

SCREENING DECISION

Date: June 09,1998

Thomas Kudloo
Chairperson
Nunavut Water Board

Dear Mr. Kudloo:

**RE: Screening Decision of the Nunavut Impact Review Board (NIRB) on Application:
NIRB 98W02N077 NWB2MEA
Cumberland Resources- Mineral Exploration at the Meadowbank Project**

Authority:

Section 12.4.4 of the Nunavut Land Claim Agreement 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.

Primary Objectives:

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 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.

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 movement of vehicles and equipment and the impact on wildlife;
- the movement of vehicles and equipment on terrain;
- the impact of exploration activities on archaeological sites or cultural landmarks in the area; and
- clean up/restoration of the camp site and drilling locations upon abandonment.

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 be 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 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 (30) 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 for leaks. All leaks should be prepared immediately.
18. The Permittee shall have an emergency response and spill contingency plans in place prior to the commencement of the operation. In developing these plans the Permittee should follow the *NWT Spill Contingency Planning and Reporting Regulations* and the Guidelines for the Management of Hazardous Wastes. These documents are available from the Department of Resources Wildlife and Economic Development, GNWT at (867) 920-8069.
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.

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 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 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.
24. 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.
25. The Permittee shall deposit all scrap metal, discarded machinery and parts, barrels and kegs, at an approved disposal site.
26. The Permittee shall not bury any metal wastes.
27. The Permittee shall dispose of all toxic or persistent substance in a manner approved by the NWB and the land use inspector.

Wildlife

28. The Permittee shall ensure that there is no damage to wildlife habitat in conducting this operation.
29. The Permittee shall not locate any operation so as to block or cause substantial diversion to migration of caribou.
30. 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.
31. Monitoring of caribou movements should be undertaken to determine if caribou will be going into the area where exploration activities are taking place.
 - i) If it is determined that caribou will not be going into the area in question drilling and exploration activities should be allowed to continue.
 - ii) In the event that caribou or muskox cows calve within site of the exploration activities, the Permittee shall suspend operations within the area(s) occupied by cows and/or calves between May 15 and July 15 or until the caribou have vacated the area. All personnel are to be removed from the zone who are not required for the maintenance and protection of the camp facilities and equipment.
32. 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.
33. 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.
34. 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.

35. The Permittee shall not obstruct the movement of fish while conducting the land use operation.
36. The Permittee shall ensure that the drill sites avoid known environmentally sensitive areas (denning, nesting etc.) by a minimum of 250 metres.

Environmental

37. The Permittee shall ensure that the land use area is kept clean and tidy at all times.
38. The Permittee shall prepare the site in such a manner as to prevent damage to the ground surface.
39. 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.
40. The Permittee shall not use any equipment except of the type, size and number that is listed in the accepted application.
41. 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.
42. The Permittee shall suspend overland travel of equipment or vehicles if rutting occurs.
43. 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 Regulations, unless authorized by a Fishery Officer. All temporary crossings shall be removed prior to spring breakup in a manner to the satisfaction of a Fishery Officer.
 - Prior to the selection of stream/lake crossing locations, the permittee should provide details of the fish habitat in the area of the proposed crossings and outline the methods that will be employed to mitigate any adverse effects on this habitat or areas downstream, included in a construction schedule.

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.
52. The Permittee shall submit to the NWB and NIRB a summary report of activities undertaken and any abandonment and restoration of the site.

Monitoring

53. The Permittee shall monitor the impacts to wildlife by maintaining a log of wildlife observed (species, number, date, time, location observed) and their behavior (i.e. avoidance, segregation, disturbance/stress, alteration of migration patterns or movements by wildlife) and shall present these reports to NWMB, RWED and NIRB on a monthly basis.

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 _____ at Cambridge Bay, NT

Larry Aknavigak, Chairperson

Attachment: NIRB Screening Form