



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

Your file - Votre référence
7BL-AWL1722
Our file - Notre référence
GCDOCS#114445351

June 12, 2023

Robert Hunter
Licensing Administrator
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 2nd Round of Responses to the Proponent's responses regarding technical review comments for Water Licence 2BL-AWL1722 Renewal Application submitted by Weber Arctic Expeditions for the Arctic Watch Lodge Project in the Qikiqtani Region of Nunavut

Dear Mr. Hunter,

Thank you for the June 5, 2023 invitation to respond to the proponent's responses to Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) technical review comments for the water licence renewal application, submitted by Weber Arctic Expeditions, for its Type B Water Licence No. 2BL-AWL1722. CIRNAC had 6 technical comments and recommendations. Their status is summarized in the following table.

Recommendation Number	Subject	Status
R-01	2019 Inspection actions required	Satisfied – pending 2023 Site Inspection
R-02	2022 Annual Report	Resolved if recommended terms and conditions are added to the water licence renewal
R-03	Water licence expired	Resolved
R-04	Water flow meter	Resolved
R-05	Actual daily quantity of water used	Resolved if recommended terms and conditions are added to the water licence renewal
R-06	Spill contingency plan	Resolved

Canada 



CIRNAC examined the application 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*. Please find CIRNAC's detailed comments and recommendations in the attached Technical Memorandum.

Regarding Weber Arctic Expedition's responses in general, CIRNAC is taken aback by the unprofessionalism Weber Arctic Expedition exhibited in their May 17, 2023 and June 1, 2023 responses during this formal water licence renewal application process, and disrespectful tone implied towards both the Nunavut Water Board and CIRNAC. CIRNAC registers this formal complaint regarding the May 17, 2023 and June 1, 2023 conduct of Weber Arctic Expedition with the Nunavut Water Board whom oversee the water licence renewal application process. CIRNAC requests the Nunavut Water Board provide guidelines to Weber Arctic Expedition for them to apply in Nunavut Water Board proceedings going forward.

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

Sincerely,

Michelle Blade,
Regional Water Coordinator



Technical Review Memorandum

Date: June 12, 2023

To: Robert Hunter, Licensing Administrator, Nunavut Water Board

From: Michelle Blade, Regional Water Coordinator, CIRNAC

Subject: Crown-Indigenous Relations and Northern Affairs Canada's 2nd Round of Responses to the Proponent's responses regarding technical review comments for Water Licence 2BL-AWL1722 Renewal Application submitted by Weber Arctic Expeditions for the Arctic Watch Lodge Project in the Qikiqtani Region of Nunavut

Region: ☐ Kitikmeot ☐ Kivalliq ☒ Qikiqtani

A. BACKGROUND

The Arctic Watch Lodge, owned and operated by Canadian Arctic Holding Ltd. (the Licensee or Proponent), is situated on Somerset Island, approximately eighty (80) kilometres south of Resolute Bay, in the Qikiqtani Region, Nunavut. In 2010, the NWB issued a Type "B" water licence to the Proponent of the facility to allow for the use of water and deposit of waste in support of the facility, which is used for recreational purposes. Following the expiry of this licence on June 21, 2015, the NWB issued an Approval – Without – A – Licence (No. 8WLC-AWL1015) for the Proponent to continue to use water and deposit waste in support of the facility. As the Approval Without A Licence No. 8WLC-AWL1015 expired on June 20, 2016 and the stated intentions of the Proponent is to continue operating the facility for the foreseeable future, the Licensee submitted for the Board's consideration an application to renew the Type "B" water licence. However, because the Type "B" Water Licence No. 7BL-AWL1015 was cancelled following its expiry in 2015, the Board decided to consider the renewal application as application to replace the licence. Type "B" Water Licence No. 7BL-AWL1722 was issued on August 2, 2017.

CIRNAC provides the following comments and recommendations pertaining to the assignment application. A summary of the subjects of recommendations can be found in Table 1. Documents reviewed as part of this submission can be found in Table 2 of Section B. Detailed technical review comments and CIRNAC's response to the proponent's responses can be found in Section C.



