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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

**File No.:** 3AM-GRA1624

**To:** Rankin Inlet Distribution List

**Date:** March 25, 2021

**Subject:** Type “A” Water Licence  
Pre-Hearing Conference Decision Regarding an Application to Amend Water Licence No: 3AM-GRA1624

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This Pre-Hearing Conference Decision and procedural direction of the Nunavut Water Board (NWB or Board) is in relation to an application received by the Board on September 16, 2020 from the Government of Nunavut – Community and Government Services (Applicant, Licensee or GN-CGS) requesting the amendment of an existing Type “A” Water Licence No: 3AM-GRA1624 (the Licence) which authorizes the use of water and deposit of waste associated with the Hamlet of Rankin Inlet’s operation of a “Municipal undertaking”<sup>1</sup> (the Application). The Application requested relocating the water source used to pump into Nippisar Lake (the Hamlet’s drinking water source) during the open water season from the current location in Char River to Lower Landing Lake and also included requests for associated changes to monitoring and reporting obligations under the Licence.

On March 24, 2021, by Motion Nos. 2020-26-P10-03 and 2020-26-P10-04, the Members of the three-person Rankin Inlet Panel (P10), duly appointed by the Board to consider the Application, approved and directed the release of this Pre-Hearing Conference Decision and procedural direction. This Report summarizes the NWB’s processing of the Application to date and provides guidance regarding the advancement of the Application to the next stage in the NWB’s processing of the Application, a Public Hearing in writing, with all final written submissions to be provided to the Board and the Public Hearing Record to close tentatively sometime in the week of May 31-June 4, 2021.

As described in detail in the text that follows, in order to facilitate the NWB’s licensing process associated with the Application, the Panel directed that, in accordance with Rule 14 of the NWB

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<sup>1</sup> As defined under Schedule 1 of the *Nunavut Waters Regulation*, SOR/2013-69, a “Municipal undertaking” is:  
A waste disposal or water system for a municipality



### 3AM-GRA1624 Type “A” Water Licence Amendment Application Pre-Hearing Conference Decision

*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 Application. As indicated in the Notice of Application, issued by the Board on November 9, 2020, the TM/PHC for the Application was held via video/teleconference on February 25, 2021. On the evening of February 25, 2021, the Board’s staff also planned to host a Community Session for the file, using video and audio links to a central in-person hub in the community of Rankin Inlet. The NWB made arrangements to have the conference room at the Siniktarvik Hotel available as a central Zoom hub where community residents and participants living in Rankin Inlet could gather and join the proceedings by video and audio conference. Unfortunately, on the morning of February 25, due to a blizzard in Rankin Inlet, the NWB, in the interests of public safety, provided notice that the NWB’s plans for a central hub were cancelled. In the February 25 notice, participants were provided with the call-in information to participate by Zoom and teleconference, and members of the public were invited to attend the TM/PHC during the day and the Community Session scheduled for the evening of February 25, from their homes. On the evening of February 25, the NWB, the Applicant and Intervener, Crown-Indigenous Relations and Northern Affairs (CIRNA) joined the Community Session by video link, but no members of the public signed in on the Zoom or teleconference lines in the first 35 minutes of the Community Session, and the Community Session was cancelled. The Agendas for the TM, Community Session and PHC are attached as [Appendix A](#) to this Decision.

As set out in Rule 14.1 of the *Rules* and discussed in detail in Section 5 of this Report, in the section discussing the Pre-Hearing Conference (PHC), the PHC dealt with the following matters relevant to the Application:

- Timetable for the pre-Hearing exchange of information;
- Identification of interested parties;
- Submissions of interested parties;
- List of issues to be dealt with at the Public Hearing;
- Desirability of amending the Application for the purpose of clarification;
- Procedures for the Public Hearing; and
- Identification of any other matters that may assist in the simplification and disposition of the Public Hearing.



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### **Introduction and Registration**

The following organizations had representatives register and participate in the TM and PHC by video and audio links on February 25, 2021:

- The Applicant, the Government of Nunavut, Community and Government Services(GN-CGS);
- Crown-Indigenous Relations and Northern Affairs (CIRNA); and
- The Nunavut Water Board (NWB).

The listing of all participants attending the TM/PHC via video and audio link is attached as APPENDIX B.

### **1. The Application Before the Board**

The Application before the Board was filed by the GN-CGS (the Applicant or the Licensee) on September 16, 2020 and requests an amendment to Type “A” Water Licence No: 3AM-GRA1624 (the Licence), which authorizes the use of water and deposit of waste associated with a “Municipal undertaking” as classified under the *Nunavut Waters Regulations*<sup>2</sup> in the Hamlet of Rankin Inlet. The amendments request the Board to authorize the relocation of the domestic water uptake pumping station from Char River to Lower Landing Lake, for pumping to Nipissar Lake during the open water season, an increase in annual pumping volume, a 10-year licence term renewal, and associated activities, and associated modifications to monitoring and reporting under the Licence.

