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SCREENING DECISION

Date: October 24, 2002

Mr. Thomas Kudloo
Chairperson, Nunavut Water Board
Gjoa Haven, NT

Dear Mr. Kudloo:

**RE: Screening Decision of the Nunavut Impact Review Board (NIRB) on Application:
NIRB: 02WR118 NWB: NWB2ROC
Water Renewal for Rockinghorse – De Beers Canada Exploration Inc.**

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 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 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 (Board Members Decision)

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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 and traditional users of the area;
- the impact of campsite and equipment on terrain;
- the impact of exploration activities on archaeological sites or cultural landmarks in the area; and
- clean-up/restoration of the drilling locations upon abandonment.

Terms and Conditions:

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

Drilling & Trenching Sites

1. The Licensee shall not conduct any land based drilling within thirty (30) metres of the normal high water mark of a water body.
2. The Licensee shall not locate any sump within thirty (30) metres of the normal high water mark of any water body.
3. The Licensee shall conduct any the lake-based winter drilling, in accordance with *the Interim Guidelines for On-Ice drilling*.
4. The Licensee shall ensure that all drill cuttings are removed from ice surfaces.
5. The Licensee 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.
6. The Licensee 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).
7. The Licensee 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.
8. The Licensee shall ensure that drilling wastes do not enter any water body. The use of biodegradable, salt free drill additives is encouraged over non-biodegradable types.

9. The Licensee shall ensure that the sump/depression capacity is sufficient to accommodate the volume of wastewater and any fines that are produced so that there will be no additional impacts.
10. The Licensee 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.
11. The Licensee shall not use mechanized clearing within 30 meters of the normal high water mark of a watercourse in order to maintain a vegetative mat for bank stabilization.
12. The Licensee 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. The occurrence shall be reported to the Nunavut Water Board and Land Use Inspector within 48 hours.
13. If the drilling requires water in sufficient volume that the source waterbody may be drawn down details must be submitted (volume required, size of waterbody, etc.) to DFO-FHM for review. DFO-FHM does not recommend the use of streams as a water source.

Water

14. The Licensee 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

15. The Licensee shall ensure that fuel storage containers are not located within thirty (30) metres of the ordinary high water mark of any body of water.
16. The Licensee 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.
17. The Licensee 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.
18. The Licensee shall take all reasonable precautions to prevent the possibility of migration of spilled petroleum fuel or chemicals over the ground surface.
19. The Licensee shall examine all fuel and chemical storage containers daily for leaks. All leaks should be prepared immediately.
20. The Licensee shall seal all container outlets except the outlet currently in use.
21. The Licensee shall mark all fuel containers with the Licensee's name.
22. The Licensee shall dispose of all combustible waste petroleum products by incineration and removal from the site.
23. The Licensee shall have emergency response and spill contingency plans in place prior to the commencement of the operation.
24. The Licensee shall immediately report all spills of petroleum and hazardous chemicals to the twenty-four (24) hour spill report line at (867) 920-8130.

Waste Disposal

25. The Licensee 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.
26. The Licensee shall not locate any sumps or areas designated for waste disposal within thirty (30) metres of the ordinary high water mark of any body of water, and be sufficiently bermed or otherwise contained to ensure that these substances do not enter a waterway unless otherwise authorized.
27. The Licensee, prior to the discharge of fluids from any sump, shall carry out an analysis of the fluid in a manner prescribed by the NWB.
28. The Licensee shall construct a sump to contain all greywater discharged and shall ensure drainage is away from any waterbody.
29. The Licensee shall backfill and recontours all sumps to match the natural environment prior to the expiry date of the permit.
30. The Licensee shall incinerate all combustible and food wastes daily. The Licensee shall use as a minimum incineration method of a 45-gallon drum modified to form a more efficient incinerator.
31. The Licensee shall keep all garbage and debris in a covered metal container until disposed of.
32. The Licensee shall ensure that all wastes generated through the course of the operation are backhauled and disposed of in an approved dumpsite.
33. The Licensee shall not bury any wastes.
34. The Licensee shall deposit all scrap metal, discarded machinery and parts, barrels and kegs, at an approved disposal site.
35. The Licensee shall dispose of slash or debris above the high water mark so that it does not enter any waterbody.

