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Kugluktuk
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Bathurst Inlet
Kingaok
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Bay Chimo
Umingmaktok
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Cambridge Bay
Ikaluktutiak
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Gjoa Haven
Okhoktok
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Taloyoak
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Kugaaruk
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May 20, 2011

Nunavut Water Board

P.O. Box 119
Gjoa Haven, NU X0B 1J0

Sent Electronically

Attention: Ms. Phyllis Beaulieu Manager of Licensing

RE: Draft Nunavut Water Regulations

Dear Madam:

The Kitikmeot Inuit Association (KIA) provides this letter and the attached submissions to the Nunavut Water Board (the Board) in response to the Board' request for technical comments on the Draft Nunavut Waters Regulations (Draft Regulations). The Draft Regulations were referred by Indian and Northern Affairs Canada (INAC) to the Board for review pursuant to subsections 82(1)1 and 82(2)2 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA or Act).

The Board has advised of its plan to hold a public hearing to decide "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." KIA plans to attend the Cambridge Bay session of this hearing which has been tentatively scheduled for the week of September 12, 2011.

KIA also plans to attend the Board's Technical Meeting and Pre-Hearing Conference (TM/PHC) for the Draft Regulations in Iqaluit. KIA has no comments at this time on the Board's Agenda for the TM/PHC.

KIA is the Regional Inuit Association (RIA) for the Kitikmeot Region. There are important mining projects and development activities currently occurring on Inuit Owned lands (IOL) in the Kitikmeot Region. IOL in the Kitikmeot will be affected by the Draft Regulations and KIA intends to participate in this proceeding and to make a presentation at the hearing.

KIA has two main areas of concern in relation to the Draft Regulations and the way they apply to IOL. These concerns do not appear to have been addressed in the Draft Regulations:

1. Double bonding issue. This occurs when a developer, must provide security, related to a development project, to more than one payee. The two payees in this case are INAC and KIA.
2. Double charging for water use on IOL. This problem results when KIA attempts to exercise its exclusive right to the use of water on IOL under Article 20.2.2 of the Nunavut Land Claims Agreement to charge a fee for water use on IOL. The Crown charges a fee for water use on under the NWNSRTA and it does so on IOL. KIA also charges a fee for water use on IOL. This "double charging" situation affects KIA's potential to benefit from its NLCA right and could potentially act as a deterrent to development on IOL in the Kitikmeot region.

These two concerns are discussed in detail in KIA's attached submissions.

KIA looks forward to participating in the Board's Draft Regulations proceeding.

Yours truly,

A handwritten signature in black ink, appearing to read "Geoffrey Clark".

Geoffrey Clark
Director, Land and Environment

cc. P. Emingak, Exec Director KIA
KIA Counsel

Attach.