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Water Resources
Nunavut Regional Office
P.O. Box 100
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June 19, 2006

Philippe di Pizzo
Executive Director
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0

Your file - Votre référence
2BE-PCD

Our file - Notre référence
9545-1 / #87557

Via Email

Re: 2BE-PCD - De Beers Canada Inc. - Prince of Wales, Chartrand Lake, and Devon Island Diamond Exploration Projects - Licence Application

You forwarded the June 8, 2006 letter from Matthew Pickard, Safety, Health & Environmental Manager of De Beers Canada Inc. requesting that the consultation time for a water licence be shortened from the usual 30 to 15 days and your June 15, 2006 response. Your response included a request that the Nunavut District Office of Indian and Northern Affairs Canada consider and provide direction on the request by De Beers.

De Beers Canada Inc. has applied for a licence for freshwater use and disposal of wastes for up to four exploration camps associated with its Prince of Wales and Devon Island Diamond Exploration Projects in a letter dated June 1, 2006. De Beers indicated that the camps would use freshwater from June 25, 2006 to October 1, 2007 and project activities are scheduled to begin in late June or early July.

I agree with your assessment that De Beers did not allow sufficient time from the date of application and the proposed initial date for setup of the camps for the Nunavut Water Board to provide notice of the licence application. I also agree with the comments in your June 15, 2006 letter that the reasons given by De Beers do not appear to constitute "urgent circumstances" as referred to in Section 55(4) of the Nunavut Waters and Surface Rights Tribunal Act:

55(4) Where a public hearing is not held in relation to an application, the Board shall not act on the application until at least thirty days after notice of the application has been published under subsection (1) unless, in the opinion of the Board, there are urgent circumstances that justify the Board acting on that application in a shorter period, but that shorter period shall not be less than ten days.

I cannot give an opinion whether the NWB has legal authority to vary from the dispositions of the Act, but the Act does state urgent circumstances are an opinion of the Board. However, any determination or opinion of the Board could become a precedent for further Board actions.

If you wish further clarification, please contact me at (867) 975-4550 or, by email, at rogersji@inac.gc.ca.

Sincerely,

Original signed by

Jim Rogers
Manager, Water Resources

Canada