

Submission to the Nunavut Water Board in Relation to the Proposed Nunavut Waters Regulations

Executive Summary

At the Pre-Hearing Conference that the Nunavut Water Board convened on May 30, 2011, those in attendance were asked to identify any additional parties who would be potentially interested in participating in the Public Hearing to be held in relation to the proposed Nunavut Waters Regulations. As a result of that request, the NWT & Nunavut Chamber of Mines, The Mining Association of Canada and the Prospectors and Developers Association of Canada agreed to make a joint submission to the Public Hearing on behalf of the mineral exploration and mining sector in Nunavut (referred to below as “the industry”).

The industry supports the long-awaited establishment of the proposed regulations, and is particularly encouraged by the provisions that would allow the use of water without a licence under clearly defined and appropriate circumstances. However, we wish to highlight two issues that significantly concern a number of our members, some of whom may also make further submissions in response to the proposed regulations on their own behalf.

Duplicate or Overlapping Reclamation Security

In its June 20, 2011 response to the questions raised during the Pre-Hearing Conference, Aboriginal Affairs and Northern Development Canada (AANDC) stated that the department “...is committed to addressing the perceived over-bonding issue via a pan-northern focus and does not intend to amend the Regulations at this time.” The industry questions whether AANDC’s approach is feasible and is concerned that, if adopted, it will leave this long-standing issue unresolved for a prolonged period of time, adversely affecting the development of Nunavut’s mineral resources as a result. We therefore respectfully request that the Nunavut Water Board endorse the need to revise the draft regulations in order to address the issue of duplicate reclamation security to the greatest extent possible.

Threshold for Use of Water without a License

The corresponding regulations in both Yukon and the Northwest Territories allow the use of water without a licence at a rate of up to 100 cubic metres per day. However, if adopted in its present form, Schedule 2 of the proposed regulations for Nunavut would establish an upper limit of 50 cubic metres per day, which is only one-half the limit that has long been in place in the other two northern territories.

The industry welcomes the proposal to allow the use of water without a licence in Nunavut. However, we believe that the applicable threshold can be made the same as the corresponding limit in effect in Yukon and the Northwest Territories without the risk of adverse impacts on the water resources of the territory.