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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

<b>File No.:</b>	3AM-GRA1015
<b>To:</b>	Rankin Inlet Distribution List
<b>Date:</b>	January 28, 2014
<b>Subject:</b>	Type “A” Water Licence 3AM-GRA1015: Pre-Hearing Conference Decision regarding Application for Amendment

On January 24, 2014, by Panel Motion 2013-25-P10-04, the members of the Rankin Inlet Panel (P10) duly appointed by the Nunavut Water Board (NWB or Board) to consider the Amendment Application of the existing Type “A” water licence 3AM-GRA1015, held by the Government of Nunavut, Department of Community and Government Services (GN-CGS, Applicant, or Proponent), approved the release of this Pre-Hearing Conference Decision Report.

In order to facilitate the process for considering the Type “A” Water Licence 3AM-GRA1015 Amendment Application, submitted to the Board by Stantec Architecture Ltd. (Stantec) on behalf of GN-CGS (Amendment Application), the Panel directed that in accordance with Rule 14 of the NWB Rules of Practice and Procedure (the Rules), the staff of the NWB hold a Technical Meeting (TM) and a Pre-hearing Conference (PHC) for the Amendment Application.

The TM was held in the Hamlet of Rankin Inlet, Nunavut on Tuesday, January 14, 2014 commencing at 8:30 a.m. and concluding at 4:00 p.m. local time. A Community Session was also held in Rankin Inlet on the evening of Tuesday, January 14, 2014 from 7:00 p.m. to 8:30 p.m. local time. The following morning, Wednesday, January 15, 2014 the NWB held the PHC in respect of the Amendment Application from 8:30 a.m. to 10:00 a.m. local time. The Agenda for the TM/PHC is attached as Appendix A and the participants in attendance at the TM/PHC are listed in Appendix B.

### **Introduction and Registration**

The Applicant and Aboriginal Affairs and Northern Development Canada (AANDC) participated in the TM/PHC. The Applicant’s consultant, Stantec Architecture Ltd. (Stantec), participated by conference call from Yellowknife during the TM and the Community Session.



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Environment Canada (EC) provided written comments in respect of the Amendment Application in advance of the TM/PHC and raised no issue with the Amendment Application. However, the Board notes that EC indicated by its letter dated September 20, 2013 that it was unable to review the information provided by the Board relating to the Amendment Application. EC indicated that the inability to review information and provide a response was due to a lack of resources at EC.

The Department of Fisheries and Oceans Canada (DFO) also provided written comments in respect of the Amendment Application in advance of the TM/PHC. The DFO comments included that the Amendment Application may affect a fish habitat compensation project that is currently being monitored, which had been constructed by Agnico Eagle Mines Ltd. (Agnico-Eagle) for the Meliadine Mine Project. Specifically, DFO questioned whether there had been any consideration given towards impact to the Agnico-Eagle compensation project as a result of potential lower water levels. The fish compensation project is downstream in the Char River from the proposed intake for the water supply to Nipissar Lake. Unfortunately, no further specifics were provided and the DFO did not provide a copy of the fish habitat compensation agreement with Agnico-Eagle. Lastly, shortly before the TM date, DFO advised that it would not be sending any representatives to the TM. As a result, the NWB was left without the benefit of DFO’s participation at the TM.

With respect to both the stated lack of resources limiting EC’s participation and DFO representatives being unable to follow up on their technical review comments at the TM and PHC for the Amendment Application, the Board wishes to emphasize that the NWB relies upon the expertise and experience of interested parties, such as EC and DFO to ensure all technical issues are defined in the full and proper assessment of the Amendment Application both at the Technical Meeting and at the Public Hearing stages of the Board’s licensing process. A lack of participation and limits on the contributions of these parties is a serious concern to the NWB and threatens the achievement of the Board’s objectives of a comprehensive, thorough, integrated and timely licensing process.

