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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

**NWB File No: 3AM-GRA1015/
Renewal**

November 2, 2015

Ralph Ruediger
Director Community Development
Government of Nunavut, Department of
Community and Government Services (GN-CGS)

P.O. Box 490, GN, Rankin Inlet, NU X0C 0G0

E-mail: rruediger@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: Licence No. 3AM-GRA1015, Government of Nunavut, Department of
Community and Government Services (GN-CGS), Hamlet of Rankin Inlet:
Application for Renewal**

Dear Mr. Ruediger and Ms. Lusty,

Further to the Nunavut Water Board (NWB or Board) correspondence of May 22, 2015 with respect to the completeness of the recent water licence renewal application, the Board acknowledges that in response to this letter, the Board received additional information from the Licensee on September 9, 2015. Consequently, with the exception of the requirement for pre-licensing information further described below, the Board has determined the water licence renewal application (Application) to be complete.

Your additional submission has been placed in the Board's Public Registry and is available from our ftp site using the following link:

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

Specifically with respect to the pre-licensing requirements associated with respect to the Application, the NWB acknowledges that, as required by Article 11, Section 11.5.10 of the Nunavut Land Claims Agreement (NLCA), the original Hamlet of Rankin Inlet Municipal Type "A" Licence application was reviewed by the Nunavut Planning Commission (NPC) for conformity against the Keewatin Regional Land Use Plan (KRLUP) on March 19, 2010.

Consequently, as set out in Article 13, Section 13.4.3 of the NLCA (as amended July 9, 2015) if the NPC determines that a project proposal is in conformity with the land use plans, or a variance has been approved, then the NPC must determine whether or not the project proposal is exempt from screening by the NIRB by virtue of Schedule 12-1 of the NLCA.

Accordingly, the NWB requires that the Applicant seek the following further determination or directions from the NPC: a) whether the project proposal as set out under the Application continues to conform to the KRLUP or if not, whether the NPC has approved a variance; and b) whether or not the project proposal falls within Schedule 12-1; and c) if so whether or not the NPC will be referring the Application to the NIRB for screening under Article 13, Section 13.4.4¹. As prescribed in ss. 38 and 39 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (Act), until the applicable land use planning and project assessment requirements in Articles 11, 12 and 13 of the NLCA have been completed, the NWB may not issue, renew, or amend a licence for the use of waters or deposit of waste. Therefore, the NWB requires that the NPC's determination and any related recommendations must be provided to the NWB prior to our disposition of the Application.

In requesting this direction from the NPC, the NWB notes that an exemption from Screening decision was issued by the Nunavut Impact Review Board (NIRB) on March 16, 2010, under NLCA Schedule 12-1(3) for the original Type "A" Water Licence Application, and a determination by the NIRB under s. 12.4.4 (a) of the NLCA was provided with respect to the amendment application on June 26, 2014 that exempted the amendment application from further assessment by the NIRB. Copies of the prior NPC and NIRB decisions are available from the NWB's 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/>

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* (NWNSRTA or Act), the Board advises that, while it waits for the NPC's determination and recommendations 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) and Environment Canada (EC), and the additional information provided, your Application has been deemed to be a complete application for a renewal of a Type "A" Water Licence (Application). As this is a Type "A" Water Licence, the Act mandates that any renewal/amendment requires some form of 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 will be publishing formal notice of the Application that invites interested persons to make representation to the Board on or before 3:00 P.M. (MT), November 30, 2015. As indicated in the formal notice of the

¹ Amendments to the Nunavut Land Claims Agreement (NLCA) dated June 18, 2015.

Application, failure to respond 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*².

By copy of this letter to the distribution list, all interested parties are requested to complete a thorough technical assessment of the Application, for the renewal of Type “A” Water Licence 3AM-GRA1015, available from the NWB Public Registry or by contacting Licensee’s representative at mlusty@gov.nu.ca. All submissions are to be provided to the Manager of Licensing on or before 3:00 P.M. (MT) November 30, 2015.

In accordance with Rule 14 of the NWB Rules, and recognizing that the Board, the Applicant, Interveners and community members participated in a Public Hearing process associated with the amendment to Licence No. 3AM-GRA1015 in October 2014, and at the request of the Applicant, the Board has directed the staff of the NWB to conduct the **Technical Meeting and Pre-hearing Conference** (TM/PHC) associated with this Application in **written format**. Table 1 attached to this Notice outlines the timelines and information exchange requirements associated with carrying out the TM/PHC in written form.

