

NIRB SCREENING REPORTS



**SCREENING DECISION REPORT
NIRB FILE NO.: 13QN030**

August 12, 2013

The Honourable Lorne Kusugak
Minister of Community and Government Services
Government of Nunavut
P.O. Box 1000, Station 200
Iqaluit, NU X0A 0H0

Sent via email: lkusugak@gov.nu.ca; rsuwaksirok@gov.nu.ca

Re: Screening Decision for the Hamlet of Igloolik's "Granular Materials" Project Proposal, Qikiqtani Region, 13QN030

Dear Mr. Lorne Kusugak:

The primary objectives of the Nunavut Impact Review Board (NIRB) are set out in Section 12.2.5 of the Nunavut Land Claims Agreement (NLCA) as follows:

"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."

Section 12.4.4 of the NLCA 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.*"

NIRB ASSESSMENT AND DECISION

After a thorough assessment of all material provided to the Board (please see *Procedural History* and *Project Activities* in **Appendix A**), in accordance with the principles identified within Section 12.4.2 of the NLCA, the decision of the Board as per Section 12.4.4 of the NLCA 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.

RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS (pursuant to Section 12.4.4(a) of the NLCA)

The Board is recommending that the following or similar project-specific terms and conditions be imposed upon the Proponent through all relevant legislation:

General

1. The Hamlet of Igloolik (the Proponent) shall maintain a copy of the Project Terms and Conditions at the site of operation at all times.
2. The Proponent shall forward copies of all permits obtained and required for this project to the Nunavut Impact Review Board (NIRB) prior to the commencement of the project.
3. The Proponent shall operate in accordance with all commitments stated in correspondence provided to NIRB (NIRB Part 1 Form, June 27, 2013).
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

Water Use

5. The Proponent shall not extract water from any fish-bearing waterbody unless the water intake hose is equipped with a screen of appropriate mesh size to ensure that there is no entrapment of fish. Small lakes or streams should not be used for water withdrawal unless approved by the Nunavut Water Board.
6. The Proponent shall not use water, including constructing or disturbing any stream, lakebed or the banks of any definable water course unless approved by the Nunavut Water Board.

Waste Disposal

7. The Proponent shall keep all garbage and debris in bags placed in a covered metal container or equivalent waste containers until disposed of at an approved facility. All such wastes shall be kept inaccessible to wildlife at all times.

Fuel and Chemical Storage

8. The Proponent shall locate all fuel and other hazardous materials a minimum of thirty-one (31) metres away from the high water mark of any water body and in such a manner as to prevent their release into the environment.
9. The Proponent shall ensure that re-fuelling of all equipment occurs a minimum of thirty-one (31) metres away from the high water mark of any water body.
10. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife.
11. The Proponent shall use adequate secondary containment or a surface liner (e.g. self-supporting insta-berms and fold-a-tanks), when storing fuel and chemicals at all locations.
12. The Proponent shall use drip pans or other equivalent device when refueling equipment on-site. Appropriate spill response equipment and clean-up materials (e.g., shovels, pumps, barrels, drip pans, and absorbents) must be readily available during any transfer of fuel or hazardous substances.
13. The Proponent shall inspect and document the condition of all fuel tanks and fuel caches on a weekly basis. All fuel and chemical storage containers must be clearly marked with the Proponent's name and examined for leaks immediately upon delivery.
14. The Proponent shall remove and treat hydrocarbon contaminated soils on site or transport them to an approved disposal site for treatment.
15. The Proponent shall ensure that all personnel are properly trained in fuel and hazardous waste handling procedures, as well as spill response procedures. All spills of fuel or other deleterious materials of any amount must be reported immediately to the 24-hour Spill Line.

Wildlife - General

16. The Proponent shall ensure that there is no damage to wildlife habitat in conducting project activities.
17. The Proponent shall not harass wildlife. This includes persistently worrying or chasing animals or disturbing large groups of animals. The Proponent shall not hunt or fish, unless proper Nunavut authorizations have been acquired.
18. The Proponent shall ensure that all project personnel are made aware of the measures to protect wildlife and are provided with training and/or advice on how to implement these measures.