### **1.0 The Application Before the Board**

The Application before the NWB, submitted by Stantec Architecture Ltd. on behalf of GN-CGS, is for an amendment to the Hamlet of Rankin Inlet’s Municipal Type “A” Water Licence 3AM-GRA1015 (the Water Licence) for an authorization to seasonally replenish Nipissar Lake, which is the Hamlet’s water supply lake.



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The NWB issued the Water Licence on June 9, 2010 to the GN-CGS for the use of waters and the deposit of waste through the operation of the Water Supply Facilities Utilidor and Sewage Treatment Facility at the Hamlet of Rankin Inlet. The Water Licence allows for the use of 850,000 cubic metres of water per annum.

Freshwater is withdrawn from Nipissar Lake year round and is beginning to exceed natural replenishment / recharge. The annual water usage was calculated by the Applicant as being 604,519 cubic metres for 2012 (537,269 cubic metres of water usage was actually reported for 2012) while the Nipissar Lake natural replenishment is reportedly 311,789 cubic metres. The shortfall of water at Nipissar Lake in 2012 would be between 225,480 and 292,730 cubic metres.

On this basis, GN-CGS is seeking an amendment for additional water to be withdrawn from the Char River exiting Lower Landing Lake and pumped to Nipissar Lake each summer for approximately 125 days annually to seasonally replenish Nipissar Lake. FSC Architects and Engineers (FSC) provided engineering services for the design of a new intake and pipeline.

### **2.0 Procedural History**

The following documents were included within the Amendment Application:

#### **August 14, 2012 submissions:**

- Cover Letter Amendment Application;
- Summaries in English and Inuktitut;
- Completed Application form for Water Licence Amendment;
- Drawings:
  - C1 Pipeline Site Plan;
  - C8 Pipeline & Screen Details;
  - C9 Intake Pump Details Revised;
  - C10 Intake Site Plan; and
  - C11 Project Specification;
- Stantec Authorization Letter from GN-CGS; and
- Design of Pipeline System to Augment Natural replenishment of Nipissar Lake Rankin Inlet, Nunavut, Canada prepared by FSC Architects & Engineers on December 15, 2010.



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**October 6, 2012 submissions:**

- Stantec Additional Information Letter to NWB; and
- Water Supply Capacity, Consumption & Conservation Study Rankin Inlet, NU prepared by RMSi and FSC on April 20, 2010;
  - Appendix A: Specification for Leak Reduction Equipment;
  - Appendix B: AWWA/IWA Water Audit and Water Balance Report;
  - Appendix C: Costs and Water Saving Model;
  - Appendix D: Individual Program Descriptions; and
  - Appendix E: Nipissar Lake Volume Study and Environmental Variable Study.
- Cover Letter Amendment Application;
- Summaries in English and Inuktitut;
- Completed Application form for Water Licence Amendment;
- Drawings:
  - C1 Pipeline Site Plan;
  - C8 Pipeline & Screen Details;
  - C9 Intake Pump Details Revised;
  - C10 Intake Site Plan; and
  - C11 Project Specification;
- Stantec Authorization Letter from GN-CGS; and
- Design of Pipeline System to Augment Natural replenishment of Nipissar Lake Rankin Inlet, Nunavut, Canada prepared by FSC Architects & Engineers on December 15, 2010.

**August 12, 2013 submissions:**

- Stantec Additional Information letter to NWB with C101 Area Map.

**Licence history**

- On June 9, 2010, the Municipal Type “A” Water Licence 3AM-GRA1015 was issued by the Board to GN-CGS for the use of Water and operation of the Water Supply Facilities, Utilidor and Sewage Treatment Facility at the Hamlet of Rankin Inlet, within Kivalliq Region, Nunavut. The Expiry date of the Water Licence was set as May 31, 2015. The Licence allows for the use of 850,000 m<sup>3</sup> water per annum.
- On August 14, 2012 Stantec, on behalf of GN-CGS, submitted an Amendment Application for the construction and operation of a new intake and overland pipeline from Lower Landing Lake outlet/river to seasonally replenish Nipissar Lake.
- On September 14, 2012, the NWB determined that the Application was missing information which prevented the Board from being able to process the Application and



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considering the Application complete. The Licensee was advised to submit this additional information in order to access the impacts to the supplemental water source and associated downstream/upstream impacts.

