



Application to Amend Water Licence 3AM-IQA1626
PHC Decision

File No.: 3AM-IQA1626

To: Iqaluit Distribution List

Date: June 3, 2019

Subject: Type “A” Water Licence 3AM-IQA1626; Pre-Hearing Conference Decision
Regarding an Application to Amend Water Licence No. 3AM-IQA1626

This Pre-Hearing Conference Decision Report is in relation to an application filed on February 1, 2019, by the City of Iqaluit (Applicant or Licensee) for an amendment to Type “A” Water Licence 3AM-IQA1626 (the Application). The Application seeks Board’s authorization for the use of up to 500,000 cubic metres (m³) on an annual basis to be withdrawn from an additional water source, the Niaqunguk (Apex) River to supplement the drinking water supply in the Lake Geraldine Reservoir. The Application also requests an increase to the total volume of water withdrawn from Lake Geraldine on an annual basis to a total of 2,000,000 m³. The City of Iqaluit is located in the Eastern Qikiqtani Region of Nunavut, on the southern extent of Baffin Island.

In accordance with Rule 14 of the NWB’s *Rules of Practice and Procedure* (the Rules), and the previous direction and delegation of the Iqaluit Panel to the staff of the NWB, the NWB’s staff held a technical meeting (TM) and a Pre-Hearing Conference (PHC) for the Application 3AM-IQA1626 by teleconference on May 27, 2019.

The Application was received by the NWB on February 1, 2019, and following the receipt of responses to the NWB’s requests for various clarifications and additional information in support of the Application, on February 13, 2019, the NWB acknowledged receipt of the City of Iqaluit’s Application, and began the NWB’s formal processing of the Application. Following the completion of a technical review and public comment period in respect of the Application and the submission of additional information to support the Application by the Applicant, on May 16, 2019, the NWB provided correspondence confirming that the Application could proceed to the TM/PHC stage and advising that the TM and PHC were scheduled to take place on May 27-28, 2019, and would be conducted via teleconference. The TM /PHC Agendas for the meetings as conducted on May 27, 2019, are attached as Appendix A to this Decision.

As set out in Rule 14.1 of the *Rules* and discussed in detail in Section 6 of this Decision, discussing the Pre-Hearing Conference (PHC), the PHC dealt with the following matters relevant to the Application:

- Timetable for the pre-Hearing exchange of information;



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- Identification of interested parties;
- Submissions of interested parties;
- List of issues to be dealt with at the Public Hearing;
- Desirability of amending the Application for the purpose of clarification;
- Procedures for the Public Hearing; and
- Identification of any other matters that may assist in the simplification and disposition of the Public Hearing.

On May 29, 2019 and June 3, 2019, the Members of the Iqaluit Panel (the Panel or P6), duly appointed by the Nunavut Water Board (NWB or Board) as the decision-makers for the file met to consider the next steps in the NWB's processing of the Application. Having considered the technical review comments received to date by the NWB in respect of the Application, the interest of the public in the Application, the discussions at both the Technical Meeting and Pre-Hearing Conference and the Commitments of the Applicant as outlined in Appendix C, the Iqaluit Panel (the Panel or P6), by Motion #2019-06-P6-04, the Panel approved the release of this Pre-Hearing Conference Decision Report. By Motion #2019-05-P6-03 the Panel directed that the Board hold a Public Hearing in person in the City of Iqaluit to support the Panel in their decision-making for the file and authorized the issuance of the procedural direction regarding the upcoming Public Hearing that follows.

The NWB has tentatively set the dates for the Public Hearing to be **August 8-9, 2019**, please note the timing and venue for the Public Hearing are subject to the Board's final confirmation of dates and procedure in the NWB's Notice of Public Hearing, which is proposed to be published by the Board on June 7, 2019. It should also be noted that even after the Notice of Public Hearing has been issued, the Board reserves the right to adjust the schedule and form of the Public Hearing if logistics dictate, if the documentation required to be supplied prior to the Public Hearing has not been provided, etc.

Introduction and Registration

The following participants registered and attended the TM/PHC teleconference on May 27, 2019:

The Applicant, the City of Iqaluit, as represented by the following participants:

- Amy Elgersma, City of Iqaluit
- Matthew Hamp, City of Iqaluit
- Josip Deronja, City of Iqaluit/ Colliers
- Erica Bonhomme, Stantec



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Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), as represented by the following participants:

- Bridget Campbell, Regional Coordinator, Nunavut office
- Godwin Okonkwo, Manager Water Resources
- Sarah Forte, Water Management Specialist
- David Zhong, Regulatory and Science Advisor

The Nunavut Water Board (NWB), as represented by the following participants:

- Karén Kharatyan, Director of Technical Services
- Derek Donald, Technical Advisor
- Richard Dwyer, Manager of Licensing
- Teresa Meadows, NWB Legal Counsel

Although the meetings were conducted via teleconference, the Applicant made a meeting space and teleconference capabilities available to members of the public who wished to attend the TM/PHC. Although members of the public did not ask any questions during the meetings, the local CBC radio station attended the Pre-Hearing Conference portion of the meeting in the afternoon of May 27th and asked questions of the NWB, the Applicant and CIRNAC. The listing of attendees attending the TM/PHC in the venue provided by the Applicant are listed in the sign in sheets attached as [Appendix D](#) to this Pre-Hearing Conference Decision.