The documents filed by the Applicant in support of the Application and request for additional water use are listed in detail in APPENDIX C: List of Application Submissions that is attached to this Pre-Hearing Conference Decision.

All submissions in support of the Application are available from the NWB’s public registry at the following link:

<ftp://ftp.nwb-oen.ca/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-GRA1624/>

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<sup>2</sup> SOR/2013-69.



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### Scope of the Application

In the Application, the Applicant has requested that the scope of the Water Licence be amended to include the following additional uses of water and deposits of waste and associated changes to terms and conditions of the Licence:

- relocating the pumping station from Char River to Lower Landing Lake for replenishing Nipissar Lake during the open water season,
- increasing the annual pumping volume from the source,
- subsequent removal of compliance point GRA-6 from the licence due to the relocation of pumping station,
- the removal of current quarterly reporting that must be submitted to the Nunavut Water Board 4 times/year,
- to discontinue submission of a water pumping adaptive management plan for the pumping of water to Nipissar Lake from Lower Landing Lake,
- a 10-year renewal of the existing water licence, to the end of 2031.

### 2. Procedural and Regulatory History

#### Licensing History for the Hamlet of Rankin Inlet's Municipal Undertaking

The following licences were previously issued by the NWB to the GN-CGS on behalf of the Hamlet of Rankin Inlet:

- NWB3GRA0207
  - Issued by the NWB on December 1, 2002 and expired on November 30, 2007
  - Allowed for use of up to 400,000 m<sup>3</sup> of water per year and the deposit of waste associated with the Hamlet of Rankin Inlet's Municipal undertaking.<sup>3</sup>
- 3AM-GRA1015
  - Issued by the NWB on June 9, 2010 and expired on May 31, 2015
  - Allowed for the use of up to 850,000 m<sup>3</sup> of water per year and the deposit of sewage waste associated with the Municipal undertaking
- 3AM-GRA1015 Amendment No. 1
  - This amendment was issued December 23, 2014 and allowed for the pumping of 3485 m<sup>3</sup> per day from the Char River to Nipissar Lake during the open water season

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<sup>3</sup> SOR/2013-69.



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- The amendment also allowed for the short term renewal (May 20, 2015 to November 27, 2015) of the Licence to allow for processing of the renewal application
- 3AM-GRA1624
  - Issued by the NWB on May 2, 2016 and set to expire on May 1, 2024
  - Allowed for the use of 850,000 m<sup>3</sup> of water per year and the deposit of sewage waste associated with the Municipal undertaking
  - Authorized the transfer of 3,485 m<sup>3</sup> of water per day from Char River to Nipissar Lake

### Pre-Licensing Requirements

With respect to this Application, the following pre-licensing requirements have been completed. On **July 29, 2020**, the Nunavut Planning Commission (NPC) issued its determination<sup>4</sup> (NPC File No. 148311) for the Application, which indicated that: the activities associated with this proposal were previously reviewed by the NPC; and the NPC noted that two previous conformity determinations issued by the NPC on June 19, 2016 and on March 19, 2020, still apply. Further, the NPC identified that the activities in the Application were previously screened by the Nunavut Impact Review Board (NIRB) (NIRB FILE NO: 13UN037), so the project proposal is exempt from screening by the NIRB because the activities were included within the scope of the original project as previously screened by the NIRB, and the exemptions noted in Section 12.4.3 (a) and (b) of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* that could trigger the requirement for additional assessment of the activities by the NIRB do not apply.

Consequently, the NWB has concluded that the conformity and impact assessment requirements applicable to the Application under Articles 10-13 of the *Nunavut Agreement* and ss. 38 and 39 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSTRA) have been met and the Application can now be processed by the NWB.

### Procedural History of the Application

The following includes a brief overview of the procedural history for the Application. It should be noted that the following listing captures only the major procedural steps associated with the Application. All documentation and the complete history of the NWB's component of the licensing

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<sup>4</sup> NPC Determination; NPC File # 148311 - Hamlet of Rankin Inlet, July 29, 2020.



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file are available from the NWB’s ftp site at the link provided in Section 1 of this Pre-Hearing Conference Decision.

<b>September 16, 2020</b>	NWB received an application to amend Type “A” Water Licence No: 3AM-GRA1624 from GN-CGS.
<b>September 21, 2020</b>	The NWB acknowledged receipt of the Application, determined that the Application met the requirements for public distribution, and invited interested parties to conduct an initial completeness check.
<b>October 16, 2020</b>	CIRNA provided Information Requests (IR) in relation to the Application completeness.
<b>October 27, 2020</b>	GN-CGS responded to these Information Requests (IR).
<b>November 9, 2020</b>	NWB provided Public Notice of the Application, and notice of the commencement of the full technical review period, and provided notice regarding the Technical Meeting and Pre-Hearing Conference planned as the next steps in the licensing process.
<b>December 7, 2020</b>	CIRNA provided their technical review comments regarding the Application.
<b>December 21, 2020</b>	GN-CGS provided responses to technical review comments.
<b>February 4, 2021</b>	NWB confirmed the dates and format of the Technical Meeting, and Pre-Hearing Conference (via video and audio links, with a hub location in the community of Rankin Inlet) and circulated a Draft Agenda for the TM/PHC.
<b>February 17 and 21, 2021</b>	The NWB received confirmation of participation in the TM/PHC and presentation documents from CIRNA and the Applicant.
<b>February 22, 2021</b>	NWB provided correspondence with the final Agenda for the TM/PHC.
<b>February 25, 2021</b>	The NWB hosted the TM and PHC via video and audioconferences (Zoom and teleconference lines for English and Inuktitut feeds).

