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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

NWB File No: 3AM-ARV1016

December 10, 2021

Steve England
Hamlet of Arviat
PO Box 150
Arviat, NU
X0C 0E0

Elan Chalmers
Municipal Planning Officer
Government of Nunavut - Community and
Government Services
P.O. Box 1000, Stn 700
Iqaluit, NU X0A 0H0

Email: sao@arviat.ca

Email: echalmers@gov.nu.ca

**Subject: Application for Renewal-Amendment to Water Licence No: 3AM-ARV1016;
Hamlet of Arviat**

Dear Steve England and Elan Chalmers:

Further to the Nunavut Water Board (NWB) correspondence of September 17, 2020¹ and November 22, 2021², with respect to the determination of completeness of the application for renewal-amendment to the Water Licence No: 3AM-ARV1016 (Application), submitted by the Hamlet of Arviat (the Applicant or Hamlet) via its representative, Government of Nunavut – Community and Government Services (GN-CGS), the Board received comments from the following interested parties: Crown-Indigenous Relations and Northern Affairs (CIRNA), Environment and Climate Change Canada (ECCC), and Fisheries and Oceans Canada (DFO).

To remind the parties, the completeness check was initiated by the Board on September 17, 2020 when the NWB distributed the Application in order for interested parties to provide feedback whether or not all necessary materials were submitted. On or before October 16, 2020, CIRNA and ECCC requested further submissions. On October 27, 2020, the Applicant provided supplemental materials. CIRNA responded that, in its opinion, the Application was ready to proceed to the technical review stage while ECCC requested that the Board defer the Application until such time that additional information be provided. On November 20, 2020, the NWB deferred further review process on the recommendation from ECCC. On April 19, 2021, the Applicant requested to pause the renewal-amendment application process in order to undergo screening by the Nunavut Impact Review Board (NIRB) for additional activities proposed within the scope of the Application.

¹ Richard Dwyer (NWB) to Steve England (Hamlet) and Sarah Collins (GN-CGS), Application for Renewal-Amendment to Water Licence No: 3AM-ARV1016; Hamlet of Arviat, dated September 17, 2020.

² Richard Dwyer (NWB) to Steve England (Hamlet) and Sarah Collins (GN-CGS), Re: Hamlet of Arviat Water Licence Renewal and Amendment Application 3AM-ARV1016, dated November 22, 2021.

On November 19, 2021, supplemental information was received from the Applicant. On November 22, 2021, the NWB requested that the parties confirm whether with the additional information the Application could be deemed as a complete Type “A” Water Licence Application. On or before December 1, 2021, the following responses were received:

- CIRNA and ECCC confirmed that the Application was complete, and
- DFO informed the NWB that it would not comment on the completeness of the Application but would like to participate in the future technical review.

Up to this point, the NWB has not received any indication that the Application should not proceed through the regulatory process.

Copies of the comments received from Intervening parties, submissions from the Applicant, and all documents associated with the Application have been placed in the Board’s Public Registry and made available through the NWB’s FTP site using the following link:

<ftp://ftp.nwb-oen.ca/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-ARV1016/1%20APPLICATION/2020%20Renewal/>

Accordingly, reflecting the scope and nature of the undertakings and the amendments sought in the Application, the NWB duly-appointed Panel for decision-making in respect of the Application (Panel 16) has, by way of Panel Motion: 2021-P16-14-01 determined that the Application is a complete application for a Type “A” Water Licence Renewal-Amendment and has directed the issuance of this Notice of Application and invitation to parties to commence their full technical review of the Application. As the Application involves amendments to a Type “A” Water Licence that could affect water quantity or quality, the NWB will require some form of Public Hearing to consider the Application as per *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSTRA or Act)*. All public-hearing matters will be carried out in accordance with the Board’s *Rules of Practice and Procedure for Public Hearing* dated May 11, 2005 (NWB Rules).

NWB Notice of Application and Commencement of Technical Review

The NWB has determined through the completeness and preliminary assessment, which took into consideration the Application, Interveners’ submissions, and the Board’s initial review that the Application submitted by the GN-CGS on behalf of the Hamlet of Arviat generally constitute an administratively and materially complete Application in accordance with the Guides.³ The Board has therefore decided that the Application can proceed to the next stage(s) of the licensing process, subject to any outstanding pre-licensing considerations that may be associated with the Application. The NWB retains the rights, however, to request additional information and studies pursuant to s.s. 48(2) of the *NWNSTRA* or to issue additional guidelines for the provision of information pursuant to s.s. 48(3) of the *Act*, if it becomes necessary.

³ The minimum information requirements set out in the NWB Guidance Document- Guide 4 – Completing and Submitting a Water Licence Application for a New Licence, July 2015, see Table 1.

In accordance with s. 55(1) of the *NWNSRTA*, the **Board gives Notice of the Application** and invites interested persons to make representations to the NWB no later than **January 21, 2022** (3:00 p.m. MST). Notice of the Application will also be published in a newspaper of general circulation in the area(s) affected or, if there is no such newspaper, in such other manner as the Board considers appropriate. Parties are advised that the consequences of failure to respond by the deadline above are outlined in s. 59 and ss. 60(2) of the *NWNSRTA*⁴ and may include forfeiting rights to compensation.

