



SCREENING DECISION

October 16, 2003

Thomas Kudloo
Chairperson, Nunavut Water Board
Gjoa Haven, NU X0B 1J0

Nunavut Water
Board
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Public Registry

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Dear Mr. Kudloo:

RE: Screening Decision of the Nunavut Impact Review Board (NIRB) on Application:
NIRB: #03DN118 NWB: #NWB5FOD
Water License for FOX-3, Dewar Lakes Project

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:

- 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;
- the proposal requires review under Part 5 or 6; NIRB shall identify particular issues or concerns which should be considered in such a review;
- the proposal is insufficiently developed to permit proper screening, and should be returned to the proponent for clarification; or
- 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:

- impact to water quality, aquatic habitat, wildlife and fish populations;
- storage and disposal of chemicals, fuel, garbage, sewage, and gray water, and impact of these on the ecosystem;

Terms and Conditions:

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

Water

1. The Licensee shall ensure that fresh water for domestic purposes is obtained from Windy Lake.
2. The Licensee shall ensure that all water intake hoses are equipped with a screen with an appropriate mesh size to ensure that there is no entrapment of fish.
3. If operations require water in sufficient volume that the source waterbody may be drawn down, please submit details (volume required, size of waterbody, etc.) to DFO for review. DFO does not recommend the use of streams as a water source.

Fuel and Chemical Storage

4. The Licensee shall ensure that fuel storage containers are not located within thirty-one (31) metres of the ordinary high water mark of any body of water.
5. The Licensee 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.
6. The Licensee shall take all reasonable precautions to prevent the possibility of migration of spilled petroleum fuel or chemicals over the ground surface.
7. The Licensee shall examine all fuel and chemical storage containers daily for leaks. All leaks should be prepared immediately.
8. The Licensee shall seal all container outlets except the outlet currently in use.
9. The Licensee shall mark all fuel containers with the Licensee's name.
10. The Licensee shall dispose of all combustible waste petroleum products by incineration and removal from the site.
11. The Licensee shall have an approved emergency response and spill contingency plans in place prior to the commencement of the operation.
12. The Licensee shall immediately report all spills of petroleum and hazardous chemicals to the twenty-four (24) hour spill report line at (867) 920-8130.

Waste Disposal

13. The Licensee shall not discharge or deposit any ~~refuse~~ substances or other waste materials in any body of water, or on the banks thereof, which ~~will~~ impair the quality of the waters of the natural environment.
14. The Licensee, prior to the discharge of fluids from any sump, shall carry out an analysis of the fluid in a manner prescribed by the NWB.
15. The Licensee shall treat greywater and sewage according to the terms and conditions outlined in the NWB approval.
16. The Licensee shall incinerate all combustible and food wastes daily. The Licensee shall use as a minimum incineration method a 45 gallon drum ~~modified~~ to form a more efficient incinerator.
17. The Licensee shall keep all garbage and debris in a ~~covered~~ metal container until disposed of.
18. The Licensee shall ensure that all wastes generated through the course of the operation are backhauled and disposed of in an approved dumpsite.
19. The Licensee shall deposit all scrap metal, discarded machinery and parts, barrels and kegs, at an approved disposal site.

Wildlife

20. The Licensee shall ensure that there is no damage to wildlife habitat in conducting this operation.
21. The Licensee shall not feed wildlife.
22. That the Licensee shall ensure that there is no hunting by employees of the company or any contractors hired.
23. The Licensee shall ensure compliance with Section 36 of the Fisheries Act, which requires that no person shall deposit or permit the deposit of a ~~deleterious~~ substance on any type in water frequented by fish or in any place under any conditions where the deleterious substance may enter such a water body.
24. The harmful alteration, disruption or destruction of fish habitat is prohibited under Section 35 of the Fisheries Act. No construction or disturbance of any stream/lake bed or banks of any definable watercourse is permitted unless authorized by DFO.

