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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

**File No.:** 3AM-CHE----

**To:** Kivalliq Distribution List

**Date:** August 25, 2023

**Subject:** Type “A” Water Licence No: 3AM-CHE----: Pre-Hearing Conference Decision Report regarding an Application for a Water Licence to replace the expired Type “B” Water Licence No: 3BM-CHE1523

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This Pre-Hearing Conference Decision Report is issued in relation to an application filed by the Government of Nunavut, Community and Government Services (GN-CGS) on behalf of the Hamlet of Chesterfield Inlet (the Applicant), seeking a Type “A” Water Licence to replace the Type “B” Water Licence No: 3BM-CHE1523, held by the Hamlet of Chesterfield Inlet and which expired on May 14, 2023 (the Application). The Application requests the continued use of Water and deposit of Waste for a Municipal Undertaking.<sup>1</sup> On August 23, 2023, by Panel Motion **#2023-07-P24-03**, the members of the Chesterfield Inlet Panel (P24), duly appointed by the Nunavut Water Board (NWB or Board) to consider the Application, approved and directed the release of this Pre-Hearing Conference Decision Report (Report).

In addition, by Motion **#2023-07-P24-04** the Panel authorized the issuance of the procedural direction in this Report, including holding an in-person Public Hearing for the file. In choosing to conduct the Public Hearing **in-person** for the file, the P24 Panel noted that during the evening Community Session associated with the Technical Meeting and Pre-Hearing Conference, which was conducted by audio/video conference on the evening of July 19, 2023, community members indicated that there was a high level of interest in the Application. Community members also expressed interest in hearing about the Hamlet’s plans for future improvements to the municipal infrastructure. Community members also noted that because the previous Water Licence was a Type “B” Licence, the Community had not had an opportunity to participate in a Public Hearing during the Board’s previous licensing of the undertaking, and the community would appreciate

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<sup>1</sup> “Municipal Undertaking” is defined under the *Nunavut Waters Regulation*, SOR/2013-69, Schedule 1, Item 3 as a waste disposal or water system for a municipality.



participating in the process now. In these circumstances, the P24 Panel decided that it is appropriate for the Board to hold an **in-person** Public Hearing to support decision-making for the file. More specific details regarding the timelines and conduct of the Public Hearing are outlined under the subheadings [Timetable for Pre-Hearing Exchange of Information](#) and [Procedures for the Public Hearing](#) of this Report. Formal Notice of the written Public Hearing will be published on **Friday, September 1, 2023**.

The NWB has tentatively set the date for the in-person Public Hearing associated with the file to be held in Chesterfield Inlet sometime during the week of **November 13-17, 2023**. This date is contingent on the parties and public providing all written materials in accordance with the timelines set out in this Report. Parties should be aware that after the Notice of Public Hearing has been issued, the Board may have to modify the schedule and format of the Public Hearing, if logistics dictate, if the documentation required to be supplied in advance of the Public Hearing has not been provided, if public concerns with the Application are identified, etc.

In accordance with Rule 14 of the NWB *Rules of Practice and Procedure for Public Hearings* (the *Rules*), and the previous direction and delegation of authority from the Chesterfield Inlet Panel to the staff of the NWB, the NWB's staff held a technical meeting (TM) and a Pre-Hearing Conference (PHC) for the Application by video and audio conference during the day on July 19, 2023. The list of the parties in attendance are provided in this Report in [APPENDIX B: Attendees at TM/PHC](#).

An application was originally received by the NWB on December 20, 2022, for renewal of the Applicant's previous Type "B" Licence No: 3BM-CHE1523. Following an initial review of the application package, the NWB identified that during resupply of the raw water reservoir during the open water season, the Applicant exceeds the daily water use limit of 300 cubic metres (m<sup>3</sup>) which is the threshold for water use that can be authorized under a Type "B" Water Licence, as set out in Schedule 2 of the *Nunavut Waters Regulations*.<sup>2</sup> Consequently, the NWB advised the Applicant that the undertaking required a Type "A" Water Licence to authorize the daily withdrawal of up to 2000 m<sup>3</sup> during the open water season to resupply the raw water reservoir and to replace their previous Type "B" Water Licence. On March 20, 2023, the GN-CGS submitted the Application seeking to replace their previous Type "B" Licence No: 3BM-CHE1523 with a new Type "A" Water Licence for a term of 10 years.

The NWB distributed the Application for a completeness check on March 22, 2023. The Board received comments and information requests (IRs) from Crown-Indigenous Relations and

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<sup>2</sup> SOR/2013-69.



Northern Affairs Canada (CIRNA), Environment and Climate Change Canada (ECCC) and the Department of Fisheries and Oceans (DFO) on April 12, 2023.

The Completeness Check stage for a Type "A" Application is meant to invite Interveners to go through the list of documents submitted with the Application to identify and request any additional or missing information that may support their technical review of the Application. Once responses are received from the Applicant to any IRs or information required to complete the Application, the Board considers all the information received and determines whether the Application is sufficiently complete to progress to the full Technical Review stage, where Interveners are invited to submit technical review comments regarding the Application.

In this case, following the Completeness Check, the NWB deemed the Application to be complete and provided public notice of the Application on May 23, 2023, and invited parties for a full technical review of the Application. This correspondence included tentative timelines for the Technical Meeting and Pre-Hearing Conference.

Following the submission of responses and clarifications submitted by Applicant, on June 29, 2023, the NWB provided correspondence confirming that the Application could proceed to the Technical Meeting (TM) and Pre-Hearing Conference (PHC) stage and advising that the TM, Community Session and PHC were scheduled to take place on July 18-19, 2023, and would be conducted via Zoom, including both video and teleconference links. On July 13, 2023, NWB staff went on the local radio in Chesterfield Inlet to inform community members of the upcoming Community Session scheduled for the evening of July 18, 2023.

At the request of parties, the start of the TM/Community Session/PHC was rescheduled from July 18 to July 19, 2023. Although the TM was scheduled for a full day, and the PHC was scheduled to be completed on the following day, the Board was able to complete the full Agenda for the TM in the early afternoon of July 19, and so, with the agreement of the participants, the Board conducted the PHC on the afternoon of July 19 (the Final Agendas for the meetings as conducted on July 19, 2023, are attached to this Decision in [APPENDIX A: TM/Community Session/PHC Agendas](#)).

