



NUNAVUT WATER BOARD
WATER LICENCE NO: 3AM-CHE2333
REASONS FOR DECISION
INCLUDING RECORD OF PROCEEDINGS

NUNAVUT WATER BOARD

In the Matter of:

Applicant: Hamlet of Chesterfield Inlet represented by Government of Nunavut, Department of Community and Government Services (GN-CGS)

Subject: Application to Replace Expired Type “B” Water Licence No: 3BM-CHE1523 With a New Type “A” Water Licence

Date: December 20, 2023

Precedence: Where there is any inconsistency or conflict between *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 (NWNSRTA)*, the *Nunavut Agreement* prevails to the extent of the inconsistency or conflict. Where there is any inconsistency or conflict between the *NWNSRTA* and any other act of Parliament, except the *Nunavut Land Claims Agreement Act*, the *NWNSRTA* prevails to the extent of the inconsistency or conflict.

RECORD OF PROCEEDINGS

Applicant: Hamlet of Chesterfield Inlet represented by
Government of Nunavut, Community and
Government Services (GN-CGS)

Address: P.O. Box 10
Hamlet of Chesterfield Inlet, NU
X0C 0B0

Purpose: Application for a new Type “A” Water
Licence No: 3AM-CHE2333 to replace
expired Type “B” Water Licence No:
3BM-CHE1523

Application for
Type “A” WL
Received on: March 20, 2023

Application
Received from: Government of Nunavut, Community and
Government Services Department for the
Hamlet of Chesterfield Inlet

Public Hearing
Record Closed: November 15, 2023

Participants in the Board's processing of the Application:

NWB

Representatives:

Nunavut Water Board Panel Members (Panel P24):	Chairman	L. Toomasie
	Member	E. Copland
	Member	S. Silou
Nunavut Water Board Staff:	Executive Director	S. Autut
	Director of Technical Services	K. Kharatyan
	Licensing Manager	R. Dwyer
	Technical Advisor	A. Shaikh
	Licensing Administrator	R. Hunter
	Director of Board Administration and Communication/Translator	B. Kogvik
	Legal Counsel (Meadows Law)	T. Meadows

Applicant:

Hamlet of Chesterfield Inlet	Senior Administrative Officer	J. Ivey
Government of Nunavut, Community and Government Services (GN-CGS)	Municipal Planning Officer	M. Lusty
	Project Manager	K. Clouter

Parties:

(The following parties provided Public Hearing submissions and participated via teleconference in the NWB's Technical Meeting and Pre-Hearing Conference for the Application)

Crown-Indigenous Relations and Northern Affairs (CIRNA)	Manager – Water Resources	A. Keim
	Municipal Coordinator – Water Resources	C. Wilson

Record of Available from the Board's public registry using the following link:
Submissions:
ons:

<ftp://ftp.nwb-oen.ca/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-CHE2333>

Hearing Record (including Hearing Transcript):
<ftp://ftp.nwb-oen.ca/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-CHE2333/2%20ADMIN/4%20HEARINGS/2%20HEARING/231130%20Public%20Hearing%20Transcripts>

Table of Contents

ABBREVIATIONS	8
REASONS FOR DECISION	9
Executive Summary	9
SECTION I: FILE BACKGROUND AND REGULATORY HISTORY	11
Current Application	11
Scope of the Application.....	13
Regulatory and Procedural History of the Application.....	13
Licensing History of the Undertaking	13
Pre-licensing Requirements	14
Key Steps in NWB’s Procedural History of the Application	15
The NWB’s Timeline for Processing the Application.....	17
SECTION II: SUMMARY OF SUBMISSIONS OF THE PARTIES	17
Crown-Indigenous Relations and Northern Affairs (CIRNA).....	18
Environment and Climate Change Canada (ECCC).....	20
Fisheries and Oceans Canada (DFO).....	21
Government of Nunavut, Community and Government Services (GN-CGS) on behalf of the Hamlet of Chesterfield Inlet (Applicant or Licensee).....	21
SECTION III: SUBMISSIONS BY OTHER INTERVENING PARTIES OR MEMBERS OF THE PUBLIC.....	23
SECTION IV: JURISDICTION OF THE NWB	25
SECTION V: REQUIREMENTS OF THE <i>NWNSRTA</i> , THE <i>NUNAVUT AGREEMENT</i> AND <i>NUPPAA</i>	26
Objects of the NWB and its Relationship to other Bodies.....	26
Land Use Planning.....	26
SECTION VI: DECISION TO ISSUE.....	27
Conditions for Issuance of a Licence.....	27
Financial Responsibility of the Applicant	28
Compensation of Existing or Other Users	29
Issuance of a Licence	30
Applications in Relation to the Licence.....	30

Application to Amend or Application for Future Modifications	30
Cancellation or Expiry of the Licence	30
Term of Licence	31
SECTION VII: WATER LICENCE: TERMS AND CONDITIONS	32
PART A: Scope, Definitions and Enforcement	32
Scope	32
Definitions	32
PART B: General Conditions	33
PART C: Conditions Applying to Security	33
PART D: Conditions Applying to the Use of Waters and Water Management	33
PART E: Conditions Applying to Deposit of Waste Disposal and Management	34
PART F: Conditions Applying to Modifications and Construction	34
PART G: Conditions Applying to Operations and Maintenance	34
PART H: Conditions Applying to Spill Contingency Planning	36
PART I: Conditions Applying to Monitoring	36
PART J: Conditions Applying to Closure and Reclamation	36
 Schedules A, B and I	 37
Schedule A	37
Schedule B	38
Schedule I	38
Management Plans, Manuals and Reports	39
APPENDIX A - Agendas for Public Hearing and Community Session	40
APPENDIX B – Exhibit List	44
APPENDIX C – List of Acronyms	46
APPENDIX D – List of Submissions and Correspondence	47
APPENDIX E – Sign-in Sheets for Public Hearing and Community Session	56

ABBREVIATIONS

CIRNA	Crown-Indigenous Relations and Northern Affairs (formerly Indian and Northern Affairs Canada (INAC) and Aboriginal Affairs and Northern Development Canada (AANDC))
ECCC	Environment and Climate Change Canada (formerly Environment Canada)
DFO	Department of Fisheries and Oceans
GN-CGS	Government of Nunavut, Community and Government Services
NIRB	Nunavut Impact Review Board
<i>Nunavut Agreement</i>	<i>Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada</i>
NPC	Nunavut Planning Commission
<i>NuPPAA</i>	<i>Nunavut Planning and Project Assessment Act</i> , S.C. 2013, c. 14, s. 2
NWB	Nunavut Water Board
<i>NWNSRTA</i>	<i>Nunavut Waters and Nunavut Surface Rights Tribunal Act</i> , S.C. 2002, c. 10
<i>NWR or Regulations</i>	<i>Nunavut Waters Regulations</i> , SOR/2013-69
PHC	Pre-Hearing Conference
PH	Public Hearing
TM	Technical Meeting

REASONS FOR DECISION

Executive Summary

This decision is in relation to an application before the Nunavut Water Board (NWB or Board), filed by the Government of Nunavut, Community and Government Services (GN-CGS) on behalf of the Hamlet of Chesterfield Inlet (Applicant or Licensee) requesting the replacement of a Type “B” Water Licence No: 3BM-CHE1523, which expired on May 14, 2023 (the Expired Type “B” Licence), with a new Type “A” Water Licence No: 3AM-CHE2333 (the Licence) which authorizes the continued use of water and deposit of waste associated with the Applicant’s operation of a “Municipal Undertaking¹” in the Hamlet of Chesterfield Inlet (the Application).

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 (m³), assuming 1 m freeboard is maintained.

The reservoir is filled during the open water season when up to 23,000 m³ 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 m³ per day. Therefore, the daily amount of water used by the Applicant during this part of the year exceeds the 300 m³ per day threshold for a Type “B” Water Licence as set out in Schedule 2 of the *Nunavut Waters Regulations*², so the Applicant is required to apply for a Type “A” Water Licence to authorize the withdrawal of up to 2,000 m³ of water per day for the annual reservoir resupply.

The Applicant’s original application for the renewal of the Type “B” Licence was received by the NWB on December 20, 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 m³/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. Subsequently, on March 20, 2023, the Applicant submitted an application for a new Type “A” Water Licence to replace the Type “B” Licence.

¹ As of April 2013, when the *Nunavut Waters Regulations*, SOR/2013-69 came into force, a “Municipal Undertaking” under Schedule 1 is defined as “a waste disposal or water system for a municipality” without reference to population size.

² SOR/2013-69, (*NWR* or *Regulations*).

From the end of March to June, the NWB and Interveners conducted a review of the Application, including a completeness check and technical review.

A Technical Meeting and Pre-Hearing Conference (TM/PHC) was held by video/teleconference on July 19, 2023, with the Applicant and Interveners, Crown-Indigenous Relations and Northern Affairs (CIRNA) and Environment and Climate Change Canada (ECCC) participating. On the evening of July 19, 2023, the Board's staff also hosted a Community Session for the file, using video and audio links to a central in-person venue in the community of Chesterfield Inlet. The Community Session took place in the Hamlet Office in Chesterfield Inlet from 6:00-8:30 pm CST and was attended by a total of 6 community members. The Applicant and Interveners, Crown-Indigenous Relations and Northern Affairs (CIRNA) and Environment and Climate Change Canada (ECCC) joined the Community Session by teleconference to provide presentations about the Application and answer questions from community members.

Reflecting the discussions at the TM/PHC and the interest expressed by the public during the Board's technical review of the Application, the Hamlet of Chesterfield Inlet Panel (P24 or Panel), the Board's duly appointed Panel responsible for decision-making in respect of the file, determined that it was appropriate to conduct the Public Hearing for the file in-person. The Board published notice of the Public Hearing on **August 25, 2023**, and at the same time, the Board set out the timelines for final written submissions, public comments, the Applicant's filing of final response submissions and submission of presentation materials. After receiving submissions and confirmation of attendance from the Interveners and Applicant, on **November 15, 2023**, the Board conducted the Public Hearing, including Community Session, in the Hamlet of Chesterfield Inlet. At the end of the Public Hearing, the Board closed the Public Hearing Record for the Application, and remitted the file to the Panel for decision-making.

To decide whether to grant the Application, the Board considered:

- the information provided with the Application by the GN-CGS;
- technical review comments in respect of the Application submitted by the Board, Interveners and the public;
- the Applicant's commitments and responses to information requests from the parties during the technical review of the Application; and
- the final submissions filed with the Board by all parties prior to the close of the Public Hearing Record to decide whether to grant the new Type "A" Water Licence No: 3AM-CHE2333 as requested in the Application.

