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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

File: 1BR-CAP0914/Amendment No. 1

August 26, 2010

Robert Bellizzi
DLCU Environment Officer
Defence Construction Canada
350 Albert, Suite 1720
Ottawa, Ontario K1A 0K3

Email: Robert.Bellizzi@dcc-cdc.gc.ca

RE: 1BR-CAP0914 Type "B" – Amendment No.1

Dear Mr. Bellizzi:

Please find attached Amendment No.1 to Licence No. 1BR-CAP0914 Type "B" issued to Defence Construction Canada (DCC) by the Nunavut Water Board (NWB) (**Motion 2010-13-L15**) pursuant to its authority under Article 13 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*. The terms and conditions of the original Licence related to water use and waste disposal remain an integral part of this approval.

The NWB strongly recommends that the Licensee consult the comments received by interested persons and examine the issues identified. The NWB notes that, among others, there is a NIRB Decision, File No. 08DN081. In addition, INAC has noted that the Licensee has not complied with specific terms and conditions of the Licence – Part H, Item 1, requiring the submission of detailed designs for the Sewage Disposal Facility and Part I, Item 2, requiring the submission of an addendum to the plan submitted December 4, 2008. The Board concurs with INAC and, in understanding the urgent circumstances with which this application and subsequent approval has been processed, requires that the Licensee provide this information within thirty (30) days following the issuance of this amendment. This information is attached for your consideration.

Sincerely,

Thomas Kabloona
Nunavut Water Board, Chair

TK/sj/pb

Enclosure: Licence No. **1BR-CAP0914 - Amendment No.1**
EC, GN-CLEY and INAC Comments
NIRB Decision No. 08DN081

Cc: Distribution – Kitikmeot Region

LICENCE AMENDMENT No. 1

Licensee:	Defence Construction Canada
Licence No:	1BR-CAP0914 Type "B"
Licence Issued:	May 29, 2009
Expiry Date:	May 31, 2014
Effective Date:	August 26, 2010

DECISION

On August 6, 2010, the NWB received an amendment application from Defence Construction Canada (DCC) requesting the use of an unnamed river located approximately 3.5 km south of camp as its water source instead of the Harding River. Under the terms and conditions of the licence, Harding River is the sole source of water that the licensee is authorized to use; however, due to siltation issues, the licensee has urgently requested the use of a new water source to ensure completion of scheduled work activities for the 2010-2011 period.

NWB staff reviewed DCC's amendment request along with relevant submissions and determined that the circumstances outlined in DCC's letter dated August 4, 2010, warranted urgent attention. Accordingly, and pursuant to subsection 55(4) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, the NWB distributed the application for a shorter notice period and intended to act on the Application on August 16, 2010.

By the final date of the notice period, the NWB received comments from EC, GN-CLEY, and INAC. Although none of the parties objected to the amendment request, INAC and GN-CLEY expressed concerns about issues indirectly related to the amendment. GN-CLEY stated that the location of the proposed new water source is proximal to two archaeological sites while INAC stated that the Licensee has not complied with Part H, Item 1, which requires the submission of detailed designs of the Sewage Disposal Facility and Part I, Item 2, requiring the submission of an addendum to the Spill Contingency Plan dated December 4, 2010.

The Licensee is required to provide outstanding information within thirty (30) days following the issuance of this amendment.

Pursuant to its authority under Article 13 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada* and the *Nunavut Waters and the Nunavut Surface Rights Tribunal Act*, with respect to the application for amendment dated August 6, 2010, made by Defence Construction Canada, the Nunavut Water Board hereby grants the following Licence amendment:

The Licence issued May 29, 2009, with an expiry date of May 31, 2014, shall be amended to include the following terms and conditions, with respect to use of water and deposit of waste to allow for the use of an alternative water source in support of camp and industrial activities at the Cape Young PIN 2 Distance Early Warning Site, located 150 km north of Kugluktuk in the Kitikmeot Region, Nunavut with the camp location at approximately:

Latitude of 68° 56'N and Longitude of 116° 56'W (Camp)

PART C: **CONDITIONS APPLYING TO WATER USE**

Amend Item 1

The Licensee shall obtain water for camp use from an unnamed river located approximately 3.5 km south of the PIN-2 camp. Total water use shall not exceed sixty five (65) cubic metres per day.

All remaining terms and conditions of Licence 1BR-CAP0914 Type ‘B’ dated May 31, 2009 still apply.

This Licence Amendment issued and recorded at Gjoa Haven, NU on August 26, 2010

Approved by,

A handwritten signature in dark ink, appearing to read 'T. Kabloona', written over a horizontal line.

Thomas Kabloona
Nunavut Water Board, Chair