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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

NWB File No: 3AM-GRA1015 / Renewal

March 27, 2015

John Kusugak
A/Regional Director, Kivalliq Region
Government of Nunavut, Department of
Community and Government Services (GN-
CGS)
P.O. Box 490, Rankin Inlet, NU, X0C 0G0

jpkusugak@gov.nu.ca

Megan Lusty, EIT
Municipal Planning Engineer-In-Training
Government of Nunavut, Department of
Community and Government Services (GN-
CGS)
P.O. Box 490, Rankin Inlet, NU, X0C 0G0

Email: mlusty@gov.nu.ca

Subject: Application for the renewal of Licence 3AM-GRA1015, Government of Nunavut, Department of Community and Government Services (GN-CGS), Hamlet of Rankin Inlet.

Dear Mr. Kusugak and Ms. Lusty:

The Nunavut Water Board (NWB or Board) acknowledges receipt on March 11, 2015, of the renewal application (Application) for a Type “A” Water Licence and supporting documentation from the Government of Nunavut, department of Community and Government Services (GN-CGS or Applicant) for the Hamlet of Rankin Inlet Municipal Licence No. 3AM-GRA1015.

Your 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://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-GRA1015/1%20APPLICATION/2015%20Renewal/>

The following documents are included within the Application:

- Cover Letter to the NWB;
- Authorization Letter;
- Executive Summary English and Inuktitut;
- Community Information;
- Water Licence Renewal Application Form;
- NPC Conformity Determination:
 - Email from Christopher Tickner, NPC, to Robin Ikkutisluk, NWB, dated December 11, 2013;

- Letter from Brian Aglukark, NPC, to Phyllis Beaulieu, NWB, dated March 19, 2010;
- NIRB Screening Decision Report, NIRB File No.: 13UN37, June 26, 2014;
- NIRB Screening Exemption: Email from Ryan Barry, NIRB, to Phyllis Beaulieu, NWB, dated March 16, 2010;
- GN-CGS Rankin Inlet - Plan for Compliance, March 9, 2015;
- *Addendum to Operations and Maintenance Plan for the Water Supply Facility, Char River, Rankin Inlet, Nunavut* prepared by Stantec, May 2014;
- *Spill Contingency Plan for Water Supply and Sewage Treatment Facilities, Rankin Inlet, Nunavut* prepared by Stantec, May 2014;
- *Water Supply Facility Operation and Maintenance (O&M) Plan, Hamlet of Rankin Inlet, Department of Community and Government Services, Government of Nunavut* prepared by Nuna Burnside, December 2008, revised April 2010;
- *Sewage Treatment Facility Operation and Maintenance (O&M) Plan, Hamlet of Rankin Inlet, Department of Community and Government Services, Government of Nunavut* prepared by Nuna Burnside, December 2008, revised April 2010;
- *Environmental Monitoring Program and Quality Assurance/Quality Control Plan, Hamlet of Rankin Inlet, Department of Community and Government Services, Government of Nunavut* prepared by Nuna Burnside, December 2008, revised April 2010; and
- *Environmental Emergency Contingency Plan, Hamlet of Rankin Inlet, Department of Community and Government Services, Government of Nunavut* prepared by Nuna Burnside, December 2008, revised April 2010.

The following plans are currently being reviewed and updated versions will be submitted to the NWB by **April 17, 2015** as stated in the Cover Letter:

- Updated *Sewage Treatment Facility Operation and Maintenance (O&M) Plan*; and
- Updated *Environmental Monitoring Program and Quality Assurance/Quality Control Plan*.

The NWB's preliminary review of your submission determines that your Application meets the requirements allowing for public distribution in support of an initial technical assessment. Further, the preliminary review confirms that the Application is for a renewal of Type "A" Water Licence 3AM-GRA1015, which will require a public hearing in accordance with s. 52¹ of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA or Act). All public hearing matters will be carried out in accordance with the Board's *Rules of Practice and Procedure for Public Hearing*, dated May 11, 2005 (NWB Rules).

The next step in processing your Application involves a completeness review and an initial technical assessment to determine if all of the necessary information and studies to evaluate quantitative and qualitative effects of your project on the freshwater environment have been provided. **Accordingly, by copy of this letter, the Board requests that interested parties review the submission for completeness and initial technical assessment, including any**

¹ *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, section 52 (1) Subject to subsection 37(2), a public hearing shall be held by the Board before it disposes of (a) any application in relation to a licence, unless the application is of a class that is exempted by the regulations from the requirement of a public hearing.

Information Request (IRs) identified. Further, the NWB invites interested parties to comment on the type of Technical Meeting-Pre-Hearing Conference to be held for the application (written, teleconference, or in person as outlined in steps 3 and 5 in the process overview set out below).

All intervening parties should provide their submissions to the NWB's Manager of Licensing at licensing@nwb-oen.ca by **April 27, 2015 (4:00 p.m. MST)**.

Following the receipt of comments, the NWB will determine whether the Application is complete, or whether additional information and studies are required (IR's) to evaluate all quantitative and qualitative effects of the undertaking pursuant to s. 48 of the Act. The NWB will advise AEM of the Board's determination at that time.

