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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

NWB File No: 3AM-IQA0612
Renewal – Amendment

May 28, 2015

Muhamud Hassan, Chief Administrative Officer
Meagan Leach, Director of Engineering & Sustainability
City of Iqaluit, P.O. Box 460
Iqaluit, X0A 0H0

Email: m.hassan@city.iqaluit.nu.ca
m.leach@city.iqaluit.nu.ca

Re: Licence No. 3AM-IQA0612; Type “A” – Notice of Renewal-Amendment Application and Commencement of Technical Review Period for City of Iqaluit Municipal Water Licence

Dear Mr. Hassan and Ms. Leach:

Further to the Nunavut Water Board’s (NWB or Board) March 10, 2015 correspondence¹ in which interested parties were invited to provide comments and/or recommendations related to completeness and initial technical assessment of an application and supporting documents (the Application) filed by the City of Iqaluit (the City or the Applicant) for the renewal and amendment of Licence No. 3AM-IQA0612, which was issued to the City on May 12, 2006 for a Municipal undertaking, the NWB has received submissions² from two (2) intervening parties: Aboriginal Affairs and Northern Development Canada (AANDC) and Environment Canada (EC).

Copies of interveners’ submissions as well as other documents associated with the Application have been placed in the Board’s Public Registry and access made available through the NWB’s FTP site using the following link:

<ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-IQA0612/1%20APPLICATION/2012%20Renewal/>

Based on the scope and nature of the undertaking, the Application, deemed complete for the Renewal and Amendment of Type “A” Water Licence No. 3AM-IQA0612, will require a Public Hearing as per applicable provisions of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA or Act). Therefore, all Public Hearing matters will be carried out in accordance with the Board’s *Rules of Practice and Procedure for Public Hearing*, dated 2005 (NWB Rules).

¹ Letter from P. Beaulieu, NWB, to J. Mabberi-Mudonyi, City of Iqaluit, Re: Water Licence No. 3AM-IQA0612; City of Iqaluit Type “A” Water Licence, Renewal and Amendment Application, March 10, 2015;

² Aboriginal Affairs and Northern Development Canada (AANDC), March 31, 2015; and Environment Canada (EC) April 15, 2015.

The NWB has determined through the completeness and preliminary technical assessment process that the Applicant's submissions³ generally constitute an administratively and materially complete Application in accordance with the Guides⁴. Consequently, the Board has decided that the Application can proceed to the next stage of the licensing process. The Board acknowledges receipt of the Nunavut Impact Review Board (NIRB), Screening Determination⁵ for the Application in accordance with section 13.5.1 of the NLCA; and the Nunavut Planning Commission's (NPC), Land Use Conformity Determination⁶ issued in accordance with sections 13.4.2 – 13.4.5 of the NLCA.

As the Application proceeds through the licensing process, the Applicant should note that, if it becomes necessary, the NWB retains the right to request additional information and studies pursuant to section 48(2) of the Act or to issue guidelines for provision of information pursuant to section 48(3) of the Act. Further, the Applicant is informed that it can address the concerns raised by interveners, during the preliminary assessment of the Application, subsequent to the technical review period as such an approach is not likely to significantly impact the technical review process and would provide the opportunity to address matters pertaining to management plans and other aspects of the Application in a holistic manner.

Consistent with subsection 55(1) of the Act, the Board hereby gives notice of the Application and invites interested persons to make representations to the Board with respect to the Application. Notice of the Application will be forwarded to the council of each municipality in the area(s) most affected by the Application and shall be published in a newspaper of general circulation in the area(s) affected or, if there is no such newspaper, in such other manner as the Board considers appropriate. Parties are advised that the consequences of failure to respond are outlined in section 59 and subsection 60(2) of the Act⁷.

Interested parties are also invited to indicate in their submission, their preference on the form of Technical Meeting and Pre-Hearing Conference (TM/PHC) that may be held in accordance with the NWB's Rules (in person, in writing or by way of teleconference). **All comments/recommendations pertaining to the Application are to be submitted to the NWB's Manager of Licensing, on or before July 5, 2015 (4:00 p.m., MT), by email to licensing@nwb-oen.ca.**

By copy of this letter to the appropriate distribution list, interested persons are invited to complete their thorough technical assessment of the Application to Renew and Amend Type "A" Water Licence No. 3AM-IQA0612. All Application information is available from the NWB's ftp site, referenced above, or by directly contacting Meagan Leach, City of Iqaluit, by email to m.leach@city.iqaluit.nu.ca.

