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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

File: 3AM-GRA1015

March 20, 2015

VIA EMAIL rUEDIGER@gov.nu.ca

Government of Nunavut
Department of Community and Government Services
P.O. Bag 002,GN
Rankin Inlet, NU X0C 0G0

Attention: Mr. Ralph Ruediger,
Director of Community Development

**Subject: Water Licence No. 3AM-GRA1015 Hamlet of Rankin Inlet
Request for Extension of Water Licence**

Dear Sir:

Thank you for your letter of March 13, 2015 and its enclosures. In your correspondence, you had indicated that an application for renewal of the Hamlet's water licence was submitted to the Nunavut Water Board (the Board) on March 9, 2015. The application is being reviewed by the Board's technical staff to ensure that the application is complete. This is the same process that the previous application for the amendment of the Hamlet's water licence underwent. As you noted, the amendment application was submitted to the Board on August 14, 2012. Your letter of March 13, 2015 implies that the amendment application took an unreasonable length of time to process. I wish to point out that by letter dated September 14, 2012, the technical staff for the Board identified a number of missing pieces of information from the amendment application. Some additional information was provided to the Board in support of the amendment application in early November, 2012. There were further deficiencies identified in correspondence from the technical staff of the Board issued on November 27, 2012. Several months passed with no further information being provided in support of the amendment application which resulted in the Board's technical staff following up in June of 2013, regarding the missing information. Ultimately, this information was provided to the Board and the amendment application proceeded in accordance with the governing legislation. The Board complied with the timelines required of it under the legislation and did not delay the amendment application process.

In your correspondence, a request was made of the Board, to amend the current water licence and extend the expiry of the Licence for a two year period, in order to allow for the renewal application to be completed in accordance with the governing legislation. As was expressly identified for the Government of Nunavut—Community and Government Services (GN-CGS) in the Board's Reasons for Decision accompanying the recently amended licence and available at

the following link:

<ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-GRA1015/4%20LICENCE/2%20DECISION/141223%203AM-GRA1015%20Reasons%20for%20Decision%20Final-OCHE.pdf>

timelines for processing a renewal application are generally 9-12 months and include the pre-licensing review of the application by the Nunavut Planning Commission and the Nunavut Impact Review Board, as well as decision-making by the Minister following the completion of the Board's process. The information provided at that time indicated:

The Board notes that typically the NWB expects to receive the renewal application for Type "A" Water Licences at least 9 - 12 months prior to expiry. On average, given the Public Hearing requirements associated with the Board's processing of Type "A" Water Licences, it takes approximately 9 months from the receipt of a complete application to process a renewal. The GN-CGS is also reminded that the renewal of a type "A" water licence must undergo assessment by the Nunavut Impact Review Board unless the NIRB confirms that the Renewal Application is exempt from screening under Article 12 of the NLCA. Recognizing that the current Licence will expire in May 2015, the Board urges the GN-CGS to prepare and submit a complete renewal application as soon as possible.¹

Consequently, although the Board recognizes that the renewal application received in March cannot reasonably be expected to be processed prior to the expiry of the existing licence in May, the Board cannot process, or eventually grant the requested amendment to the term of the licence at this time. In the absence of emergency circumstances (as determined by the Board and accepted by the Minister), the Board has limited jurisdiction under the relevant legislation to amend the term of a Type "A" water licence without a Public Hearing. Under s. 9(1)(b) of the *Nunavut Waters Regulations*² the Board may issue, short term renewals of Type "A" water licences, provided that the renewal(s) do not exceed 180 days in total. With respect to Rankin Inlet's existing licence, if the Board received an application for a short term renewal from the applicant under the Regulations, and the Board decided to grant the maximum length of a short term renewal, the expiry of the existing licence could become November 27, 2015 (assuming that the short term renewal is granted and approved by the Minister prior to the current licence expiry date of May 31, 2015). Whether this would allow sufficient time to process the full renewal application is dependent on a number of factors that are outside the Board's control, including the extent to which the applicant is able to file complete application materials and responds promptly and fully to questions and comments from interveners, the Board and the public throughout the Board's consideration of the application.

Further, if the GN-CGS wishes the Board to consider a request for a short term renewal to extend the expiry of the existing licence by up to 180 days while the full renewal application is being processed, the Board urges GN-CGS to complete and submit a renewal application as soon as possible, requesting the short term under s.9(1)(b) of the Regulations (with no other requests of

¹ Nunavut Water Board, Water Licence No. 3AM-GRA1015, Reasons for Decision Including Record of Proceedings: Amendment Application, December 23, 2014 at pp.18-19.

² SOR/2013-69.

any nature). The GN-CGS should be aware that an application for the short term renewal will require the Board to issue notice of application and provide a minimum comment period on the application of thirty (30) days, and as the grant of the short term renewal to a Type "A" water licence, the legislation also prescribes that the Minister must consider the renewal as well.

Although the Board is not able to grant the extension as requested by the GN-CGS, the Board commits to ensuring the 3AM-GRA1015 Hamlet of Rankin Inlet Type "A" water licence renewal application will be processed in a timely manner and as efficiently as possible. However, as was seen in the recently processed amendment application, numerous stakeholders, including community members, actively participated in the public hearing process and raised important issues and the Board's processing of the renewal application must ensure that the comments and concerns raised by interveners and the public are adequately addressed.

If you have questions regarding the application process for a short term renewal, please get in touch with me directly. In the interim, the Board's technical staff will continue the review of the 3AM-GRA1015 Hamlet of Rankin Inlet Type "A" water licence renewal application submitted on March 9, 2015. When the review is complete, the Board will promptly advise of any deficiencies or outstanding information required for the licensing process associated with the full renewal.

Yours truly,



David Hohnstein,
Director Technical Services/Acting Executive Director

Cc: Honorable Bernard Valcourt, Minister of AANDC
Catherine Conrad, Senior Director, Env. and Renewable Resources Directorate, AANDC
Erik Allain, Manager of Field Operations, AANDC
Robert Savard, Water Resources Officer, AANDC
Darren Flynn, Assistant Deputy Minister, GN-CGS
John Kusugak, Acting Regional Director, GN-CGS
Megan Lusty, Municipal Planning Engineer-in-Training, GN-CGS