- On October 6, 2012 and August 12, 2013, additional information was received by the Board that responded generally (partially) to the questions/comments raised by the Board within the September 14, 2012 and November 27, 2012 letters.
- On August 23, 2013, the NWB acknowledged receipt of the Application and asked interested persons to review the scope and completeness of information provided, as well as to identify any deficiencies through information requests (“IRs”). These were to be submitted to the NWB by September 13, 2013 and this deadline was extended to September 20, 2013 by AANDC’s request.
- On September 13, 2013 and September 20, 2013, the NWB received comments on the completeness and additional information requests from DFO and AANDC, respectively. The Board did not receive any indication that the Application should not proceed through the regulatory process.
- On October 11, 2013, Stantec provided additional information on behalf of GN-CGS.
- On November 19, 2013, the Board gave notice of the application in accordance with section 55(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*<sup>1</sup> (NWNSTRTA), inviting interested persons to carry out a full technical review of the application, making representations within thirty days by December 19, 2013, in preparation for a TM and PHC that the Board directed the staff to hold in Rankin Inlet, tentatively the week of January 13, 2014.
- On December 18, 2013, the NWB was in receipt of written representations from AANDC. AANDC stated also that as they had received concerns from community members of Rankin Inlet about the quality of their drinking water, it may be in the best interest of the Hamlet to have an in-person Public Hearing.
- On December 20, 2013, the Board confirmed dates for Technical Meeting and Pre-Hearing Conference set for January 14-15, 2014, and provided parties with a proposed Agenda. Interested parties were asked to provide comments on the proposed Agenda and

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<sup>1</sup> S.C. 2002, c. 10.



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to confirm their attendance at the Technical Meeting and Pre-Hearing Conference by January 9, 2014.

- On January 9, 2014 AANDC confirmed their attendance at the TM and PHC.

In addition, in response to the Board’s request in September 2013 for a conformity determination regarding the Amendment Application from the Nunavut Planning Commission (NPC), The Board received NPC’s positive conformity determination (Keewatin Regional Land Use Plan) for this project proposal on December 11, 2013.

As the Nunavut Impact Review Board cannot commence screening of the project proposed in the Amendment Application until the NPC has issued a positive conformity determination, the NIRB did not have the project referred to it until mid-December. On December 17, 2013, the NIRB requested additional information to be provided by January 3, 2014, in order to permit proper screening. The NWB understands that subsequently, on January 9, 2014, in response to the NIRB’s request, Stantec provided NIRB with an information email stating that they would not be able to submit the requested information until the first week of February. As discussed with the parties at the Technical Meeting and Pre-Hearing Conference, as set out in s. 39 of the NWNSRTA,<sup>2</sup> the NWB cannot amend a licence until the NIRB has completed the screening of the project. Recognizing this prohibition, the Board awaits the NIRB’s screening decision before the Amendment Application can advance to the Public Hearing stage of licensing. Assuming GN-CGS provides the NIRB with the required information in early February; the NWB anticipates that NIRB’s screening decision could be issued by the middle of March.

### **3.0 Technical Review Comments Received By The Board**

Technical review comments specific to the Amendment Application were submitted to the Board on or before September 20, 2013.

#### **Department of Fisheries and Oceans Canada (DFO) Comments**

The technical review comments from DFO were:

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<sup>2</sup> Section 39(1) states:

The Board may not issue, amend or renew a licence to use waters or deposit waste where the use or deposit, or in the case of an amendment any change to the use or deposit, or the appurtenant undertaking requires screening in accordance with Part 4 of Article 12 of the Agreement, until the Nunavut Impact Review Board has completed the screening and, where a review under Part 5 or 6 of that Article is required, issued a project certificate referred to in section 12.5.12 or 12.6.17 of the Agreement.