The Government of Nunavut, Community and Government Services (GN-CGS), Crown-Indigenous Relations and Northern Affairs (CIRNA), Environment and Climate Change Canada (ECCC), and the NWB staff participated via Zoom and teleconference links during the TM/Community Session/PHC. On the evening of July 19, the Hamlet of Chesterfield Inlet made arrangements to provide a central venue (the Hamlet Office) where interested community members could attend the Community Session. The venue in Chesterfield Inlet was linked by Zoom to the representatives of the NWB, the Applicant and the Interveners participating in the TM/PHC.



During the Community Session, members of the community were able to hear the presentations of the parties, had access to printed copies of presentation materials, and were able to ask questions to the NWB, the Applicant and Interveners via the audio line.

The individuals representing the NWB, the Applicant and the Interveners are listed in [APPENDIX B: Attendees at TM/Community Session/PHC](#). The commitments generated and reviewed by the parties during the TM/PHC are listed in [APPENDIX D: List of Commitments](#).

As set out in Rule 14.1 of the *Rules*, the PHC dealt with the following matters relevant to the Application:

- Timetable for the pre-Hearing exchange of information;
- Identification of interested parties;
- Submissions of interested parties;
- List of issues to be dealt with at the Public Hearing;
- Desirability of amending the Application for the purpose of clarification;
- Procedures for the Public Hearing; and
- Identification of any other matters that may assist in the simplification and disposition of the Application or the conduct of the Public Hearing.

Having considered the Application and supporting materials submitted by the Applicant as summarized in [APPENDIX C: List of Application Submissions](#), the technical review comments in respect of the Application received to date by the NWB, the discussions during the Technical Meeting, the questions, issues and comments identified by participants during the Pre-Hearing Conference, and the commitments of the Applicant as outlined in [APPENDIX D: List of Commitments](#), the Panel has concluded that the Application is ready to proceed to the Public Hearing stage of the Board’s consideration of the Application. As noted above, the Panel has directed that the Public Hearing to consider the Application be conducted in-person in the community of Chesterfield Inlet, during the week of November 13-17, 2023, in accordance with the timelines and other procedural details provided in the text that follows.

### **Introduction and Registration**

The following participants registered in advance and attended the TM/Community Session/PHC audio/video conference on July 19, 2023:

#### **Government of Nunavut, Community and Government Services (GN-CGS)**

- Elan Chalmers, Municipal Planning Officer – GN-CGS
- Kayla Clouter, Project Manager – GN-CGS



**Hamlet of Chesterfield Inlet representatives:**

- John Ivey, Senior Administrative Officer
- Tony Amauyak, Mayor of Chesterfield Inlet
- Greg Tanuyak, Lands Officer

**Crown Indigenous Relations and Northern Affairs (CIRNA) representatives:**

- Andrew Keim, Manager – Water Resource Management
- Christine Wilson, Municipal Coordinator – Water Resources

**Environment and Climate Change Canada (ECCC) representative;**

- Stephinie Mallon, Environmental Assessment Officer

The listings of the parties participating in the TM/Community Session/PHC audio/video conference on July 19, 2023 are attached as [APPENDIX B: Attendees at TM/Community Session/PHC](#) to this Report.

**1.0 The Application before the Board**

The Hamlet of Chesterfield Inlet is located on the western coast of Hudson Bay. The population of the community was 397 (2021 Census) and is projected to grow to 489 by the year 2033. Water is extracted from First Lake, which is the community’s water source, and stored in a reservoir with an estimated capacity of 23,000 cubic metres (m<sup>3</sup>), assuming 1 m freeboard is maintained. The reservoir is filled during the open water season when up to 23,000 m<sup>3</sup> of water is extracted from First Lake in approximately 14 days. The daily rate of water withdrawal from First Lake during the reservoir resupply is approximately 2,000 m<sup>3</sup> per day. Therefore, the daily amount of water used by the Applicant during this part of the year exceeds the 300 m<sup>3</sup> per day threshold for a Type “B” Water Licence as set out in Schedule 2 of the *Nunavut Waters Regulations*,<sup>3</sup> so the Applicant is required to apply for a Type “A” Water Licence to authorize the withdrawal of up to 2,000 m<sup>3</sup> of water per day.

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<sup>3</sup> SOR/2013-69.



The Application seeks the replacement of the Applicant’s previous Type “B” Water Licence No: 3BM-CHE1523 (expired on May 14, 2023) with a new Type “A” Water Licence to authorize the continued use of Water and deposit of Waste for a Municipal Undertaking.<sup>4</sup>

### **Application and Supporting Materials Submitted by the Applicant**

The initial application received on December 20, 2022 was for a renewal of the Type “B” Licence and consisted of the following documents:

- Type “B” Water Licence Renewal Application
- Authorization Letter
- NPC Letter File # 149870 [3BM-CHE1523 Municipal Water Licence Renewal]
- Plan for Compliance 2022
- Cover Letter
- Summaries in English and Inuktitut
- 2022 Chesterfield Inlet Environmental Emergency Spill Contingency Plan
- 2022 Chesterfield Inlet Environmental Monitoring and QAQC Plan
- O&M Plan Sewage Disposal Facility 2022
- O&M Plan Solid Waste Facility 2022
- O&M Plan Water Supply Facility 2022

On January 11, 2023, the NWB informed the Applicant that because the daily amount of water extracted from First Lake during the resupply of the reservoir exceeds the threshold of 300 m<sup>3</sup>/day, the undertaking now requires a Type "A" Water Licence to replace the previous Type “B” Water Licence. At that time, the NWB also advised the Applicant to contact the Nunavut Planning Commission (NPC) and Nunavut Impact Review Board (NIRB) to inform them of the change to the type of Water Licence requested, as the land use conformity and impact assessment requirements applicable to a Type "A" Water Licence differ from the requirements applicable to a Type “B” Water Licence.

