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April 19<sup>th</sup>, 2013

Damien Cote  
Executive Director  
Nunavut Water Board  
P.O. Box 119  
Gjoa Haven, NU  
X0B 1J0

Mr. Cote,

**Re: Type B Application, 8BC-MRY**

The Qikiqtani Inuit Association (QIA) is presenting this letter to the Nunavut Water Board (NWB) in relation to the type "B", originally filed by the proponent on March 11<sup>th</sup>, 2013, for which an extension was granted by the NWB for interested parties to file comments.

## 1.0 Nature of the Application

In providing comments on the type "B" application before the NWB, QIA is making the assumption that the NWB has determined that all the relevant steps have been taken with respect to project conformity determinations and development impact review to allow the NWB to proceed with application and issuance of the licence.

It is requested by QIA that the NWB, in its Reasons for Decision for this application, confirm whether or not all activities proposed within the scope of the current licence have in fact been appropriately assessed by NPC and NIRB.

It is also requested by QIA that the NWB, in its Reasons for Decision for this application, confirm that the application filed by the proponent was complete and consider appropriate for review by interested parties.

## 2.0 Term of Licence

Respecting that the type "B" application is intended to be interim in nature and relates to the type "A" application (for the same project) presently before the NWB, QIA strongly recommends that the type "B" licence carry a term of not more than one (1) year. QIA notes this aligns with the requested term under the General Water Licence Application, Proposed Term of Licence, (Section 25). Furthermore, QIA strongly recommends that the type "B" licence be subsumed into the type "A" licence once such a licence exists (assuming such a licence is approved).





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**Qikiqtani Inuit Association**

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#### 4.0 Abandonment and Reclamation

In the event the activities proposed require complete abandonment and reclamation it is unclear to QIA which Abandonment and Reclamation Plan would guide the reclamation of the activities applied for within the current application. QIA did not find any materials specific to Abandonment and Reclamation in the type “B” application. QIA reviewed the Executive Summary, Project Description the General Water Licence Application and the supplemental information package provided by the proponent on (April 3<sup>rd</sup>, 2013) and was unable to find a clear reference to a source document that would assist QIA to find the proper source document. QIA therefore strongly requests that the NWB seek clarity from the proponent as to whether not an Abandonment and Reclamation Plan exists for the activities proposed, including a requirement to supply all parties with such a document in advance of final licencing.

Furthermore, QIA notes although the General Water Licence Application, Security Information (Section 21) makes reference to security through the following statement:

*"Security in the amount of \$6,738,216 is currently held in relation to 2BB-MRY0710. Additional security will be posted in respect of the Mary River facilities and will be the subject of submissions during the hearing on the Type A Water Licence scheduled for April 2013."*

While QIA understands the position put forward by the proponent, QIA believes parties need to respect the direction offered by NIRB on this very topic which states:

*"The Proponent shall meet with respective licensing authorities prior to the commencement of construction to discuss the posting of adequate performance bonding. Licensing authorities are encouraged to take every measure to require that sufficient security is posted before construction begins."*<sup>1</sup>

Given that all the activities applied for under the type “B” application would take place on Inuit Owned Lands, assuming the NWB approves a licence for the requested undertakings, QIA will undertake a review of financial security for the new activities proposed. Consistent with QIA’s comments throughout the review process of this project, QIA will hold security under a land lease and that security will be developed on the basis of QIA policies.

1. General Term and Condition No.7, Nunavut Impact Review Board, Project Certificate 005 (December 28<sup>th</sup>, 2012)



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