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3AM-PAN1828

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Wed, May 9, 2018 at 10:27 AM

To: "Bernard-Lacaille, Gabriel (EC)" <gabriel.bernard-lacaille@canada.ca>

Cc: Licensing Department <licensing@nwb-oen.ca>

Good morning Gabrielle....I just wanted to follow up with you directly following the release of the 3AM-PAN1828 Pangnirtung water licence decision from the Nunavut Water Board to Minister Bennett for her consideration. Specifically, the Board has asked that I get in touch with you directly to highlight a section from that decision about ECCC's involvement in the Board's processes.

Please know that the Board considers ECCC's input into the licensing process to be highly valuable, and to that end wanted to reiterate its position regarding the limitations on other forms of participation and the importance and value of in person participation at the Board's Technical Meetings, Pre-Hearing Conferences and Public Hearings. The Board's hope in highlighting this issue in this way is that it will make it easier for ECCC's staff to justify their travel costs and time spent travelling to the decision-makers within the Department. To that end, please feel free to reach out if you have suggestions regarding anyone else within the Department that the Board should engage with to support ECCC's important and full participation in the Board's processes.

Thank you.

Stephanie Autut

Page 21 of 3AM-PAN1828 Reasons for Decision from the summary of submissions from Environment and Climate Change Canada

ECCC outlined the following comments in the Department's submission on February 12, 2018^[1], as well as during the Public Hearing for the Application. ^[2] Unfortunately due to travel issues, ECCC personnel were not able to attend the Public Hearing in person, and participated by teleconference only. Although the NWB appreciates that travel and scheduling restrictions may sometimes dictate that Interveners are limited in their ability to attend Public Hearings in person, the NWB maintains that participation by teleconference is not a substitute for in person attendance. As is often the case at the NWB's Public Hearings, the parties present in Pangnirtung were able to meet outside the Public Hearing to discuss and develop solutions to outstanding issues. In the Board's experience, these discussions are much more difficult when parties are not able to conduct these discussions in person and with the full participation of the other interveners, the Board's technical staff and interested community members. In addition, having to present via teleconference during the Community Session portion of the Public Hearing very much limits the ability of ECCC personnel to engage directly, including undertaking any required consultation with the community of Pangnirtung.

The Board also notes that as is almost always the case in Nunavut, technical limitations beyond the Board's control often result in the proceedings being very much disrupted by repeated telecommunications failures. In this particular Public Hearing, there were several unplanned breaks in the Schedule to accommodate for dropped calls, having teleconference participants being unable to hear simultaneous interpretation, etc.^[3] These interruptions are not only time-consuming and disruptive to participants in attendance, they can also mean that teleconference participants suddenly find themselves unable to participate in any manner at the Public Hearing. To be sure, participation by teleconference is better than no participation, but the significant limitations on this type of participation and the regulatory system mean that the NWB's decision-makers and affected communities all feel the effects when interveners as central to the process as ECCC are unable to participate full. The NWB urges ECCC and all Interveners to see the importance and value in attending Public Hearings in person and to make every effort to do so.

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