



NUNAVUT WATER BOARD

**REASONS FOR DECISION
INCLUDING
RECORD OF PROCEEDINGS**

In the Matter of:

Applicant: Government of Nunavut Community Government Services

Subject: Application Renewal /Amendment for Type “A” Water Licence

Date: June 09, 2010

Precedence: Where there is any inconsistency or conflict between the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (NLCA)* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)*, the *NLCA* prevails to the extent of the inconsistency or conflict. Where there is any inconsistency or conflict between the *NWNSRTA* and any other *Act of Parliament*, except the *NLCA*, the *NWNSRTA* prevails to the extent of the inconsistency or conflict.

TABLE OF CONTENTS

RECORD OF PROCEEDINGS.....	1
BACKGROUND	2
REGULATORY HISTORY	2
APPLICATION PROCEDURAL HISTORY	3
Summary of Submissions	6
JURISDICTION OF THE BOARD.....	8
REQUIREMENTS OF THE NWNSRTA	10
Objects of the Board and its Relationship to other Bodies	10
Land Use Plans	10
Relationship to Environmental Assessment	10
Recommendations on Marine Areas	11
DECISION TO ISSUE	12
Issuance of a Licence	12
Compliance and Enforcement.....	12
Assumptions.....	13
Applications in Relation to Licences	13
Term of Licence	13
WATER LICENCE TERMS AND CONDITIONS	14
PART A: SCOPE, DEFINITIONS AND ENFORCEMENT	14
PART B: GENERAL CONDITIONS	15
PART C: CONDITIONS APPLYING TO WATER USE AND MANAGEMENT	16
PART D: CONDITIONS APPLYING TO WASTE DISPOSAL AND MANAGEMENT	17
PART E: CONDITIONS APPLYING TO MODIFICATIONS AND CONSTRUCTION.....	17
PART F: CONDITIONS APPLYING TO OPERATIONS AND MAINTENANCE	17
PART G: CONDITIONS APPLYING TO ABANDONMENT, RESTORATION AND CLOSURE.....	17
PART H: CONDITIONS APPLYING TO MONITORING PROGRAM	17
APPENDIX A	19
APPENDIX B	24

RECORD OF PROCEEDINGS

Applicant: Government of Nunavut Community Government Services
(GN-CGS)

Address: PO Bag 002, Government of Nunavut,
Rankin Inlet, Nunavut
X0C 0G0

Purpose: Application for Renewal / Amendment - Type "A" Water Licence

Application Received: March 24, 2009

Date(s) of Hearing: Day 1: May 18, 2010
Day 2: May 19, 2010

Members Present: Thomas Kabloona, Chair
George Porter, Member
David Aglukark, Sr., Member

Board Staff: Director Technical Services D. Hohnstein, C.E.T
Technical Advisor D. Carr, B. Sc.
Licence Administrative Assistant I. Porter
Administrative Clerk D. Porter
Board Secretary B. Kogvik

Interpreter(s): M. Hunt
B. Kogvik

NWB Legal Counsel: C. Emrick, Miller Thomson, LLP

Court Reporter: K. Schumann, Dicta Inc.

Sound Technician: T. Bourque, Pido Productions Ltd.

Applicant: Government of Nunavut - Community Government and Services
(GN-CGS)

- B. Purdy, Acting Municipal Engineer
- J. Walls, P. Geo., Nuna Burnside Engineering and Environmental Ltd. (Nuna Burnside)

Parties: Indian and Northern Affairs Canada (INAC)

- I. Parsons, Water Resources
- H. Kablalik, Water Resources

Department of Fisheries and Oceans Canada (DFO)

- G. Cooper, Habitat Management Biologist
- L. Melnick, Habitat Management Biologist

BACKGROUND

This matter involves the application by the Government of Nunavut, Department of Community and Government Services for a five year renewal and amendment of the water licence for the Hamlet of Rankin Inlet's municipal water supply and sewage treatment system. A water licence regulates fresh water use and waste disposal that may enter into fresh water.

The water supply is drawn from Nipissar Lake, located approximately two kilometres northwest of the Hamlet of Rankin Inlet. Water distribution and sewage collection is by way of a utilidor system that circulates warm water to prevent freezing. A small percentage of the Hamlet still uses a truck delivery and pump out system.

The sewage is collected and treated at a sewage treatment plant, where it goes through partially primary treatment through a mechanical system with a rotating drum screen. Solids are removed from the sewage and disposed of in the Hamlet of Rankin Inlet landfill. The remaining sewage is piped and discharged into the marine environment at the bottom of Prairie Bay (Hudson Bay), 500 metres off shore.

The application is for the use of 850,000 cubic metres of water per year for a municipal undertaking.

REGULATORY HISTORY

The Government of Nunavut, Department of Community and Government Services (Licensee or GN-CGS), then Department of Public Works and Services, received the type 'B' municipal water licence for the Hamlet of Rankin Inlet water supply and sewage treatment system NWB3GRA0207 (Type B Licence) from the Nunavut Water Board (NWB or Board) on December 1, 2002.

On April 16, 2004, the Licensee, submitted a request for modification to the Utilidor Construction Area 1, in accordance with Part E, Item 1 of the Type B Licence. The request related to the proposed replacement of the existing utilidor system in Area 1, Rankin Inlet. On June 22, 2004, following a public review of the request, the Board approved the submission as presented and reminded the Licensee that as-built engineered diagrams of the modifications referred to in the "Construction Tender" documents were to be submitted to the Board within ninety (90) days of completion of the modification.

On August 12, 2004, the NWB issued a Licence Errata to edit Part H, Item 9 of the Type B Licence to read “The Licensee shall measure and record the annual quantities of sewage solids removed from the Sewage Disposal Facility”.

On November 30, 2007, the Type B Licence expired.

APPLICATION PROCEDURAL HISTORY

On March 24, 2009, the NWB received an application for renewal/amendment of the Type B Licence, including supporting documentation from the GN-CGS (Application). The Application was prepared and submitted with the support of Nuna Burnside Engineering and Environmental Ltd. (Nuna Burnside).¹

Based on water use estimates of two thousand or more cubic meters per day, the Application is for a type ‘A’ water licence (Licence) in accordance with Schedule 6 the *Northwest Territories Waters Regulations* (NTWR or Regulations), and requiring a public hearing pursuant to section 52 of the *Nunavut Waters Nunavut Surface Rights Tribunal Act* (NWNSRTA or Act).

Following the initial internal review of the Application, the NWB identified deficiencies in the administrative requirements of the Type B Licence, including the provision of as-built drawings of the modification for replacing the utilidor in area 1. On July 16, 2009, the Board provided the results of its internal review and Municipal Status Report Summary to the Licensee and requested an estimated submission date for the deficient information.² The Board also advised the Licensee that processing of the Application would be suspended pending receipt of the outstanding documentation.

On October 6 and 7, 2009, the NWB received an Inuktitut translation of the executive summary of the Application and as-built record drawings of the utilidor replacement modifications. The NWB acknowledged receipt of the submission on October 22, 2009, and requested further clarification with respect to the water use volumes, water source recharge rates, potential for drawdown of the water source, and proposed changes to the water supply facilities.³ The Licensee responded on November 24, 2009, confirming that the water supply lake level appeared to have dropped in recent years. The Licensee requested that the NWB continue with the renewal process and proposed that future action could be taken via an amendment process once studies are completed and a course of action defined.⁴

¹ Letter and attachments from Blihar Antaal, CN-CGS to Phyllis Beaulieu, NWB dated March 20, 2009.

