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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

NWB File No: 3AM-CHE----

May 23, 2023

John Ivey
Senior Administrative Officer
Municipality of Chesterfield Inlet
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Chesterfield Inlet, Nunavut, X0C 0B0

Email: sao@chesterfield-inlet.com

Kayla Clouter
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Municipal Infrastructure
Community and Government Services (CGS)
P.O. Box 1000
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Subject: Application for a Type ‘A’ Water Licence No: 3AM-CHE----, to replace the expired Type ‘B’ Water Licence No: 3BM-CHE1523; Hamlet of Chesterfield Inlet

Dear Mr. Ivey and Ms. Clouter,

Further to the Nunavut Water Board (NWB or Board) correspondence¹ of March 22, 2023 with respect to the determination of completeness of the **3AM-CHE----** Water Licence Application and supporting documentation (Application) submitted by Government of Nunavut, Community and Government Services (GN-CGS) on behalf of the Hamlet of Chesterfield Inlet (Applicant), for the continued use of water and deposit of waste, the Board received comments² from intervening parties including: Crown-Indigenous Relations and Northern Affairs (CIRNA), Environment and Climate Change Canada (ECCC) and the Department of Fisheries and Oceans (DFO). The NWB did not receive any indication that the Application should not proceed through the regulatory process.

The Applicant provided responses³ to comments related to the completeness check and initial technical review on May 3, 2023. On May 8, 2023, CIRNA responded that they were satisfied by the Applicant’s response and on May 9, 2023, ECCC responded with the same ensuring that the Application can proceed to the next stage.

The Completeness Check stage for a Type “A” Application is meant to invite interveners to go through the documents submitted with the Application and request any additional or missing information or documentation that the Applicant needs to submit. Once parties agree that the Application is complete then the Board moves on to the Technical Review stage where the Interveners are invited to submit technical comments regarding the Application.

¹ Correspondence from R. Dwyer, NWB, to K. Clouter, GN-CGS, Re: 3BM-CHE1523; Submission of Renewal – Amendment Application 3AM-CHE---- Completeness Check, Mar 22, 2023;

² Email responses from Crown Indigenous Relations and Northern Affairs (CIRNA), April 11, 2023; Environment and Climate Change Canada (ECCC), April 12, 2023; the Department of Fisheries and Oceans (DFO), April 12, 2023;

³ Email response from K. Clouter, GN-CGS, to comments from CIRNA and ECCC on May 3, 2023.

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-CHE---/1%20APPLICATION/2023%20Amend%20Renew>

Based on the scope and nature of undertaking, the Application is deemed a complete application for a Type "A" Water Licence. As such, it will require a public hearing as required by the Nunavut Waters and Nunavut Surface Rights Tribunal Act (*NWNSRTA 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

The NWB has determined through the completeness and technical review, which took into consideration the Application, Interveners' submissions, and the Board's initial review, that the Application submitted by GN-CGS on behalf of the Hamlet of Chesterfield Inlet generally constitutes an administratively and materially complete Application in accordance with the Guides⁴. 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 *NWNSRTA* or to issue additional guidelines for the provision of information pursuant to s.s. 48(3) of the *Act*, if it becomes necessary.

In accordance with s.s. 55(1) of the *NWNSRTA*, the **Board gives notice of the Application** and invites the Applicant, Interveners and interested persons to submit their comments and representations for the proposed Technical Meeting by **June 16, 2023** (3:00 p.m., MST). Notice of the Application will also be forwarded to the local organizations and shall 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 are outlined in s. 59 and s.s. 60(2) of the *NWNSRTA*⁵.

By copy of this letter to the distribution list, all interested parties or persons are requested to submit their presentations for the proposed Technical Meeting for the Application for the replacement of the expired Type "B" Water Licence 3BM-CHE1523 to a Type "A" Water Licence 3AM-CHE---, available from the NWB Public Registry or by directly contacting Kayla Clouter, GN-CGS at kclouter@gov.nu.ca.

⁴ The minimum information requirements set out in the NWB Guidance Documents

Guide 4 – Completing and Submitting a Water Licence Application for a New Licence, July 2015

Guide 7 – Licensee Requirements following the Issuance of a Water Licence, July 2015

⁵ 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.

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

May 23, 2023	Commencement of the technical review period; parties are asked to provide their technical review comments
June 16, 2023	Submission of technical review comments and representations to the Board
June 26, 2023	Applicant to provide response(s) to technical review comments Parties given an opportunity to review responses from Applicant
July 3, 2023	Circulation of draft agenda for the Technical Meeting.
July 11, 2023	Submission of Proponent's and parties' presentations for the proposed technical meeting (including translated versions).
July 14, 2023	Circulation of final agenda for the Technical Meeting.

Steps including and following Technical Meeting

1. Technical Meeting-Pre-Hearing Conference (TM-PHC): July 18-19, 2023

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, by teleconference, in the week of **July 17, 2023** (tentatively on **July 18-19, 2023**). 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/PHC, the NWB will issue a PHC decision 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 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 GN-CGS or Hamlet of Chesterfield Inlet to discuss issues in advance of the proposed Technical Meeting / 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.

If you have any questions regarding procedural matters related to the file, please contact Richard Dwyer, Licensing Manager, at richard.dwyer@nwb-oen.ca or by phone at (867) 360-6338 (ext. 27). For any Technical inquiries, please contact Mohammad Ali Shaikh, Technical Advisor at ali.shaikh@nwb-oen.ca or by phone at (867) 360-6338, ext. 33 or Karén Kharatyan, Director of Technical Services, by e-mail to karen.kharatyan@nwb-oen.ca.

Sincerely,

Stephanie Autut
Executive Director
NUNAVUT WATER BOARD

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Cc: Kivalliq Distribution List