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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI

November 3, 2000

Via fax and regular mail

Hon. Robert D. Nault, P.C., M.P.
Minister of Indian Affairs and
Northern Development
Ottawa, Canada K1A 0H4

Dear Minister:

Thank you for your letter dated October 19, 2000 and received by the Board on October 25, 2000 with respect to a decision of the Nunavut Water Board to amend the Nanisivik water licence.

With respect, the Board disagrees with the position you seem to take on Nanisivik regarding final approval authority. While you cite "legislation" in your letter, the Board has always relied on the Nunavut Land Claims Agreement (NLCA) for its authority. Unfortunately, you did not cite the NLCA in your letter to me.

It is the Board's position that the NLCA is clear regarding the Board's decision-making authority. See, e.g., Section 13.2.1 (the "low-water" mark establishing the authority of the Board); Section 13.7.1 (the approvals section); compare also Sections 20.3.2 and 12.7.1(c) of the NLCA to understand what we believe is the clear intent of the drafters.

Accordingly, the Board will continue to operate issuing decisions as it has in the past. And we would hope that, if your Department does not concur with our interpretation of the Board's authority under the NLCA, it would find a way to apply to the federal court to resolve what we believe is their misunderstanding of the NLCA. We will take any step necessary to assist your Department to refer the issue to the court as quickly as possible to resolve this long-standing disagreement.

Yours sincerely,

Original signed by:

Thomas Kudloo
Chair