



**NUNAVUT WATER BOARD**

**WATER LICENCE NO. 3AM-GRA1015**

**SHORT TERM RENEWAL  
REASONS FOR DECISION**

# NUNAVUT WATER BOARD



In the Matter of:

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

Subject: Application for a Short Term Renewal of Existing Type “A” Water Licence 3AM-GRA1015

Date: May 19, 2015

Precedence: Where there is any inconsistency or conflict between the *Nunavut Land Claims Agreement (Agreement)* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)*, the *Agreement* 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 *Nunavut Land Claims Agreement Act*, the *NWNSRTA* prevails to the extent of the inconsistency or conflict.



## **REASONS FOR DECISION**

### **SECTION I: BACKGROUND AND REGULATORY HISTORY**

#### **Application**

On March 9, 2015, GN-CGS submitted a full licence renewal application (Renewal Application) to the NWB. The Renewal Application is currently under review by the Board and interested persons. The current water licence, 3AM-GRA1015, is set to expire on May 31, 2015.

On March 26, 2015, the GN-CGS submitted a 180 day short term renewal application (STR Application) to bridge any potential gap between the expiry of the Existing Licence and the potential issuance of a fully renewed Licence. As permitted under s. 9(1)(b) of the *Nunavut Waters Regulations*, SOR/2013-693), the STR Application can be processed without a Public Hearing.

The Short Term Renewal (STR) of the Existing Licence has been requested by GN-CGS on the following basis:

- No changes to the Existing Licence (administrative or otherwise);
- The short term renewal would not exceed 180 days from the date on which the Existing Licence expires (May 31, 2015), with the expiry of the STR occurring on the earlier of November 27, 2015 or on the granting of a renewed water licence, should the Board and Minister grant the Renewal Application for a renewed water licence;
- No plans, studies, reports, or designs would be submitted in support of the STR as this information has already been provided or will be provided during the Board's processing of the Renewal Application; and
- The assumption that even if the STR is granted, the Renewal Application that is currently before the Board will continue to be processed by the Board in as timely and efficient a manner as possible.

On March 30, 2015, the Board issued a Notice of Application for the STR, and invited parties to carry out a full technical review for a thirty (30) day period, with comments due on or before April 30, 2015.

On April 17, 2015, the Board received a written submission from Aboriginal Affairs and Northern Development Canada (AANDC). AANDC supported GN-CGS's request for the 180 day short term renewal of the Existing Licence.

The NWB acknowledges that on June 26, 2014, the Nunavut Impact Review Board (NIRB) issued a Screening Decision Report No. 13UN037 and recommended specific terms and

conditions regarding the previous Amendment application. As no correspondence was submitted by NIRB to the NWB with respect to the STR Application, the Board has considered that the June 26, 2014 original Screening Decision shall still apply.

### **Application and Supporting Materials Submitted by the Applicant**

The following documents were included with the STR Application:

1. Cover Letter;
2. Completed Application form for STR Water Licence Amendment; and
3. \$30 application fee.

The STR Application and supporting documentation was placed on the Board's Public Registry and is available from the NWB ftp site at the following link:

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

Following the review of technical comments received during the thirty (30) day comment period, and pursuant to Article 13 Clause 13.3.6 of the Nunavut Land Claims Agreement and s. 29<sup>1</sup> of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA) the members of the Rankin Inlet Panel (P10) on May 19, 2015, by Panel Motion #2015-08-P10-03, approved the granting of the STR Application and issuing of the STR. The Panel authorized the issuance of a single amendment to the Existing Licence, that being a change to the expiry date of the Licence to add a further term of up to a maximum of 180 days. This extension would result in the Licence expiry date changing from May 31, 2015 to November 27, 2015.