Complete information related to the procedural history of the Application and the information received in support of the file can be accessed from the NWB’s FTP site and Public Registry using the following link:



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<ftp://ftp.nwb-oen.ca/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-GRA1624/2%20ADMIN/3%20SUBMISSIONS/>

### **3. Technical Review Comments Received by the Board**

Prior to the Technical Meeting and Pre-hearing Conference (TM/PHC), two opportunities for comment on the Application were provided to interveners and members of the public. The Board’s first request for comments requested parties to consider whether the Application was complete and to identify any outstanding issues that should prevent the Board from continuing to process the Application, including identifying any additional information requests. This comment period closed on October 9, 2020. The second comment period requested parties to file substantive technical review comments on or before December 16, 2020. The text that follows outlines the comments provided during these review periods, and also reflects comments provided to the Board staff during the Technical Meeting/Pre-hearing Conference.

#### **Crown-Indigenous Relations and Northern Affairs (CIRNA)**

Under various legislative enactments,<sup>5</sup> CIRNA administers Crown land and resources and enforces regulatory permits affecting land and water resources in Nunavut, including enforcing the provisions of water licences issued by the NWB. With respect to the Licence No: 3AM-GRA1624, CIRNA is responsible for enforcing the terms and conditions of the Licence. Reflecting CIRNA’s responsibilities and jurisdiction, CIRNA’s technical review raised a number of issues that were discussed throughout the review of the Application. Specifically, CIRNA provided the Board with comments and recommendations on the following subjects:

1. Water pumping rate
  - Recommendation to discuss the impacts of extracting water from Lower Landing Lake at the proposed rates on the flow in the Char River during the technical review.
2. Timing of pumping from Lower Landing Lake
  - Recommendation that GN-CGS provide an explanation as to why they are requesting permission to pump only in July and August, when this pumping might have the most impact on flows in Char River.
3. Water pumping plan

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<sup>5</sup> See for example: the *Department of Crown-Indigenous Relations and Northern Affairs Act*, S.C. 2019, c. 29; The *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Agreement)*; *Nunavut Land Claims Agreement Act*, S.C. 1993, c. 29; *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (and associated Regulations); the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 13, s. 2; the *Territorial Lands Act*, R.S.C. 1985, c. T-7 (and associated Regulations); and the *Arctic Waters Pollution Prevention Act*, R.S.C. 1985, c. A-12.





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- Recommendation to provide an updated Water Pumping Plan that reflects the proposed pumping location, and requiring GN-CGS to include measures to be taken to prevent sediment from entering water during pipeline installation and removal over the river each year, as well as monitoring to confirm effectiveness of measures taken.
- 4. Modifications to monitoring program
  - Recommendations about the requested amendments to modify monitoring requirements at station GRA-6; with water quality monitoring reduced to those parameters typically measured during construction activities and limited to periods when work is occurring, with samples also being taken downstream of work.
  - Recommendation to review possible modifications to monitoring requirements at station GRA-7, on potential impacts of Lower Landing Lake water withdrawal on Char River flow.
- 5. Reclamation plans for old intake
  - Recommendation to describe reclamation plans for the old water intake facilities on the Char River.
- 6. Quarterly reporting
  - CIRNA expressed their support of the removal of the requirement for quarterly reporting.
- 7. Term of amended licence
  - Recommendation to provide a tentative schedule for steps towards upgrading the wastewater treatment plant. Furthermore, should the Nunavut Water Board extend the term of a renewed licence, CIRNA recommended the addition of a condition to report on progress towards upgrading wastewater treatment, with explanations for deviations from the tentative schedule.

#### **Fisheries and Oceans Canada (DFO)**

Fisheries and Oceans Canada (DFO-FPP or DFO) is responsible for the administration of the *Fisheries Act*,<sup>6</sup> and some aspects of the *Species at Risk Act*.<sup>7</sup> Under the *Fisheries Act*, DFO is responsible for the management, protection and conservation of fish (which include marine mammals as defined by the *Fisheries Act*) and their habitats to maintain the sustainability and ongoing productivity of Canada’s fish-bearing waters. The Minister of Fisheries, Oceans and the Canadian Coast Guard is one of the competent ministers under the *Species at Risk Act*. The Fisheries

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<sup>6</sup> R.S.C. 1985, c. F-14.