1. The Application Before the Board

The Application before the Board was filed by the City of Iqaluit (the Applicant or the Licensee) and requests an amendment to Type “A” Water Licence 3AM-IQA1626, to authorize the use of water from an additional source, the Niaqunguk (Apex) River, and to increase the total annual water usage, associated with a municipal Undertaking as classified under the *Nunavut Waters Regulations*.¹ The documents filed by the Applicant in support of the Application are listed in detail in Appendix B that is attached to this Pre-Hearing Conference Decision.

All of these submissions in support of the Application are available from the NWB’s public registry at the following link:

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

Scope of the Application

¹ SOR/2013-69.



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The Applicant has requested that the scope of the Type “A” Water Licence amendment, include the following:

1. To withdraw up to 500,000 cubic metres (m³) of water annually from the Apex River and pump it to supplement the Applicant’s water Reservoir: Lake Geraldine; and
2. To increase the total amount of water allowed to be withdrawn from Lake Geraldine, from 1,100,000 m³ to 2,000,000 m³.

2. Procedural History

Licence history

The following licences were previously issued by the NWB to the City of Iqaluit:

- NWB3IQA0103
 - Issued on January 1, 2001, and expired on December 31, 2003.
 - Allowed for the use of 1,100,000 m³ of water annually in support of a municipal undertaking.²
- 3AM-IQA0611
 - Issued on May 15, 2006, and expired on May 16, 2011.
 - Allowed for the use of 1,100,000 m³ of water annually in support of a municipal undertaking.
 - Amended on May 13, 2011, to extend the Licence term to July 15, 2012.
- 3AM-IQA1626
 - Issued on June 17, 2016, and expired on June 16, 2026.
 - Allowed for the use of 1,100,000 m³ of water annually in support of a municipal undertaking.
 - Amended on August 14, 2018, to authorize for one pumping season, the use of up to 500,000 m³ of water to augment the volume of available in the Lake Geraldine Reservoir.

Pre-Licensing Requirements

The Nunavut Planning Commission (NPC)

With respect to this Application, the following pre-licensing requirements associated with the Nunavut Planning Commission’s (NPC) land use planning conformity determination for the Application were completed:

² SOR/2013-69.



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- On **January 11, 2019**, NPC issued its determination (NPC File No. 149007) for the Application, which indicated that:
 - a. the Project is outside of an area with an applicable regional land use plan;
 - b. the Nunavut Impact Review Board (NIRB) previously screened the works and activities associated with the current proposal, including the withdrawal of water up to 1,100,000 m³ from Lake Geraldine;
 - c. the above-noted project proposal is a significant modification to the project because of the increase of the amount of water withdrawn from Lake Geraldine from 1,100,000 m³ to 2,000,000 m³;
 - d. the undertaking requires screening by the Nunavut Impact Review Board (NIRB) under section 12.4.3 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* as amended and ss. 145 and 146 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*) 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; and
 - e. on this basis, the NPC forwarded the Application to the NIRB for screening under Article 12 of the *Nunavut Agreement* and Part 3 of the *NuPPAA*.

The Nunavut Impact Review Board (NIRB)

The following summarizes the outcome of the NIRB's screening of the project proposed in the Application:

- On **April 17, 2019**, the NIRB issued its Screening Decision Report³ (NIRB File No. 19WA006, , previously NIRB File No. 13UN034) associated with the Application, stating that a further review of the project is not required in accordance with Article 12 of the *Nunavut Agreement* and s. 92(1)(a) of the *NuPPAA*. Specifically, the NIRB noted that:

Following the Nunavut Impact Review Board's (NIRB or Board) assessment of all materials provided, the NIRB is recommending that a review of City of Iqaluit's "Apex River Drinking Water Supply" is not required pursuant to Article 12, Section 12.4.4(a) of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and s. 92(1)(a) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*).

Subject to the Proponent's compliance with the terms and conditions as set out in below, the NIRB is of the view that the project proposal

³ NIRB Screening Decision Report, NIRB File No.: 19WA006 (previously NIRB File No. 13UN034), April 17, 2019.



