



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

July 10, 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 the Requirement for 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 June 13, 2012 the Nunavut Impact Review Board (NIRB or Board) received a quarry application from Aboriginal Affairs and Northern Development Canada (AANDC) for Defence Construction Canada's (DCC) and the Department of National Defence's (DND) "DYE-M, Cape Dyer DEW Line Site Clean-up and Remediation" project proposal. The application is for a quarry permit for the 2012 season.

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 that 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 the renewal of the Land Use Permit (No. N2008X0003) associated with the above mentioned project, as well as an application for a new quarry permit to include one new borrow location. After a thorough assessment of the renewal request and the new quarry permit application, the NIRB re-issued the original February 25, 2004 Screening Decision Report along with additional terms and conditions on March 11, 2008.

Additional authorization and extension requests for the INAC Land Use Permit (No. N2008X0003) associated with this project have also been reviewed by the NIRB following the screening of the original project proposal. In each instance, the NIRB confirmed that the applications were exempt from the requirement for further screening pursuant to Section 12.4.3 of the NLCA and that the activities therein remained subject to the terms and conditions recommended in the original February 25, 2004 Screening Decision Report, along with the additional terms and conditions as outlined in the Board's March 11, 2008 correspondence to INAC. A summary of the additional authorizations are presented in Table 1.

Table 1: Additional amendment and extension requests for AANDC Land Use Permit (No. N2008X0003)

Authorization	Application			Correspondence Issued by NIRB
	Date Received by NIRB	Type	Reason for Application	
Land Use Permit	June 25, 2008	Amendment	Use of the upper site abandoned airstrip at Cape Dyer DEW line site for a temporary laydown area for excavated soil	July 28, 2008
Quarry Permit	January 22, 2009	New permit	New quarry permit for the 2009 season	February 2, 2009
Land Use Permit	October 30, 2009	Extension	One year extension request to continue remediation activities	November 9, 2009
Quarry Permit	January 17, 2011	New permit	New quarry permit for the 2011 season	January 21, 2011
Land Use Permit	March 22, 2012	Extension	Continue remediation activities for the 2012 season	March 29, 2012

The current AANDC application, the original NIRB Screening Decision Report (NIRB File: 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 the 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 request also included a new quarry permit application to allow one new borrow location that had not been 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 upon which they were to be transferred to appropriate landfill facilities on-site.

The January 22, 2009 application was for a new quarry permit for the 2009 season. The October 30, 2009 extension request was for a one year extension to DCC's Land Use Permit. DCC applied for new quarry permits on January 17, 2011 in support of the site clean-up and remediation project.

The March 22, 2012 application requested a one year extension in order to continue remediation activities for the 2012 season. These activities included 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 were proposed to occur in 2013.

CURRENT APPLICATION:

DCC is currently applying for a new Quarry Permit associated with the AANDC Land Use Permit (No. N2008X0003) for the "DYE-M, Cape Dyer DEW Line Site Clean-up and Remediation" project to allow for the extraction of a total of 640,700 m³ granular material from eleven borrow areas in order to continue the remediation activities in the 2012 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 in support of the current application, the NIRB is of the understanding that the application received from AANDC 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 the requirement for 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 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, 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 written in a cursive style with a long horizontal line extending to the right.

Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Eva Schulz, AECOM Canada Ltd.
Tamara Van Dyck, Defence Construction Canada
Phyllis Beaulieu, Nunavut Water Board
Tracey McCaie, Aboriginal Affairs and Northern Development Canada

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