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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

**NWB File No: 3AM-GRA1015/
Amendment No. 1**

November 19, 2013

Jason Tologanak, Regional Director,
Kivalliq Region
Government of Nunavut
Department of Community
and Government Services
P.O. BAG 002, GN,
Rankin Inlet, NU X0C 0G0

Arlen Foster, EIT
Stantec Architecture Ltd
4910 53 Street, PO Box 1777
Yellowknife, NWT
X1A 2P4
Email: arlen.foster@stantec.com

Subject: Licence No. 3AM-GRA1015, Government of Nunavut, Department of Community and Government Services (GN-CGS), Hamlet of Rankin Inlet: Amendment Application – Seasonal Replenishment of Nipissar Lake

Dear Mr. Tologanak and Mr. Foster,

Further to the Nunavut Water Board (NWB or Board) letter of September 24, 2013 with respect to the Information Requests (IR) from the Interveners in relation to the determination of completeness of the recent water licence amendment application, the Board acknowledges that in response to these IRs, the Board received additional information from the Licensee on October 11, 2013.

Your additional submission has been placed in the Board's Public Registry and is available from our ftp site using the following access (Username: *public* and Password: *registry*) and link:

<ftp://nunavutwaterboard.org/1%20PRUC/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-GRA1015/2%20ADMIN/3%20SUBMISSIONS/>

The Board notes the absence of information related to pre-licensing information with respect to land use planning and environmental assessment processes. It should be understood that the NWB may not issue, renew, or amend a licence for the use of waters or deposit of waste if, in accordance with s. 38(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (Act), there is an applicable land use plan approved in accordance with Part 5 of Article 11, unless the NPC has determined that the use of waters or deposit of waste, or in the case of an amendment any change to the use of waters or deposit of waste, conforms to the land use plan, and in accordance with s. 39(1) of the Act, until the NIRB has completed the screening, reconsideration or where a review is required, issued a new project certificate.

In the interests of ensuring this application is dealt with in a timely manner, but recognizing the limits on the Board's actions under s. 38 and s. 39 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTRA or Act), the Board advises that, while it awaits for an indication from the NPC and direction from the NIRB regarding the pre-licensing process that may be required, the NWB will continue with its initial processing of the application.

Based on our initial review of your submission, the comments received from Aboriginal Affairs and Northern Development Canada (AANDC), Environment Canada (EC) and Fisheries and Oceans Canada (DFO), and the additional information provided, your Application has been deemed to be a complete application for an amendment to a Type "A" Water Licence (Application). As this is a Type "A" Water Licence the Act mandates that any amendment requires a public hearing. All public hearing matters will be carried out in accordance with the Board's *Rules of Practice and Procedure for Public Hearing* dated May 11, 2005 (NWB Rules).

In accordance with subsection 55(1) of the Act, the Board gives notice of the Application and invites interested persons to make representation to the Board on or before December 19, 2013. Parties are advised that failure to respond to this notice within the specified period will result in the loss of the right to be compensated pursuant to sections 58 to 60 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*¹.

The Board is also seeking input from interested parties on the preferred type of hearing (written, teleconference or in person) to be held with respect to this application in accordance with Rule 14 and 25 of the NWB Rules.

By copy of this letter to the distribution list, all interested parties are requested to complete a thorough technical assessment of the Application for a Type "A" Water License Amendment, available from the NWB Public Registry or by contacting Licensee's representative Stantec Architecture Ltd. (Stantec) at arlen.foster@stantec.com.

Throughout the technical review phase, interested parties are encouraged to work cooperatively with the Licensee to discuss minor issues in advance of the proposed technical meeting. The NWB requests to be kept informed of any issues and any agreement between the parties on issues. The Board asks that all technical review comments, particularly for matters such as air quality, noise, and wildlife are directed to issues within the NWB's jurisdiction over the use of waters and the deposit of waste in waters or that may enter waters. Comments shall be filed in writing to Phyllis Beaulieu, Licensing Manager at licensing@nunavutwaterboard.org no later than **December 19, 2013**.

¹Section 59 states:

In the circumstances described in paragraph 58(b), an applicant need not compensate the person under section 58 if the person fails to respond to the notice of application given under subsection 55(1) within the time period specified in the notice for making representations to the Board.

Section 60(2) states:

Subsection (1) does not apply in respect of a person referred to in that subsection who fails to respond to the notice of application given under subsection 55(1) within the time period specified in that notice for making representations to the Board.

In accordance with Rule 14 of the NWB Rules, the Board has directed the staff of the NWB to hold an **In-person Technical Meeting and Pre-hearing Conference (TM/PHC)**. A TM/PHC will be held during **the week of January 13th, 2014**. A PHC decision will be issued following the TM/PHC that will also define the type of Public Hearing as the Rule 10.1 of the NWB Rules permits the Board to determine the type, time and location of Public Hearing to be held.

Within ten (10) days of the PHC, the Board will issue a PHC decision that may address:

- details regarding the timetable for information exchange in advance of the public hearing;
- finalizing the list of issues to be addressed in the public hearing;
- identifying the interested parties associated with the Application;
- whether it is desirable that the Application be amended or clarified;
- finalizing the procedures to be followed for the public hearing; and
- consideration of any other matters that may aid in the simplification and disposition of the Application.

If you have any questions or require clarification on the above, please contact David Hohnstein, Director of Technical Services at 780-443-4406 or by email to dts@nunavutwaterboard.org for any technical inquiries or, Phyllis Beaulieu, Manager of Licensing at 867-360-6338 or by email licensing@nunavutwaterboard.org for any procedural inquiries.

Sincerely,

Originally signed

Damien Côté
Executive Director

DC/kk/ri

Cc: Kivalliq Dist.