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Impact Review Board (NIRB), because as modified it does not belong to a class of exempt works or activities set out in Schedule 12-1 of the *Nunavut Agreement*.

Although the Nunavut Impact Review Board's (NIRB's) Information Request #1² provided with the Application indicated that additional information was required in order for the NIRB to carry out its screening, further correspondence³ with the NIRB confirmed that a coordinated review process between the NIRB and the NWB could be conducted. On February 28, 2020, the GN-CGS agreed⁴ with a coordinated review process between the NIRB and the NWB. Recognizing relatively short timeframe required for the NIRB's screening process, the Board expects that the NIRB screening decision will be issued during the licensing process, before any potential Public Hearing associated with this Application could be scheduled. As such, and based on Applicant's request for the NIRB/NWB coordinated review process, the NWB has started its licensing process without waiting for the finalization of the NIRB screening process.

The Application, which was provided under multiple submissions, includes the following documents:

January 22, 2020 Submission:

- Application Cover Letter, January 20, 2020;
- Executive Summary (English);
- Executive Summary (Inuktitut);
- Executive Summary (French);
- Nunavut Planning Commission (NPC) Conformity Determination, December 19, 2019;
- Nunavut Impact Review Board (NIRB) Information Request #1, January 10, 2020;
- Resolute Council motion on the Wastewater Treatment Facility site location, December 12, 2019;
- Operation & Maintenance Manual, New Water and Sewer System, Resolute Bay, Nunavut, September 2016;
- Resolute Council meeting minutes re: Wastewater Treatment Facility, December 2, 2019;
- Plan for Compliance for Resolute Bay, January 16, 2020;
- Resolute Bay Water System Phase 2 Preliminary Schedule, June 5, 2019;
- 2019 Annual Report;
- Wastewater Treatment Facility site selection memo, January 20, 2020.

February 17, 2020 Submission:

- Corrected Type "A" Water Licence Application Form.

February 19, 2020 Submission:

- Water Supply Facility As-builts.

February 20, 2020 Submission:

- Phase I Environmental Site Assessment, February 7, 2020;

² Nunavut Impact Review Board (NIRB) Information Request #1, January 10, 2020.

³ NIRB Notice of Screening, February 26, 2020.

⁴ Email from B. Roy, GN-CGS, to S. Kuflevskiy, NWB, Re: Coordinated NIRB-NWB process confirmation, February 28, 2020.

- Wastewater Treatment Facility Schedule update, January 2020;

February 26, 2020 Submission:

- Spill Contingency Plan, Hamlet of Resolute Bay, Resolute Bay, Nunavut, 2020.

February 27, 2020 Submission:

- Quality Assurance/ Quality Control Plan, Hamlet of Resolute Bay Utilidor System, Resolute Bay, Nunavut, 2020.

The Board notes that the Applicant committed⁵ to submit Conceptual Design Report for the Waste Water Treatment Plant at the end of March, 2020, and the modified Operations & Maintenance Manual for the Water Supply Facility and Utilidor once the construction of the Pump Station and Water Treatment Plant are completed in 2021. Additionally, the Board notes that the Hydrology Study, dated August 25, 2014, and site specific Coliform Study, dated November 23, 2017, still apply.

The NWB has conducted a preliminary review of your submission(s) and determined that your Application meets the requirements allowing for public distribution in support of an initial technical assessment. Further, the preliminary review confirms that the Application is for a Type “A” Water Licence which will require a public hearing in accordance with section 52⁶ of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTRA or Act). All public hearing matters will be carried out in accordance with the Board’s *Rules of Practice and Procedure for Public Hearing*, May 11, 2005 (NWB Rules).

The next step in processing your Application involves a completeness review and an initial technical assessment to determine if all of the necessary information and studies required to evaluate the quantitative and qualitative effects of the undertaking on the freshwater environment have been provided.

Accordingly, by copy of this letter, the Board requests that interested parties review the Application and supplemental information for completeness and conduct an initial technical assessment, including identifying any Information Requests (IRs) that the reviewing party requests be filed to enable that party to complete their technical review of the Application. Further, the NWB invites interested parties to comment on the type of Technical Meeting / Pre-Hearing Conference to be held for the application (written, teleconference, or in person as outlined in steps 3 and 5 in the process overview set out below).

All intervening parties should provide their submissions to the NWB’s Manager of Licensing at licensing@nwb-oen.ca by **March 20, 2020 (5:00 p.m. ET)**.