Migratory Birds and Raptors Disturbance

19. The Proponent shall not disturb or destroy the nests or eggs of any birds. If nests are encountered and/or identified, the Proponent shall take precaution to avoid further interaction and or disturbance (e.g., a 100 metre buffer around the nests). If active nests of any birds are discovered (i.e. with eggs or young), the Proponent shall avoid these areas until nesting is complete and the young have left the nest.

Ground Disturbance

20. The Proponent 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. Overland travel of equipment or vehicles must be suspended if rutting occurs.

21. The Proponent shall implement suitable erosion and sediment suppression measures on disturbed areas before, during and after construction in order to prevent sediment from entering any waterbody.

Establishment of New Quarries

22. The Proponent shall clearly stake and flag pit and quarry boundaries so they remain visible to other land users.
23. The Proponent shall locate quarry/pit facilities so as to avoid all recreational sites and public use areas, and to protect unique geographical features and natural aesthetics.
24. The Proponent shall ensure there is no obstruction of natural drainage, flooding or channel diversion from quarry/pit access, stockpiles, or other structures or facilities.
25. The Proponent shall ensure that silt fences/curtains are installed down gradient of any quarry activities.
26. The Proponent shall maintain an undisturbed buffer zone of at least 100 metres between each quarry site and the high water mark of any water body.
27. The Proponent shall locate screening and crushing equipment on stable ground, at a location with ready access to stockpiles.

Other

28. The Proponent should, to the extent possible, hire local people and to consult with local residents regarding their activities in the region.
29. Any activity related to this application, and outside the original scope of the project as described in the application, will be considered a new project and should be submitted to the NIRB for Screening.

MONITORING AND REPORTING REQUIREMENTS

In addition, the Board is recommending the following:

Environmental Management Plan

1. The Proponent shall submit a comprehensive Environmental Management Plan to the NIRB 30 days prior to the commencement of quarry construction that addresses dust management, wildlife protection/avoidance, erosion protection, drainage design and the treatment of contact water.
2. The Proponent shall update the Environmental Management Plan in the event of changes in mitigation measures onsite and submit the updates to the NIRB.

Fuel and Chemical Storage

3. The Proponent shall submit a Spill Contingency Plan to the NIRB 30 days prior to the commencement of quarry construction that provides detailed information on fuel and other hazardous material spill management.
4. The Proponent shall update the Spill Contingency Plan in the event of changes to spill response measures and submit the updates to the NIRB.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

In addition to the project-specific terms and conditions, the Board is recommending the following:

Bear and Carnivore Safety

1. The Proponent should review the bear/carnivore detection and deterrent techniques outlined in "Safety in Grizzly and Black Bear Country" which can be down-loaded from this link: http://www.enr.gov.nt.ca/live/documents/content/Bear_Safety.pdf. Note that some recommendations in this manual are also relevant to polar bears. There is a DVD about polar bears and safety available from Nunavut Parks at the following link <http://www.nunavutparks.com/english/visitor-information/suggested-resources.html> and a "Safety in Polar Bear Country" pamphlet from Parks Canada at the following link <http://www.pc.gc.ca/eng/pn-np/nu/auyuittuq/visit/visit6/d/i.aspx>.
2. Any problem wildlife or any interaction with carnivores should be reported immediately to the local Government of Nunavut, Department of Environment Conservation Office (Conservation Officer, phone: (867) 934-8999, email: tikummaq@gov.nu.ca).

Species at Risk

3. The Proponent should review Environment Canada's "Environment Assessment Best Practice Guide for Wildlife at Risk in Canada", available at the following link: <http://www.ec.gc.ca/Publications/default.asp?lang=En&xml=5407909E-10F6-4AFE-ACDF-75B9E820B4A1>. The guide provides information to the Proponent on what is required when Wildlife at Risk, including *Species at Risk*, are encountered or affected by the project.

Change in Project Scope

4. All Authorizing Agencies shall notify the NIRB of any changes in operating plans or conditions associated with this project prior to any such change.

REGULATORY REQUIREMENTS

The Proponent is also advised that the following legislation may apply to the project:

Acts and Regulations

1. The *Fisheries Act* (<http://laws-lois.justice.gc.ca/eng/acts/F-14/index.html>).
2. The *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (<http://www.canlii.org/ca/sta/n-28.8/whole.html>).
3. The *Migratory Birds Convention Act* and *Migratory Birds Regulations* (<http://laws-lois.justice.gc.ca/eng/acts/M-7.01/>).
4. The *Species at Risk Act* (<http://laws-lois.justice.gc.ca/eng/acts/S-15.3/index.html>). Attached in **Appendix B** is a list of Species at Risk in Nunavut.

