



**SCREENING DECISION REPORT**  
**NIRB FILE NO.: 10XN042**

July 14, 2010

Honourable Lorne Kusugak  
Minister of Community & Government Services  
Government of Nunavut  
Iqaluit, NU

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**Re: Screening Decision Report for Petroleum Products Division, GN-CGS'**  
**"Municipality of Pangnirtung Bulk Fuel Storage Facility Expansion and Upgrade"**  
**project proposal**

Dear Honourable 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. Petroleum Products Division, Government of Nunavut, Community & Government Service (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 the site in accordance with all applicable Acts, Regulations and Guidelines.

##### **Water**

4. The Proponent shall ensure that any modifications to the existing tank farm which may be regulated under its current water license are approved by the Nunavut Water Board prior to commencement of the project.
5. 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.
6. 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.
7. The Proponent shall not deposit or permit the deposit of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water.

##### **Fuel and Chemical Storage and Transfer**

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 store all fuel and chemicals in such a manner that they are inaccessible to wildlife.
10. The Proponent shall ensure that appropriate spill response equipment and clean-up materials (e.g., shovels, pumps, barrels, drip pans, absorbents, etc) must be readily available during any transfer of fuel or hazardous substances, as well as at vehicle-maintenance areas at construction sites.

#### **Fuel Tank Farm Construction/Upgrade**

11. The Proponent shall clearly stake and flag the construction boundaries during project implementation.
12. The Proponent shall protect the integrity of the original underlying liner material, and ensure that new liner materials completely sealed with existing ones to avoid soil and water contamination outside of the bermed area.
13. The Proponent shall remove and treat all hydrocarbon contaminated soils and waters on site or transport them to an approved disposal site for disposal.
14. The Proponent shall ensure that all equipment and vehicles used at the tank farm site have been cleaned off within the tank farm facilities prior to exiting, to prevent the transfer of contaminated soil.
15. The Proponent shall use water and/or non-toxic biodegradable additives for dust suppression during construction in order to maintain ambient air quality.
16. The Proponent shall use secondary containment or a surface liner at all refuelling stations for construction equipment.
17. The Proponent shall ensure that all on site personnel are properly trained in fuel and hazardous waste handling procedures as well as spill response procedures. All staff should be familiar with operational procedures in the event of a spill and should be instructed regarding spill/clean-up procedures.

#### **Archaeology and Palaeontology**

18. The Proponent must comply with the proposed terms and conditions (see **Appendix B**) if any archaeological artifact or paleontological sites are encountered during project execution.

### **MONITORING AND REPORTING REQUIREMENTS**

In addition, the Board is recommending the following:

The Proponent shall update and revise its existing Spill Contingency Plan prior to the commencement of project activities. A copy of the plan should be submitted to the NIRB, Environment Canada, Government of Nunavut - Department of Environment, and Indian and Northern Affairs Canada. The Proponent should consult the *Emergency Prevention*,

*Preparedness and Response (EPPER) Field Guide for Oil Spill Response in Arctic Waters*, and contact Environment Canada, Hazardous Materials Specialist, Dave Tilden at (867) 669-4728 for additional information, where necessary. The following should also be included in the revised Spill Contingency Plan:

1. The Spill Contingency Plan should contain sections relevant to each phase of the project, including construction and operation.
2. The Spill Contingency Plan should cover all potential activities associated with each phase of the project, including vehicle/equipment refuelling, fuel relocation, transportation, storage/temporary storage, and use of fuel or hazardous materials.
3. The Spill Contingency Plan should include appropriate spill prevention and clean-up measures, disposal procedures for oil/chemical releases to the environment, the locations of disposal sites approved to accept wastes and means of storage prior to disposal.
4. Reporting of any spill of fuel or hazardous/deleterious materials adjacent to or into a water body, regardless of quantity that occurs within the 100 nautical mile limit from offshore Canadian lands north of the 60 parallel of north latitude must be reported immediately to the NU 24-hour Spill Line, (867) 920-8130.
5. Provisions pertinent to staff training regarding reporting and clean up procedures.