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- 1) Section 3.4.3 of the December 2010 Final Design Report indicates: “The intake type proposed is a screened intake ‘can’ connected to the flexible intake line. The ‘can’ is constructed of Stainless Steel, with openings in the wire mesh of 0.1 inch (2.5 cm). It is capable of flowing up to 770 USGPM, the anticipated flow rate of the 250 mm pipeline.” This information does not appear to adhere to the Fisheries and Oceans Freshwater Intake End of Pipe Guide which can be found: <http://www.dfompo.gc.ca/library/223669.pdf>. The fish screen criteria for open screen area and screen mesh size is typically 2.54mm, not 2.5cm. DFO would like to confirm whether or not the final intake design will adhere to the DFO Freshwater Intake Guide.
- 2) Section 3.5 of the December 2010 Report - Pipeline Discharge – what is the purpose of the proposed outfall? How is the concrete pad proposed to be constructed (poured in place, or moved to site). What is the velocity of discharge exiting this outfall and the dimensions of the outfall energy dissipation pad? Has any information on fish and fish habitat at the outfall location been gathered?
- 3) Section 3.6 - The pump is proposed to be situated next to Lower Landing Lake. Has the Proponent considered any spill containment/mitigation to prevent the diesel from entering the Lake?
- 4) Has an assessment of the current impact of water withdrawal on fish and fish habitat from Nipissar Lake taken place?
- 5) Was an evaluation of the fish and fish habitat in the river in which the intake is proposed to be located in, and water-bodies upstream and downstream been conducted?
- 6) Does the Proponent have information to conclude that fish and fish habitat will or will not be affected by the proposed new intake in all seasons (spring, summer, fall, winter)?
- 7) Currently the Proponent proposes only summer withdrawal. Has the Proponent considered impacts to fish and fish habitat during low flow periods, and will there be sufficient flow for fish passage during the period of water withdrawal upstream and downstream of the intake?





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- 8) Does the Proponent have a preliminary design of the proposed intake that can be provided? Will dredging be required to facilitate construction and placement of the intake? And if so, how often will maintenance dredging be required?
- 9) Will the proposed pipeline be required to cross any other watercourses/water-bodies?
- 10) Has any consultation taken place with respect to potential impact to fishing in the River in which the intake is proposed to be located in, and if so, what comments have been received, and were they considered in the proposal?
- 11) As there is a fish habitat compensation project which is currently being monitored and was constructed by Agnico-Eagle for the Meliadine Mine Project, has consideration been given towards any potential impact to the Agnico-Eagle compensation project as a result of potential lower water levels resulting from the intake?
- 12) Does the Proponent have any mitigation measures proposed for this project to prevent impacts to fish and fish habitat as a result of this intakes construction and operation?

Aboriginal Affairs and Northern Development Canada (AANDC) Comments

The technical review comments from AANDC were:

- 1) AANDC recommends describing natural and seasonal fluctuations, variability and sources of variability in flow rates in the Char River to demonstrate the viability of the source.
- 2) AANDC, at this time would like to advise the Proponent that there is a fish habitat compensation project that is on-going directly downstream of the proposed water withdrawal area. AANDC recommends that the Proponent undertake a water balance/flow study of Char River to provide confidence that there will be no negative impacts on the watershed and the fish habitat compensation area.
- 3) AANDC recommends that the Proponent provide additional information on water chemistry within Lower Landing Lake and Char River and whether or not it is substantially different from Nipissar Lake, outlining any potential impacts water transfers will have on water quality in the source and discharge water-bodies.





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- 4) AANDC recommends that the Proponent include or undertake an assessment of alternative water-bodies in the event that the location and /or water-body are inadequate for replenishment of Nipissar Lake and include rationale for choosing Lower Landing Lake.

### **Environment Canada (EC) Comments**

The technical review comment received from EC was that the Department did not have the resources available to review the Amendment Application and provide any technical comments to the Board.

