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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI

June 13, 2006

Via Email and Regular Mail

Geoff Baker
Manager, Engineering Services
City of Iqaluit NU X0A 0H0

John Hussey
Chief Administrative Officer
City of Iqaluit NU X0A 0H0

Subject: Licence 3AM-IQA0611

Dear MM. Baker and Hussey:

On behalf of the Nunavut Water Board ("NWB" or "Board"), I wish to acknowledge receipt of your June 7, 2006 letter requesting a formal "review" of Licence 3AM-IQA0611 ("Licence") issued by the NWB on May 15, 2006.

We understand your request for a review of this Licence to be an application for a re-hearing of the City of Iqaluit's original application for a water licence. Accordingly, such application would constitute an application for an amendment to a Type A licence and would be subject to the requirement of a hearing as per section 52(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* ("Act"). While some of the requested changes may appear relatively minor, others would definitely necessitate a new hearing to allow the City of Iqaluit and interested parties to present evidence to support their respective views and argue their merits before the Board.

However, the timing of your request places the Board in an awkward position since the Licence, including the Board's Reasons for Decisions, have been forwarded to the Minister of Indian and Northern Affairs Canada ("Minister") for his approval, as required under section 56(1) of the *Act*. As the Board has not been informed whether the Minister has approved the Licence or not, it would be improper for the Board to entertain any amendment to the Licence. Once the Minister has approved the Licence, the City of Iqaluit may file a formal application for amendment, which will then be subject to the hearing provisions found in the *Act*. On the other hand, if the Minister decides to withhold the approval of the Licence, he must do so within the timeframe set forth in section 56 of the *Act*, and must provide written reasons to support his decision. In this event, the Board would be required to hold a new hearing.

I must also inform you that Board decisions are final. They can only be appealed to the Federal Court on a question of law, or a question of jurisdiction, on leave being obtained from that Court on application made within forty-five days after the making of that decision or within such further time as that Court or a judge of that Court allows under special circumstances.

We are copying this letter and yours of June 7, 2006 to the Minister for his consideration and for whatever action he may find appropriate in the circumstances.

If you have any question, please contact the Board in writing to the attention of the undersigned.

Sincerely,

Original signed by:

Philippe di Pizzo
Chief Administrative Officer

c.c. Jim Prentice, Minister of INAC