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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

NWB File No: 8AC-ALT----

July 21, 2016

Colonel Kevin Horgan  
Real Property Operations Group  
Assistant Deputy Minister (Infrastructure & Environment)  
Department of National Defence  
101 Colonel By Drive  
Ottawa, ON  
K1A 0K2

Email: [Kevin.Horgan@forces.gc.ca](mailto:Kevin.Horgan@forces.gc.ca)  
[Andrew.Tam@forces.gc.ca](mailto:Andrew.Tam@forces.gc.ca)

**Re: Application for a New Type 'A' Licence No. 8BC-ALT---- ; Department of National Defence (DND), Alert Project, Alert, Nunavut**

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Dear Colonel Horgan,

The Nunavut Water Board ("NWB") acknowledges receipt of an application for a new type 'A' water licence (the Application) and supporting documentation submitted on September 8, 2015 by Department of National Defence (the Applicant or DND) for the Alert Project (the Project), to replace the expired Licence No. 3BC-ALT1015.

Your submission has been placed in the Board's public registry and is available through the NWB's ftp site at the following link:

<ftp://ftp.nwb-oen.ca/registry/8%20MISCELLANEOUS/8A/8AC%20-%20Camp/8AC-ALT1015%20New/1%20APPLICATION/2015%20New/>

A list of all of the documents received as part of the Application is summarized in Appendix A, attached to this letter.

The NWB has conducted an initial review of your submission and has determined that the Application meets the requirements allowing for public distribution in support of an initial technical assessment. Further, the initial review confirms that, according to Schedule 2 of the

Nunavut Waters Regulations<sup>1</sup> (Regulations), the Application is for a Type “A” Water Licence, a new licence which will replace the currently expired Type ‘B’ licence, and as such will require a public hearing in accordance with s. 52<sup>2</sup> of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA or Act). All public hearing matters will be carried out in accordance with the Board’s *Rules of Practice and Procedure for Public Hearing*, adopted May 11, 2005 (NWB Rules). With this in mind, the NWB has assigned the initial Licence file number of **8AC-ALT----** to represent the Classification of the undertaking under Schedule 1 of the Regulations as ‘Other’, a Type ‘A’ Licence based on Column 5 of Schedule 2, with the main activity and use of water being for a ‘camp’.

The next step in the processing of your Application involves a completeness review and initial technical assessment to determine if all of the necessary information and studies to evaluate quantitative and qualitative effects of your Project on the freshwater environment have been provided.

**Accordingly, by copy of this letter, the Board requests that interested parties review the Application for completeness and conduct an initial technical assessment including the identification of any Information Request (IRs) that the reviewing parties may require to be filed for completeness of the Application and to then allow for their full technical review. In addition, the Board requests that interested parties provide comments to the NWB on the type of Technical Meeting/Pre-Hearing conference to be held for the Application (written, teleconference, or in person as outlined in steps 3 and 4 of the process set out below).**

All intervening parties are requested to provide their submissions to the NWB’s Manager of Licensing at [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca) by **August 19, 2016 (3:00 p.m. MST)**.

Following the receipt of comments, the NWB will determine whether the Application is complete or whether additional information and/or studies are required (IRs) to evaluate all quantitative and qualitative effects of the undertaking pursuant to s. 48 of the Act. The NWB will advise the Applicant of the Board’s determination at that time.

Once the Application is deemed complete, the following general process will take place. Complete details on the NWB’s licensing process are available in the NWB’s Guide 5<sup>3</sup>, however the Board preserves the right to modify the licensing process, including timelines as may be required to appropriately process this Application.

### **1. Notice of the Application**

A notice of the Application will be made in accordance with s. 55(1) of the Act. This notice will invite interested persons to make representation to the Board. Parties will be advised of the consequences of failure to respond as outlined in ss. 59 and 60(2) of the Act. Furthermore, the Board will distribute notice to the communities and interested parties affected by the application and shall publish the notice in a newspaper of general circulation in the areas that are affected. If

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<sup>1</sup> Nunavut Waters Regulations, SOR/2013-69 18th April, 2013

<sup>2</sup> Nunavut Waters and Nunavut Surface Rights Tribunal Act; Section 52 (1) Subject to subsection 37(2), a public hearing shall be held by the Board before it disposes of (a) any application in relation to a licence, unless the application is of a class that is exempted by the regulations from the requirement of a public hearing.

<sup>3</sup> Guide 5 – Processing Water Licence Applications (April 2010).

there is no such newspaper, the Board shall publish the notice in such other manner as the Board considers appropriate.

## **2. Detailed Technical Review**

Interested parties will be advised to undertake a detailed technical assessment or review of the complete application for the undertaking. Parties will be encouraged to work cooperatively to address technical issues identified during the review period. Generally, the Board provides at least thirty (30) days for a technical review in advance of a technical meeting. However, to assist the Board in expediting the technical assessment, parties are encouraged to begin their detailed technical assessment as early as possible.

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

Rule 14 of the NWB Rules permits the Board, through its staff or in conjunction with staff, to hold a Technical Meeting (TM) and Pre-hearing Conference (PHC) with the interested parties, either in writing, by teleconference, or in person. The Board anticipates setting a date for a TM/PHC shortly after the deadline for receiving technical reviews submissions, which will be announced according and subsequently. The PHC is typically scheduled to immediately follow the TM.

## **4. Pre-Hearing Conference (PHC) Decision**

Following the TM/PHC, the NWB will issue a PHC decision and may outline the technical commitments of the Applicant and the administrative and procedural requirements for a Public Hearing.