### **4.0 Technical Meeting (TM)**

The TM was held in Rankin Inlet on January 14, 2014. From a procedural standpoint, it should be noted that, as is the Board’s practice, the TM was somewhat informal and the meeting was administered by the Board’s staff and chaired by David Hohnstein, the Board’s Director of Technical Services. It should also be noted that the Panel Members of the Board who will be the decision-makers for the Amendment Application, were not in attendance at either the TM or the subsequent Pre-Hearing Conference.

The objectives of the TM were outlined to the participants as follows:

- examine technical data and other materials submitted as part of the Amendment Application, including intervenors’ submissions, that the Board has received to date for the Amendment Application;
- Informally discuss and resolve, to the extent possible, any technical matters/issues raised between intervenors and the Applicant, particularly those matters that could affect the Board’s determination on any PHC issues, in advance of the PHC;
- Provide the opportunity for the Proponent and intervenors to identify for the Board the issues and concerns that have been resolved and to discuss any unresolved or ongoing issues related to the Amendment Application;
- Identify opportunities for streamlining the issues and process so as to eliminate existing or potential duplication; and



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- Document any commitments made by the various participants involved in this TM, with the aim of carrying forward those commitments to the PHC.

At the TM, the following key issues were discussed and confirmed by the participants:

- The availability of Char River flow data (possibly from Agnico-Eagle).
- Confirmation from DFO that withdrawal of water from the Char River would not affect the existing fish habitat compensation agreement.
- The need for the Applicant to provide additional information on water chemistry within Lower Landing Lake and Char River and whether or not it is substantially different from Nipissar Lake, including any potential impacts that water transfer will have on water quality of the source and discharge water-bodies.
- Update of Operation and Maintenance Plan for Water Supply Facilities to include the additional Intake Operational Procedures with daily measuring of water depth in Char River at point of intake pump, and stopping withdrawal if the actual depth is less than the threshold depth of 0.5 meters.
- Update of Spill Contingency Plan to include new facilities (intake and pump houses).
- Update of information concerning steps taken and results achieved in relation to recommendations set out in Part C, Item 8(e) of the Water Licence conditions addressing water conservation and utilization (as set out at page 9 of the Water Licence issued in June of 2010).

GN-CGS committed to provided additional information to the Board and AANDC to address these issues, with some of the information to be provided by February 7 and the balance by February 21, 2014. The specific commitments by GN-CGS to provide additional information are set out in Appendix C.

At the completion of the TM, it was confirmed by all participants that there were no outstanding issues that would prevent the Board from moving forward to the PHC. However, it was noted that the scheduling of the Public Hearing would still be contingent upon first receiving a screening decision from the NIRB.



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### **5.0 Community Session**

To promote public awareness and public participation in the NWB licensing process, the NWB coordinated a community meeting in Rankin Inlet on the evening of January 14, 2014 that commenced at 7:00 pm. Representatives of the Board, the Applicant, and AANDC attended the session and were available to address public comments and questions about the Amendment Application specifically and the water licensing process in general. Stantec participated by conference call. Despite public notice and radio advertisement, attendance at the community session was low (five members of the community).

Karén Kharatyan, Technical Advisor of the NWB, gave a brief presentation explaining the role of the NWB. The Applicant presented an overview and summary of the Amendment Application before the NWB and the design and construction work for the water pipeline that has been completed. The GN-CGS presentation included a number of photographs to demonstrate the pipeline route and seasonal pumping facility at the Char River. During the GN-CGS presentation, it was confirmed that the pipeline construction was completed by January of 2013 and that the system has yet to be tested, but would be ready for use upon the Amendment Application being approved.

After the presentations, there was an informal question and answer period where the following questions were discussed:

- Whether Lower Landing Lake would have sufficient water and whether Meliadine Lake or Meliadine River had been considered as alternative supplementary sources for the project?
- Whether the population growth in Rankin Inlet was outstripping the area’s water supply in light of reduced snow and rain fall in recent years?

The public in attendance were advised of the technical issues identified through the TM and that the PHC would be held the next day. There being no further questions from the community members in attendance, the meeting was concluded at 8:40 p.m.