<sup>7</sup> S.C. 2002, c. 49.





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Protection Program (FPP or The Program) of Fisheries and Oceans Canada (DFO-FPP or DFO) is responsible on behalf of the Department for regulatory review of proposed activities occurring in or near Canadian fisheries waters. DFO’s December 7, 2020 submission stated that they are *“of the view that this proposal is not likely to result in the contravention of the above mentioned prohibitions and requirements. At this time, the Program does not have any technical review comments as they relate to the Nunavut Water Boards jurisdiction of the use of waters and the deposit of waste into water or that may enter waters. Therefore Fisheries and Oceans Canada will not be participating in the technical review of the Rankin Inlet Utilidor Community & Government Services Type “A” water licence amendment...”*. Accordingly, DFO has provided no further comments and did not participate in the TM/PHC for the file.

### **4. Technical Meeting (TM)**

The Technical Meeting (TM) for the Application was held via teleconference from 9:00 a.m. to 4:00 pm CST on February 25, 2021. As is the Board’s practice, the TM was an informal meeting and was chaired by Karén Kharatyan, the Board’s Director of Technical Services. The meeting was attended by the Board staff and legal counsel, the Applicant, and the lone Intervener on the file, CIRNA.

In keeping with the Board’s normal practice, the Panel Members of the Board (Rankin Inlet Panel, P10), the decision-makers for the Application, were not present at the TM or the subsequent Pre-hearing Conference (PHC), having delegated the conduct of these meetings to the Board’s staff. The TM included the following:

- Discussion of the technical issues identified by the Intervener and the NWB staff during their technical review of the Application;
- Examination of technical data, comment submissions and other materials submitted as part of the Application;
- Discussion, and, where possible, resolution of technical matters or issues raised by the Intervener and the Applicant, particularly those matters that could affect the Board's determination on any Pre-hearing Conference (PHC) issues, prior to holding the PHC;
- Providing an opportunity for the Government of Nunavut, Community and Government Services (GN-CGS) and any other participants to identify and confirm for the Board the issues and concerns that have been resolved and to discuss any unresolved or ongoing issues related to the Application;



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- Identification of opportunities for streamlining the issues and process so as to eliminate existing or potential duplication or delay in the NWB's processing of the Application going forward; and
- Documenting any commitments made by the various parties during the Technical Meeting, with the aim of carrying over the commitments to the PHC and Public Hearing stages of the NWB's consideration of the Application.

The TM participants were advised that, upon completion of the TM, the Board expected any outstanding issues in respect of the Application to be resolved, or if not resolved, that some form of agreement, including commitments by the parties, would be provided by the parties to enable the Application to proceed to the next step of the licensing process, the Public Hearing, notwithstanding any unresolved issues.

At the TM, participants discussed the following issues raised during the technical review of the application including:

- The scope of the Application;
- Water pumping rates;
- Updates to the Management Plans;
- Sediment and erosion control;
- Monitoring and Reporting Requirements; and
- Reclamation of the previous pumping facilities.

Following these discussions at the TM, on February 25, 2021, the NWB circulated, an electronic copy of a draft list of commitments and a draft list of issues to all teleconference participants for their review and comment. The list of commitments consists of commitments provided by the Applicant or parties with a view to resolving outstanding issues in whole or in part. The draft list of issues consists of those issues related to the Application that the NWB expects to be addressed by parties as part of their final submissions in the Public Hearing phase of the NWB's processing of the file.

In the afternoon of February 25, 2021, the Pre-Hearing Conference was conducted, and this included time for parties to review and suggest revisions to both the draft list of issues and the draft list of commitments to reflect the clarifications and subsequent agreement of the parties. The finalized list is provided in **Error! Reference source not found.**, and reflects the outcome of the discussions during this portion of the TM/PHC. For the convenience of the parties, where commitments made by the Applicant will result in the submission of additional or updated documentation, the Board has included a description of the timelines for submission of this information and the form of submission expected by the parties.



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Similarly, the List of Issues (discussed in more detail under Section 5.0 of this Report below) was also reviewed and revised during the PHC to reflect the discussions of participants during the TM/PHC.

### **5. Pre-Hearing Conference (PHC)**

As the parties confirmed at the conclusion of the Technical Meeting (TM) that there were no outstanding issues that would prevent the Application from proceeding to the next step in the licensing process, a Public Hearing, the Pre-Hearing Conference (PHC) portion of the Agenda proceeded, and both were completed on February 25, 2021.

The PHC was also chaired by the Board’s Director of Technical Services, Karén Kharatyan, with the same parties in attendance as those who participated in the TM. The purpose of the PHC was to discuss the various matters as set out in Rule 14 of the Nunavut Water Board’s *Rules of Practice and Procedure for Public Hearings* (May 11, 2005) in preparation for a Public Hearing.

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

The Board noted at the beginning of this discussion during the PHC that, as required by s. 55(2) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSTRA), the NWB must give the public and parties a minimum of sixty (60) days’ notice in advance of a Public Hearing.