² Letter from Don Carr, NWB to Wayne Thistle, CN-CGS dated July 16, 2009.

³ Letter from Don Carr, NWB to Wayne Thistle, CN-CGS dated October 22, 2009.

⁴ E-mail from Wayne Thistle, CN-CGS to Phyllis Beaulieu et. al. and directed specifically to Don Carr, NWB dated November 24, 2009.

On November 26, 2009, the NWB acknowledged receipt of the November 24, 2009, submission and asked interested parties to review the Application and submit comments regarding the completeness of the Application by December 16, 2009.⁵

By December 16, 2009, the Board was in receipt of comments on the completeness of the Application from Indian and Northern Affairs Canada (INAC),⁶ Environment Canada (EC),⁷ Department of Fisheries and Oceans (DFO),⁸ and the Government of Nunavut, Department of Environment (GN-DOE).⁹

On January 25, 2010, the Board gave notice of the Application in accordance with section 55(1) of the Act, inviting interested persons to make representations within thirty (30) days. The Board also asked interested parties to complete a thorough technical assessment and proposed to hold an initial technical meeting via teleconference on March 3, 2010.¹⁰

By February 24, 2010, the NWB received technical review comments from INAC,¹¹ EC,¹² DFO¹³ and GN-DOE.¹⁴ On March 1, 2010, the NWB confirmed the date and agenda for the March 3, 2010 technical meeting and distributed a summary of the interveners' comments.¹⁵ The technical meeting was held via teleconference on March 3, 2010.

On March 9, 2010, the NWB issued a letter to parties summarizing the commitments made by the Applicant during the technical meeting and issued notice of a second Technical Meeting (TM) and the Pre-Hearing Conference (PHC), to be held on April 19, 2010, via teleconference. Parties were asked to submit the results of their technical assessment of the additional information by April 15, 2010.¹⁶

On March 16, 2010, the Nunavut Impact Review Board (NIRB) provided confirmation to the NWB that the development impact review requirements pursuant to Article 12 of the *Nunavut Land Claims Agreement* (NLCA) had been satisfied.¹⁷

On March 17, 2010, in accordance with section 55(2) of the Act, the NWB issued notice of a public hearing for the Application, to be held on May 18 and 19, 2010, at the Rankin Inlet Community Hall.

⁵ Letter from Don Carr, NWB to Wayne Thistle, CN-CGS dated November 24, 2009.

⁶ Letter from Ian Rumboldt, INAC to Phyllis Beaulieu, NWB dated December 15, 2009.

⁷ Letter from Carrie Spavor, EC to Phyllis Beaulieu, NWB dated December 15, 2009.

⁸ Letter from Loreina Melnick, DFO to Phyllis Beaulieu, NWB dated December 16, 2009.

⁹ Letter from Allison Loder, GN-DOE to Phyllis Beaulieu, NWB dated December 16, 2009.

¹⁰ Letter from Don Carr, NWB to Wayne Thistle, CN-CGS dated January 25, 2010.

¹¹ Letter and attachment from Ian Parsons, INAC to Richard Dwyer, NWB dated February 24, 2010.

¹² Letter from Carrie Spavor, EC to Phyllis Beaulieu, NWB dated February 24, 2010.

¹³ Letter from Loreina Melnick, DFO to Richard Dwyer, NWB dated February 24, 2010.

¹⁴ Letter from Allison Loder, GN-DOE to Phyllis Beaulieu, NWB dated February 24, 2010.

¹⁵ Letter and Agenda from Don Carr, NWB to Wayne Thistle, CN-CGS dated March 1, 2010.

¹⁶ Letter from David Hohnstein, NWB to Wayne Thistle, CN-CGS dated March 9, 2010.

¹⁷ E-mail from Ryan Barry, NIRB to Phyllis Beaulieu, NWB dated March 16, 2010.

On March 19, 2010, the Nunavut Planning Commission (NPC) confirmed to the NWB that requirements regarding land use plan conformity pursuant to Article 11 of the NLCA had been satisfied.¹⁸

On March 19 and 25, 2010, additional information was received by the NWB from the Licensee.¹⁹ The information was distributed by the NWB to parties on April 6, 2010 for review.²⁰ Technical review comments were received from INAC.²¹ On April 13, 2010 the NWB distributed the results of its preliminary review of the new information, and issued the TM and PHC agenda.²²

As directed by the Board, NWB staff conducted the TM and PHC via teleconference on April 19, 2010. The Licensee and consultant, Nuna Burnside, EC, INAC, DFO, and GN-DOE participated in the TM and PHC. A Pre-Hearing decision was issued on April 28, 2010.²³ Following the TM and PHC, the Board confirmed the Public Hearing scheduled for May 18 and 19, 2010 and set a deadline of May 3, 2010, for the submission of intervention statement executive summary translations in Inuktitut. An executive summary in English and Inuktitut was received from INAC on May 3, 2010.²⁴

On April 30, 2010, EC informed the NWB that it would not be submitting an intervention for this water licence application but would be in attendance at the Hearing to answer any questions.²⁵ On May 17, 2010, EC confirmed with the NWB that EC was not attending the Hearing.²⁶

On May 3, 2010, GN-CGS submitted revisions to the following plans: Water Supply Facility Operations and Maintenance Plan; Sewage Treatment Facility Operations and Maintenance Plan; Environmental Emergency Contingency Plan; and Environmental Monitoring Program Quality Assurance/ Quality Control Plan.²⁷

¹⁸ E-mail from Brian Aglukark, NPC to Phyllis Beaulieu, NWB dated March 19, 2010 and further followup and confirmation received in e-mail from Brian Aglukark, NPC to Phyllis Beaulieu, NWB dated March 23, 2010.

¹⁹ Letter from Jim Walls, Nuna Burnside to Wayne Thistle, GN-CGS dated March 19, 2010 and letter from Jim Walls, Nuna Burnside to Loriena Melnick, DFO dated March 25, 2010.

²⁰ Letter from Ian Parsons, INAC to Richard Dwyer, NWB dated April 14, 2010.

²¹ Letter from David Hohnstein, NWB to Distribution List dated April 13, 2010.

²² Hamlet of Rankin Inlet – Pre-Hearing Conference Decision for the Type ‘A’ Water Licence Application in Renewal of the Type ‘B’ 3BM-GRA0207 Water Licence dated April 28, 2010.

²³ From Ian Parsons, INAC to Phyllis Beaulieu, NWB dated April 24, 2010.

²⁴ Letter from Paula Smith, EC to David Hohnstein, NWB dated April 20, 2010.

²⁵ Letter from Paula Smith, EC to Don Carr, NWB dated May 17, 2010.

²⁶ Revised Environmental Monitoring Program and Quality Assurance/Quality Control Plan (File Name: 100503 3AM-GRA---- 14850_Revised QAQC Rankin Inlet Report_GN-IMLE); Revised Sewage Treatment Facility Operation and Maintenance (O&M) Plan (File Name: 100503 3AM-GRA---- 14850; Revised OM Plan STF Report-IMLE); Revised Environmental Emergency Contingency Plan (File Name: 100503 3AM-GRA---14850; Revised Emergency Cont Plan GN-IMLE); and Revised Water Supply Facility Operation and Maintenance (O&M) Plan (File Name: 100503 3AM-GRA---- 14850; Revised OM Plan Water Supply Facility Report-IMLE).

