



SCREENING DECISION REPORT
Nunavut Airports Division's Arctic Bay Airport Redevelopment

NIRB File No.: 06UN036
C&GS File No.: 11272

May 5, 2006

Hon. Levinia Brown
Minister of Community & Government Services
Iqaluit, NU

Fax: 867-975-5095

Dear Minister:

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 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 potential impacts from quarrying and blasting activities and quarry restoration;
- the potential impact to the physical terrain due to possible flooding, erosion and subsidence of land;
- the potential impact to water quality;
- the potential impacts from an accidental fuel or chemical spill;
- the potential impact of air and noise;
- the potential impact to archaeological sites; and
- the potential impact to wildlife including migratory birds.

Terms and Conditions

General

1. The Proponent shall maintain a copy of the Project Terms and Conditions at the sites of operation at all times.
2. The Proponent shall be reminded that all permits and approvals are required prior to the commencement of any work.
3. The Proponent shall notify NIRB of any changes in operating plans or conditions associated with this project at least thirty (30) days prior to any such change. That Proponent shall carbon copy local communities on this correspondence.
4. The Proponent shall submit to NIRB an annual report which shall include:
 - a) Reference to the NIRB Project number **06UN036**
 - b) An updated site map;
 - c) A summary of activities undertaken;
 - d) A summary of local hires;
 - e) A summary of site-visits by inspectors with results and follow-up actions;
 - f) Site photos;
 - g) Safety reporting;
 - h) Any progressive reclamation work undertaken;
 - i) Wildlife encounters and actions/mitigation taken;
 - j) Details of spills which occurred; and

- k) Discussion on how the terms and conditions were implemented.

The report shall be submitted no later than December 31st of each year of the project.

Quarry Sites

5. The Proponent shall undertake quarrying in accordance with the Nunavut Mining Safety Ordinance and the Territorial Quarrying Regulations or equivalent.
6. The Proponent shall consider Indian and Northern Affairs Canada's (INAC) document entitled *Environmental Guidelines for Pits and Quarries*.
7. The Proponent shall practice progressive reclamation in accordance with the restoration guidelines outlined in Indian and Northern Affairs Canada's (INAC) document entitled *Environmental Guidelines for Pits and Quarries*.
8. The Proponent shall save any organic topsoil removed during operations and stockpile it separately from inorganic overburden.
9. The Permittee shall place a layer of coarse gravel on top of reclaimed quarry site to prevent wind from moving dust and fines to other locations.
10. The Proponent shall maintain an undisturbed buffer zone of at least 100m between quarrying activities and the normal high water mark of any water body.
11. The Proponent shall ensure excavated slopes have a horizontal/vertical ratio of 2:1 to ensure public safety.
12. The Proponent shall provide confirmation to NIRB that the material to be extracted is non-acid generating. If extraction material is determined to be acid generating, remediation and mitigation measures shall be implemented immediately and notification provided to the Board.

Blasting

13. The Proponent shall avoid blasting during temperature inversions and strong winds.
14. The Proponent shall ensure that water impacted by blasting activities shall be collected and treated before release.
15. The Proponent shall minimize blast energies to the greatest extent possible.
16. The Proponent shall ensure to time blasting activities so as to minimize the effect of noise on residents.

17. The Proponent shall ensure that blasting does not occur during sensitive periods for wildlife including migratory birds.
18. The Proponent shall not detonate explosives within 15metres of any body of water which is not completely frozen to the bottom.

Physical Terrain

19. The Proponent shall adopt measures as required to control erosion by surface disturbance including silt curtains and/or silt fencing.
20. The Proponent shall ensure that the proposed sedimentation control fence is situated such that it captures all site runoff, especially from stockpiled materials and construction activities
21. The Proponent shall ensure that the proposed sedimentation control fence is situated above the high water mark of any water body. Further, any stockpiles should be located within the area contained by the proposed site fencing/ curtains.
22. The Proponent shall ensure that if water is encountered during permafrost excavation required for construction which requires pumping that the discharge location for the pumped water is above the high water mark of any water body. Erosion protection measures should also be implemented at the discharge point.
23. The Proponent shall ensure that the site is kept clean and tidy at all times.
24. All material used in construction must be clean, non-acid generating, and free of contaminants.
25. The Proponent shall use water for dust suppression in order to maintain ambient air quality without causing water to pool or runoff.
26. The Proponent shall not obstruct or divert natural drainage unless authorized by DFO and/or the Nunavut Water Board.
27. The Proponent shall leave a strip of undisturbed vegetation at least 100 metres in width between clearing and public roads or navigable waterways unless otherwise approved in writing.
28. The construction or disturbance of any stream/lake bed or banks of any definable water course are not permitted unless authorized by the Department of Fisheries and Oceans (DFO).
29. The Proponent shall ensure that the drainage channel design mitigates the impact of flooding, accommodates flows, and mitigate any impacts on the downstream receiving environment.

30. The Proponent shall schedule drainage channel activity so as to prevent adverse downstream environmental impacts.

31. The Proponent shall ensure that there are no changes to the natural drainage catchment.

Water and Waste Management

32. The Proponent shall not deposit nor permit the deposit of any fuel, chemicals, wastes or sediments into any water body. According to the Fisheries Act, Section 36 (3), the deposition of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any deleterious substance that results from the deposit of the deleterious substance, may enter any water body, is prohibited.

