

Is the attached form the correct form for Type B?

Section 7: How can I find out if NPC needs to review or not?

Section 8: How can I find out if NIRB needs to review or not?

Please advise,

Regards,

Marc Losier, G.S.C.

Project Manager

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From: Cory Zyla [mailto:cory.zyla@nwb-oen.ca]

Sent: Tuesday, January 07, 2014 6:51 PM

To: marc@mosher.ca

Cc: Megan Porter; Phyllis Beaulieu

Subject: Re: 131211 8WHL-PSC----- Application for Approval for the Use of Water or Deposit of Waste without a License

Mr. Losier,

I have now had the opportunity to conduct a preliminary technical review of your application for approval for the use of water and/or deposit of waste without a licence (8WHL-PSC). Based on the information provided in your application, the proposed project does not meet the requirements of an approval without a licence under the *Nunavut Water Regulations (SOR 2013/669, 18th April, 2013) (Regulations)*. The reasons why this application does not meet these requirements are detailed below.

Section 9. Type of Use of Water Without a Licence Proposed

On your application, the following type of use of water was selected:

"For an undertaking other than a Power undertaking and for any use of water related to the storage of 2,500 m3 or less". The use of water for the purposes of hydrostatic testing is not considered to be a form of storage under the Regulations (see Schedule 2: Licensing Criteria for Use of Waters; downloadable in PDF format here: <http://laws.justice.gc.ca/eng/regulations/SOR-2013-69/page-1.html>). The classification that you selected under the Regulations is intended for undertakings where the key purpose is the alteration of flow or storage of waters by means of a dam or dike, as stated in Schedule 2: *"Any use of waters related to the alteration of flow of waters, or storage of waters, by means of dams or dikes".*

Under the Regulations, hydrostatic testing would be classified under *"Item 2. Any undertaking other than a power undertaking, (4) any other use of waters"*. Given that the project proposes to withdraw 1,933 cubic metres of freshwater from a nearby lake over a period of 24 hours, the proposed activity does not qualify for the Type WL minimum requirement of less than 50 cubic metres per day or the Type B Licence requirement of less than 300 cubic metres per day. As such, you could conduct the activity if the water were withdrawn over a longer period under the Type B Licence (e.g. 300 m3 x 7 days = 2,100 m3; or alternatively 39 days under the WL requirement). This would require that you resubmit the application stating that the activity will be conducted accordingly.