On May 4, 2010 the NWB distributed a notice to parties providing a list of recent documents submitted that pertain to the upcoming Hearing for information purposes.²⁸ On March 9, 2010, at the request of the NWB, the Applicant provided an updated 2010 population estimate for the Hamlet of Rankin Inlet of 2791 people based on the Nunavut Bureau of Statistics.²⁹

On May 11, 2010 GN-DOE informed the NWB that GN-DOE would not attend the Hearing.³⁰

The Public Hearing of the Application was held on May 18 and 19, 2010, at the Community Hall, Rankin Inlet, Nunavut (Hearing).

Summary of Submissions

Indian and Northern Affairs Canada

INAC's participation in the review of the Application is derived from the *Department of Indian and Northern Affairs Act*, the *Nunavut Land Claims Agreement* (NLCA), the *Territorial Lands Act and Regulations*, and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTRA or Act).

INAC identified four main issues with the Application. First, the volume of water requested in the Application is 876,000 cubic metres per year, more than double the preceding Type B Licence limit of 400,000 cubic metres per year.

Second, the Application provides a recharge rate for the water source, Nipissar Lake, of 314,000 cubic metres per year, significantly less than the requested water use volumes. The information provided by the Licensee also indicates that Nipissar Lake level has dropped 2.5 feet and the water intake has been lowered due to lower water levels. Accordingly, INAC recommends to the Board that further studies into the sustainability of Nipissar Lake as a viable water source for the Hamlet of Rankin Inlet be undertaken, including a bathymetric study, a study of the lake recharge rate, and that consideration be given to securing an additional water source.

Third, INAC identified several omissions in the Application, including items required under Part B, Item 1 of the Type B Licence pertaining to annual reporting, including tabular summaries of all data generated under the Monitoring Program; a list of unauthorized discharges; and a summary of abandonment and restoration work completed and any work anticipated for the next year. At the Hearing INAC advised the Board that the omissions in the Application were generally well addressed by the Applicant.

²⁸ E-mail from Phyllis Beaulieu, NWB to Wayne Thistle, GN-CGS et. al. dated May 4, 2010.

²⁹ E-mail from Wayne Thistle, GN-CGS to Don Carr, NWB dated March 9, 2010.

³⁰ Letter from Dilek Dee Karadag, GN-DOE to Don Carr, NWB dated May 17, 2010.

Fourth, INAC identified that the Application contained information pertaining to the Hamlet of Rankin Inlet's disposal of solid waste, which is authorized under a separate water licence issued to the Hamlet of Rankin Inlet (Licence No. 3BM-RAN0207). INAC submitted that in order to authorize the disposal of sewage sludge, a written agreement should be in place documenting that the sewage sludge is being disposed of at an approved, licensed facility.

At the Hearing INAC initially recommended to the Board that the Licence be issued for a one year term. However, in INAC's closing statement to the Board this recommendation was revised to recommend a term not exceeding five years, provided conditions were in place for depth measurement devices in Nipissar Lake as part of the monitoring program to provide information on how fast the lake is decreasing.

Department of Fisheries and Oceans

DFO reviewed the Application to determine whether it is likely to result in impacts to fish and fish habitat prohibited by the *Fisheries Act* or prohibited by provisions of the *Species at Risk Act* that apply to aquatic species.

DFO identified two concerns with the Application. The first is that the potential drawdown of Nipissar Lake may result in the harmful alteration, disruption or destruction of fish habitat (HADD) prohibited by section 35(1) of the *Fisheries Act*, unless authorized by the Minister of Fisheries and Oceans pursuant to section 35(2) of the *Fisheries Act*. To assess this potential for HADD, DFO recommends to the Board that a detailed assessment be undertaken of the proposed volume of water to be drawn from Nipissar Lake against the total annual recharge and the potential ramifications of drawdown.

DFO also advised the Board that additional information is required to assess whether the water intake may create HADD by entrainment or impingement of fish. DFO advised the Board that the type of existing intake screen is unknown. DFO recommends that the type of intake screen be determined and that the DFO fish screen guidelines be used to determine if the screen being used is appropriate.

DFO also recommends to the Board that the Applicant submit baseline information on fish, fish habitat, and their use of the affected water bodies.

Environment Canada

EC provided a written submission but did not attend the Hearing. EC's written submission provided advice to the Board pursuant to the *Canadian Environmental Protection Act*, section 36(3) of the *Fisheries Act*, the *Migratory Birds Convention Act*, and the *Species at Risk Act*.

EC requested that the Applicant provide further information in the Environmental Emergency Contingency (EEC) Plan for emergency contingency measures for the utilidor system in the event of a failure or overflow of the sewage treatment system.

Additionally, EC advised that the Applicant must ensure that any effluent discharged is in compliance with section 36(3) of the *Fisheries Act*. Section 36(3) regulates the deposit of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water, is prohibited.

Government of Nunavut – Department of Environment

The GN-DOE reviewed the Application and provided a written submission pursuant to the *Environmental Protection Act*. GN-DOE's submission set out updated contact information for the Environmental Emergency Contingency Plan and recommended that procedures be put in place in the Operation and Maintenance Manual for the sewage treatment facility to address any disruption of services at the facility. GN-DOE did not attend the Hearing.

Submissions from the Community at the Hearing

At the Hearing, Mayor J. Hickes made a statement on behalf of the Hamlet of Rankin Inlet. Mr. Hickes advised the Board that the current population of the Hamlet, based on Statistics Canada, is in the range of 3000 people and the community is growing with new facilities and infrastructure, including a new detention centre that is under construction. The growth is placing an increased demand on the water supply. He also expressed concern that leaks and seepage from the 15 year old system may also be partly responsible for the increased use of water. Mr. Hickes submitted that the community water supply is reaching a critical stage and that alternatives must be considered. No other community members participated in the Hearing.

JURISDICTION OF THE BOARD

This Board has jurisdiction over the Application pursuant to Division 2 of the NWNSRTA.³¹ Relevant sections in that Division allow the Board to issue a licence.³² In deciding to issue a licence or engage in any other statutory function, the Board must follow the objects of the governing legislation, which are:

... to provide for the conservation and utilization of waters in Nunavut, except in a national park, in a manner that will provide the optimum benefit from those waters for the residents of Nunavut in particular and Canadians in general.³³

³¹ Sections 42-81 of the NWNSRTA.

³² See sections 42, 48, 55, 56, and 70 of the NWNSRTA.

³³ Section 35 of the NWNSRTA.

In setting the terms and conditions of this Licence, the Board is guided by these objects. The Board intends to meet its statutory duty to make *all* reasonable efforts to minimize *any* adverse effects on aquatic ecosystems. Reading the several Articles of the NLCA together, which the Board is entitled to do to understand its jurisdiction,³⁴ the Board relies on the broad definition of “ecosystemic” found in Article 12.1.1 of the NLCA to require not only the Nunavut Impact Review Board (NIRB) but also the NWB to ensure all components of the ecosystem such as fish and fish habitat are protected within the parameters of section 71 of the Act.

For all matters relating to the Application, the burden of proof in this Hearing rests with the Applicant. The NWB Rules of Practice state: “In cases in which the Board accepts evidence, any party offering such evidence shall have the burden of introducing appropriate evidence to support its position. Where there is conflicting evidence, the Board will decide which evidence to accept and will generally act on a balancing of the evidence”.³⁵ Where a party presents no evidence supporting or rejecting the Applicant’s evidence, the NWB will base its decision on its own assessment of the Applicant’s request.

