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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

File: 1BR-DPI1217/Amendment No.1

August 14, 2013

Natalie Plato, Director
Stephen Hooey, Project Manager
Department of Indian Affairs and Northern Development
Contaminated Sites Division
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RE: 1BR-DPI1217, Type “B” Licence, Amendment No.1

Dear Ms. Plato and Mr. Hooey:

Please find attached, Amendment No. 1 to Licence No. 1BR-DPI1217, Type “B”, issued to the Department of Indian Affairs and Northern Development ((DIAND) or Aboriginal Affairs and Northern Development Canada (AANDC) or (Licensee)) by the Nunavut Water Board (NWB or Board) under **Motion 2013-B1-029** 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 Licensee is advised that although this Amendment was exempted from the requirements of screening by the Nunavut Impact Review Board (NIRB) in accordance with s.12.4.4 (a) of the *Nunavut Land Claim Agreement* (NLCA), the NIRB’s original Screening Decision Report¹ for the file should continue to be consulted in conjunction with the Screening Exemption Decision² as it contains recommendations that are applicable to the overall project scope. It should be noted that there is also on file the original Land Use Conformity Determination³ for the project as issued by the Nunavut Planning Commission (NPC).

¹ Nunavut Impact Review Board (NIRB) Screening Decision Report, April 30, 2012.

² Nunavut Impact Review Board (NIRB) Screening Exemption Decision, June 20, 2013.

³ Nunavut Planning Commission (NPC) Land Use Conformation Determination, February 28, 2012.

The NWB strongly recommends that the Licensee consult the comments received from interested persons on issues identified. This information is attached for your consideration⁴.

Sincerely,



Thomas Kabloona
Nunavut Water Board, Chair

TK/sj/ri

Enclosure: Licence No. 1BR-DPI1217 – **Amendment No.1**
Comments – AANDC and EC

Cc: Qikiqtani Distribution List

⁴ Aboriginal Affairs and Northern Development Canada (AANDC) – Water Resources Division, May 2, 2013 and August 1, 2013; and Environment Canada (EC), April 19, 2013.

LICENCE AMENDMENT No. 1

Licensee:	Department of Indian Affairs and Northern Development (DIAND)
Licence No:	1BR-DPI1217 Type “B”
Licence Issued:	October 18, 2012
Effective Date:	August 14, 2013
Expiry Date:	October 31, 2017

DECISION

On March 19, 2013, the Nunavut Water Board received an amendment application and supporting information (Application) from the Contaminated Sites Program of the Department of Indian Affairs and Northern Development ((DIAND) or Indian and Northern Affairs Canada (INAC) or Aboriginal Affairs and Northern Development Canada (AANDC)) requesting the removal of terms and conditions Part D, Item 16 and Part K, Item 2 from Licence 1BR-DPI1217, which was issued to Durban Island and Padloping Island Remediation Projects on October 18, 2012, and set to expire on October 31, 2017.

The NWB distributed the Application on April 4, 2013 for a thirty-day public review period. Comments were received from AANDC – Water Resources Division and Environment Canada (EC). None of the intervening parties objected in principle to any potential decision that will result in the Board’s amending the terms and conditions in the Licence in accordance with the Application’s request.

Before the Board issued a decision with respect to the amendment application, AANDC submitted on July 17, 2013 an addendum to the amendment application that included the request to use water from a different source than the one originally approved under the licence for the Padloping Island Project site. The NWB distributed the additional information on July 23, 2013 for a ten-day public review period, and comments were received from one intervening party, AANDC – Water Resources Division. The intervening party did not object to Board’s granting the changes requested in the addendum to the amendment application.

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 (No.1) received March 19, 2013 and addendum received July 17, 2013, from the Department of Indian Affairs and Northern Development (DIAND), the Nunavut Water Board hereby grants the following Licence amendment.

The Licence issued October 18, 2012, with an expiry date of October 31, 2017, shall be further amended to include the following terms and conditions, with respect to the use of water and

deposit of waste during camp and remediation activities at the FOX-E Durban Island and Padloping Islands Remediation Project, located within the Qikiqtani Region, Nunavut.

The Licence shall be amended as follows:

PART C: CONDITONS APPLYING TO WATER USE

Amend Item 1

The Licensee shall obtain water for camp use and/or miscellaneous purposes from a small stream located proximal to the Padloping Island project site as described in the amendment application received by the Board on July 19, 2013 and from two streams and a blast hole located proximal to the Durban Island Project site as stated in the application received by the Board on February 29, 2012. Total water use for the Durban Island Project site shall not exceed 18 cubic metres per day and total water use for the Padloping Island Project site shall not exceed 18 cubic metres per day. The maximum quantity of water allowed for all purposes under this Licence shall not exceed thirty-six (36) cubic metres per day.

PART D: CONDITONS APPLYING TO WASTE DISPOSAL

Amend Item 16

The Licensee shall use aggregates for construction activities from approved sources that have been demonstrated to not possess acid generating and metal leaching properties.

PART K: CONDITONS APPLYING TO THE MONITORING PROGRAM

Amend Item 2

The Licensee shall maintain Monitoring Program Stations at the following locations:

Monitoring Program Station Number	Description	Status
DPI-1	Raw water supply intake at the small stream proximal to Padloping Island project site.	Active (Volume)
DPI-2a	Raw water supply stream (No. 1) proximal to Durban Island project site.	Active (Volume)
DPI-2b	Raw water supply stream (No. 2) proximal to Durban Island project site.	Active (Volume)
DPI-3	Raw water from blast hole proximal to Durban Island project site.	Active (Volume)
DPI-4	Final Point of Discharge from the Padloping Island Landfarm Facility	Active (Water Quality)
DPI-5	Monitoring Well installed up-gradient of the Padloping Island Land Farm Facility	Inactive (Water Quality)

DPI-6	Monitoring Well installed down-gradient of the Padloping Island Land Farm Facility	Inactive (Water Quality)
DPI-7	Final Point of Discharge from the Durban Island Landfarm Facility	Active (Water Quality)
DPI-8	Monitoring Well installed up-gradient of the Durban Island Land Farm Facility	Inactive (Water Quality)
DPI-9	Monitoring Well installed down-gradient of the Padloping Island Land Farm Facility	Inactive (Water Quality)
DPI-10	Final Discharge Point from the Padloping Island Sewage Disposal Facility.	Active (Volume) (Water Quality)
DPI-11	Final Discharge Point from the Durban Island Sewage Disposal Facility,	Active (Volume) (Water Quality)
DPI-12	Final Point of Discharge from the Solid Waste Segregation and Storage Areas	Active (Volume) (Water Quality)

Amend Item 9

The Licensee shall monitor groundwater quality proximal to each Landfarm Facility by collecting representative samples from all relevant monitoring wells installed under Part K, Item 2 if the Landfarm Facilities are not reclaimed and abandoned by October 18, 2014. Samples shall be analyzed for the parameters listed under Part D, Item 13.

All remaining terms and conditions of Licence 1BR-DPI1217, Type ‘B’ dated October 18, 2012, still apply.

This Licence Amendment No.1 issued and recorded at Gjoa Haven, NU on August 14, 2013.

Approved by,



Thomas Kabloona
Nunavut Water Board, Chair