



SCREENING DECISION REPORT NIRB FILE NO.: 09AN049

KIA File No.: KVRW08E022

December 1, 2009

Honourable Chuck Strahl
Minister of Indian and Northern Affairs Canada
Indian and Northern Affairs Canada
Gatineau, QC

Via email: strahl.c@parl.gc.ca

Re: Screening Decision for the Hamlet of Chesterfield Inlet's "Josephine Lake Road" Project Proposal, NIRB File No. 09AN049

Dear Honourable Minister:

As can be seen from the more detailed comments below, the Nunavut Impact Review Board (NIRB or Board) is recommending that Hamlet of Chesterfield Inlet's "Josephine Lake Road" project proposal be returned to the proponent for clarification pursuant to **Section 12.4.4(c)** of the Nunavut Land Claims Agreement (NLCA).

LEGAL FRAMEWORK

The primary objectives that govern the functions of the Nunavut Impact Review Board (NIRB or Board) are set out in Section 12.2.5 of the Nunavut Land Claims Agreement (NLCA) as follows:

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.

Further, 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.*

PROCEDURAL HISTORY AND BACKGROUND

On June 4, 2009 the Kivalliq Inuit Association referred the Hamlet of Chesterfield Inlet's (the Hamlet or Proponent) Josephine Lake Road project proposal to the NIRB for screening pursuant to Article 12 of the NLCA (see Appendix A for a project summary). 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 on or before July 6, 2009. The Board received much of the requested information on July 6, 14, and 15, 2009 and commenced screening of this project proposal in accordance with Section 12.4.1 of the NLCA. Due to the delay in receipt of the required information, on July 20, 2009, the NIRB requested additional time to screen the project proposal in accordance with Section 12.4.5(b) of the NLCA.

This proposal was distributed to community organizations in Chesterfield Inlet and to relevant federal and territorial government agencies and Inuit organizations. The NIRB requested that interested parties review the proposal and provide the Board with any comments or concerns by July 31, 2009 regarding:

- Whether the project proposal is likely to arouse significant public concern; and if so, why;
- Whether the project proposal is likely to cause significant adverse eco-systemic and socio-economic effects; and if so, why;
- Whether the project is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (providing any recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

On or before July 31, 2009, the NIRB received comments from the following interested parties (see Appendix B):

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

As a result of the comments received, on August 6, 2009 NIRB provided an opportunity for the Proponent to address comments and provide clarification and additional information for the Board's consideration. In addition to a significant amount of outstanding information, clarification was requested with regard to the routing of the road and the objective of the project, as conflicting information had been submitted to the Board. The objective of the project as stated in the Proponent's original application was to facilitate the following:

- Access to historic sites, and/or establishment of traditional camping grounds;
- Establishment of tourist and commercial fishing sites to be accessible by road;

- Provide business opportunities for vehicle and/or all terrain vehicle rentals;
- Potential road link to mineral exploration site(s) such as Shear Minerals Ltd.; and
- Establishment of long-term crushed gravel pit for future economic opportunities

In subsequent submissions, the objectives of the project had *changed* to the following:

- Establishment of eco-tourism and sight-seeing sites;
- Establishment of local business opportunities;
- Improvement of dock service for sealift and other shipping operations;
- Establishment of commercial fishing sites;
- Improvement of access to tourist camp sites and traditional camp sites; and
- Provision of a link to potential mining developments such as Shear Minerals Ltd.

Not surprisingly, in its August 6, 2009 correspondence to the Proponent, the Board further advised that more information was required, particularly as the proposed objectives and uses of the road are of critical importance to the NIRB in its consideration of the potential for direct, indirect, and cumulative impacts from this project. Also, by copy of its letter, the NIRB requested that Shear Minerals Ltd. provide information regarding its intended utilization of the proposed road from Josephine Lake to the Hamlet of Chesterfield Inlet. The NIRB requested that the Proponent and Shear Minerals Ltd. submit their respective responses to the Board by August 14, 2009.

In its response to the Board dated August 13, 2009 Shear Minerals Ltd. stated:

Shear Minerals has never requested the construction of the road as proposed by the Hamlet and has yet to sit down with the Hamlet of Chesterfield Inlet to discuss and address the scope of their road project in detail. Although we are aware of the road project and have received maps of their proposed routes from the Hamlet, we have not seen the design or specifications for the road or the possible use of the road.

