



NIRB File No.: 12DA002
AANDC File No.: N2011X0030

February 26, 2015

The Honourable Bernard Valcourt
Minister of Aboriginal Affairs and Northern Development
c/o Tracey McCaie
Manager Land Administration
Aboriginal Affairs and Northern Development Canada
P.O. Box 100
Iqaluit, NU X0A 0H0

Sent via email: tracey.mccaie@aandc.gc.ca and landsmining@aandc.gc.ca

Re: Application Exempt from the Requirement for Screening pursuant to Section 12.4.3 of the NLCA: Biogenie's "FOX-3 Dewar Lakes-Site Demobilization" project, Oikiqtani (South and North Baffin) Region

Dear Tracey McCaie:

On February 11, 2015 the Nunavut Impact Review Board (NIRB or Board) received an application from Aboriginal Affairs and Northern Development Canada (AANDC) for an extension to AANDC Land Use Permit N2011X0030 previously issued for Biogenie's "FOX-3 Dewar Lakes - Site Demobilization" project proposal.

Please be advised that the original project proposal (NIRB File No. 12DA002) received a positive conformity determination from the Nunavut Planning Commission (North Baffin Regional Land Use Plan) on December 22, 2011. The application was received by the NIRB from AANDC on January 4, 2012 and was screened by the Board in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On February 27, 2012 the NIRB issued the enclosed NLCA 12.4.4(a) screening decision to the Minister of Aboriginal Affairs and Northern Development which indicated that the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions.

On February 10, 2014 the NIRB received an application for an extension request from AANDC to the Land Use Permit N2011X0030 for the above mentioned project. After a thorough assessment of the extension request, the NIRB determined that the application was exempt from the requirement for further screening pursuant to Section 12.4.3 of the NLCA, and reissued the enclosed screening decision report on February 19, 2014.

The current AANDC application, the original NIRB Screening Decision Report (File No. 12DA002) and related file information are available from the NIRB's online public registry at the following location:

<http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2012/12DA002-Biogenie-FOX-3%20Dewar%20Lakes%20Site%20Demobilization/>.

PREVIOUSLY-SCREENED PROJECT PROPOSAL:

As previously screened by the NIRB (File No. 12DA002), the "FOX-3, Dewar Lakes-Site Demobilization" project was located within the Qikiqtaaluk region (North and South Baffin), approximately 300 kilometres (km) west of Qikiqtarjuaq. The Proponent indicated that it intended to demobilize its equipment and camp from FOX-3 Dewar Lakes DEW Line Site to a staging area and hand intended to complete its remediation during the 2012 season.

The activities and components associated with the previously screened proposal included:

- Transportation of a 25-man crew between FOX-3 Dewar Lakes site and Kangok Fjord by air via a twin otter aircraft equipped with skis and by land using snowmobiles;
- Installation of a temporary camp and seasonal clearing of the airstrip in Kangok Fjord;
- Use of existing camp at FOX-3 Dewar Lakes site by crew;
- Installation of one (1) temporary survival trailer halfway between FOX-3 Dewar Lakes site and Kangok Fjord to serve as a relay point for radio communications;
- Use of snowmobiles to evaluate and validate an overland route between the DEW Line site and Kangok Fjord for the transportation of demobilized material, and for scouting and communication;
- Transportation of the demobilized equipment, camp, and containerized contaminated soils via sleighs using tractors and bulldozers via a 100 km overland route from the FOX-3 Dewar Lakes site to Kangok Fjord;
- Storage of demobilized material at a staging area in Kangok Fjord until backhaul by sealift to an approved disposal site in the South;
- Storage and use of 200,000 litres (L) of diesel fuel and 4,000 L of gasoline for the project; and
- Disposal of wastes generated during the proposed project at approved sites, with garbage to be incinerated at the FOX-3 site in Dewar Lakes and sewage and grey water to be containerized and sent south for disposal.

On February 10, 2014 Biogenie requested a one-year extension to its Land Use Permit N2011X0030 to complete the previously approved demobilization of remediation equipment via sealift.

CURRENT APPLICATION:

Biogenie is currently requesting a one-year extension to Land Use Permit N2011X0030 to complete the previously permitted demobilization of remediation equipment via sealift to southern sites.

Please note that Section 12.4.3 of the NLCA states that:

“Any application for a component or activity of a project proposal that has been permitted to proceed in accordance with these provisions shall be exempt from the requirement for screening by NIRB unless:


(a) such component or activity was not part of the original project proposal; or

(b) its inclusion would significantly modify the project.”

After completing a review of the information provided in support of the current application, the NIRB is of the understanding that the proposed extension does not change the general scope of the original project activities, and the exceptions noted in NLCA 12.4.3(a) and (b) do not apply. Therefore, this application is exempt from the requirement for screening pursuant to Section 12.4.3 of the NLCA and the activities therein remain subject to the terms and conditions recommended in the original February 27, 2012 Screening Decision Report (enclosed).

If you have any questions or require additional clarification, please contact Kelli Gillard, Technical Advisor, at (867) 983-4619 or kgillard@nirb.ca.

Sincerely,



Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Nancy Davis, Biogenie
Phyllis Beaulieu, Nunavut Water Board
Joel Fortier, Qikiqtani Inuit Association

Enclosure: NIRB Screening Decision Report, File No.: 12DA002 (February 27, 2012)