On this basis, on December 13, 2023, the Chesterfield Inlet Panel (P24) by way of Motion No. 2023-13-P24-05 decided the following:

- To grant the Applicant’s request to replace the Expired Type “B” Water Licence No: 3BM-CHE1523 (the Expired Type “B” Licence) with the attached Type “A” Water Licence No: 3AM-CHE2333 (the Licence); in accordance with the terms and conditions included in the Licence and as outlined in [SECTION VII: WATER LICENCE: TERMS AND CONDITIONS](#)
- Specific terms and conditions of note in the Licence include the following:
 - The term of the Licence is 10 years, with the Licence set to expire in 2033;
 - The Licence authorizes the daily withdrawal of up to 2,000 m³ of water from First Lake during annual resupply to the reservoir;
 - The Licence authorizes total annual water use of up to 23,000 m³ (the annual amount of water used remains unchanged from the Expired Type “B” Water Licence);
 - The Licence prescribes the Board’s expectations for maintenance and inspection of facilities approved under the Licence but provides a mechanism for the Licensee to request changes to the type and frequency of inspections upon providing sufficient evidence and rationale to support their request; and
 - The Licence has no changes from the previously approved scope contained in the Expired Type “B” Water Licence.

SECTION I: FILE BACKGROUND AND REGULATORY HISTORY

Current Application

The initial Application submitted by the Government of Nunavut, Community and Government Services (GN-CGS) on behalf of the Hamlet of Chesterfield Inlet (Applicant or Licensee) was an application for a renewal Type “B” Water Licence, submitted on December 20, 2022. After discussions with the Applicant, on January 11, 2023, the NWB advised that a Type “A” Water Licence would be required to replace Type “B” Water Licence No: 3BM-CHE1523 because during the Applicant’s annual resupply of the water storage reservoir, the threshold of 300 cubic metres (m³) which is the maximum daily withdrawal rate for a Type “B” Water Licence³ is exceeded by a considerable margin (up to 2000 m³ per day is pumped from First Lake during the open water season to replenish the water storage reservoir).

In response, on March 20, 2023, the GN-CGS submitted a new Type “A” Water Licence Application, to authorize the continued use of water and deposit of waste, in the Hamlet of Chesterfield Inlet, associated with a “Municipal Undertaking” as defined under the *Nunavut Waters Regulations*⁴ (the Application). The Applicant requested an increase in water pumping

³ As prescribed in Schedule 2 of the *Nunavut Waters Regulations*, SOR/2013-69 (NWR or Regulations).

⁴ Schedule 1, NWR.

volume up to 2000 m³ per day during the summer months to refill their water storage reservoir. The term of the Licence requested in the Application was ten (10) years, with the Licence set to expire in 2033. The scope of the Application for the new Type “A” Water Licence was otherwise unchanged from the Expired Type “B” Water Licence. However, as is the case when there is a change from a Type “B” to a Type “A” Water Licence, there are some new terms and conditions added to the Type “A” Water Licence to be consistent with the Board’s approach to Type “A” Water Licences governing other municipal undertakings.

All documents filed in association with the Application, as well as all documents provided by the Applicant in support of the Application are listed in detail in [APPENDIX B - List of Submissions and Correspondence](#) that is attached to these Reasons for Decision. A summary of the key materials provided by the Applicant in support of the original application for a renewal Type “B” Water Licence, filed with the Board on December 20, 2022, included 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

As noted above, on January 11, 2023, the NWB explained that because the daily amount of water extracted from First Lake during the resupply of the reservoir exceeds the Type “B” Water Licence threshold of 300 m³/day, the undertaking required a new Type “A” Water Licence to replace the Expired 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 new Type “A” Water Licence (the Application), consisting of the following documents:

- Type “A” Water Licence Application

- NPC letter, RE: 149998, dated March 7, 2023

All 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-CHE2333>

Scope of the Application

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

- a. 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 m³ water annually and deposit of waste associated with a Municipal Undertaking;
- b. Extraction of up to 2,000 m³ of water per day from First Lake, for the annual resupply of the storage reservoir, during the open water season; and
- c. No changes to existing facilities, including the Water Supply Facility and the Solid Waste and Sewage Disposal Facilities.

Regulatory and Procedural History of the Application

Licensing History of the Undertaking

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), 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 determination⁵ 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
- 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

⁵ 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].

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.

Key Steps in NWB's Procedural History of the Application

The following listing summarizes only selected key steps in the procedural history of the NWB's processing of the Application. Complete information related to the procedural history of the Application and all information received in support of the file can be accessed from the NWB's FTP site and Public Registry using the following link:

<ftp://ftp.nwb-oen.ca/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-CHE2333>

Date	Procedural Step
<u>December 20, 2022</u>	NWB received an application from GN-CGS on behalf of the Hamlet of Chesterfield Inlet or Applicant for the renewal of Type "B" Water Licence 3BM-CHE1523
<u>January 11, 2023</u>	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 ³ during resupply of the raw water reservoir
<u>March 20, 2023</u>	NWB received an application for a new Type "A" Water Licence 3AM-CHE---- to replace the Expired Type "B" Licence from GN-CGS on behalf of the Applicant (the Application)
<u>March 22, 2023</u>	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
<u>April 12, 2023</u>	CIRNA, ECCC and DFO provided their comments on completeness, technical comments and Information Requests (IRs) in relation to the Application
<u>May 3, 2023</u>	Applicant responded to Interveners' Information Requests

Date	Procedural Step
<u>May 9, 2023</u>	Intervenors confirmed with the NWB that the Applicant's responses were sufficient to address their Information Requests
<u>May 23, 2023</u>	The NWB provided public notice for a Type "A" Water Licence Application, commencing a detailed technical review period, and setting format and timelines for the Technical Meeting/Community Session/Pre-Hearing Conference for the file
<u>June 21, 2023</u>	CIRNA and ECCC provided comments
<u>June 29, 2023</u>	Applicant responded to Intervenors' comments
<u>July 6, 2023</u>	NWB distributed the draft agenda for the TM/Community Session/PHC along with the updated timelines for the next steps in the process
<u>July 13, 2023</u>	NWB staff presented a summary of the Application and announced the upcoming dates for the TM/Community Session/PHC on local radio in Chesterfield Inlet
<u>July 13, 2023</u>	The NWB received confirmation of participation in the meetings and presentation documents from CIRNA and the Applicant
<u>July 14, 2023</u>	NWB provided the final Agendas for the TM/Community Session/PHC
<u>July 19, 2023</u>	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
<u>August 25, 2023</u>	The NWB issued the Pre-Hearing Conference Decision for the file; providing the Panel's direction that the Public Hearing be conducted in-person, and proposing tentative timelines for the Pre-Hearing exchange of information by parties and the public as the Application proceeded to the Public Hearing
<u>August 25, 2023</u>	The NWB issued Notice of the Public Hearing

Date	Procedural Step
<u>November 2, 2023</u>	NWB provided the final Agendas for the in-person Public Hearing, including the Community Session
<u>November 15, 2023</u>	The NWB Panel (P24) conducted an in-person Public Hearing, including hosting a Community Session, in the Hamlet of Chesterfield Inlet

The NWB's Timeline for Processing the Application

As set out under the *NWNSRTA*, s. 55.2, the NWB is required to process applications for a new, amended or renewed Type “A” Water Licence within nine (9) months from the receipt of a complete application. The nine-month time limit does not commence until the applicable conformity assessment is conducted by the Nunavut Planning Commission (NPC) and any required impact assessment is completed by the Nunavut Impact Review Board (NIRB).⁶ In addition, under the *NWNSRTA*, s. 55.4, the time that is spent by the Applicant to provide additional information and/or supplement the Application is not included in the calculation of the time limit under section 55.2.

In respect of this Application, the NWB received NPC's conformity determination on March 7, 2023 and the complete Type “A” Application was received on March 20, 2023. The NWB was waiting for Applicant and interveners' responses from April to mid-May. On May 23, 2023, the NWB provided public notice of a complete Application and commenced the full technical review of the Application. In June 2023, the NWB waited approximately one month to receive additional information from the Applicant. Consequently, when these circumstances are considered, the NWB has rendered this Decision well within the timeline of nine (9) months from the NWB's receipt of a complete Application and all required information, as established under s. 55.2 of the *NWNSRTA*.

SECTION II: SUMMARY OF SUBMISSIONS OF THE PARTIES

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

⁶ As stated in s. 55.31:

If the Board is cooperating and coordinating with the Nunavut Planning Commission under subsection 36(2) or with the Nunavut Impact Review Board, a federal environmental assessment panel or a joint panel under subsection 37(1), the time limit referred to in section 55.2 does not begin to run until the Nunavut Planning Commission, Nunavut Impact Review Board...has completed its screening or review of the project.

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. 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 Fisheries and Oceans Canada (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. In October and November 2023, Interveners also filed final written submissions and presentation materials which they presented to the Board and members of the public during the Public Hearing.

The sections that follow outline the comments provided during these review periods, and also reflect comments provided to the Board during the Public Hearing.

Crown-Indigenous Relations and Northern Affairs (CIRNA)

Crown-Indigenous Relations and Northern Affairs' (CIRNA) participation in water licensing processes in Nunavut is informed by their mandate under the following Acts and associated regulations:

- *Department of Crown-Indigenous Relations and Northern Affairs Act*;⁷
- *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Agreement)*;
- *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)*;⁸
- *Territorial Lands Act*;⁹ and
- *Arctic Waters Pollution Prevention Act*.¹⁰

The following comments/recommendations were provided by CIRNA during the Completeness Check stage:

- The Applicant was requested to provide a conceptional Abandonment and Restoration Plan for the undertaking to the NWB;

⁷ S.C. 2019, c. 29, s. 337.

⁸ S.C. 2002, c. 10.

⁹ R.S.C. 1985, c. T-7.

¹⁰ R.S.C. 1985, c. A-12.

- The Applicant was requested to submit a recent copy of a geotechnical inspection report for the municipal infrastructure; and
- The Applicant was requested to submit Updates to the Operations and Maintenance (O&M) Plans for the Sewage Disposal Facility, Solid Waste Disposal Facilities and Water Supply Facility.

The following comments/recommendations were provided by CIRNA during the Technical Review stage

- The daily volume of water withdrawn from First Lake during the annual resupply be recorded at monitoring station CHE-1;
- 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;
- Updates to the Quality Assurance/Quality Control (QA/QC) Plan;
- Clarifications regarding the use and ownership of the landfarm;
- Updates to the O&M Plan for the Solid Waste Disposal Facility;
- The sampling and analysis required to determine appropriate sludge characterization, for management and disposal, be completed to ensure informed decision making for the new Sewage Disposal Facility;
- Updates to the O&M Plan for the Sewage Disposal Facility;
- Corrections to the GPS locations of monitoring stations in the O&M Plans for the Sewage Disposal and Solid Waste Disposal Facility; and
- 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.

In addition to submissions on completeness and technical review stage as set out in detail in [APPENDIX B: List of Submissions and Correspondence](#), in their Public Hearing presentation,¹¹ CIRNA indicated that all of their issues were resolved by commitments and submissions made by the Applicant, as follows:

¹¹ CIRNA, Exhibits #5 and #6, NWB Public Hearing File No: Water Licence 3AM-CHE----; Hard copy of the PowerPoint Presentation, Municipality of Chesterfield Inlet Application for Type "A" Water Licence 3AM-CHE---- Nunavut Water Board Public Hearing November 15-16, 2023 (*English*) and (*Inuktitut*), filed on November 15, 2023.