Environmental

25. The Licensee shall ensure that the land use area is kept clean and tidy at all times.
26. The Licensee shall not do anything that will cause erosion of the banks of any body of water on or adjacent to the land and shall provide necessary controls to prevent such erosion.
27. The Licensee shall be required to undertake any corrective measures in the event of any damage to the land or water as a result of the Licensee's operation.
28. The Licensee shall adopt such measures as required to control erosion by surface disturbance.
29. Energy diffusers, plastic sheeting, filter cloth and/or straw bales should be installed as required to provide filtering and avoid scouring and sedimentation at the outfall area.

Structure & Storage Facilities

30. Any stockpiled or permanently removed materials should be stored and stabilized away from any watercourse.
31. The Licensee shall locate all structures and storage facilities on gravel, sand or other durable land.
32. The Licensee may only stockpiles in areas designated
33. The Licensee shall use existing housing and operational facilities.

Archaeological Sites

34. The Permittee shall follow all terms and conditions for the protection and restoration of archaeological resources as outlined by the Department of Culture, Language, Elders and Youths (CLEY) in attached letter.

Reclamation

35. The Licensee shall complete all clean-up and restoration of the lands used prior to the expiry date of the permit.
36. The Licensee shall undertake ongoing restoration for any land or improvements which are no longer required for the Licensee's operation on the land.

Other Recommendations

1. NIRB would like to encourage the proponent to hire local people and services, to the extent possible.
2. Any amendment requests deemed by NIRB to be outside the original scope of the project will be considered a new project.
3. The Environmental Protection Branch (DOE), Department of Fisheries and Oceans (DFO), Nunavut Impact Review Board (NIRB), and the Nunavut Water Board (NWB) should be advised of any material changes to plans or operating conditions associated with the 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 Oct 16/03 at Arviat, NU


Elizabeth Copland, Chairperson



ARCHAEOLOGICAL AND PALAEOONTOLOGICAL 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]

Palaeontology

Under the Nunavut Act¹, 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*², it is illegal to alter or disturb any palaeontological site in Nunavut unless permission is first granted through the permitting process.

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.

¹ s. 51(1)

² P.C. 2001-1111 14 June, 2001

"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) 934-2033 or (867) 975-5500 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.

COMMENT FORM FOR NIRB SCREENINGS

The Nunavut Impact Review Board has a mandate to protect the integrity of the ecosystem for the existing and future residents of Nunavut. In order to assess the environmental and socio-economic impacts of the project proposals, NIRB would like to hear your concerns, comments and suggestions about the following project application:

Project Title:	Fox-3 Dewar Lakes Project		
Proponent:	Nasittuq Corporation		
Location:	Dewar Lake		
Comments Due By:	October 8, 2003 13:00 hrs. MST	NIRB #:	03DN118

Indicate your concerns about the project proposal below:

no concerns	traditional uses of land
water quality	Inuit harvesting activities
terrain	community involvement and consultation
air quality	local development in the area
wildlife and their habitat	tourism in the area
marine mammals and their habitat	human health issues
birds and their habitat	other: _____
fish and their habitat	_____
heritage resources in area	_____

Please describe the concerns indicated above:

The appendices for the spill plan, which should have included a 24 hr. contact for spill response does not appear to be included with the document. I have no serious concerns regarding this project. It is assumed that the existing facilities are already in compliance with current and applicable guidelines and regulations. The proposed activities do not appear to pose any additional risks to the environment.

Do you have any suggestions or recommendations for this application?

A minor comment: it would be appreciated if the proponent ensures that all of his/her documents are scanned in right side up in future proposals in order to render it easier to review. The spill plan alternated between right side up and upside down.

Do you support the project proposal? Yes No Any additional comments?

