



Department of Justice
Canada

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Your File: NWB3IQA9900

September 7, 2000

Nunavut Water Board
P.O. Box 119
Gjoa Haven, Nunavut
X0E 1J0

Attention: Mr. Philippe di Pizzo,
Executive Director

BY E-mail to

nunavutwaterboard@nt.sympatico.ca

and

rbecker@polarnet.ca

Dear Mr. di Pizzo:

Re: Pre-hearing meeting with respect to Municipality of Iqaluit water licence

I am in receipt of a copy of your letter of September 6th, addressed to Mr. John Tidball, solicitor for the Municipality of Iqaluit.

In that letter, you invite all parties to a pre-hearing meeting. It is my understanding that the Board is calling this meeting pursuant to Rule 7.1 of the Board's *Rules of Practice and Procedure for Public Hearings*.

Given the recent correspondence from and to the Board in connection with the Iqaluit licence, I am somewhat uncertain as to what overarching issue is to be addressed by the hearing that is currently scheduled for November. Is this to be (i) a hearing into the question of whether, and on what terms, a water licence should be issued to the Municipality; or is to be (ii) a hearing aimed at dealing with some different matter? And if it is to be a hearing into (i), then which application is to be the basis of the proceeding? The original "Notice of Public Hearing", distributed by an E-mail dated August 2nd, stated that there would be a hearing "to determine the public's interest". When that Notice was distributed, the Board had before it (to the best of my knowledge) no application from the Municipality for issuance or renewal subsequent to the application dated March 1, 1999. As far as I am aware, no further application has been received to date. On the other hand, your letter dated August 28th said that the Board "will hold a public hearing ... for the renewal of the Town of Iqaluit's municipal water licence." And in his letter of August 29th, Mr. Tidball advised that "the Municipality is content to file a fresh renewal application ..." I suggest that it would be in everyone's interest to clarify these matters before any pre-hearing meeting, so that the participants at the meeting will know just what kind of hearing they are discussing.

DIAND is certainly interested in participating in the pre-hearing meeting. In the short time since receipt of your September 6th letter, it has not been possible to determine definitely who the appropriate DIAND representatives would be, and whether those representatives will be available on September 25th. Should it develop that participation by DIAND (in person, by telephone or via videoconference) will not be feasible, we shall advise you of this without delay. I ask that the Board provide an agenda for the meeting as soon as possible, so that DIAND may decide who should participate on its behalf.

In response to another element of your September 6th letter, I must advise that DIAND reserves the right to raise issues relating to the status of the December 1999 water licence where DIAND regards such issues as relevant.

Thank you for your consideration.

Yours very truly

“Lee F. Webber”

Lee F. Webber

Legal Counsel to the
Intervenor DIAND