As the Board has explained in their introduction, GN-CGS has provided the Board with a renewal-amendment application for a Type "A" water licence. All of CIRNAC's recommendations and comments are considered to be resolved or resolved by commitment.¹²

Environment and Climate Change Canada (ECCC)

ECCC's participation in water licensing processes in Nunavut is informed by their mandate under the following Acts and associated regulations:

- *Canadian Environmental Protection Act, 1999*;¹³
- *Species at Risk Act*;¹⁴ and
- *Fisheries Act*.¹⁵

The following comments/recommendations were provided by ECCC during the Completeness Check stage:

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

ECCC was generally satisfied with the responses provided by the Applicant during the Completeness Check. ECCC confirmed their position at the TM/PHC, in their presentation materials relied on during the Public Hearing,¹⁶ and the Public Hearing,¹⁷ stating that all of ECCC's comments and recommendations had been resolved by the Applicant's responses and submissions.

¹² C. Wilson, CIRNA, NWB Public Hearing, File No: 3AM-CHE----, Transcript, Public Hearing, November 15, 2023, at p. 90, lines 14-19.

¹³ S.C. 1999, c. 33.

¹⁴ S.C. 2002, c. 29.

¹⁵ R.S.C. 1985, c. F-14.

¹⁶ ECCC, Exhibit #7, NWB Public Hearing File No: Water Licence 3AM-CHE----; Hard copy of the PowerPoint Presentation, Hamlet of Chesterfield Inlet Type A Water Licence Application Public Hearing, Presentation by Environment and Climate Change Canada (*English*), filed on November 15, 2023.

¹⁷ See the testimony of S. Mallon, ECCC, NWB Public Hearing, File No: 3AM-CHE----, Transcript, Public Hearing, November 15, 2023, at pp. 56-59.

Fisheries and Oceans Canada (DFO)

DFO's participation in water licensing processes in Nunavut is informed by their mandate under the following Acts and associated regulations:

- *Fisheries Act*,¹⁸ and
- some aspects of the *Species at Risk Act*.¹⁹

DFO provided advice²⁰ 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, 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.

DFO did not participate further in the application process.

Government of Nunavut, Community and Government Services (GN-CGS) on behalf of the Hamlet of Chesterfield Inlet (Applicant or Licensee)

GN-CGS provided discussions and clarifications which were required by parties during the review stages of the Application. For the convenience of reviewers, these responses are summarized below, but reviewers are also encouraged to consult the Applicant's presentation materials filed with the Board²¹ and the evidence presented during the Public Hearing.²²

1. Daily Water Use Rate

- CIRNA requested that the daily volume of water withdrawn from First Lake during the annual resupply be recorded. CIRNA also recommended adding a new monitoring station (CHE-1a) located at the pump-house to record the daily volume of water use. GN-CGS responded that they will report the daily volumes pumped from First Lake during the annual resupply and agreed to add a monitoring station at the pump-house.

¹⁸ R.S.C. 1985, c. F-14.

¹⁹ S.C. 2002, c. 49

²⁰ Correspondence dated April 12, 2023 from D. Silver, Fisheries and Oceans Canada to R. Hunter, NWB Re: 23-HCAA-00667 - Water Licence No: 3BM-CHE1523; Submission of Renewal-Amendment Application 3AM-CHE--- - Completeness Check,

²¹ GN-CGS, Exhibits #1-4, NWB Public Hearing File No: Water Licence 3AM-CHE----; Hard copy of the PowerPoint Presentation, Water Licence Renewal and Amendment Chesterfield Inlet 3AM-CHE----, (*English/Inuktitut*). (*Inuktitut*), (*English*), (*French*), filed on November 15, 2023.

²² See the testimony of K. Clouter, GN-CGS, NWB Public Hearing, File No: 3AM-CHE----, Transcript, Public Hearing, November 15, 2023, at pp. 25-35.

2. Updates to Management Plans

- CIRNA and ECCC requested multiple updates to the Operations and Maintenance Plans for Water and Waste disposal facilities and the Spill Plan to include the correct GPS locations of the Monitoring Stations and to correct errors. GN-CGS updated the plans and provided them to the Board;
- CIRNA recommended that a conceptional Abandonment and Restoration Plan be provided. GN-CGS responded that Abandonment and Restoration Plans are to be developed by third parties when a plan is required.

3. Sludge Management

- ECCC inquired about GN-CGS's plans for sludge monitoring in the future. CIRNA recommended sampling and analysis of sludge to determine appropriate disposal options when planning for the new Sewage Disposal Facility. GN-CGS stated that all new sewage lagoons in Nunavut are being constructed to accommodate anticipated sludge volumes for the entire lifespan of the lagoon, such that regular disposal is not necessary. GN-CGS also stated that if sludge disposal becomes necessary, they will conduct sampling and analysis to determine appropriate disposal methods.

4. Open burning procedures

- ECCC recommended that the GN-CGS investigate alternative waste disposal practices, which minimize or eliminate the use of open burning to the extent practical. If open burning cannot be avoided, ECCC requests confirmation that appropriate meteorological conditions will be met for open burning procedures to be implemented. GN-CGS confirmed that appropriate meteorological conditions will be met for open burning procedures to be implemented.

5. Runoff from the Solid Waste Facility

- ECCC requested clarification whether all runoff associated with the solid waste facility is collected and tested prior to discharge into the surrounding environment. GN-CGS indicated that runoff is not collected. Monitoring station CHE-2 monitors runoff from the Solid Waste Disposal Facility prior to entering the Wetland Treatment Area and there has been no indication that leachate has caused a negative impact on the wetland historically, based on sampling results.

6. Geotechnical Inspection

- CIRNA recommended that the GN-CGS prepare a report analyzing the type of structures and frequency of inspections required for the infrastructure within the Municipality of Chesterfield Inlet. This submission must be provided to the Board

by March 31st, 2025. In the meantime, CIRNAC recommended that the Board consider modifying the licence condition allow additional 15 days reporting timeline be added to the current 60-days requirement. GN-CGS responded that they are working to prepare such a report and will submit it in 2024.

SECTION III: SUBMISSIONS BY OTHER INTERVENING PARTIES OR MEMBERS OF THE PUBLIC

There were no written submissions provided to the NWB by any other intervening party or members of the public throughout the Board's consideration of the Application. As required under ss. 55(1) and 55(2) of the *NWNSRTA*, the NWB published and/or posted on the NWB's Public Registry:

- Notice of the receipt of the Application, inviting comments on completeness, on March 22, 2023;
- Notice of a complete Application, identifying the dates for the upcoming Technical Meeting, Community Session and Pre-Hearing Conference, on May 23, 2023; and
- Notice of the in-person Public Hearing for the Application, on August 25, 2023.

These notices invited any intervening parties or interested members of the public to make representations to the NWB about the Application.

On July 13, 2023, the NWB staff called the local radio station in Chesterfield Inlet to inform community members about the Community Session for the Type "A" Water Licence hosted by the NWB during the TM/PHC. 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 scheduled to take place on July 19, 2023. On the evening of July 19, 2023 (6:00 – 8:30 pm CST), the Hamlet Office provided a central venue for community members to attend the Community Session, which was linked by teleconference and videoconference to the NWB staff and representatives of GN-CGS and CIRNA, who 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. All the participants from the Technical Meeting were present for the Community Session. A total of 6 community members, including the Mayor, attended the Community Session.

In the evening of November 15, 2023, the Board also hosted a second Community Session during the in-person Public Hearing for the file. Unfortunately, due to other commitments, some of the community members who had participated during the Board's TM/PHC who had expressed interest in attending the Public Hearing were unable to attend. However, a total of 3 community

members attended the Community Session associated with the Public Hearing (see [APPENDIX E – Sign In Sheets for Public Hearing and Community Session](#)).

The table that follows summarizes the questions and comments raised by the community members during these two Community Sessions. These comments and questions comprise all the questions and comments in respect of the Application provided by interested members of the community of Chesterfield Inlet including comments provided during the Community Session during the in-person Public Hearing on November 15, 2023.

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.
NWB Jurisdiction/ Water Licensing Process	What happens if the Minister does not approve the NWB's decision?
Open Burning	Do not want to see the continuation of open burning at the landfill, because the smoke and ash from this activity drifts over the town's water storage reservoir and I am concerned the smoke and ash could impact the water quality in the reservoir.
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?
Reservoir Water Quality Monitoring	Is the water in the water storage reservoir tested? I ask because I am concerned that the reservoir is too close to the landfill site and so the water in the reservoir could be impacted by smoke from open burning at the landfill or could be affected by loose debris coming from the landfill.
Sewage lagoon	How does the sewage lagoon work?

Topic	Issues/Questions/Concerns/Comments
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?

SECTION IV: JURISDICTION OF THE NWB

Under Division 2 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA*)²³ the NWB has jurisdiction to issue a licence,²⁴ amend a licence,²⁵ or in certain circumstances, cancel a licence.²⁶ In exercising the Board's statutory functions under the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Agreement)* and the statutory regime governing the Board (the *NWNSRTA* and the *Nunavut Waters Regulations*), the NWB must be guided by the following objects:

*... to provide for the conservation and utilization of waters in Nunavut, except in a national park, in a manner that will provide the optimum benefit from those waters for the residents of Nunavut in particular and Canadians in general.*²⁷

In considering the Application, the NWB was guided by these objects and the NWB's statutory duty to make *all* reasonable efforts to minimize any adverse effects on aquatic ecosystems. Reading several of the Articles of *Nunavut Agreement* together,²⁸ the NWB relies on the broad definition of "ecosystemic" found in Article 12, Section 12.1.1 of the *Nunavut Agreement*, requiring not only the Nunavut Impact Review Board (NIRB) but also the NWB to ensure that all components of the ecosystem, such as fish and fish habitat, are protected within the parameters of s. 71 of the *NWNSRTA*.

In accordance with Article 13, Section 13.3.6 of the *Nunavut Agreement* and s. 29 of the *NWNSRTA*,²⁹ the Board has delegated its power to dispose of all matters related to the Application for the Type "A" Water Licence No: 3AM-CHE2333, including the conduct of the Public Hearing,

²³ Sections 42-81 of the *NWNSRTA*.

²⁴ See ss. 42, 48, 55, 56, and 70 of the *NWNSRTA*.

²⁵ See s. 43(1)(b) of the *NWNSRTA*.

²⁶ See s. 43(1)(c) of the *NWNSRTA*.

²⁷ See s. 35 of the *NWNSRTA*.

²⁸ This approach is consistent with the direction provided in Article 2, section 2.9.1 of the *Nunavut Agreement*.

²⁹ S.C. 2002, c. 10.

to a three-member Panel of the Board (which is referred to as Panel P24 or the Chesterfield Inlet Panel).