At the Hearing, the Board received evidence from the Licensee concerning the discharge of sewage into the marine environment (Hudson Bay):

...the biggest [sewage facility] issue is the impacts of the effluent discharge on the marine environment. There’s been no studies, no scientific studies to date to determine whether the effluent that is being put into the bay is significantly impacting the environment. There’s anecdotal evidence indication that nobody’s really seen significant impact out there, but there is concern both for the fish and benthic vertebrae.³⁶

The discharge into the marine environment that is being referred to is effluent from the sewage treatment plant that is piped approximately 500 metres and discharged to the bottom of Hudson Bay.³⁷³⁸

Pursuant to section 12 of the Act³⁹ and the definition of “water” in section 1.1.1 of the NLCA⁴⁰ and “waters” in section 4 of the Act⁴¹, the Board’s licensing jurisdiction extends

³⁴ See Article 2 and section 2.9.1 of the NLCA.

³⁵ Nunavut Water Board *Rules of Practice and Procedure for Public Hearing*, section 8.13.

³⁶ Nunavut Water Board Hearing, Application Number 3AM-GRA, Government of Nunavut, Community & Government Services, Type A Water Licence for the Purpose of a Municipal Undertaking – Rankin Inlet Water Supply and Sewage Treatment System, Hearing Transcript, May 18 & 19, 2010, Dicta Inc., [hereinafter “Transcript”], at p. 23, lines 1-9.

³⁷ Document 090219 3AM-GRA----14850_O&M Plan STF Report-IACE.pdf, Figure 3 Government of Nunavut Hamlet of Rankin Inlet, Nunavut Sewage Treatment Facility O&M Plan, Sewage Treatment Facility

³⁸ Document 090319 3AM-GRA----Appl Executive Summary Questionnaire-IACE.pdf, Executive Summary, pg. 1

³⁹ Section 12.(1) of the Act states:

only to the deposit of waste into the fresh water, or that may enter into fresh water.⁴² Thus, the Board's authority in this Application extends only to regulating the deposit of sewage sludge into the Hamlet of Rankin Inlet's landfill and for spill planning that may impact on fresh water. The Board does not have the authority to licence and regulate the discharge from the sewage treatment plant that is piped 500 metres and discharged into Hudson Bay.

The Board's authority over the sewage discharge into the marine environment is limited to the powers set out in section 41 of the Act to:

...advise and make recommendation respecting any marine area to any department or agency of the Government of Canada or the Government of Nunavut, and those governments shall consider that advice and those recommendations when making any decision that may affect the marine area.

The Board's recommendations pursuant to section 41 of the Act are set out below.

REQUIREMENTS OF THE NWNRSRTA

Objects of the Board and its Relationship to other Bodies

Land Use Plans

The Project lies within the Keewatin Land Use Planning Region where there is an approved Land Use Plan in place. Pursuant to subsection 36(2) of the Act, on March 19, 2010, the Board was advised by the Nunavut Planning Commission that the requirements regarding land use plan conformity pursuant to Article 11 of the *Nunavut Land Claims Agreement* (NLCA) have been satisfied.⁴³

Relationship to Environmental Assessment

Subject to subsection (2) and except in accordance with the conditions of a licence, no person shall deposit or permit the deposit of waste:

- (a) in waters in Nunavut; or
- (b) in any other place in Nunavut under conditions in which the waste, or any other waste that results from the deposit of that waste, may enter waters in Nunavut.

⁴⁰ Section 1.1.1 of the NLCA sets out:

"water" means waters in any river, stream, lake or other body of inland waters on the surface or under ground in the Nunavut Settlement Area, and includes ice and all inland ground waters, but does not include water or ice in marine areas.

⁴¹ Section 4 of the Act states:

"waters" means, except for the purposes of subsection 41(2), inland waters, whether in a liquid or solid state, on or below the surface of land.

⁴² S. 12 of the Act and the definition of water in section 1.1.1. of the NLCA as set out in the footnotes above.

⁴³ E-mail from Brian Aglukark, NPC to Phyllis Beaulieu, NWB dated March 19, 2010.

Pursuant to subsections 37(1) and 39(1) of the Act, on March 16, 2010, the Nunavut Impact Review Board provided confirmation to the NWB that the Application was exempt from screening pursuant to Schedule 12-1(3) of the Article 12 of the NLCA and the development impact review requirements pursuant to Article 12 of the NLCA have been satisfied.⁴⁴

Article 20 of the NLCA

No issues or requests for compensation were identified to the Board, therefore no action pursuant to Article 20 of the NLCA and section 63 of the NWNSRTA is required by the Board.

Recommendations on Marine Areas

Section 41 of the NWNSRTA permits the Board to advise and make recommendations respecting any marine matters that may arise to any department or agency of the Government of Canada or the Government of Nunavut.⁴⁵

As discussed in the Jurisdiction of the Board section, effluent from the sewage treatment plant is piped and discharged 500 metres into Hudson Bay.^{46,47} Issues regarding the effluent quality in the mixing or attenuation zone in the marine environment were raised by the Applicant at the Hearing:

...the biggest [sewage facility] issue is the impacts of the effluent discharge on the marine environment. There's been no studies, no scientific studies to date to determine whether the effluent that is being put into the bay is significantly impacting the environment. There's anecdotal evidence indication that nobody's really seen significant impact out there, but there is concern both for the fish and benthic vertebrae [invertebrates].⁴⁸

At the Hearing GN-CGS advised that a consultant specializing in evaluating marine environments has been retained, and requested the Board include a condition in the Licence to provide a report by December 31, 2010, outlining the findings of the study,

⁴⁴ E-mail from Ryan Barry, NIRB to Phyllis Beaulieu, NBW dated March 16, 2010.

⁴⁵ Section 41 of the NWNSRTA states:

The Board may, either jointly with the Nunavut Planning Commission, the Nunavut Impact Review Board and the Nunavut Wildlife Management Board, as established by the Agreement, acting as the Nunavut Marine Council referred to in section 15.4.1 of the Agreement, or on its own, advise and make recommendations respecting any marine area to any department or agency of the Government of Canada or the Government of Nunavut, and those governments shall consider that advice and those recommendations when making any decision that may affect that marine area.

⁴⁶ Application Executive Summary, pg 1

⁴⁷ Document 090219 3AM-GRA----14850_O&M Plan STF Report-IACE.pdf, Figure 3 Government of Nunavut Hamlet of Rankin Inlet, Nunavut Sewage Treatment Facility O&M Plan, Sewage Treatment Facility

⁴⁸ Transcript, p. 23, lines 1-9.

and a schedule to conduct action, including sewage treatment plant upgrades, based on the recommendations of the study.⁴⁹

As the Board's jurisdiction does not extend to the marine environment, a licence issued by the Board cannot address the quality of effluent discharged into the marine environment. However, the issuance of a water licence does not absolve the licensee from complying with all the requirements of applicable Federal, Territorial and Municipal law.

Although EC did not attend the Hearing, the Board acknowledges that in EC's written submission, EC advised the Board that the Applicant must ensure that any effluent discharged must be in compliance with section 36(3) of the *Fisheries Act*.⁵⁰ Accordingly, the Board recommends that GN-CGS, DFO and EC engage with the Community and any other relevant government and regulatory authorities to discuss the findings of the marine environment evaluation and reach agreement on any actions required as a result.

DECISION TO ISSUE

Following the Hearing and for reasons elaborated further below, the Board has decided to issue the Type "A" Water Licence 3AM-GRA1015 (Licence) in renewal/amendment of Water Licence 3BM-GRA0207 for the use of a quantity of water not to exceed 850,000 cubic metres per annum, subject to the conditions set out therein.⁵¹ The Licence contains terms and conditions the Board feels are necessary to protect the environment, conserve the water resources and provide appropriate safeguards in respect of the Licensee's use of waters and deposit of wastes.