Table 1: Summary of Recommendations

Recommendation Number	Subject	Status
R-01	2019 Inspection actions required	Satisfied – pending 2023 Site Inspection
R-02	2022 Annual Report	Resolved if recommended terms and conditions are added to the water licence renewal
R-03	Water licence expired	Resolved
R-04	Water flow meter	Resolved
R-05	Actual daily quantity of water used	Resolved if recommended terms and conditions are added to the water licence renewal
R-06	Spill contingency plan	Resolved

B. DOCUMENTS REVIEWED AND REFERENCED

The following table (Table 2) provides a list of the documents reviewed under the submission and reference during the review.

Table 2: Documents Reviewed and Referenced

Document Title	Author, File No., Rev., Date
Water Licence 7BL-AWL1722	Nunavut Water Board, 2 August 2017
Water Licence Renewal Application	Nansen Weber, 13 March 2023
Certificate of Incorporation	Innovation, Science and Economic Development Canada, 02 March 2020
Commercial General Liability Insurance Confirmation	EQUA, 22 July 2023
NPC Letter re 150046 Application for Water Licence Renewal	Nunavut Planning Commission, 23 April 2023
Abandonment and Restoration Plan	Weber Arctic Expeditions Ltd, 2023
Spill Contingency Plan	Arctic Watch Wilderness Lodge, July 2022
Spill Photo	unknown
Appendix A – Map for Spill Response	unknown
Technical Review of Water Licence Application (No. 7BL-AWL1015)	CIRNAC, 6 July 2017
2017 & 2018 Annual Reports technical review	Nunavut Water Board, 15 July 2019
2019 Water Licence Inspection Report	CIRNAC, 9 July 2019
Water License Application- Arctic Watch Lodge	INAC, 11 January 2009
Email	INAC, 07 April 2009
2012 Water Licence Inspection Report	INAC, 13 July 2012
2013 Water Licence Inspection Report	INAC, 12 July 2013



Document Title	Author, File No., Rev., Date
Proponent response to CIRNAC Comments	Weber Arctic Expeditions, 17 May 2023
Spill Contingency Plan	Arctic Watch Wilderness Lodge, May 2023
2022 Annual Report	Weber Arctic Expeditions, 26 October 2022
Weber Arctic Expeditions response to ECCC Review of Licence 2BL-AWL1722 Renewal Application	Weber Arctic Expeditions, 01 May 2023
Proponent response to CIRNAC Review of Licence 2BL-AWL1722 Renewal Application	Weber Arctic Expeditions, 01 June 2023
Spill Contingency Plan, and Appendix B, C, D, F, G, H, and I	Arctic Watch Wilderness Lodge, 01 June 2023

C. RESULTS OF REVIEW

1. 2019 Inspection actions required

Comment:

On July 9, 2019, an Inspection was conducted at Canadian Arctic Holiday's Arctic Watch Lodge at Cunningham Inlet, Somerset Island, NU. The Inspector noted water licence non-compliance with respect to: unreported spills in the ATV tent, waste disposal within 31 metres from the ordinary High Water Mark, and questionable secondary containment.

Actions required from the 2019 inspection included:

- reporting all spills as per the water licence requirements;
- storing mobile sewage storage tank not within 31 metres of any water body;
- removing bulk metal and the incinerator as those sites are no longer covered under a land use permit, and should have been removed before the expiry of the Land Use Permit; and
- calculating and articulating how the fuel cache secondary containment is able to contain a minimum of 110% of the original vessel, and 10% of the aggregate volume of all other vessels located in the containment, and/or install a proper secondary containment.

Unreported spills have also been reported during the 2012 Inspection.

Recommendation:

(R-01) CIRNAC recommends the licensee clarify how the 2019 inspection non-compliance issues and actions required have been addressed, and recommends that until such time as the requirements detailed under the inspection report are met that a renewal license is not issued by the NWB.

Proponent Response:



Weber Arctic Expeditions will and does report any spills. There was never a spill in the ATV tent. Do you have any photos for reference? Our mechanical station for repairing atv's is on top of fuel berm material. We have spill pads and spill clean-up kits in the mechanical room, generator room and airstrip.