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is not likely to cause significant public concerns, and it is unlikely to result in significant adverse environmental and social impacts. The NIRB therefore recommends that the responsible Minister accepts this Screening Decision Report.⁴

On the basis of the NPC's land use plan conformity assessment of the Application and the NIRB's screening of the Undertaking, the NWB has concluded that the conformity and environmental assessment requirements for the Application under ss. 38 and 39 of *the Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA) have been met and the Application can now be processed by the NWB.

Procedural History – City of Iqaluit Municipal Type “A” Water Licence Application

The following includes a brief overview of the procedural history for the Application. It should be noted that the following listing captures only the major procedural steps associated with the Application. All documentation and the complete history of the NWB component of the licensing file are available from the NWB's ftp site at the link provided in Section 2 of this Pre-Hearing Conference Decision.

February 1, 2019	NWB received from The City of Iqaluit an application for a Type “A” Water Licence Amendment to 3AM-IQA1626.
February 13, 2019	The NWB acknowledged receipt of application, and determined that the Application met the requirements for public distribution, and invited interested parties to conduct an initial completeness check and provide information requests by March 6, 2019.
March 1, 2019	CIRNAC provided Information Requests (IR) in relation to the Application.
March 22, 2019	The City of Iqaluit responded to these IRs.
April 1, 2019	CIRNAC provided a Reply to the Applicant's responses, requesting additional information.
April 8, 2019	The City of Iqaluit responded to the second IRs from CIRNAC.
April 11, 2019	CIRNAC provided their second reply to the Applicant's IRs, indicating CIRNAC considers the Application to be complete and sufficient to proceed to the technical review stage of the process.

⁴ NIRB Screening Decision Report, NIRB File No.: 19WA006 (previously NIRB File No. 13UN034), April 17, 2019 at p. 1.



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April 15, 2019	The NWB provided Public Notice of the Application and notice of the commencement of a twenty-one (21) day technical review period, and provided direction regarding the next steps in the Licensing process.
May 6, 2019	CIRNAC provided their technical review comments regarding the Application.
May 14, 2019	The Applicant provided responses to interveners' comments.
May 16, 2019	The NWB issued guidance regarding next steps in the process and circulated, for comment, a Draft Agenda for the TM/PHC.
May 21, 2019	The NWB received confirmation of participation and presentation documents from CIRNAC and the Applicant.
May 23, 2019	NWB provided correspondence with the Final Agenda for the TM/PHC.
May 27, 2019	The NWB hosted the TM/PHC via teleconference. NOTE: As all items on the Agendas for both meetings were completed on May 27, the meeting scheduled for May 28 was cancelled.

Complete information related to the procedural history of the Application and the information received in support of the file can be accessed from the NWB's FTP site and Public Registry using the following link:

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

3. Technical Review Comments Received by the Board

Prior to the Technical Meeting and Pre-hearing Conference, two opportunities for comment on the Application were provided to interveners and members of the public. The Board's first request for comments requested parties to consider whether the Application was complete and to identify any outstanding issues that should prevent the Board from continuing to process the Application, including identifying any additional information requests. This comment period closed on March 1, 2019. The second comment period requested parties to file substantive technical review comments on or before May 6, 2019. The text that follows outlines the comments provided during these review periods, and also reflects comments provided to the Board staff during the Technical Meeting/Pre-hearing Conference.



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Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)

Under various legislative enactments,⁵ CIRNAC administers Crown land and resources and enforces regulatory permits affecting land and water resources in Nunavut, including enforcing the provisions of water licences issued by the NWB. With respect to the City of Iqaluit Licence No. 3AM-IQA1626, CIRNAC is responsible for enforcing the terms and conditions of the Licence. Reflecting CIRNAC's responsibilities and jurisdiction, CIRNAC's technical review raised a number of issues, with a focus on the following topics:

- Water Management;
- Management Plans; and
- Monitoring and Reporting.

Specifically, CIRNAC provided the Board with comments on the following issues:

- Development of a Drinking Water Management Plan;
- Development of a Contingency Plan;
- Updates to the Spill Contingency Plan;
- Monitoring and reporting of water levels and water withdrawal;
- Future plans for researching alternative water sources; and
- Reporting erosion and sedimentation control measures.