### **6.0 Pre-Hearing Conference (PHC)**

As the participants confirmed in the TM that there were no outstanding issues that would prevent the Amendment Application from being considered by the Board in a Public Hearing, the PHC portion of the Agenda proceeded on the morning of January 15, 2014. The PHC was chaired by



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the Board’s Executive Director, Damien Côté, with the same participants as the TM, with the exception of Stantec, who did not participate in the PHC. The purpose of the PHC was to discuss the various matters as set out in Rule 14 of the Rules in preparation for the Public Hearing. Specifically, Rule 14 directs that the following matters be addressed through the PHC:

- To set a timetable for the Pre-Hearing exchange of information;
- To finalize the list of issues to be dealt with at the Hearing;
- To identify interested parties;
- To consider the desirability of amending the application for the purposes of clarification;
- To finalize procedures to be followed in the Hearing; and
- To consider any other matters that may aid in the simplification and disposition of the application at the Hearing.

### Timetable for the Pre-Hearing Exchange of Information

Regrettably, due to the delay in referring the project to NIRB for screening, the Board is currently awaiting the completion of the required environmental assessment of the project, and screening decision from the NIRB. As referenced earlier in this report, the practical effect is that a hearing date cannot be set until after the NIRB has completed the screening of the project, as set out in s. 39 of the NWNSRTA. The Applicant and AANDC discussed what additional information was to be provided by GN-CGS to AANDC and the time required for AANDC to review and provide any response. The participants did not anticipate any problem in accomplishing these steps over the coming weeks while the NIRB assessment process is underway.

In terms of timing for pre-Hearing exchange of information, the participants were aware of the requirement to provide any further written submissions to the NWB no later than 4 weeks before the date set for the Hearing, and that any reply by the Applicant to those further submissions would be required no later than 2 weeks before the date set for the Hearing.

### The List of Issues to be addressed at the Hearing

The six issues identified at the TM (and listed in this Decision Report under 4.0 Technical Meeting (TM)) were reviewed. AANDC was satisfied with the list of issues, but added the caveat that it may not be exhaustive. AANDC advised that there may be further issues to add to the list of issues for the Hearing once AANDC has received and reviewed the additional



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information that GN-CGS has committed to provide. GN-CGS agreed with the position of AANDC and had no further comments regarding the issues identified through the TM.

### **Identifying Interested Parties**

As noted above, only AANDC attended the TM, even though the Board would have greatly benefited from the attendance and technical expertise of DFO. AANDC felt that DFO should be identified as an interested party and should be strongly encouraged to participate in the Pre-Hearing exchange of information and the Hearing itself. GN-CGS confirmed that it had nothing further to add. Both GN-CGS and AANDC confirmed they would be in attendance at the Hearing.

AANDC also confirmed that it anticipated preparing and filing additional submissions once the further information to be provided by GN-CGS is received. GN-CGS also anticipated preparing and filing further submissions. GN-CGS anticipated being able to provide an adequate reply to the issues identified through the TM, with the possible exception that GN-CGS may be unable to address the potential impact on the fish habitat compensation agreement between Agnico-Eagle and DFO, and the impact of the 0.5 meter threshold for water depth at the point of intake on the Char River. Further issues may arise once more is known about the fish habitat compensation agreement.

As identified earlier in the discussion of attendance in the Introduction and Registration section of this Decision Report, the lack of participation at the TM/PHC by both EC and by DFO is an issue of considerable concern for the NWB. The integrated regulatory system is premised on the assumption that parties with considerable expertise and experience with the technical matters before the Board will have sufficient resources to fulfill their mandates and provide meaningful contributions to the licensing process. This includes participating fully in the NWB’s licensing processes, providing technical review comments and attending in person in the communities directly affected by water licence applications during technical meetings, pre-hearing conferences and public hearings. Therefore, the Board, strongly urges EC and DFO to consider their participation at the eventual Public Hearing in respect of this Amendment Application. Parties are reminded that as established under s. 54 of the NWNSRTA, when conducting a public hearing, the Board does have the powers of a commissioner appointed under the Federal *Inquiries Act*; and may, in appropriate circumstances, compel the attendance of witnesses and provision of relevant documents.<sup>3</sup>

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<sup>3</sup> See ss. 4-5 of the *Inquiries Act*, R.S.C. 1985, c. I-11.