This vehicle and mobile storage unit have been moved away from the 31 meters since then. It is on a vehicle and can move at any time.

The berm is approximately 10 feet by 15 feet by 6 inches. This is 75 cubic feet. One drum is 7.3 cubic feet of fuel. The berm is big enough.

What is this Land Use Permit? The location described with our hardware storage (not scrap metal) is now part of our lease. In 2021 we removed a substantial amount of bulk metal but not all. This is a material storage place. We use metal for construction, welding, and repairs. None of the materials present any environmental concern or danger. The incinerator is used to burn wood and paper. Any residue or ashes is bagged and sent to Yellowknife as garbage. It is included in our annual report for garbage sent to Yellowknife.

CIRNAC Response:

The 2019 Water Licence Inspection report contains photos of: fuel caches within 31 metres of the high water mark, sign of spills, 19 barrels on top of liner, and hazardous waste stored on the edge of the liner thereby secondary containment would not keep the hazardous waste in. CIRNAC notes the proponents response that the mobile sewage storage tank have been moved, however the other non-compliance issues and actions from the 2019 inspection non-compliance issues and actions required have not been satisfactorily addressed. CIRNAC maintains the recommendation that until such time as the requirements detailed under the inspection report are met that a renewal license is not issued by the NWB.

Proponent Response:

This coming season we will relocate the fuel berm mentioned above to a new location above the 31 meter highwater mark. The new location is marked on the map in Appendix G of the spill contingency plan. The new location is where we currently store our scrap metal for welding and construction. As we are currently not at Arctic Watch lodge this cannot be completed until we get to the lodge in June and the snow melts allowing us to move the berm. The inspector in July can confirm the fuel berm's new location above 31 meter high water mark.

We will make sure there is no hazardous waste stored on the edge of the liner. The only hazardous waste produced is used oil and it is contained in a sealed bucket which is also on top of a fuel berm, until it is transported back to Resolute or Yellowknife. Hazardous



waste is also stored in sealed buckets in the generator building in a tray and the building has containment under the floor. Your inspector in July can confirm these changes.

Looking at the 2019 photos from your inspection, your department is mistaken. The 19 drums you mention and that were photographed are on the very large fuel berm over the airstrip, not the fuel berm by the lodge. That fuel berm can certainly contain 19 drums. The berm at the lodge has 5 drums in the photo.

Again we did not have a spill in 2019. The photos from your inspection report were merely drips that were wiped up. We may have had a few drops on the rock from switching fuel pumps out or changing ATV on a windy day. This is not a common occurrence. If a spill was reported of such great concern by your inspector in 2019 why didn't your inspector at the time ask us to clean it up on site during the inspection? Regardless, since 2019 our current policy and lodge standards to conduct any vehicle repair with a thick, liquid proof fabric under the vehicle.

We will be sure that our new fuel berm conforms to the volume standards while maintaining a minimum of 110% of the original vessel and 10% of the aggregate volume of all other vessels located in the containment.

CIRNAC Response:

CIRNAC has made note of the proponent's responses to follow up upon during the 2023 inspection. CIRNAC considers this comment satisfied at this time.

2. 2022 Annual Report

Comment:

CIRNAC reviewed the 2021 Annual Report. The 2022 Annual Report was not made available. The water licence expired on August 1, 2022.

Recommendation:

(R-02) CIRNAC recommends the 2022 Annual Report be made available as part of the Water Licence 2BL-AWL1722 Renewal Application, and to fulfill Part B Item 2 of the water licence.

Proponent Response:

We sent the annual 2022 report to your water board department in Oct 2022. Ida Porter was our contact and perhaps she no longer works for you or has moved departments? We received a confirmation from her for having received the report. This seems like just miscommunication or lost email, we will do a better job of following up with your department in the future at the end of the season. Attached is the 2022 report for your convenience.



CIRNAC Response:

CIRNAC has reviewed the 2022 Annual Report submitted as part of the proponent's May 17, 2023 response. Actual quantity of water used is reported as an average of 3.07 cubic metres per day. CIRNAC recommends the licensee specify if the actual quantity of water used exceeded 5 cubic metres on any day, and if so the water licence renewal application be adjusted to accommodate that volume.

