



## SCREENING DECISION REPORT NIRB FILE No.: 13YN010

NPC File No.: 148556

**July 14, 2017**

Following the Nunavut Impact Review Board's (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of Environment and Climate Change Canada's "Pond Inlet Atmospheric Measurements" is not required pursuant to paragraph 92(1)(a) of the *Nunavut Planning and Project Assessment Act* (NuPPAA).

Subject to the Proponent's compliance with the terms and conditions as set out in below, the NIRB is of the view that the project proposal is not likely to cause significant public concerns, and it is unlikely to result in significant adverse environmental and social impacts. The NIRB therefore recommends that the responsible Minister accepts this Screening Decision Report.

### OUTLINE OF SCREENING DECISION REPORT

- 1) REGULATORY FRAMEWORK
- 2) PROJECT REFERRAL
- 3) PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS
- 4) FACTORS FOR DETERMINING SIGNIFICANCE OF IMPACTS
- 5) VIEWS OF THE BOARD
- 6) RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS
- 7) OTHER NIRB CONCERNS AND RECOMMENDATIONS
- 8) REGULATORY REQUIREMENTS
- 9) CONCLUSION

### REGULATORY FRAMEWORK

The primary objectives of the NIRB are set out in Section 12.2.5 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* (Nunavut Agreement) as follows:

*"In carrying out its functions, the primary objectives of NIRB shall be at all times to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, and to protect the ecosystemic integrity of the Nunavut Settlement Area. NIRB shall take into account the well-being of the residents of Canada outside the Nunavut Settlement Area."*

These objectives are confirmed under section 23 of the NuPPAA.

The purpose of screening is provided for under section 88 of the NuPPAA:

*“The purpose of screening a project is to determine whether the project has the potential to result in significant ecosystemic or socio-economic impacts and, accordingly, whether it requires a review by the Board...”*

To determine whether a review of a project is required, the NIRB is guided by the considerations as set out under subsection 89(1) of NuPPAA:

*“89. (1) The Board must be guided by the following considerations when it is called on to determine, on the completion of a screening, whether a review of the project is required:*

- (a) a review is required if, in the Board’s opinion,*
  - i. the project may have significant adverse ecosystemic or socio-economic impacts or significant adverse impacts on wildlife habitat or Inuit harvest activities,*
  - ii. the project will cause significant public concern, or*
  - iii. the project involves technological innovations, the effects of which are unknown; and*
- (b) a review is not required if, in the Board’s opinion,*
  - i. the project is unlikely to cause significant public concern, and*
  - ii. its adverse ecosystemic and socioeconomic impacts are unlikely to be significant, or are highly predictable and can be adequately mitigated by known technologies.”*

It is noted that subsection 89(2) provides that the considerations set out in paragraph 89(1)(a) prevail over those set out in paragraph 89(1)(b).

Where the NIRB determines that a project may be carried out without a review, the NIRB has the discretion to recommend specific terms and conditions to be attached to any approval of the project proposal. Specifically, paragraph 92(2)(a) of NuPPAA provides:

*“92. (2) In its report, the Board may also*  
*(a) recommend specific terms and conditions to apply in respect of a project that it determines may be carried out without a review.”*

#### PROJECT REFERRAL

On April 25, 2017 the NIRB received a referral to screen Environment and Climate Change Canada (ECCC)’s “Pond Inlet Atmospheric Measurements” project proposal from the Nunavut Planning Commission (NPC or Commission), with an accompanying positive conformity determination with the North Baffin Regional Land Use Plan. The NPC determined that the project proposal was a significant modification to the project because the location of activities has changed from Resolute Bay to Pond Inlet.

Pursuant to Article 12, Sections 12.4.1 and 12.4.4 of the Nunavut Agreement and section 87 of the NuPPAA, the NIRB commenced screening this project proposal. Due to the proposal containing activities that were sufficiently related to previously assessed activities under NIRB file number **13YN010**, the NIRB viewed this project proposal as an amendment to the previously screened project and assigned this proposal with this previous file number.