33. The Proponent shall only use water from sources approved by the Nunavut Water Board.

Air and Noise

34. The Proponent shall ensure that prolonged idling of turbine engines are avoided and conducted away from Public areas.

35. The Proponent shall follow the recently published guidelines from Transport Canada regarding New Airports and the Community Response to Noise.

Wildlife

36. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this land use operation.

37. The Proponent shall not locate any operation so as to block or cause substantial diversion to migration of caribou.

38. From May 15 to July 15, the Proponent shall cease activities that interfere with caribou migration or calving, such as the movement of equipment and excavation activities until the caribou and their calves have vacated the area.

39. The Proponent shall ensure that the quarry sites avoid known environmentally sensitive areas (denning, nesting etc.) by a minimum of 250 metres.

40. The Proponent shall consult the territorial legislation regarding the protection of ravens

41. The Proponent shall identify potential Species at Risk that could be affected by the project. (please refer to the Species at Risk registry at www.sararegistry.gc.ca for information on specific species) and develop a monitoring plan for species of special concern as required by the Species at Risk Act (SARA) Section 79 (2). The Proponent

shall develop this monitoring plan in consultation with the Government of Nunavut and Environment Canada. A report identifying the potential Species at Risk and any required monitoring plan will be submitted to Environment Canada, the Government of Nunavut and NIRB prior to commencing on site activities.

Migratory Birds

42. Pursuant to the Migratory Bird Convention Act Regulations the Proponent shall not disturb or destroy the nests or eggs of migratory birds (ie. gulls). The period from June 1 to July 15 is the general migratory bird breeding season and it is recommended that activities be conducted outside of these dates, particularly in the vicinity of known migratory bird colonies. If active nests are encountered outside these dates, the area should be avoided until nesting is complete.
43. The Proponent shall ensure compliance with Section 35 the Migratory Birds Convention Act and Migratory Birds Regulations which states that no person shall deposit or permit to be deposited, oil, oil wastes, or any other substance harmful to migratory birds in any waters or any areas frequented by migratory birds.
44. The Proponent shall ensure that aircraft maintain a horizontal distance of 2 km and a vertical distance of 1 km from any observed colonies of migratory birds.
45. The Proponent shall submit to NIRB and Environment Canada additional information regarding the nesting colony of gulls located at George Society Cliffs including:
 - a. Species of Gulls present;
 - b. Approximate size of the colony (ie. number of nesting pairs); and
 - c. Distance of the colony from the proposed project and location of the colony in relation to anticipated normal flight paths.

Fuel and Chemical Storage

46. The Proponent shall install secondary containment for the above ground storage tanks. The proponent shall consult the Canadian Council of Ministers of Environment (CCME) Guidance Document PN 1326 entitled “Environmental Code of Practice for Above Ground and Underground Storage Tank Systems containing Petroleum Product and Allied Petroleum Products” for best practices regarding the storage of petroleum products.
47. The Proponent shall have a Nunavut Water Board approved Spill Contingency Plan in place prior to commencement of construction activities. This Plan shall address any additional fuel stored at the quarry site. The approved Spill Contingency Plan shall be submitted to NIRB and to the Hamlet of Arctic Bay care of Bill Harding, SAO.
48. The Proponent shall use drip pans or other preventative measures while refueling equipment on site.

49. The Proponent shall ensure that all spills are documented and reported to the 24 hour Spill Line at 867-920-8130.
50. The Proponent shall use secondary containment, such as self-supporting insta-berms, when storing barreled fuel on location rather than relying on natural depressions.
51. The Proponent shall not place any petroleum fuel storage or chemical container within thirty one (31) meters of the ordinary high water mark of any water body.
52. The Proponent shall have one extra fuel storage container on site equal to, or greater than the size of the largest fuel container.
53. The Proponent 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.
54. The Proponent shall monitor all connections between fueling vehicles and fuel source during fueling to ensure there is no overflow and spillage.
55. The Proponent shall repair all leaks immediately

Structures

56. The Proponent shall insulate the ground surface beneath all structures and facilities to prevent any vegetation present from being removed, prevent the ground from settling and/or eroding, and to prevent permafrost degradation.

Archaeological Sites

57. The Proponent shall not disturb any archaeological or palaeontological site.
58. The Proponent shall follow the attached conditions from the Government of Nunavut, Department of Culture, Language, Elders and Youth (CLEY) that specify plans and methods of site protection and restoration to be followed by the Proponent if an archaeological site is encountered or disturbed during the course of the land use activity.

Other Recommendations

1. NIRB would like to encourage the proponent to hire local people and services, to the extent possible, and to continue consulting with local residents regarding their activities in the region.
2. The Permittee should ensure that all reasonable public safety procedures are implemented during the life of the operation.
3. Any amendment requests deemed by NIRB to be outside the original scope of the project will be considered 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 May 4, 2006 at Cambridge Bay, NU



Elizabeth Copland, A/Chairperson