



NIRB File No.: 09DN018
AANDC File No.: N2014Q0020

January 29, 2015

The Honourable Bernard Valcourt
Minister of Aboriginal Affairs and Northern Development
c/o Tracey McCaie, Manager Land Administration
Aboriginal Affairs and Northern Development Canada
PO Box 100
Iqaluit, NU X0A 0H0

Sent via email: tracey.mccaie@aandc.gc.ca; landsmining@aandc.gc.ca

Re: Application Exempt from the Requirement for Screening pursuant to Section 12.4.3 of the NLCA: Department of National Defence's "Nanisivik Naval Facility" project, North Baffin Region

Dear Tracey McCaie:

On November 28, 2014 the Nunavut Impact Review Board (NIRB or Board) received an application from Aboriginal Affairs and Northern Development Canada (AANDC) for a new Land Use Permit (No. N2014Q0020) for the Department of National Defence's (DND) "Nanisivik Naval Facility" project proposal as well as a positive conformity determination (North Baffin Regional Land Use Plan) from the Nunavut Planning Commission (NPC) for this file. On December 1, 2014 the NIRB received notice from AANDC that the Land Use Permit (No. N2014Q0020) had been issued for this project.

Please be advised that the original project proposal (NIRB File No.: 09DN018) was received by the NIRB from DND on November 14, 2008 and was screened by the Board in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On January 16, 2013 the NIRB issued its Screening Decision Report to the Minister of Aboriginal Affairs and Northern Development and Minister of National Defence, recommending that pursuant to NLCA Section 12.4.4(c), the project proposal be returned to the Proponent for clarification. After receiving notice from the Minister of Aboriginal Affairs and Northern Development on April 8, 2013 noting the requirement to return the proposal to the Proponent for clarification, an updated "Nanisivik Naval Facility" project proposal was received by the NIRB on August 19, 2013 which was screened by the Board in accordance with Part 4, Article 12 of the NLCA. On October 24, 2013 the NIRB issued the enclosed NLCA 12.4.4(a) screening decision to the Minister of Aboriginal Affairs and Northern Development and the Minister of National Defence which indicated that the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions.

The current AANDC application, the original NIRB Screening Decision Report (File No. 09DN018) and related file information are available from the NIRB's online public registry at the following location:

<http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2013/09DN018-DND-Nanisivik%20Naval%20Facility/>.

PREVIOUSLY-SCREENED PROJECT PROPOSAL:

As previously screened by the NIRB (File No. 09DN018), the "Nanisivik Naval Facility" project was located within the Qikiqtani region, approximately 33 kilometres (km) northeast of the Hamlet of Arctic Bay. The Proponent indicated that it intended to provide a berthing & refueling facility for the Arctic Offshore Patrol Ships (AOPS) and the Canadian Coast Guard (CCG) during the navigable season each year. The construction program was proposed to commence in 2014 with the facility proposed to be fully operational by 2016.

The activities and components associated with the previously screened proposal included:

- Site preparation to commence in 2014 with establishment of construction camp in 2015:
 - Use of pre-built mobile trailers for construction camp (50-60 personnel);
- Use of existing Nanisivik deep-water berth to:
 - Transport equipment and bulk material during construction;
 - Refuel AOPS and other Canadian Government ships (including CCG Ships);
 - Facilitate unloading of oversize cargo that the annual resupply barge normally would use into the Hamlet of Arctic Bay;
- Establishment of cargo storage and marshalling area;
- Construction of bulk liquid storage facility:
 - Naval distillate fuel – two 3.75 million litre (L) single-walled, vertical tanks (22 meter diameter) with up to 7.5 million L stored at the facility
 - Diesel – two 81,000 L doubled-walled, horizontal tanks (3 meter diameter) with up to 100,000 L stored at the facility
 - Aviation Fuel – 15 drums with total capacity of 3,000 L
- Use and upgrading of existing roads and the development of new roads to access components of the facility;
- Use of airport at Arctic Bay during construction and operation to bring in personnel and materials;
- Use of existing all-weather road between Arctic Bay and the facility during construction and operation to transport personnel and materials to the project site;
- Use of local aggregate quarry during construction (located approximately 3 km southeast of the Nanisivik Naval Facility);
- Arctic Bay to provide potable water and wastewater management during construction period (*per August 19, 2013 agreement between the Hamlet of Arctic Bay and DND*);
- Generation and treatment/disposal of wastes:
 - During construction; suitable solid waste will be incinerated while other wastes will be shipped off-site for recycling;

- During operations; solid waste to be shipped off-site at the end of each season to an approved disposal facility;
- Development of a helicopter landing area; and
- Set-up of a general purpose storage building, wharf operator shelter and upgrades to three existing DND trailers.

CURRENT APPLICATION:

The DND is currently applying for a new Land Use Permit that is required to facilitate the application of a quarry permit to commence construction and operation of the site. The current application provides the following additional details on project activities scheduled to take place from August 2014 to September 2018, specifically:

- Updated mitigation measures to include:
 - In-filling the excavated zones with waste materials from the quarry;
 - Creating slopes and trenches on site to maintain existing drainage without generating additional pooling;
 - Dust controlled by wet suppression using water sprinklers;
 - Exhaust fumes minimized through regular inspection and maintenance;
 - Permafrost levels would be maintained by not excavating or blasting to any depth exceeding that of the current active layer;
 - Dispositions would be taken to avoid or mitigate potential adverse effects on the environment due to the use, disposal and transportation of hazardous substances;
- Site design and development;
 - Staging area for heavy equipment and the stockpiling and management of material approximately 47 metres from edge of road;
- Construction of a quarry;
 - Installation of temporary facilities including a portable toilet and dining facilities;
- Quarry operations;
 - Blast material would be transformed through the use of scalping, crushing and screening heavy equipment;
 - Stockpiling and transfer of transformed aggregates;
 - Approximately 56000 kilograms (kg) of explosives and various detonator items to be stored in 5 warehouses on site;
- Reclamation;
 - Worked areas of quarry would be left in a neat and tidy condition, accounting for any potential risk of erosion, water accumulation or long term inconvenience;
 - Containment and removal of on-site waste, including decommissioned machinery;
 - Blasts would be performed in such a way as to result in 10m high maximum steps and surfaces would be left free of loose materials;
 - Landscaping would be planned to ensure adequate draining and a well-finished, esthetic look to the site; and
 - Quarrying activities would be closely managed to avoid accumulation of unnecessary stockpiles of aggregate.

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 amendment 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 October 24, 2013 Screening Decision Report (enclosed).

If you have any questions or require additional clarification, please contact Kristina Benoit, Technical Advisor, at (867) 983-4607 or kbenoit@nirb.ca.

Sincerely,



Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Rodney Watson, Department of National Defence
Phyllis Beaulieu, Nunavut Water Board
Joel Fortier, Qikiqtani Inuit Association

Enclosure: NIRB Screening Decision Report, File No.: 09DN018 (October 24, 2013)