## PROJECT OVERVIEW & THE NIRB ASSESSMENT PROCESS

### 1. Project Scope

The proposed “Pond Inlet Atmospheric Measurements” project (formerly Upper Air Building Laboratory, Resolute Bay) is located in the Qikiqtani region, within the community of Pond Inlet. The Proponent intends to conduct air sampling using instruments moved from Resolute Bay and installed on the Wildlife/ECCC building in Pond Inlet. The program is proposed to be ongoing beginning in July 2017 for the foreseeable future. The scope of activities previously approved for this ongoing research program (NIRB File No. 13YN010) has been included within **Appendix A**.

As required under subsection 86(1) of the NuPPAA, the Board accepts the scope of the “Pond Inlet Atmospheric Measurements” project as set out by ECCC in the proposal. The scope of the project proposal includes the following undertakings, works, or activities:

- Removing equipment from the current location in Resolute Bay and transport by charter aircraft to Pond Inlet;
- Use of an established building in Pond Inlet (Wildlife/ECCC building) to install monitoring equipment;
- Measuring changes in the levels of absorbing (black carbon) and scattering aerosols, particulate matter and gases through the use of in-situ analyzers and filter sampling;
- Storage and use of chemicals and hazardous materials appropriately inside the established building;
- Hazardous waste to be transported south for proper disposal;
- Use of accommodations and facilities at Resolute Bay and Pond Inlet; and
- Data collected to be used to verify ECCC and other computer models for the prediction of Arctic climate and air quality and establish baseline data.

### 2. Inclusion or Exclusion to Scoping List

The NIRB has identified no additional works or activities in relation to the project proposal. As a result, the NIRB proceeded with screening the project based on the scope as described above.

### 3. Key Stages of the Screening Process

The following key stages were completed:

Date	Stage
April 25, 2017	Receipt of project proposal and positive conformity determination (North Baffin Land Use Plan) from the NPC
April 27, 2017, May 18, 2017	Information request(s)

June 13, 2017	Proponent responded to information request(s)
June 13, 2017	Scoping pursuant to subsection 86(1) of the NuPPAA
June 13, 2017	Public engagement and comment request
June 23, 2017	Receipt of public comments

#### 4. Public Comments and Concerns

Notice regarding the NIRB's screening of this project proposal was distributed on June 13, 2017 to community organizations in Resolute Bay and Pond Inlet, as well as to relevant federal and territorial government agencies, Inuit organizations and other parties. The NIRB requested that interested parties review the proposal and the NIRB's *proposed* project-specific terms and conditions, and provide the Board with any comments or concerns by June 23, 2017 regarding:

- 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 or socio-economic effects; and if so, why;
- Whether the project proposal is likely to cause significant adverse impacts on wildlife habitat or Inuit harvest activities; if so, why;
- Whether the project proposal 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.

The following is a summary of the comments and concerns received by the NIRB:

#### Indigenous and Northern Affairs Canada (INAC)

- No comments or additional terms and conditions to offer at this time.

#### 5. Comments and Concerns with respect to Inuit Qaujimaningit, Traditional, and Community Knowledge

No concerns or comments were received with respect to Inuit Qaujimaningit or traditional and community knowledge in relation to the proposed project.

#### FACTORS FOR DETERMINING SIGNIFICANCE OF IMPACTS

In determining whether a review of the project is required, the Board considered whether the project proposal had potential to result in significant ecosystemic or socio-economic impacts.

Accordingly, the assessment of impact significance was based on the analysis of those factors that are set out under section 90 of the NuPPAA. The Board took particular care to take into account Inuit Qaujimaningit, traditional and community knowledge in carrying out its assessment and determination of the significance of impacts.