Proponent Response:

As our photos of the lodge water meter provided to you, it only counts the season total. We do not register the water meter every day. We take the season total of water used and divide by the total number of days which water was used. This is how the daily average is calculated. It is well below the permit allocation of 5 cubic meters daily. Our water use is very consistent throughout the entire season. We don't have a reason to use a significantly larger amount of water on a given day. There is no reason to think we used 5 cubic meters on a specific day.

CIRNAC Response:

The water licence is for a daily withdrawal rate not to exceed 5 cubic meters on any given day. The proponent has indicated they are not recording their daily water usage. If a water licence renewal is granted to the proponent, CIRNAC recommends a term and condition be added to the renewal water licence stating the actual daily water usage be recorded by the proponent and submitted to the Nunavut Water Board as part of the annual report. The annual report is also to specify if there were any days when the actual water used exceeded the allotted 5 cubic meters on any given day.

With the addition of the above terms and conditions to the water licence, CIRNAC would consider this comment resolved.

3. Water licence expired

Comment:

Type "B" Water Licence No. 7BL-AWL1722 expired on August 1, 2022. The licensee has previously operated without a water licence.

Recommendation:

(R-03) CIRNAC recommends the licensee clarify if any activities took place on site after August 1, 2022.

Proponent Response:



Prior to Covid-19 Ida Porter was our contact at the water board and had dealt with our licenses. Knowing our water permit was going to expire on Aug 2nd, 2022; Nansen Weber contacted Ida Porter and the Gjoa haven water board via email and telephone on several occasions on January 27th 2022 and through Feb 28th, 2022. We never received any response. Additionally we did not receive a response indicating that Ida Porter had changed departments or is no longer working for the waterboard. We realize positions in the water board may have changed during covid in 2020 and 2021. We did our best to reach out and nobody from the department took the time to respond or follow up with a simple courtesy notifying us that our permit was going to expire. It was not our intention to purposely avoid contact with the department, again we have had multiple conversations since 2016 with the department and nobody even bothered to tell us we had outstanding payments for the license. A simple end of season follow up from your department would help operators promptly supply information and yearly feedback and payments on time. Weber Arctic will make sure to have better due diligence on our required permit yearly reports and payments, so this does not happen in the future. We did operate the remaining season of 2022 from Aug 2nd to Aug 24th.

CIRNAC Response:

The proponent confirms they operated without a water licence from August 2 to 24, 2022. CIRNAC insists site activities only take place with a valid water licence and that the terms and conditions of the water licence are met.

Proponent Response:

It was not our intention to operate without a water license. We will not do this again. To avoid this issue please ensure that the renewal date or expiry date for any future water licenses does not fall in the middle of our operational season June 15 - August 25th. For any future licenses it would be better for both parties if the month for renewal or exhortation falls in between December and February.

CIRNAC Response:

CIRNAC supports the proponent's request that if a water license renewal is granted, the water licence expiration date should fall outside of their operation season of June 15 to August 25. CIRNAC considers this comment resolved.

4. Water flow meter

Comment:

In the 2021 Annual Report, the licensee indicated the water flow meter stopped working in 2021 and would be replaced in summer 2022.



Recommendation:

(R-04) CIRNAC recommends the licensee clarify if the water flow meter is operational, and on what date it resumed function.

Proponent Response:

Yes a functional water meter was installed and was operating for 2022. We will make sure it is functional prior to season commencing and maintain it during the season.

CIRNAC Response:

CIRNAC considers this recommendation resolved.

5. Quantity of daily water used

Comment:

In the 2021 Annual Report, the actual quantity of water used was reported as an average in cubic metres per day. Type “B” Water Licence No. 7BL-AWL1722 permits a quantity of water not to exceed 5 cubic metres per day.

Recommendation:

(R-05) CIRNAC recommends the licensee specify if the actual quantity of water used exceeded 5 cubic metres on any day, and if so the water licence renewal application be adjusted to that volume. Furthermore, CIRNAC recommends that any and all outstanding water use fees be paid prior to the issuance of any renewal water license.