⁵ Emails from B. Roy, GN-CGS, to S. Kuflevskiy, NWB, Re: 3AM-RUT Application follow up, February 10, 2020 and February 20, 2020.

⁶ *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, section 52 (1) Subject to subsection 37(2), a public hearing shall be held by the Board before it disposes of (a) any application in relation to a licence, unless the application is of a class that is exempted by the regulations from the requirement of a public hearing.

Following the receipt of comments, the NWB will determine whether the Application is complete, or whether additional information and studies are required (IR's) to evaluate all quantitative and qualitative effects of the undertaking pursuant to section 48 of the *Act*. The NWB will advise GN-CGS of the Board's determination at that time.

Once the Application has been deemed complete, the following general process will be undertaken. Complete details on the NWB's licensing process are available in NWB Guide 5⁷, and the Board preserves the right to modify the licensing process, including timelines as may be required to appropriately process this Application.

1. Notice of the Application

A notice of the Application will be made in accordance with section 55(1) of the *Act*. This notice will invite interested persons to make representation to the Board. Parties will be advised of the consequences of failure to respond as outlined in sections 59 and 60(2) of the *Act*. Furthermore, the Board will distribute notice to the communities and interested parties affected by the Application and shall publish the notice in a newspaper of general circulation in the areas that are affected. If there is no such newspaper, the Board shall publish the notice in such other manner as the Board considers appropriate.

2. Detailed Technical Review

Interested parties will be invited to undertake a detailed technical assessment or review of the complete Application for the undertaking. Parties (interveners and the Applicant) will be encouraged to work cooperatively to address technical issues identified during the review period. Generally, the Board provides at least thirty (30) days for a technical review in advance of a technical meeting. However, to assist the Board in expediting the technical assessment, parties are encouraged to begin their detailed technical assessment as early as possible (during and following the initial request for IRs).

3. Technical Meeting (TM) / Pre-Hearing Conference (PHC)

Rule 14 of the NWB Rules permits the Board, through its staff or in conjunction with staff, to hold a Technical Meeting (TM) and Pre-hearing Conference (PHC) with interested parties, either in writing, by teleconference, or in person. The Board anticipates setting a date for a TM/PHC shortly after the deadline for receiving technical review submissions. The PHC is typically scheduled to immediately follow the TM.

4. Pre-Hearing Conference (PHC) Decision

Following the TM/PHC, the NWB will issue a PHC decision and may outline any technical commitments of the Applicant, and the administrative and procedural requirements for a Public Hearing.

⁷ Guide 5 – Processing Water Licence Applications (April 2010).

5. Public Hearing (PH)

Sub-section 55(2) of the Act requires that a minimum notice period of sixty (60) days be provided for a Public Hearing (PH). As with the Technical Meeting and Pre-hearing Conference, the Board has the ability to conduct its PH in writing, by teleconference, or in person. Once the Board has received all information requested through this process and is satisfied that the PH should proceed, the type or place, date, and time of the hearing will be determined and a notice will be published by the Board in advance of the public hearing and in a manner that promotes public awareness and participation in the hearing.

6. Public Hearing Decision

Following the Public Hearing, the Board will issue a written decision with reasons (final decision) for the Application. The Board's final decision will be provided to the Minister of Northern Affairs (Minister) for consideration. Interested and intervening parties will also be provided with a copy of the Board's final decision. The Minister typically issues his/her response to the Board's final decision within forty-five (45) days of receipt, or if notifying the Board of an extension within the forty-five (45) days, within ninety (90) days from the date of receipt.

On this basis, the NWB is inviting interested persons to comment on the following: 1) completeness of the Application based on their initial technical assessment; 2) Information Requests (IRs) related to the Application that must be provided to enable the parties to complete their full technical review; and 3) Type of TM-PHC to be held. All comments, recommendations and any requests for information (IRs) should be submitted to the NWB's Manager of Licensing at licensing@nwb-oen.ca **no later than March 20, 2020 (5:00 p.m. ET)**.

If you have any questions regarding this letter or procedural matters related to the file, please contact the NWB's Licensing department by e-mail at licensing@nwb-oen.ca or by phone at (867)-360-6338. For inquiries related to technical matters, please contact Sergey Kuflevskiy, Technical Advisor, by email at sergey.kuflevskiy@nwb-oen.ca.

Sincerely,

Richard Dwyer
Manager of Licensing

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Cc: Distribution List – Qikiqtani