On March 20, 2023, the NWB received an updated Application from GN-CGS on behalf of the Hamlet of Chesterfield Inlet for a Type “A” Water Licence, consisting of the following documents:

- Type “A” Water Licence Application
- NPC letter, RE: 149998, dated March 7, 2023

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<sup>4</sup> As defined under the *Nunavut Waters Regulations*, SOR/2013-69, Schedule 1, Item 3, column 2 describes a Municipal Undertaking to include “A waste disposal or water system for a municipality”.





The documents filed by the Applicant in support of the Application are listed in detail in [APPENDIX C: List of Application Submissions](#).

The Applicant’s submissions in respect of the Application are available from the NWB’s public registry at the following link:

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

All documentation associated with the Application and received from the Applicant, the Board, intervening parties and the public is available from the NWB’s public registry at the following link:

<ftp://ftp.nwb-oen.ca/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-CHE----/2%20ADMIN/>

### **Scope of the Current Application**

The Application before the NWB is for a Type “A” Water Licence to replace the existing (currently expired) Type “B” Water Licence. The general scope of the Application includes the following:

- Replacement of the Type “B” Water Licence No: 3BM-CHE1523 (expired as of May 14, 2023) with a new Type “A” Water Licence for a ten (10) year term to allow for the continued use of up to 23,000 m<sup>3</sup> Water annually and deposit of Waste associated with a Municipal Undertaking;
- Extraction of up to 2,000 cubic metres per day (m<sup>3</sup>/day) of freshwater from First Lake, for the annual resupply of the storage reservoir, during the open water season; and
- No changes to existing facilities, including the Water Supply Facility and the Solid Waste and Sewage Disposal Facilities.

## **2.0 Procedural History**

### **Licences Issued to the Project**

Reflecting the NWB’s jurisdiction for licensing undertakings resulting in the use of water and deposit of waste as established under Article 13 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* (Nunavut Agreement) and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA or Act), the NWB has issued three (3) Licences for this undertaking to date.

1. Licence No: N6L4-1538 (issued by NWT)



- Issued August 1, 1993 and expired on July 31, 1998
  - Allowed for the use of 20,000 cubic metres of water annually and the deposit of waste in support of a Municipal Undertaking
2. Licence No: NWB3CHE0308
- Issued December 15, 2003 and expired on December 31, 2008
  - Allowed for the use of 20,000 cubic metres of water annually and the deposit of waste in support of a Municipal Undertaking
3. Licence No: 3BM-CHE1013
- Issued October 1, 2010 and expired on September 30, 2013
  - Allowed for the use of 20,000 cubic metres of water annually and the deposit of waste in support of a Municipal Undertaking
4. Licence No: 3BM-CHE1523
- Issued May 15, 2015 and expired on May 14, 2023
  - Allowed for the use of 23,000 cubic metres of water annually and the deposit of waste in support of a Municipal Undertaking

## **Pre-Licensing Requirements**

### ***The Nunavut Planning Commission (NPC)***

On March 7, 2023, the Nunavut Planning Commission (NPC) issued its conformity determination<sup>5</sup> for the Application which stated the following:

- The project conforms to the Keewatin Regional Land Use Plan (KRLUP);
- The activities associated with this proposal were previously reviewed by the NPC, and conformity determinations were issued on April 28, 2015 and October 27, 2022, which still apply;
- The Nunavut Impact Review Board (NIRB) previously screened and exempted the works and activities associated with the expired Licence (NIRB FILE No. EX232); and

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<sup>5</sup> Correspondence dated March 7, 2023 from S. Amuno, Nunavut Planning Commission to R. Dwyer, NWB (and others) Re: NPC File # 149998 [3BM-CHE1523 Municipal Water Licence Renewal].





- The Application does not require screening by the NIRB because the project does not change the original scope of the project activities as previously screened by the NIRB.

On this basis, the NWB concluded that the applicable pre-licensing conformity and impact assessment requirements for the Application under Articles 11 and 12 of the Nunavut Agreement, Part 3 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (NuPPAA) and ss. 38 and 39 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSTRA) have been met, and the Application can be processed by the NWB.

### **Procedural History – Hamlet of Chesterfield Inlet Type “A” Water Licence Application**

The following section includes a brief overview of the procedural history for the Application. It should be noted that the following listing captures only the major procedural steps associated with the Application. All documentation and the complete record of the NWB’s processing of the file are available from the NWB’s ftp site at the links provided in Section 1.0 of this Report.

#### **December 20, 2022**

NWB received an application from GN-CGS on behalf of the Hamlet of Chesterfield Inlet or Applicant for the renewal of the expired Type “B” Water Licence 3BM-CHE1523

#### **January 11, 2023**

After discussions with the Applicant, the NWB advised that a Type “A” Water Licence would be required to replace the expired Type “B” Water Licence due to the daily withdrawal rate exceeding 300 m<sup>3</sup> during resupply of the raw water reservoir

#### **March 20, 2023**

NWB received an application for a Type “A” Water Licence 3AM-CHE---- from GN-CGS on behalf of the Applicant (the Application)

#### **March 22, 2023**

The NWB acknowledged receipt of the Application, determined that the Application meets the requirements for public distribution, and invited interested parties to conduct an initial Completeness Check and provide Information Requests (IRs) by April 12, 2023

#### **April 12, 2023**

CIRNA, ECCC and DFO provided their comments on completeness, technical comments and Information Requests (IRs) in relation to the Application

#### **May 3, 2023**

Applicant responded to Interveners’ Information Requests



**May 9, 2023**

Intervenors confirmed with the NWB that the Applicant's responses were sufficient to address their Information Requests

**May 23, 2023**

The NWB provided public notice for a Type "A" Water Licence Application, commencing a detailed technical review period, and timelines for the Technical Meeting/Community Session/Pre-Hearing Conference

**June 21, 2023**

CIRNA and ECCC provided comments

**June 29, 2023**

Applicant responded to Intervenors' comments

**July 6, 2023**

NWB distributed the draft agenda for the TM/Community Session/PHC along with the updated timelines for the next steps in the process

**July 13, 2023**

NWB staff presented a summary of Application and announced the upcoming dates for the TM/Community Session/PHC on local radio in Chesterfield Inlet

**July 13, 2023**

The NWB received confirmation of participation in the meetings and presentation documents from CIRNA and the Applicant

**July 14, 2023**

NWB provided the final Agendas for the TM/Community Session/PHC

**July 19, 2023**

NWB hosted the Technical Meeting (TM) and Pre-Hearing Conference (PHC) via Zoom and teleconference link, followed by a Community Session held in the Hamlet office linked to participants via Zoom and teleconference link in the evening

**3.0 Technical Review Comments Received by the Board**

Prior to the TM/PHC an opportunity for comment on the Application was provided to Intervenors and members of the public. The Board's request for comments invited parties to consider whether the Application was complete and to identify any outstanding issues that would prevent the Board from continuing to process the Application, including any additional information required to complete the Application. The parties filed substantive technical review comments on or before



June 21, 2023. The sections that follow outline the comments provided during these review periods, and also reflect comments provided to the Board’s staff during the TM/PHC.