Recommendations were provided by CIRNAC in relation to the following specific issues:

- Recommendation to continue developing a comprehensive Drinking Water Management Plan that considers watershed management and includes provisions to mitigate the risk of requiring another emergency extraction situation in the future;
- Recommendation to provide a Contingency Plan that address the City's response to a situation in which the City's demand for water from the Niaqunguk (Apex) River cannot be supplied by the available flow while maintaining a pumping rate within the 10% instantaneous flow and 30% mean annual discharge;
- Recommendation to provide a predictive model assessing the need to pump from the Niaqunguk (Apex) River to top up the Lake Geraldine Reservoir;
- Recommendation for the City of Iqaluit to maintain its plans to install water level monitoring stations, carry out pre-pumping surveys, monitor water level and water withdrawal, and report the findings in the Licensee's Annual Reports each year;

⁵ See for example: the *Department of Indian Affairs and Northern Development Act*, R.S.C. 1985, c. I-6; *Nunavut Agreement*; *Nunavut Land Claims Agreement Act*, S.C. 1993, c. 29; *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (and associated Regulations); the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 13, s. 2; the *Territorial Lands Act*, R.S.C. 1985, c. T-7 (and associated Regulations); and the *Arctic Waters Pollution Prevention Act*, R.S.C. 1985, c. A-12.



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- Recommendation that the Applicant attach the MSDS for substances to be stored on site to the Site Specific Spill Contingency Plan;
- Recommendation to update management plans with the current contact information for CIRNAC's Manager of Field Operations; and
- Recommendation that the City provide a strategic plan to complete the proposed studies within the seven year term of the amended licence. This plan should outline concrete commitments and timelines so that a long-term supplemental water source can be determined within this timeframe.

4. Questions and Comments of Members of the Public During the TM/PHC

As noted above, during the Pre-hearing Conference portion of the meetings in the afternoon of May 27, 2019, representatives from the local CBC radio station were in attendance and asked the following questions:

- Given that the NWB has to give 60 days' advance notice of the Public Hearing, does that mean the earliest hearing date will be the beginning of August?
- After the Public Hearing, what is the timeline for the NWB to issue a decision in respect of the Application?
- What were CIRNAC's two outstanding concerns referenced in their TM presentation materials?
- If the amendment is approved will the City of Iqaluit be removing the new pipeline between Niaqunguk (Apex) River and Geraldine Lake on an annual basis?

5. Technical Meeting (TM)

The TM for the Application was held via teleconference from 10:00 a.m. to 4:00 pm EST on May 27, 2019. As is the Board's practice, the TM was an informal meeting and was chaired by Karén Kharatyan, the Board's Director of Technical Services. The meeting was attended by the Board staff and legal counsel, the Applicant, the intervener, CIRNAC and members of the public who listened to the call in the venue provided by the Applicant.

In keeping with the Board's normal practice, the Panel Members of the Board (Iqaluit Panel, P6), the decision-makers for the Application, were not present at the TM or the subsequent Pre-hearing Conference (PHC), having delegated the conduct of these meetings to the Board's staff. The TM included the following:

- Discussion of the technical issues identified by interveners and the NWB staff during their technical review of the Application;
- Examination of technical data, comment submissions and other materials submitted as part of the Application;



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- Discussion, and, where possible, resolution of technical matters or issues raised by interveners and the Applicant, particularly those matters that could affect the Board's determination on any Pre-hearing Conference (PHC) issues, prior to holding the PHC;
- Providing an opportunity for the City of Iqaluit and participants to identify and confirm for the Board the issues and concerns that have been resolved and to discuss any unresolved or ongoing issues related to the Application;
- Identification of opportunities for streamlining the issues and process so as to eliminate existing or potential duplication or delay in the NWB's processing of the Application going forward; and
- Documenting any commitments made by the various parties during the Technical Meeting, with the aim of carrying over the commitments to the PHC and Public Hearing stages of the NWB's consideration of the Application.

The TM participants were advised that, upon completion of the TM, the Board expected any outstanding issues in respect of the Application to be resolved, or if not resolved, that some form of agreement, including commitments by the parties, would be provided by the parties to enable the Application to proceed to the next step of the licensing process, the Public Hearing, notwithstanding any unresolved issues.

At the TM, the following general topics were discussed:

- The scope of the Application;
- The term of the amended Licence;
- The development of a Drinking Water Management Plan;
- Contingency planning to address options if insufficient water is available in the Niaqunguk (Apex) River;
- Monitoring of water level and flow in the Niaqunguk (Apex) River;
- Long-term sustainable water source solutions; and
- The status of various updates and additions to management plans.

Following these discussions at the TM on May 27, 2019, the NWB circulated to all teleconference participants, an electronic copy of the draft list of issues in respect of the Application that the NWB expects to be discussed during the Public Hearing phase of the NWB's processing of the file, as well as a draft list of commitments discussed during the TM.

In the afternoon of May 27, 2019, the TM concluded with the review and revision of both the draft list of issues and the draft list of commitments to reflect the clarifications and subsequent agreement of the parties. The Commitment List provided in Appendix C and attached to this Report reflects the outcome of the discussions during this portion of the TM. For the convenience of the parties, where commitments made by the Applicant will result in the submission of additional or



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updated documentation, the Board has included a description of the timelines for submission of this information and the form of submission expected by the parties.