As with any application considered by the NWB, the burden of proof rests with the Applicant to demonstrate that its request for a Type “A” Water Licence should be granted and that the proposed terms and conditions (including amendments to the Expired Type “B” Licence) are sufficient to meet the Board’s objectives. In addition, the NWB’s Rules of Practice and Procedure for Public Hearing (NWB’s Rules) state: “[a]ny party offering evidence before the NWB shall have the burden of introducing sufficient and appropriate evidence to support its position.”³⁰

SECTION V: REQUIREMENTS OF THE NWSRTA, THE NUNAVUT AGREEMENT AND NUPPAA

Objects of the NWB and its Relationship to other Bodies

As established under Articles 10-13 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* prior to the NWB’s consideration of the Application, the Applicant is required to meet the pre-licensing requirements of the Nunavut Planning Commission (land use planning) and the Nunavut Impact Review Board (impact assessment).

Land Use Planning

As noted in the previous sections of these Reasons for Decision, providing the regulatory and procedural history of the Application, on March 7, 2023, the Nunavut Planning Commission (NPC) issued its conformity determination for the project proposal.³¹

- 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);

³⁰ Section 23.1 of the Nunavut Water Board “Rules of Practice and Procedure for Public Hearing” (May 11, 2005).

³¹ 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 (*NWNSRTA*) had been met, and the NWB moved forward to complete the NWB's processing of the Application.

SECTION VI: DECISION TO ISSUE

On the basis of the Application, the written materials filed with the Board during the Board's consideration of the Application, including the submissions of the Interveners, and the comments and questions of community members provided during the Community Sessions, the Board has decided to grant the Application for a new Type "A" Water Licence No: 3AM-CHE2333 (the Licence) to replace Expired Type "B" Water Licence No: 3BM-CHE1523 subject to the terms and conditions set out in the attached Type "A" Water Licence No: 3AM-CHE2333 and as described in more detail in the text that follows. The Licence authorizes the Hamlet of Chesterfield Inlet's continued use of water and deposit of waste for a Municipal Undertaking as defined under Schedule 1 of the *Nunavut Waters Regulations*, with terms and conditions as required to:

- Replace 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;
- Authorize the continued use of up to 23,000 m³ of water annually and the deposit of waste associated with a Municipal Undertaking;
- Authorize the withdrawal of up to 2,000 cubic metres per day (m³/day) of freshwater from First Lake (Puiqsuk Lake), for the annual resupply of the storage reservoir, during the open water season; and
- Authorize, without changes, the continued operation of existing facilities including the Sewage and Solid Waste Disposal Facilities and the Water Supply Facility.

Conditions for Issuance of a Licence

Section 57 of the *NWNSRTA* provides several key legislative requirements that must be satisfied before the NWB may issue a licence.

The Board may not issue a licence unless the applicant satisfies the Board that

Page 27 of 59

- (a) any waste produced by the appurtenant undertaking will be treated and disposed of in a manner that is appropriate for the maintenance of the water quality standards and effluent standards that are prescribed by the regulations or, in the absence of such regulations, that the Board considers acceptable; and*
- (b) the financial responsibility of the applicant, taking into account the applicant's past performance, is adequate for*
 - (i) the completion of the appurtenant undertaking,*
 - (ii) such measures as may be required in mitigation of any adverse impact, and*
 - (iii) the satisfactory maintenance and restoration of the site in the event of any future closing or abandonment of that undertaking.*

Financial Responsibility of the Applicant

As outlined under the *NWNSRTA*, s. 57(b), the NWB considers three aspects of the responsibility of an Applicant to carry out a licensed undertaking:

- (i) the financial ability of the Applicant to complete the appurtenant undertaking;
- (ii) the ability of the Applicant to undertake measures to adequately monitor for impacts and implement measures to mitigate any impacts; and
- (iii) the Applicant's ability to maintain and restore the site during care and maintenance, closure and abandonment.

As a public authority, the Board's inquiry into the financial responsibility of the Applicant is somewhat different than would be the case for other types of corporate or individual water licence applicants. Reflecting this distinction, the Board has focused this inquiry on the second and third elements of the financial responsibility assessment; the ability to undertake measures to adequately monitor and mitigate impacts and the Applicant's ability to maintain and restore the site during care and maintenance, closure and abandonment.

During the Board's assessment of the extent to which the Applicant has the ability to undertake the required monitoring and mitigation measures associated with the Application, the Board has noted the commitments of GN-CGS. With few changes to the terms and conditions in the new Type "A" Licence, compared to the Licensee's previous obligations under the Expired Type "B" Water Licence, the Board remains confident the Applicant will be able to continue to conduct the undertaking in a manner that is protective of the freshwater environment. During discussions in the Technical Meeting, GN-CGS indicated that there may be some budgetary and human resource limits on the availability of registered engineers to conduct annual visual inspections of water and

waste management infrastructure and requested a change to this requirement and requested that the NWB await the following additional information before the type of inspections, frequency and professional requirements be established:

GN-CGS is currently undertaking a project to identify the type of inspection, the frequency of inspection, and the appropriate professional with specific training to undertake the inspections for the assets under --authorized under the municipal water licence. This report is expected to be complete in 2023/2024, and it will be provided to the Nunavut Water Board for distribution.³²

However, the Board highlighted that this requirement for a professional engineer to conduct such inspections is a standard practice across the Board's licences and reflects a precautionary approach to reducing the potential risks of failure of vital water, wastewater and waste management infrastructure included within the scope of the Licence. While the Board remains open to considering the extent to which the inspection program should be modified to reflect the risks associated with particular infrastructure, in the absence of evidence regarding an alternative to the Board's current approach to inspections of this infrastructure, the Board has rejected the GN-CGS's recommendations to remove this requirement from the Licence. As reiterated by the Board during the Public Hearing, the Board expects all licensees to ensure that they make the required personnel available to meet these important compliance requirements, and the Board highlights the importance of ensuring these inspections are conducted as required under the Licence.³³

Compensation of Existing or Other Users

The *NWNSRTA* requires that the NWB be satisfied that existing or other water users affected by the Application has been or will be compensated for any damage to their rights to use Water.³⁴ To ensure that all parties with the potential to bring a water user compensation claim have been notified of their rights under the *NWNSRTA*, the NWB provided, in the Notice of Application, an invitation to parties with water use compensation issues to advise the NWB regarding such issues. The Notice of the Application was issued by the Board on March 22, 2023, and in the Notice of Public Hearing, published by the Board on August 25, 2023, advised anyone having a water user compensation claim to inform the Board of their interests in accordance with s. 55 of the *NWNSRTA*. The NWB confirms that no representations regarding a claim for water user compensation were made to the NWB in respect of the Application.

³² K. Clouter, GN-CGS, NWB Public Hearing, File No: 3AM-CHE----, Transcript, Public Hearing, November 15, 2023, at p. 32, lines 10-18.

³³ See the exchange between K. Kharatyan, NWB and M. Lusty, GN-CGS, NWB Public Hearing, File No: 3AM-CHE----, Transcript, Public Hearing, November 15, 2023, at pp. 36-41.

³⁴ See ss. 58-60 of the *NWNSRTA*.

Issuance of a Licence

As stated above and pursuant to s. 42(1) of the *NWNSRTA*, the NWB has decided to issue a new Type “A” Water Licence No: 3AM-CHE2333 subject to the terms and conditions outlined in these Reasons for Decision and the attached Licence. In deciding to issue the Licence, the NWB is satisfied that the Application contained the required information and was in the proper form having regard to the requirements of the *NWNSRTA*³⁵ and associated *Regulations*.³⁶

Applications in Relation to the Licence

Overall, the NWB is satisfied that the requirements of s. 48 of the *NWNSRTA* were met by the Applicant. The GN-CGS filed an Application which complied with the NWB’s Rules, and was accompanied by the fees required by regulation, including the application fee. Further, the Applicant has also provided the necessary application and supplementary information required to evaluate whether the Licence should be granted and also to assess whether any changes to the Expired Type “B” Water Licence requested by the Applicant are reasonable and consistent with the objects of the Board as established under the *Nunavut Agreement* and the *NWNSRTA*.

Application to Amend or Application for Future Modifications

In relation to future applications to undertake significant modifications of the activities included within the scope of the Licence, the NWB reminds the Applicant that it must comply with all requirements of the *Nunavut Agreement*,³⁷ the *NuPPAA*,³⁸ and the *NWNSRTA*.³⁹ In particular, the Board notes that the scope of the authorized use of water and deposit of waste is as provided by the GN-CGS in the Application and as set out in Part A of the Licence, and any requested changes to that scope may require an amendment to the Licence. In addition, any significant modifications to the undertaking are required to be submitted to the Nunavut Planning Commission and may subsequently be referred to the Nunavut Impact Review Board prior to the NWB’s consideration of any future amendments to the Licence.

Cancellation or Expiry of the Licence

As identified above, the NWB reminds the Applicant that the provisions of s. 46 of the *NWNSRTA* states: “[t]he expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence.”

³⁵ See s. 48 of the *NWNSRTA*.

³⁶ *Nunavut Waters Regulations*, SOR/2013-69.

³⁷ See Article 12, Clause 12.4.3 (b) of the NLCA.

³⁸ *Nunavut Planning and Project Assessment Act* S.C. 2013, c. 14 (*NuPPAA*).

³⁹ See s. 43 of the *NWNSRTA*.

The Applicant is also reminded that pursuant to the NWB's authority under s. 43(1)(c)(iii) of the *NWNSRTA*, the NWB may, on application by a licensee, or on its own motion and with the required notice, cancel a licence at any time that the NWB considers the cancellation to be in the public interest.

Term of Licence

Under s. 45 of the *NWNSRTA* the NWB is required to ensure that the term of a licence shall not exceed the longer of twenty-five years or the "anticipated duration" of the undertaking. In the Application, the Applicant requested a term of 10 years for the Licence.

As expressed in recent municipal licensing decisions, the Board recognizes that the GN-CGS and the Hamlets have limits on the resources available to prepare regulatory approval applications, and that it is appropriate to consider longer terms for licences where the Applicants have clearly demonstrated a commitment to devoting resources to compliance and improvement of facilities during the term of the Licence.

In the case of this Application, the Board notes that the Applicant has demonstrated commitment to continuous improvement of facilities within the scope of the Licence throughout the ten-year term, not just when the Applicant is engaged in the regulatory approval process. The Board has relied on this commitment to find that a ten-year term for the Licence is justified. The Board expects that by granting the Licence for this longer term, the Licensee will be able to focus more effort on complying with the terms and conditions in the Licence rather than on efforts to renew the Licence in the short term.

Given these circumstances, the NWB is satisfied that a term of 2023-2033 is appropriate and has granted the full ten-year term requested by the Applicant. As is the case with all Type "A" Water Licences, the Board strongly encourages the Licensee to ensure that any applications to renew or amend the Type "A" Water Licence are submitted 12-18 months before the expiry of the Licence or 12 months before the requested amendments are expected to take effect. Applicants are responsible to submit applications and required information in sufficient time to ensure that all pre-licensing and licensing processes, including decision-making of the NWB and Minister, can be completed before the Licence expires, or the amendments required to make changes to the use of water and/or deposit of waste associated with an undertaking, are in place.

SECTION VII: WATER LICENCE: TERMS AND CONDITIONS

The Licence does not take effect until approval of the Minister is given or is deemed to have been given pursuant to s. 56 of the *NWNSRTA*.⁴⁰ As indicated, the Panel has decided to issue the Water Licence No: 3AM-CHE2333 subject to the conditions contained herein (Licence).