Yes

Name of person commenting:	Robert Eno		of	Iqaluit
Position:	Water Resources Coordinator	Organization:	Indian and Northern Affairs Canada, Water Resources Branch	
Signature:			Date:	October 8, 2003

OCT-08-03 12:35 From:ENV CAN IQALUIT NUNAVUT

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Environment Canada Environnement Canada

Environmental Protection Branch
 Qimugjuk Building 969 P.O. Box 1870
 Iqaluit, NU X0A 0H0
 Tel: (867) 975-4639
 Fax: (867) 975-4645

October 8, 2003

Our file: 4517 000 014

Jorgen Komak
 Environmental Assessment Officer
 Nunavut Impact Review Board
 P.O. Box 2379
 Cambridge Bay, NU X0B 0C0
 Tel: (867) 983-2593
 Fax: (867) 983-2594

Via Facsimile

RE: NIBR 03DN118 – Nasittuq Corp. – FOX-3, Dewar Lakes Project

On behalf of Environment Canada (EC), I have reviewed the information submitted with the above-mentioned application. The following specialist advice has been provided pursuant to Environment Canada's mandated responsibilities for the enforcement of the Canadian Environmental Protection Act, Section 36(3) of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

Nasittuq Corp. has applied for a water license application for water use and waste disposal associated with camp operations for the Dewar Lakes, FOX-3 Long Range Radar (LRR) station. From 1989 through 1995 the station was fully manned with an average occupancy of 15 persons all year round. However, since 1995, the station has operated as an unmanned facility, with the exception of scheduled maintenance trips and unplanned corrective maintenance trips. The FOX-3 station is located on Baffin Island, near the geographic center of the island.

Environment Canada requires the following information in order to facilitate the review of this application:

- A map detailing the location of the monitoring points at the proposed outfall area where leachate monitoring will be completed.
- Once available, the progressive and final abandonment and restoration plans for the site.
- The location of all sumps which are to be used for the disposal of camp greywater, including their location in relation to water, their expected capacity, and freeboard.

Environment Canada recommends that the following conditions be applied throughout all stages of the project:

- The proponent shall not deposit, nor permit the deposit of any fuel, chemicals, wastes or sediment 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 other deleterious substance that results from the deposit of the deleterious substance, may enter any such water, is prohibited.
- If maintenance work is to be done on the roads (i.e. grading, etc...), EC recommends that measures be taken to ensure that there is no sedimentation of the surrounding waterbodies as a result of such work.
- The proponent shall ensure that all spills are documented and reported to the NWT 24 hour Spill Line at (867) 920-8130.



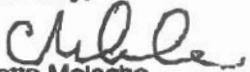
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landfill do not result in void spaces in the landfill. Bulky materials should be segregated from the rest of the domestic waste.

- The proponent shall ensure that all spills are documented and reported to the NWT 24 hour Spill Line at (867) 920-8130.
- Given the large amount of fuel to be stored on site, EC recommends the use of secondary containment such as self supporting Insta-berms.
- All fuel storage areas shall be located above the high water mark and in such a manner as to prevent the contents from entering any waterbody frequented by fish.
- The proponent shall ensure that only non-hazardous materials are disposed of at the municipal landfill. All hazardous materials, including waste oil, shall receive proper treatment and disposal at an approved facility.
- Environment Canada recommends that drip pans, or other similar preventative measures, be used when refueling equipment on site.
- The application does not make mention of any existing gravel stockpiles at the site. If gravel is to be quarried in conjunction with this project, the proponent shall not deposit, nor permit the deposit of sediment into any water body. It is recommended that an undisturbed buffer zone of at least 100 metres be maintained between the proposed quarry operation and the normal high water mark of any water body.

If there are any changes in the proposed project, EC should be notified, as further review may be necessary. Please do not hesitate to contact me with any questions or comments with regards to the foregoing at (867) 975-4639 or by email at colette.meloche@ec.gc.ca.

Yours truly,


Colette Meloche
Environmental Assessment Specialist

cc: (Mike Fournier, Northern Environmental Assessment Coordinator, Environment Canada, Yellowknife)