



NWB Tools

Ida Porter <ida.porter@nwb-oen.ca>

160120 3BC-EUR1116 Distribution Review Type Amendment 1 Qikiqtani Region

Fisheries Protection <fisheriesprotection@dfo-mpo.gc.ca>
To: "licensing@nwb-oen.ca" <licensing@nwb-oen.ca>

Fri, Feb 19, 2016 at 8:39 AM

Subject: 16-HCAA-00062 - Water intake, Station Creek, Eureka, Nunavut

Provided the proponent implements the appropriate mitigation measures for its project, and follows the guidance available on DFO's website at (<http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/measures-mesures-eng.html>), the Program is of the view that the proposal should not result in serious harm to fish or contravene sections 32, 33 or 58 of the *Species at Risk Act*. No formal approval is required from the Program under the *Fisheries Act* or the *Species at Risk Act* in order to proceed with the proposal.

It remains the proponents responsibility to ensure it avoids causing serious harm to fish in compliance with the *Fisheries Act*, and that it meet the requirements under the *Species at Risk Act* as it may apply to the project. If the proponent's plans have changed or if the description of its proposal is incomplete, or changes in the future, the proponent should consult DFO's website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) or consult with a qualified environmental consultant to determine if further review is required by the Program.

Please be advised that it is also the proponents *Duty to Notify* DFO if it has caused, or are about to cause, serious harm to fish that are part of or support a commercial, recreational or Aboriginal fishery.

Yours sincerely,

Jennifer Thomas

Team Leader, Triage and Planning

Fisheries and Oceans Canada

Fisheries and Oceans Canada has changed the way new project proposals (referrals), reports of potential Fisheries Act violations (occurrences) and information requests are managed in Central and Arctic Region

(Alberta, Saskatchewan, Manitoba, Ontario, Nunavut and the Northwest Territories). Please be advised that general information regarding the management of impacts to fish and fish habitat and self-assessment tools (e.g. Measures to Avoid Harm) that enable you to determine Fisheries Act requirements are available at DFO's "Projects Near Water" website at www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html. For all occurrence reports, or project proposals where you have determined, following self-assessment, that you cannot avoid impacts to fish and fish habitat, please submit to fisheriesprotection@dfo-mpo.gc.ca. For general inquiries call 1 855 852-8320.

From: Ida Porter [<mailto:ida.porter@nwb-oen.ca>]

Sent: 2016-January-20 5:54 PM

To: Ste-Marie, Marc (EC/EC)

Cc: Licensing Department

Subject: 160120 3BC-EUR1116 Distribution Review Type Amendment 1 Qikiqtani Region

Dear Mr. Marie:

The Nunavut Water Board (NWB) provides notice that, on July 14, 2015, an amendment 1 application for a Type "B" water license for water use and/or waste disposal associated with activities in the Qikiqtani region of Nunavut was filed by Environment Canada. By way of this correspondence, the Board invites parties to provide the NWB with their comments with respect to the application as outlined below. The application consists of the following documents:

- Amendment 1 Application Received July 14, 2015
- Application Amendment 1 Summary English Received July 14, 2015
- Application Amendment 1 Summary Inuktitut Received July 14, 2015
- Amendment 1 Application Answers to Questions Received August 10, 2015
- Clarification on Quarrying Received September 3, 2015
- Eureka Quarry Operation Plan Received September 3, 2015
- Quarrying Permit Application Received September 3, 2015
- Application to Respond Correspondence Received November 5, 2015
- Respond to Correspondence for Amendment 1 Received November 9, 2015

The application can be obtained from our ftp site at the following link:

[ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/3%20MUNICIPAL/3B/3BC%20-%20Camp/3BC-EUR1116%20\(EC%20Eureka\)/1%20APPLICATION/2015%20Amend%201/](ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/3%20MUNICIPAL/3B/3BC%20-%20Camp/3BC-EUR1116%20(EC%20Eureka)/1%20APPLICATION/2015%20Amend%201/)

As noted in the NWB's earlier correspondence acknowledging receipt of this application, under the Nunavut Land Claims Agreement (NLCA), Article 11, Section 11.5.9 and s. 76 (1) of *Nunavut Planning and Project Assessment*

Act (NuPPAA), the proponent of a project proposal governed by the NLCA and NuPPAA that requires a water licence is required to submit a project proposal document (which may include the water licence application) directly to the Nunavut Planning Commission (NPC or Commission). The NPC then reviews the project proposal and makes a determination regarding the applicable land use planning requirements and/or provides direction regarding whether the project proposal is subject to screening by the Nunavut Impact Review Board (NIRB). Under Articles 11, 12 and 13 of the NLCA, NuPPAA and Part 3 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA), until the project proposal has concluded the applicable land use planning and assessment process required by the NPC and the NIRB, the NWB cannot issue a water licence.

On this basis, the NWB, while previously acknowledging the receipt of the application, waited for the Commission's determination and recommendations before proceeding to the next steps in the NWB's processing of the application. Please be advised that on September 4, 2015 the NWB received the required NIRB's determination in respect of the project proposal associated with the water licence application. NIRB Screening letter dated September 2, 2015 mentions that NPC completed their conformity determination on June 29, 2015

Now that the application has concluded the pre-licensing steps required under the NLCA, NuPPAA and the NWNSRTA, the NWB is now proceeding to the next steps in processing the application, including providing the attached Notice of Application which will be published in due course. In addition, to ensure this application is dealt with in a timely fashion, the NWB has forwarded notice of all documentation received by the NWB in respect of the application to regulators and Council of the Municipality(ies) most affected by the project. The NWB is also inviting interested parties to make representations about the application, including information requests, identifying issues of water user compensation and providing technical review comments directly to the NWB **within thirty (30) days from the date of this letter; on or before February 22, 2016.**

After the NWB receives and reviews the comments received, the Board may provide additional procedural instructions regarding the next steps in the Board's processing of the application. Please note that throughout the Board's consideration of the application, the NWB retains the right to request additional information and studies, as set out under ss. 48(1)-(3) of the NWNSRTA. If additional information will be requested, the NWB's technical staff will contact the applicant to discuss the Board's request in detail.

If the applicant or parties have any questions regarding this matter, please contact Cynthia Ene Cynthia.ene@nwb-oen.ca, the Technical Advisor for the file.

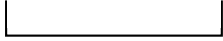
Sincerely,

Ida Porter

Licensing Administrative Assistant

Enclosure: Notice of Application

Cc: Distribution List – Qikiqtani



—
You received this message because you are subscribed to the Google Groups "Distro Qikiqtani" group.
To unsubscribe from this group and stop receiving emails from it, send an email to distro-qikiqtani+unsubscribe@nwb-oen.ca.