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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

NWB File No: 8AC-EUR----

June 6, 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,

Further to the Nunavut Water Board's (NWB) correspondence¹ of May 2, 2023, with respect to the determination of completeness of the application for amendment to Water Licence No: 8BC-EUR2131 (Application), submitted by Environment and Climate Change Canada (Applicant or ECCC), the Board received comments² from Crown-Indigenous Relations and Northern Affairs (CIRNA). In its submission, CIRNA confirmed that the information provided in the Application was sufficient to proceed into the full technical review phase. Up to this point, the NWB has not received any indication that the Application should not proceed through the regulatory process.

Copies of all documents associated with the Application have been placed in the Board's Public Registry and made available through the NWB's FTP site using the following link:

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

Accordingly, reflecting the scope and nature of the undertakings and the amendments sought in

¹ Karén Kharatyan (NWB) to Jean-Philippe Cloutier-Dussault (ECCC), Re: Application for Amendment to Water Licence No: 8BC-EUR2131; Environment and Climate Change Canada, dated May 2, 2023.

² Crown-Indigenous Relations and Northern Affairs (CIRNA), May 15 and 16, 2023.

the Application, the NWB duly-appointed Panel for decision-making in respect of the Application (Panel A1) has, by way of Panel Motion: #2023-03-A1-03, determined that the Application is a complete application for a Type “A” Water Licence Amendment and has directed the issuance of this Notice of Application and invitation to parties to commence their full technical review of the Application. As the Application involves amendment to a Type “B” Water Licence that could affect water quantity or quality, the NWB will require some form of Public Hearing to consider the Application, as required by the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTRA). 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).

NWB Notice of Application and Commencement of Technical Review

The NWB has determined through the completeness and preliminary assessment, which took into consideration the Application, Intervener submissions, and the Board’s initial review that the Application submitted by ECCC generally constitutes an administratively and materially complete Application in accordance with the Guides.³ The Board has therefore decided that the Application can proceed to the next stage(s) of the licensing process.

In accordance with s. 55(1) of the NWNSTRA, the **Board gives Notice of the Application** and invites interested persons to make representations to the NWB no later than **July 5, 2023** (3:00 p.m. MT). Notice of the Application will also be forwarded to the council of each municipality in the area(s) most affected by the Application and shall be published in a newspaper of general circulation in the area(s) affected or, if there is no such newspaper, in such other manner as the Board considers appropriate. Parties are advised that the consequences of failure to respond by the deadline above are outlined in s. 59 and ss. 60(2) of the NWNSTRA⁴ and may include forfeiting rights to compensation.

By copy of this letter to the distribution list, all interested parties or persons are requested to complete a thorough technical assessment of the Application for the amendment to Type “B” Water Licence No: 8BC-EUR2131 available from the NWB Public Registry or by directly contacting Jean-Philippe Cloutier-Dussault, Environment and Climate Change Canada at Jean-Philippe.Cloutier-Dussault@ec.gc.ca. All technical review comment submissions from Interveners and other interested parties should be provided to the NWB no later than **July 5, 2023** (3:00 p.m. MT). The Interveners are advised that summaries of technical review comments in Inuktitut and French are required to accompany the submissions.

³ The minimum information requirements set out in the NWB Guidance Document- Guide 4 – Completing and Submitting a Water Licence Application for a New Licence, July 2015, see Table 1.

⁴ Section 59: In the circumstances described in paragraph 58(b), an applicant need not compensate the person under section 58 if the person fails to respond to the notice of application given under subsection 55(1) within the time period specified in the notice for making representations to the Board. Section 60(2) Subsection (1) does not apply in respect of a person referred to in that subsection who fails to respond to the notice of application given under subsection 55(1) within the time period specified in that notice for making representations to the Board.

Next Steps in the Process

The next steps in the Board's consideration of the Application have been outlined as follows for the information of all parties. Please note that the Board reserves the right to revise the next steps and timelines if circumstances dictate:

Steps Preceding Technical Meeting

June 6, 2023	Commencement of the technical review period; parties are asked to provide their technical review comments to the Board
July 5, 2023	Submission of technical review comments and representations to the Board.
July 18, 2023	ECCC to provide response(s) to technical review comments. Parties given an opportunity to review responses from Applicant
July 20, 2023	Circulation of draft agenda for the Technical Meeting.
July 28, 2023	Submission of Applicants and Interveners presentations for the proposed technical meeting (including translated versions). Confirmation of attendance and draft agenda.
August 2, 2023	Circulation of final agenda for the Technical Meeting.

Steps Including and Following Technical Meeting / Pre-Hearing Conference

1. Technical Meeting / Pre-Hearing Conference (TM / PHC): August 9-10, 2023

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 has directed the staff of the NWB, in accordance with the NWB *Rules*, to hold the TM / PHC for the Application, via teleconference, during the week of August 7, 2023 (tentatively on **August 9-10, 2023**). Interested persons should note that these dates are tentative and could be changed by the Board with a notice provided to parties. In advance of the date on which the TM / PHC will be held, the NWB will issue correspondence that will confirm dates and provide other relevant details.

2. Pre-Hearing Conference (PHC) Decision

Following the TM and 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.

Public Hearing (PH) Notice

Sub-section 55(2) of the *NWNSRTA* requires that a minimum notice period of sixty (60) days be provided for a Public Hearing (PH). As with the Technical Meeting / 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.

3. Public Hearing Decision

Following the Public Hearing, the Board will issue a final written decision with reasons (final decision). The final decision will be provided to the Minister of Northern Affairs (Minister) for the Minister's decision. Interested and intervening parties will also be provided with a copy of the Board's final decision as well as the Minister's decision.

Throughout the technical review phase, interested parties are encouraged to work cooperatively with ECCC to discuss issues in advance of the proposed Technical Meeting and Pre-Hearing Conference. The NWB, however, requests to be kept informed of any issues and any agreement reached between the parties on specific issues related to the Application. The Board also asks that all technical review comments, particularly for matters such as air quality, noise, and wildlife, be provided within the limits of the NWB's jurisdiction over the use of waters and the deposit of waste in waters or that may enter waters.

All representations by interested parties with respect to compensation and technical review submissions pertaining to this file should be provided to the NWB's Manager of Licensing by email to licensing@nwb-oen.ca prior to Wednesday, July 5, 2023 (3:00 p.m., MT).

If you have any questions regarding procedural matters related to the file, please contact Richard Dwyer, Manager of Licensing at richard.dwyer@nwb-oen.ca or by phone at (867) 360-6338 (ext. 27). For any Technical inquiries, please contact Assol Kubeisinova, Technical Advisor, at assol.kubeisinova@nwb-oen.ca or by phone at (867) 360-6338 (ext. 31) or Karén Kharatyan, Director Technical Services, at karen.kharatyan@nwb-oen.ca or by phone at (867) 360-6338 (ext. 35).

Sincerely,

NUNAVUT WATER BOARD

Stephanie Autut

Executive Director

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Cc: Distribution List – Qikiqtani