

From: [Pawley, Kim](#)
To: ["licensing@nunavutwaterboard.org"](mailto:licensing@nunavutwaterboard.org)
Cc: [Soloway, Doug](#); [Di Censo, Viki-Marie](#); [Osbaldeston, David](#); [Sherburne, Stephen](#); [Johar, Jaideep](#)
Subject: Transport Canada comments of the draft Nunavut Water Regulations
Date: Friday, May 20, 2011 2:57:12 PM

Dear Ms. Beaulieu (Manager of Licensing),

Transport Canada's regional and headquarters staff have reviewed the draft Nunavut Water Regulations and offer the following comments:

- There are numerous sections of the draft regulations that refer to works and activities that are also regulated by the *Navigable Waters Protection Act (NWPA)*, including the construction of water crossings, depositing of waste below the high water mark, retraining of waterways, creation of dams for water storage and many others. The Regulation is establishing certain activities for which water use is authorized without a license. Transport Canada has not noted anything in the draft Regulation that contradicts our Act, however, as currently written, the regulation does not make it clear that regardless of whether or not a water licence is required, there may be other regulatory requirements (e.g., the NWPA) that also must be taken into consideration by the applicant. It may thus be construed that if there is no requirement for a water licence, nothing else is required of the applicant. In our experience, many applicants believe that if no water license is required, then no other applications are necessary – this is not the case. Applicants should be reminded that nothing in the Regulations negates the need to apply for Approval from the NWPA (or any other applicable regulations).

It would be useful if the Water Board could mention the need to obtain all other permits and approvals, as necessary, on its letters, website and/or user guide. Transport Canada's Navigable Waters Protection Program does this for our approvals.

- Quoting from the draft, section 5: "(2) In the case of a deposit of waste that is discharged from a vessel within the meaning of section 2 of the *Canada Shipping Act, 2001*, a licence is not required if the deposit is not prohibited under Part 9 of that Act and satisfies paragraphs (1)(c) and (d)." Transport Canada requests clarification with regards to section 2 of CSA 2001 -- is the intent to define the term "vessel"?
- Was relevance considered with regards to the *Arctic Waters Pollution Prevention Act*, if applicable, since there is mention of the *Canada Shipping Act, 2001*?

Our Environmental Assessment team also reviewed the draft Regulations, but found no issues relevant to our EA work.

Thank you for the opportunity to review these draft regulations, and please do not hesitate to contact me should you have any questions about our submission.

Sincerely,

Kim Pawley
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