Wildlife

36. The Licensee shall ensure that there is no damage to wildlife habitat in conducting this operation.
37. The Licensee shall not feed wildlife.
38. The Licensee use the latest bear detection and deterrent techniques to minimize man-bear interactions and shall report any Man-Bear Interactions to the nearest Renewable Resource Officer.
39. In the event that caribou or muskox cows calve within site of the exploration activities, the Licensee shall suspend operations within the area(s) occupied by cows and/or calves between May 15 and July 15. All personnel are to be removed from the zone who are not required for the maintenance and protection of the camp facilities and equipment.
40. The Licensee shall not locate any operation so as to block or cause substantial diversion to migration of caribou.
41. The Licensee shall cease activities that may interfere with migration or calving, such as airborne geophysics surveys or movement of equipment, sampling activities until the migrating caribou and their calves have vacated the area.

42. The Licensee shall not detonate explosives within fifteen (15) metres of any body of water which is not completely frozen to the bottom.
43. The Licensee shall not conduct any activity associated with the land use operation during critical periods of wildlife cycles (eg. caribou migration, calving, fish spawning or raptor nesting).
44. That the Licensee shall ensure that there is no hunting by employees of the company or any contractors hired.
45. The Licensee shall ensure that aircraft pilots adhere to recommended flight altitudes of greater than 300 m above ground level as to not disturb wildlife. Raptor nesting sites and concentrations of nesting or molting waterfowl should be avoided by aircraft at all times.
46. The Licensee 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.
47. 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.
48. The Licensee shall ensure that drilling sites avoid known environmentally sensitive areas (denning, nesting etc.) by a minimum of 250 metres.

Environmental

49. The Licensee shall ensure that the land use area is kept clean and tidy at all times.
50. The Licensee shall prepare the site in such a manner as to prevent rutting of the ground surface.
51. The Licensee shall not do anything that will cause erosion of the banks of any body of water on or adjacent to the land and shall provide necessary controls to prevent such erosion.
52. The Licensee shall be required to undertake any corrective measures in the event of any damage to the land or water as a result of the Licensee's operation.
53. The Licensee shall not remove any material from below the ordinary high water mark of any waterbody.
54. The Licensee may only excavate and stockpiles in areas designated
55. The Licensee 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.
56. The Licensee shall suspend overland travel of equipment or vehicles if rutting occurs.

Camp

57. The Licensee shall not erect camps or store material on the surface ice of lakes or streams.
58. The Licensee shall locate all camps and storage facilities on gravel, sand or other durable land.

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First Nunavut Impact Review Board

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Archaeological Sites

59. The Licensee 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

60. The Licensee shall remove all scrap metal, discarded machinery and parts, barrels and kegs, buildings and building material upon abandonment.
61. The Licensee shall complete all clean-up and restoration of the lands used prior to the expiry date of the permit.

Other Recommendations

1. NIRD would like to encourage the proponent to hire local people and services, to the extent possible.
2. NIRD advises proponents to consult with local residents regarding their activities in the region.
3. An executive summary of the results be provided to the relevant HTO's and Haullets.
4. Any amendment requests deemed by NIRD to be outside the original scope of the project will be considered a new project.
5. The Environmental Protection Branch (DOR), Department of Fisheries and Oceans (DFO), Department of Sustainable Development (MSD), 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 Agreements

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 Nov 1 / 02 at Arviat, NU


Elizabeth Copland, Chairperson

COMMENT FORM FOR NIRB SCREENINGS

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

Project Title: Water Renewal for Rockinghorse
Proponent: De Beers Canada Exploration Inc.
Location: Rocking Horse Lake Area, Nunavut
Comments Due By: Thursday, October 24, 2002 **NIRB #:** 02WR118

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:

Please describe the concerns indicated above:

Do you have any suggestions or recommendations for this application?