The Applicant and interveners in attendance were polled regarding any outstanding information requirements that must be supplied in advance of a Public Hearing and indicated that, as set out in the **Error! Reference source not found.**, the preparation and submission of additional information is not expected to delay the NWB proceeding to a potential Public Hearing in respect of the NWB’s continued processing of the Application. However, the Board identified and discussed with parties that the feasibility and timing of an in-person Public Hearing must reflect the practical realities that apply to any decision-makers conducting public meetings in light of the COVID-19 pandemic. Compliance with current public health measures designed to prevent the spread of COVID-19 is paramount. Specifically, the Board notes that there may be limits on the number of people who can gather indoors in Nunavut communities and that travel restrictions may mean that participants who do not reside in Nunavut or the Northwest Territories may not be able to travel to the Hamlet of Rankin Inlet without meeting the 14-day isolation requirements from the Government of Nunavut’s Chief Public Health Officer.



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On this basis, in consultation with the Pre-Hearing Conference participants, the Board has established the timetable for the pre-Hearing exchange of information set out below. However, as always, the Board reserves the right to revisit this timing if parties are unable to meet the deadlines in their commitments, if the Board receives subsequent, reasonable requests from the parties for adjournments in response to additional information received, if public health authorities issue directions or orders to respond to the COVID-19 pandemic or as may subsequently be considered necessary by the Board. In establishing the following schedule, the NWB emphasized that the Applicant had been previously advised regarding the Board's normal practices and timing for the completion of a Type "A" Water Licence amendment, and had been advised to build in sufficient time to ensure members of the public and interveners have a reasonable opportunity to review and comment on the Application and that the NWB has sufficient time to thoroughly consider the Application, conduct a form of Public Hearing and complete the Board's and Minister's decision-making processes.

Reflecting the discussions at the PHC, and the factors listed below, the Rankin Inlet Panel has determined that it is appropriate to conduct the Public Hearing in writing with interveners required to provide their final written submissions and any presentation materials to the Board on or before **May 24, 2021** for their consideration and the Applicant filing their final written submissions and any presentation materials to the Board on or before **May 31 2021**. Following the Board's receipt of all required materials, the NWB expects to close the Public Hearing Record for the file during the week of May 31-June 4, 2021. In deciding that the Public Hearing could be conducted in writing, the following factors were considered by the Panel:

- the narrow scope of the Application before the Board;
- the limited public participation during the TM/PHC and community session; and
- the public health restrictions in place to prevent transmission of the novel coronavirus (COVID-19), such as gathering limits on in-person public meetings and travel restrictions for parties outside Nunavut.

As discussed during the PHC, unless subsequently modified by the Board, the Board requires participants to observe the following timetable for the next steps in the Board's processing of the Application:

- **On or before Friday, April 2, 2021** NWB issues Notice of Public Hearing;
- **On or before Monday, April 19, 2021** any party requesting French translation of the Executive Summary materials or other written submissions of the parties should make such requests to the Board in writing;



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- **On or before Monday, May 24, 2021**, the interveners file their final written submissions, including any closing statements or presentations that the Board should consider in respect of the Application before closing the Public Hearing Record;
- **On or before Monday, May 31, 2021**, the Applicant must file any reply to the interveners' final written submissions, the Applicants' final written submissions, including any closing statements or presentations that the Board should consider in respect of the Application before closing the Public Hearing Record; and
- **In the week of May 31-June 4, 2021** the NWB reviews the final written submissions filed by the parties, and if all required information has been received, provides correspondence advising the parties of the close of the Public Hearing Record for the Application, and remits the matter to the NWB's decision-making Panel for their decision.

All submissions will be posted on the NWB's ftp-site (<ftp://ftp.nwb-oen.ca/>) and in the public registry upon receipt. An electronic copy of the public registry as it relates to the Application can also be made available to the public upon request.

### Identification of Interested Parties

During the PHC, the following parties confirmed their participation in the Public Hearing:

- The Applicant, GN-CGS; and
- Crown-Indigenous Relations and Northern Affairs (CIRNA).

The Applicant noted, however, that some representatives of GN-CGS who have been central to the preparation and on-going technical review of the Application will likely be unable to travel into Nunavut to attend the Public Hearing in person. Consequently, GN-CGS requested that the Board make arrangements for any in-person proceedings to be linked via video/audio technology so that all necessary GN-CGS representatives can participate fully.

During the PHC, participants were also asked whether there were any additional interested parties that should specifically be invited to participate in the Public Hearing. No additional interested parties who should be invited to participate during the Public Hearing were identified by the Applicant, Intervener or the Board.

### Provision of Final Written Submissions from Interested Parties

During the PHC, the parties were advised that any additional information that the Applicant, interveners or other interested parties may wish the Board to consider during their review of the Application must be filed with the Board in advance of the close of the Public Hearing Record and



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in accordance with the timelines outlined above under the heading “Timetable for Pre-Hearing Exchange of Information”.

