



Ottawa, Canada K1A 0H4

AUG 13 2001
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Mr. Thomas Kudloo
Chair
Nunavut Water Board
PO Box 119
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Dear Mr. Kudloo:

I have written to you in the past regarding the necessity of providing certainty within the water management regime in Nunavut.

I can appreciate the holistic approach that the Nunavut Water Board (NWB) wishes to take with respect to water within the ecosystem. The NWB, however, must also realize that the department, operating within the limits of the *Northwest Territories Waters Act*, does not necessarily have the lead role when it comes to all areas in which the NWB chooses to exercise authority.

In particular, I refer to those clauses in the Iqaluit municipal licence that the NWB issued on December 31, 2000, that deal specifically with the open burning of unsegregated municipal and commercial wastes within the waste disposal facility.

There already exists competent regulatory authorities with the necessary legislation to act on issues that the NWB, via the licence, has given the department primacy. As such, it is unacceptable for the NWB to assign jurisdictional inspection and enforcement responsibilities to the department in those areas.

Further, it is inappropriate that the regulatory regime be unnecessarily complicated. But this is exactly the effect that has been achieved by including terms and conditions in a licence for which the NWB is clearly acting beyond its jurisdiction as contemplated either by the *Northwest Territories Waters Act*, or the draft legislation which we are attempting to introduce into Parliament in the near future.

Necessarily, I cannot approve the Iqaluit municipal licence as issued.

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I recognize, that in the absence of legislation, some uncertainties have been introduced into the Nunavut water licensing regime. Thus, it is critical that during this interim period, steps are taken to ensure that the legal obligations of all parties are met and that the rights of anyone who may be affected by a licensing decision are protected. Such steps are also necessary to ensure that continuity of rights, and the validity of decisions taken during this interim period, are protected when the legislation is ultimately brought into force.

To this end, I can only urge the NWB to work with departmental officials to develop an administrative agreement that will allow our respective roles to be carried out in a mutually satisfactory and responsible manner until such time that the *Nunavut Waters Act* and *Nunavut Surface Rights Tribunal Act* are passed into law.

I am confident that with continued co-operation, we can meet our obligations and provide our stakeholders with a responsible water management regime during this interim period.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Robert D. Nault', written in a cursive style.

Robert D. Nault, P.C., M.P.