



August 23, 2007

Robert Chapple
Senior Manager of Planning and Lands
Government of Nunavut
Community and Government Services
Kugluktuk, NU

Via email: rchapple@gov.nu.ca

Re: Industrial Activity, Bulk Fuel Storage Definitions and Screening of Water/Sewer Projects

Dear Mr. Chapple,

Thank you for your letter dated August 13, 2007, setting out the Government of Nunavut Community and Government Services (GN-CGS) understanding of the results of recent discussions with the Nunavut Impact Review Board (NIRB) on the above subject.

In the absence of legislation, for purposes of limiting the exemptions arising from Schedule 12-1(3) of the Nunavut Land Claims Agreement (NLCA), NIRB agrees with the definitions for Industrial Activity and Bulk Fuel Storage set out in the above referenced letter. NIRB further agrees that the list of activities which are “included” in these definitions (and thus require NIRB screening) and the list of activities that are “excluded” from these definitions (and thus exempt from NIRB screening pursuant) reflect a reasonable interpretation and application of the definitions. Finally, NIRB concurs with the interim approach set out by GN-CGS for screening of sewage lagoons, water treatment facilities and solid waste disposal sites within municipal boundaries.

NIRB is currently working with the Nunavut Planning Commission to ensure consistent application of Schedule 12-1 to project proposals. Accordingly, NIRB is providing NPC with a copy of this letter. In the longer term, NIRB looks forward to resolving these matters, including NIRB’s preference to screen the municipal activities raised in your letter, through the implementation of legislation. Accordingly, NIRB asks that this interim resolution be brought forward jointly, with the GN-CGS, to the next scheduled meeting of the legislative working group.

In closing, I want to thank you and Mr. Curley for working cooperatively with NIRB to find interim solutions that both assist the GN-CGS with carrying out its responsibilities and ensures NIRB’s primary objective 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 is met.

cc: Barth Curley, GN-CGS Legal Counsel
Gladys Joudrey, GN-CGS
Darren Flynn, Director Community Development
Brian Aglukark, NPC
Adrian Boyd, NPC
Stephanie Briscoe, NIRB
Bill Tilleman, NIRB Legal Counsel



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Nunalingni Kavamatkunillu Pivikhaqautikkut
Department of Community and Government Services
Ministère des Services communautaires et gouvernementaux

August 13, 2007

Kevin Buck
Director of Technical Services
Nunavut Impact Review Board
Box 1360
Cambridge Bay, NU
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Re: Industrial Activities, Bulk Fuel Storage Definitions and Screening of Water/Sewer Projects

Kevin, it appears that Community and Government Service, Planning and Lands Section have reached an agreement with the Nunavut Impact Review Board regarding the treatment of "industrial activity" and "bulk fuel storage" in paragraph 3 of Schedule 12-1, and the screening of water/sewer projects.

We will use your definition of "industrial activity" that you provided on May 23, 2007 and then apply the following inclusion and exclusion lists that we developed together:

Industrial Activity: refers to all those activities whose aim is the manufacture, assembly or processing of goods or commodities or the exploitation of natural resources.

a) Included:

Land Farm
Manufacturing Plant (steel, metal, chemical)
Recycling Depot
Hazardous waste or chemical storage or use
Quarries – initial development or the expansion of an existing quarry and the disestablishment thereof where the same was not included as part of the initial screening
Explosives storage
Tanneries
Meat and fish production facilities (establishment or change in operation)

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Nunavut Kavamanga, Titiqqiqivinga 272, Kugluktuk, Nunavut X0B 0E0
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Exploration, bulk sampling, mining, and all associated mining activities.

b) Excluded:

All Institutional activities

The following Commercial Activities:

Building supply centre

Animal hospital

Custom workshop

Construction equipment yard

Heavy equipment sales and rentals

Automotive commercial garage

Extraction from existing quarries

Home occupations - meaning any occupation, trade, profession, personal service, day care or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building.

The definition of bulk fuel storage shall be the following definition that you provided during our discussions on this subject:

“Bulk storage of fuel” within an established municipality shall be defined as storage of fuel for resupply or resale but does not include individual residential or commercial users storing less than 80,000L.

Our position on the screening of sewage lagoons, water treatment facilities and solid waste disposal sites within the municipal boundary shall remain the same. We are in agreement that these projects will be sent to NPC if there is the possibility of cumulative effects (referred to in Article 12.4.2) and in the situation where the project is not exempt from 12-1(5). In the absence of a Regional Land Use Plan the project proposals would be sent directly to NIRB in both circumstances.

We will prepare a Directive that will be circulated to our regional staff outlining our agreement with regards to the above noted definitions and procedures. Nevertheless, we do not see this significantly changing our current procedures, but it will eliminate uncertainty for the planners and lands administrators in Nunavut. Adding these new arrangements to NIRB's Guidelines for Proponents and the Public will help to ensure that the appropriate projects are being sent to NIRB for screening. Proceeding with these changes by way of informal agreement provides flexibility which will allow CGS and NIRB to negotiate changes as required without any bureaucratic obstructions.

Sincerely,



Robert Chapple
Senior Manager of Planning and Lands
Community and Government Services

cc: Barth Curley, Legal Counsel for CGS
cc: Darren Flynn, Director of Community Development
cc: Gladys Joudrey, Manager of Lands, CGS