To date, the NIRB has not received the requested information or a response from the Proponent, despite numerous attempts to follow up:

- 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 indicated that the Proponent was still working to compile the requested information.

Nonetheless, on November 6, 2009 the Board issued correspondence to the Proponent which offered a final opportunity to submit the requested information (see correspondence, Appendix C). In its correspondence the Board advised that the consequence of failing to submit the required information could result in the NIRB returning the proposal to the Proponent for clarification in accordance with the NLCA Section 12.4.4(c). The Board has not received a response to this final request.

NIRB ASSESSMENT AND DECISION

After completing a review of the application materials received and taking into account the Proponent's failure to meet the information requests of the NIRB and of commenting agencies, it is the Board's

opinion that this project proposal is insufficiently developed to permit proper screening. Repeated attempts to have the Proponent address deficiencies have not yielded the required information.

Owing to the outstanding information requirements for this file, the Board does not have sufficient information to make a determination in accordance with Section 12.4.4(a), (b) or (d) of the NLCA as listed above. As the Proponent has failed to address the deficiencies noted by the Board throughout the screening of the project, the Board has determined that, pursuant to Section 12.4.4(c) of the NLCA, the proposal is insufficiently developed to permit proper screening, and should be returned to the proponent for clarification.

RECOMMENDATION TO THE MINISTER

Without receiving the requested information, the NIRB is unable to assess this project proposal in accordance with those factors listed in sections 12.4.2(a) and 12.4.2(b) of the NLCA. **As such, the Board recommends to the Minister that this project proposal be returned to the proponent for clarification in accordance with Section 12.4.4(c) of the NLCA.**

In making this recommendation, the Board acknowledges that it is uncommon for NIRB to require the Minister to return a project proposal for clarification in this manner. However, the potential for significant adverse impacts to the ecosystem cannot be properly assessed without receiving further information related to this project proposal. These and other concerns relating to the Josephine Lake Road project proposal have also been raised by commenting agencies and, as no further information has been submitted and no indication has been given to suspect such information is forthcoming, they remain unresolved.

Validity of Land Claims Agreement

NLCA 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 December 1, 2009 at Sanikiluaq, NU.



Lucassie Arragutainaq, Chairperson

Cc: Jose Kusugak, President, Kivalliq Inuit Association (jkusugak@kivalliqinuit.ca)
Lorne Kusugak, Honourable Minister of Community & Government Services
(lkusugak@gov.nu.ca; rsuwaksirok@gov.nu.ca)

Appendix A

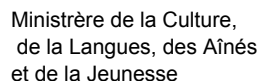
Project Summary

The proposed project involves the construction of an all-season road, extending from the hamlet of Chesterfield Inlet, Kivalliq region, approximately 35 kilometres (km) south to Josephine Lake. The program is proposed to begin in the summer or fall months of 2009 and continue for four months, with project activities continuing the following year. The project schedule is contingent upon funding received and will therefore be determined as funding becomes available.

The project activities include:

- The construction of an (approximately) 35 kilometres (km) all-season road, to continue from an existing road which begins in the hamlet of Chesterfield Inlet, stretching to Josephine Lake;
 - Utilization of heavy equipment including grader, dump truck, loader, and Cat heavy equipment
- Utilization of existing quarry located within the municipality of Chesterfield Inlet as source of granular material for 2009 construction season;
 - Estimated 2,800 cubic metres of material required
- Upgrade/resurface and maintain existing municipal roads;
- Identification of, and access to, future potential gravel sources;
- Road construction has been identified as having the potential to support short and long term economic development opportunities such as:
 - Access to historic sites, and/or establishment of traditional camping grounds
 - Establishment of tourist and commercial fishing sites to be accessible by road
 - Provide business opportunities for vehicle and/or all terrain vehicle rentals
 - Potential road link to mineral exploration site(s) such as Shear Minerals Ltd.
 - Establishment of long-term crushed gravel pit for future economic opportunities

Appendix B
Comment Submissions Received



ph. 897-943-2046
fax. 867-934-2047

**Professional Archaeological Consultants known to be able to conduct Overview
Assessments in Nunavut**

Arctic Archaeology

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Points West Heritage Consulting Ltd.