Throughout the technical review phase, interested parties are encouraged to work cooperatively with the City to discuss and resolve, where possible, relevant issues in advance of any potential TM/PHC that may be scheduled for the Application. If the parties choose to do so, the NWB requests that it be kept informed of any issues and the consensus reached between the parties on specific topics related to the Application. Further, the Board asks that the technical review comments, particularly for matters such as air quality, noise, and wildlife, be focused on only those aspects that involve the NWB's jurisdiction over the use of waters and the deposit of waste into waters or that may enter waters. As stated above, all comments should be filed in writing to the NWB's Manager of Licensing.

³ Application to renew and amend Licence No. 3AM-IQA0612, received from the City of Iqaluit during the period November 2012 – March 2015.

⁴ The minimum information requirements set out in the NWB Guidance Document- *Guide 7 – Licensee Requirements Following the Issuance of a Water Licence, April 2010*, see Table 3.

⁵ Nunavut Impact Review Board (NIRB) Screening Exemption Decision, November 3, 2014.

⁶ Nunavut Planning Commission, Land Use Conformity Determination, October 5, 2012

⁷ **Section 59:** In the circumstances described in paragraph 58(b), an applicant need not compensate the person under section 58 if the person fails to respond to the notice of application given under subsection 55(1) within the time period specified in the notice for making representations to the Board. **Section 60(2)** Subsection (1) does not apply in respect of a person referred to in that subsection who fails to respond to the notice of application given under subsection 55(1) within the time period specified in that notice for making representations to the Board.

Subsequent to receipt of technical review comments and/or recommendations, the following general steps may be carried out for the Application:

1. Technical Meeting/Pre-Hearing Conference (TM/PHC)

Rule 14 of the NWB Rules permits the Board, through its staff or in conjunction with staff, to hold a Technical Meeting/Pre-hearing Conference (TM/PHC) for the Application with interested parties and members of the public. Based on NWB Rules, the TM/PHC can either be held in writing, by way of teleconference, or in person. The NWB will inform the public in advance of the form and actual date on which any potential TM/PHC may be held.

2. Pre-Hearing Conference (PHC) Decision

Following any TM/PHC held for the Application, the NWB will issue a PHC decision and may outline the technical commitments of the Applicant and the administrative and procedural requirements for a potential Public Hearing for the Application.

3. Public Hearing (PH) Notice

Subsection 55(2) of the Act requires that a minimum notice period of sixty (60) days be provided for a Public Hearing (PH). As with the TM/PHC, the Board has the ability to conduct its Public Hearing in writing, by way of teleconference, or in person. Once the Board has received all information requested through this process and is satisfied that the Public Hearing should proceed, the type and/or place, date, and time of the hearing will be determined, and a notice will be published by the Board in advance of the Public Hearing and in a manner that promotes public awareness and participation in the hearing.

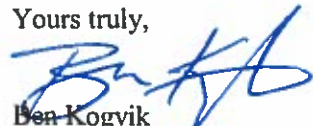
4. Public Hearing Decision

Following any Public Hearing scheduled for the application, the Board will issue a final written decision with reasons (final decision). The final decision will be provided to the Minister of Aboriginal Affairs and Northern Development Canada (AANDC) for the Minister's decision. Interested and intervening parties will also be provided with a copy of the Board's final decision as well as the Minister's decision.

If you have questions regarding procedural matters related to the Application, please direct them to Phyllis Beaulieu, Manager of Licensing, or Robin Ikkutisluk, Licensing Administrator, by phone at (867) 360-6338 or by e-mail to licensing@nwb-oen.ca. Inquiries related to technical matters, should be directed to Sean Joseph, Technical Advisor, by email to sean.joseph@nwb-oen.ca, or David Hohnstein, Director of Technical Services, by e-mail to david.hohnstein@nwb-oen.ca.

Parties should note that the NWB will distribute the Inuktitut version of this correspondence subsequently.

Yours truly,



Ben Kogvik
Acting/Executive Director
NWB

Cc: Qikiqtani Distribution