Please note that the direction provided in Table 1 assumes that all parties comply with the deadlines and submission of information as requested. Failure to meet these requirements may result in delays to the Board’s processing of the Application and the Board reserves the right to issue further written direction as necessary to reflect such circumstances. If any party is unable to comply with the timelines and information requirements as set out in Table 1, they are encouraged to contact the NWB as early as possible regarding the issue, providing a rationale for failing to meet the Board’s request, and if applicable, a revised timeline for compliance.

Throughout the technical review phase, interested parties are also encouraged to work cooperatively with the Licensee (Applicant) to discuss minor issues prior to the submission of their listing of outstanding technical issues. The NWB requests to be kept informed of issues as they are resolved, including 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.

If you have any questions or require clarification on the above, please contact Karén Kharatyan, Senior Technical Advisor at 867-360-6338 or by e-mail to karen.kharatyan@nwb-oen.ca or

²**Section 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.

David Hohnstein, Director of Technical Services at 780-443-4406 or by email to david.hohnstein@nwb-oen.ca for any technical inquiries or, Phyllis Beaulieu, Manager of Licensing at 867-360-6338 or by email licensing@nwb-oen.ca for any procedural inquiries.

Sincerely,

Stephanie Autut
Executive Director

SA/kk/pb

Cc: Kivalliq Dist.



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Table 1: Licence No. 3AM-GRA1015 Renewal Application - Timelines for Information Exchange Associated With A Written TM/PHC

To facilitate the Board's conduct of a written Technical Meeting and Pre-Hearing Conference, the Board requests the Applicant and interested parties provide the following information in accordance with the timelines set out below. All submissions should be provided in writing to Phyllis Beaulieu, Licensing Manager at licensing@nwb-oen.ca.

Date	Party	Information Requested
November 5, 2015	Applicant	Information regarding the total volume of water withdrawn from the Char River/Lower Landing Lake to replenish Nipissar Lake from the issuance of the Amendment 1 to the Licence to date.
November 30, 2015	Intervenors and Other Interested Parties	<p>Technical review comments on the Application, including highlighting the technical issues with the Application that remain unresolved;</p> <p>The parties' positions regarding the following Pre-Hearing Conference issues:</p> <ul style="list-style-type: none"> identifying any unresolved issues that may prevent the Application from proceeding to a Public Hearing; form (in-person, teleconference, written), timing and location of a Public Hearing; whether the party intends to file additional material in advance of a Public Hearing, and if so, the nature of the submissions and expected date for filing this material; parties that will be participating in the Public Hearing; any changes to the Application necessary for the purpose of clarification; identifying whether the party requires any changes to the NWB's Rules of Procedure and general practices for the Public Hearing, in this case; identifying any requirements for French or other language translation or interpretation for the file; and identifying any other matters that may aid in the simplification and disposition of the Application at the Public Hearing.
December 8,	Applicant	The Applicants' response to the technical review comments provided by Intervenors and other interested parties, including

Date	Party	Information Requested
2015		<p>any commitments of the Applicant to address issues raised or information requested by these parties.</p> <p>The Applicant's views on the following Pre-Hearing Conference issues:</p> <ul style="list-style-type: none"> ▪ identifying any unresolved issues that should be addressed at the Public Hearing; ▪ identifying any unresolved issues that should be addressed prior to any Public Hearing; ▪ form, timing and location of a Public Hearing; ▪ whether the Applicant intends to file additional material in advance of a Public Hearing, and if so, the nature of the submissions and expected date for filing this material; ▪ identifying the interested parties that should participate at the Public Hearing; ▪ any changes to the Application necessary for the purpose of clarification; ▪ identifying whether the Applicant requires any changes to the NWB's Rules of Procedure and general practices for the Public Hearing, in this case; ▪ identifying any requirements for French or other language translation or interpretation for the file; and ▪ identifying any other matters that may aid in the simplification and disposition of the Application at the Public Hearing.
December 11, 2015	NWB	Reflecting the parties' submissions, the Board will issue a draft Table of Parties' Commitments and list of issues to be discussed in the Public Hearing for the Application, for the review and comment of the parties
December 18, 2015	Applicant, Interveners and Other Interested Parties	Provide parties' response to NWB's draft Table of Commitments and draft list of issues.
December 30, 2015	NWB	<p>Issue a Pre-Hearing Conference Decision to the parties addressing the following:</p> <ul style="list-style-type: none"> ▪ details regarding the timetable for information exchange in advance of the Public Hearing;

Date	Party	Information Requested
		<ul style="list-style-type: none"> ▪ the list of issues to be addressed in the Public Hearing; ▪ identifying the interested parties expected to participate in the Public Hearing; ▪ whether amendments/clarifications to the Application will be required; ▪ setting out the procedures to be followed for the Public Hearing; and ▪ identifying any other matters that may aid in the simplification and disposition of the Application.