Issuance of a Licence

As stated above and pursuant to subsection 42(1) of the Act, the Board has decided to issue the Licence subject to the terms and conditions set out therein and explanation herein. In issuing the Licence, the Board is satisfied that the Application contains the required information and is in the proper form having regard to the Act and associated regulations.⁵²

Compliance and Enforcement

Pursuant to sections 85 through 87 of the Act, INAC is charged with enforcing the Act and the conditions of the Licence.⁵³

⁴⁹ See Transcript, p. 25, lines 2-8.

⁵⁰ Letter from Carrie Spavor, EC to Phyllis Beaulieu, NWB dated February 24, 2010, at p. 2.

⁵¹ The Licence has been issued under separate cover.

⁵² *Northwest Territories Water Regulations*, S.O.R./93-303 [hereinafter Regulations] and Application of Regulations made under paragraph 33(1)(m) or (n) of the *Northwest Territories Waters Act* in Nunavut Order, S.O.R./2002-253.

⁵³ See sections 85 through 87 of the NWNSRTA.

Assumptions

Where there was doubt in the Board's mind about a certain parameter or standard, the Board has imposed stringent monitoring conditions to ensure the Licensee will be meeting its commitments of performance made in the written Application and at the Hearing.

Applications in Relation to Licences

The Board is satisfied that the requirements of section 48 of the Act have been satisfied. GN-CGS filed an application which complied with the Board's rules and was accompanied with the application fee.⁵⁴ Taking into account the evidence of the parties, the Board is satisfied that GN-CGS also provided the necessary information to evaluate the qualitative and quantitative effect of the use of water or the deposit of waste on water.

Term of Licence

In accordance with section 45 of the Act, the term of a licence or any renewal shall not exceed twenty-five years. As requested in the Application, the Board has determined that the Licence is to be issued for a term of five years.

INAC initially recommended to the Board that the Licence be issued for a one year term. However, in INAC's closing statement this recommendation was revised to recommend a term not exceeding five years provided conditions were in place for depth measurement devices in Nipissar Lake as part of the monitoring program to provide information on how fast the lake is decreasing.⁵⁵

The Board understands that there are issues of non-compliance with the preceding Type B Licence and potentially serious issues regarding the significant increase in water volume granted in this Licence, as well as with the drawdown of Nipissar Lake. In previous circumstances of significant non-compliance issues, in order to send a clear message to municipalities and regulatory authorities that the Board will not passively encourage a failure to comply with the licence conditions and associated legal requirements and to encourage immediate steps to come into compliance, the Board has issued a licence for a much shorter duration.⁵⁶

In this case, the Board recognizes that GN-CGS is actively engaged in responding to these issues. Over the course of the Application period, a number of studies to address data gaps have commenced and GN-CGS has committed to formulating recommendations to the Board by December 31, 2010. These studies and commitments

⁵⁴ In accordance with section 48(1) of the Regulations a fee of \$30 was provided with the Initial Application on February 29, 2008.

⁵⁵ Transcript, p. 95, lines 8-11.

⁵⁶ See for example, the Board's Decisions, Licence No. 3BM-CAP0810, Hamlet of Cape Dorset, Reasons for Decision and Record of Proceedings, March 7, 2009 and Hamlet of Clyde River, Licence No. 3BM-CLY0909, Page 4 of the Licence and Decision.

are addressed in more detail in later sections of this Decision, and may result in one or more applications to amend the Licence.

In deciding on the issuance and term of the Licence, the Board also gave serious consideration to the fact that, with the exception of the submission by the Mayor of the Hamlet of Rankin Inlet, discussed in detail in Part B below, there was very limited public participation in the Hearing. Only one community member attended the evening community session and there are no further submissions from members of the public on the record. Given the nature of the issues, the Board was disappointed with the lack of participation and input from the Community.

In light of this evidence, the Board is satisfied that a five year term is appropriate.

WATER LICENCE TERMS AND CONDITIONS

The Licence does not take effect until approval of the Minister is given pursuant to section 56 of the NWNSRTA.⁵⁷

PART A: SCOPE, DEFINITIONS AND ENFORCEMENT

Enforcement and Compliance

For the purpose of ensuring compliance with the Licence, an Inspector designated by the Minister may inspect or examine works, waters or waste and exercise other powers according to the NWNSRTA.⁵⁸ The NWNSRTA includes serious penalties for breach of the Licence.⁵⁹ Investigations or inspections are carried out by persons designated by the Minister.⁶⁰

The Licence states that compliance with the terms and conditions of this Licence does not absolve the Licensee from responsibility for compliance with all applicable Federal, Territorial and Municipal law.⁶¹ The Board draws to the attention of the Licensee that EC,⁶² in relation to marine effluent discharge, and DFO,⁶³ in relation to potential HADD from the drawdown of Nipissar Lake and the intake pipe, advise that sections 30, 35 and 36 of the *Fisheries Act* may apply to the licensed facilities.

⁵⁷ Subsection 56(1) of the NWNSRTA states:

56(1) the issuance, amendment, renewal and cancellation of a Type A license and if a public hearing is held a Type B licence are subject to the approval of the Minister. The license is considered approved ninety days followings issuance of the licence or as otherwise approved by the minister under section 56 of the *Act*.

⁵⁸ Sections 85-94 of the NWNSRTA

⁵⁹ Sections 90 of the NWNSRTA.

⁶⁰ Sections 85-88 of the NWNSRTA.

⁶¹ Licence Part A, Item 3.

⁶² Letter from Carrie Spavor, EC to Phyllis Beaulieu, NWB dated February 24, 2010, at p. 2.

⁶³ See Transcript, p. 59, lines 4-18.

PART B: GENERAL CONDITIONS

Reports filed with the NWB

With the exception of the Annual and Quarterly Reports, all other plan(s) or report(s) (Plan, or collectively Plans) submitted to the Board under this Licence shall include a proposed timetable for implementation. Unless listed as approved in the License, a Plan cannot be undertaken without subsequent written Board approval. The Board may alter or modify a Plan if necessary to achieve the legislative objectives and will notify the Applicant in writing of acceptance, rejection, or alteration of the Plan. The Plan must then be carried out in a manner and timeframe consistent with the Board's direction.

Every Plan to be carried out pursuant to the terms and conditions of this Licence shall become a part of this licence, and any additional terms and condition imposed upon approval of a Plan by the Board become part of this Licence. All terms and conditions of the Licence should be contemplated in the development of a Plan where appropriate.

The Application contains several Plans that were reviewed by the Board. The Board has approved these as presented.

The Board is very concerned about water conservation. The annual water volume requested for this Licence more than doubled from 400,000 cubic metres authorized in the preceding Type B Licence to the 850,000 cubic metres in this Application. During the Hearing, the submissions at the Hearing were focused on issues related to the drawdown of Nipissar Lake and the long term sustainability of this lake as the Community's water supply. The Mayor of the Hamlet of Rankin Inlet summarized the situation:

It's getting critical. I don't have to say it. You guys all live in the north, so you know the problems with underground sewer and water, it freezes, it stops, it starts to leak, and we don't have the technology, but I'm sure we're very close to having the technology follow those leaks and find out where the seepage is, and that's probably a good part of our water source disappearing from Nipissar Lake.