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### Amendment of the Application

AANDC and GN-CGS agreed that further amendment is not required and that all known issues can be addressed within the current Amendment Application.

### The Procedures to be followed in the Public Hearing

The participants were invited to review Parts 3 and 4 of the Rules. The participants were also asked to identify any changes that may be required for the Hearing. The proceedings were adjourned briefly to allow the participants to review the Rules. After the proceedings reconvened, the participants confirmed that no changes to the Board’s procedure as set out in Parts 3 and 4 of the Rules were required.

The Board requests that all intervenors who have filed comments with the Board to date, if they have not already done so, provide translated summaries of their comments in Inuktitut, Inuinnaqtun and French.

### Matters to Simplify the Amendment Application or Disposition at the Hearing

The parties concluded that there were no other matters that would aid in simplifying the Amendment Application or its disposition at the Hearing.

### Form, Location, Time and Date of Hearing

Given the nature of the application, the most affected community is the Hamlet of Rankin Inlet and the Public Hearing should be held in that community. Previous indications to the Board from parties suggested that an in-person Public Hearing should be held. Given the timing of further information to be provided to the Board and AANDC on or before February 21, 2014, and the anticipated receipt of the NIRB screening decision by mid-March, the earliest possible dates for the Hearing would be in the second half of May, 2014.

There was discussion as to days of the week that were not conducive to public attendance at the Hearing and it was confirmed that Tuesdays and Fridays conflicted with other activities in the community. Wednesdays and Thursdays were identified as the best days of the week for a Hearing.

There was also input from the community that identified October as the best possible month as it did not conflict with community special events or the hunting and fishing high season. GN-CGS



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voiced interest in getting the earliest possible date for the Hearing so as to allow some operation of the pumping system at the Char River during the 2014 melt/runoff season. However, given that the earliest possible Hearing date would likely be late May, and the timelines set out under the NWNSTRA, mean that the Board has 30 days to issue its decision to the Minister, who then has a further 45 day period (which can be extended) to consider the NWB’s decision and to issue his decision on the Amendment Application, even if the Public Hearing were held in May, the Applicant would not have the required amendment in hand in time to capitalize on the 2014 melt/runoff season. Even assuming that the Board is able to schedule the Public Hearing at the earliest opportunity in late May, the completion of the regulatory process and the issuance of an amendment to the current Water Licence would not take place until early August. The Board also cautions that there are a number of variables such as the receipt of incomplete information, extension requests from parties, community conflicts with proposed hearing dates, etc. that could push that time later into the Summer or into the Fall.

This concludes the direction that the Board can offer at this time, and at the time the Board provides notice regarding the scheduling of the Public Hearing to address the Amendment Application, the Board will provide further procedural direction to the public and the parties. In the interim, if you require additional information, please do not hesitate to contact the Board’s Director of Technical Services, David Hohnstein, [david.hohnstein@nwb-oen.ca](mailto:david.hohnstein@nwb-oen.ca) or the Board’s Director of Licensing, Phyllis Beaulieu, at [phyllis.beaulieu@nwb-oen.ca](mailto:phyllis.beaulieu@nwb-oen.ca) for any other matter related to the Amendment Application.

Regards,

A handwritten signature in blue ink, appearing to read "Damien Côté", is written over a faint, light blue circular stamp.

