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The ownership, or administration and control, of the proposed landfill extension lands appears to have been a disputed issue between two Intervenor, INAC and Government of Nunavut, for a considerable period of time. Discussion has been ongoing as between these parties regarding resolution of this matter. However, neither Intervenor, in material placed before the Board to date, has objected to the use and occupation of these lands by the Applicant City of Iqaluit for the purposes set out in the

application, namely extension of the land fill site. Accordingly, there is no barrier to the Board's consideration of the application for extension as submitted by the Applicant, nor does it affect the jurisdiction of the Board in its consideration of this matter.

While the detailed positions of INAC and Government of Nunavut regarding this additional submission are not known to the Applicant, the City of Iqaluit submits that any objection to the use and occupation of these lands for the purposes set out in the City's application by either Intervenor at this stage would be highly prejudicial to the Applicant. Use and occupation of these lands for the landfill extension forms a fundamental and threshold part of this aspect of the application and any objection to the requested use of these lands by any Intervenor should have been raised at the first opportunity with appropriate notice to the Applicant.

Similarly, any proposed conditions regarding the use and occupation of the lands by the Applicant which fundamentally affect its capacity to use the lands as requested in the original application would be prejudicial in the same fashion. The Applicant is left without the capacity to plan, respond or address any such conditions arising this stage of the proceedings.

Accordingly, if objections or conditions previously not disclosed are submitted to the Board by these additional submissions, the Applicant respectfully requests that the Board decline consideration of these.

Potential Pre-existing Contamination

The Applicant submits that the possible pre-existing contamination of the proposed landfill extension site does not pose a barrier to the Board's consideration of this aspect of the Application nor does it affect the

jurisdiction of the Board to determine and rule on the Application, in whole or in part. The Applicant, in proposing use of this site, does not, by virtue of this request, accept liability regarding the condition of the site prior to its proposed use. That condition arose in circumstances entirely beyond the control and authority of the Applicant. However, use of the site does impose certain obligations on the Applicant regarding management of any contamination exposed as a result of any use or management of the landfill extension. The Applicant must appropriately respond to and remedy any condition of the site which arises from its proposed use. This forms part of its ongoing responsibility regarding the lands in question. Authority to use the lands in question brings with it the obligation to manage the lands in a manner consistent with the public health and safety of public.

The present condition of the site necessitates a shared responsibility regarding ultimate Abandonment and Reclamation. Use and occupation of the lands by the Applicant will require restoration of the site at the conclusion of its use to a condition existing at the time of commencement of its operations. Restoration of any pre-existing contamination rests with the parties found to have control and administration of the lands at the time such contamination may have occurred. Whether this responsibility is in turn found to be that of a third party is a matter beyond the control and jurisdiction of the municipality.

The Applicant is in essence a tenant of the lands in question during the period of its proposed use. As such, the tenant is responsible for returning the premises, or lands, to the condition existing at the commencement of its tenure. It is not responsible for repairs to the foundation, which may have occurred as a result of circumstances occurring prior to the tenant's (or municipality's) use of the lands.

Analysis of any reclamation and restoration of the site may ultimately be an issue of some considerable complexity. As such, INAC, GN and the municipality must address restoration jointly and in good faith.

PART II RESPONSE TO SUBMISSIONS BY OTHER PARTIES

The Applicant, having carefully considered the contributions of Mr. Little and Ms. Sui-Ling Han, has no specific response to this material.

However, the Applicant extends its appreciation to both parties for the time, effort and advice offered in their submissions and presentations to the Board. It is only with the involvement of the public that the Applicant is able to extend its vision and direction on issues affecting the interests of all citizens of the municipality. Advice and proposed direction included in these submissions is seriously considered and is incorporated to the fullest extent possible in ongoing planning and management by the Applicant.

The involvement of these parties creates a relationship and dialogue which benefits all members of the community and which provides the Applicant with additional resources, information and strategies.

Thank you for your time and consideration of the above comments.

Best Regards,

A handwritten signature in black ink, appearing to read 'GB', with a long horizontal flourish extending to the right.

Geoff Baker
Manager, Engineering Services
City of Iqaluit