No specific concerns. Water licence should contain standard terms + conditions for this scale of camp ops. + mineral exploration activities

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

Name of person commenting: Paul Smith of
Position: Mgr. Water Resources **Organization:** DIAND
Signature: Paul Smith **Date:** Oct. 21/02

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P. 02



Environnement
Canada

Environmental Protection Branch
5204 - 50th Avenue
Suite 301
Yellowknife, NT X1A 1E2
Fax: 867-873-8185

October 24, 2002

Our file: 4703 001 017

Gladys Joudrey
Environmental Assessment Officer
Nunavut Impact Review Board
PO Box 2379
Cambridge Bay, NU X0R 0C0

Fax: (867) 983-2574

Attention: Gladys Joudrey

Re: NIB 02WR118 & NWB2ROC0002: Land Use Permit and Water Licence Renewal Applications - De Beers Canada Exploration Inc. - Rockinghorse Lake Area, Nunavut.

On behalf of Environment Canada (EC), I have reviewed the above noted Land Use Permit Application and Water Licence Renewal Application submitted by De Beers Canada Exploration Inc. The comments provided for the above applications have been made under Section 36(3) of the *Fisheries Act*, the *Canadian Environmental Protection Act (CEPA)* and the *Migratory Birds Convention Act (MBCA)*.

De Beers Canada Exploration Inc. is proposing to conduct ongoing exploratory surveys for diamonds within the Rockinghorse Lake area. A drill program is planned to occur between April and May, 2003. The purchase of a CSA environmentally rated incinerator is currently under consideration for the 2003 program. The base of operation for both the Land Use Permit and Water Licence Renewal applications will be located at the proponents existing Rockinghorse Lake Camp. The proponent has been operating in the area since the early 1990's.

Comments and Recommendations

The proponent has failed to submit an appropriate spill contingency plan. The plan which was submitted with the above noted applications is not worth commenting on. It is felt by EC that as part of the permitting process that the proponent be required to submit an approved spill contingency plan that gives a clear path of response in the event of a spill. EC would be available to review the spill contingency plan when submitted.

- Operational practices for the handling of fuels and hazardous fluids should be available to personnel on site and include:
 - * an approved spill contingency plan outlining a clear path of response
 - * contact list of persons to be contacted in the event of a spill and assigned responsibilities of company staff
 - * location of equipment, both on and off site to be used in the event of a spill
 - * state that "all spills" are to be documented and reported to the NWT 24 Hour Spill Line number (867) 920-8130
 - * an appropriate spill kit with absorbent material should be located at all fuel storage locations.
- The proponent shall ensure that drill cuttings, chemicals, fuel or wastes associated with the project do not enter waters frequented by fish. All dumps, spill basins and fuel caches should be located in such a manner that the contents do not enter a waterbody.
- All fuel containers must be properly sealed and stacked in an upright position to prevent the possibility of spills and leaks. Fuel containers should be stored on flat, stable terrain or in natural depressions well away from water bodies and inspected periodically for leaks.
- When storing barrelled fuel at a location, EC encourages the use of a secondary containment rather than relying on "natural

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depressions." Self supporting insta-berms are available from various suppliers within Canada.

- If artesian flow is encountered, drill holes shall be plugged and permanently sealed immediately.
- No disturbance of the bed or banks of any definable watercourse is permitted. During the spring, special efforts must be made to avoid bed and bank disturbances.
- Provide a detailed map at a 1:50 000 scale indicating the locations and distances of camp, sumps, drill sites when known and fuel caches in relation to water. Coordinates should be submitted to my attention and should be in degrees, minutes and seconds.
- In the event that on ice drilling is required, drilling additives shall not be used unless they are re-circulated or contained such that they do not enter the water, or proven to be non-toxic.
- For "on-ice" drilling, return water released to the lake must be non-toxic, and not result in an increase in total suspended solids in the immediate receiving waters of the lake above the Canadian Council of Ministers for the Environment Guidelines for the Protection of Freshwater Aquatic Life (i.e. 10mg/L for lakes with background levels under 100 mg/l, or 10% for those above 100mg/L).

Migratory Birds

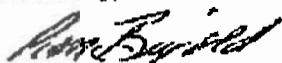
The following comments were submitted to the Nunavut Impact Review Board by Environment Canada (CWS) for land use permit # 02EN001 in February, 2002.