Damien Côté  
Executive Director

**Attachments:**

- Appendix A: Technical Meeting and Pre-Hearing Conference Agenda
- Appendix B: List of Participants at the Technical Meeting and Pre-Hearing Conference
- Appendix C: Specific Commitments by GN-CGS to Provide Additional Information



## **Appendix A – Agenda of TM/PHC**

### **HAMLET OF RANKIN INLET TYPE “A” WATER LICENCE AMENDMENT APPLICATION TECHNICAL MEETING AND PRE-HEARING CONFERENCE JANUARY 14-15, 2014**

#### **Technical Meeting**

**Date: January 14, 2014**

**Time: 8:30 AM**

**Location: Rankin Inlet, Siniktarvik Hotel, Salon A**

1. Introduction and Registration
2. Application to the board
3. Purpose of the Pre-Hearing / Technical Meeting
  - a. Proponent/Representative) presentation on the current status of the Project
  - b. Identification of Interested Parties
  - c. Presentations from Interested parties
  - d. Formulation of Issues

#### **Community Session**

**Date: January 14, 2014**

**Time: 19:00-21:00 PM**

**Location: Rankin Inlet, Siniktarvik Hotel, Salon A**

#### **Pre-Hearing Conference**

**Date: January 15, 2013**

**Time: 08:30 AM**

**Location: Rankin Inlet, Siniktarvik Hotel, Salon A**

1. Hearing
  - a. Date, Time and Location
  - b. Order of Events
  - c. Equipment
  - d. Identification and Service of Documents to Parties (deadline, public registry, form)
  - d. Translation and the Record (language, transcripts)
2. Other Issues
3. Closing of the Meeting



**Nunavut Water Board – PHC Decision  
3AM-GRA1015 Type “A” – Licence Amendment Application**

**Appendix B - Attendees at TM/PHC**

<b>Participant</b>	<b>Representing</b>
Brian Duguay, Acting Projects Manager	GN-CGS
Enamul Hague, Technical Advisor	GN-CGS
Jason Tologanak, Regional Director	GN-CGS
Walter Ore, Stantec Architecture Ltd. (via Teleconference at the TM)	GN-CGS
Ian Parsons, Water Resources Technician	AANDC
Murray Ball, Manager of Water Resources	AANDC
Damien Côté, Executive Director	NWB
David Hohnstein, Director Technical Services	NWB
Karén Kharatyan, Technical Advisor	NWB
Robin Ikkutisluk, Licensing Administrator	NWB
Ben Kogvik, Secretary to the Board, Interpreter/Translator	NWB
Mary Rose Angoshadluk , Interpreter	NWB
Corey Francis, Sound Technician, PIDO Productions	NWB
Craig Boyer, Legal Counsel, Shores Jardine	NWB



**Nunavut Water Board – PHC Decision  
3AM-GRA1015 Type “A” – Licence Amendment Application**

**Appendix C – Commitments by GN-CGS**

1. To provide Char River flow data that may be available from Agnico Eagle Mines Ltd. If no flow information is available, to advise if it would be possible to obtain and provide flow data in the future. This information is to be provided by February 7, 2014. If the information is not available from Agnico Eagle Mines Ltd., the timeline will be revisited.
2. To provide confirmation from DFO that withdrawal of water from Char River would not affect the existing fish habitat compensation agreement between DFO and Agnico Eagle Mines Ltd... This information is to be provided by February 7, 2014. If the information is not available from existing GN-CGS data or the analysis cannot be completed based on the existing data, the timeline will be revisited
3. To provide additional information on water chemistry within Lower Landing Lake and Char River to determine whether or not it is substantially different from Nipissar Lake, outlining any potential impacts water transfers will have on water quality of the source and discharge water-bodies. This information is to be provided by February 7, 2014.
4. To update the Operation and Maintenance Plan for Water Supply Facilities to include the additional Intake Operational Procedures with daily measuring of water depth in Char River, and stopping of withdrawal if the actual depth is less than the threshold depth of one-half meter (0,5m). This information is to be provided by February 21, 2014
5. To update the Spill Contingency Plan to include the new facilities, including the water intake and pump house. This information is to be provided by February 21, 2014
6. To provide a schedule outlining all water saving measures implemented or to be implemented to address Part C, Item 8 (e) of Water Licence 3AM-GRA1015 which requires: A schedule to address the recommendations of the report that is consistent with the conservation and utilization of waters and provides for the optimum benefit from those waters for the residents of Nunavut. This information is to be provided by February 21, 2014