



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

April 9, 2013

The Honourable Bernard Valcourt
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

Sent 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: Defence Construction Canada and the Department of National Defence's "DYE-M, Cape Dyer DEW Line Site Clean-up and Remediation" Project, South Baffin Region

Dear Jeff Mercer:

On March 19, 2013 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 Defence Construction Canada (DCC) and the Department of National Defence's (DND's) "DYE-M, Cape Dyer Distant Early Warning (DEW) Line Site Clean-up and Remediation" project proposal. The NIRB notes that a conformity determination from the Nunavut Planning Commission was not required for this file, as the proposed project is located within the South Baffin region which currently does not have an approved land use plan in place.

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 which indicated that the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions.

Additional authorization and extension requests associated with the "DYE-M, Cape Dyer DEW Line Site Clean-up and Remediation" project have also been reviewed by the NIRB following

screening of the original project proposal (File No.: 04DN001). A summary of these additional applications associated with NIRB File No.: 04DN001 are presented in Table 1.

Table 1: Additional Applications Associated with NIRB File No.: 04DN001

Authorization	Application			NIRB DECISION	
	Date Received by NIRB	Type	Reason for Application	Date	Type
INAC Land Use Permit (N2008X0003) and INAC Quarry Permits	February 4, 2008	Renewal	Renewal of land use and quarry permits for a 2-year period, as well as the application for a new quarry permit (new borrow area #14)	March 11, 2008	Additional terms and conditions issued along with original SDR
INAC Land Use Permit (N2008X0003)	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	Exempt from Screening, reissued March 11, 2008 correspondence
INAC Quarry Permit	January 22, 2009	Permit Application	New quarry permit for the 2009 season	February 2, 2009	Exempt from Screening, reissued March 11, 2008 correspondence
INAC Land Use Permit (N2008X0003)	October 30, 2009	Extension	One year extension request to continue remediation activities	November 9, 2009	Exempt from Screening, reissued March 11, 2008 correspondence
INAC Quarry Permit	January 17, 2011	Permit Application	New quarry permit for the 2011 season	January 21, 2011	Exempt from Screening, reissued March 11, 2008 correspondence
AANDC Land Use Permit (N2008X0003)	March 22, 2012	Extension	Continue remediation activities for the 2012 season	March 29, 2012	Exempt from Screening, reissued March 11, 2008 correspondence
AANDC Quarry Permit	June 13, 2012	Permit Application	New quarry permit for the 2012 season	August 10, 2012	Exempt from Screening, reissued March 11, 2008

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AANDC= Aboriginal Affairs and Northern Development Canada; INAC= Indian and Northern Affairs Canada (now Aboriginal Affairs and Northern Development Canada); NIRB= Nunavut Impact Review Board; NRI= Nunavut Research Institute; SDR= Screening Decision Report.

The current AANDC application, the original NIRB Screening Decision Report (File No.: 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 DEW Line site.

The activities and components associated with the proposed project as received by the NIRB on December 29, 2003 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 activities and components associated with the Proponent's February 4, 2008 application included a new quarry permit application to allow one new borrow location that had not been included in the original project proposal. 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.

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. After a thorough assessment of the amendment request, the new quarry permit application and comments received, the NIRB determined that this request did not significantly change the general scope of the original project activities and re-issued the original Screening Decision Report on July 28, 2008 along with additional terms and conditions.

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.

A March 22, 2012 application by the Proponent requested a one year extension 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.

The activities and components associated with the Proponent's June 13, 2012 application for an AANDC quarry permit included allowing for the extraction of granular material from eleven borrow areas to continue remediation activities in the 2012 construction season.

CURRENT APPLICATION:

The Proponent is currently applying to extend its AANDC Land Use Permit (N2008X003) to continue previously permitted activities at the Cape Dyer DEW Line project site.

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 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 (enclosed).

If you have any questions or require additional clarification, please contact Catherine Braun Rodriguez, Technical Advisor, at (867) 983-4607 or crodriguez@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 Schulz, AECOM Canada Ltd.
Tamara Van Dyck, Defence Construction Canada
Phyllis Beaulieu, Nunavut Water Board
Tracey McCaie, Aboriginal Affairs and Northern Development Canada
Bernie MacIsaac, Qikiqtani Inuit Association

Enclosed (2): Additional Terms and Conditions for NIRB File No.: 04DN001 (March 11, 2008)
NIRB Screening Decision Report, File No.: 04DN001 (February 25, 2004)