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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

**NWB File No: 3AM-IQA1626/
Amendment Application**

February 13, 2019

Matthew Hamp
Director of Public Works and Engineering
City of Iqaluit
P.O. Box 460
Iqaluit, NU, X0A 0H0

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**Subject: Application for Type ‘A’ Water Licence Amendment, File No. 3AM-IQA1626,
City of Iqaluit.**

Dear Mr. Hamp,

The Nunavut Water Board (NWB or Board) acknowledges receipt on February 1, 2019, of an amendment application (Application or Amendment) and supporting documentation from the City of Iqaluit (the Applicant or the City) for their municipal Type “A” Water Licence 3AM-IQA1626. Additional information was provided for clarity on February 12, 2019, following an initial internal review of the application package.

The Application has been placed in the Board’s Public Registry and is available from our ftp site using the following link:

<ftp://ftp.nwb-oen.ca/registry/3%20MUNICIPAL/3A/3AM%20-%20Municipality/3AM-IQA1626/1%20APPLICATION/2019%20Amendment/>

Pre-licensing Requirements

On January 11, 2019, the Nunavut Planning Commission (NPC) issued a letter regarding their review of the Amendment to Water Licence 3AM-IQA1626. The NPC determined that the City is outside the area of an applicable regional land use plan and that it has previously been screened by the Nunavut Impact Review Board (NIRB File No.: 13UN034). The NPC has determined that the Amendment is a significant modification to the project because of the increase of the amount of water withdrawn from Lake Geraldine. The Amendment requires screening by the NIRB under section 12.4.3 of the Nunavut Agreement as amended because it is for a component or activity that was not part of the original or previously amended proposal and its inclusion is a significant modification of the project.

On February 01, 2019, the Applicant formally requested a coordinated review process between the NIRB and the NWB. Because the Applicant is applying for an additional amendment prior to completing the required NIRB commitments to the emergency activities conducted in the fall of 2018, the NIRB has not yet started their screening process. Once the NIRB receives a final report of those emergency activities they will begin their screening process of this amendment Application. Recognizing relatively short timeframe required for NIRB's screening process, the Board expects that NIRB screening decision will be issued during the licensing process, before any potential Public Hearing associated with this Application could be scheduled. As such, and based on Applicant's request for NIRB/NWB coordinated review process, the NWB has started its licensing process without waiting for the finalization of NIRB screening process

The Application received on February 1, 2019, consisted of the following documents:

- Application for Water Licence Amendment
- Engagement Plan and Record
- Project Summary – English, Inuktitut, French
- NPC and NIRB Decisions
- 3AM-IQA1626 Application for Amendment – Supporting Submission

Appendix A: Spill Contingency Plan

Appendix B: Erosion and Sedimentation Control Plan

Appendix C: Fish and Fish Habitat Monitoring Plan

Appendix D: Iqaluit Emergency Water Supply Project - DFO Authorization
Monitoring Report

Additional information received on February 12, 2019:

- Updated Spill Plan with missing information included
- Compliance Summary

The NWB has conducted a preliminary review of your submission(s) and determined that your Application meets the requirements allowing for public distribution in support of an initial technical assessment. Further, the preliminary review confirms that the Application is for a Type "A" Water Licence which will require a public hearing in accordance with s. 52¹ of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA or Act). All public hearing matters will be carried out in accordance with the Board's *Rules of Practice and Procedure for Public Hearing*, dated May 11, 2005 (NWB Rules).

The next step in processing your Application involves a completeness review and an initial technical assessment to determine, if all of the necessary information and studies to evaluate

¹ *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, section 52 (1) Subject to subsection 37(2), a public hearing shall be held by the Board before it disposes of (a) any application in relation to a licence, unless the application is of a class that is exempted by the regulations from the requirement of a public hearing.

quantitative and qualitative effects of your project on the freshwater environment have been provided.