Once the application is deemed complete, the following general process will be undertaken; however, complete details on the NWB's licensing process are available in NWB Guide 5².

1. Notice of the Application

A notice of the Application will be made in accordance with s. 55(1) of the Act. This notice will invite interested persons to make representation to the Board. Parties will be advised of the consequences of failure to respond as outlined in ss. 59 and 60(2) of the Act. Furthermore, the Board will distribute notice to the communities and interested parties affected by the application and shall publish the notice in a newspaper of general circulation in the areas that are affected. If there is no such newspaper, the Board shall publish the notice in such other manner as the Board considers appropriate.

2. Detailed Technical Review

Interested parties will be invited to undertake a detailed technical assessment or review of the complete application for the undertaking. Parties will be encouraged to work cooperatively to address technical issues identified during the review period. Generally, the Board provides at least thirty (30) days for a technical review in advance of a technical meeting. However, to assist the Board in expediting the technical assessment, parties are encouraged to begin their detailed technical assessment as early as possible.

3. Technical Meeting (TM)/Pre-Hearing Conference (PHC)

Rule 14 of the NWB Rules permits the Board, through its staff or in conjunction with staff, to hold a Technical Meeting (TM) and Pre-hearing Conference (PHC) with interested parties, either in writing, by teleconference, or in person. The Board anticipates setting a date for a TM-PHC shortly after the deadline for receiving technical review submissions, which will be announced according and subsequently. The PHC is typically scheduled to immediately follow the TM.

4. Pre-Hearing Conference (PHC) Decision

² Guide 5 – Processing Water Licence Applications (April 2010).

Following the TM/PHC, the NWB will issue a PHC decision and may outline any technical commitments of the Applicant and the administrative and procedural requirements for a Public Hearing.

5. **Public Hearing (PH)**

Sub-section 55(2) of the Act requires that a minimum notice period of sixty (60) days be provided for a Public Hearing (PH). As with the Technical Meeting and Pre-hearing Conference, the Board has the ability to conduct its Public Hearing in writing, by teleconference, or in person. Once the Board has received all information requested through this process and is satisfied that the Public Hearing should proceed, the type or place, date, and time of the hearing will be determined and a notice will be published by the Board in advance of the public hearing and in a manner that promotes public awareness and participation in the hearing.

6. **Public Hearing Decision**

Following the Public Hearing, the Board will issue a written decision with reasons (final decision) for the Application. The Board's final decision will be provided to the Minister of Aboriginal Affairs and Northern Development Canada (AANDC) for consideration. Interested and intervening parties will also be provided with a copy of the of the Board's final decision. The Minister of AANDC typically issues his/her response to the Board's final decision with 45 or 90 days from the date of receipt.

The Board notes the absence of information related to this Application pre-licensing information with respect to land use planning and environmental assessment processes. The NWB acknowledges that the Hamlet of Rankin Inlet Municipal Type "A" Licence application was originally reviewed for conformity against the Keewatin Regional Land Use Plan (KRLUP) on March 19, 2010. Pursuant to s. 11.5.10 of the Nunavut Land Claims Agreement (NLCA), the Nunavut Planning Commission (NPC) shall review the project proposal and determine whether it is in conformity with the KRLUP.

According to s. 12.3.1 of NLCA when the NPC determines that a project proposal is in conformity with the land use plans, or a variance has been approved, the NPC shall forward the project proposal with its determination and recommendations to the NIRB for further screening. An exemption from Screening decision under NLCA Schedule 12-1(3) was originally issued by the Nunavut Impact Review Board (NIRB) on March 16, 2010, and a Screening Decision report was issued with respect to the amendment application on June 26, 2014 as per s. 12.4.4 (a) of the NLCA. Copies of the NPC and NIRB decisions are also available from the ftp site, at the following link:

<ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-GRA1015/2%20ADMIN/>

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 if 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. Therefore, by copy of this correspondence, the NWB requests that the NIRB and NPC conduct their review, as may be required, and/or provide the Board with a copy of their respective determination for the Application.

Notwithstanding the pre-licensing matters mentioned above, in the interests of ensuring that this Application is dealt with in a timely manner, while recognizing the absence of directions/confirmation from the NPC and the NIRB regarding any pre-licensing requirements at this time, the Board will continue with its processing of your application to the extent possible at this stage in the process.

To re-state the above, the NWB is inviting interested persons to comment on the following: completeness of the Application based on their initial technical assessment, proposed updates to terms and conditions in the current licence, type of TM-PHC to be held, and any Information Requests (IRs) related to the Application. All comments and recommendations should be submitted to the NWB's Manager of Licensing at licensing@nwb-oen.ca no **later than April 27, 2015 (4:00 p.m. MST).**

If you have any questions regarding the above or procedural matters, please contact Phyllis Beaulieu, Manager of Licensing, at (867) 360-6338 or by e-mail to licensing@nwb-oen.ca . For inquiries related to Technical matters, please contact Karén Kharatyan, Technical Advisor, by email to Karen.Kharatyan@nwb-oen.ca or David Hohnstein, Director of Technical Services, by email to David.Hohnstein@nwb-oen.ca.

Sincerely,

Phyllis Beaulieu
Manager of Licensing

PB/kk

Cc: Kivalliq Distribution