To provide context and clarity, in the following section the NWB provides some discussion and comments about specific terms and conditions that follow. The Board has not included discussion or commentary with respect to those licence terms and conditions that are clear in their wording and intent on the face of the Licence and/or that are unchanged from the Expired Type “B” Water Licence.

PART A: Scope, Definitions and Enforcement

Scope

The scope of activities, works, and undertakings included under the Licence is set out in Part A of the Licence, and includes:

- a. 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 cubic metres (m³) Water annually and deposit of Waste associated with a Municipal Undertaking;
- b. Extraction of up to 2,000 cubic metres per day (m³/day) of freshwater from the First Lake (Puiqsuk Lake), for the annual resupply of the water storage reservoir, during the open water season; and
- c. No changes to existing facilities/activities including the operation of Water Supply Facility, and Sewage Disposal and Solid Waste Disposal Facilities.

Definitions

No new definitions were added in Part A of the Licence compared to the list of definitions included in the Expired Type “B” Water Licence. However, as discussed in more detail, in section of these Reasons discussing the Definitions included in Schedule A of the Licence three new definitions

⁴⁰ Section 56 of the *NWNSRTA* states:

The issuance, amendment, renewal and cancellation of a type A licence, and if a public hearing is held, a Type B licence are subject to the approval of the Minister.

Under s. 56(2.2) if the Minister does not issue a decision within 45 days of receiving the Licence from the Board, (or within 90 days if the Minister has extended the decision-making period by an additional 45 days) the Minister is deemed to have approved the Licence.

have been added for consistency and to reflect updates to the standard definitions used by the Board since the Expired Type “B” Water Licence was issued in 2015.

PART B: General Conditions

Part B of the Licence addresses many of the general terms and conditions that apply to the Undertaking, such as annual report submissions, protocols for handling documents related to the Licence, posting of signage at sites associated with the Undertaking, and more. The revisions to the general conditions in Part B compared to the terms and conditions in the Expired Type “B” Licence have been included to ensure that the terms and conditions of the Licence in this Part are consistent with the other Type “A” Water Licences applicable to Municipal Undertakings previously issued by the NWB.

PART C: Conditions Applying to Security

There are no requirements for security to be posted for the Undertaking, as the Licensee is the Hamlet of Chesterfield Inlet and the use of Water and deposit of Waste authorized under the Licence is associated with a Municipal Undertaking. However, for consistency across Type “A” Water Licences, this section heading remains as a placeholder in the Licence.

PART D: Conditions Applying to the Use of Waters and Water Management

Part D of the Licence focuses on the use of water and the related management plans. To ensure that the amount of water use authorized under the Licence does not negatively impact freshwater resources, the Board has included several terms and conditions under Part D of the Licence designed to preserve water sources.

The maximum volume of water use allowed from the First Lake (Puiqsuk Lake) is the same as the volume allowed under the Expired Type “B” Water Licence, 23,000 cubic metres per year. The change to this part of the Licence involves authorizing the daily volume of water withdrawn from First Lake (Puiqsuk Lake), being up to 2,000 cubic metres per day during the open water season when the Hamlet’s water storage reservoir is being refilled.

In addition, the Board notes that during the Community Session and Public Hearing, members of the community did not voice any concerns or pose any questions with respect to this rate of withdrawal and potential impact to First Lake (Puiqsuk Lake). As noted by GN-CGS, as previous Type “B” Water Licences for the undertaking focused on annual withdrawal thresholds rather than the daily withdrawal thresholds, the Hamlet’s practice of withdrawing up to 2,000 m³/day when refilling the water storage reservoir during the open water season is not new, and reflects the standard practice of the Hamlet for many years without incident.

On the basis of the information provided with the Application, noting the advice from DFO and a lack of public concerns, the Board is confident that the authorization of the Applicant's established practice of withdrawing up to 2,000 m³/day from First Lake (Puiqsuk Lake) when refilling the water storage reservoir during the open water season is sustainable, and the Board has included terms and conditions that authorize this daily rate of withdrawal, with no increase to the total maximum annual volume of water withdrawn from First Lake (Puiqsuk Lake) of 23,000 m³.

PART E: Conditions Applying to Deposit of Waste Disposal and Management

Part E of the Licence focuses on terms and conditions relevant to Waste management. In the scope of this Type "A" Water Licence there are no changes to the operation of the existing Sewage Disposal Facility and Solid Waste Disposal Facility and related infrastructure.

PART F: Conditions Applying to Modifications and Construction

While the scope of the Licence does not include any new construction in the immediate term, the Applicant indicated that there may be plans for upgrading the Hamlet's infrastructure in the future and during the term of the Licence. Any schedule for upgrades will be included in the Annual Reports. The NWB reminds the Licensee that any activity which would constitute a significant modification to the Type "A" Water Licence will require the Applicant to apply to the NWB for an amendment to the Licence, and may trigger requirements for a conformity assessment of the proposed amendments by the Nunavut Planning Commission and impact assessment by the Nunavut Impact Review Board under the *Nunavut Agreement* and the *NuPPAA*.

PART G: Conditions Applying to Operations and Maintenance

The NWB has included conditions in Part G of the Licence to update the Operations and Maintenance (O&M) Plans for the Solid Waste Disposal Facility and Sewage Disposal Facility, to account for the following recommendations received by Interveners during the technical review of the Application:

- Part G, Item 4 requires the Applicant to update the Operations and Maintenance Plan for the Solid Waste Disposal Facility (SWDF) to include the corrected GPS locations and description of the monitoring stations. This condition was included after a recommendation from CIRNA and discussions with the Applicant.
- Part G, Item 5 requires the Applicant to update the Operations and Maintenance Plan for the Sewage Disposal Facility to include the corrected GPS locations and description of the monitoring stations. This condition was included after a recommendation from CIRNA and discussions with the Applicant.

Part G, Item 8 has been added to set out the Board’s typical expectations for the inspection of all engineered facilities associated with the Licence to be conducted annually by an Engineer. This condition is designed to ensure that the engineered facilities authorized under the Licence are maintained and operated in a manner that reduces the potential risk of harm to human health and the environment associated with the failure of these types of facilities. During the Board’s consideration of the Application, GN-CGS stated that this frequency and requirement for the inspections to be conducted by an Engineer was unreasonable and impractical and requested the Board consider revising this requirement to requiring only a visual inspection by the Hamlet’s Senior Administrative Officer (SAO). In addition, GN-CGS indicated that a study is currently being conducted by engineering consultants for GN-CGS to determine “*the frequency of inspection, and the appropriate professional with specific training to undertake the inspections for the assets...authorized under the municipal water licence*”.⁴¹ GN-CGS indicated that the findings in the engineering consultants’ report are expected to be completed in the 2023/2024 fiscal year and would subsequently be provided to the Board and Interveners for review and consideration.

While the Board recognizes that the engineering consultants’ report referenced by GN-CGS may, in future, provide sufficient evidence for the Board to consider modifying the inspection requirements in Part G, Item 8, at the time the Public Hearing Record closed for the file on November 15, the Board had no evidence to suggest that the approach proposed by GN-CGS (to substitute visual inspections by the SAO for the requirements of an annual inspection conducted by an Engineer) would be sufficient to pro-actively address the risk of potential failure of engineered facilities under the Licence. Accordingly, the Board has maintained the general inspection requirement in Part G, Item 8.

However, recognizing that sometime in the future during the term of the Licence, the Licensee may be able to provide evidence and a supporting rationale to modify the frequency and professional requirements for inspections based on the level of risk for various types of engineered facilities, the Board has also included Part G, Item 9, which outlines a process for GN-CGS to request the Board to modify the inspection requirements of Part G, Item 8. Under Part G, Item 9, the Licensee may request changes to the type and frequency of inspections required if they provide sufficient rationale, and relevant parties have had an opportunity to provide the Board with their comments about the proposed changes. Following this process, if the Board considers such changes to be reasonable, the Board may issue a decision in writing that changes the requirements under Part G, Item 8 to an alternate inspection program more specifically tailored to the risks associated with particular municipal water, wastewater and waste management infrastructure authorized under the Licence. Part G, Item 9 also specifies that unless the Board directs otherwise,

⁴¹ K. Clouter, GN-CGS, NWB Public Hearing, File No: 3AM-CHE----, Transcript, Public Hearing, November 15, 2023, at p. 32, lines 10-15.

such changes to the inspection program under Part G, Item 8 will not be considered by the Board to constitute an “Amendment” to the Licence.

PART H: Conditions Applying to Spill Contingency Planning

This Part of the Licence contains conditions for spill contingency planning. The Licensee has submitted the Plan entitled “Hamlet of Chesterfield Inlet, Environmental Emergency Contingency Plan”, dated March 2023 which is being approved by the Board with the issuance of the Licence.

PART I: Conditions Applying to Monitoring

With respect to the monitoring requirements under the Licence, the NWB’s jurisdiction is very broad and the NWB may include conditions in licences related to monitoring programs to be undertaken.⁴²

As there are no changes to the operation of Water Supply Facility and Sewage Disposal and Solid Waste Disposal Facilities, the Monitoring requirements imposed under the Expired Type “B” Licence were carried forward into the new Type “A” Water Licence. A new condition (Part I, Item 3) has been added to ensure that daily, monthly and annual water use, from the pump-house, is measured. This condition was included after a recommendation from CIRNA and discussions with the Applicant. A new Monitoring Program Station CHE-1a, is so added to the Monitoring Program as per the request of CIRNA. This monitoring station will be located at the Water Supply Facility pump-house to measure the daily volume of water use. The NWB’s mandate covers generally water used from the source and not necessarily water delivered from pump-house for community daily needs. However, since CIRNA recommended and GN-CGS agreed to CIRNA’s recommendation, the NWB added the Monitoring Program Station CHE-1a.

The NWB has also added a new Monitoring Station CHE-5, which will require the Licensee to record the quantity of sludge removed from the Sewage Disposal Facility and include it in the Annual Reports.

The Licensee has submitted the Plan entitled “Hamlet of Chesterfield Inlet, Environmental Monitoring Program and Quality Assurance/Quality Control Plan”, dated December 2022 which will be updated to include the location and sampling details for the new monitoring stations.

PART J: Conditions Applying to Closure and Reclamation

⁴² See s. 70(1)(c) of the *NWNSTRA*.

The terms and conditions of the Licence outlining the NWB's Closure and Reclamation requirements are generally similar to other Municipal Type "A" Licences and require that, at least six (6) months prior to commencing the decommissioning of a facility, the Licensee shall submit to the Board, for approval in writing, a Closure and Reclamation Plan prepared in accordance with industry's best practices and relevant guidelines.

Schedules A, B and I

Schedules A, B, and I have been revised to reflect the changes under the Licence. The following sections outline the changes to the schedules included in the Licence.

Schedule A

The Licence includes Schedule A: Definitions, and the following definitions have been added/revised under the Licence for consistency across the Board's Water Licences since 2015 when the Expired Type "B" Licence was issued, to reflect the issuance of a new Type "A" Water Licence for the Undertaking and to reflect that former references to the *Nunavut Land Claims Agreement* should be updated to be the *Nunavut Agreement*.

