



INSPECTOR'S DIRECTION
Pursuant to Section 87(1) of the *Nunavut Waters*
And Nunavut Surface Rights Tribunal Act, S.C. 2002, c.10

June 2 2016

ISSUED TO: Darren Flynn
Assistant Deputy Minister, Local Government
Community and Government Services
Government of Nunavut
WG Brown Building
PO Box 1000, Station 700
Iqaluit, NU X0A 0H0

RE: *Nunavut Waters and Nunavut Surface Rights Tribunal Act*
INSPECTOR'S DIRECTION

This document constitutes an Inspector's Direction to Community and Government Services, Government of Nunavut pursuant to subsection 87(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act, 2002*, hereinafter referred to as the "Act".

REASONABLE GROUNDS FOR BELIEF

I, Justin Hack, an Inspector designated by the Minister of Indigenous and Northern Affairs Canada under subsection 85(1) of the Act, have reasonable grounds to believe:

That, pursuant to section 87(1)(a)(iii) of the Act, there has been a failure of a work related to the use of waters, AND;

That, pursuant to section 87(1)(b) of the Act, the adverse effects of that use are causing, or may cause, a danger to persons.

RELEVANT FACTS

1. In June 2015, the Hamlet of Igloolik had a shortage of over-winter water storage (their reservoir ran dry). At that time, the approved source water location (South Lake) was still under ice-cover and was unacceptable for domestic use due to anoxic conditions.
2. Subsequently, Community and Government Services have conducted an analysis of the reservoir including a risk assessment of future shortages. They determined that the community may be at risk of future water shortages if this is not addressed.
3. On June 01, 2016, a letter was received by *Indigenous Affairs and Northern Development Canada* from the Chief Medical Officer of Nunavut, Dr Kim Barker, requesting that the reservoir be expanded immediately to prevent any threat to public health and safety due to the lack of water availability in the reservoir.



MEASURES TO BE TAKEN

Based upon the above grounds, I hereby direct, Assistant Deputy Minister **Darren Flynn**, with Community and Government Services, its principles, agents, employees, and/or contractors:

1. To immediately remedy the failure of a work that is causing, or may cause a danger to persons.
 - a. This includes the expansion of the Igloolik reservoir in 2016 and the increased storage and availability of water for the residents of Igloolik to prevent any threat to public health and safety.
2. To provide a plan to the Inspector prior to any work occurring, including timelines and detailing the work required, to address the threat to public health in the 2016 construction season.
3. To provide a final summary of all works completed, including the new capacity of the reservoir, to the Inspector in writing. This report shall be provided to the Inspector on or before October 31th, 2016 and shall include any challenges to the completion of the work.

Please be aware that Community and Government Services, its principles, agents, employees, and/or contractors, involved with any work to remedy deficiencies related to the Igloolik Reservoir and related infrastructure may be held responsible under the *Act* or any other Act where acts or omissions that do not exercise due diligence occur. This includes but is not limited to uncontrolled spills or unauthorized discharges of waste water or other substances.

This inspector's direction does not exempt those persons or parties conducting the directed activities in the Hamlet of Igloolik from following or meeting other relevant legislation and it must be understood that one or more federal or territorial agencies may stop the activities prematurely where events occur that require early intervention.

Pursuant to subsection 90(1) of the *Act*, any person that fails to comply with a direction given by an inspector under 87(1), is guilty of an offence and is liable on summary conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding one year, or to both.

Procedural Fairness

Procedural fairness requires that any person or parties are notified of the case against them that may affect their rights, privileges and interests and that the person or parties are given the opportunity to speak to the Inspector about any administrative order.

The opportunity to be heard prior to the issuance of an administrative order, namely an inspector's direction, allows the person or party to correct or contradict any incorrect information and to ensure that the Inspector has all relevant information prior to the issuance of the inspector's direction.



The duty to provide procedural fairness and actions required when issuing an inspector's direction will be weighed against the level of emergency and the requirement for expediting action.

Review

This Inspector's Direction may be reviewed, pursuant to subsection 87(3) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, by the Minister of Indigenous Affairs and Northern Development Canada. The Minister may, after review, alter or revoke the direction.

Signed this 02 day of June, 2016 at Iqaluit, Nunavut.

Justin Hack, BSc, MREM
Water Resource Officer
Indigenous and Northern Affairs Canada
Iqaluit, Nunavut
867-975-4517

CC: Erik Allain, Indigenous Affairs and Northern Development Canada
Licensing, Nunavut Water Board
Justine Lywood, Community and Government Services
Timoon Toonoo, Community and Government Services
Dr Kim Barker, Department of Health
Michele LeBlanc Havard, Department of Health
Senior Administrative Officer, Hamlet of Igloodik