...I'd just like to plead on behalf of our community that this is getting very critical. You guys that come here on a regular basis, see our community growing, new facilities, new infrastructure, and we've got pilings going on now for a new detention centre. Again, one of the necessary evils of our living in the north or living anywhere is the need to [detain] people. Those people are also going to have to wash, they're going to have to eat, they're going to drink a lot of water.⁶⁴

In later Parts of this Licence, the Board has added terms and conditions related to the studies that are underway to understand the increase in water use and the drawdown of the water source. Given the overall importance of proper tracking of water use to these studies and the concern expressed over these issues, in Part B, Item 2 of the Licence, the

⁶⁴ Transcript, pp. 33-34, lines 19-11.

Board has decided to require quarterly reporting of data gathered from the monitoring program, including fresh water obtained for all purposes and Nipissar Lake water level data.

PART C: CONDITIONS APPLYING TO WATER USE AND MANAGEMENT

Section 11 of the NWNSRTA states “... no person shall use, or permit the use of, water in Nunavut except in accordance with the conditions of a licence.” The Board has imposed standard terms and conditions related to water management.

In addition, to address the issues of water usage and the drawdown of Nipissar Lake discussed in the preceding section, the Board accepts the Licensee’s request to include a condition requiring the submission of a water use audit and leak detection survey report to determine the reasons for abnormally high water usage, and to study the water use versus recharge to the Board for review by December 31, 2010.⁶⁵

Specifically, Part C, Item 8 of the Licence requires the Licensee to submit to the Board for review by December 31, 2010, a *Sustainability Assessment Report* for Nipissar Lake to include:

- the findings of the Hamlet of Rankin Inlet water use audit and leak detection survey report;
- a detailed assessment of current and projected water volumes to be withdrawn from Nipissar Lake against total annual recharge;
- an evaluation of impacts on Nipissar Lake due to current water taking and future needs of the Community;
- recommendations to address remedial engineering of the facilities, the impacts on Nipissar Lake, and alternative water sources if required; and
- a schedule to address the recommendations that is consistent with the conservation and utilization of waters and provides for the optimum benefit from those waters for the residents of Nunavut.

To the extent possible, the Board also expects the Licensee to meet the commitment to obtain as much data as possible on the fish species that inhabit Nipissar Lake during the course of these studies, and include this information in the Report.⁶⁶

In addition, Part C, Item 10, requires the Licensee within sixty days following issuance of the Licence, install and maintain a water level gauge in Nipissar Lake at Monitoring Program Station GRA-4.

Pursuant to DFO’s request,⁶⁷ and the agreement of the Licensee,⁶⁸ to assess over the summer the water intake screen for compliance with DFO requirements, in Part C, Item 4

⁶⁵ See Transcript, pp. 29-30, lines 14-16.

⁶⁶ See Transcript, pp. 38-39, lines 1-20.

⁶⁷ See Transcript, pp. 35, lines 1-17.

of the Licence, the Licensee is required to submit to the Board for review, by December 31, 2010, as-built drawings stamped and signed by an Engineer registered in Nunavut, confirming compliance with the DFO guideline *Freshwater Intake End of-Pipe Fish Screen Guideline*.

PART D: CONDITIONS APPLYING TO WASTE DISPOSAL AND MANAGEMENT

The Board has imposed standard terms and conditions related to waste management. In addition, based on INAC's recommendation and the submission from the Licensee that talks are underway to enter into a written agreement for the disposal of sewage waste sludge at the Hamlet of Rankin Inlet landfill,⁶⁹ in Part D, Item 2 of the Licence, the Board requires the Licensee to provide to the Board by December 31, 2010, written documentation that the Licensee is authorized to deposit sewage sludge and solid waste to a licensed waste disposal facility.

PART E: CONDITIONS APPLYING TO MODIFICATIONS AND CONSTRUCTION

The Board has imposed standard terms and conditions related to conditions applying to modification and construction.

PART F: CONDITIONS APPLYING TO OPERATIONS AND MAINTENANCE

The Board has imposed standard terms and conditions related to conditions applying to operations and maintenance. In addition, Part F, Item 3 of the Licence requires the Licensee to submit to the Board for review, within thirty days of the approval of this Licence, an addendum to the Environmental Emergency Contingency Plan to address several errors and omissions, correct and update to new contact information, and provide clarification to matters that arose during the technical review of the plan.

PART G: CONDITIONS APPLYING TO ABANDONMENT, RESTORATION AND CLOSURE

The Board has imposed standard terms and conditions related to conditions applying to abandonment, restoration and closure.

PART H: CONDITIONS APPLYING TO MONITORING PROGRAM

As stated previously, for the purpose of ensuring compliance with the licence or regulations, an Inspector designated by the Minister may inspect or examine works,

⁶⁸ See Transcript, pp. 35-36, lines 21-6.

⁶⁹ See Transcript, p. 24, lines 9-14.

waters or waste and exercise other powers according to the Act.⁷⁰ For the purpose of monitoring, the Board may include conditions in its licence regarding monitoring programs to be undertaken.⁷¹

In response to issues of non-compliance in the Type B Licence, the importance of proper tracking, and the Licensee's acknowledgement that "the environmental monitoring program has been somewhat sporadic during the period of the initial licence,"⁷² Part H, Item 9, of the Licence requires the Licensee to submit within ninety (90) days following issuance of the Licence, to the Board for approval, a revised Environmental Monitoring Program and Quality Assurance/Quality Control Plan. The revised Plan is to include up to date field sampling methods to all applicable standards, acceptable to an accredited laboratory.

⁷⁰ See sections 85 to 94 of the NWNSRTA.

⁷¹ See paragraph 70 (1)(c) of the Act

⁷² Transcript, p. 22, lines 9 – 11.

APPENDIX A

LIST OF SUBMISSIONS AND CORRESPONDENCE

Application:

1. Cover letter and initial water licence application dated **March 3, 2009**, received March 19, 2009.

Initial Submissions and Correspondence:

1. Utilidor Replacement Area 1, Rankin Inlet, NU, Tender Drawings, Project No. 00-3049, dated **April 2004**, Revised August 2005, received on October 6, 2009.
2. Government of Nunavut Application to NWB for Water Licence, **December, 2008**, Executive Summary (Inuktitut), received on October 6, 2009.
3. Submission entitled Government of Nunavut Application to NWB for Water Licence, **December, 2008**, Executive Summary (English), received on March 19, 2009.
4. Submission entitled Environmental Emergency Contingency Plan, Hamlet of Rankin Inlet, Department of Community and Government Services, Government of Nunavut, dated **December 2008**, received March 19, 2009.
5. Submission entitled Environmental Monitoring Program and Quality Assurance/Quality Control Plan, Hamlet of Rankin Inlet, Department of Community and Government Services, Government of Nunavut, dated **December 2008**, received March 19, 2009.
6. Submission entitled Sewage Treatment Facility, Operation and Maintenance (O&M) Plan, Hamlet of Rankin Inlet, Department of Community and Government Services, Government of Nunavut, dated **December 2008**, received March 19, 2009.
7. Submission entitled Water Supply Facility, Operation and Maintenance (O&M) Plan, Hamlet of Rankin Inlet, Department of Community and Government Services, Government of Nunavut, dated **December 2008**, received March 19, 2009.
8. Submission entitled Water License [sic] Annual Report 2008, Hamlet of Rankin Inlet Water Use, Government of Nunavut on Behalf of the Hamlet of Rankin Inlet, Water License [sic] NWB3GRA0207, dated **March 2009**, received on March 19, 2009.
9. Submission entitled Supplementary Questionnaire for Municipalities, received on **March 19, 2009**.
10. Letter to Nunavut Water Board from Balihar Antaal, CET, MIE, Project Officer, Community & Government Services, Government of Nunavut, dated **March 20, 2009**, received on April 2, 2009 with attachments of signed Water Licence Application, Figure 1 – Site Location Map, Figure 2 – Community Plan, and Figure 3 – Drainage Areas, Access Vaults.
11. Letter to Wayne Thistle, Municipal Planning Engineer, Government of Nunavut, Department of Community & Government Services, from Don Carr, Technical