### List of Issues

The parties in attendance at the TM/PHC confirmed that none of the issues remaining for discussion, and also, that none of the outstanding information requirements should prevent the Board from proceeding with the Public Hearing for the file.

As noted above, during the discussion of the TM, in advance of the PHC, the Board circulated to the parties for their review and comment, a draft list of issues prepared by Board staff during the TM. This list provides a listing of the topics that are expected to be addressed by the parties at the upcoming Public Hearing. The list of issues that follows captures the discussions and suggested revisions from the TM/PHC participants. On this basis, subject to adding issues following the review of information that may be exchanged in advance of the Public Hearing, the NWB anticipates that the following issues will be addressed by parties in their final submissions provided as part of the written Public Hearing:

- Scope of Amendments to the Existing Licence
  - relocation of the pumping station from the Char River to Lower Landing Lake for replenishing Nipissar Lake during the open water season;
  - increasing the annual pumping volume from 3,485 m<sup>3</sup>/day to 10,000 m<sup>3</sup>/day;
  - removal of compliance point GRA-6 from the Licence due to the relocation of pumping station;
  - the removal of current quarterly reporting that must be submitted to the Nunavut Water Board 4 times/year;
  - discontinuing submission of annual updates to the water pumping adaptive management plan for the pumping of water to Nipissar Lake from Lower Landing Lake; and
  - 10-year renewal of the current Water Licence to bring it valid to the end of 2031.
- Water Quantity and Timing of Pumping
  - Water quality monitoring and Lower Landing Lake level monitoring
  - Potential adverse effects onto Char River
  - Pumping from Lower Landing Lake throughout the open water season as required
- Construction of New Facilities
  - No new construction required
- Compliance History
  - Updates to the Applicant’s compliance history under the Licence;





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- Updates to other related compliance requirements (e.g. direction from ECCC, CIRNA)
- Monitoring Program
  - Modifications and required updates to reflect relocation of the pumping station
- Closure and Reclamation Planning
  - Timeline for submission of Closure and Reclamation Plan to reflect removal of, and additional of pumping

### **Changes to the Application for the Purposes of Clarification**

The Applicant and Intervener in attendance were canvassed regarding any potential changes to the Application. No changes to the Application were identified at the TM/PHC. Should any additional changes become necessary, any additional information that the parties wish the Board to consider during their review of the Application must be filed with the Board in advance of the Public Hearing and in accordance with the timelines outlined above under the heading “Pre-Hearing Exchange of Information”.

### **Procedures for the Public Hearing**

Parties were asked for their views with respect to the form of the Public Hearing (written, teleconference or in-person). Parties discussed the possibilities of conducting a Public Hearing in person, via teleconference or in writing. Parties indicated that a combination of in-person and video/teleconference would be the most appropriate given travel restrictions and general logistics. CIRNA identified that although they would defer to the Board as to the appropriate form for the Public Hearing, CIRNA also urged the Board to modify their normal Public Hearing procedures as required to reflect public health and safety requirements and guidance from applicable public health authorities necessary to prevent the spread of COVID-19.

As noted above, when the Rankin Inlet Panel considered factors such as the limited scope of the amendments requested, the lack of public participation during the review of the Application, the restrictions on gatherings and travel due to public health measures in place to prevent transmission of COVID-19, the Panel determined that it is, appropriate to conduct the Public Hearing in writing, and the Board has implemented their normal procedures for conducting a written Public Hearing to govern the timelines and process for this next step in the Board’s processing of the Application.

### **Measures to Simplify the Disposition of the Application**

No measures to simplify the disposition of the Application were identified at the PHC.





## 3AM-GRA1624 Type "A" Water Licence Amendment Application Pre-Hearing Conference Decision

### Steps following the Public Hearing

Once the Public Hearing Record has closed (expected to be in the week of May 31-June 4, 2021 if all parties comply with the timelines provided within this PHC Decision) and the matter has been remitted to the Panel for decision-making, within thirty (30) to forty five (45) days, the Board will issue its Record of Proceedings and Decision to the Minister of Northern Affairs. If the Panel recommends that the Type "A" Water Licence amendment requested in the Application be granted, a draft of the amended Licence would also be provided for the Minister's review and approval.

If you require additional information regarding this Application, the Board's specific direction or the Board's processes in general, please do not hesitate to contact myself, or the Director of Technical Services, Karen Kharatyan at [karen.kharatyan@nwb-oen.ca](mailto:karen.kharatyan@nwb-oen.ca). For any administrative matters related to the filing of written materials in advance of the Public Hearing, please contact the NWB's Manager of Licensing, Richard Dwyer, at [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca).