Jean Bussey
Points West Heritage Consulting Ltd.
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Thomson Heritage Consultants

Callum Thomson and Jane Sproull
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Sandra Ratch
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Environment Environnement
Canada Canada

Environmental Protection Operations
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July 31, 2009

Our file: 4704 004 046
NIRB file: 09AN049

Amanda Hanson
Technical Advisor
Nunavut Water Board
P.O. Box 2379
Cambridge Bay, NU X0B 0C0

Via Email info@nirb.ca

**Re: NIRB 09AN049 – Notice of Part 4 Screening for the Hamlet of Chesterfield Inlet’s
“Josephine Lake Road” Project Proposal**

On behalf of Environment Canada (EC), I have reviewed the information submitted with the above-mentioned application. The following specialist advice has been provided pursuant to the *Canadian Environmental Protection Act*, Section 36(3) of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

The Hamlet of Chesterfield Inlet (Hamlet) has applied to construct an all-season road, extending 35 km from the Hamlet to Josephine Lake. Construction is proposed to begin in the summer or fall of 2009, depending on available funding.

After reviewing the project proposal and supporting documents, Environment Canada (EC) is of the opinion that the proposed project is of a type where the potential adverse effects are highly predictable and mitigable with known technology. EC provides the following comments and recommendations for the Nunavut Impact Review Board’s consideration.

Comments and Recommendations

- The proponent shall ensure that any chemicals, fuel or wastes associated with the proposed project do not enter waters frequented by fish. It is a requirement of **Section 36(3)** of the *Fisheries Act* that all effluent discharged into water frequented by fish be non-deleterious.
- The proponent shall not deposit nor permit the deposit of sediment into any fish bearing waters. EC recommends the use of appropriate sediment and erosion control measures, these may include, but not limited to: the placement of clean rip rap, use of silt screen, matting, or re-vegetation with natural flora. EC recommends the control measures be monitored as necessary to ensure water quality is protected.
- No disturbance of the stream bed or banks of any definable watercourse is permitted; clearing adjacent to streams should be done without disturbing the organic layer.

- Abutment and culvert construction materials shall be clean and contaminant free; gravel/construction materials are not to be gathered from below the high water mark of any watercourse.
- Secondary containment or surface liners (drip pans, fold a tanks, etc.) should be placed under all containers or vehicle fuel tank inlet and outlet points, hose connections and hose ends during fuel or hazardous substance transfers. Secondary containment should be of adequate size and volume to contain and hold fluids for the purpose of preventing spills (the worst-case scenario).
- Please note that any spill of fuel or hazards materials, adjacent to or into a water body, **regardless of quantity**, shall be reported immediately to the 24-hour Spill Line, **(867) 920-8130**.
- The Environment Canada 24 Hour Pager number on page 22 of the Spill Contingency Plan should be removed as this number is no longer in service.

Wildlife

- Section 6 (a) of the Migratory Birds Regulations states that no one shall disturb or destroy the nests or eggs of migratory birds. Therefore, Environment Canada recommends that all activities in which there is a risk of disturbing or destroying nests or eggs be conducted outside the migratory bird breeding season, which extends from approximately May 15 to July 31. These dates are approximate, and if nests containing eggs or young are encountered outside of these dates the proponent should avoid the area until nesting is complete (i.e., the young have left the vicinity of the nest).
- For activities permitted to occur during the breeding season, Environment Canada recommends that the proponent confirm there are no active nests (i.e., nests containing eggs or young) in the vicinity of their operations before activities commence. If active nests of migratory birds are discovered, the proponent should halt all activities in the nesting area until nesting is completed (i.e., the young have left the vicinity of the nest).
- Section 5.1 of the Migratory Birds Convention Act prohibits persons from depositing substances harmful to migratory birds in waters or areas frequented by migratory birds or in a place from which the substance may enter such waters or such an area.
- The following comments are pursuant to the *Species at Risk Act* (SARA), which came into full effect on June 1, 2004. Section 79 (2) of SARA, states that during an assessment of effects of a project, the adverse effects of the project on listed wildlife species and its critical habitat must be identified, that measures are taken to avoid or lessen those effects, and that the effects need to be monitored. This section applies to all species listed on Schedule 1 of SARA. However, as a matter of best practice, Environment Canada suggests that species on other Schedules of SARA and under consideration for listing on SARA, including those designated as at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), be considered during an environmental assessment in a similar manner.

