



Water Resources Division
Resource Management Directorate
Nunavut Regional Office
P.O. Box 100
Iqaluit, NU, X0A 0H0

Your file - Votre référence
3BM-WHA2126
Our file - Notre référence
GCDocs#105081227

August 9, 2022

Richard Dwyer
Manager of Licensing
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU, X0B 1J0
E-mail: licensing@nwb-oen.ca

Re: Crown-Indigenous Relations and Northern Affairs Canada's Review of Water Licence 3BM-WHA2126 Amendment Application by the Government of Nunavut – Community and Government Services for Hamlet of Whale Cove

Dear Richard Dwyer,

Thank you for your July 28, 2022 request that Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) confirm if the response from Government of Nunavut – Community and Government Services (GN-CGS) addresses our comments on the above-referenced water licence amendment application.

CIRNAC examined the response from GN-CGS pursuant to its mandated responsibilities under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and the *Department of Crown-Indigenous Relations and Northern Affairs Act*.

In its response to CIRNAC recommendation #1 (i.e., *GN-CGS engineers be responsible for carrying out the required annual inspection of all engineered facilities, as required by Part F, Item 4 of Water Licence 3BM-WHA2126, with the assistance of municipal staff who carry out routine visual inspections of the facilities and report potential issues to GN-CGS engineers in a timely manner*), GN-CGS stated that “(T)he GN-CGS is not the license holder and should not be subject to terms and conditions, nor assigned responsibilities under the Municipality of Whale Cove’s water license. GN-CGS technical staff intend to continue participating in the annual CIRNAC inspections but cannot act as an expert or authority on the infrastructure under the water license. The GN-CGS will continue to provide technical assistance for any issues with the infrastructure under this water license that are identified by any individual. The GN-CGS will continue to prepare and submit the Annual Reports for the water license on behalf of the Municipality in a timely manner.”

CIRNAC recommendation #1 is based on the following considerations:



- Part F, Item 4 of Water Licence 3BM-WHA2126 requires the annual inspection of all engineered facilities;
- this annual inspection needs to be supervised by a qualified engineer;
- CIRNAC recognizes the lack of capacity at the municipality level;
- CIRNAC also recognizes that GN-CGS provides resources, both professional and financial, as well as the tools to municipalities in Nunavut to serve the population. This includes the planning, design, construction and delivery of water and waste infrastructure, a fact previously identified in discussions on water licence compliance dating back to 2008. This nexus of control that the Government of Nunavut exercises over municipal infrastructure across the territory is substantial. This includes information and data collection for the development and submission of annual reports, as well as ensuring the ongoing compliance with the water licence.

CIRNAC recommendation #1 has not been addressed by the response from GN-CGS. Given the potential risk involved on this issue, however, CIRNAC is committed to working with GN-CGS, the municipalities and the Nunavut Water Board so that the term and condition stipulated in Part F, Item 4 of Water Licence 3BM-WHA2126 is met.

If there are any questions or concerns, please contact me at david.zhong@rcaanc-cirnac.gc.ca or Andrew Keim at andrew.keim@rcaanc-cirnac.gc.ca.

Sincerely,

David Zhong,
Regulatory & Science Advisor