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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

**NWB File No: 8AC-EUR----/
Amendment Application**

May 2, 2023

Jean-Philippe Cloutier-Dussault
Property Manager,
Assets, Real Property and Security Directorate
Environment and Climate Change Canada
2121 Trans Canada Hwy
Dorval, QC H9P 1J3

Email: Jean-Philippe.Cloutier-Dussault@ec.gc.ca

**Subject: Application for Amendment to Water Licence No: 8BC-EUR2131;
Environment and Climate Change Canada**

Dear Jean-Philippe Cloutier-Dussault:

The Nunavut Water Board (NWB or Board) acknowledges receipt of application and supporting information (Application) to amend Type “B” Water Licence No: 8BC-EUR2131 submitted on March 30, 2023, by the Environment and Climate Change Canada (the Applicant or ECCC) for the continued Use of Water and Deposit of Waste.

The information received on March 30, 2023 consisted of the following documents:

- Executive summaries in English, French and Inuktitut;
- Filled out application form;
- Maps;
- Nunavut Planning Commission conformity determination dated December 16, 2022; and
- Nunavut Impact Review Board screening decision dated March 14, 2023.

In addition, on April 14 and 20, 2023, the Board received correspondence from ECCC with further information.

ECCC currently holds a Type “B” Water Licence No: 8BC-EUR2131, which the Applicant seeks to amend to Type “A” in order to accommodate the withdrawal of 2,000 cubic metres (m³) of water daily.

All information has been placed in the Board’s Public Registry and is available from our ftp site using the following link:

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

On December 16, 2022, the Nunavut Planning Commission (NPC) issued its conformity determination stating that the project proposal was previously reviewed by the NPC, and conformity determinations issued on December 17, 2010, January 6, 2011, April 16, 2016, March 7, 2018, January 22, 2021, February 9, 2021 and February 22, 2021 still apply. The project proposal conformed to the North Baffin Regional Land Use Plan. On March 14, 2023, the Nunavut Impact Review Board (NIRB) issued its screening decision stating that a review of the project is not required in accordance with s. 92(1)(a) of *Nunavut Planning and Project Assessment Act* (NuPPAA).

The NWB has conducted a preliminary review of the submission and determined that the Application meets the requirements allowing for public distribution in support of an initial technical assessment. Further, the preliminary review confirms that the Application is for a Type “A” Water Licence, which will require a public hearing in accordance with s. 52¹ 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*, dated May 11, 2005 (NWB Rules).

The next step in processing the Application involves a completeness review and an 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 and supplemental information for completeness and conduct an initial technical assessment, including identifying any Information Requests (IRs) that the reviewing party requests be filed to enable that party to complete their technical review of the Application. Further, the NWB invites interested parties to comment on the type of Technical Meeting-

¹ *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.

Pre-Hearing Conference to be held for the application (written, teleconference, or in person as outlined in steps 3 and 5 in the process overview set out below).

All intervening parties should provide their submissions to NWB's Manager of Licensing at licensing@nwb-oen.ca by **May 23, 2023 (3:00 p.m. MT)**.

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

Once the Application has been deemed complete, the following general process will be undertaken. Complete details on the NWB's licensing process are available in NWB Guide 5², and 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 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 invited to undertake a detailed technical assessment or review of the complete application for the undertaking. Parties (interveners and the Applicant) 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 (during and following the initial request for IRs).

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

² Guide 5 – Processing Water Licence Applications (April 2010).

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 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 review submissions. 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 any technical commitments of the Applicant, and the administrative and procedural requirements for a Public Hearing.

5. **Public Hearing (PH)**

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 PH in writing, by teleconference, or in person. Once the Board has received all information requested through this process and is satisfied that the PH 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 PH 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 Minister of Northern Affairs (Minister) for consideration. Interested and intervening parties will also be provided with a copy of the Board's final decision. The Minister typically issues their 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.

On this basis, the NWB is inviting interested persons to comment on the following:

- 1) Completeness of the Application based on their initial technical assessment;
- 2) Information Requests (IRs) related to the Application that must be provided to enable the parties to complete their full technical review; and
- 3) Type of a Technical Meeting (TM)/Pre-Hearing Conference (PHC) to be held.

All comments, recommendations and any requests for information (IRs) should be submitted to the NWB's Manager of Licensing at licensing@nwb-oen.ca no **later than May 23, 2023 (3:00 p.m. MT)**.

If you have any questions regarding the above or procedural matters, please contact Richard Dwyer, Manager of Licensing, at (867) 360-6338 or by e-mail to licensing@nwb-oen.ca. For inquiries related to technical matters, please contact Assol Kubeisnova, Technical Advisor, at (867) 360-6338 ext. 31 or by email to assol.kubeisnova@nwb-oen.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Karén Kharatyan', with a stylized flourish at the end.

Karén Kharatyan
Director, Technical Services

KK/ak

Cc: Qikiqtani Distribution