5. The *Wildlife Act* (<http://www.canlii.org/en/nu/laws/stat/snu-2003-c-26/latest/snu-2003-c-26.html>) which contains provisions to protect and conserve wildlife and wildlife habitat, including specific protection measures for wildlife habitat and species at risk.
6. The *Nunavut Act* (<http://laws-lois.justice.gc.ca/eng/acts/N-28.6/>). The Proponent must comply with the proposed terms and conditions listed in the attached **Appendix C**.
7. The Proponent shall undertake quarrying in accordance with the *Nunavut Mining Safety Ordinance* and the *Territorial Quarrying Regulations* (<http://www.canlii.org/en/ca/laws/regu/crc-c-1527/latest/crc-c-1527.html>) or equivalent.
8. The Proponent shall follow the Fisheries and Oceans Canada's (DFO) *Guidelines for the use of Explosives in or near Canadian Fisheries Waters* (<http://publications.gc.ca/site/eng/82558/publication.html>) and shall not conduct blasting if wildlife is within sight or hearing distance of the project area.
9. The Proponent shall practice progressive reclamation in accordance with the restoration guidelines outlined in Aboriginal Affairs and Northern Development Canada's *Northern Land Use Guidelines: Pits and Quarries* (http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-NWT/STAGING/texte-text/ntr_pubs_nlug7_1330552909157_eng.pdf).

Validity of Land Claims Agreement

Section 2.12.2

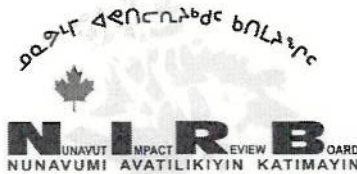
Where there is any inconsistency or conflict between any federal, territorial and local government laws, and the Agreement, the Agreement shall prevail to the extent of the inconsistency or conflict.

Dated August 12, 2013 at Kugluktuk, NU.



Phillip Kadlun, Acting Chairperson

Attachments: Appendix A: Procedural History and Project Activities
Appendix B: Species at Risk in Nunavut
Appendix C: Archaeological and Palaeontological Resources Terms and Conditions for Land Use Permit Holders



NIRB File No.: 15UN040
NWB File No.: 3BM-IGL1520

October 28, 2015

Brian Flemming
Hamlet of Igloolik
P.O. Box 30
Igloolik, NU X0A 0L0

Sent via email: igloolik@magma.com

Re: **Opportunity to address comments received regarding the Hamlet of Igloolik's "Igloolik Sewage Lagoon" project proposal**

Dear Brian Flemming:

On May 26, 2015, the Nunavut Impact Review Board (NIRB, or Board) received the Hamlet of Igloolik's "Igloolik Sewage Lagoon" project proposal from the Nunavut Water Board, and on July 8, 2015 the NIRB received the project proposal from the Government of Nunavut-Community and Government Services (GN-CGS) with a request to screen the project. NIRB has assigned this project proposal file number 15UN040.

After conducting a preliminary completeness check, the NIRB noted that additional information would be required to screen the project, which the Proponent submitted to the NIRB on September 17, 2015. On September 21, 2015 the NIRB invited interested parties and municipalities most affected by the Hamlet of Igloolik's project to provide comments directly to the NIRB by October 13, 2015.

On or before October 13, 2015 the NIRB received comments from the following interested parties:

- Hamlet of Igloolik
- Aboriginal Affairs and Northern Development Canada (AANDC)
- Environment Canada (EC)

All comments and documents received pertaining to this project proposal can be obtained from NIRB's online public registry site, at <http://ftp.nirb.ca/01-SCREENINGS/ACTIVE%20SCREENINGS/15UN040-Hamlet%20of%20Igloolik-Sewage%20Lagoon%20Type%20B/>.