## **5. Public Hearing (PH) Notice**

Sub-section 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 Technical Meeting and Pre-hearing Conference, 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 or place, date, and time of the hearing will be determined and a notice will be published by the Board in advance of the public hearing and in a manner that promotes public awareness and participation in the hearing.

## **6. Public Hearing Decision**

Following the Public Hearing, the Board will issue a written decision with reasons (final decision) for the Application. The Board's final decision will be provided to the Applicant and to the Minister of Indigenous and Northern Affairs Canada (INAC) for consideration. Interested and intervening parties will also be provided with a copy of the Board's final decision. The Minister of INAC typically issues his/her response to the Board's final decision within forty-five (45) days of receipt, or if notifying the Board of an extension within the forty-five (45) days, within ninety (90) days from the date of receipt.

## **Requirements of the NLCA and the NWNSRTA**

The Licensee should note that as part of the NWB's process for the file, confirmation of pre-licensing requirements related to the Nunavut Planning Commission's (NPC) Land Use Conformity Determination and the Nunavut Impact Review Board's (NIRB) Environmental Assessment process and the will be required. In accordance with s. 39(1) of the Act, the NWB

may not issue, renew, or amend a licence until the NIRB has completed the screening, reconsideration, or where a review is required, issued a Project Certificate.

On February 22, 2016 the NPC issued a Conformity Decision<sup>4</sup> in which it indicated that the Alert Project conforms the North Baffin Regional Land Use Plan (NBRLUP) and requires screening by the NIRB as it does not belong to a class of exempt works or activities set out in Schedule 12-1 of the Nunavut Land Claim Agreement. Following this, the NPC forwarded the Project proposal to the NIRB for screening.

On May 16, 2016 the Nunavut Impact Review Board (NIRB) issued the Screening Decision Report<sup>5</sup> in which it recommended that a review of the Alert Project at this time is not required pursuant to paragraph 92(1)(a) of the Nunavut Planning and Project Assessment Act (NuPPAA).

On this basis, the NWB considered the requirements of the NLCA and the NWSRTA to be fulfilled such that the NWB could process the Application.

To initiate the Board's review, as noted above, the NWB is now requesting comments on the following: 1) completeness of the Application based on an initial technical assessment, 2) any Information Requests (IRs) to be submitted to the Board, and 3) the type of technical meeting/prehearing conference to be held. These submissions are due no **later than August 19, 2016 (3:00 p.m. MST)**. All submissions should be provided to the NWB's Manager of Licensing at [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca).

Should you have any questions or require clarification on the above or for any technical inquiries, please contact the technical advisor associated with this file, Sonia Aredes at 867-979-3079 or by email at [Sonia.Aredes@nwb-oen.ca](mailto:Sonia.Aredes@nwb-oen.ca), or David Hohnstein, Director of Technical Services, at 780-443-4406 or by email to [David.Hohnstein@nwb-oen.ca](mailto:David.Hohnstein@nwb-oen.ca). For any procedural inquiries, please contact Karen Kharatyan, Manager of Licensing, at 867-360-6338 or by email [Karen.Kharatyan@nwb-oen.ca](mailto:Karen.Kharatyan@nwb-oen.ca).

Sincerely,

Karen Kharatyan  
Acting Manager of Licensing

kk/sa

Cc: Qikiqtani Distribution

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<sup>4</sup> Conformity Decision, Nunavut Planning Commission (NPC) Re: NPC File #148184 – Alert Canadian Force Station Significant Modification of Existing Station: Transfer from Type 'B' to Type 'A' Water Licence, dated February 22, 2016

<sup>5</sup> NIRB Screening Decision Report File No.16DN006, dated May 16, 2016

## Appendix A: List of Application Documents Received September 8, 2015

No	Document
1.	Table of Contents
2.	Cover Letter, Re: Amendment/Renewal Applications for 3BC-ALT1015 CFS Alert, Nunavut
3.	Application Form for Water Licence Amendment and Renewal, signed up June 23, 2015
4.	<p>Operation and Maintenance Plan CFS Alert (ALT), Nunavut, Revised February 2015, with the following:</p> <p>Appendix B: Water Licence 3BC-ALT1015;  Appendix C: CFS Alert Hazardous Material Management Plan, dated January 2014;  Appendix D: Spill Contingency Plan Canadian Forces Station Alert, Rev. January 2014;  Appendix E: Quality Assurance (QA) and Quality Control (QC) Plan CFS Alert (ALT), Nunavut, Rev. January 2015;  Appendix F: Incinerator Report: Characterization of Emissions from the Eco Waste Solutions Thermal Waste Oxidizer, Burlington, Ontario, February 2003.</p>
5.	CFS Alert Compliance Plan - Follow Up on 2013/2015 Inspection Report, July 2015
6.	Executive Summary for the Water Licence Amendment & Renewal Application (English and Inuktitut)
7.	Industrial Supplemental Information Guideline (SIG) for Hydrocarbon Impacted Soil Storage and Landfarm Treatment Facilities (I3)
8.	Letter, Re: Alert - P.C. OIC 1973-584 Ellesmere Island NWT, April 1996
9.	Table: Water Usage at CFS Alert - 3BC-ALT1015 year 2013
10.	Table: Water Usage at CFS Alert - 3BC-ALT1015 year 2014
11.	<p>Drawings: New Contaminated Soils Landfarm, CFS Alert Nunavut drawings, 23 -10-18</p> <p>Overall site location  Proposed landfarm plan  Proposed landfarm details.</p>