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SCREENING DECISION

Thomas Kudloo
Chairperson
Nunavut Water Board

**RE: Screening Decision of the Nunavut Impact Review Board (NIRB) on Application:
NIRB 98C03N115 NWB2CON
Ashton Mining – Mineral Exploration near Contwoyto Lake**

- 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 decision of the Board in this case is 12.4.4 (a) the proposal may be processed without a review under Part 5 or 6; NTRB 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:

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:

- the impact of drilling activities on the ecosystem;
- disposal of drill cuttings and waste water;
- impact to water quality, aquatic habitat and wildlife and fish populations from chemicals, drill waste, drill fluids and potential fuel spills;
- storage and disposal of chemicals, fuel, garbage, sewage, and gray water, and impact of these on the ecosystem;
- the impact of noise from drilling activities and their disturbance to wildlife;
- the impact of campsite and equipment on terrain;
- the impact of exploration activities on archaeological sites or cultural landmarks in the area;
- clean up/restoration of the camp site and drilling locations upon abandonment; and

Terms and Conditions:

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

Drill Sites

1. The Permittee shall not conduct any land based drilling within thirty (30) metres of the normal high water mark of a water body.
2. The Permittee shall conduct any the lake-based winter drilling, in accordance with *the Interim Guidelines for On-Ice drilling*. A copy of these Guidelines can be obtained from Mr. Steve Harbicht, Head of Assessment and Monitoring, Environment Canada in Yellowknife at (867) 669-4733.
3. The Permittee shall ensure that all drill cuttings are removed from ice surfaces.
4. The Permittee shall not use drilling muds or additives in connection with drill holes unless they are recirculated or contained such that they do not enter the water, or are certified to be non-toxic.
5. The Permittee shall ensure that the release of total suspended solids in the receiving environment shall be in compliance with *Guidelines for Total Suspended Solids* contained in the *Canadian Council of Ministers for the Environment's (CCME) Canadian Water Quality Guidelines, Chapter 3 - Freshwater Aquatic Life* (i.e. 10mg/L for lakes with background level under 100mg/L, or 10% for those above 100mg/L).
6. The Permittee shall ensure that any drill cuttings and waste water that cannot be re-circulated be disposed of in a properly constructed sump or an appropriate natural depression that does not drain into a waterbody.
7. The Permittee shall ensure that the sump/depression capacity is sufficient to accommodate the volume of waste water and any fines that are produced so that there will be no additional impacts.
8. The Permittee shall not locate any sump within thirty (30) metres of the normal high water mark of any water body.

9. The Permittee shall ensure that disturbance of vegetation from deposit of drill fluids/cuttings is restricted to the area of the sump and the ground prepared for revegetation upon abandonment.
10. The Permittee shall, where flowing water from bore holes is encountered, plug the bore hole in such a manner as to permanently prevent any further outflow of water. If an artesian occurrence shall be reported to the Nunavut Water Board and Land Use Inspector within 48 hours.

Water

11. The Permittee shall ensure that the volume of fresh water for domestic purposes from the lake does not exceed 100 cubic metres per day.
12. The Permittee shall ensure that all water intake hoses are equipped with a screen with an appropriate mesh size to ensure that there is no entrapment of fish.

Fuel and Chemical Storage

13. The Permittee shall ensure that fuel storage containers are not located within thirty-one (31) metres of the ordinary high water mark of any body of water.
14. The Permittee shall ensure that any chemicals, fuels or wastes associated with the project do not spread to the surrounding lands or enter into any water body.
15. The Permittee shall take all reasonable precautions to prevent the possibility of migration of spilled petroleum fuel or chemicals over the ground surface.
16. The Permittee shall have one extra fuel storage container on site equal to, or greater than, the size of the largest fuel container.
17. The Permittee shall examine all fuel and chemical storage containers daily for leaks. All leaks should be prepared immediately.
18. The Permittee shall have emergency response and spill contingency plans in place prior to the commencement of the operation.
19. The Permittee shall immediately report all spills of petroleum and hazardous chemicals in accordance the Government of the NWT Spill Report to the twenty four (24) hour spill report line at (867) 920-8130 to NWB and to the Land Use Inspector.

Waste Disposal

20. The Permittee shall not discharge or deposit any refuse substances or other waste materials in any body of water, or on the banks thereof, which will impair the quality of the waters of the natural environment.
21. Any sumps or areas designated for waste disposal shall not be located within thirty (30) metres of the ordinary high water mark of any body of water, unless otherwise authorized.
22. The Permittee shall construct a sump to contain all greywater discharged and shall ensure drainage is away from any waterbody.
23. The Permittee shall deposit all sewage into a sump and shall ensure that drainage is away from any waterbody. All sumps should be filled and recontoured to match the natural environment upon abandonment.

