

September 13, 2013

Andrew Johnson, P. Eng. Associate, Civil Engineer Stantec Architecture Ltd. 4910-53rd Street PO Box 1777 Yellowknife NT X1A 2P4

Sent via email: <Andrew.Johnson@stantec.com>

Re: Request for NWB "Clearance Letter" for Iqaluit Airport Improvement Project, Your file: 144313128

Dear Mr. Johnson:

This letter is in response to the query initially received by Phyllis Beaulieu, the Manager of Licensing of the Nunavut Water Board (NWB or Board) on January 25, 2013 regarding the water licensing requirements associated with the Iqaluit Airport Improvement Project (IAIP) and that you followed up on with the Board on August 2, 2013. My apologies for the delay in providing the Board's response, but as this query posed a novel and important question, the Board needed to consider a number of factors, including past practices and the potential effect of changes to municipal water licensing brought in under the new *Nunavut Waters Regulations* that came into force in April.

At the outset, let me clarify that the Board cannot provide "clearance letters", but rather by way of this letter, the Board has provided its guidance regarding the applicable licensing regime, with the onus being on the project proponent to consider the guidance provided and independently determine their compliance obligations.

Based on the summary of the project provided to the Board initially in January and as further described in your letter of August 2, 2013, the Board has determined that the licensing regime applicable to the activities proposed for the IAIP should be considered under the classifications of undertakings provided in the *Northwest Territories Waters Regulations*, SOR/93-303 (*NWT Regulations*) which was the regulatory regime in place at the time of your initial inquiry. This distinction is important, because the classification of municipal undertakings under the *NWT* 



Regulations changed when the new Nunavut Waters Regulations, SOR/13-69 came into force on April 18, 2013, and associated with this change in definition are different water licensing requirements. As the requirements of the Nunavut Waters Regulations are not retroactive, they do not apply to applications and inquiries that predate the coming into force of the Nunavut Water Regulations and the Board has therefore determined that the previous regime applies to the IAIP activities.

On this basis, I can confirm that the proposed IAIP activities as described in your January inquiry and your follow up letter in August fit within the description of a municipal undertaking under the *NWT Regulations* (s. 3). Further, as outlined in the classification of activities associated with municipal undertakings under Schedule VI, Columns 1 and 2 of the *NWT Regulations* the proposed IAIP activities such as watercourse training and diversions (2(2) and 2(4) of Column 1) are water uses and deposits of wastes that are permitted without a licence. As such, the Board has determined that the IAIP activities do not trigger the requirement for a water licence under the regulatory regime in place at the time of your initial inquiry.

I trust this provides you with the direction you require, but if you have any further questions, please follow up with me directly.

Yours sincerely,

(originally signed)

Damien Côté Executive Director Nunavut Water Board

cc: David Hohnstein, Director of Technical Services, NWB Phyllis Beaulieu, Manager of Licensing, NWB