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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

March 11, 2019

**File Nos: 2AM-MEA1526
2AM-LUP1520
8AC-ALT----
2AM-WTP1826**

By Email and Regular Mail

Dominic LeBlanc, P.C., Q.C., M.P.
Minister of Intergovernmental and Northern Affairs and Internal Trade
House of Commons
Government of Canada
Ottawa, ON K1A 0A6

Email: dominic.leblanc@iga-aig.gc.ca

Re: Notification from the Nunavut Water Board of the Continuation of the Term of Board Member Alex Ningark Beyond March 14, 2019 For Specified Licensing Files with Public Hearings

Dear Honourable Dominic LeBlanc;

This letter is to advise you that circumstances have arisen requiring me to exercise my authority under s. 15(2) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA) to extend the term of Board Member, Alex Ningark, of the Nunavut Water Board (NWB or Board) for specific water licensing files (as outlined in detail below) beyond Mr. Ningark's current term, which is due to expire on March 14, 2019. As detailed below, my justification for extending the term of Board Member Ningark is that he is currently engaged as a Panel Member for each of these files, and as such is seized of the decision-making process associated with the specified water licensing files. Further, these files have been, or in the near term, may be the subject of NWB Public Hearings, including an oral hearing associated with the NWB's conduct of a water compensation determination associated with an application to amend Type "A" Water Licence No. 2AM-MEA1526 seeking authorization, as directed by the Minister in November 2018 in relation to the "In-Pit Tailings Disposal Project Proposal".

As set out in s. 15(2) of the *NWNSRTA* my authority to extend the terms of Board Members for specific files involving public hearings is as follows:

If the term of a member expires before the member has made a decision in a matter for which a public hearing is held, the member may, with the authorization of the Chairperson, continue to act as a member only in relation to that matter until the hearing is concluded and a decision is made. The office of the member is deemed to be vacant as soon as the term expires for the purpose of the appointment of a replacement.

Specifically, I am extending the term of current Board Member Alex Ningark beyond the expiry of his term on March 14, 2019 solely for the purposes of Mr. Ningark fulfilling his obligations as a Member of the Board's duly appointed Panels responsible for decision-making in respect of the following four files:

- The amendment of Type "A" Water Licence No: 2AM-MEA1526 associated with the In-Pit Tailings Disposal Project Proposal which is currently in the last stages of the NWB's decision-making process which may involve the Board's conduct of an in person oral hearing as part of the NWB's water compensation determination (currently scheduled for April 2019);
- The renewal of Type "A" Water Licence No: 2AM-LUP1520 which is currently being processed by the Board and is expected to be subject to a Public Hearing in 2019. Mr. Ningark has been seized of this file since 2018 when he was appointed to the NWB's decision-making Panel in respect of an amendment to the security provisions of the licence;
- The application for a new Type "A" Water Licence No: 8AC-ALT---- associated with the water uses and waste deposits at DND's Alert Station which is currently in the last stages of decision-making, with a Public Hearing scheduled for July 2019. Mr. Ningark has been seized of this file since 2018 when the Board decided that the file could proceed to a Public Hearing and set the date and form for the Public Hearing; and
- The amendment of Type "A" Water Licence No: 2AM-WTP1826 associated with proposed amendments to the Whale Tail Pit Project Proposal, which is currently being processed by the Board and is expected to be subject to a Public Hearing in 2019-2020 fiscal year.

I can advise that Mr. Ningark has been consulted about the extension of his term and has consented to the extension of his term solely for the purposes of discharging his decision-making duties in respect of the specific files outlined above. Further, the Board wishes to assure the Minister that during Mr. Ningark's continued participation in the files noted above, he will continue to be bound by, and adhere to all applicable NWB Board Member policies, procedures and rules (including, but not limited to the NWB's Rules of Procedure for Public Hearings, Board Member Code of Conduct, and Board Governance Policies).

If Mr. Ningark is not reappointed to the NWB during this limited extension of his term, his participation with the Board will cease for all purposes when the NWB's decision-making Panels for the files noted above have fully discharged their responsibilities. In closing, the NWB notes that nothing in this limited continuation of Mr. Ningark's term is intended to affect or in any way

limit the Minister's discretion or timeline to reappoint him to the NWB or to appoint a new Board Member to fill the vacancy created when his term expires on March 14, 2019.

If you have any questions or require further direction with respect to this matter, please contact the Board's Director of Board Administration and Communication, Ben Kogvik by email to ben.kogvik@nwb-oen.ca or by phone at (867) 360 – 6338.

Regards,

Lootie Toomasie
Chairperson
Nunavut Water Board

cc. NWB Board Member Alex Ningark
NWB Public Registry