By copy of this letter to the distribution list, all interested parties or persons are requested to complete a thorough technical assessment of the Application for the renewal-amendment to Type “A” Water Licence No: 3AM-ARV1016 available from the NWB Public Registry or by directly contacting Elan Chalmers at echalmers@gov.nu.ca. All technical review comment submissions from Interveners and other interested parties should be provided to the NWB no later than **January 21, 2022** (3:00 p.m. MST).

Next Steps in the Process

The next steps in the Board’s consideration of the Application have been outlined as follows for the information of all parties. Please note that the Board reserves the right to revise the next steps and timelines if circumstances dictate:

Steps Preceding Technical Meeting

December 10, 2021	Commencement of the technical review period; parties are asked to provide their technical review comments to the Board
January 21, 2022	Submission of technical review comments and representations to the Board.
February 3, 2022	The Applicant to provide response(s) to technical review comments. Parties given an opportunity to review responses from Applicant.
February 15, 2022	Submission of Applicant’s and Interveners’ presentations for the proposed technical meeting (including versions translated into Inuktitut and French). Confirmation of attendance and draft agenda.
February 18, 2022	Circulation of final agenda for the Technical Meeting / Pre-Hearing Conference.

Steps including and following Technical Meeting / Pre-Hearing Conference

⁴ Section 59: In the circumstances described in paragraph 58(b), an applicant need not compensate the person under section 58 if the person fails to respond to the notice of application given under subsection 55(1) within the time period specified in the notice for making representations to the Board. Section 60(2) Subsection (1) does not apply in respect of a person referred to in that subsection who fails to respond to the notice of application given under subsection 55(1) within the time period specified in that notice for making representations to the Board.

1. Technical Meeting / Pre-Hearing Conference (TM / PHC): The week of February 21, 2022

Rule 14 of the NWB Rules permits the Board, through its staff or in conjunction with staff, to hold a Technical Meeting (TM) and Pre-Hearing Conference (PHC) with interested parties, either in writing, by teleconference, or in person.

The Board has directed the staff of the NWB, in accordance with the NWB Rules, to hold the TM / PHC for the Application, in person, in the week of February 21, 2022 (tentatively on **February 22-23, 2022**). Interested persons should note that these dates are tentative and could be changed by the Board with a notice provided to parties. In advance of the date on which the TM / PHC will be held, the NWB will issue correspondence that will confirm dates and provide other relevant details.

2. Pre-Hearing Conference (PHC) Decision

Following the TM and PHC, the NWB will issue a PHC Decision Report and may outline the technical commitments of the Applicant and the administrative and procedural requirements for a Public Hearing.

Public Hearing (PH) Notice

Sub-section 55(2) of the NWNSRTA requires that a minimum notice period of sixty (60) days be provided for a Public Hearing (PH). As with the Technical Meeting / Pre-Hearing Conference, the Board has the ability to conduct its Public Hearing in writing, by teleconference, or in person. Once the Board has received all information requested through this process and is satisfied that the Public Hearing should proceed, the type or place, date, and time of the hearing will be determined, and a notice will be published by the Board in advance of the Public Hearing and in a manner that promotes public awareness and participation in the hearing.

3. Public Hearing Decision

Following the Public Hearing, the Board will issue a final written decision with reasons (final decision). The final decision will be provided to the Minister of Northern Affairs (Minister) for the Minister's decision. Interested and intervening parties will also be provided with a copy of the Board's final decision as well as the Minister's decision.

Throughout the technical review phase, interested parties are encouraged to work cooperatively with the Applicant to discuss issues in advance of the proposed Technical Meeting and Pre-Hearing Conference. The NWB, however, requests to be kept informed of any issues and any agreement reached between the parties on specific issues related to the Application. The Board also asks that all technical review comments, particularly for matters such as air quality, noise, and wildlife, be provided within the limits of the NWB's jurisdiction over the use of waters and the deposit of waste in waters or that may enter waters.

All representations by interested parties with respect to compensation and technical review submissions pertaining to this file should be provided to the NWB's Manager of Licensing by email to licensing@nwb-oen.ca prior to Friday, January 21, 2022 (3:00 p.m., MST).

If you have any questions regarding procedural matters related to the file, please contact Richard Dwyer, Manager of Licensing at richard.dwyer@nwb-oen.ca or by phone at (867) 360-6338 (ext. 27). For any Technical inquiries, please contact Assol Kubeisinova, Technical Advisor, at assol.kubeisinova@nwb-oen.ca or by phone at (867) 360-6338 (ext. 31) or Karen Kharatyan, Director Technical Services, at karen.kharatyan@nwb-oen.ca or by phone at (867) 360-6338 (ext. 35).

Sincerely,

NUNAVUT WATER BOARD

Original Signed By:

Stephanie Autut
Executive Director

SA/rqd/ak

Cc: Distribution List – Arviat