24. The Permittee shall incinerate all combustible and food wastes to eliminate potential for wildlife problems created by the attraction of wildlife to garbage. A 45-gallon incinerator kit should be used to incinerate garbage. Kits are available from Northern Services and Supply in Yellowknife or from a local supplier in Kugluktuk.
25. The Permittee shall ensure that all non-combustible wastes generated through the course of the operation are backhauled and disposed of in an approved dumpsite.
26. The Permittee shall deposit all scrap metal, discarded machinery and parts, barrels and kegs, at an approved disposal site.
27. The Permittee shall not bury any metal wastes.
28. The Permittee shall dispose of all toxic or persistent substance in a manner approved by the NWB and the land use inspector.

Wildlife

29. The Permittee shall ensure that there is no damage to wildlife habitat in conducting this operation.
30. The Permittee shall not locate any operation so as to block or cause substantial diversion to migration of caribou.
31. The Permittee shall cease activities that may interfere with migration or calving, such as airborne geophysics surveys or movement of equipment, drilling activities until the caribou and their calves have vacated the area.
33. The Permittee shall ensure that aircraft pilots adhere to recommended flight altitudes of greater than 300 m above ground level as to not disturb wildlife. In the event that caribou or muskox cows and calves are present all overflights by aircraft should be suspended. Raptor nesting sites and concentrations of nesting or molting waterfowl should be avoided by aircraft at all times.
34. The Permittee shall ensure compliance with Section 36 of the *Fisheries Act* which requires that no person shall deposit or permit the deposit of a deleterious substance on any type in water frequented by fish or in any place under any conditions where the deleterious substance may enter such a water body.
35. The harmful alteration, disruption or destruction of fish habitat is prohibited under Section 35 of the *Fisheries Act*. No construction or disturbance of any stream/lake bed or banks of any definable watercourse is permitted unless authorized by DFO.
36. The Permittee shall not obstruct the movement of fish while conducting the land use operation.
37. The Permittee shall ensure that the drill sites avoid known environmentally sensitive areas (denning, nesting etc.) by a minimum of 250 metres.

Environmental

38. The Permittee shall ensure that the land use area is kept clean and tidy at all times.
39. The Permittee shall prepare the site in such a manner as to prevent damage to the ground surface.
40. The Permittee shall be required to undertake any corrective measures in the event of any damage to the land or water as a result of the permittee's operation.

41. The Permittee shall not use any equipment except of the type, size and number that is listed in the accepted application.
42. 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.
43. The Permittee shall suspend overland travel of equipment or vehicles if rutting occurs.

Camp

44. The Permittee shall not erect camps or store material on the surface ice of lakes or streams.
45. The Permittee shall locate all camps and storage facilities on gravel, sand or other durable land.
46. The Permittee shall follow the *Camp Sanitation Regulations* made under the authority of the Public Act of the Northwest Territories.

Archaeological Sites

47. The Permittee shall follow all terms and conditions for the protection and restoration of archaeological resources as outlined by the Prince of Wales Northern Heritage Centre (PWNHC) in attached letter.

Reclamation

48. The Permittee shall remove all scrap metal, discarded machinery and parts, barrels and kegs, buildings and building material upon abandonment.
49. The Permittee shall backfill and restore all sumps back to the natural surrounding contours of the land prior to the expiry date of this permit.
50. The Permittee shall undertake ongoing restoration for any land or improvements, which are no longer, required for the Permittee's operation on the land.
51. The Permittee shall cap all drill holes and cut off any drill casings that remain above ground to ground level upon abandonment of the operation.

Other Recommendations

1. NIRB would like to encourage the proponent to hire local people and services, to the extent possible.
2. NIRB advises proponents to consult with local residents regarding their activities in the region.
3. Any amendment requests deemed by NIRB to be outside the original scope of the project will be considered a new project.
4. The Environmental Protection Branch (DOE), Department of Fisheries and Oceans (DFO), Nunavut Impact Review Board (NIRB), and the Nunavut Water Board (NWB) should be advised of any material changes to plans or operating conditions associated with the 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 Sept. 18/98 at Cambridge Bay, NT


Larry Fokok Aknavigak, Chairperson

Attachment: NIRB Screening Form