#### OTHER NIRB CONCERNS AND RECOMMENDATIONS

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

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:

1. The *Canadian Environmental Protection Act (1999), Storage Tank System for Petroleum Products and Allied Petroleum Products Regulations* (<http://www.ec.gc.ca/rst/default.asp?lang=En&n=06EF27CF-1> )
2. The *Species at Risk Act* (<http://laws.justice.gc.ca/en/showtdm/cs/S-15.3>). Attached in **Appendix B** is a list of Species at Risk in Nunavut.
3. The *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (<http://www.canlii.org/ca/sta/n-28.8/whole.html>).
4. The *Fisheries Act* (<http://laws.justice.gc.ca/en/showtdm/cs/F-14///en>).
5. The *Migratory Birds Convention Act* and *Migratory Birds Regulations* (<http://laws.justice.gc.ca/en/showtdm/cs/M-7.01>).

6. The *Nunavut Wildlife Act* which contains provisions to protect and conserve wildlife and wildlife habitat, including specific protection measures for wildlife habitat and species at risk.
7. The *Nunavut Act* (<http://laws.justice.gc.ca/en/showtdm/cs/N-28.6>). The Proponent must comply with the proposed terms and conditions listed in the attached **Appendix C**.
8. The *Transportation of Dangerous Goods Regulations, Transportation of Dangerous Goods Act* (<http://www.tc.gc.ca/tdg/menu.htm>), and the *Environmental Protection Act* (<http://laws.justice.gc.ca/en/C-15.31/text.html>) The Proponent must ensure that proper shipping documents accompany all movements of dangerous goods. The Proponent must register with the GN-DOE Manager of Pollution Control and Air Quality at 867-975-7748.

## **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: July 14, 2010 at Sanikiluaq, NU.



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Lucassie Arragutainaq, 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

Encloses: Environment Canada: Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations



## Appendix A

### Procedural History and Project Activities

#### *Procedural History*

On April 19, 2010 the Nunavut Impact Review Board (NIRB) received the Petroleum Products Division, Government of Nunavut, Community & Government Service (GN-CGS)'s "Municipality of Pangnirtung Bulk Fuel Storage Facility Expansion and Upgrade" project proposal from the Petroleum Products Division of GN-CGS. The NIRB assigned this project proposal file number 10XN042.

Upon completing a preliminary completeness check, it was identified that the project proposal did not contain sufficient information to permit proper screening. Therefore, on May 7, 2010 the NIRB requested additional information from the proponent to allow the NIRB to undertake the screening process. On June 8, 2010 the NIRB received the requested information and began screening.

This project proposal was distributed to community organizations in Pangnirtung, as well as to relevant federal and territorial government agencies and Inuit organizations. The NIRB requested that interested parties review the proposal and the NIRB's proposed project-specific terms and conditions and provide the Board with any comments or concerns by June 30, 2010 regarding:

- Whether the project proposal is likely to arouse significant public concern; and if so, why;
- Whether the project proposal is likely to cause significant adverse eco-systemic and socio-economic effects; and if so, why;
- Whether the project is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (providing any recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

On or before June 30, 2010 the NIRB received comments from the following interested parties:

- Environment Canada
- Government of Nunavut - Department of Environment
- Indian and Northern Affairs Canada

All comments provided to the NIRB regarding this project proposal can be viewed on the NIRB's ftp-site, at the following location:

<http://ftp.nirb.ca/SCREENINGS/COMPLETED%20SCREENINGS/>

### ***Project Activities***

The proposed project is located in the community of Pangnirtung, Baffin Island. The Municipality of Pangnirtung is proposing to increase the local bulk fuel storage capacities to meet the community needs by expanding both the existing fuel containment area and fuel storage capacity. At the same time, the existing tanks would also be updated to meet the current code and petroleum products storage standards. The project is planned to start this year and would be completed by October 2011.

The proposed project activities include:

- Expansion of the embanked/diked containment area by 11 meters on the east side within the existing Petroleum Products Division Land Reserve;
- Addition of two new fuel tanks (a 2560 m<sup>3</sup> tank for diesel, and a 1230 m<sup>3</sup> tank for Jet A-1 aviation fuel); and
- Update the existing fuel storage, distribution system and other accessorial facilities to meet current codes and standards for petroleum products.



