



P.O. Box 119  
GJOA HAVEN, NU X0B 1J0  
TEL: (867) 360-6338  
FAX: (867) 360-6369

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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

April 20, 2011

Glen Stephens,  
Director, Land and Water Management Directorate  
Indian and Northern Affairs Canada  
10<sup>th</sup> Floor 15 Rue Eddy  
Gatineau, QC K1A 0H4

Sent by e-mail: [Glen.Stephens@ainc-inac.gc.ca](mailto:Glen.Stephens@ainc-inac.gc.ca)

**Re: Notice of Receipt of Draft Nunavut Waters Regulations and Notice of Technical Meeting/Pre-hearing Conference**

Dear Mr. Stephens:

The Nunavut Water Board (NWB or Board) is writing to acknowledge that on March 4, 2011, the Board received a letter dated February 22, 2011, from Indian and Northern Affairs Canada (INAC) referring Draft Nunavut Waters Regulations (Draft Regulations) to the Board for review pursuant to subsections 82(1)<sup>1</sup> and 82(2)<sup>2</sup> of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA or Act). The Board also acknowledges receipt of the Nunavut Watershed Descriptions pursuant to section 17 of the Draft Regulations.

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<sup>1</sup> **82.** (1) The Governor in Council may, on the recommendation of the Minister, make regulations:

...

(f) on the advice of the Board or after consultation with the Board, exempting any class of applications in relation to licences from the requirement of a public hearing;

<sup>2</sup> **82.** (1) The Governor in Council may, on the recommendation of the Minister, make regulations

(a) establishing water management areas in Nunavut consisting of river basins or other geographical areas;

...

(c) authorizing the use without a licence of waters in Nunavut, except in a national park, for the purpose, in the quantity, at the rate, during the period and subject to the conditions specified in the regulations;

(d) authorizing the deposit of waste without a licence in Nunavut, except in a national park, and specifying the conditions of the deposit, including the quantities, concentration and types of waste that may be deposited;

...

(2) For the purposes of paragraphs (1)(a), (c) and (d), the recommendation of the Minister is subject to the concurrence of the Board.

The Draft Regulations and Nunavut Watershed Descriptions have been placed in the Board's Public Registry and is available from the NWB ftp site using the access Username of "public" and a Password of "registry" (without the quotations) and at the link: <ftp://nunavutwaterboard.org/WATER%20REGULATIONS/>

Subsection 51(2) of the Act permits the Board, where satisfied that it would be in the public interest to do so, to hold a public hearing in connection with any matter relating to its objects. The objects of the Board are set out in section 35 of the Act:

**35.** The objects of the Board are to provide for the conservation and utilization of waters in Nunavut, except in a national park, in a manner that will provide the optimum benefit from those waters for the residents of Nunavut in particular and Canadians in general.

The Board is satisfied that it is in the interests of the public to hold a public hearing to determine if the Draft Regulations provide for the conservation and a utilization of waters in Nunavut, in a manner that will provide the optimum benefit from those waters for the residents of Nunavut in particular and Canadians in general. The decision to hold a public hearing is also consistent with giving due regard and weight to Inuit culture, customs and knowledge pursuant to section 33 of the Act.

Subject to formal notice pursuant to section 55(2) of the Act, the Board has tentatively scheduled the public hearing the week of September 12, 2011, with the hearing to be held in Rankin Inlet, Cambridge Bay and Iqaluit. Following the public hearing, the Board will issue its consultation recommendations and concurrence decision to the Minister. All public hearing matters will be carried out in accordance with the Board's *Rules of Practice and Procedure for Public Hearing* dated May 11, 2005 (NWB Rules).

In order to facilitate the hearing process, the Board directed that, in accordance with Rule 14 of the *NWB Rules of Practice and Procedure* (the Rules), the staff of the NWB hold a Technical Meeting and Pre-Hearing Conference (TM/PHC) for the Draft Regulations. **The TM/PHC will take place at 9:00 a.m. local time on Tuesday, May 31 at Nova Inn, in Iqaluit, NU and on Thursday, June 2 at Chateau Nova, in Yellowknife, NT.** A PHC decision will be issued following the PHC and include a timetable for the exchange of written information, filing of evidence for the hearing and confirmation of the hearing date, location and time. Formal notice of the hearing will also be provided in accordance with section 55(2) of the Act.

Please find attached the proposed Agenda for the Technical Meeting and Pre-Hearing Conference. By copy of this letter, the Board is asking interested parties to provide comments on the proposed Agenda and to confirm their attendance/venue at the Technical Meeting and Pre-Hearing Conference no later than 5:00 p.m. MST on **May 20, 2011**.

To further facilitate the hearing process, the Board also invites interested persons to make written technical comments on the Draft Regulations to the Board to be received no later than 5:00 p.m. MST on **May 20, 2011**. Written comments shall be filed in writing to Phyllis Beaulieu, Manager of Licensing at [licensing@nunavutwaterboard.org](mailto:licensing@nunavutwaterboard.org). Interested parties are also encouraged to work cooperatively with INAC to formulate and discuss issues in advance of the technical meetings.

The NWB requests to be kept informed of any issues and any agreement reached between the parties on issues.

If you have any questions or require clarification on the above, please contact the undersigned at (867) 360-6338, ext. 27 or by email to [dionne@nunavutwaterboard.org](mailto:dionne@nunavutwaterboard.org). For administrative inquiries contact Phyllis Beaulieu, Manager of Licensing at (867) 360-6338 ext. 26 or by email to [licensing@nunavutwaterboard.org](mailto:licensing@nunavutwaterboard.org).

Sincerely,



Dionne Filiatrault.  
Executive Director

Attachment: Technical Meeting/Pre-hearing Conference Agenda

cc. Distribution List

**AGENDA**  
**TECHNICAL MEETING/PRE-HEARING CONFERENCE**  
**DRAFT NUNAVUT WATERS REGULATIONS**

**Location: Nova Inn, Iqaluit, NU**

**Date: May 31, 2011**

**Time: 9:00 AM**

**Location: Chateau Nova, Yellowknife, NT**

**Date: June 2, 2011**

**Time: 9:00 AM**

1. Introduction and Registration
2. Purpose of the Technical Meeting/Pre-Hearing Conference
3. Overview of Board's Role in Regulation Making
4. INAC presentation of the Draft Regulations
5. Facilitation of the Hearing Process
  - a. Identification of Interested Parties
  - b. Presentations from Interested Parties
  - c. List of issues to be dealt with at the Hearing
  - d. Desirability of amending the Draft Regulations for the purpose of clarification
  - e. Timetable for pre-Hearing exchange of information
  - f. Procedures for the Hearing - translation and the Record (language, transcripts)
  - g. Identification of any other matters that may assist in the simplification and disposition of the Hearing
6. Hearing
  - a. Date, Time and Location
  - b. Order of Events
  - c. Equipment
7. Other Issues
8. Closing of the Meeting