### **GN-CGS on behalf of the Hamlet of Chesterfield Inlet**

As noted above, the original application and supplemental information was received from the Government of Nunavut, Community and Government Services (GN-CGS) on behalf of the Hamlet of Chesterfield Inlet (the Applicant) by the NWB on December 20, 2022, seeking the renewal of Type “B” Water Licence No: 3BM-CHE1523 for a 10-year term. Subsequently on March 20, 2023, the Applicant, as advised by the NWB, submitted a new application for a Type “A” Water Licence, along with supplemental information (Application) associated with the continued use of Water and deposit of Waste for a Municipal Undertaking. The Applicant requested a term of 10 years and requested annual water use of up to 23,000 m<sup>3</sup>.

Following the Completeness Check, on April 12, 2023, the NWB received comments and Information Requests (IRs) 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 Applicant provided a response to Interveners’ comments on May 3, 2023.

The detailed technical review of the Application commenced on May 23, 2023, following which the NWB received review comments from CIRNA and ECCC. The Applicant provided a response to Interveners’ comments on June 29, 2023.

During the Technical Meeting (TM), GN-CGS was able to provide responses to most of the comments and IRs received from the Interveners, including the following:

- Providing details about the potential for a new wastewater treatment facility;
- Preparation of a Sludge Management Plan;
- Clarifications on the use and ownership of the landfarm;
- Preparation of a conceptual Closure and Reclamation Plan;
- Timing for submission of Annual Reports; and
- Updates to existing management plans.

The Applicant reaffirmed their commitment to providing the NWB with the specified information summarized in [APPENDIX D: List of Commitments](#).



### **Crown Indigenous Relations and Northern Affairs (CIRNA)**

CIRNA administers Crown land and resources and enforces regulatory permits affecting land and water resources in Nunavut, including enforcing the provisions of water licences issued by the NWB under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSTRA or Act) and *Nunavut Waters Regulations*, SOR/2013-69.

Reflecting CIRNA’s responsibilities and jurisdiction, the following key issues were highlighted in CIRNA’s initial comment submissions on the completeness of the Application, their technical review comment submissions and were discussed during the Technical Meeting (TM).

CIRNA made the following comments and IRs during the comment period for the NWB’s Completeness Check (April 11, 2023)

- Recommending that the Applicant provide a conceptional Abandonment and Restoration Plan to the NWB;
- Requesting that the Applicant submit a recent copy of a geotechnical inspection report for the municipal infrastructure; and
- Recommending updates to the Operations and Maintenance (O&M) Plans for the Sewage Disposal Facility, Solid Waste Disposal Facilities and Water Supply Facility.

CIRNA provided the following technical review comments (June 19, 2023):

- Recommending that the daily volume of water withdrawn from First Lake during the annual resupply be recorded at monitoring station CHE-1;
- Recommending that a new monitoring station (CHE-1a), located at the Water Supply Facility pump-house, be added to the monitoring program to meter the daily volume of water;
- Recommending updates to the Quality Assurance/Quality Control (QA/QC) Plan;
- Clarifications regarding the use and ownership of the landfarm;
- Recommending updates to the O&M Plan for the Solid Waste Disposal Facility;
- Recommending that the sampling and analysis required to determine appropriate sludge characterization for management and disposal is completed to ensure informed decision making for the new Sewage Disposal Facility;
- Recommending updates to the O&M Plan for the Sewage Disposal Facility;
- Recommending corrections to the GPS locations of monitoring stations in the O&M Plan for the Sewage Disposal Facility; and



- Recommending GN-CGS to prepare a report analyzing the type of structures and frequency of inspection required and recommended to support the request that the Board add 15 additional days to the current 60-day timeline for the Applicant to submit the Geotechnical Engineer's Infrastructure Inspection Report.

### **Environment and Climate Change Canada (ECCC)**

The focus of ECCC's involvement in respect of the Application is based on their jurisdiction under the *Canadian Environmental Protection Act, 1999*,<sup>6</sup> the *Species at Risk Act*<sup>7</sup> and ECCC's jurisdiction under the pollution prevention provisions of the *Fisheries Act*.<sup>8</sup>

The following key issues were highlighted in ECCC's initial comment submissions on the completeness of the Application and were discussed during the Technical Meeting (TM). No submissions were received from ECCC during the technical review.

ECCC provided the following comments and IRs during the Completeness Check (April 12, 2023):

- Recommendations to minimize or eliminate open burning of waste;
- Clarifications about sludge monitoring, its frequency and performance of the Sewage Disposal Facility;
- Recommending that the Applicant ensure that drainage from the Solid Waste Disposal Facility is collected and tested before discharge into the surrounding environment;
- Recommending updates to the O&M Plan for the Solid Waste Disposal Facility; and
- Recommending updates to the Spill Plan.

ECCC was generally satisfied with the responses provided by the Applicant during the Completeness Check and confirmed their position at the TM/PHC.

### **Department of Fisheries and Oceans (DFO)**

The DFO reviews applications to determine whether they will require an authorization under the *Fisheries Act* or the *Species at Risk Act*.

DFO provided advice on April 12, 2023, during the Completeness Check stage of the Application, stating that "*Provided that the plans are implemented in the manner, and during the timeframe,*

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<sup>6</sup> S.C. 1999, c. 33.