Terrestrial Species at Risk ¹	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility ²
Peregrine Falcon (<i>anatum-tundrius</i> complex ³)	Special Concern	Schedule 1 (<i>anatum</i>) Schedule 3 (<i>tundrius</i>)	Government of Nunavut
Short-eared Owl	Special Concern	Schedule 3	Government of Nunavut
Polar Bear	Special Concern	Pending	Government of Nunavut
Wolverine (Western Population)	Special Concern	Pending	Government of Nunavut

¹ The Department of Fisheries and Oceans has responsibility for aquatic species.

² Environment Canada has a national role to play in the conservation and recovery of Species at Risk in Canada, as well as responsibility for management of birds described in the *Migratory Birds Convention Act* (MBCA). Day-to-day management of terrestrial species not covered in the MBCA is the responsibility of the Territorial Government. Thus, for species within their responsibility, the Territorial Government is best suited to provide detailed advice and information on potential adverse effects, mitigation measures, and monitoring.

³ The *anatum* subspecies of Peregrine Falcon is listed on Schedule 1 of SARA as threatened. The *anatum* and *tundrius* subspecies of Peregrine Falcon were reassessed by COSEWIC in 2007 and combined into one subpopulation complex. This subpopulation complex was listed by COSEWIC as Special Concern.

Impacts could be disturbance, attraction to operations, and destruction of habitat.

Environment Canada recommends:

- Species at Risk that could be encountered or affected by the project should be identified and any potential adverse effects of the project to the species, its habitat, and/or its residence noted. All direct, indirect, and cumulative effects should be considered. Refer to species status reports and other information on the Species at Risk registry at www.sararegistry.gc.ca for information on specific species.
 - If Species at Risk are encountered or affected, the primary mitigation measure should be avoidance. The proponent should avoid contact with or disturbance to each species, its habitat and/or its residence.
 - Monitoring should be undertaken by the proponent to determine the effectiveness of mitigation and/or identify where further mitigation is required. As a minimum, this monitoring should include recording the locations and dates of any observations of Species at Risk, behaviour or actions taken by the animals when project activities were encountered, and any actions taken by the proponent to avoid contact or disturbance to the species, its habitat, and/or its residence. This information should be submitted to the appropriate regulators and organizations with management responsibility for that species, as requested.
 - For species primarily managed by the Territorial Government, the Territorial Government should be consulted to identify other appropriate mitigation and/or monitoring measures to minimize effects to these species from the project.
 - Mitigation and monitoring measures must be taken in a way that is consistent with applicable recovery strategies and action/management plans.
- Implementation of these measures may help to reduce or eliminate some effects of the project on migratory birds and Species at Risk, but will not necessarily ensure that the proponent remains in compliance with the *Migratory Birds Convention Act*, *Migratory*

Birds Regulations, and the *Species at Risk Act*. The proponent must ensure they remain in compliance during all phases and in all undertakings related to the project.

If there are any changes in the proposed project, EC should be notified, as further review may be necessary. If you have any questions regarding the foregoing please contact Carrie Spavor at (867) 975-4631 or via email at carrie.spavor@ec.gc.ca.

Yours truly,

Original signed by

Carrie Spavor
Environmental Assessment Coordinator

c.c: Carey Ogilvie (Head, Environmental Assessment-North, EPO, Yellowknife, NT)
Ron Bujold (Environmental Assessment Technician, EPO, Yellowknife, NT)



Transport Canada Transports Canada

Environmental Affairs – Programs
P.O. Box 8550
3rd Floor, 344 Edmonton Street
Winnipeg, Manitoba
R3C 0P6

Your File Votre référence
NIRB: 09AN049
Our file Notre référence
TC: 7184-70-1-66
NWPP: 8200-09-10615

July 31, 2009

Amanda Hanson
Technical Advisor
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU X0B 0C0

Dear Leslie Payette:

Re: Transport Canada's Review and Comments on the Notice of Part 4 Screening for the Hamlet of Chesterfield Inlet's Josephine Lake Road Proposal

Transport Canada (TC) appreciates the opportunity to participate in the Part 4 Screening process for the above mentioned project proposal as requested by you in your July 17th, 2009 letter. TC is responsible for transportation policies and programs that promote a safe transportation system, ensuring that they work effectively and in an integrated manner.

