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August 20, 2002

The Hon. Robert D. Nault
Minister of Indian Affairs and Northern Development
Ottawa, ON
K1A 0H4

Dear Minister Nault:

Application of CEAA to Municipal Water Licence

This is further to the Nunavut Water Board's June 27, 2002, letter to you in response to a June 12 letter from Michelle Johnson, your Department's Kitikmeot/Kivalliq Regional Coordinator, stating that DIAND requires an environmental assessment under the *Canadian Environmental Assessment Act* (CEAA) of the Hamlet of Cambridge Bay's recent water license application. The Nunavut Water Board's letter advises you that the water license application is exempt from screening by the Nunavut Impact Review Board (NIRB), and is not subject to any other screening under CEAA. NTI agrees.

As a legal matter, the *Nunavut Land Claims Agreement* (NLCA) details an exhaustive environmental assessment regime which provides for one screening authority in Nunavut -- the NIRB. Even if this were not the case, for the Government of Canada to conduct screenings pursuant to CEAA would conflict with the provisions of Article 12 of the NLCA, rendering the CEAA screenings inoperative under section 2.12.12 of the NLCA and section 6(2) of the *Nunavut Land Claims Agreement Act*.

As a purely practical matter, the NIRB is an institution of public government funded by the Government of Canada. Government appoints the majority of the members of the NIRB. It is not in the interests of the residents of Nunavut or of Canada as a whole for the Government of Canada to operate a competing screening mechanism in Nunavut pursuant to other legislation.

By letter dated October 10, 1997, NTI provided your Assistant Deputy Minister, Jim Moore, and Mr. Robert Connolly of CEAA with NTI's detailed analysis of the post-land claims environmental assessment regime in Nunavut. To my knowledge, Mr. Moore did not respond to this letter despite NTI's specific request for a response and despite NTI's request that discussions begin on this issue at that time so as not to delay the NIRB implementation legislation. Now, five years

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Qikiqtaaluk

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Arctic Bay

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Qikiqtaaluaq

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Cape Dorset

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Clyde River

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Grise Fjord

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Hall Beach

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Igloodik

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Iqaluit

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Kimmirut

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Paangnirtung

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Pond Inlet

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Resolute Bay

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Sanikiluaq

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Kivalliq

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Arviat

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Baker Lake

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Chesterfield Inlet

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Coral Harbour

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Rankin Inlet

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Repulse Bay

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Whale Cove

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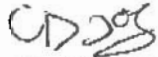
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later, we are at the commencement of discussions on that legislation and have not advanced the resolution of this issue.

We respectfully request that you direct your Department to provide NTI with DIAND's position on this issue, and assuming you are in agreement with the above, to cease conducting screenings in Nunavut pursuant to other legislation.

I look forward to your response.

Sincerely yours,



Cathy Towtongie
President, NTI

cc: Thomas Kudloo, Chairperson, Nunavut Water Board
Elizabeth Copeland, Acting Chairperson, Nunavut Impact Review Board



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Cambridge Bay

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Kugluktuk

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Gjoa Haven

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Kugaaruk

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Date: Aug 22 / 02

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To: Thomas Kudloo

Nunavut Water Board

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From:



Cathy Towtongie, President



Caroline Anawak, Executive Assistant to the President



Paul Irngaut, Executive Liaison/Public Relations Officer



Josie Pudlat, Executive Secretary

Message:

Please find attached letter cc: to you
from the president of NTL. Original on
mail.

Thanks

[Signature]