



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

March 29, 2012

The Honourable John Duncan
Minister of Aboriginal Affairs and Northern Development
c/o Jeff Mercer, Manager Land Administration
Aboriginal Affairs and Northern Development Canada
Box 100, Iqaluit, NU
X0A 0H0

Via email: Jeff.Mercer@aandc.gc.ca and landsmining@aandc.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 March 22, 2012 the Nunavut Impact Review Board (NIRB or Board) received an application from Aboriginal Affairs and Northern Development Canada (AANDC) for an extension to AANDC Land Use Permit (N2008X0003) for Defense Construction Canada's (DCC) and Department of National Defence's (DND) "DYE-M, Cape Dyer DEW Line Site Clean-up and Remediation" project proposal.

Please be advised that the original project proposal (NIRB File No.: 04DN001) was received by the NIRB from Indian and Northern Affairs Canada (INAC, now AANDC) 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 the Land Use Permit (N2008X0003) and an application for a new quarry permit to include one new borrow location for the above mentioned project. After a thorough assessment of the renewal request and the new quarry permit application, 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 application from INAC for an amendment to the Land Use Permit for the above mentioned project. After a thorough assessment of the amendment request and the comments received, the NIRB determined that the application was exempt from further screening pursuant to Section 12.4.3 of the NLCA, and on July 28, 2008 re-issued the recommended project-specific terms and conditions contained in the February 25, 2004 Screening Decision Report and the additional terms and conditions contained in 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 application was exempt from further screening pursuant to Section 12.4.3 of the NLCA and on February 2, 2009 re-issued the recommended project-specific terms and conditions contained in the February 25, 2004 Screening Decision Report and the additional terms and conditions contained in the March 11, 2008 letter.

On October 30, 2009 the NIRB received an application from INAC for a one year extension to the Land Use Permit (N2008X0003) for the above mentioned project. After a thorough assessment of the extension request, the NIRB determined that the application was exempt from further screening pursuant to Section 12.4.3 of the NLCA, 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 additional terms and conditions contained in the March 11, 2008 letter.

On January 17, 2011 the NIRB received an application from INAC regarding DCC's request for a new quarry permit for the 2011 season. After a thorough assessment of the project proposal, the NIRB determined that the application was exempt from further screening pursuant to Section 12.4.3 of the NLCA and on January 21, 2011 re-issued the recommended project-specific terms and conditions contained in the February 25, 2004 Screening Decision Report and the additional terms and conditions contained in the March 11, 2008 letter.

The current AANDC 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-Cape%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 and components associated with the previously screened 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; and
- Demobilization of contractor's camp and equipment.

The February 4, 2008 renewal application included the addition of a new quarry permit for one new borrow location that was not included in the original project proposal.

The June 25, 2008 amendment included a request to use the upper site abandoned airstrip at the Cape Dyer DEW Line Site as a temporary laydown area for excavated soils. The excavated soils were to be temporarily stored at the site until testing was complete and then were transferred to the appropriate landfill on-site.

CURRENT APPLICATION:

DCC is proposing to extend their Land Use Permit for one year to continue remediation activities for the 2012 season. These activities include excavation of all remaining landfills and buried debris; disposal of excavation materials in an on-site landfill or offsite landfill; excavation of remaining contaminated soil areas; and completion of demolition activities. Final closure of the landfill facilities and demolition of the camp and equipment are proposed to occur in 2013.

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 in support of the current application, the NIRB is of the understanding that the proposed extension 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 exempt from screening pursuant to Section 12.4.3 of the NLCA and the activities therein remain subject to the terms and conditions recommended in the original February 24, 2004 Screening Decision Report along with the additional terms and conditions outlined in the March 11, 2008 letter to INAC (enclosed).

If you have any questions or concerns, please contact Sophia Granchinho, Technical Advisor, at (867) 793-4633 or sgranchinho@nirb.ca.

Sincerely,

A handwritten signature in black ink that reads "Ryan Barry". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ryan Barry
Executive Director

cc: Eva Schultz, AECOM Canada Ltd.
Tamara Van Dyck, DCC
Phyllis Beaulieu, Nunavut Water Board
John Craig, AANDC
Tracey McCaie, AANDC

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