



(4) Where a public hearing is not held in relation to an application, the Board shall not act on the application until at least thirty days after notice of the application has been published under subsection (1) unless, in the opinion of the Board, there are urgent circumstances that justify the Board acting on that application in a shorter period, but that shorter period shall not be less than ten days.

(5) Subsections (1) and (4) do not apply in respect of an application for the amendment of a licence where the Board, with the consent of the Minister, declares the amendment to be required on an emergency basis.

On this basis, for s. 55(5) to apply and the Board to act on the application for amendment in a period shorter than 10 days, the Hamlet must provide clear evidence that the situation with the Town's reservoir constitutes an emergency such that immediate action is required. Typically in a case where the depletion of the reservoir is the basis for the request, the Board would expect to receive evidence regarding the following:

- a. The volume of water remaining in the reservoir;
- b. Reasons for use of the alternative water source;
- c. Total amount of water required from Fish Lake to fill the reservoir; and
- d. The intended "lake draw-down" flow rate anticipated.

This information is required by the Board to establish that emergency circumstances do exist, to allow a proper assessment to be carried out and also to provide reassurance to the Board and Minister that allowing the amendment will not compromise the protection of the proposed alternative water source.

Upon receipt of this information, the Panel of the Board duly appointed to deal with Type B amendment applications would convene to consider whether an emergency basis has been established, and if so whether granting the amendment would be consistent with the Board's obligations to manage Nunavut's freshwater resources under the Nunavut Land Claims Agreement (NLCA) and the NWNSTRA. If the Panel determines that emergency circumstances have been established and that it is appropriate to recommend an amendment to the Minister for his consent, the Board would advise the Minister of their recommendation and seek his consent. It should be noted that until the consent of the Minister is obtained, the amendment would not be in effect.

Given that there is less than one business day and only three days, including the weekend, before the Hamlet requires the amendment to be in place and the necessary hauling/pumping to begin, the Board is concerned that it may not be possible for all the requirements of the NWNSTRA to be met so that the amendment would be in place prior to the Hamlet's proposed activity, commencing on June 15, 2015.

Further, if the Hamlet cannot establish that the amendment could be processed on an emergency basis, as provided in s. 55(4) cited above, the Board would not have jurisdiction to act on the request to amend the licence in a period shorter than 10 days.

Moreover, the Board's discretion to grant an amendment to a water licence in the public interest must be exercised in accordance with all the other terms of the NWNSRTA, and the Board typically would require, at a minimum, the following documentation in support of the amendment request:

1. An NWB Amendment Application and fee;
2. All available technical information including Hydrological information on the new water source, Fish Lake; and
3. Total amount of water required from Fish Lake and the intended "lake draw-down" or flow rate anticipated during pumping.

The Board notes that, on the basis of these limitations, it may not be possible for the requested amendment to be in place by June 15, 2015, but acknowledges that the Hamlet may be facing logistical limits on their ability to reasonably access the proposed alternative water source after June 15, 2015. Consequently, the Board urges the Hamlet to further get in touch with the Aboriginal Affairs and Northern Development, Field Operations Branch to discuss alternatives and provide direction with respect to how the Hamlet best proceed in a manner that respects the Hamlet's circumstances but also their obligations under the NWNSRTA.

Should the Hamlet wish to provide the additional information as outlined above and have any questions regarding these issues, or if you wish for the NWB to be involved in the discussions with Aboriginal Affairs and Northern Development, please get in touch with the technical advisor on the file, Cynthia Ene, at Cynthia.Ene@nwb-oen.ca directly. In the interim, the Board's technical staff will continue the review of the 3BM-IGL1520 Hamlet of Igloodik Type "B" water licence amendment application submitted on April 20, 2015. When the review is complete, the Board will promptly advise GN-CGS and the Hamlet of any deficiencies or outstanding information required for the licensing process associated with the initial amendment and will advise regarding the next steps in that process.

For application forms and water licence documents pertaining to licence 3BM-IGL1520, kindly refer to the NWB's Public Registry and FTP site, accessible from the following link: <ftp://ftp.nwb-oen.ca/>. Please forward all requested documentation to the attention of the Manager of Licensing at licensing@nwb-oen.ca and copied to Cynthia Ene, Technical Advisor at Cynthia.Ene@nwb-oen.ca.

Sincerely,

David Hohnstein
Director of Technical Services

DH/ce

Cc: AANDC Field Operations