<sup>7</sup> S.C. 2002, c. 29.

<sup>8</sup> R.S.C. 1985, c. F-14.



*described, the Program is of the view that the proposal will not require an authorization under the Fisheries Act or the Species at Risk Act."*

The DFO did not participate further in the application process.

#### **4.0 Technical Meeting (TM)**

The TM for the Application was held via Zoom and teleconference link from 8:00 a.m. to 3:00 pm MST on July 19, 2023. As is the Board's practice, the TM was an informal meeting and was chaired by Karén Kharatyan, the Board's Director of Technical Services. The meeting was attended by:

- the NWB's staff and legal counsel;
- the Applicant, which included representatives of the GN-CGS; and
- the Interveners, CIRNA and ECCC.

In keeping with the Board's normal practice, the Panel Members of the Board (Chesterfield Inlet Panel, P24), the decision-makers for the Application, were not present at the TM or the subsequent Pre-hearing Conference (PHC), having delegated the conduct of these meetings to the Board's staff. The TM included the following:

- Discussion of the technical issues identified by Interveners and the NWB staff during their technical review of the Application;
- Examination of technical data, comment submissions and other materials submitted as part of the Application;
- Discussion, and where possible, resolution of technical matters or issues raised by Interveners, community members and the Applicant, particularly those matters that could affect the Board's determination on any Pre-Hearing Conference (PHC) issues, prior to holding the PHC;
- Providing an opportunity for the Hamlet of Chesterfield Inlet and participants to identify and confirm for the Board the issues and concerns that have been resolved and to discuss any unresolved or ongoing issues related to the Application;
- Identification of opportunities for streamlining the issues and process so as to eliminate existing or potential duplication or delay in the NWB's processing of the Application going forward; and



- Documenting any commitments made by the various parties during the Technical Meeting, with the aim of carrying over the commitments to the PHC and Public Hearing stages of the NWB’s consideration of the Application.

The TM participants were advised that, upon completion of the TM, the Board expected any outstanding issues in respect of the Application to be resolved, or if not resolved, that some form of agreement, including commitments by the parties, would be provided by the parties to enable the Application to proceed to the next step of the licensing process, the Public Hearing, notwithstanding any unresolved issues.

At the TM, the following general topics were discussed:

- Potential new wastewater treatment facility;
- Preparation of a Sludge Management Plan;
- Clarifications on the use and ownership of the landfarm;
- Preparation of a conceptual Closure and Reclamation Plan;
- Timing for submission of Annual Reports; and
- Updates to the existing management plans.

Following these discussions, the NWB circulated to all meeting participants, an electronic copy of the draft list of issues in respect of the Application that the NWB expects to be discussed at the Public Hearing for the file, as well as a draft of the list of all commitments made by the parties during the TM.

## **5.0 Community Session**

On July 13, 2023, NWB staff called the local radio station in Chesterfield Inlet to inform community members about the upcoming Community Session. The NWB also posted a notice on Chesterfield Inlet’s social media group to inform the public about the time and location of the Community Session. The Hamlet provided a central venue for community members to attend the Community Session, which was linked by Zoom and teleconference link to the NWB staff and representatives of GN-CGS and CIRNA, all of whom made presentations and answered questions. A representative of ECCC was also in attendance, and although ECCC did not provide a presentation, ECCC was represented to hear from the community and answer questions. The Community Session took place in the Hamlet Office in Chesterfield Inlet from 6:00-8:30 pm CST on July 19, 2023. All the participants from the Technical Meeting were present for the Community Session. A total of 6 community members, including the Mayor and SAO, attended this session.

A brief presentation was made by Mohammad Ali Shaikh for the NWB, explaining the NWB’s process for a Type “A” application, the scope of the Application, outlining the procedural history





for the file and advising the community regarding the next steps in the NWB’s processing of the Application. This was followed by presentations from Kayla Clouter for GN-CGS, Christine Wilson for CIRNA. All parties provided a short explanation of their mandates and comments and resolutions discussed during the application process. After each presentation, community members were given opportunities to ask questions.

**Table 1** that follows provides a summary of the key questions and comments raised by the community members during the Community Session.

**Table 1. Key Issues as Raised by Community Members**

Topic	Issues/Questions/Concerns/Comments
Licensing	Without a licence the Hamlet cannot do the things necessary to ensure our community has the water we need. This process is very important and the NWB needs to come to our community to hear from us.
Public Hearing	Want to see the NWB to come in town to discuss this application.
Public Hearing	This is a very important application and want to ensure that more people hear about what is being proposed in this application.
Reservoir	Are well aware of the history of the water reservoir as the former SAO. I am concerned that the water reservoir is going to be too small if our community grows in the future.
Reservoir	With the growing population in the community how will the NWB /GN address whether the reservoir needs to be expanded?
Upgrades to the Water Filtration System	It is my understanding that a few years ago, upgrades to the water filtration system were planned, but then the funding was lost, and so I believe our water filtration/treatment plant does not have proper filtration and it should be upgraded. What are the current plans for upgrading the Hamlet’s water treatment facilities? Is this going to be part of this Licence?

During the Community Session, the NWB staff advised that they will ensure that the Board consider community members’ requests for an in-person Public Hearing. The NWB also informed



that decisions regarding infrastructure in the community are taken by the GN. Community Members did not identify any significant public concerns or issues with the Application before the NWB moving forward to a Public Hearing.

## **6.0 Pre-Hearing Conference (PHC)**

The parties confirmed in the TM that there were no outstanding issues that would prevent the Application from being considered by the Board in a Public Hearing, and the full TM Agenda, which was scheduled for the entire day on July 19, 2023, was completed in the early afternoon of July 19. Accordingly, with the agreement of the participants, the Board proceeded to complete the PHC portion of the Agenda later in the afternoon of July 19, 2023, at 1.00 pm MST via Zoom and teleconference links.