The following is a summary of the Board's assessment of the factors that are relevant to the determination of significant impacts with respect of this project proposal:

1. *The size of the geographic area, including the size of wildlife habitats, likely to be affected by the impacts.*

The proposed project would take place within the municipal boundaries and built-up areas of Resolute Bay (removal of equipment) and Pond Inlet (installation of equipment in an existing building) and involve air transport between the Resolute Bay and Pond Inlet airports. There is minimal possibility of additional disturbance to wildlife habitat during the moving of the equipment and none are anticipated due to the ongoing air monitoring in Pond Inlet following installation of the equipment.

2. *The ecosystemic sensitivity of that area.*

The proposed project would occur in an area with no particular identified ecosystemic sensitivity and activity would take place within the community areas of Resolute Bay and Pond Inlet.

3. *The historical, cultural and archaeological significance of that area.*

Project activities would take place within the community areas of the hamlets of Resolute Bay and Pond Inlet and involve the removal and installation of equipment from existing buildings and a subsequent air monitoring program. No archeological sites would be expected within the municipalities; therefore disturbance of known archeological sites within the communities is unlikely.

4. *The size of the human and the animal populations likely to be affected by the impacts.*

The proposed project would occur within the hamlets of Resolute Bay and Pond Inlet, and as such disturbance to animal populations would be minimal and temporary if any were to occur. No disturbance is anticipated from the ongoing air monitoring program.

Although no significant public concerns were raised during the public commenting period, the NIRB notes that the proposed activities are within the communities of Resolute Bay and Pond Inlet and could potentially contribute to public concern developing. A term and condition has been recommended to direct engagement with the community, hunters and trappers organization and interested parties, as well as the posting of public notices to ensure residents are aware of the research activities being or to be conducted.

5. *The nature, magnitude and complexity of the impacts; the probability of the impacts occurring; the frequency and duration of the impacts; and the reversibility or irreversibility of the impacts.*

The “Pond Inlet Atmospheric Measurements” project would involve moving equipment from a building in Resolute Bay to a building in Pond Inlet, and the use of small quantities of fuel and hazardous materials for sample preparation and sampling equipment calibration stored and used appropriately; as such any potential adverse impacts from moving the equipment

would be short in duration and may be of low magnitude, reversible and mitigable with due care. The ongoing air monitoring program is not likely to have any significant impact and appropriate storage and use of fuel and hazardous materials would minimize any potential adverse impact.

6. *The cumulative impacts that could result from the impacts of the project combined with those of any other project that has been carried out, is being carried out or is likely to be carried out.*

No cumulative impacts have been identified as potentially resulting from this proposed project in association with any projects that have been carried out, are being carried out or are likely to be carried out.

7. *Any other factor that the Board considers relevant to the assessment of the significance of impacts.*

The air monitoring program in Pond Inlet would provide baseline data on air quality which would assist predictions on air quality changes and climate change prior to any potential significant increase in marine traffic through the Northwest Passage.

#### Views of the Board

In considering the factors as set out above in the screening of the project proposal, the NIRB has identified a number of issues below and respectfully provide the following views regarding whether or not the proposed project has the potential to result in significant impacts. In addition, the NIRB has proposed terms and conditions that would mitigate the potential adverse impacts identified.

#### **Administrative Conditions:**

To encourage compliance with applicable regulatory requirements and assist the Board and responsible authorities with compliance and effects monitoring for project activities, the Board has previously recommended terms and conditions 1 through 4, which continue to apply to the current project proposal. The Board is also recommending term and condition 11 to ensure complete reference to applicable regulatory requirements.

#### **Ecosystem, wildlife habitat and Inuit harvesting activities:**

**Issue 1:** Potential impacts to surface water quality, land (vegetation and soil) and wildlife from project activities, storage of chemicals and waste disposal methods.