Accordingly, by copy of this letter, the Board requests that interested parties review the Application and supplemental information for completeness and conduct an initial technical assessment, including identifying any Information Requests (IRs) that the reviewing party requests be filed to enable that party to complete their technical review of the Application. Further, the NWB invites interested parties to comment on the type of Technical Meeting / Pre-Hearing Conference to be held for the application (written, teleconference, or in person as outlined in steps 3 and 5 in the process overview set out below).

All intervening parties should provide their submissions to the NWB's Manager of Licensing at licensing@nwb-oen.ca by **March 6, 2019 (5:00 p.m. ET).**

Following the receipt of comments, the NWB will determine whether the Application is complete, or whether additional information and studies are required (IR's) to evaluate all quantitative and qualitative effects of the undertaking pursuant to s. 48 of the Act. The NWB will advise the City of Iqaluit of the Board's determination at that time.

Once the Application has been deemed complete, the following general process will be undertaken. Complete details on the NWB's licensing process are available in NWB Guide 5² and the Board preserves the right to modify the licensing process, including timelines as may be required to appropriately process this Application.

1. Notice of the Application

A notice of the Application will be made in accordance with s. 55(1) of the Act. This notice will invite interested persons to make representation to the Board. Parties will be advised of the consequences of failure to respond as outlined in ss. 59 and 60(2) of the Act. Furthermore, the Board will distribute notice to the communities and interested parties affected by the application and shall publish the notice in a newspaper of general circulation in the areas that are affected. If there is no such newspaper, the Board shall publish the notice in such other manner as the Board considers appropriate.

2. Detailed Technical Review

Interested parties will be invited to undertake a detailed technical assessment or review of the complete application for the undertaking. Parties (interveners and the Applicant) will be encouraged to work cooperatively to address technical issues identified during the review period. Generally, the Board provides at least thirty (30) days for a technical review in advance of a technical meeting. However, to assist the Board in expediting the technical assessment, parties are encouraged to begin their detailed technical assessment as early as possible (during and following the initial request for IRs).

² Guide 5 – Processing Water Licence Applications (April 2010).

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

Rule 14 of the NWB Rules permits the Board, through its staff or in conjunction with staff, to hold a Technical Meeting (TM) and Pre-hearing Conference (PHC) with interested parties, either in writing, by teleconference, or in person. The Board anticipates setting a date for a TM/PHC shortly after the deadline for receiving technical review submissions. The PHC is typically scheduled to immediately follow the TM.

4. **Pre-Hearing Conference (PHC) Decision**

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

5. **Public Hearing (PH)**

Sub-section 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 Technical Meeting and Pre-hearing Conference, the Board has the ability to conduct its PH in writing, by teleconference, or in person. Once the Board has received all information requested through this process and is satisfied that the PH should proceed, the type 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.

6. **Public Hearing Decision**

Following the Public Hearing, the Board will issue a written decision with reasons (final decision) for the Application. The Board's final decision will be provided to the Minister of Intergovernmental Affairs, Northern Affairs and Internal Trade (Minister) for consideration. Interested and intervening parties will also be provided with a copy of the of the Board's final decision. The Minister typically issues his/her response to the Board's final decision with forty-five (45) days of receipt, or if notifying the Board of an extension within the forty-five (45) days, within ninety (90) days from the date of receipt.

On this basis, the NWB is inviting interested persons to comment on the following: 1) completeness of the Application based on their initial technical assessment; 2) Information Requests (IRs) related to the Application that must be provided to enable the parties to complete their full technical review; and 3) Type of TM-PHC to be held any. All comments, recommendations and any requests for information (IRs) should be submitted to the NWB's Manager of Licensing at licensing@nwb-oen.ca no **later than March 6, 2019 (5:00 p.m. ET)**.

If you have any questions regarding the above or procedural matters, please contact Richard Dwyer, Manager of Licensing, at (867) 360-6338 or by e-mail at licensing@nwb-oen.ca. For

inquiries related to Technical matters, please contact Derek Donald, Technical Advisor, at (867) 360-6338 ext. 32 or by email at Derek.Donald@nwb-oen.ca.

Sincerely,

Richard Dwyer
Manager of Licensing

RD/dd

Cc: City of Iqaluit Distribution List