake.

If you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

**Joe Issaluk, Deputy Mayor**

Cc: SAO Hamlet of Chesterfield Inlet P.O. Box 10 Chesterfield Inlet, Nunavut X0C 0B0  
David Kattegatsiak, CEDO Hamlet of Chesterfield Inlet P.O. Box 10 Chesterfield Inlet, Nunavut X0C 0B0