## Appendix B

### Species At Risk in Nunavut

This list includes species listed on one of the Schedules of SARA (*Species at Risk Act*) and under consideration for listing on Schedule 1 of SARA. These species have been designated as at risk by COSEWIC (Committee on the Status of Endangered Wildlife in Canada). This list may not include all species identified as at risk by the Territorial Government.

- Schedule 1 is the official legal list of Species at Risk for SARA. SARA applies to all species on Schedule 1. The term “listed” species refers to species on Schedule 1.
- Schedule 2 and 3 of SARA identify species that were designated at risk by the COSEWIC prior to October 1999 and must be reassessed using revised criteria before they can be considered for addition to Schedule 1.
- Some species identified at risk by COSEWIC are “pending” addition to Schedule 1 of SARA. These species are under consideration for addition to Schedule 1, subject to further consultation or assessment.

Schedules of SARA are amended on a regular basis so it is important to periodically check the SARA registry ([www.sararegistry.gc.ca](http://www.sararegistry.gc.ca)) to get the current status of a species.

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Updated: August 4, 2009

Species at Risk	COSEWIC Designation	Schedule of SARA	Government Organization with Lead Management Responsibility <sup>1</sup>
Eskimo Curlew	Endangered	Schedule 1	EC
Ivory Gull	Endangered	Schedule 1	EC
Ross's Gull	Threatened	Schedule 1	EC
Harlequin Duck (Eastern population)	Special Concern	Schedule 1	EC
Rusty Blackbird	Special Concern	Schedule 1	Government of Nunavut
Felt-leaf Willow	Special Concern	Schedule 1	Government of Nunavut
Peregrine Falcon ( <i>anatum-tundrius</i> complex)	Special Concern	Schedule 1 ( <i>anatum</i> ) Schedule 3 ( <i>tundrius</i> )	Government of Nunavut
Short-eared Owl	Special Concern	Schedule 3	Government of Nunavut
Peary Caribou	Endangered	Pending	Government of Nunavut
Beluga Whale (Eastern Hudson Bay population)	Endangered	Pending	DFO
Red Knot ( <i>rufa</i> subspecies)	Endangered	Pending	EC

Beluga Whale (Cumberland Sound population)	Threatened	Pending	DFO
Atlantic Cod (Arctic population)	Special Concern	Pending	DFO
Beluga Whale (Western Hudson Bay population)	Special Concern	Pending	DFO
Beluga Whale (Eastern High Arctic – Baffin Bay population)	Special Concern	Pending	DFO
Bowhead Whale (Eastern Canada – West Greenland population)	Special Concern	Pending	DFO
Killer Whale (Northwest Atlantic / Eastern Arctic populations)	Special Concern	Pending	DFO
Porsild's Bryum	Threatened	Pending	Government of Nunavut
Atlantic Walrus	Special Concern	Pending	DFO
Narwhal	Special Concern	Pending	DFO
Red Knot ( <i>islandica</i> subspecies)	Special Concern	Pending	EC
Horned Grebe (Western population)	Special Concern	Pending	EC
Barren-ground Caribou (Dolphin and Union population)	Special Concern	Pending	Government of Nunavut
Grizzly Bear	Special Concern	Pending	Government of Nunavut
Polar Bear	Special Concern	Pending	Government of Nunavut
Wolverine (Western Population)	Special Concern	Pending	Government of Nunavut

<sup>1</sup> Environment Canada (EC) has a national role to play in the conservation and recovery of Species at Risk in Canada, as well as responsibility for management of birds described in the Migratory Birds Convention Act (MBCA). Day-to-day management of terrestrial species not covered in the MBCA is the responsibility of the Territorial Government. Populations that exist in National Parks are also managed under the authority of the Parks Canada Agency. The Department of Fisheries and Oceans (DFO) has responsibility for management of aquatic species.

