

SCREENING DECISION

September 17, 2004

Hon. Andy Scott
Minister for Indian and Northern Affairs
Ottawa, ON

Dear Minister:

RE: Screening Decision of the Nunavut Impact Review Board (NIRB) on Application:

NIRB: #04RN101

DIAND: #N2004F0038

Winter Road from Bathurst Inlet to Goose and George Lake – Miramar Bathurst Resources Ltd.

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 movement of vehicles and equipment, and their impact on wildlife;
- the movement of vehicles and equipment and their impact on the terrain;
- storage and disposal of fuel, garbage, and sewage; and
- clean up and restoration upon abandonment.

Terms and Conditions:

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

Fuel and Chemical Storage

1. 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.
2. 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.
3. The Permittee shall construct an impermeable dyke around each stationary fuel container or group of stationary fuel containers where one container has the capacity exceeding 4,000 litres.
4. The fuel storage facilities of the Permittee, including tanks, hoses, pumps, fuel transfer lines and associated mechanical connections and valves shall be installed and maintained in accordance with the Environmental Code of Practice for Aboveground Storage Tank Systems Containing Petroleum Products (CCME Environmental Code) and the National Fire Code, any reasonable modifications or improvements that are deemed necessary shall be approved by the Engineer.
5. The Permittee shall take all reasonable precautions to prevent the possibility of migration of spilled petroleum fuel or chemicals over the ground surface.
6. The Permittee shall examine all fuel and chemical storage containers for leaks. All leaks should be prepared immediately.
7. The Permittee shall dispose of all combustible waste petroleum products by incineration or removal from the site.
8. The Permittee shall ensure all activities, including maintenance procedures and refueling, should be controlled to prevent the entry of petroleum products or other deleterious substances into the water. The use of drip pans, or other preventative measures when refueling equipment on site is recommended.
9. The Permittee shall have an approved emergency response and spill contingency plans in place prior to the commencement of the operation.

10. The Permittee shall immediately report all spills of petroleum and hazardous chemicals to the twenty four (24) hour spill report line at (867) 920-8130.
11. The Permittee shall have one extra fuel storage container on site equal to, or greater than, the size of the largest fuel container.

Wildlife

12. The Permittee shall not conduct any activity associated with the land use operation during critical periods of wildlife cycles (e.g. caribou migration, calving, fish spawning or raptor nesting).
13. That the Permittee shall ensure that there is no hunting along the winter roadway by employees of the company or any contractors hired.
14. The Permittee shall report any road kills or other wildlife problems to the Renewable Resources Officer in Cambridge Bay.
15. The Permittee shall not damage wildlife habitat in conducting this land use operation.
16. The Permittee shall ensure that the road alignment avoids known environmentally sensitive areas (denning, nesting etc.) by a minimum of 250 metres.
17. The harmful alteration, disruption or destruction of fish habitat is prohibited under the *Fisheries Act*.
18. 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.

Environmental

19. The Permittee shall not use any material other than water in the construction of ice bridges. Stream crossings shall be removed or notched prior to spring break-up.
20. The Permittee shall remove all snow fills from stream crossings prior to spring break up.
21. The Permittee shall not allow any ice bridge to hinder the flow of water of any stream.
22. The Permittee shall scout all lines and select the best route prior to the movement of equipment.
23. The Permittee shall not move any equipment or vehicles without prior testing the thickness of the ice to ensure the lake is in a state capable of fully supporting the equipment or vehicles.
24. The Permittee shall prepare the site in such a manner as to prevent rutting of the ground surface.
25. 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.
26. The Permittee shall suspend overland travel of equipment or vehicles if rutting occurs.
27. The Permittee shall construct and maintain winter roads with a minimum of ten (10) centimetres of packed snow at all times during this land use operation.
28. The Permittee shall confine the line to a maximum width of 10 metres unless otherwise authorized in writing by a land use inspector.
29. The Permittee shall offset vehicle travel in areas without a snow covered surface.

30. The construction or disturbance of any stream/lake bed or banks of any definable watercourse is not permitted unless authorized by the Department of Fisheries and Oceans.
31. The Permittee shall ensure that stream crossings are located to minimize approach grades. Bank disturbance is to be avoided, and mechanized clearing should not be done immediately adjacent to any watercourse.
32. The Permittee shall not erect camps or store material on the surface ice of lakes or streams.

Waste

33. Permittee shall keep all garbage and debris in a covered metal container until disposed of.
34. The Permittee shall ensure that all ethylene glycol (antifreeze) is managed in accordance with the Environmental Protection Act (EPA) of NWT, and Transportation of Dangerous Goods Act (TDGA).
35. The Permittee shall ensure that all spills are contained and completely cleaned up with shovels and absorbent rags and that any leaks detected are repaired and monitored at all times.
36. The Permittee shall ensure that the land use area is kept clean and tidy at all times.

Archaeological Sites

37. The Permittee shall follow all terms and conditions for the protection and restoration of archaeological resources as outlined by the Department of Culture, Language, Elders and Youths (CLEY) in attached letter.

Reclamation

38. The Permittee shall remove from Territorial Lands, all scrap metal, discarded machinery and parts, barrels and kegs, buildings and building material upon abandonment.
39. The Permittee shall complete all clean-up and restoration of the lands used prior to the expiry date of the permit.

Other Recommendations

1. NIRB would like to encourage the proponent to hire local people and services, to the extent possible.
2. NIRB advises the Permittee to consult with the 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 as a new 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, NU

Albert Ehaloak, A/Chairperson