A summary of the main concerns raised by parties, relate to the following:

Associated quarrying activities

- In the Design Brief, references to E1 and N1 are noted as the preferred sources of quarry material for the upgrading of the sewage lagoon, however in the NIRB forms, it is unclear if the quarries E1 and N1 have been previously screened by the NIRB. Clarification is therefore required as to whether the E1 and N1 quarry sites have been previously assessed by the NIRB, and if so please provide any associated NIRB file numbers. It should be noted that if the impacts of any component of a project proposal that were not previously screened may be considered a significant modification to the project and change to the original scope of the project.
- If a new quarry area is being proposed solely to complete the undertaking of this proposal, further information is required on the amount and type of granular materials to be extracted and the location of pits that are to be sourced from the E1 and N1 quarry sites discussed in the Design Brief. A NIRB Part 2 form outlining the quarrying activity would be required if the activity had not yet been assessed.

Use of existing access roads

- Clarification is required on whether existing roads to the quarry and sewage lagoon sites will be used, and that there will be no construction of new roads (winter or all-season).

Installation of liners beneath exfiltration cells

- Confirmation is required as to whether an impervious liner will be installed beneath all new and existing sewage exfiltration cells. The details of this component were discussed as a preferred option in the Design Brief, but not confirmed.

Plans and other documentation

- During the comment period AANDC noted that the Spill Contingency Plan submitted was specific to quarries and did not include the conversion of sewage cells. An updated Spill Contingency Plan should be provided which includes current project proposal activities and contingencies to manage potentially hazardous waste spills from the lagoon.
- Further information is required regarding the anticipated generation of hazardous waste which is referenced in the application, and how this would be occurring related to the construction and operations of the new sewage lagoon facility, and the Proponent's plan to remove and process hazardous waste that is generated.
- Provide additional reports referenced in the Design Brief including: the geothermal report, geothermal analysis report, vegetated filterstrip wetland report, and associated environmental assessment reports.

Wildlife and wildlife habitat

- During the comment period AANDC has recommended that an updated wildlife survey of the borrow areas to ensure that there is no damage to wildlife habitat during quarrying or other project related activities. If the quarrying activities have not yet been assessed by the NIRB, please provide additional information on how this would be considered at the time of the assessment. If the quarrying activities have been previously assessed, please provide a general indication on if wildlife surveys are required in the management of those areas.

Noise and dust

- Further information is required on what measures will be taken to mitigate the impacts of noise and dust levels as a result of constructed-related activities.

Due to these concerns, the NIRB would like to provide the Hamlet of Igloolik with an opportunity to address all the comments prior to the Board making its decision to the Minister. The NIRB requests that a response be provided directly to the NIRB by **November 6, 2015**.

Please send your comments to the NIRB at info@nirb.ca or via fax at **(867) 983-2594**.

If you have any questions or require clarification, feel free to contact the undersigned at (867) 983-4622 or ezell@nirb.ca.

Sincerely,



Erika Zell
Assistant Technical Advisor
Nunavut Impact Review Board

cc: Distribution List
Bhabesh Roy, Government of Nunavut—Community and Government Services
Phyllis Beaulieu, Nunavut Water Board



NIRB File No.: EX218
NWB File No.: 3BM-IGL0911

August 20, 2014

Phyllis Beaulieu
Manager of Licensing
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0

Sent via email: phyllis.beaulieu@nwb-oen.ca

Re: **Application exempt from Screening pursuant to NLCA Schedule 12-1: Municipality of Igloolik's "Renewal Type B" project proposal**

Dear Phyllis Beaulieu:

On August 12, 2014 the Nunavut Impact Review Board (NIRB) received an application from the Nunavut Water Board (NWB) for the Municipality of Igloolik's "Renewal Type B" project proposal (NWB File No. 3BM-IGL0911). The NIRB has determined that this project proposal is exempt from screening pursuant to item 5 of Schedule 12-1 of the Nunavut Land Claims Agreement (NLCA), *Types of Project Proposals Exempt from Screening*:

NLCA Schedule 12-1 (5):

"Water uses that do not require a public hearing under Section 13.7.3".

As this project proposal is exempt from the requirement for Screening by the NIRB, authorizations associated with this proposal may be processed by your office.

If you have any questions or require additional clarification, please contact the undersigned directly at johokannoak@nirb.ca or (867) 983-4609.

Sincerely,



Jaida Ohokannoak
Manager, Technical Administration
Nunavut Impact Review Board

cc: Brian Fleming, Municipality of Igloolik
Tracey McCaie, Aboriginal Affairs and Northern Development Canada
Joel Fortier, Qikiqtani Inuit Association