Our review consisted of the following documents:

- *NIRB Part 1 Summary Application Form in English*
- *Kivalliq Inuit Association Land Use License Application*
- *Maps*
- *NPC Conformity Determination*
- *2009 Project Work Plan*
- *Route Analysis – Executive Summary*
- *Spill Plan*

Based upon this initial review, TC is of the opinion that components of the project proposal may have the potential to cause interference to safe navigation. It is advised that the Proponent contact the *Navigable Waters Protection Program* (NWPP) at the contact information below to discuss the details of the proposed project. Potential areas of interest could include, but not limited to, any work(s) to be built or placed in, on, over, under, through, or across any navigable waterway. This could include but not limited to, the facilities and infrastructure associated with the construction of the proposed 35 kilometer (km) all-season road, to continue from an existing road which begins in the hamlet of Chesterfield Inlet, stretching to Josephine Lake.

The proponent will need a formal submission to the NWPP to subsequently determine if a Navigable Waters Protection Act Approval is required for the proposed works and associated activities to be constructed, operated, and decommissioned. The proponent shall also inform the NWPP of any design, construction, or operational changes accordingly. If the proponent is uncertain of the NWPP's requirements as they pertain to an application for a specific work, please refer to the NWPP Internet site or contact the following NWPP office;

<http://www.tc.gc.ca/marinesafety/oep/nwpp/menu.htm>.

Canada 

Prairie and Northern Region

Navigable Waters Protection Program
Canada Place
1100-9700 Jasper Avenue
Edmonton AB
T5J 4E6
Phone: 780-495-8215
Fax: 780-495-8607

Transport Canada appreciates the opportunity to participate in this review and provide comments to the NIRB for your consideration. Should you have any questions pertaining to these comments, please contact me via email at christopher.aguirre@tc.gc.ca or by telephone at (204) 984-2615.

Regards,



Christopher Aguirre
Transport Canada
Environmental Officer



Fisheries and Oceans
Canada

Pêches et Océans
Canada

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Secteur de l'Arctique de l'est

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NIRB File: 09AN049

DFO File: 09-HCAA-CA7-00019

July 31, 2009

Ms. Leslie Payette
Manager Environmental Administration
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, Nunavut
X0B 0C0

Via E-mail to: info@nirb.ca

Dear Ms. Payette:

Subject: Part 4 Screening of the Hamlet of Chesterfield Inlet's "Josephine Lake Road" project proposal

Fisheries and Oceans Canada (DFO), Habitat Management, would like to thank the Nunavut Impact Review Board (NIRB) for the opportunity to provide input into the NIRB's Part 4 screening of the proposal submitted by the Hamlet of Chesterfield Inlet in support of their Josephine Lake Road development project.

The documents submitted by the Hamlet of Chesterfield Inlet indicate there are several key elements associated with the development of the Josephine Lake Road project. These key elements include:

- Construction of a 35 kilometre all season road extending from Chesterfield Inlet to Josephine Lake.
- Use of an existing quarry.
- Upgrade/maintain existing municipal roads.

Following our review of the above provided information, we are providing specific recommendations and requests for information related to our regulatory mandate under the federal *Fisheries Act* and in context of our national Policy for the Management of Fish Habitat.

Within the *Hamlet of Chesterfield Inlet Road Project Work Plan*, dated July 2, 2009, it states that the Hamlet of Chesterfield Inlet (the applicant) will comply with the legislation under the Nunavut Water Board's and the Kivalliq Inuit Association Lands Department's mandates. DFO would like to remind the Applicant that the proposed works and undertakings must also comply with the *Fisheries Act* as subsection 35(2) states that "no person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat" unless authorized by the Minister of Fisheries and Oceans Canada.