Regards,

**NUNAVUT WATER BOARD**

Stephanie Autut  
Executive Director

SA/dd/rqd

### 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: | List of Application Submissions   |
| Appendix D: | List of Commitments generated during the Technical Meeting/Pre-Hearing Conference held on February 25, 2021 |



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NUNAVUT WATER BOARD  
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OFFICE DES EAUX DU NUNAVUT

## **APPENDIX A: TM/PHC Agendas**

### **FINAL AGENDA**

#### **TECHNICAL MEETING AND PRE-HEARING CONFERENCE GN-CGS; HAMLET OF RANKIN INLET MUNICIPAL WATER LICENCE WATER LICENCE AMENDMENT (TYPE “A” LICENCE 3AM-GRA1624)**

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#### **TECHNICAL MEETING**

**Date:** February 25, 2021

**Time:** 8:00 AM – 3:00 PM (MT) or 9:00 AM – 4:00 PM (CT)

**Teleconference Call in:** 1-587-328-1099

**Meeting ID:** 841 4380 5850

**Passcode:** 247945

**Zoom Meeting Link:**

<https://us02web.zoom.us/j/84143805850?pwd=bXMzMzBYUTI1N2hGOGdwdHpLMzUrQT09>

1. Introduction and Registration
2. Application to the Board, NWB Opening Remarks (15 Minutes)
3. Purpose of the Pre-Hearing / Technical Meeting
4. Technical Review of the Application
  - a. GN-CGS presentation on the Project (30Min)
  - b. Identification of Interested Parties
  - c. Presentations from Interested parties (30min/party)
  - d. Discussion of Commitments to Address Technical Issues
  - e. Formulation of Outstanding Issues
  - f. Identification of the parties' commitments to resolve relevant technical issues, service of documents to parties (deadline, public registry, form)
5. Closing of Technical Meeting (*May continue to the next day if required*)



3AM-GRA1624 Type “A” Water Licence Amendment Application  
Pre-Hearing Conference Decision

**FINAL AGENDA**

**TECHNICAL MEETING AND PRE-HEARING CONFERENCE  
GN-CGS; HAMLET OF RANKIN INLET MUNICIPAL WATER LICENCE  
WATER LICENCE AMENDMENT (TYPE “A” LICENCE 3AM-GRA1624)**

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**COMMUNITY SESSION**

**Date:** February 25, 2021

**Time:** 5:00 - 8:00 PM (MT) or 6:00 - 9:00 PM (CT)

**Location:** Community Hub: Siniktarvik Hotel Conference Hall

**Teleconference Call in (English):** 1-587-328-1099

**Inuktitut Interpretation Call in:** 1-888-289-4573 (Access Code: 1227741)

**Zoom Meeting ID:** 841 4380 5850

**Passcode:** 247945

**Zoom Meeting Link:**

<https://us02web.zoom.us/j/84143805850?pwd=bXMzMzBYUTI1N2hGOGdwdHpLMzUrQT09>

1. Overview of NWB process by NWB (15 minutes)
2. Presentation of Application by Applicant (30 minutes)
3. Presentation/statements by Intervening Parties (15 minutes/party)
4. Questions and comments from community members



3AM-GRA1624 Type “A” Water Licence Amendment Application  
Pre-Hearing Conference Decision

**FINAL AGENDA**

**TECHNICAL MEETING AND PRE-HEARING CONFERENCE  
GN-CGS; HAMLET OF RANKIN INLET MUNICIPAL WATER LICENCE**

**WATER LICENCE AMENDMENT (TYPE “A” LICENCE 3AM-GRA1624)**

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**PRE-HEARING CONFERENCE**

**Date: February 26, 2021**

**Time: 8:00 AM - 11:00 PM (MT) or 9:00 AM - 12:00 PM (CT)**

**Teleconference Call in: 1-587-328-1099**

**Meeting ID: 841 4380 5850**

**Passcode: 247945**

**Zoom Meeting Link:**

**<https://us02web.zoom.us/j/84143805850?pwd=bXMzMzBYUTI1N2hGOGdwdHpLMzUrQT09>**

**1. Pre-Hearing Conference**

- a. Identify issues that may prevent the Application from proceeding to a Public Hearing
- b. Discuss form, timing, and location of a potential Public Hearing for the Application
- c. Establish timetable for the pre-hearing exchange of information including:
  - i preparation and filing of additional documents by the parties (deadlines, form, public registry)
  - ii document-translation requirements
  - iii documentation to be included in the Public Hearing Record
- d. Finalize list of issues to be addressed at the Public Hearing
- e. Identify interested parties / parties that should be invited to participate in the Public Hearing
- f. Identify any changes required to the Application for the purposes of clarification
- g. Final procedures to be followed at the Public Hearing including:
  - i requested modifications to the applicable NWB Rules of Practice and Procedure for Public Hearings (May 2005)
  - ii language requirements at the Public Hearing
- h. Consideration of any other matters that may aid in the simplification and disposition of the Application at the Public Hearing

**2. Other issues**

**3. Closing of the meetings.**



3AM-GRA1624 Type “A” Water Licence Amendment Application  
Pre-Hearing Conference Decision