## **SECTION II: SUMMARY OF COMMENT SUBMISSIONS OF THE PARTIES**

### **Aboriginal Affairs and Northern Development Canada (AANDC)**

Aboriginal Affairs and Northern Development Canada (AANDC) has a broad mandate for the co-management of water resources and the management of Crown land in Nunavut. With respect to the STR Application, AANDC provided written comments pursuant to the following

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<sup>1</sup> Section 29 of the NWNSRTA states:

(1) The Board may establish panels of the Board and delegate any of its powers, duties and functions to them.

applicable law and policy: the *Department of Indian Affairs and Northern Development Act*,<sup>2</sup> and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*.<sup>3</sup>

In AANDC's correspondence dated April 17, 2015 regarding the STR Application, AANDC indicated:

"In light of the upcoming expiry of the Hamlet's current Type A water licence, before the approval of a renewal, AANDC strongly encourages the applicant to take full advantage and make use of this extended time wisely if approved by the NWB."

### **SECTION III: SUBMISSIONS BY OTHER INTERVENING PARTIES OR MEMBERS OF THE PUBLIC**

There were no submissions by any other intervening party or members of the public provided to the Board on the STR Application.

### **SECTION IV: JURISDICTION OF THE BOARD**

The Board has jurisdiction over the STR Application pursuant to Division 2 of the NWNSRTA.<sup>4</sup> Relevant sections in that Division allow the Board to amend a licence<sup>5</sup> on application or on the Board's own initiative. As required by ss. 55(1) and (4) of the NWNSRTA, the Board provided notice of the STR Application on March 30, 2015 and invited interested persons to provide their comments on or before April 30, 2015.

#### **The Nunavut Waters Regulations**

As set out in s. 9(1)(b) of the *Nunavut Waters Regulations*,<sup>6</sup> because the STR Application involves a short term renewal not exceeding 180 days, the Board was not required to hold a Public Hearing in respect of the Application.

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<sup>2</sup> R.S.C. 1985, c. I-6.

<sup>3</sup> S.C. 2002, c. 10.

<sup>4</sup> Sections 42-81 of the NWNSRTA.

<sup>5</sup> See s. 43(1)(b) of the NWNSRTA.

<sup>6</sup> S.O.R./2013-69.

## **SECTION V: DECISION TO DENY/GRANT THE SHORT TERM RENEWAL**

Following the close of the comment period associated with the STR Application and for reasons elaborated further below, the Board has decided to grant the Applicant's request to amend Type "A" Water Licence 3AM-GRA1015 and to extend the expiry to the earlier of November 27, 2015 or the date on which a renewed water licence is granted, if the Board and Minister choose to grant the full Renewal Application and issue/approve a renewed water licence following a Public Hearing as required by s.52(1) of the Act.

Based on the technical review carried out, the comments received from the parties, no indications of public concern with the STR Application and the Board's consideration of its objects and mandate, the Board has determined that it is preferable to extend the Existing Licence rather than have the Existing Licence expire while the Board and Minister are considering the full Renewal Application.

The NWB is confident that, if this short term extension is granted, the use of water and the deposit of waste for the Hamlet of Rankin Inlet, will continue to meet acceptable standards for water quantity, water quality and effluent quality. In granting the STR, the Board is satisfied that the STR Application contained the required information and was in the proper form having regard to the requirements of the NWNSRTA<sup>7</sup> and associated regulations.<sup>8</sup>

## **SECTION VI: WATER LICENCE 3AM-GRA1015 AMENDED TERM**

The Applicant is advised that the amendment to the term of the Licence does not take effect until approval of the Minister is given or deemed to have been given pursuant to s. 56 of the NWNSRTA.<sup>9</sup>

As indicated in Section V, the Panel, by way of Motion #2015-08-P10-03 has decided to issue the requested short term renewal to Water Licence No. 3AM-GRA1015, adding a further term of

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<sup>7</sup> See s. 48 of the NWNSRTA.

<sup>8</sup> *Nunavut Waters Regulations*, SOR/2013-69, April 18, 2013.

<sup>9</sup> Section 56 of the NWNSRTA states:

The issuance, amendment, renewal and cancellation of a Type A licence, and if a public hearing is held, a Type B licence are subject to the approval of the Minister.

Under s. 56(2.2) if the Minister does not issue a decision within 45 days of receiving the Licence from the Board, (or within 90 days if the Minister has extended the decision-making period by an additional 45 days) the Minister is deemed to have approved the Licence.

of 180 days to the expiry date of the Existing Licence. This amendment changes the expiry date from May 31, 2015 to November 27, 2015. All other terms and conditions of the Existing Licence remain the same.