Similarly, the List of Issues (discussed in more detail under Section 6.0 of this Report below) was also reviewed and revised at the close of the TM to reflect the discussions of participants during the TM.

6. Pre-Hearing Conference (PHC)

As the parties confirmed at the conclusion of the Technical Meeting TM that there were no outstanding issues that would prevent the Application from proceeding to the next step in the licensing process, a Public Hearing, the Pre-Hearing Conference (PHC) portion of the Agenda proceeded in the afternoon of May 27, 2019.

The PHC was also chaired by the Board's Director of Technical Services, Karén Kharatyan, with the same parties in attendance as those who participated in the TM. In addition, representatives of the local CBC radio station also attended and asked questions during the PHC. The purpose of the PHC was to discuss the various matters as set out in Rule 14 of the Nunavut Water Board's *Rules of Practice and Procedure for Public Hearings* (May 11, 2005) in preparation for a Public Hearing.

Timetable for Pre-Hearing Exchange of Information

The Board noted at the beginning of this discussion during the PHC that, as required by s. 55(2) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA), the NWB must give the public and parties a minimum of sixty (60) days' notice in advance of a Public Hearing.

The Applicant and interveners in attendance were polled regarding any outstanding information requirements that must be supplied in advance of a Public Hearing and indicated that, as set out in the List of Commitments provided in Appendix C, the preparation and submission of additional information is not expected to delay the NWB proceeding to a potential Public Hearing in respect of the NWB's continued processing of the Application.

On this basis, in consultation with the Pre-Hearing Conference participants, the Board has established the timetable for the pre-Hearing exchange of information set out below. As always, the Board reserves the right to revisit this timing if parties are unable to meet the deadlines in their commitments, if the Board receives subsequent, reasonable requests from the parties for adjournments in response to additional information received, or as may subsequently be considered necessary by the Board. In establishing the following schedule, the Board was mindful that during the PHC, the Applicant requested that the public hearing be held as soon as possible so as not to unduly delay the start of pumping. In response, the NWB did emphasize that the Applicant had



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been advised to submit the Application by October 2018 in order to ensure there was sufficient time for members of the public and interveners to review and comment on the Application and also to ensure the NWB has sufficient time to thoroughly consider the Application, conduct a Public Hearing and complete the Board's decision-making.

Reflecting the discussions at the Pre-Hearing Conference, the level of public interest and concern associated with the Application, and the commitments provided by the Applicant during the Technical Meeting, the NWB has directed that an in-person Public Hearing be held during the week of August 5-9, 2019, tentatively scheduled for two days on **August 8-9, 2019**. At present, based on the Board's understanding of the issues and the commitments of the parties, the Board anticipates closing the Public Hearing Record on the last day of the Public Hearing and then remitting the Application to the Panel for decision-making.

Unless subsequently modified by the Board, the Board requires participants to observe the following timetable:

- On or before **Friday, June 7, 2019**, the NWB will issue Notice of the Public Hearing;
- All further and final written submissions to be provided by Intervenors and interested members of the public must be filed with the Board on or before **Monday, July 15, 2019**;
- Any parties who wish to request simultaneous French interpretation services be provided at the Public Hearing are required to make this request to the Board on or before **Monday, July 15, 2019**;
- All further and final responses of the Applicant to the information filed to date must be filed with the Board on or before **Monday, July 22, 2019**;
- All parties must file any final summary presentations for the Board's consideration and/or closing arguments with the Board on or before **Monday, July 29, 2019**;
- If the Intervenors and/or the Applicant file additional written submissions, final responses and presentation materials as outlined above, parties are also requested to provide **an Executive Summary of their written submissions in English, Inuktitut and French fully translated copies of their presentation materials or final responses in English, Inuktitut and French** when they file the full submissions or as soon as possible afterward; and
- At the Public Hearing parties are requested to make hard copies of all presentation materials available to participants (at least 25 English, 25 Inuktitut and 5 French hard copies).

All submissions will be posted on the NWB's ftp-site (<ftp://ftp.nwb-oen.ca/>) and in the public registry upon receipt. An electronic copy of the public registry as it relates to the Application can also be made available to the public upon request.

Identification of Interested Parties



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During the PHC, the following parties confirmed their participation and attendance in the Public Hearing:

- The Applicant, City of Iqaluit;
- Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC).

