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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

August 3, 2018

File No: 3AM-IQA1626
By Email and Regular Mail

The Hon. Dominic LeBlanc
Minister of Intergovernmental Affairs, Northern Affairs and Internal Trade
Crown-Indigenous Relations and Northern Affairs Canada
House of Commons
Ottawa, Ontario
Canada
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**Re: Request for Ministerial Consent for the Nunavut Water Board's Processing, on An
Emergency Basis, of Amendments Sought by the City of Iqaluit to Water Licence
3AM-IQA1626**

This letter is a request by the Nunavut Water Board (NWB or the Board), seeking your consent to the NWB's processing of an application to amend Type "A" Water Licence 3AM-IQA1626. On August 2, the City of Iqaluit (the City or Applicant) provided notice to the NWB of their intention to file an amendment application with the Board on or before August 7, 2018 and also requesting that the amendment be dealt with on an emergency basis under the provisions of Article 13 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Agreement)* and the *Nunavut Waters and the Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA). As provided for under ss. 52(2)(c) and s. 55(5), of the NWNSRTA¹ with your consent, the Board may declare the amendment to be required on an emergency basis, allowing the Board to waive the normal notice, public hearing and comment

¹ Section 52(2)(c) states:

A public hearing need not be held ... (c) in the case 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.

Section 55(5) states:

Subsections 55(1) and (4) [notice of Hearing, communication of information and timelines prior to the Board acting on do not apply in respect of an application for the amendment of a licence where then 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"]

requirements typically associated with the Board's consideration of an application to amend a Type "A" Water Licence and to consider the amendment on an expedited basis.

Background to the Board's Request

In the notice of the pending amendment application received by the Board on August 2, 2018, the City outlines that the application will involve a request to amend existing Water Licence 3AM-IQA1626 (the Water Licence) to allow the Applicant to withdraw water from a new source, the Niagunguk River (Apex River), to augment the withdrawals already authorized under the Water Licence from Lake Geraldine (the Emergency Amendment Application).

The Board has placed all non-confidential information associated with this file on its public registry. For further details, consult the NWB's FTP at the following link:

<ftp://ftp.nwb-oen.ca/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-IQA1626/1%20APPLICATION/2018%20Emergency%20Amendment/>

More specifically, in the Emergency Amendment Application, the City has indicated they will seek the NWB's authorization (and ultimately the Minister's approval) to allow the City to pump approximately 400,000 cubic metres of water from the Apex River into the Lake Geraldine Reservoir, starting in the week of August 12 and continuing until October. The Applicant indicates that due to current very dry conditions, the water levels in the Reservoir as of July 2018 are well below the normal levels. As a result, pumping from this supplemental water supply is urgently required to ensure that the Lake Geraldine Reservoir has sufficient water to meet the water withdrawal needs of the City (including supplying drinking water for residents) throughout the upcoming winter season.

Reflecting these urgent circumstances and recognizing the importance of ensuring an adequate supply of drinking water for the City, on July 27, 2017, the Government of Nunavut, Chief Medical Officer of Health identified this situation as a public health and safety emergency and ordered the City to take steps necessary to ensure a sufficient water supply for the City.

The Board's Request for the Minister's Consent

On August 2, 2018, following the receipt of the City's notice of intention to file the Emergency Amendment Application the NWB's duly appointed City of Iqaluit Panel (Panel P6) responsible for decision-making in respect of the pending Emergency Amendment Application met by teleconference to review the information filed with the NWB to date to demonstrate that the proposed amendment to the Water Licence is required on an emergency basis. By way of Board Motion No.: 2018-09-P6-03 Panel P6 concluded that it is appropriate for the Board to process the Emergency Amendment Application on an emergency basis once it has been received. The Panel also directed that this correspondence be issued immediately seeking the Minister's consent with the Board's declaration of emergency circumstances, as required under s. 52(2)(c) of the *NWNRSTRA*. Given the urgent nature of this matter, the Board would appreciate receiving the Minister's response as soon as possible.

Next Steps Following Receipt of the Minister's Response

If the Minister consents to the Board's processing of the Emergency Amendment Application on an emergency basis, upon receipt, the Board would undertake expedited consideration of the Emergency Amendment Application. Following the Board's expedited consideration of the Emergency Amendment Application, if the NWB were to recommend that the amendment to the Water Licence be granted, the NWB would forward the Board's decision and the amended Water Licence to the Minister for his consideration and approval under s. 56(1) of the *NWNSRTA*.

Alternatively, if the Minister does not consent to the Board's processing of the pending Emergency Amendment Application on an emergency basis, the Board would, upon confirmation that the City wishes the Board to proceed, would process the Application as a non-emergency amendment application. This processing would involve providing Notice of the Application, communication of information and conducting some form of Public Hearing in accordance with the approximate nine-month timeline for processing an application under the *NWNSRTA* and the Board's own Rules of Practice and Procedure.

If you have any questions or require further direction with respect to this matter, please contact the NWB's Director of Technical Services, Karén Kharatyan by email to karen.kharatyan@nwb-oen.ca or by phone at (867) 360-6338.

Regards,

Lootie Toomasie
Chairperson
Nunavut Water Board

cc. Mark Hopkins, CIRNAC
Christopher Morton, CIRNAC
Charlotte Lamontagne, CIRNAC
Spencer Dewar, CIRNAC
Lucie Meunier-Doyon, CIRNAC
Erik Allain, CIRNAC
Simon Gruda-Dolbec, Justice Canada
Public Registry