

SCREENING DECISION

March 16, 2006

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

Dear Minister:

RE: Screening Decision of the Nunavut Impact Review Board (NIRB) on Application:

**NIRB # 05QN005 Community & Government Services
Quarry Permit & Land Use Application – Hamlet of Arviat**

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 control and prevention of flooding, erosion and subsidence of land;
- the potential impact to water quality;
- the potential impact to archaeological sites;
- the potential impact to wildlife; and
- clean up and restoration of the quarry site upon abandonment;

Terms and Conditions:

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

General

1. The Permittee shall undertake quarrying in accordance with the Nunavut Mining Safety Ordinance and the Territorial Quarrying Regulations or equivalent.
2. The Permittee shall submit to NIRB an annual report which shall include:
 - a) The quantity of material quarried and the quantity of material removed from the site;
 - b) A summary of site-visits by inspectors with results and follow-up actions;
 - c) Site photos;
 - d) Safety reporting;
 - e) Progressive reclamation work undertaken;
 - f) Wildlife encounters and actions/mitigation taken;
 - g) Details of spills which occurred; and
 - h) Discussion on how the terms and conditions were implemented.

The report shall be submitted no later than March 31st of each year.

Physical Environment

3. The Permittee shall ensure excavated slopes have a horizontal/vertical ratio of 2:1 to ensure public safety.
4. The Permittee shall ensure that the quarry area is kept clean and tidy at all times.

5. The Permittee shall use water for dust suppression in order to maintain ambient air quality without causing water to pool or runoff.
6. The Permittee shall not remove any material from below the ordinary high water mark of any lake or stream.
7. The Permittee shall not obstruct or divert natural drainage unless authorized by DFO and/or the Nunavut Water Board.
8. The Permittee 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.
9. 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).
10. The Permittee shall adopt measures as required to control erosion by surface disturbance including silt curtains and/or silt fencing.
11. The Permittee 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.

Water

12. The Permittee shall not deposit or permit the deposit of sediment into any water body.
13. The Permittee shall not deposit, nor permit the deposit of any fuel, chemicals, or wastes 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 that results from the deposit of the deleterious substance may enter any such water, is prohibited.
14. Waste water shall be released in such a manner that it will not enter any water body.

Fuel and Chemical Storage

15. The Permittee shall have a Spill Contingency Plan in place prior to commencement of the operation and submit a copy to NIRB.
16. The Permittee 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.
17. The Permittee shall have one extra fuel storage container on site equal to, or greater than the size of the largest fuel container.
18. The Permittee 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.
19. The Permittee shall monitor all connections between fueling vehicles and fuel source during fueling to ensure there is no overflow and spillage.
20. The Permittee shall use drip pans or other preventative measures while refueling any equipment used at the quarry site.
21. The Permittee shall repair all leaks immediately.

22. The Permittee shall immediately report all spills of petroleum and hazardous chemicals in accordance with the Government Spill Report. Twenty four (24) hour spill report line (867) 920-8130.

Archaeological Sites

23. The Permittee shall not disturb any archaeological or palaeontological site.
24. The Permittee shall keep a distance of 30m away from the known archaeological structures.
25. The Permittee shall ensure that the known archaeological site is clearly marked with a permanent structure such as a rock wall.
26. The Permittee 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 Permittee if an archaeological site is encountered or disturbed during the course of the land use activity.
27. The Permittee shall immediately contact CLEY regarding the location, status, and protection measures for the two modern graves located close to the quarry site.

Wildlife

28. The Permittee shall ensure that there is no damage to wildlife habitat in conducting this land use operation.
29. The Permittee shall avoid active migratory bird nests (nests containing eggs or young) until nesting is complete. The migratory bird breeding season is from approximately May 15 to August 1 and in accordance with paragraph 6(a) of the Migratory Birds Regulations, no one shall disturb or destroy the nests or eggs of migratory birds.
30. The Permittee shall ensure that the quarry sites avoid known environmentally sensitive areas (denning, nesting etc.) by a minimum of 250 metres.
31. The Permittee shall not locate any operation so as to block or cause substantial diversion to migration of caribou.
32. From May 15 to July 15, the Permittee 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.

Reclamation

33. The Permittee shall practice progressive reclamation in accordance with the restoration guidelines outlined in Indian and Northern Affairs Canada's document entitled Environmental Guidelines for Pits and Quarries.
34. The Permittee shall save any organic topsoil removed during operations and stockpile it separately from inorganic overburden.
35. 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.

36. The Permittee shall remove all fuel, buildings and equipment in a progressive manner and completely upon abandonment.
37. The Permittee shall have an Abandonment and Restoration Plan in place prior to the commencement of operations and submit a copy to NIRB.
38. The Permittee shall remove all scrap metal, discarded machinery and parts, barrels and kegs, buildings and building material in a progressive manner and completely upon abandonment.
39. The Permittee shall complete all clean-up and restoration of the lands used prior to the expiry date of the permit, unless an extension or renewal is granted.

Other Recommendations

1. NIRB encourages the Permittee to contact the Nunavut Water Board regarding its quarry activities.
2. 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.
3. The Permittee should ensure that all reasonable public safety procedures are implemented during the life of the operation.
4. 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 _____ at Cambridge Bay, NU

Peter Akkikungnaq, Vice-Chairperson