"Annually" means, in the context of monitoring frequency, one sampling event occurring every 365 days with a minimum of 200 days between sampling events;

"Application" means, for the purposes of this License, the totality of the NWB Public Registry opened as a result of the filing of the Application to replace the expired Water Licence No: 3BM-CHE1523;

"Discharge" means the release of any water or waste to the receiving environment;

"Licensed Facilities" means the Water Supply Facility, Solid Waste Disposal Facility and Sewage Disposal Facility;

"Licence" means this Type "A" Water Licence No: 3AM-CHE2333, issued by the Nunavut Water Board in accordance with the *Act*, to the Hamlet of Chesterfield Inlet;

"Minister" means the Minister of Northern Affairs Canada;

"Monthly" means, in the context of monitoring frequency, one sampling event occurring every thirty (30) days with a minimum of twenty-one (21) days between sampling events;

"Nunavut Agreement" means the *"Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada,"* including its preamble and schedules, and any amendments to that agreement made pursuant to it.

“Quality Assurance / Quality Control (QA/QC)” Quality Assurance means the system of activities designed to better ensure that quality control is done effectively; Quality Control means the use of established procedures to achieve standards of measurement for the three principal components of quality: precision, accuracy and reliability;

“Undertaking” means an undertaking in respect of which water is to be used and/or waste is to be deposited, of a type set out in Schedule I of the *Regulations*;

“Use” means use as defined in S.4 of the Act;

Schedule B

Schedule B applies to general and specific annual reporting requirements for the Undertaking. Item (b.) is added as a new Monitoring Station (CHE-1a) that will report daily, monthly and annual quantities in cubic metres of water withdrawn from the Water Supply Facility pump-house.

Schedule I

This Schedule is linked to Part I of the Licence and the Conditions Applying to Monitoring. This Schedule includes updates or changes to the monitoring requirements as required to reflect any changes under the Licence, taking into consideration the Applicant’s requests, Intervener’s recommendations, the Board’s mandate and the scope of the Undertaking.

In this Licence, no substantial changes were made to the Monitoring requirements imposed under the previously Expired Type “B” Licence. Some additions and updates were included to bring more clarity and to ensure the new Licence is streamlined with the Board’s current format for Municipal Type “A” Licences.

Table 1 has been added in **Schedule I** of the Licence to include a list of water quality parameters.

Table 2 has been updated to include water quality parameters to be measured for each monitoring station, the testing frequency and the reporting frequency. Two new Monitoring Stations (CHE-1a and CHE-5) have been added.

CHE-1a is added as “Daily Water Withdrawn from Water Supply Facility, pump-house”.

CHE-5 is added as “Sewage Sludge removed from the Sewage Disposal Facility”.

CHE-1, CHE-2, CHE-3, CHE-3a and CHE-4 remain unchanged.

Management Plans, Manuals and Reports

Throughout the review of the Application, Interveners, the Board, and the Applicant have considered and commented, to various extents, on the following management plans (Plans), which were received during the Application process:

- Operation and Maintenance Plan for Chesterfield Inlet Municipal Water Licence: Water Supply Facilities 2023
- Operation and Maintenance Plan for Chesterfield Inlet Municipal Water Licence: Sewage Disposal Facilities 2023
- Operation and Maintenance Plan for Chesterfield Inlet Municipal Water Licence: Solid Waste Disposal Facilities 2023
- Environmental Emergency Contingency Plan (March 2023)
- Environmental Monitoring Program and Quality Assurance/Quality Control Plan (December 2022)

After completing the technical review of the Plans listed above as part of the Board's consideration of the Application, the Board has approved these Plans with the issuance of the Licence. However, the Board also expects that in future, the Licensee shall update the approved Plans as may become necessary to reflect updates to operations, such as changes to site infrastructure (e.g. new infrastructure is added, or existing infrastructure is modified or decommissioned).

APPENDIX A - Agendas for Public Hearing and Community Session

FINAL AGENDA

PUBLIC HEARING

HAMLET OF CHESTERFIELD INLET

APPLICATION FOR TYPE “A” LICENCE NO: 3AM-CHE----,

Date: November 15-16, 2023 at the Chesterfield Inlet Community Hall

Time: 9:00 a.m. – 5:00 p.m. CST,

Join Meeting by clicking the link below:

<https://pido-ca.zoom.us/j/87183777624?pwd=cStUaFVnZmRyNW9pTmFGNG1Za1RBQT09>

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

- +1 438 809 7799
- +1 587 328 1099
- +1 613 209 3054
- +1 647 374 4685
- +1 647 558 0588
- +1 778 907 2071
- +1 204 272 7920
- +1 855 703 8985 Toll-free

When asked please enter Meeting ID: **871 8377 7624**

When asked please enter Passcode: **891713**

1. Opening Prayer
2. Opening Remarks by the Chairperson, which shall include the purpose of the Public Hearing and the scope of matters which will be considered by the Board
3. Introduction of the Board Members and staff
4. Identification and introduction of the Parties
5. Introduction of the Elders and their role in the Public Hearing
6. Introduction and identification of the persons, associations, agencies, etc., who have not submitted interventions but who have expressed a desire to speak at the Public Hearing

Page 40 of 59

7. Identification of any Motions or any objections
8. Presentation by the Applicant
9. Questioning of the Applicant by Parties respecting the Applicant's presentation
10. Questioning by the Board staff and Panel Members
11. Presentation by Interveners
12. Questioning of Interveners by Parties
13. Questioning by the Board staff and Panel Members
14. Presentation by any other persons, associations, agencies, etc. who have advised the Chairperson that they wish to speak
15. Questioning of other persons, associations, agencies, etc. by Parties
16. Questions by the Board staff and Panel Members
17. Upon completion of presentations by all Parties, the Board will give the Applicant the opportunity to reply. Then all Parties will have the opportunity to make final closing statements taking into account matters raised at the Public Hearing
18. Closing remarks by the Chairperson; and
19. Closing Prayer

FINAL AGENDA
COMMUNITY SESSION

HAMLET OF CHESTERFIELD INLET

APPLICATION FOR TYPE “A” LICENCE NO: 3AM-CHE----

November 15, 2023, 7:00 p.m. – 10:00 p.m. CST, Chesterfield Inlet Community Hall

Join Meeting by clicking the link below:

<https://pido-ca.zoom.us/j/87183777624?pwd=cStUaFVnZmRyNW9pTmFGNG1Za1RBQT09>

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

- +1 438 809 7799
- +1 587 328 1099
- +1 613 209 3054
- +1 647 374 4685
- +1 647 558 0588
- +1 778 907 2071
- +1 204 272 7920
- +1 855 703 8985 Toll-free

When asked please enter Meeting ID: **871 8377 7624**

When asked please enter Passcode: **891713**

1. Opening Prayer
2. Opening Remarks by the Chair
3. Presentation by the Nunavut Water Board (NWB) – Type “A” water licensing process for the Application (15 minutes)
4. Questions and/or comments from community members and other participants
5. Presentation by Hamlet of Chesterfield Inlet on the Renewal Amendment Application before the Board for Type “A” Water Licence 3AM-CHE---- (20 Minutes)
6. Questions and/or comments from community members and other participants
7. Presentation from each intervening party pertaining to its mandate and role(s) in the water licensing process as well as an overview of their findings during their technical review (15 Minutes/Intervener)

Page 42 of 59

8. Questions and/or comments from community members and other participants
9. Closing Remarks
10. Closing Prayer

APPENDIX B – Exhibit List

Exhibit	Exhibit Description	Date	From
1	Hard Copy PowerPoint Presentation Water Licence Renewal and Amendment Chesterfield Inlet 3AM-CHE---- (English/Inuktitut)	November 15, 2023	Government of Nunavut— Community and Government Services
2	Hard Copy PowerPoint Presentation Water Licence Renewal and Amendment Chesterfield Inlet 3AM-CHE---- (Inuktitut)	November 15, 2023	Government of Nunavut— Community and Government Services
3	Hard Copy PowerPoint Presentation Water Licence Renewal and Amendment Chesterfield Inlet 3AM-CHE---- (English)	November 15, 2023	Government of Nunavut— Community and Government Services
4	Hard Copy PowerPoint Presentation Water Licence Renewal and Amendment Chesterfield Inlet 3AM-CHE---- (French)	November 15, 2023	Government of Nunavut— Community and Government Services
5	Hard Copy PowerPoint Presentation Municipality of Chesterfield Inlet Application for Type “A” Water Licence 3AM-CHE---- Nunavut Water Board Public Hearing November 15-16, 2023 (English)	November 15, 2023	Crown- Indigenous Relations and Northern Affairs Canada

Exhibit	Exhibit Description	Date	From
6	<p>Hard Copy PowerPoint Presentation Municipality of Chesterfield Inlet Application for Type “A” Water Licence 3AM-CHE----</p> <p>Nunavut Water Board Public Hearing November 15-16, 2023</p> <p><i>(Inuktitut)</i></p>	November 15, 2023	Crown-Indigenous Relations and Northern Affairs Canada
7	<p>Hard Copy PowerPoint Presentation</p> <p>Hamlet of Chesterfield Inlet Type A Water Licence Application Public Hearing</p> <p>Presentation by Environment and Climate Change Canada</p> <p><i>(English)</i></p>	November 15, 2023	Environment and Climate Change Canada
8	<p>Hard Copy PowerPoint Presentation</p> <p>Public Hearing for Hamlet of Chesterfield Inlet Application for Type “A” Water Licence</p> <p><i>(English/Inuktitut)</i></p>	November 15, 2023	Nunavut Water Board

