**From:** Karen Kharatyan
**To:** boydw@bathurstinlet.com
**Cc:** Phyllis Beaulieu
**Subject:** RE: 121018 7BL-BIL1215 Approved Licence - ISSUES IDENTIFIED
**Date:** Wednesday, October 31, 2012 4:34:37 PM

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Hello,

Find please the NWB responses to your questions. It was indicated in your e-mail that you may have some more questions by the end of last week.

1) *It is mentioned / suggested that the Pellatt Lk camp and the Burnside Camp be included in this license. This was indeed requested on the original application. Is it possible to have them included in this license?*

The Board did review your request to include the Pellatt Lake Camp and the Burnside Camp within the current licence. However, under the Board's licensing jurisdiction, as set out in the Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA), a water licence authorizes only specified uses of water, deposits of wastes and appurtenant undertakings typically located at a given site. Given the geographical separation of these two camps from the Bathurst Inlet Lodge and the fact that these two camps will involve uses of water and deposits of waste that are distinct from the Bathurst Inlet Lodge, the Board has determined it is not appropriate to include these two sites in the scope of the recently issued Bathurst Inlet Lodge licence. Consequently, the Board recommends that these sites be licensed separately under individual Type B licenses.

2) *The license does not seem to reflect the fact that we have Free and clear Title to the land. I realize that this in unique in Nunavut but we cannot be treated the same as companies that are occupying crown land under a land use or land lease. Specifically I am referring to Closure or Abandonment. This section in my opinion does not apply or have jurisdiction as we have title to the land.*

Please note that the NWB's licensing jurisdiction is triggered by the use of "water" (as that is defined under the Nunavut Land Claims Agreement (NLCA)) and deposit of waste into water or onto areas where the waste may enter such water and does not otherwise regulate or limit land use. The definition of water is very broad under the NLCA to include all inland waters in the Nunavut Settlement Area, and the definition does not exclude waters located on property that is individually titled. Consequently, the Board's licensing jurisdiction, including the Abandonment and Reclamation requirements set out in the licence, extends to waters flowing through privately held lands and is not affected by the fact that the Lodge has title to the land. The Closure and Abandonment provisions in Part I of the licence are NOT in relation to abandonment and reclamation of the Lodge in general, but rather, are expressly related to the reclamation of the appurtenant undertaking associated with the use of water and the deposit of waste into water, and also the prevention of the deposit of waste into water, and are, therefore, within the NWB's jurisdiction under the Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA).

3) *We would like to state for the record that the information gathered by the INAC inspectors to*

*date was obtained illegally. It is our understanding that prior to having a Water license in place no person (including INAC personal) can come on the property without permission or they would be considered Trespassing. Now that we have a license the Inspectors do have a right to access for the purpose of inspection. The reason we bring this up is there is still a lot of confusion as to who is responsible for things in the area. The lodge is still being accused of things that have nothing to do with its operation. I have repeatedly asked that I be present when the inspections happen but to date this has not occurred.*

As the Board does not exercise jurisdiction over the enforcement of the provisions of the Nunavut Waters and Nunavut Surface Rights Tribunal Act NWNSRTA) nor compliance with the terms and conditions of water licenses, the Board has no views regarding how inspections have been conducted. This is purely a matter for discussion with Aboriginal Affairs and Northern Development Canada (AANDC formerly INAC). However, with respect to your understanding that prior to a water license being issued an inspector has no jurisdiction to inspect, the Board wishes to point out that as it is an offence under the Nunavut Waters and Nunavut Surface Rights Tribunal Act to use water or deposit waste without a licence (see ss. 11, 12 and 90 of the NWSRTA), and inspectors are empowered under that Act to inspect to ensure compliance with the Act (see s. 86), it is our understanding that inspectors are not limited to only inspecting activities and undertakings that have current licenses.

4) *We are confused over the clause of secondary containment of fuel drums. The Federal Law does not require this for the size of containers we have and are using so we are wondering why it is being suggested that we have to do this. Again the few drums we have are stored on Titled Land. The huge number of drums on site are not owned by the lodge.*

Please note that although the requirement for secondary containment is described by the Board in the Procedural History section of the Board's decision that summarizes the comments of Environment Canada and the results of AANDC (formerly INAC) inspections, the requirements for secondary containment of fuel drums is not a term or condition of the water licence, but is rather based on direction from AANDC contained in the inspection report of July 10, 2011. Consequently, the Board recommends that you engage AANDC with respect to your concerns about this requirement.

I hope this helps,
Regards,

**Karén Kharatyan**, Ph.D
Technical Advisor
Nunavut Water Board

(Ph.) 867-360-6338 ext. 30
(Fx.) 867-360-6369
k.kharatyan@nunavutwaterboard.org

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**From:** Phyllis Beaulieu [mailto:licensing@nunavutwaterboard.org]

**Sent:** Monday, October 22, 2012 12:42 PM
**To:** Karen Kharatyan; David Hohnstein
**Subject:** 121018 7BL-BIL1215 Approved Licence - ISSUES IDENTIFIED

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**From:** Boyd Warner [mailto:boydw@bathurstinlet.com]
**Sent:** Monday, October 22, 2012 10:26 AM
**To:** 'Phyllis Beaulieu'
**Subject:** RE: 121018 7BL-BIL1215 Approved Licence

Thank you Phyllis and I have had the opportunity to have a quick look at this and will review it in detail this week.

A couple points I would like to make:

1) It is mentioned / suggested that the Pellatt Lk camp and the Burnside Camp be included in this license. This was indeed requested on the original application. Is it possible to have them included in this license?
2) The license does not seem to reflect the fact that we have Free and clear Title to the land. I realize that this in unique in Nunavut but we cannot be treated the same as companies that are occupying crown land under a land use or land lease. Specifically I am referring to Closure or Abandonment. This section in my opinion does not apply or have jurisdiction as we have title to the land.
3) We would like to state for the record that the information gathered by the INAC inspectors to date was obtained illegally. It is our understanding that prior to having a Water license in place no person (including INAC personal) can come on the property without permission or they would be considered Trespassing. Now that we have a license the Inspectors do have a right to access for the purpose of inspection. The reason we bring this up is there is still a lot of confusion as to who is responsible for things in the area. The lodge is still being accused of things that have nothing to do with its operation. I have repeatedly asked that I be present when the inspections happen but to date this has not occurred.
4) We are confused over the clause of secondary containment of fuel drums. The Federal Law does not require this for the size of containers we have and are using so we are wondering why it is being suggested that we have to do this. Again the few drums we have are stored on Titled Land. The huge number of drums on site are not owned by the lodge.

Thank you for the email and letters and I will be back in touch later this week.

Sincerely,

Boyd Warner
President

Bathurst Inlet Lodge
Box 820
Yellowknife, NT
X1A 2N6

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**From:** Phyllis Beaulieu [mailto:licensing@nunavutwaterboard.org]
**Sent:** October-19-12 10:30 AM
**To:** Boyd Warner (boydw@bathurstinlet.com)
**Cc:** Phyllis Beaulieu
**Subject:** 121018 7BL-BIL1215 Approved Licence

Attached for your files is a copy of the approved water licence for the Bathurst Inlet Lodge. Also attached are copies of comments received during the processing of this file.
Regards,

Phyllis Beaulieu
Manager of Licensing
Nunavut Water Board
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