

NIRB File No.: 09UN052
 NWB File No.: 1BW-DUV0911
 DFO File No.: 09HCAA-CA7-00003

May 14, 2012

Adele Butcher
Regional Engineer
DFO Small Craft Harbours, Central and Arctic Region
501 University Cres.
Winnipeg, MB R3T 2N6

Via email: Adele.butcher@dfo-mpo.gc.ca

Re: Application Acknowledgement and Comment Request for Fisheries and Oceans Canada – Small Craft Harbours Branch’s Amendment and Extension Application with the NWB and DFO for the “Pangnirtung Small Craft Harbour Development” project proposal

Dear Adele Butcher:

On April 20, 2012 the Nunavut Impact Review Board (NIRB or Board) received an application package from Fisheries and Oceans Canada (DFO) which included an application for extension and amendment to DFO-Small Craft Harbours’ “Pangnirtung Small Craft Harbour Development” Harmful Alteration, Disruption or Destruction (HADD) authorization with DFO (File No. 09-HCAA-CA7-00003) and the Nunavut Water Board (Licence No. 1BW-DUV0911).

ORIGINAL PROJECT:

Please be advised that the original project proposal (NIRB File No.: 09UN052) was received by the NIRB from DFO on June 22, 2009 and was screened by the Board in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On July 24, 2009 the NIRB issued an NLCA 12.4.4(a) screening decision to the Minister of DFO indicating that the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions. During this screening, it was identified that a Disposal at Sea permit from Environment Canada may be required for the project and that any application for such an authorization may require additional screening by the Board.

On August 11, 2009 the NIRB received an application from DFO for an amendment to the *Fisheries Act* HADD authorization for the above mentioned project. After a thorough assessment of the amendment request, the NIRB determined that the application was exempt

from the requirement for further screening pursuant to Section 12.4.3 of the NLCA, and reissued the original July 24, 2009 screening decision report on August 20, 2009.

On May 12, 2010 the NIRB received an additional application from DFO for an amendment to the *Fisheries Act* HADD authorization for the above mentioned project. After a thorough assessment of the amendment request, the NIRB determined that the application was exempt from the requirement for further screening pursuant to Section 12.4.3 of the NLCA, and reissued the original July 24, 2009 screening decision report May 31, 2010.

On December 20, 2010 the NIRB received Public Works and Government Services Canada's "Disposal at Sea Permit" project proposal from Environment Canada (EC) for the above mentioned project. These amended activities were screened by the Board in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On March 22, 2011 the NIRB issued the enclosed NLCA 12.4.4(a) screening decision to the Minister of Environment, Government of Canada which indicated that the proposed project could proceed subject to the NIRB's *additional* recommended project-specific terms and conditions.

On April 20, 2011 the NIRB received an application to amend the Disposal at Sea permit to allow for the dredging and associated disposal at sea activities for the above mentioned project. After a thorough assessment of the amendment request, the NIRB determined that the application was exempt from the requirement for further screening pursuant to Section 12.4.3 of the NLCA, and reissued the March 22, 2011 screening decision report with *additional* recommended project-specific terms and conditions on May 12, 2011.

The NIRB's original screening considered harbour construction activities as specifically listed in Appendix A to this letter. As these activities have been previously screened by the NIRB, they are **not** being considered by the NIRB as a part of its current assessment.

CURRENT AMENDMENT:

DFO-Small Craft Harbours is proposing to extend the Nunavut Water Board class B water Licence (No. 1BW-DUV0911) and the *Fisheries Act* HADD authorization (No. 09-HCAA-CA7-00003) for this project for an additional year, to December 31, 2013. In addition, DFO-Small Craft Harbours has applied for the following additional project components and activities:

- Geotechnical drilling of up to 20 boreholes in the harbour to assess the depth to the bedrock.

All documents received and pertaining to this project proposal can be obtained from the NIRB's ftp site at:

<http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2009/09UN052-DFO%20-%20Pangnirtung%20Harbour/> and include the following:

- *DFO Amendment and Extension Request,*
- *NIRB Part 1 Form in English and Inuktitut*
- *NIRB Part 2 Form*
- *Non-technical Project Proposal summary in English*
- *NWB Type B Water Licence Amendment Application,*

- *Maps, and*
- *Updated Spill Plan.*

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.”

The NIRB is of the opinion that the request for the amendment is not likely to *significantly* change the general scope of the original project activities. Therefore the NIRB is *proposing* to re-issue the same terms and conditions as those in the attached May 12, 2011 Screening Decision, along with any new terms and conditions the NIRB considers appropriate. The NIRB may request additional information at any time during its assessment of the amendment application.

Be advised that the NIRB is copying parties and municipalities potentially affected by this project proposal. Interested parties are encouraged to comment directly to the NIRB by **May 23, 2012**.

The NIRB would like parties to provide comments regarding the *additional* activities listed as part of the current **amendment** application, and in doing so, to give consideration to the following:

- Whether the project proposal is likely to arouse significant public concern; and if so, why;
- Whether the project proposal is likely to cause significant adverse eco-systemic and socio-economic effects; and if so, why;
- Whether the project is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (please provide any recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

Please send your comments to the NIRB at info@nirb.ca or via fax at **(867) 983-2594**.

If you have any questions or concerns, feel free to contact me directly at (867) 983-4619 or kgillard@nirb.ca.

Sincerely,



Kelli Gillard B.Sc., P.Ag.
Technical Advisor
Nunavut Impact Review Board

cc: Distribution List
 Jennifer Wilson, Tetra Tech WEI Inc.
 Derrick Moggy, Fisheries and Oceans Canada
 Phyllis Beaulieu, Nunavut Water Board
 Mark Dahl, Environment Canada

Attached: Appendix A: Previously Screened Project Activities

Enclosures (3): Comment Forms (English and Inuktitut)
 NIRB Screening Decision Report, File No. 09UN052 (May 12, 2011)

APPENDIX A: PREVIOUSLY SCREENED PROJECT ACTIVITIES

The following activities have been previously screened and were allowed to proceed subject to the terms and conditions recommended by the NIRB within its May 15, 2011 Screening Decision Report, issued pursuant to Article 12 of the Nunavut Land Claims Agreement.

As these activities have been previously assessed, they are not being considered by the Board in its current assessment, but are included here for the information of parties:

- Dredging of marine area;
- Disposal of dredged sediments (potentially at sea, to be determined);
- Culvert installation on a freshwater stream;
- Temporary isolation/dewatering of tidal flats areas to permit in-water construction;
- Installation of floating docks;
- Construction of marshalling areas;
- Extension of existing breakwater;
- Construction of new breakwater;
- Use of existing fuelling infrastructure;
- Reinstatement of a crossing over the Duval River in Pangnirtung for the purpose of transporting rock from an existing quarry to the harbour for use as construction materials; and,
- Disposal of approved materials from the harbour dredging that were previously proposed for backfilling the shoreline areas of the warf and the breakwater within the Pangnirtung Fjord.