During the PHC, participants were asked whether there were any additional interested parties that should specifically be invited to participate in the Public Hearing. Based on the prior comment submissions of Fisheries and Oceans Canada (DFO) associated with the Applicant's previous emergency amendment application to the NWB in the summer of 2018 that allowed the Applicant to draw on the the Niaqunguk (Apex) River to supplement Geraldine Lake for August-October 2018, and also the comment submissions provided by DFO during the NIRB's screening level assessment of the Application, DFO was identified as a party whose technical expertise would be beneficial to the Board's consideration of the Application. Accordingly, the NWB specifically extends an invitation to DFO to provide comment, file materials and if possible, participate in the Public Hearing to share their technical expertise relating to the aspects of the Application within DFO's mandate. In particular, the NWB requests DFO to provide comment in relation to the requirements the Applicant must meet to preserve fish habitat and minimal flows in the Niaqunguk (Apex) River and to evaluate the Applicant's contingency plans for addressing low flow conditions that would prevent pumping from the Niaqunguk (Apex) River, such as increasing pumping rates during higher flow conditions or extending the time period for pumping beyond August-October.

Provision of Final Written Submissions from Interested Parties

During the PHC, the parties were advised that any additional information that the Applicant, interveners or interested parties may wish the Board to consider during their review of the Application must be filed with the Board in advance of the close of the Public Hearing Record and in accordance with the timelines outlined above under the heading "Timetable for Pre-Hearing Exchange of Information".

List of Issues

The intervening parties in attendance at the TM/PHC confirmed that none of the issues remaining for discussion and none of the outstanding information requirements should prevent the Board from proceeding with the Public Hearing for the file.

At the end of the TM, the parties reviewed a draft list of issues prepared by Board staff during the TM and that are expected to be addressed by the parties at the upcoming Public Hearing. The list of issues that follows captures the discussions and suggested revisions from the TM participants. On this basis, subject to adding issues following the review of information that may be exchanged



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in advance of the Public Hearing, the NWB anticipates that the following issues will be addressed by parties at the Public Hearing:

- Information provided as follow up to the 2018 emergency amendment
 - Differences between the emergency amendment and the Application
- Water Supply
 - Sustainability of Niaqunguk (Apex) River as an alternate source
 - Temporary solution proposed for time period of 2019-2026
 - Preferred alternative largely due to location/proximity to Lake Geraldine
- Water Pipeline
 - Type of pipeline
 - Location
 - Reclamation
- Environmental Mitigations
 - Ensuring sufficient flows for fish health and habitat are maintained
- Management Plans and Reports
 - Review and approval of plans submitted with the Application
 - Updated Spill Contingency Plan
 - Sedimentation and Erosion Control Plan
 - Consolidated Drinking Water Management Plan to address long term water supply solutions (to be supplied in 2025-2026 as part of the future Water Licence renewal)
 - Contingency Plan if pumping has to be suspended at any point because the levels in the Niaqunguk (Apex) River fall below DFO criteria
- Monitoring Program
 - Flows
 - Sampling period
- Addressing Public Concerns
 - Can the Niaqunguk (Apex) River reliably provide enough water?
 - What are the alternatives to temporary pumping from the Niaqunguk (Apex) River?
 - What other measures are being implemented by the City to reduce water use?
 - What are the City's long term plans for water supply?
 - Why is the Application seeking to use Niaqunguk (Apex) River for 7 years?



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Changes to the Application for the Purposes of Clarification

The Applicant and Interveners in attendance were canvassed regarding any potential changes to the Application. The Applicant identified that the only change to the Application is to allow for the contingency of increasing the pumping rate and extending the pumping window, while maintaining compliance with DFO conditions, in order to maximize water withdrawal. Should any additional changes become necessary, any additional information that the parties wish the Board to consider during their review of the Application must be filed with the Board in advance of the Public Hearing and in accordance with the timelines outlined above under the heading “Pre-Hearing Exchange of Information”.

Procedures for the Public Hearing

Parties were asked for their views with respect to the form of the Public Hearing (written, teleconference or in-person). Both CIRNAC and the Applicant indicated that either an in-person or teleconference Public Hearing would be the most appropriate, given the scope of the Application and the public interest in the activity.

The NWB’s obligations to conduct Public Hearings in a manner that gives due weight and consideration to the requirements of the *Nunavut Agreement*, including respect for the importance of Inuit oral traditions, typically means that the Board prefers to conduct Public Hearings in-person.

As a result, as cited in the section above discussing the timetable for pre-Hearing exchange of documents, the Panel has decided by way of Motion #2019-06-P6-03 that the next stage in the Board’s processing of the Application will be a two-day Public Hearing conducted in-person in the City of Iqaluit, tentatively the week of August 5-9, with the proposed dates for the Public Hearing being **August 8-9, 2019**. These dates are subject to final confirmation by way of the Notice of Public Hearing to be issued on June 7, 2019, and the Board reserves the right to adjust this schedule if logistics dictate, if the documentation required to be supplied in advance of the Public Hearing Record closing has not been provided, or otherwise.