The PHC was chaired by Karén Kharatyan, Board's Director of Technical Services, with the same parties as the TM. The purpose of the PHC was to discuss the various matters as set out in Rule 14 of the NWB's Rules in preparation for the Public Hearing. Specifically, Rule 14 directs that the PHC address the following items:

- To set a timetable for the pre-Hearing exchange of information;
- To finalize the list of issues to be dealt with at the Public Hearing;
- To identify interested parties;
- To consider the desirability of amending the Application for the purposes of clarification;
- To finalize procedures to be followed in the Public Hearing; and
- To consider any other matters that may assist in the simplification and disposition of the Application or the conduct of the Public Hearing.

The PHC commenced with the review and refinement of both the list of issues and the list of commitments generated during the TM, in order to reflect the clarifications and subsequent agreement of the parties. The wording in [APPENDIX D: List of Commitments](#) of this Report reflects these discussions. For the convenience of the parties, where commitments made by the Applicant will result in the submission of additional or updated documentation, the Board has included a description of the timelines for submission of this information and the form of submission expected by the parties.

Similarly, the list of issues (discussed in more detail under the subheading [List of Issues](#) below) was also reviewed and revised during the PHC to reflect the discussions of participants during the TM.



### **Timetable for Pre-Hearing Exchange of Information**

It was noted at the beginning of this discussion that, as required by s. 55(2) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSTRA or Act), the NWB must give the public and parties a minimum of sixty (60) days notice in advance of a Public Hearing.

The Applicant, CIRNA and ECCC were polled regarding any outstanding information requirements that must be supplied in advance of a Public Hearing and indicated, that so long as the additional information outlined in [APPENDIX D: List of Commitments](#) is provided in accordance with the timelines specified in the list, the preparation and submission of additional information should not delay the potential Public Hearing for the Application.

As the PHC participants did not identify any issues that would prevent the Board from proceeding to a Public Hearing for the Application, the Board’s legal counsel outlined the following proposed timetable for the pre-Hearing exchange of information set out below. The Applicant and all participants were reminded, however, that the Board reserves the right to revisit the timing proposed if:

- parties are unable to meet the deadlines in their commitments;
- if the Board receives subsequent, reasonable requests from the parties for adjournments in response to additional information received;
- if public health authorities issue directions or orders that impose limits on activities such as travel into Chesterfield Inlet and/or the hosting of public gatherings; or
- as may subsequently be considered necessary by the Board.

In establishing the following schedule, the Board considered the views of the parties, the Board’s current commitments and logistical constraints associated with conducting an in-person Public Hearing in Chesterfield Inlet to identify that the most feasible timing to conduct the Public Hearing is sometime in the week of November 13-17, 2023. Unless modified as noted above, the Board requires the participants to observe the following timetable:

- **On or before Friday, September 1, 2023** the NWB will issue Notice of the Public Hearing;
- **On or before Friday, September 22, 2023** any party requesting French translation of the Executive Summary materials, final written submissions of parties, reply submissions and/or presentation materials should make such requests to the Board in writing;
- **On or before Thursday, October 5, 2023** the Interveners, members of the public or other interested parties must file any further and final written submissions in respect of the Application with the Board;



- **On or before Thursday, October 19, 2023** the Applicant must file any further responses to the information filed in advance of the Public Hearing and final written submissions with the Board; and
- **On or before Thursday, November 2, 2023** all parties intending to present to the Board during the Public Hearing must file any presentation materials (e.g. PowerPoint Presentations, etc.) upon which they intend to rely at the Public Hearing.

NOTE: If the Interveners and/or the Applicant file additional written submissions, final statements and/or presentation materials as outlined above, they are also required to provide **an Executive Summary of their written submissions in both English and Inuktitut and fully translated copies of their presentation materials or final summaries in English and Inuktitut at the same time** as they file the full submission. All submissions will be posted on the NWB’s ftp-site (<ftp://ftp.nwb-oen.ca/>) and in the public registry upon receipt.

### **Identification of Interested Parties**

During the PHC, the following parties confirmed their participation in the future Public Hearing:

- GN-CGS with representatives from the Hamlet of Chesterfield Inlet
- Crown-Indigenous Relations and Northern Affairs (CIRNA)
- Environment and Climate Change Canada (ECCC) as an observer

When asked at the PHC, parties expressed the view that no additional interested parties would need to participate in the Public Hearing.

### **Provision of Final Written Submissions from Interested Parties**

Any additional information that the Applicant, Interveners or interested parties may wish the Board to consider during their review of the Application must be filed with the Board in advance of the Public Hearing and in accordance with the timelines outlined above under the heading [Timetable for Pre-Hearing Exchange of Information](#).

### **List of Issues**

The intervening parties in attendance at the TM/PHC confirmed that none of the issues for discussion associated with the Application and the related information requirements should prevent the Board from proceeding with the Public Hearing.

As noted above, as part of the recap of the TM, the parties reviewed the following list of issues that are expected to be addressed during the Public Hearing and agreed that, subject to adding



issues following the review of information that may be exchanged in advance of the Public Hearing, the following topics should be addressed at the Public Hearing:

- Scope of the Type “A” Water Licence
  - No amendments to the scope of the previous, expired Water Licence 3BM-CHE1523 (Type “A” WL required to reflect the regulatory change to the daily 300 m<sup>3</sup> withdrawal limit under Type “B” Water Licences under the *Nunavut Waters Regulations* which is exceeded during reservoir resupply)
  - Term of the Licence (10 years requested)
- Water Use and Management
  - Confirmation that no changes to the amount of water used by the Hamlet during term of Water Licence
- Wastewater Management and Treatment
  - Potential for new wastewater treatment facility to be added (new lagoon) (timing is currently uncertain but funding for this initiative has been requested by the Applicant)
  - Triggers and timing to prepare and submit a Sludge Management Plan prior to sludge disposal
- Waste Management
  - No plans for new landfill infrastructure during term
  - Clarification of the use of the landfarm for disposal of contaminated soils
- Closure and Reclamation Planning
  - Timing for preparation and submission of a conceptual Closure and Reclamation Plan
- Monitoring and Reporting
  - Annual Report preparation and timing of submission to the NWB
  - Daily water use reporting
- Amendments to the WL
  - Removal of requirements that the Applicant has indicated are not practical or are no longer applicable:
    - Submission of paper documents



- Aligning submission deadlines with the annual report
- Daily waste disposal reporting
- Corrections/updates to existing management and monitoring plans

### **Changes to the Application for the Purposes of Clarification**

No changes to the Application were requested.