**Board views:** As discussed above in the assessment of factors relevant to this project proposal, the potential for impact(s) is considered low as the project activities would occur within the community areas of Resolute Bay and Pond Inlet, with equipment to be removed from Resolute Bay and equipment to be installed on an existing building in Pond Inlet. Further air transport would be between the airports in the two communities. Hazardous materials and fuel would be present in small quantities and the Proponent has indicated that these materials would be properly stored, and all waste properly disposed of.

The Proponent would also be required to follow *The Transportation of Dangerous Goods Regulations, Transportation of Dangerous Goods Act, the Canadian Environmental Protection Act, and the Aeronautics Act* (see Regulatory Requirements section).

**Recommended Mitigation Measures:** It is recommended that the potential adverse impacts may be mitigated by measures such as requiring the Proponent to properly store chemicals and fuel properly, and to use proper disposal. Personnel should be trained in responding to a spill of the chemicals used, as applicable. The Board has previously recommended terms and conditions to mitigate potential adverse impacts to surface water quality, land and wildlife, specifically terms and conditions 5 through 9 which continue to apply to the current project proposal.

**Socio-economic effects on northerners:**

**Issue 2:** Potential positive impacts to the local community from the sourcing of accommodations for personnel within the community, purchasing of local goods and services, and the hiring of local contractors.

**Board Views:** It is noted that the Proponent has committed to hiring a local contractor to perform weekly checks on the equipment in Pond Inlet. In addition, the Proponent has committed to the purchasing of local goods and services, and to source accommodations within the community which would allow the community to increase income and expenditures within the community.

**Recommended Mitigation Measures:** Term and condition 10 has been previously recommended by the Board to ensure the Proponent continues to inform the community of the research activities and findings as well as provide community members with information to ensure a successful local hiring opportunity, which continue to apply to the project.

**Significant public concern:**

**Issue 3:** No significant public concern was expressed during the public commenting period for this file.

**Board Views:** Follow up consultation and involvement of local community members is expected to mitigate any potential for public concern resulting from project activities. Further it is noted that the Proponent has committed to hiring local people for the project activities.

**Recommended Mitigation Measures:** Term and condition 10 has been previously recommended by the Board to ensure that the affected community and organizations are informed about the project proposal, and to provide the Proponent with an opportunity to proactively address or mitigate any concerns that may arise from the project activities findings.

**Technological innovations for which the effects are unknown:**

No specific issues have been identified associated with this project proposal.

In considering the above factors and subject to the Proponent's compliance with the terms and conditions necessary to mitigate against the potential adverse environmental and social effects, the Board is of the view that the proposed project is unlikely to cause significant public concern and its adverse ecosystemic and socioeconomic impacts are unlikely to be significant, or are highly predictable and can be adequately mitigated by known technologies.

#### RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS

The following terms and conditions were previously issued by the NIRB in the April 23, 2013 Screening Decision Report(s) for File No. **13YN010**, **and continue to apply to the Pond Inlet Atmospheric Measurements project:**

##### **General**

1. Environment Canada- Climate Research Division (the Proponent) shall maintain a copy of the Project Terms and Conditions at the site of operation at all times.
2. The Proponent shall forward copies of all permits obtained and required for this project to the Nunavut Impact Review Board (NIRB) prior to the commencement of the project.
3. The Proponent shall operate in accordance with all commitments stated in correspondence provided to NIRB (Nunavut Research Institute Scientific Research Licence Application, February 1, 2013).
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.

##### **Waste Disposal**

5. The Proponent shall remove all combustible and non-combustible wastes from the project site to an approved facility for disposal.
6. The Proponent shall keep all garbage and debris in bags placed in a covered metal container or equivalent until disposed of at an approved facility. All such wastes shall be kept inaccessible to wildlife at all times.

##### **Chemical Storage**

7. The Proponent shall store all chemicals in such a manner that they are secured in a safe manner in accordance with the Workplace Hazardous Materials Information System Regulations and Safety Act.
8. (*updated*) The Proponent shall ensure that all personnel are properly trained in fuel and hazardous waste handling procedures, as well as spill response procedures. All spills of fuel or other deleterious materials of any amount must be reported immediately to the 24 hour Spill Line at (867) 920-8130.