**APPENDIX B: Sign In Sheets Attendees at TM/PHC**

<b>Participant</b>	<b>Position</b>	<b>Company/ Organization</b>	<b>Representing</b>
Sarah Collins	Chief Administrative Officer	GN-CGS	GN-CGS
Megan Muckpah-Gavin	Municipal Technical Officer	Hamlet of Rankin Inlet	GN-CGS
Matthew Hewey	Municipal Technical Officer	Hamlet of Rankin Inlet	GN-CGS
Kayla Clouter	Municipal Infrastructure, Specialist Training Officer	Hamlet of Rankin Inlet	GN-CGS
Simon Doiron	Water, Wastewater Manager	Hamlet of Rankin Inlet	GN-CGS
Lynn Rudd	Council Member for the Hamlet of Rankin Inlet	Hamlet of Rankin Inlet	Hamlet of Rankin Inlet
Bridget Campbell	Acting Manager Water Resources	CIRNA	CIRNA
Sarah Forté	Water Management Specialist	CIRNA	CIRNA
Karen Kharatyan	Director of Technical Services	NWB	NWB
Derek Donald	Technical Advisor	NWB	NWB
Richard Dwyer	Manager of Licensing	NWB	NWB
Ali Shaikh	Technical Advisor	NWB	NWB
Teresa Meadows	NWB Legal Counsel	Meadows Law	NWB



## 3AM-GRA1624 Type "A" Water Licence Amendment Application Pre-Hearing Conference Decision

### **APPENDIX C: List of Application Submissions**

The following documents were included with the Application:

**1. September 16, 2020:**

- Significant Modification Existing Project - screening required
- Rankin Inlet Type A Water Licence Renewal Application
- 171103-13UN037-Screening Decision Report
- 180214 Diagram of Pipeline Extension to Lower Landing Lake
- 2020-07-29-NPC Letter re 149381 Municipal Water Licence Amendment
- 80214 Nipissar Lake and Lower Landing Lake Water Balance
- Final Report-Rankin Inlet WWTP Upgrades Study
- GN- CGS Annual Report 2019
- Plan for Compliance 2020
- CGS Application for Submission
- Rankin Inlet - CGS Map
- Rankin Inlet CGS Executive Summary - English
- Rankin Inlet CGS Executive Summary - Inuktitut
- Rankin Inlet Wastewater Characterization FINAL Report Mar31\_20

**2. October 27, 2020**

- Amendment Application CGS Response to Comments

**3. December 21, 2020**

- Technical Review CGS Response
- COMMUNITY OF RANKIN INLET Nipissar Lake and Lower Landing Lake Water Balance Assessment

**4. February 18, 2021**

- Government of Nunavut, CGS, Inuktitut and English Public Presentation.

**5. February 25, 2021**

- Government of Nunavut, Community Government Service, comments on Draft Technical Meeting Pre-Hearing Conference Commitments List.



## 3AM-GRA1624 Type "A" Water Licence Amendment Application Pre-Hearing Conference Decision

- Government of Nunavut, Community Government Service, Draft Technical Meeting Pre-Hearing Conference Commitments List.

### **6. March 1, 2021**

- Wastewater Treatment Plant Upgrades Rankin Inlet: Final Report
- Rankin Inlet Wastewater Effluent Study
- Water License 3AM-GRA1624 Amendment Application: Supplemental Information





3AM-GRA1624 Type “A” Water Licence Amendment Application  
Pre-Hearing Conference Decision

**APPENDIX D: List of Commitments generated during the Technical Meeting/Pre-Hearing Conference held February 25, 2021**

No.	Party Responsible for Commitment	Party(s) who raised (Item#)	Issue - TM Commitment	Timeline for Submission	Form of Submission
1.	GN-CGS	CIRNA, NWB	Provide specific justification for each item that is being requested to be removed from the Licence.	March 15, 2021	Technical Memorandum
2.	GN-CGS	CIRNA, NWB	Provide an update on progress made and a revised schedule for Waste Water Treatment Plant upgrade.	With each subsequent annual report	Sub-section of the annual report
3.	GN-CGS	CIRNA, NWB	Provide an updated Water Pumping Plan that reflect the current pumping location.	6 months following the issuance of Amendment	Management Plan
4.	CIRNA	CIRNA	CIRNA to follow up with ECCC to provide the NWB with updated guidance regarding the elimination of quarterly reporting requirements from ECCC directions to the Applicant	March 15, 2021	Correspondence to the NWB



3AM-GRA1624 Type "A" Water Licence Amendment Application  
Pre-Hearing Conference Decision

No.	Party Responsible for Commitment	Party(s) who raised (Item#)	Issue - TM Commitment	Timeline for Submission	Form of Submission
5.	GN-CGS	CIRNA	Monitoring commitment agreed to during Technical Meeting for stations GRA-7 and GRA-6. In, brief, monitoring of water quality and water level at GRA-7, and removal of GRA-6 requirements.	March 15, 2021	Correspondence to the NWB