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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

NWB File No: 3AM-GRA----

January 25, 2010

Wayne Thistle, Acting Regional Project Manager
Government of Nunavut, Department of
Community and Government Services
P.O. Bag 002 Government of Nunavut
Rankin Inlet, NU X0C 0G0
E-mail: wthistle@gov.nu.ca

Re: Notice of Application for a New Type ‘A’ Water Licence, Technical Review and Technical Meeting

Dear Mr. Thistle:

Further to the Nunavut Water Board (NWB or Board) letter of November 26, 2009 with respect to a request for the determination of completeness of the water licence application for the Government of Nunavut – Department of Community and Government Services (CGS or Applicant), the Board received comments from various interested parties including: Indian and Northern Affairs Canada (INAC), Environment Canada (EC), Government of Nunavut – Department of Environment (DOE), and Fisheries and Oceans Canada (DFO).

Parties comments can be summarized as follows: Fisheries and Oceans Canada did not explicitly state whether the application was complete, and referred to a document entitled “Proponent's Guide to Information Requirements for Review Under the Fish Habitat Protection Provisions of the *Fisheries Act*”; DOE stated the application is complete and should move forward for a technical review; EC stated the application appears complete and that a timeline should be provided to the NWB for the completion of studies and INAC recommended that studies be provided prior to the consideration of the new water licence.

The CGS application and comments received have been placed in the NWB’s Public Registry and is available from the ftp site using the access Username of “public” and a Password of “registry” (without the quotations) and at the link:

<ftp://nunavutwaterboard.org/1%20PRUC/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-GRA----/>

For reference to all historical records of the prior Licence 3BM-GRA0207, a link is provided to our ftp site:

<ftp://nunavutwaterboard.org/1%20PRUC/3%20MUNICIPAL/3B/3BM%20-%20Municipality/3BM-GRA0207/>

Based on the NWB's initial review of your submission and the comments received from INAC, EC, DOE and DFO, your application is deemed to be an application for a Type "A" water licence, which will require a public hearing as per applicable provisions of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (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 NWB is in agreement with INAC in that the proposed water use and sustainability of the water source does constitute concern. However, in the interest of proceeding with the application in a timely matter, the NWB intends to continue processing the application with a technical review phase with a technical meeting, which would then be followed by a Technical Meeting/Pre-hearing Conference, with the expectation that CGS will provide the necessary studies and information prior to a final public hearing.

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 within thirty (30) days, no later than 5:00 p.m. MST **February 24, 2010**. Parties are advised that consequences of failure to respond are outlined in Section 59 and Subsection 60(2) of the Act.¹

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 Licence, available from the NWB Public Registry or as required by contacting Nuna Burnside Engineering and Environmental Inc. (Nuna Burnside), Mr. Jim Walls, Project Manager, jim.walls@rjburnside.com or phone at (519) 941-5331.

Throughout the technical review phase, interested parties are encouraged to work cooperatively with the applicant or as required the designated consultant, Nuna Burnside, 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 technical review comments, particularly for matters such as air quality, noise, and wildlife, be provided within the limits of 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, Manager of Licensing at licensing@nunavutwaterboard.org.

Following a technical review comment period, the NWB is proposing to holding an initial Technical Meeting via teleconference on **March 3, 2010 at 8:00 a.m. Mountain Time** to discuss

¹ **Section 59.** 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)** 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.

the technical aspects of the application and determine follow-up requirements, submissions and review, prior to proceeding with the formal Technical Meeting/Pre-Hearing Conference. Following the initial technical meeting, and in accordance with Rule 14 of the NWB Rules, the NWB will confirm date/time and call in information for the Technical Meeting/Pre-Hearing Conference (TM/PHC) following direction from the Board. The Applicant is advised that the Board shall assess the feasibility and format of the hearing at the PHC to set the public hearing date, based on information available at that time.

If you have any questions or require clarification on the above, please contact the undersigned at (867) 360-6338 ext. 30 or by email to dcarr@nunavutwaterboard.org for any technical inquiries, or, Phyllis Beaulieu, Manager of Licensing at (867) 360-6338 ext. 26 or by email to licensing@nunavutwaterboard.org for any procedural or administrative inquiries.

Sincerely,

Original Signed By:

Don Carr, B.Sc..
Technical Advisor, NWB

cc. Distribution List
Jim.Walls@rjburnside.com - Nuna Burnside