The Project Work Plan, dated July 2, 2009, currently contains information for the construction of the road from the end of the existing road to the junction of proposed routes 1 and 2; however, the preferred route and its watercrossing locations and details do not appear to be in the work plan. DFO notes that the final route selection will be based on future mineral development activity, route suitability, locations of suitable granular borrow material, and approval from community members. Once the preferred route and the proposed number of watercrossings

Canada

have been determined, DFO recommends that the applicant provide this information to the applicable authorizing agencies including DFO, for review and approval.

In the *Route Analysis - Chesterfield Inlet to Josephine Lake, Nunavut* Report, prepared by Maskwa Engineering Ltd., dated March 2009, only one watercrossing is proposed along the 10 km road length from the end of the existing road to junction of routes 1 and 2; however, four culverts are available in the community for use.

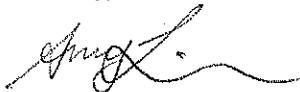
Currently, there is insufficient information to determine the extent of the impact on fish and fish habitat through the installation of the culvert. DFO recommends that the proponent provide additional information in relation to the proposed watercrossings and any infilling of a watercourse/waterbody. For DFO information requirements, the proponent should refer to DFO's "Proponent's Guide to Information Requirements for Review Under the Fish Habitat Protection Provisions of the *Fisheries Act*" (Located at http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/water-eau/requirements-exigences/index_e.asp).

If blasting is required in or near water, the proponent should also refer to our "Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters" (located at http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/water-eau/explosives-explosifs/index_e.asp).

DFO recommends that the Hamlet of Chesterfield Inlet obtain the necessary approvals from DFO prior to the road construction from the end of the existing road to the junction of proposed routes 1 and 2 and subsequently for the road construction from the junction of proposed routes 1 and 2 to the end of the road towards Josephine Lake.

I trust this is of assistance to the Board during the screening of this project proposal. If you have any questions or if I can be of further assistance please contact me at (905) 639-8236 or by email at amy.liu@dfo-mpo.gc.ca.

Sincerely,



Amy Liu
Habitat Management Biologist
Fisheries & Oceans Canada – Eastern Arctic Area

copy Eric Kan, Fisheries and Oceans Canada
 Gary Cooper – Fisheries and Oceans Canada
 Bruce Morley (SAO) – Hamlet of Chesterfield Inlet

COMMENT FORM FOR NIRB SCREENINGS

The Nunavut Impact Review Board (NIRB) has a mandate to protect the integrity of the ecosystem for the existing and future residents of Nunavut. To assess the environmental and socio-economic impacts of the project proposal, NIRB would like to hear your concerns, comments and suggestions about the following project proposal application:

Project Proposal Title: <u>Josephine Lake Road</u>	
Proponent: <u>Hamlet of Chesterfield Inlet</u>	
Location: <u>Chesterfield Inlet, Kivalliq Region</u>	
Comments Due By: <u>July 31, 2009</u>	NIRB #: <u>09YN049</u>

Indicate your concerns about the project proposal below:

no concerns water quality terrain air quality wildlife and their habitat marine mammals and their habitat birds and their habitat fish and their habitat heritage resources in area	traditional uses of land Inuit harvesting activities community involvement and consultation local development in the area tourism in the area human health issues other: _____ _____ _____
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Please describe the concerns indicated above:

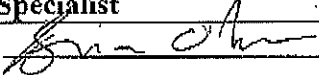
The activities stated may require the Hamlet to apply for a Land Use Permit or a Lease for long term use with Indian and Northern Affairs Canada in accordance with the Territorial Lands Act for the portion on crown land.

Do you have any suggestions or recommendations for this application?

Do you support the project proposal? ☒ Yes ☐ No **Any additional comments?**

Name of person commenting: Brian O'Mara **of** Indian and Northern Affairs Canada

Position: A/Land Administration Specialist **Organization:** _____

Signature:  **Date:** 2009-07-21

Appendix C

Correspondence from NIRB to the Hamlet of Chesterfield Inlet
Re: Outstanding information requirements (November 6, 2009)



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

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

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 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.

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

Re: Opportunity to Address Comments Received and Additional Information Required

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 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.

Sincerely,

Amanda Hanson
Technical Advisor
Nunavut Impact Review Board

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