



NIRB File No.: 04DN001
INAC File No.: N2008X0003
NWB File No.: NWB5DYE0409

January 21, 2011

Honourable John Duncan
Minister of Indian and Northern Affairs Canada
Indian and Northern Affairs Canada
c/o Jeff Mercer, Manager Land Administration
Indian and Northern Affairs Canada
Iqaluit, NU

Via email: jeff.mercer@inac-ainc.gc.ca and landsmining@ainc-inac.gc.ca

Re: Application exempt from Screening pursuant to Section 12.4.3 of the NLCA: DCC's and DND's "DYE-M, Cape Dyer DEW Line Site Clean-up and Remediation" project

Dear Jeff Mercer:

On January 17, 2011 the Nunavut Impact Review Board (NIRB or Board) received an application from Indian and Northern Affairs Canada (INAC) for new Quarry Permits associated with INAC Land Use Permit N2008X0003; these quarry permits have been applied for in support of Defense Construction Canada's (DCC) and Department of National Defence's (DND) "DYE-M, Cape Dyer DEW Line Site Clean-up and Remediation" project.

Please be advised that the original project proposal (NIRB File No.: 04DN001) was received by the NIRB from INAC on December 29, 2003 and was screened by the Board in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On February 25, 2004 the NIRB issued the enclosed NLCA 12.4.4(a) screening decision to the Minister of INAC indicating the proposed project could proceed subject to NIRB's recommended project-specific terms and conditions.

On February 4, 2008 the NIRB received an application from INAC for a renewal to Land Use Permit N2008X0003 to allow for the continuation of DCC and DND's clean-up at the Cape Dyer former DEW Line Site. In addition to the previously permitted activities, DCC applied for a new quarry permit for one new borrow location that was not included in the original project proposal. The project proposal, including the new borrow location, was screened in accordance with Part 4, Article 12 of the NLCA, and on March 11, 2008 the NIRB re-issued the recommended terms and conditions contained in the February 25, 2004 Screening Decision Report, along with additional terms and conditions as outlined in the March 11, 2008 letter to INAC.

On June 25, 2008 the NIRB received an amendment request from INAC regarding DCC's application for permission to use the upper site abandoned airstrip at the Cape Dyer DEW Line Site as a temporary laydown area for excavated soils. After a thorough assessment of the project proposal, the amendment request, and the comments received, the NIRB determined that the amendment did not significantly change the general scope of the original project activities and re-issued the recommended project-specific terms and conditions contained in the February 25, 2004 Screening Decision Report and the March 11, 2008 letter.

On January 22, 2009 the NIRB received an application from INAC regarding DCC's request for a new quarry permit for the 2009 season. After an assessment of the project proposal, the NIRB determined that the proposal did not significantly change the general scope of the original project activities and re-issued the recommended project-specific terms and conditions contained in the February 25, 2004 Screening Decision Report and the March 11, 2008 letter.

On October 30, 2009 the NIRB received an application from INAC regarding DCC's application for a one year extension to Land Use Permit N2008X0003. After a thorough assessment of the project proposal in accordance with Part 4, Article 12 of the NLCA, the NIRB determined that the extension request did not significantly change the general scope of the original project activities and, on November 9, 2009 re-issued the recommended project-specific terms and conditions contained in the February 25, 2004 Screening Decision Report and the March 11, 2008 letter.

The current INAC application, the original NIRB Screening Decision Report (04DN001) and related file information are available from the NIRB's ftp site at the following link:

<http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2004/04DN001-DYE-M%20-%20Cape%20Dyer/>.

PREVIOUSLY-SCREENED PROJECT PROPOSAL:

As previously screened by the NIRB (File No. 04DN001), the "DYE-M, Cape Dyer DEW Line Site Clean-up and Remediation" project was located within the South Baffin region. The Proponent indicated that it intended to clean-up and remediate this former Distant Early Warning (DEW) Line site.

The activities/components associated with this proposal included:

- Demolition and removal of the remaining facilities not required for the operation of the North Warning System
- Disposal of contaminated soils in engineered landfill facilities
- Removal of hazardous materials
- Remediation of existing landfills
- Removal of surface debris
- Demobilization of contractor's camp and equipment

CURRENT APPLICATION:

DCC is currently applying for new Quarry Permits under Land Use Permit N2008X0003 for continued remediation activities in the 2011 construction season.

Please note that Section 12.4.3 of the NLCA states that:

“Any application for a component or activity of a project proposal that has been permitted to proceed in accordance with these provisions shall be exempt from the requirement for screening by NIRB unless:

(a) such component or activity was not part of the original project proposal; or

(b) its inclusion would significantly modify the project.”

After completing a review of the information provided, the NIRB is of the understanding that the application received from INAC does not change the general scope of the original project activities, and the exceptions noted in NLCA 12.4.3(a) and (b) do not apply. Therefore, this application is exempted from screening as per Section 12.4.3 of the NLCA and the activities therein remain subject to the terms and conditions recommended in the original February 25, 2004 Screening Decision Report along with additional terms and conditions as outlined in the March 11, 2008 letter to INAC (enclosed).

If you have any questions or concerns, feel free to contact NIRB's Assistant Technical Advisor, Kofi Boa-Antwi at 867-983-4609 or kboa-antwi@nirb.ca.

Sincerely,



Stephanie Autut
Executive Director

cc: Eva Schultz, AECOM (Eva.Schulz@aecom.com)
Steve Poaps, DCC (Steven.Poaps@dcc-cdc.gc.ca)

Enclosed: NIRB Screening Decision Report, File No.: 04DN001 (February 25, 2004)
Additional Terms and Conditions for NIRB File No.: 04DN001 (March 11, 2008)