### **Procedures for the Public Hearing**

Parties were asked for their views with respect to the form of the Public Hearing (written, teleconference or in-person). The Applicant stated that they favored that the Public Hearing be conducted in writing only. CIRNA and ECCC stated that they would participate in the Public Hearing and deferred the decision regarding the format of the Public Hearing to the NWB.

The NWB understands the view of the GN-CGS that a written Public Hearing may be more convenient or perceived to be more expedient for the Interveners and GN-CGS. However, the NWB must also give due weight and consideration to the requirements of the Nunavut Agreement, including respect for the importance of Inuit oral tradition. In addition, the Board recognizes that because the Hamlet’s previous water licences were Type “B” Water Licences for which no Public Hearing was held, this Application is the first opportunity for interested members of the community in Chesterfield Inlet to participate in the NWB’s Public Hearing process. Given the public interest in Chesterfield Inlet, which was made clear during the Community Session, and noting the importance of municipal infrastructure to the community, the NWB decision-making Panel for the file (Panel P24) has determined that it is most appropriate for the Board to hold an in-person Public Hearing in Chesterfield Inlet to support decision-making for the file.

The NWB expects that NWB Board Members appointed as decision-makers to the Chesterfield Inlet Panel (P24), the Board’s staff and representatives from the Applicant and the Interveners would be able to participate during the in-person Public Hearing in Chesterfield Inlet, with ECCC preferring to participate virtually in the Public Hearing. The Board will be working to confirm logistics and more specific details regarding the Board’s approach to conducting the in-person Public Hearing will be provided when the formal Notice of Public Hearing is issued on **September 1, 2023**.

With respect to the location of the in-person Public Hearing, Chesterfield Inlet is obviously the most directly affected community. On this basis, the Panel has decided, by Motion #2023-07-P24-04, that the in-person Public Hearing should be held in the community of Chesterfield Inlet.



All parties should be advised, however, that this procedural direction, including the proposed timing and format of the Public Hearing may be modified by the Board in future as may be required to reflect changed circumstances such as:

- The failure of any participants to meet the timelines for the pre-Hearing exchange of documentation;
- Technological innovations and limits; and
- The receipt of the required Public Hearing funding by NWB from Crown-Indigenous Relations and Northern Affairs.

The parties have confirmed that they do not anticipate that they will require the Board to deviate from the Board's normal *Rules of Practice and Procedure* (May 2005) (Rules) during the conduct of the Public Hearing. As such, the Board directs all parties that the Public Hearing will be conducted in accordance with Parts III and IV of the Board's Rules.

### **Measures to Simplify the Disposition of the Application**

No measures to simplify the disposition of the Application were identified at the PHC.

### **Steps following the Public Hearing**

Following the completion of the in-person Public Hearing and the closure the Public Hearing Record as described above, the Application would be remitted to the Chesterfield Inlet Panel (P24) for decision-making. When the Panel has reached a decision, which is typically within thirty (30) to forty-five (45) days of the close of the Public Hearing Record, the Board will issue its Record of Proceedings and Decision to the Minister of Northern Affairs. If the Panel recommends that the new Type "A" Water Licence as requested in the Application be granted, a draft of the new Type "A" Water Licence would also be attached to the NWB's Decision for the Minister's consideration.

If you require additional information regarding this Application, the Board's specific direction or the Board's processes in general, please do not hesitate to contact the Board's Director of Technical Services, Karén Kharatyan, [karén.kharatyan@nwb-oen.ca](mailto:karén.kharatyan@nwb-oen.ca) or the Board's Manager of Licensing, Richard Dwyer, at [richard.dwyer@nwb-oen.ca](mailto:richard.dwyer@nwb-oen.ca) for any other matters related to the Application.





3AM-CHE---- Type "A" Water Licence Application  
Pre-Hearing Conference Decision

Regards,

Stephanie Autut  
Executive Director  
**NUNAVUT WATER BOARD**

SA/MAS/rh

Attachments:

- Appendix A: Technical Meeting, Community Session and Pre-Hearing Conference Agendas
- Appendix B: List of Participants at the Technical Meeting and Pre-Hearing Conference
- Appendix C: List of the Application Submissions
- Appendix D: List of Commitments generated during the Technical Meeting/Pre-Hearing Conference held on July 19, 2023



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OFFICE DES EAUX DU NUNAVUT

## **APPENDIX A: TM/Community Session/PHC Agenda**

### **FINAL AGENDA**

#### **TECHNICAL MEETING AND PRE-HEARING CONFERENCE**

#### **HAMLET OF CHESTERFIELD INLET - CONTINUED USE OF WATER AND DEPOSIT OF WASTE**

#### **WATER LICENCE (TYPE “A” LICENCE 3AM-CHE----)**

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#### **TECHNICAL MEETING**

**Date: July 19, 2023**

**Time: 8:00 AM – 3:00 PM (MT)**

**Join Meeting by clicking the link below:**

<https://us06web.zoom.us/j/81029878269?pwd=azE5NCtaQS83cFJRMjFIWG15MkoyQT09>

**If joining over the telephone, dial any phone number listed below**

+1 (647) 374 4685

+1 (647) 558 0588

+1 (778) 907 2071

+1 (780) 666 0144

When asked please enter Meeting ID: **810 2987 8269**

When asked please enter Passcode: **249599**

1. Introduction
2. Opening remarks/Application to the Board (15 Minutes)
  - a. Overview of scope and procedural history of the application
3. Purpose of the Technical Meeting and Pre-Hearing Conference



#### 4. Technical Review of the Application

- a. Introduction of Participants
- b. Presentation by Applicant (GN-CGS on behalf of Hamlet) (up to 45 minutes, excluding time for questions and answers)
  - i. Questions from Parties, other conference call participants and the NWB regarding the Applicant's Presentation
- c. Identification of interested parties
- d. Presentations by interested parties (up to 30 minutes, excluding time for questions and answers)
  - a. Presentation by CIRNA
- e. Formulation of outstanding issues
- f. Identification of the parties' commitments to resolve relevant technical issues, service of documents to parties (deadline, public registry, form)