**Appendix C**  
Archaeological and Palaeontological Resources Terms and Conditions  
for Land Use Permit Holders



**BACKGROUND: Archaeology**

*As stated in Article 33 of the Nunavut Land Claims Agreement:*

The archaeological record of the Inuit of Nunavut is a record of Inuit use and occupancy of lands and resources through time. The evidence associated with their use and occupancy represents a cultural, historical and ethnographic heritage of Inuit society and, as such, Government recognizes that Inuit have a special relationship with such evidence, which shall be expressed in terms of special rights and responsibilities. [33.2.1]

The archaeological record of Nunavut is of spiritual, cultural, religious and educational importance to Inuit. Accordingly, the identification, protection and conservation of archaeological sites and specimens and the interpretation of the archaeological record is of primary importance to Inuit and their involvement is both desirable and necessary. [33.2.2]

In recognition of the cultural, spiritual and religious importance of certain areas in Nunavut to Inuit, Inuit have special rights and interests in these areas as defined by Article 33 of the Nunavut Land Claims Agreement. [33.2.5]

**BACKGROUND: Palaeontology**

Under the Nunavut Act<sup>1</sup>, the federal Government can make regulations for the protection, care and preservation of palaeontological sites and specimens in Nunavut. Under the *Nunavut Archaeological and Palaeontological Sites Regulations*<sup>2</sup>, it is illegal to alter or disturb any palaeontological site in Nunavut unless permission is first granted through the permitting process.

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<sup>1</sup> s. 51(1)

<sup>2</sup> P.C. 2001-1111 14 June, 2001

## Definitions

As defined in the *Nunavut Archaeological and Palaeontological Sites Regulations*, the following definitions apply:

“archaeological site” means a place where an archaeological artifact is found.

“archaeological artifact” means any tangible evidence of human activity that is more than 50 years old and in respect of which an unbroken chain of possession or regular pattern of usage cannot be demonstrated, and includes a Denesuline archaeological specimen referred to in section 40.4.9 of the Nunavut Land Claims Agreement.

“palaeontological site” means a site where a fossil is found.

“fossil” includes:

- (a) natural casts
- (b) preserved tracks, coprolites and plant remains; and
- (c) the preserved shells and exoskeletons of invertebrates and the eggs, teeth and bones of vertebrates.

## Terms and Conditions

- 1) The permittee shall not operate any vehicle over a known or suspected archaeological or palaeontological site.
- 2) The permittee shall not remove, disturb, or displace any archaeological artifact or site, or any fossil or palaeontological site.
- 3) The permittee shall immediately contact the Department of Culture, Language, Elders and Youth (867) 934-2046 or (867) 975-5500 or 1 (866) 934-2035 should an archaeological site or specimen, or a palaeontological site or fossil be encountered or disturbed by any land use activity.
- 4) The permittee shall immediately cease any activity that disturbs an archaeological or palaeontological site encountered during the course of a land use operation, until permitted to proceed with the authorization of the Department of Culture, Language, Elders and Youth, Government of Nunavut.
- 5) The permittee shall follow the direction of the Department of Culture, Language, Elders and Youth and DIAND in restoring disturbed archaeological or palaeontological sites to an acceptable condition.
- 6) The permittee shall provide all information requested by the Department of Culture, Language, Elders and Youth concerning all archaeological sites or artifacts and all palaeontological sites and fossils encountered in the course of any land use activity.

- 7) The permittee shall make best efforts to ensure that all persons working under authority of the permit are aware of these conditions concerning archaeological sites and artifacts, and palaeontological sites and fossils.
- 8) The permittee shall avoid the known archaeological and/or palaeontological sites listed in Attachment 1.
- 9) The permittee shall have an archaeologist or palaeontologist perform the following functions, as required by the Department of Culture, Language, Elders and Youth:
  - a. survey
  - b. inventory and documentation of the archaeological or palaeontological resources of the land use area
  - c. assessment of potential for damage to archaeological or palaeontological sites
  - d. mitigation
  - e. marking boundaries of archaeological or palaeontological sites
  - f. site restoration

The Department of Culture, Language, Elders and Youth shall authorize by way of a Nunavut Archaeologist Permit or a Nunavut Palaeontologist Permit, all procedures subsumed under the above operations.