##### **Restoration**

9. The Proponent shall remove all garbage, fuel and equipment upon abandonment.



## **Other**

10. The Proponent should, to the extent possible, hire local people and consult with local residents regarding their activities in the region.

### **In addition to the previously issued terms and conditions, the Board recommends the following project-specific terms and conditions:**

#### **General**

11. The Proponent shall operate in accordance with all commitments stated in correspondence provided to the Nunavut Planning Commission (Application to Determine Conformity, April 25, 2017), and the NIRB (Online Application Form, June 13, 2017).

#### OTHER NIRB CONCERNS AND RECOMMENDATIONS

*In addition to the project-specific terms and conditions, the Board has previously recommended the following on April 23, 2013:*

#### **Project Permits**

1. (*updated*) The Proponent is advised that a land use permit may be required from the Hamlets of Resolute Bay and Pond Inlet prior to commencement of activities.

#### **Change in Project Scope**

2. (*updated*) Responsible authorities or Proponent shall notify the Nunavut Planning Commission (NPC) and the NIRB of any changes in operating plans or conditions, including phase advancement, associated with this project prior to any such change.

#### REGULATORY REQUIREMENTS

The Proponent is also advised that the following legislation may apply to the project:

#### **Acts and Regulations**

1. The *Transportation of Dangerous Goods Regulations* (<http://www.tc.gc.ca/eng/tdg/clear-tofc-211.htm>), *Transportation of Dangerous Goods Act* (<http://laws-lois.justice.gc.ca/eng/acts/t-19.01/>), and the *Canadian Environmental Protection Act* (<http://laws-lois.justice.gc.ca/eng/acts/C-15.31/>).
2. The *Aeronautics Act* (<http://laws-lois.justice.gc.ca/eng/acts/A-2/>).

## CONCLUSION

The foregoing constitutes the Board's screening decision with respect to the Environment and Climate Change Canada's "Pond Inlet Atmospheric Measurements". The NIRB remains available for consultation with the Minister regarding this report as necessary.

Dated July 14, 2017 at Whale Cove, NU.



---

Elizabeth Copland, Chairperson

Attachments: Appendix A: Previously-Screened Project Proposals

## APPENDIX A: PREVIOUSLY-SCREENED PROJECT PROPOSALS

The original project proposal NIRB (File No. 13YN010), was received by the NIRB from the Nunavut Research Institute on February 1, 2013 and was screened by the Board in accordance with Part 4, Article 12 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* (Nunavut Agreement). On April 23, 2013 the NIRB issued a Nunavut Agreement 12.4.4(a) screening decision to then-Minister Responsible for the Nunavut Arctic College which indicated that the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions.

Environment Canada's (now Environment and Climate Change Canada; Proponent) original "Upper Air Building Laboratory, Resolute Bay" project was located in the Qikiqtani region, within the municipality of Resolute Bay. The Proponent indicated that it intended to investigate air quality in Resolute Bay in relation to increased ship traffic and mining activities in the Arctic, as well as increased incidence of forest fires at more southern latitudes. The program was proposed to take place from January 2013 to December 2015.

As set out in the project proposal, the scope of the previously screened project included the following undertakings, works, or activities:

- Measuring changes in the levels of absorbing (black carbon) and scattering aerosols, particulate matter (PM<sub>2.5</sub>) and gases through the use of in-situ analyzers and filter sampling;
- Use of an established building in Resolute Bay (Hut#42) to setup monitoring equipment;
- Storage and use of chemicals and hazardous materials inside the established building;
- Hazardous waste to be transported south for proper disposal;
- Use of accommodations and facilities at Resolute Bay; and
- Data collected to be used to verify Environment Canada and other computer models for the prediction of Arctic climate and air quality.