Proponent Response:

Payment was given to your department to be processed as of Wednesday May 17th, 2023 for the entire outstanding amount on file. It is customary in business to invoice customers and clients for outstanding invoices.

We used an average of 3.07 cubic meters per day in 2022.

CIRNAC Response:

The proponent’s response reiterates the average water use value in cubic metres per day in 2022. This does not satisfy CIRNAC’s comment if the measured quantity of water used exceeded 5 cubic metres on any day. CIRNAC recommends the proponent provide the information requested.

Proponent Response:



The answer is no, we don't use more than 5 cubic meters on any given day. As mentioned above, this is not possible for us to know. We simply calculate the daily season average over the whole season. We do not check the water meter every single day. We are well below the permit allocation of 5 cubic meters. As reiterated above our water usage is very consistent throughout the entire season. There is no reason to think we need a substantial amount more on a specific day.

CIRNAC Response:

The water licence is for a daily withdrawal rate not to exceed 5 cubic meters on any given day. The proponent has indicated they are not recording their daily water usage. If a water licence renewal is granted to the proponent, CIRNAC recommends a term and condition be added to the renewal water licence stating the actual daily water usage be recorded by the proponent and submitted to the Nunavut Water Board as part of the annual report. The annual report is also to specify if there were any days when the actual water used exceeded the allotted 5 cubic meters on any given day.

With the addition of the above terms and conditions to the water licence, CIRNAC would consider this comment resolved.

6. Spill contingency plan

Comment:

Section 12.0 of the 2023 Spill Contingency Plan states "disposal of soil/substrate or sorbent materials are bagged and shipped to Resolute for disposal." The plan does not indicate where onsite the impacted materials are stored, and with what secondary containment, until transported offsite.

Recommendation:

(R-06) CIRNAC recommends the licensee clarify where materials impacted by a spill will be temporarily stored onsite, and with what secondary containment, until they are transported offsite.

Proponent Response:

Disposal of soil/substrate or sorbent materials are bagged or put in a sealed container and shipped to Resolute or Yellowknife for disposal. Contaminated materials that are awaiting transportation are stored in an existing fuel berm. Records of spills and disposal of such to be maintained. (documentation, photos and copy of Nunavut spill Form.)

An updated spill plan is attached.



CIRNAC Response:

CIRNAC has reviewed the revised May 2023 Spill Contingency Plan and notes the text “contaminated materials that are waiting transportation are stored on in an existing fuel berm” has been added to Section 12.0. CIRNAC recommends a photo of the referred to existing fuel berm area is included in the Spill Contingency Plan along with: a site map indicating where the referred to fuel berm area to be used is located on site, and a calculation of the volume of impacted materials that can be added to the referred to fuel berm area while maintaining a minimum of 110% of the original vessel and 10% of the aggregate volume of all other vessels located in the containment.

In accordance with the Spills Working Agreement, CIRNAC is the designated lead agency on spills which occur at facilities authorized by federal legislation. This means that if a spill occurs at any facility authorized by the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* under the water licence CIRNAC would be the lead agency to consult. CIRNAC recommends Table 1: Spill Contingency Plan – Contact List of the Spill Contingency Plan is amended to include the correct contact for distribution of for spills at facilities authorized by the water licence and include the Field Operations, On-call Inspector contact telephone number 867-975-4284.

Proponent Response:

As per our annual report the volume of waste returning to Yellowknife is small. Maximum 15 gallons (sealed 5 gallon pails) at once. It will be stored in the generator room or will be stored on the fuel berm by the airstrip, which is large enough to contain a minimum of 110% of the original vessel and 10% of the aggregate volume of all other vessels located in the containment.

Please refer to the spill contingency plan section 12 general procedures and Appendix G. The changes requested above have been made. Once we are at the lodge and have moved the lodge fuel berm to the new location above the 31 meter highwater, we can send you new photographs.

Please see revised fuel spill Table 1: Spill Contingency Plan – Contact List. We have made the above requested changes and included the on-call Inspector contact telephone.

An updated spill plan is attached.

CIRNAC Response:

CIRNAC has reviewed the changes made by the proponent and considers this comment resolved.