#### 5. Closing of Technical Meeting



## COMMUNITY SESSION

**Date:** July 19, 2023  
**Time:** 5:00 PM - 7:30 PM (MT)

**Join Meeting by clicking the link below:**

<https://us06web.zoom.us/j/81029878269?pwd=azE5NCtaQS83cFJRMjFIWG15MkoyQT09>

**If joining over the telephone, dial any phone number listed below**

+1 (647) 374 4685  
+1 (647) 558 0588  
+1 (778) 907 2071  
+1 (780) 666 0144

When asked please enter Meeting ID: **810 2987 8269**

When asked please enter Passcode: **249599**

1. Overview of NWB process by NWB (15 minutes)
2. Presentation of Application by Applicant (30 minutes)
3. Presentations by intervening Parties (15 minutes per party)
4. Questions and comments from community members



## PRE-HEARING CONFERENCE

**Date:** July 20, 2023<sup>9</sup>  
**Time:** 8:00 AM – 3:00 PM (MT)

**Join Meeting by clicking the link below:**

<https://us06web.zoom.us/j/82534599001?pwd=NDZ4OHc5a3F6d3cybUNMQINGMUt0QT09>

**If joining over the telephone, dial any phone number listed below**

+1 (204) 272 7920  
+1 (438) 809 7799  
+1 (587) 328 1099  
+1 (647) 374 4685  
+1 (647) 558 0588  
+1 (778) 907 2071  
+1 (780) 666 0144

When asked please enter Meeting ID: **825 3459 9001**

When asked please enter Passcode: **783082**

### 1. Pre-Hearing Conference

- a. Identify issues that may prevent the Application from proceeding to a Public Hearing
- b. Discuss form, timing, and location of a potential Public Hearing for the Application
- c. Establish timetable for the pre-hearing exchange of information including:
  - i. preparation and filing of additional documents by the parties (deadlines, form, public registry)
  - ii. document-translation requirements
  - iii. documentation to be included in the Public Hearing Record
- d. Finalize list of issues to be addressed at the Public Hearing
- e. Identify interested parties / parties that should be invited to participate in the Public Hearing

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<sup>9</sup> Although the PHC was originally scheduled to take place on July 20, when the TM Agenda was completed on the morning of July 19, with the agreement of the participants, the NWB hosted the PHC on July 19 between 1:00-3:00 pm MDT.



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Pre-Hearing Conference Decision

- f. Identify any changes required to the Application for the purposes of clarification
- g. Final procedures to be followed at the Public Hearing including:
  - i. requested modifications to the applicable NWB Rules of Practice and Procedure for Public Hearings (May 2005)
  - ii. language requirements at the Public Hearing
- h. Consideration of any other matters that may aid in the simplification and disposition of the Application at the Public Hearing

2. Other issues

3. Closing of the meeting



**APPENDIX B: Attendees at TM/Community Session/PHC**

<b>Participant</b>	<b>Position</b>	<b>Company/ Organization</b>	<b>Representing</b>
Elan Chalmers	Municipal planning Engineer	GN-CGS	Hamlet of Chesterfield Inlet
Kayla Clouter	Project Manager	GN-CGS	Hamlet of Chesterfield Inlet
John Ivey	Senior Administrative Officer	Hamlet of Chesterfield Inlet	Hamlet of Chesterfield Inlet
Tony Amauyak	Mayor of Chesterfield Inlet	Hamlet of Chesterfield Inlet	Hamlet of Chesterfield Inlet
Greg Tanuyak	Lands Officer	Hamlet of Chesterfield Inlet	Hamlet of Chesterfield Inlet
Andrew Keim	Manager of Water Resources	CIRNA	CIRNA
Christine Wilson	Municipal Coordinator	CIRNA	CIRNA
Stephanie Mallon	Environmental Assessment Officer	ECCC	ECCC
Karén Kharatyan	Director Technical Services	NWB	NWB
Mohammad Ali Shaikh	Technical Advisor	NWB	NWB
Richard Dwyer	Manager of Licensing	NWB	NWB
Teresa Meadows	Legal Counsel	Meadows Law	NWB





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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

## **APPENDIX C: List of Application Submissions**

### **December 20, 2022 submissions**

- Type “B” Water Licence Renewal Application
- Authorization Letter
- NPC Letter File # 149870 [3BM-CHE1523 Municipal Water Licence Renewal]
- Plan for Compliance 2022
- Cover Letter
- Summaries in English and Inuktitut
- 2022 Chesterfield Inlet Environmental Emergency Spill Contingency Plan
- 2022 Chesterfield Inlet Environmental Monitoring and QAQC Plan
- O&M Plan Sewage Disposal Facility 2022
- O&M Plan Solid Waste Facility 2022
- O&M Plan Water Supply Facility 2022

### **March 20, 2023 submissions**

- Type “A” Water Licence Application
- NPC letter, RE: 149998, dated March 7, 2023

### **May 3, 2023 submissions**

- Applicant response to CIRNA, ECCC and DFO comments

### **May 9, 2023 submissions**

- Applicant responses are accepted by CIRNA and ECCC

### **June 29, 2023 submissions**

- Applicant response to CIRNA Technical Review comments

### **July 13, 2023 submissions**

- Presentations for TM-PHC received from GN-CGS and CIRNA along with confirmation of participation and names of the participants.



**APPENDIX D: List of Commitments generated during the Technical Meeting/Pre-Hearing Conference held July 19, 2023**

No.	Party Responsible for Commitment	Party(s) who raised (Item #)	Issue - TM Commitment	Timeline for Submission	Form of Submission
1	GN-CGS	CIRNA	Submit sludge management plan 6 months prior to sludge removal	6 months prior to sludge removal	New Document
2	GN-CGS	CIRNA	Include GPS location data for all monitoring stations	Final submissions prior to PH	Updated O&M Plan
3	GN-CGS	NWB	Final Abandonment & Reclamation Plan submission	6 months prior to decommissioning of any facility	New Document
4	GN-CGS	NWB	Preparing and submitting geotechnical/engineering data for existing structures	With 2023 Annual Report	New Document