- Advisor, NWB dated **July 16, 2009**, Re: Acknowledgement of an Application for a Type “A” Water Licence Community & Government Services 3AM-GRA----.
12. Letter to Jim Walls, P.Geol., Nuna Burnside Engineering and Environmental Ltd., dated **August 19, 2009**, from Phyllis Beaulieu, Manager of Licensing, Re: Return of Outdated Cheque Number 0338.
 13. Letter to Colette Smith, Nuna Burnside Engineering and Environmental Ltd., dated **October 6, 2009**, from Phyllis Beaulieu, Manager of Licensing, Re: Receipt of Administration Fee – Visa Payment.
 14. Letter to Wayne Thistle, Municipal Planning Engineer, Government of Nunavut, Department of Community & Government Services, dated **October 22, 2009**, from Don Carr, Technical Advisor, NWB Re: Request for information for a New Type “A” Water Licence, 3AM-GRA----.
 15. Email from Wayne Thistle, Department of Community & Government Services, dated **November 24, 2009**, RE: 3AM-GRA---- Application for New Type A Water Licence – Hamlet of Rankin Inlet – information on water source drawdown.
 16. Letter to Wayne Thistle, Municipal Planning Engineer, Government of Nunavut, Department of Community & Government Services, dated **November 26, 2009**, from Don Carr, Technical Advisor, NWB Re: Completeness Check for a New Water Licence, Rankin Inlet, 3AM0-GRA----.
 17. Letter from Carrie Spavor, Environmental Assessment Coordinator, Environment Canada to Phyllis Beaulieu, Manager of Licensing, Nunavut Water Board dated **December 15, 2009** re: Completeness Check for a New Type “A” Water License [sic] – Rankin Inlet, 3AM-GRA.
 18. Letter from Ian Rumbolt, Regional Coordinator, Indian & Northern Affairs Canada to Phyllis Beaulieu, Manager of Licensing, Nunavut Water Board dated **December 15, 2009** Re: Completeness check for a New Type “A” Water Licence, Rankin Inlet.
 19. Letter from Allison Loder, Environmental Analyst, Department of Environment, Government of Nunavut to Phyllis Beaulieu, Manager of Licensing, dated **December 16, 2009** Re: NWB File # 3AM-GRA – Rankin Inlet – Completeness Check for a New Type “A” Water License [sic].
 20. Letter to Wayne Thistle, Acting Regional Project Manager, Government of Nunavut, Department of Community & Government Services, dated **January 25, 2010**, from Don Carr, B.Sc., Technical Advisor, NWB Re: Notice of Application for a New Type “A” Water Licence, Technical Review and Technical Meeting.
 21. Letter from Ian Parsons, Water Resources Technician, Indian and Northern Affairs Canada to Richard Dwyer, License Administrator dated **Feb 24, 2010** Re: Type “A” Water License [sic] Application – Renewal of Type “B” 3BM-GRA0207 – Hamlet of Rankin Inlet.
 22. Letter from Carrie Spavor, Environmental Assessment Coordinator, Environment Canada to Phyllis Beaulieu, Manager of Licensing, Nunavut Water Board dated **February 24, 2010** Re: Notice of Application for a New Type “A” Water Licence, Technical Review and Technical Meeting.
 23. Letter from Loriena Melnick, Habitat Management Biologist, Fisheries and Oceans Canada to Richard Dwyer, Manager of Licensing [sic], dated **February**

- 24, 2010** Subject: New Type “A” Water Licence, Technical Review and Technical Meeting.
24. Letter from Allison Loder, Environmental Analyst, Department of Environment, Government of Nunavut to Phyllis Beaulieu, Manager of Licensing, Nunavut Water Board dated **February 24, 2010** RE: NWB File # 3AM-GRA – New Type ‘A’ Water License [sic] Application – Hamlet of Rankin Inlet.
 25. Letter to Wayne Thistle, Acting Regional Project Manager, Government of Nunavut, Department of Community & Government Services, dated **March 1, 2010** from Don Carr, B.Sc., Technical Advisor, NWB Re: Technical Meeting for a New Type “A” Water Licence for Rankin Inlet.
 26. Letter to Wayne Thistle, Acting Regional Project Manager, Government of Nunavut, Department of Community & Government Services, dated **March 9, 2010** from David Hohnstein, C.E.T., Director Technical Services, Subject: Additional Information Requirements for the Government of Nunavut Community Government Services Type “A” Water Licence Application for the Hamlet of Rankin Inlet’s Water Supply and Sewage and Meeting Notes for the March 3, 2010 Technical Meeting. Attachments to letter are Government of Nunavut Community Government Services Type ‘A’ Water Licence Application for the Hamlet of Rankin Inlet’s Water Supply and Sewage (3AM-GRA), Draft Meeting Notes for Technical Meeting, Government of Nunavut Community Government Services Type ‘A’ Water licence Application for Hamlet of Rankin Inlet’s Water Supply and Sewage (NWB file: 3AM-GRA) BY TELECONFERNECE March 3, 2010, 8:00 AM MST to 10:30 AM MST, Technical Meeting Agenda, Table of Compilation of Issues.
 27. Letter to Wayne Thistle, Acting Regional Project Manager, Government of Nunavut, Department of Community & Government Services, dated **March 9, 2010** from David Hohnstein, C.E.T., Director Technical Services, Subject: Notice of Technical Meeting and Pre-Hearing Conference for the Government of Nunavut Community Government Services, Type A Water Licence Application for the Hamlet of Rankin Inlet, Water Supply and Sewage Collection.
 28. Email from Wayne Thistle, Department of Community & Government Services, dated **March 9, 2010**, Subject: FW: 3AM-GRA---- Rankin Population.
 29. English and Inuktitut Notice of Public Hearing issued March 17, 2010, dated **March 10, 2010**.
 30. Memo to Nunavut News from Phyllis Beaulieu, Manager of Licensing, Nunavut Water Board dated **March 11, 2010**, Subject: Request to Place Ad for 3AM-GRA---- Notice of Public Hearing – Hamlet of Rankin Inlet.
 31. Letter from Ian Parsons, Water Resources Technician, Indian & Northern Affairs Canada to Richard Dwyer, License [sic] Administrator, NWB dated **March 15, 2010** Re: 3AM-GRA – Type ‘A’ Water License [sic] Renewal – Technical Meeting Minutes – Hamlet of Rankin Inlet.
 32. Email from Carrie Spavor, Environmental Assessment Coordinator, Environment Canada, dated **March 15, 2010** to Phyllis Beaulieu, Manager of Licensing re: No further comments.

