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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

**File No.: 3AM-PAN----**  
Renewal – Amendment

June 09, 2017

Bhabesh Roy, M.A.Sc., P.Eng  
Municipal Planning Engineer  
GN-CG&S, Baffin Region  
P.O. Box 379 Pond Inlet X0A 0S0

Email: [broy@gov.nu.ca](mailto:broy@gov.nu.ca)

**RE: Licence No. 3BM-PAN1417 – Renewal Amendment Application 3AM-PAN----; Notice of Application and Invitation to Conduct Full Technical Review**

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Dear Mr. Roy:

Further to the Nunavut Water Board's (NWB or Board) May 17, 2017 correspondence<sup>1</sup> in which interested parties or persons were requested to comment on the Application submitted by the Government of Nunavut – Community and Government Services (GN-CGS) on behalf of the Hamlet of Pangnirtung to renew and amend Licence No. 3BM-PAN1417, the NWB has received comments<sup>2</sup> from the following intervening parties:

- Indigenous and Northern Affairs Canada (INAC); and
- Environment and Climate Change Canada (ECCC).

Copies of the submissions received with respect to the Application as well as all documents associated with the file have been placed in the Board's Public Registry and FTP site, which can be accessed through the following link:

<ftp://ftp.nwb-oen.ca/registry/3%20MUNICIPAL/3B/3BM%20-%20Municipality/3BM-PAN1417/>

The Applicant is requested to review the interveners' comments, recommendations, and Information Requests (IRs) regarding the Application, and provide a written response to the NWB no later than 3 p.m., MST, June 23, 2017. As the responses may not necessarily be required from the onset of the technical review period, the NWB is initiating the technical review of the Application prior to this submission date.

As stated in the NWB's previous correspondence, the scope of the Application met the threshold for consideration as a Type "A" Application, which will require a Public Hearing as per the relevant provisions of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTRA). All public hearings are to be carried out in accordance with the Board's *Rules of Practice and Procedure for Public Hearing*, dated 2005 (NWB Rules).

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<sup>1</sup> Letter to GN-CG&S from NWB, Re: Licence No. 3BM-PAN1417 – Renewal Amendment Application.

<sup>2</sup> Indigenous and Northern Affairs Canada (INAC); and Environment and Climate Change Canada (ECCC).

Through the completeness and preliminary technical assessment conducted in conjunction with intervening parties, it was determined that the application and supporting information are generally administratively and materially complete to the extent of the Guide<sup>3</sup>. Additionally, the Board has received confirmation to the effect that pre-licensing matters, as they relate to Nunavut Planning Commission's (NPC)<sup>4</sup> Land Use Conformity Determination and the Nunavut Impact Review Board's (NIRB)<sup>5</sup> Environmental Impact Assessment, have been addressed. Considering the aforementioned factors, the Board has decided that the Application can now proceed to the next stage(s) of the licensing process, including a full technical review. However, the Applicant should note that the NWB reserves the right to request additional information and studies pursuant to section 48(2) of the Act or may issue additional guidelines for provision of information in accordance with section 48(3) of the Act.

Pursuant to subsection 55(1) of the Act, the Board hereby gives notice of the Application and invites interested parties and persons to make representation to the Board regarding the Application. By copy of this letter to the appropriate distribution list, interested persons or parties are invited to complete their thorough technical assessment of the Type "A" Application of the Hamlet of Pangnirtung. Notice of the Application will also be forwarded to the council of each municipality in the area(s) most affected by the Application and shall be published in a newspaper of general circulation in the area(s) affected or, if there is no such newspaper, in such other manner as the Board considers appropriate. Parties are advised that the consequences of failure to respond are outlined in section 59 and subsection 60(2) of the Act<sup>6</sup>.

Interested persons and parties are also invited to provide comments in their submissions on their preference for the form of the TM/PHC that may be held for the Application in accordance with the NWB's Rules (in person, in writing or by way of teleconference). **All comments/recommendations pertaining to the Application are to be submitted to the NWB's Manager of Licensing, on or before July 12, 2017 (4:00 p.m., MST), by email to [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca).**

Throughout the technical review phase, interested parties are encouraged to work cooperatively with the GN-CGS to discuss and resolve, where possible, relevant issues in advance of any potential TM/PHC that may be scheduled for the Application. If interested persons or parties choose to do so, the NWB requests that it be kept informed of the issues or matters resolved. In addition, the Board asks that the technical review comments be focused on only those aspects that involve the NWB's jurisdiction over the use of waters and the deposit of waste into waters or that may enter waters. Copies of the application documents can be obtained from the link provide above or by directly contacting Bhabesh Roy, Government of Nunavut – Community and Government Service (GN-CGS), by email to [broy@gov.nu.ca](mailto:broy@gov.nu.ca)

Following receipt of technical review comments, the following general steps may be carried out for the Application.

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<sup>3</sup> Guide 4 – Completing and Submitting a Water Licence Application for a New Licence.

<sup>4</sup> Nunavut Planning Commission Determination, November 22, 2016.

<sup>5</sup> Nunavut Impact Review Board (NIRB) Screening Decision Report, March 17, 2017.

<sup>6</sup> **Section 59:** In the circumstances described in paragraph 58(b), an applicant need not compensate the person under section 58 if the person fails to respond to the notice of application given under subsection 55(1) within the time period specified in the notice for making representations to the Board. **Section 60(2)** Subsection (1) does not apply in respect of a person referred to in that subsection who fails to respond to the notice of application given under subsection 55(1) within the time period specified in that notice for making representations to the Board.

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

Rule 14 of the NWB Rules permits the Board, through its staff or in conjunction with staff, to hold a Technical Meeting / Pre-hearing Conference (TM/PHC) for the Application with interested parties and members of the public. Based on the NWB Rules, the TM / PHC can be held in writing, by way of teleconference, or in person. The NWB will inform the public, in advance, of the form and actual date on which any potential TM / PHC may be held for the Application.

**2. Pre-Hearing Conference (PHC) Decision**

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

**3. Public Hearing (PH) Notice**

Subsection 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 TM / PHC, the Board has the ability to conduct its Public Hearing in writing, by teleconference, or in person. Once the Board has received all information requested through this process and is satisfied that the Public Hearing should proceed, the type and place (if in person), date, and time of the hearing will be determined. A notice will be issued by the Board in advance of the Public Hearing and in a manner that promotes public awareness and full participation in the hearing.

**4. Public Hearing Decision**

Following the completion of any Public Hearing scheduled for the application, the Board will issue a final written decision with reasons (final decision) in accordance with section 56 of the NWNSRTA. The final decision will be provided to the Minister of Indigenous and Northern Affairs Canada (INAC) for the Minister's decision. Interested and intervening parties will also be provided with a copy of the Board's final decision and the Minister's decision.

If you have questions regarding procedural matters related to the Application, please direct them to the Acting Manager of Licensing, Karén Kharatyan by phone at (867) 360-6338 or by e-mail to [Karén.Kharatyan@nwb-oen.ca](mailto:Karén.Kharatyan@nwb-oen.ca). Inquiries related to technical matters, should be directed to Sean Joseph, Senior Technical Advisor, by email to [sean.joseph@nwb-oen.ca](mailto:sean.joseph@nwb-oen.ca), or David Hohnstein, Director of Technical Services, by email to [david.hohnstein@nwb-oen.ca](mailto:david.hohnstein@nwb-oen.ca).

Parties should note that the NWB will distribute the Inuktitut version of this correspondence subsequently.

Sincerely,

Karén Kharatyan  
A/Manager of Licensing

Cc: Qiqiktani