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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN

File No: NWB3 General

April 27, 2004

Doug Sitland, Director
Capital Programs Division
Department of Community Government and Services
Government of Nunavut
P.O. Bag 1000, Station 700,
Iqaluit, Nunavut
X0A 0H0

Re: Projects intended to be undertaken by the Government of Nunavut under the Infrastructure Canada Strategic Infrastructure Program.

Dear Doug:

The following letter has been prepared in response to your recent email communication (dated April 14, 2004) with Dionne Filiatrault (Senior Technical Advisor, Nunavut Water Board), and is intended to provide guidance to the Department of Community Government and Services (CGS) regarding the above referenced subject.

As you are aware, the Nunavut Water Board (NWB) is an Institution of Public Government established under Article 13.2.1 of the *Nunavut Land Claim Agreement* (NLCA). As described in the provisions of Article 13 of the NLCA, the NWB has responsibilities and powers over the use, management and regulation of inland water (whether in a liquid or solid state, on or below the surface of land) in Nunavut. These responsibilities and powers have been further defined by the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (C-33), which was enacted by the Parliament of Canada on April 30, 2003. Under the *Act*, the NWB may renew, amend or cancel a water license, with or without a public hearing, depending on the type of activity. In accordance with the provisions of the *NLCA* and the *Act*, all uses of water and disposal of waste into water (as defined in Section 4 of the *Act*), with the exception of domestic or emergency use, require NWB approval. Approval of the NWB is required for any water use and waste disposal activities in organized or unorganized communities, prior to the use of water or the deposit of waste, in accordance with Section 13.9.1 of the NLCA, which states that "(w)here approval of the NWB is required for a water application, the applicant shall not proceed until approval has been granted".

Having reviewed the attachments to your email communication with Dionne Filiatrault, it is apparent that a number of the projects which CGS is intending to pursue will require amendments to currently issued water licenses. These include the following projects:

1. Resolute Bay-Water and Sewage System;

2. Kugluktuk-Sewage Lagoon;
3. Cape Dorset-Sewage Treatment Facility;
4. Rankin Inlet-Sewage Treatment Facility;
5. Qikiqtarjuaq-Water and Sewage Systems;
6. Kugluktuk-Water Intake, Treatment and Storage; and
7. Coral Harbour-Sewage Lagoon (application for amendment submitted to NWB, and currently in process)

Additionally, there are three projects which will involve replacing, upgrading or improving facilities already in place and approved under valid municipal water licenses. These include the following:

1. Gjoa Haven-Water System (modification request submitted to NWB, and currently in process);
2. Pond Inlet-Water Line; and
3. Rankin Inlet-Area 1 Utilidor (modification request submitted to NWB, and currently in process).

Pursuant to the terms and conditions of the applicable municipal water license, the licensee or proponent of these aforementioned projects shall notify the NWB before proceeding with construction. Depending on the scope of the proposed modification, license amendments may or may not be required.

Finally, there is one project currently proposed for an unlicensed municipality (Kugaaruk-Sewage Lagoon). Please be advised that an application for water license will be required so as to allow the Board to consider the proposed project.

As per the NLCA Schedule 12-1, Item 3 the above types of municipal activities are exempt from screening by the Nunavut Impact Review Board. Please note however that other environmental assessment requirements may be applicable under other federal legislation and you should seek clarification from the appropriate federal authority.

Finally, in accordance with Section 52(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (C-33) and Schedule VI, Item 3a (iv) of the *Northwest Territories Water Regulations*, any deposit of waste by a sewage collection or treatment system serving a population of 2,000 or more will require the issuance of a Type "A" license. A public hearing on such applications is required.

I look forward to receiving the required applications for amendment to the aforementioned water licenses, for a new license for the municipality of Kugaaruk, as well as the notification of modification described above. If I can be of any assistance to you, or to your staff, or if you require further clarification on the upcoming license amendment process, please do not hesitate to contact me.

Sincerely,

Original signed by:

Jim Wall, Technical Advisor
Nunavut Water Board