33. Email from Ryan Barry, Director, Technical Services, Nunavut Impact Review Board to Phyllis Beaulieu, Nunavut Water Board dated **March 16, 2010** advising exemption from NIRB Screening.
34. Memo to All Parties – Request to Post Notices, from Phyllis Beaulieu, Manager of Licensing, dated **March 17, 2010**.
35. Letter from Brian Aglukark, Director Regional Planning, Nunavut Planning Commission, to Ms. Phyllis Beaulieu, Manager of Licensing, Nunavut Water Board dated **March 19, 2010** Re: [NWB – NWB File # 3AM-GRA0207 – Hamlet of Rankin Inlet Water/Sewage/Solid Waste/Land Farm Activities].
36. Letter from Jim Walls, P.Geo., Nuna Burnside Engineering and Environmental Ltd., to Mr. Wayne Thistle, C.E.T., Regional Projects Manager, Department of Community & Government Services, Kivalliq Region, Government of Nunavut dated **March 19, 2010** Re: Type “A” Water Licence Application, NWB File 3AM-GRA, Water Supply and Sewage, Hamlet of Rankin Inlet, File No.: N-O 14850.
37. Letter from Jim Walls, P.Geol, Nuna Burnside Engineering and Environmental Ltd., to Ms. Lorienta Melnick, Habitat Management Biologist, Fisheries and Oceans Canada dated **March 25, 2010** Re: Fresh Water Intake From Nipissar Lake, Type ‘A’ Water License [sic] Application – 3 AM GRA Rankin Inlet, Nunavut, DFO Habitat File No. N4-09-0037, File No. N-O 14850.
38. Memo to Distribution from David Hohnstein, C.E.T., Director Technical Services dated **April 13, 2010**, Subject: Hamlet of Rankin Inlet – Technical Meeting and Pre Hearing Conference for the Type “A” Water Licence Application in Renewal of the Type “B” 3BM-GRA0107 Water Licence, with attached draft Agenda.
39. Letter from Ian Parsons, Water Resources Technician, Indian & Northern Affairs Canada to Richard Dwyer, License [sic] Administrator, dated **Apr 14, 2010** Re: 3AM-GRA – Type ‘A’ Water License [sic] Renewal – Technical Meeting Agenda – Hamlet of Rankin Inlet.
40. Letter from Ian Parsons, Water Resources Technician, Indian & Northern Affairs Canada to Richard Dwyer, License [sic] Administrator, dated **Apr 14, 2010** Re: Type “A” Water License [sic] Application – Reponse [sic] to Technical Meeting – Renewal of Type “B” 3BM-GRA0207 – Hamlet of Rankin Inlet.
41. English and Inuktitut Executive Summary from Ian Parsons, Indian and Northern Affairs Canada, to Phyllis Beaulieu, Nunavut Water Board, dated **April 14/10**.
42. List of attendees – Technical Meeting, dated **April 19, 2010**.
43. Letter to Wayne Thistle, Municipal Planning Engineer, Government of Nunavut, Department of Community & Government Services, **dated April 20, 2010** Re: Copy of Public Registry, Rankin Inlet, 3AM-GRA---- and 3BM-GRA0207.
44. Letter from Paula C. Smith, Environmental Assessment Coordinator, Environment Canada to David Hohnstein, Director, Technical Services, Nunavut Water Board dated **April 30, 2010** RE: 3AM-GRA---- Notice of Public Hearing for the Government of Nunavut – Community and Government Services, New Type “A” Water License [sic] for Water Supply and Sewage Collection in Rankin Inlet.
45. Email from Jim Walls, Nuna Burnside Engineering and Environmental Ltd. to Phyllis Beaulieu, Manager of Licensing dated **May 3, 2010** containing the

- following attachments: Revised Water Supply Facility O & M Plan, Revised Sewage Treatment Facility O & M Plan, Revised Environmental Emergency Contingency Plan, and Revised Environmental Monitoring Program and QA/QC Control Plan.
46. Email to all Parties from Phyllis Beaulieu, Manager of Licensing, Nunavut Water Board dated **May 4, 2010**, Subject: 100504 3AM-GRA---- Rankin Inlet Type A Water Licence, List of Documents Provided.
 47. Letter from Dilek Dee Karadag, Territorial Environmental Assessment Coordinator & Scientist, Department of Environment, Government of Nunavut to Don Carr, Technical Advisor, Nunavut Water Board dated **May 17, 2010** RE: Attendance at upcoming Public Hearing for Rankin Inlet.
 48. Letter from Paula C. Smith, Environmental Assessment Coordinator, Environment Canada to Don Car, Technical Advisor, Nunavut Water Board dated **17 May 2010** RE: 3AM-GRA---- Notice of Public Hearing for the Government of Nunavut – Community and Government Services, New Type “A” Water License [sic] for Water Supply and Sewage Collection in Rankin Inlet.

APPENDIX B

LIST OF EXHIBITS FILED AT THE PUBLIC HEARING MAY 18 – 19 2010

- Exhibit 1 Hard copy document [presentation] entitled “Type ‘A’ Water Licence Application Department of Community and Government Services, Government of Nunavut Sewage Treatment and Water Supply Hamlet of Rankin Inlet” provided by Jim Walls, P.Geo., Nuna Burnside Engineering and Environmental Ltd.
- Exhibit 2 Electronic PowerPoint presentation entitled “Type ‘A’ Water Licence Application Department of Community and Government Services, Government of Nunavut Sewage Treatment and Water Supply Hamlet of Rankin Inlet” provided by Jim Walls, P.Geo., Nuna Burnside Engineering and Environmental Ltd.
- Exhibit 3 Hard copy document [presentation] entitled “Water License [sic] #3BM-GRA----, Government of Nunavut, Dept. of Community and Government Services Hamlet of Rankin Inlet, Kivalliq Region, Renewal application” provided by Indian and Northern Affairs Canada.
- Exhibit 4 Electronic PowerPoint presentation entitled “Water License [sic] #3BM-GRA----, Government of Nunavut, Dept. of Community and Government Services Hamlet of Rankin Inlet, Kivalliq Region, Renewal application” provided by Indian and Northern Affairs Canada.
- Exhibit 5 Hard copy document [presentation] entitled “Hamlet of Rankin Inlet Type A Water Licence Application Role of Fish Habitat Management Fisheries and Oceans Canada Eastern Arctic Region” provided by Fisheries and Oceans Canada.
- Exhibit 6 Electronic PowerPoint presentation entitled “Hamlet of Rankin Inlet Type A Water Licence Application Role of Fish Habitat Management Fisheries and Oceans Canada Eastern Arctic Region” provided by Fisheries and Oceans Canada.
- Exhibit 7 Hard copy document [presentation] entitled “Type ‘A’ Water Licence Application Department of Community and Government Services, Government of Nunavut Sewage Treatment and Water Supply Hamlet of Rankin Inlet (Public Presentation)” provided by Jim Walls, P.Geo., Nuna Burnside Engineering and Environmental Ltd.
- Exhibit 8 Electronic PowerPoint presentation entitled “Type ‘A’ Water Licence Application Department of Community and Government Services, Government of Nunavut Sewage Treatment and Water Supply Hamlet of Rankin Inlet (Public Presentation)” provided by Jim Walls, P.Geo., Nuna Burnside Engineering and Environmental Ltd.
- Exhibit 9 Hard copy document [presentation] entitled “Type ‘A’ Water Licence Application Department of Community and Government Services, Government of Nunavut Sewage Treatment and Water Supply Hamlet of Rankin Inlet” provided by Jim

Walls, P.Geo., Nuna Burnside Engineering and Environmental Ltd. Final Response
– May 19, 2010.

Exhibit 10 Electronic PowerPoint presentation entitled “Type ‘A’ Water Licence Application
Department of Community and Government Services, Government of Nunavut
Sewage Treatment and Water Supply Hamlet of Rankin Inlet” provided by Jim
Walls, P.Geo., Nuna Burnside Engineering and Environmental Ltd. Final Response
– May 19, 2010.