At the PHC, the parties have confirmed that they do not anticipate requiring the Board to deviate from the Board’s *Rules of Practice and Procedure* (May 2005) (Rules) during the conduct of the Public Hearing. The Board directs all parties that the Public Hearing will be conducted in accordance with Parts III and IV of the Board’s Rules.

Measures to Simplify the Disposition of the Application

No measures to simplify the disposition of the Application were identified at the PHC.

Steps following the Public Hearing



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Once the Public Hearing Record has closed and the matter has been remitted to the Panel for decision-making, within thirty (30) to forty five (45) days, the Board will issue its Record of Proceedings and Decision to the Minister of Crown-Indigenous Relations and Northern Affairs. If the Panel recommends that the Type “A” Licence amendment as requested in the Application be granted, a Licence amendment would also be provided for the Minister’s review and approval.

If you require additional information regarding this Application, the Board’s specific direction or the Board’s processes in general, please do not hesitate to contact myself, or the Technical Advisor in charge of the file, Derek Donald, at derek.donald@nwb-oen.ca. For any administrative matters related to the filing of written materials in advance of the Public Hearing, please contact the NWB’s Manager of Licensing, Richard Dwyer, at licensing@nwb-oen.ca.

Regards,

Stephanie Autut
Executive Director
NUNAVUT WATER BOARD

SA/dd/rqd

Attachments:

- Appendix A: Technical Meeting and Pre-Hearing Conference Agenda
- Appendix B: List of Application Submissions
- Appendix C: List of Commitments Generated during the Technical Meeting/Pre-Hearing Conference
- Appendix D: Registration Form of Attendees



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FINAL AGENDA

**TECHNICAL MEETING AND PRE-HEARING CONFERENCE
CITY OF IQALUIT MUNICIPAL WATER LICENCE**

WATER LICENCE AMENDMENT (TYPE “A” LICENCE 3AM-IQA1626)

May 27, 2019

Technical Meeting

Date: May 27, 2019

Time: 8:30 AM – 2:00 PM (MT)

Location: Via Teleconference (Toll Free #: 1-888-289-4573; Access Code: 7214943)

1. Introduction
2. Opening remarks/Application to the Board (15 Minutes)
 - a. Overview of scope and procedural history of the application
3. Purpose of the Technical Meeting and Pre-Hearing Conference
4. Technical Review of the Application
 - a. Introduction of Participants
 - b. Presentation by Applicant (City of Iqaluit) (45 minutes, excluding time for questions and answers)
 - i. Questions from Parties, other conference call participants and the NWB regarding the Applicant's Presentation
 - c. Identification of interested parties
 - d. Presentations by interested parties (30 minutes, excluding time for questions and answers)
 - i. Presentation by Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)
 - ii. Presentation by other Interested Parties / Persons wanting to make representations
 - e. Formulation of outstanding issues
 - f. Identification of the parties' commitments to resolve relevant technical issues, service of documents to parties (deadline, public registry, form)
5. Closing of Technical Meeting (*May continue to the next day if required*)



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FINAL AGENDA (Cont.)

**TECHNICAL MEETING AND PRE-HEARING CONFERENCE
CITY OF IQALUIT MUNICIPAL WATER LICENCE**

WATER LICENCE AMENDMENT (TYPE “A” LICENCE 3AM-IQA1626)

May 27, 2019

Date: May 28, 2019

Time: 2:00 PM – 3:00 PM (MT)

Location: Via Teleconference (Toll Free #: 1-888-289-4573; Access Code: 7214943)

6. Continuation of Technical Meeting if required

Pre-Hearing Conference

7. Pre-Hearing Conference

- a. Identify issues that may prevent the Application from proceeding to a Hearing
- b. Discuss form, timing, and location of a potential Hearing for the Application
- c. Establish timetable for the pre-Hearing exchange of information including:
 - i preparation and filing of additional documents by the parties (deadlines, form, public registry)
 - ii document-translation requirements
 - iii documentation to be included in the Hearing Record
- d. Finalize list of issues to be addressed at the Hearing
- e. Identify interested parties / parties that should be invited to participate in the Public Hearing
- f. Identify any changes required to the Application for the purposes of clarification
- g. Final procedures to be followed at the Hearing including:
 - i requested modifications to the applicable NWB Rules of Practice and Procedure for Public Hearings (May 2005)
 - ii language requirements at the Hearing
- h. Consideration of any other matters that may aid in the simplification and disposition of the Application at the Hearing

8. Other issues

9. Closing of the meetings.



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APPENDIX B:

List of Application Submissions

The following documents were included with the Application:

- 1. January 10, 2019**
 - 3AM-IQA1626 Application for Amendment – Supporting Submission, dated December 21, 2019
- 2. February 1, 2019:**
 - Cover Letter and Application form dated January 30, 2019
 - 3AM-IQA1626 Application for Amendment – Supporting Submission, dated February 1, 2019 (Rev.1)
 - a. ENGAGEMENT PLAN AND RECORD
 - b. NPC AND NIRB DECISIONS
- 3. February 12, 2019:**
 - Compliance Assessment Table
 - APEX RIVER WATER WITHDRAWAL: SITE-SPECIFIC SPILL CONTINGENCY PLAN
- 4. March 22, 2019:**
 - 3AM-IQA1626 City of Iqaluit 2019 Application for Water Licence Amendment – Response to Information Requests (R-01) March 7, 2019
- 5. April 8, 2019:**
 - 3AM-IQA1626 City of Iqaluit 2019 Application for Water Licence Amendment – Response to CIRNAC Comments April 1, 2019
- 6. May 14, 2019:**
 - 3AM-IQA1626 City of Iqaluit 2019 Application for Water Licence Amendment – Response to Technical Review Comments
- 7. May 21, 2019:**
 - City of Iqaluit Presentation - Apex River Water Supply 2019-2026
- 8. May 27, 2019**
 - City of Iqaluit Presentation - Apex River Water Supply 2019-2026 (with page numbers)



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APPENDIX C:
List of Commitments

No.	Party Responsible for Commitment	Party(s) who raised (Item#)	Issue - TM Commitment	Timeline for Submission	Form of Submission
1.	City of Iqaluit	CIRNAC	Predictive model assessing the need to pump from Niaqunguk (Apex) River to top up the Reservoir Lake Geraldine Reservoir.	July 4, 2019	Technical Memo summarizing the Modelling results.
2.	City of Iqaluit	CIRNAC	Contingency Plan for the scenario where the water levels in Niaqunguk (Apex) River are insufficient to allow for pumping to Reservoir (i.e. levels are too low to preserve required flow for fish health).	July 4, 2019	Technical Memo, new plan or other written form of submissions (as determined by the City of Iqaluit) summarizing measures that would be taken such as increasing pumping rates when the Niaqunguk (Apex) River flow are high enough to allow for it while maintaining compliance with DFO guidelines, and extending the pumping window.
3.	Iqaluit	CIRNAC	6 months prior to using an additional water source, City of Iqaluit to provide consolidated Drinking Water Management Plan (including watershed management protection plan) long term water source.	With renewal application (2025)	Potential condition in amended Licence.



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APPENDIX D:

Registration Forms

TECHNICAL MEETING & PHC CITY OF IQUALUIT
Iqaluit, Nunavut May 27-28, 2019
Registration Form Day One

No.	First Name	Last Name	Organization/ Address	Phone	Fax	E-mail
1.	Josip Deronja	Deronja	Colliers / City of Iqaluit	613-70-0498		josip.deronja@colliersprojecthearts.com
2.	Matthew Hamp	Hamp	City of Iqaluit	867-975-5655		m.hamp@city.iqaluit.nu.ca
3.	Beatrice	Petitchere	GN / BDH	938.870.6647		bpetitchere@gov.nu.ca
4.	ERICA	BONHOMME	Nunavut State	867 920 2882		erica.bonhomme@stuntec.com
5.	Jackie McKay	McKay	CBC	222-3956		jacqueline.mckay@cbc.ca
6.	Bridget Campbell	Campbell	CIRNAC			bridget.campbell@canada.ca
7.	Meredith Clayden	Clayden	GN-DOE	975-7731		mclayden@gov.nu.ca
8.	Dani's Zhong	Zhong	CIRNAC	975-4555		Dani.Zhong@Canada.ca
9.	Sarah	Forte	CIRNAC	975.3876		sarah.forte@canada.ca
10.	Godwin Okonkwo	Okonkwo	CIRNAC	867 222 1668		godwin.okonkwo@Canada.ca
11.	Amy	Elgersm	City of Iqaluit	867 979-5667		a.elgersma@city.iqaluit.nu.ca
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TECHNICAL MEETING & PHC CITY OF IQALUIT
Iqaluit, Nunavut May 27-28, 2019
Registration Form Day One

No.	First Name	Last Name	Organization/ Address	Phone	Fax	E-mail
1.	Matt	Hamp	City			
2.	Erica	B	City			
3.	Josip		City			
4.	Amy	E.	City			
5.	Gaelin	O	CIRNAC			
6.	Bridget	Campbell	CIRNAC			
7.	Karen	Kharatyan	NWB			
8.	Derek	Donald	NWB			
9.	Dick	Dwyer	NWB			
10.	Sarah	Forte	CIRNAC			
11.	Teresa	Heard	CIRNAC			
12.	David	Zhong	CIRNAC			
13.	Jackie	Makay	CBC			
14.						
15.						
16.						
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