"Environment Canada (CWS) has not identified any Key Migratory Bird Terrestrial Habitat Sites near this location (that is, no local sites that represent more than 5% of the Canadian population of a species). There are likely raptor nests in this area, particularly falcons, which would require adherence to Government of Nunavut, Department of Sustainable Development policies on activities near raptor breeding areas. In addition, Environment Canada recommends that the proponent avoid any observed concentrations of birds, both with flights (minimum altitude 1500 feet), and on ground, particularly during the breeding season (mid-June to late July). Environment Canada further recommends the proponent report all observed damage to wildlife that may occur as a result of the proposed work."

These conditions would still apply to the new Land Use Permit and Water Licence Renewal Applications.

Please do not hesitate to contact me at (867) 669-4744 or ron.bujold@ec.gc.ca with any questions or comments.

Yours truly,



Ron Bujold
Environmental Assessment Technician

cc: Steve Harbick (Head, Environmental Assessment & Monitoring, EPB)
Paula Pacholek (Northern Environmental Assessment Coordinator, A&M, EPB)

COMMENT FORM FOR NIRB SCREENINGS

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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: IOL Access Rights

Please describe the concerns indicated above:

Mentioned winter route may go onto IOLs.

Do you have any suggestions or recommendations for this application?

Any winter routes going onto IOLs will require Access Rights.

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

Name of person commenting: Jack Kaniak or Kigluksituk
Position: Lands Manager **Organization:** KIA
Signature: Jack Kaniak **Date:** October 28, 2002

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DOUG CROSSLEY

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October 25 2002

Gladys Joudrey
Environmental Assessment Officer
NIRB - Cambridge Bay

Water License Renewal for Rockinghorse - De Beers

This seems a pretty straight forward addition to a permitted or license requirement that the proponent previously held. Inspection reports from past activities should give clarity to their compliance to past requirements. I have no doubt that they likely have complied with identified needs otherwise we would have known of significant negative impacts to the surrounding area.

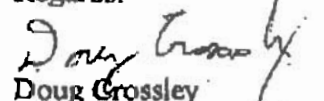
I note that they have made efforts to establish communication links and perhaps support with adjacent Hamlets, which is good. I also note that all support needs for this exploration seems to come from and originate in Yellowknife. It would be interesting to glean whether Nunavut labour opportunities was offered to Nunavut residents. This would seem to be a good way of gaining some further buy-in from the Kitikmeot people as well as getting good benefit by using local resources, likely at a cost saving to Southern based human resources with these people having to be flown in at great expense from their bases far away.

There are several capable people perhaps needing some seasonal work at this time and available from places like Brown Sound, Bathurst Inlet and Umingmaktok.

I have no noted concerns with the additional water need requirements brought about by the expanded drilling program. They seem to have a good set of plans to deal with "Issues" and their idea to bring in a certified Incinerator is a good one.

I have no further comments re this application.

Regards:


Doug Crossley
Special Advisor
CG&T - Cambridge Bay

COMMENT FORM FOR NIRB SCREENINGS

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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

total development in the area

tourists in the area

human health issues

other: _____

Please describe the concerns indicated above:

more possible use of local labour

Do you have any suggestions or recommendations for this application?

See Comments in letter

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

Name of person commenting: Doug Crossley of Cambridge Bay
 Position: Special Advisor Organization: C.G.T.
 Signature: Doug Crossley Date: Oct 25/02



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Coast Guard

Garde côtière

Central & Arctic Region

Région du Centre et de l'Arctique

201 N. Front Street, Suite 703
Sarnia, Ontario
N7T 8B1

Your file Votre référence

Our file Notre référence
1675-9-9

October 22, 2002

Gladys Joudrey
Nunavut Impact Review Board
PO Box 2379
Cambridge Bay, NT X0E 0C0

Dear Madam:

Thank you for your submission with regard to NIRB # 02WR118, Water Renewal for Rockinghorse, De Beers Canada Exploration Inc., Rocking Horse Lake Area, Nunavut.

The information will be reviewed by this office and our response will be forwarded to DFO Fish Habitat in Iqaluit. They in turn will prepare a Departmental response encompassing both the Navigable Waters Protection Act and the Fisheries Act.

Yours truly,

Barry Putt
A/Inspections Supervisor
Navigable Waters Protection



BP/rl

cc: FHM

Canada