APPENDIX C – List of Acronyms

CIRNA or CIRNAC	Crown-Indigenous Relations and Northern Affairs (formerly INAC and AANDC)	dΔʷɹᑦ ᓄᓇᖃᖃᗕᓕᓂᐱᑦ ᐸᓯᓴ ᐅᐅᐸᑦᓕᖃᐅᓴ ᐱᓕᓂᐱᑦ (ᑖᓐᓄᐸᓯᔭᒥᓂᑦ ᒥᓂᐱᑦᓕᐅᐸᑦ ᐃᓄᓕᓂᐱᐅᐅᖃᓄᑦᓄᑦ)
DFO	Fisheries and Oceans Canada	ᐾᖃᗕᓕᓂᐱᑦ ᐸᓯᓴ ᑕᓂᐅᖃᒥᐅᑕᓕᓂᐱᑦ ᑲᓇᑕ
ECCC	Environment and Climate Change Canada (former EC)	ᑲᓇᑕᒥ ᐸᓇᑕᓕᓂᐱᑦ ᐸᓯᓴ ᓯᓚᑦ ᐸᓯᐱᖃᑦᑕᓕᐸᓕᓂᐱᑦ (ᑖᓐᓄᐸᓯᔭᒥᓂᑦ EC-ᓄᑦ)
GN	Government of Nunavut	ᓄᓇᓂᑦ ᓴᓇᓴᓴ
NIRB	Nunavut Impact Review Board	ᓄᓇᓂᐱᑦ ᐸᓇᑕᓕᓂᐱᑦᓄᑦ ᑲᓂᓴᓯᓴᓯᑦ
NPC	Nunavut Planning Commission	ᓄᓇᓂᓴᒥ ᑕᑦᓇᐃᐱᑦ
<i>Nunavut Agreement</i>	<i>The Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada</i>	ᑦᑕᓇ ᐸᓴᓯᐅᑕᑦ ᑖᓐᓄᓇᓴ ᐃᓄᐃᑦ ᓄᓇᓂᑕᓂᐅᐸᑦ ᐃᓪᐸᓂ ᐸᓯᓴ ᓇᓴᓴᓴᓴᓴᓴᓴᓴ ᑖᓐᓇ ᓄᐃᓴᓴᓴᓴ ᓴᓴᓴᓴᓴᓴᓴ ᑲᓇᑕ
<i>NuPPAA</i>	<i>Nunavut Planning and Project Assessment Act</i>	ᓄᓇᓂᑦ ᑕᑦᓇᐃᓂᖃᑦ ᐸᓯᓴ ᐱᓕᓂᐸᑦ ᖃᐅᐱᓴᖃᓂᓴᓯ ᐱᑦᓄᓴᑦ
NWB	Nunavut Water Board	ᓄᓇᓂᐱᑦ ᐃᓴᓕᓂᐱᑦ ᑲᓂᓴᓯᓴᓯᑦ
<i>NWNSRTA</i>	<i>Nunavut Waters and Nunavut Surface Rights Tribunal Act, S.C. 2002, c. 10</i>	ᓄᓇᓂᑦ ᐃᓴᐃᑦ ᐸᓯᓴ ᓄᓇᓂᑦ ᓄᓇᑦ ᖃᓴᓴᓂ ᐱᓴᓴᓇᐅᓯᓕᓂᐱᑦ ᐸᐱᖃ)ᐃᐱᓴᓵᑦ ᐱᑦᓄᓴᑦ
<i>NWR or Regulations</i>	<i>Nunavut Waters Regulations, SOR/2013-69</i>	ᓄᓇᓂᑦ ᐃᓴᐃᑦ ᓴᓕᓴᐃᑦ
PH	Public Hearing	ᐃᓄᓴᓂᑲ ᐸᐱᖃᓯᐃᓂᖃᑦ
PHC	Pre-Hearing Conference	ᐃᓄᓯᐸᓎᑕᓪᓵ ᐃᓄᐃᑦ ᑲᓂᓴᓂᑕᐅᓂᐸᓴᓴᓴᓴᓴᓴᓴᓴ ᑲᓂᓴᓂᖃᑦ
TM	Technical Meeting	ᐃᓪᓕᓴᓴᓴᓴᓴᓴ ᑲᓂᓴ ᓴᓴᓴᓴᓴᓴᓴᓴ

APPENDIX D – List of Submissions and Correspondence

Application:

1. Submitted **March 20, 2023** Initial submission of cover letter and application to Richard Dwyer, Nunavut Water Board (NWB), by Kayla Clouter Government of Nunavut (GN-CGS) and John Ivey (SAO Hamlet of Chesterfield Inlet) for a Water Licence Amendment and Renewal, dated (**December 19, 2022**)

Submission & Correspondence:

1. Cover E-mail to: Elan Chalmers, GN-CGS from Richard Dwyer, NWB Hamlet of Chesterfield Inlet Application for Renewal of Water Licence 3BM-CHE1523. Daily Water Use exceeds 300m³ per day, Type “A” Licence required. Dated **January 11, 2023**
2. Cover E-mail to: Richard Dwyer, NWB from Elan Chalmers GN-CGS Daily Water Use exceeds 300m³ per day, GN-CGS intends to submit Type “A” Water Licence Application. Dated **January 11, 2023**
3. Cover E-mail to: Elan Chalmers, Kayla Clouter GN-CGS John Ivey (Hamlet) and to the Kivalliq Distribution List from: Robert Hunter, NWB. Technical review paused as it was determined that a Type “A” application required. Dated **January 12, 2023**
4. Cover E-mail to: Elan Chalmers, Kayla Clouter GN-CGS and John Ivey (Hamlet) from: Robert Hunter NWB. Requesting update from the GN-CGS on behalf of the Hamlet of Chesterfield Inlet regarding the proposed application. Dated **February 09, 2023**
5. Submitted **March 20, 2023** Authorization Letter from the (former SAO Hamlet of Chesterfield Inlet) submitted by Kayla Clouter GN-CGS dated (**July 27, 2022**)
6. Submitted **March 20, 2023** Chesterfield Inlet Executive Summary 2022 (English, Inuktitut) to Richard Dwyer NWB Re: 3BM-CHE1523 Renewal and Amendment Application submitted by Kayla Clouter GN-CGS dated (**December 19, 2022**)
7. Submitted **March 20, 2023** 2022 Compliance Plan submitted by Kayla Clouter GN-CGS dated (**December 19, 2022**)
8. Submitted **March 20, 2023** Updated Quality Assurance and Quality Control Plan by Kayla Clouter GN-CGS dated (**December 19, 2022**)
9. Submitted **March 20, 2023** Environmental Emergency Spill Contingency Plan by Kayla Clouter GN-CGS dated (**December 19, 2022**)

10. Submitted **March 20, 2023** Water Supply – Operation and Maintenance Plan by Kayla Clouter GN-CGS dated (**December 19, 2022**)
11. Submitted **March 20, 2023** Sewage Disposal Facility – Operation and Maintenance Plan by Kayla Clouter GN-CGS dated (**December 19, 2022**)
12. Submitted **March 20, 2023** Solid Waste – Operation and Maintenance Plan by Kayla Clouter GN-CGS dated (**December 19, 2022**)
13. Letter to: Richard Dwyer (NWB), Francis Emingak, Nunavut Impact Review Board (NIRB), Brenda Pilakapsi (Kivalliq Inuit Association), Kayla Clouter (GN-CGS) Re: NPC File # 149998 [3BM-CHE1523 Municipal Water Licence Renewal, from Solomon Amuno, Nunavut Planning Commission (NPC) Submitted **March 20, 2023** dated **March 07, 2023**.
14. Letter to: John Ivey (Hamlet), Kayla Clouter, GN-CGS and to the Kivalliq Distribution List from Richard Dwyer, NWB. Application Completeness. Dated **March 22, 2023**.
15. Cover E-mail to: John Ivey (Hamlet), Kayla Clouter, GN-CGS and to the Kivalliq E-mail Distribution List from Robert Hunter NWB. Renewal-Amendment Application Completeness Check. Dated **March 22, 2023**.
16. Cover E-mail to: Kayla Clouter GN-CGS, John Ivey (Hamlet) and to the Kivalliq E-mail Distribution List from Robert Hunter, NWB. Re: Acknowledgement of receipt of Updated Plans, Parties requested to include this in review. Dated **March 31, 2023**
17. Submitted **March 31, 2023** Updated Environmental Emergency Spill Contingency Plan 2023 Chesterfield Inlet by Kayla Clouter GN-CGS
18. Submitted **March 31, 2023** Updated 2023 Plan for Compliance by Kayla Clouter GN-CGS dated (**March 31, 2023**)
19. Letter to: Richard Dwyer NWB, from Christine Wilson, Crown Indigenous Relations and Northern Affairs Canada (CIRNAC) Completeness Check on Amendment/Renewal Application for the Municipality of Chesterfield Inlet, Type “A” Water Licence No. 3AM-CHE---. Dated **April 11, 2023**.
20. Letter to: Robert Hunter NWB, from Lisa Wren, Department of Fisheries and Oceans Canada (DFO) Re: Comment Request for the Municipality of Chesterfield Inlet – Water Licence Renewal-Amendment – Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and fish Habitat. Date **April 12, 2023**.
21. Letter to: Richard Dwyer NWB, from Margaret Fairbairn, Environment and Climate Change Canada (ECCC) Re: 3AM-CHE---- Hamlet of Chesterfield Inlet – Type “A”

- Water Licence Application, Information Requests and Initial Technical Comments. Dated **April 12, 2023**.
22. Cover E-mail to: Kayla Clouter GN-CGS from: Robert Hunter NWB. Completeness Check Hamlet of Chesterfield Inlet's Application for a New Type "A" Water Licence. CIRNAC, ECCC and DFO Review Comments. Dated **April 13, 2023**.
 23. Cover E-mail to: Robert Hunter NWB, from Kayla Clouter GN-CGS. Request for extension to deadline to provide response to parties comments. Dated **April 26, 2023**.
 24. Cover E-mail to: Kayla Clouter GN-CGS from Robert Hunter NWB. Re – request for extension granted. Dated **April 26, 2023**.
 25. Letter to: Robert Hunter NWB, from Kayla Clouter GN-CGS Response Letter to Recommendations. Dated **May 03, 2023**
 26. Submitted **May 03, 2023** Updated 2023 Chesterfield Inlet Environmental Emergency SCP V2, by Kayla Clouter GN-CGS dated **March 2023**
 27. Submitted **May 03, 2023** Updated OM Plan Chesterfield Inlet Sewage Disposal Facility 2023, by Kayla Clouter GN-CGS
 28. Submitted **May 03, 2023** Updated OM Plan Chesterfield Inlet Solid Waste Facility 2023, by Kayla Clouter GN-CGS
 29. Submitted **May 03, 2023** Updated OM Plan Chesterfield Inlet Water Supply Facility 2023, by Kayla Clouter GN-CGS
 30. Cover E-mail to: Margaret Fairbairn, Melissa Pinto (ECCC), Andrew Keim, Christine Wilson (CIRNAC), from: Robert Hunter NWB. Re - Amendment Application, Applicant response to Parties Comments. Dated **May 05, 2023**.
 31. Letter to: Robert Hunter NWB, from Christine Wilson CIRNAC. CIRNAC Response to Applicant on Completeness Check Municipality of Chesterfield Inlet, Type "A" Water Licence No. 3AM-CHE---. CIRNAC satisfied with Applicant response. Dated **May 08, 2023**
 32. Cover E-mail to: Robert Hunter NWB, from Stephinie Mallon ECCC. Re – Amendment Application, Applicant response to Parties Comments. ECCC Request for extension and NWB clarification. Dated **May 09, 2023**.
 33. Cover E-mail to: Robert Hunter NWB, from Stephinie Mallon ECCC. Follow-up Re – Amendment Application, Applicant response to Parties Comments. Dated **May 12, 2023**.

34. Letter to: Richard Dwyer NWB, from Andrea McLandress ECCC. Re – 3AM-CHE--- - Hamlet of Chesterfield Inlet – Type “A” Water Licence Application, Proponent Response Letter to Recommendations. Dated **May 12, 2023**.
35. Prepared by NWB **May 23, 2023**, Public Notice of New Application for the Hamlet of Chesterfield Inlet (English)
36. Prepared by NWB, **May 23, 2023**, Public Notice of New Application for the Hamlet of Chesterfield Inlet (French)
37. Prepared by NWB, **May 23, 2023**, Public Notice of New Application for the Hamlet of Chesterfield Inlet (Inuktitut)
38. Letter to: John Ivey (Hamlet), Kayla Clouter GN-CGS and to the Kivalliq E-mail Distribution List from Stephanie Autut NWB. Re - Application for a New Type “A” Water Licence Application, from Stephanie Autut, NWB Dated **May 23, 2023**.
39. Cover E-mail to: John Ivey (Hamlet), Kayla Clouter GN-CGS and to the Kivalliq E-mail Distribution List from Robert Hunter, NWB. Re - Public Notice translated to Inuktitut for New Application for the Hamlet of Chesterfield Inlet. Dated **May 24, 2023**.
40. Cover E-mail to: Robert Hunter NWB, from Christine Wilson CIRNAC Re – Hamlet of Chesterfield Inlet Technical Review. CIRNAC Request extension to deadline. Dated **June 15, 2023**.
41. Cover E-mail to: John Ivey (Hamlet), Kayla Clouter GN-CGS and to the Kivalliq E-mail Distribution List from Richard Dwyer NWB. CIRNAC request for extension granted. Dated **June 15, 2023**.
42. Letter to: Robert Hunter NWB from Stephinie Mallon ECCC Re – 3AM-CHE---- - Hamlet of Chesterfield Inlet – Type “A” Water Licence Application, Technical Review. Dated **June 16, 2023**.
43. Letter to: Robert Hunter NWB from Christine Wilson CIRNAC. Review of the Municipality of Chesterfield Inlet’s Water Licence Application to upgrade existing Type “B” Water licence 3BM-CHE1523 to Type “A” Water Licence 3AM-CHE----. Dated **June 19, 2023**.
44. Letter to: Richard Dwyer NWB from Kayla Clouter GN-CGS Re – 3AM-CHE---- - Municipality of Chesterfield Inlet – Renewal and Amendment Application. Response to CIRNAC Technical Review Comments. Dated **June 29, 2023**.
45. Submitted **June 29, 2023** Environmental Monitoring QA/QC Plan by Kayla Clouter GN-CGS

46. Submitted **June 29, 2023** Operation and Maintenance Plan Sewage Disposal Facilities by Kayla Clouter GN-CGS Dated **June 29, 2023**.
47. Cover E-mail to: John Ivey (Hamlet), Kayla Clouter (GN-CGS) and to the Kivalliq E-mail Distribution List from Richard Dwyer NWB. Hamlet of Chesterfield Inlet response to Technical Review Comments. Dated **June 29, 2023**.
48. Prepared by NWB, **July 06, 2023** Technical Meeting and Pre-Hearing Conference Draft Agenda for Type “A” Water Licence No: 3AM-CHE----, by GN-CGS on behalf of the Hamlet of Chesterfield Inlet.
49. Cover E-mail to: John Ivey (Hamlet), Kayla Clouter (GN-CGS) and to the Kivalliq E-mail Distribution List from Robert Hunter NWB. Technical Meeting and Pre-Hearing Conference Draft Agenda for Type “A” Water Licence No: 3AM-CHE----, by GN-CGS on behalf of the Hamlet of Chesterfield Inlet. Dated **July 06, 2023**.
50. Submitted **July 11, 2023** by Presentation for Nunavut Water Board Technical Meeting. Water Licence Renewal and Amendment Chesterfield Inlet 3AM-CHE----.
51. Submitted **July 11, 2023** by Réunion technique de l’Office des eaux du Nunavut. Renouvellements et modifications des permis d’utilisation de l’eau Chesterfield Inlet 3AM-CHE---.
52. Submitted **July 11, 2023** by ᓄᓇᓂᓪᓴ ᐃᓚᓕᓚᐱᓪᓴ ᑲᑎᓚᐱᓪᓴ ᑲᑎᓚᓂᓪᓴ. ᐃᓚᓪᓴ ᐱᓪᓴᓇᐅᑎᓪᓴ ᓄᓴᓪᓴᑎᓪᓴᑲᐅᓂᓪᓴ ᐃᓚᓪᓴ ᐃᓪᓴᑲᑲᑲᐅᓂᓪᓴ ᐃᓪᓴᓴᓴᓪᓴ 3AM-CHE----.
53. Cover E-mail to: Richard Dwyer NWB from Kayla Clouter GN-CGS Re – Attendees from GN-CGS on behalf of the Hamlet of Chesterfield Inlet. Kayla Clouter and Elan Calmers GN-CGS Dated **July 13, 2023**.
54. Cover E-mail to: Richard Dwyer NWB from Andrew Keim CIRNAC Re – Attendees, Andrew Keim, Christine Wilson and Spencer Dewar CIRNAC Dated **July 13, 2023**.
55. Submitted **July 14, 2023** by CIRNAC Municipality of Chesterfield Inlet Application for Type “A” Water Licence 3AM-CHE----. Nunavut Water Board Technical Meeting (Teleconference) July 18-19 , 2023.
56. Prepared by NWB, **July 14, 2023**. Presentation (English) Community Session Hamlet of Chesterfield Inlet Application for Type “A” Water licence.
57. Prepared by NWB, **July 14, 2023**. Presentation (Inuktitut) ᓄᓇᓂᓪᓴ ᐅᓪᓴᑎᓴᓂᓪᓴ H ᐃᓪᓴᓴᓂᓪᓴ ᐃᓪᓴᓴᓴᓪᓴ ᐅᓪᓴᓴᓴᓪᓴ ᐃᓴᓴᓴᓴᓪᓴ A” ᐃᓴᓴᓴᓪᓴ ᓚᐃᓪᓴᓂᓪᓴ

90. Cover E-mail to: Ali Shaikh and Robert Hunter NWB, from Stephinie Mallon ECCC. Re – Public Hearing for Chesterfield Inlet 3AM-CHE----. Dated **November 14, 2023**.
91. Submitted **November 14, 2023**, by Stephinie Mallon ECCC Hamlet of Chesterfield Inlet Type A Water Licence Application Public Hearing Presentation by ECCC November 15-16, 2023 Chesterfield Inlet, NU.
92. Cover E-mail to: Megan Lusty (GN-CGS), John Ivey (Hamlet), Andrew Keim CIRNAC, Stepphinie Mallon ECCC and to the Kivalliq E-mail Distribution List from Robert Hunter NWB. Re – Hamlet of Chesterfield inlet Water Licence 3AM-CHE--- Public Hearing ECCC Presentation. Dated **November 14, 2023**.
93. Cover E-mail to: Megan Lusty (GN-CGS), John Ivey (Hamlet), Andrew Keim (CIRNAC), Stepphinie Mallon (ECCC) and to the Kivalliq E-mail Distribution List from Robert Hunter NWB. Re – Hamlet of Chesterfield inlet Water Licence 3AM-CHE---- Public Hearing NWB Presentation (Inuktitut) Dated **November 14, 2023**.
94. Cover E-mail to: Megan Lusty and Kayla Clouter GN-CGS John Ivey (Hamlet) Andrew Keim and Christine Wilson CIRNAC Stephinie Mallon ECCC and to the Kivalliq E-mail Distribution List from Robert Hunter NWB. Re - Hamlet of Chesterfield inlet Water Licence 3AM-CHE---- Public Hearing NWB notice to parties. Public Hearing delayed due to weather. Dated **November 14, 2023**.
95. Prepared by NWB, **November 15, 2023**. Completed Registration form for the In-Person Public Hearing held at Chesterfield Inlet.
96. Prepared by NWB, **November 15, 2023**. Completed Registration form for the Community Session held at Chesterfield Inlet.
97. Prepared by Dicta Court Reporting Inc. on behalf of the NWB, **November 29, 2023**, Public Hearing Transcripts for November 15, 2023.
98. Cover E-mail to John Ivey (Hamlet), Kayla Clouter, CGS, Kivalliq E-mail Distribution List, RE: Public Hearing Transcripts Hamlet of Chesterfield Type “A” Water Licence Application, from Richard Dwyer, NWB, dated **December 11, 2023**.

APPENDIX E – Sign-in Sheets for Public Hearing and Community Session

PUBLIC HEARING HAMLET OF CHESTERFIELD INLET Chesterfield Inlet, Nunavut NOVEMBER 15, 2023

Registration Form Day One

No.	First Name	Last Name	Organization/ Address	Phone	Fax	E-mail
1.	David	Kegabzeli	Hamlet CI	898-4603		edo_hamlet@giniq.com
2.	HARRY	AGGARIK	ATO Chairperson	898-9976		h-aggarik@giniq.com
3.	Don	Tenugale	Hamlet Foreman	431-332-643		chester-foreman@giniq.com
4.	Elizabeth	Ippiak	Hamlet O E			
5.	Louie	Autut	Public			
6.	Christine Wilson	Wilson	CIRNAC	867 645-7670		Christine.Wilson3@rcan-cirnac.gc.ca
7.	ANDREW KEIM	KEIM	CIRNAC			Andrew.Keim@rcan-cirnac.gc.ca
8.	Simionie	Sammutok	Morog	867 (998) 9558		
9.	John	Ivey	Hamlet SAO	898 4620	9108	SAO@chesterfield-inlet.ca
10.						
11.						
12.						
13.						
14.						
15.						

PUBLIC HEARING HAMLET OF CHESTERFIELD INLET
Chesterfield Inlet, Nunavut NOVEMBER 15, 2023
Registration Form Day One

No.	First Name	Last Name	Organization/ Address	Phone	Fax	E-mail
1.	Megan	Lusty	GN-CGS	zoom		
2.	Kayla	Clouter	GN-CGS	zoom		
3.	Stephnie	Mallon	ECCL	zoom		
4.	Marianne	Ugaurttug				nunavuteng181@hotmail.com
5.	Richard	Dwyer	NWB	zoom		
6.	Stephen 1867****102	Hoey	GN-CGS	zoom 200M		
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						

PUBLIC HEARING HAMLET OF CHESTERFIELD INLET
Chesterfield Inlet, Nunavut NOVEMBER 15, 2023
COMMUNITY SESSION REGISTRATION FORM

No.	First Name	Last Name	Organization/ Address	Phone	Fax	E-mail
1.	CHRISTINE	WILSON	CIRNAC	867645760		Christine.Wilson3@rcanuk-cirnac.gc.ca
2.	Andrew	Keim	CIRNAC			Andrew.Keim@rcanuk-cirnac.gc.ca
3.	John	Ivey	Hamlet	898 4602		SAO@CHESTERFIELD
4.	Simone	Samuel	Hamlet	898-525-0020		INLET "CA"
5.	Megan	Lusty	GN-CGS	200M		
6.	Kayla	Clouter	GN-CGS	200M		
7.	Richard	Dwyer	NWB	200M		
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						

PUBLIC HEARING HAMLET OF CHESTERFIELD INLET
 Chesterfield Inlet, Nunavut NOVEMBER 15, 2023
 COMMUNITY SESSION REGISTRATION FORM

No.	First Name	Last Name	Organization/ Address	Phone	Fax	E-mail
1.	Samuel	Samuel R. R. R.				
2.	Samuel	K. H. H. H.				edu_hamlet@f.igk.ca
3.	Samuel	K. H. H. H.				
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						