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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

**File No.:** 8AC-EUR----

**To:** Qikiqtani Distribution List

**Date:** September 25, 2023

**Subject:** Type “A” Water Licence No: 8AC-EUR----: Pre-Hearing Conference Decision Report regarding an Application for a Water Licence to replace Type “B” Water Licence No: 8BC-EUR2131

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This Pre-Hearing Conference Decision Report is issued in relation to an application filed by Environment and Climate Change Canada (ECCC, the Applicant or Licensee) seeking a Type “A” Water Licence to replace ECCC’s existing Type “B” Water Licence No: 8BC-EUR2131 (the Application). The Application requests the continued use of Water and deposit of Waste associated with the operation of the High Arctic Weather Station Project (HAWS), a federal weather and scientific station defined as an “Other Undertaking”.<sup>1</sup> The HAWS is located 425 km north-northwest of Grise Fiord within the Qikiqtani Region of Nunavut.

ECCC currently holds Type “B” Water Licence No: 8BC-EUR2131, but requires a Type “A” Water Licence due to the increase to the daily water withdrawal required by the Applicant for the duration of ten days in 2024 when the new reservoir at the HAWS is filled (Eureka HAWS reservoir), and the rate of water withdrawal will exceed the Type “B” threshold of 300 m<sup>3</sup> daily.

On September 22, 2023, by Panel Motion **#2023-08-A1-03**, the members of Panel A1(A1), duly appointed by the Nunavut Water Board (NWB or Board) to consider the Application, approved and directed the release of this Pre-Hearing Conference Decision Report (Report).

In addition, by Motion **#2023-08-A1-04** the Panel authorized the issuance of the procedural direction in this Report, including holding a written Public Hearing for the file. In choosing to conduct a **written** Public Hearing for the file, the A1 Panel acknowledged that the nearest civilian community is approximately 425 kilometres away from HAWS, and that there are significant

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<sup>1</sup> As set out in the *Nunavut Waters Regulation*, SOR/2013-69, Schedule 1, Item 8.



travel restrictions that limit the ability of the Board, Interveners and community members being able to travel to the site to conduct the Public Hearing. The Board also understands that the sole trigger for elevating the requirement for ECCC to seek a Type "A" Water Licence is the increased daily water use requirement in the short-term during the filling of the new Eureka HAWS Reservoir. Consequently, the Panel has decided that it is appropriate for the Board's consideration of the Application to involve the conduct of a focused, written Public Hearing. More specific details regarding the timelines and conduct of the written Public Hearing are outlined under the subheadings [Timetable for Pre-Hearing Exchange of Information](#) and [Procedures for the Public Hearing](#) of this Report. Formal Notice of the written Public Hearing will be published on **Friday, September 29, 2023**.

The NWB has tentatively set the date for the close of the written Public Hearing associated with the file to be sometime during **the week of November 27-December 1, 2023**. This date is contingent on the parties and public providing all written materials in accordance with the timelines set out in this Report. Parties should be aware that after the Notice of Public Hearing has been issued, the Board may have to modify the schedule for the Public Hearing if logistics dictate, if the documentation required to be supplied in advance of the close of the Public Hearing has not been provided, if public concerns with the Application are identified, etc.

In accordance with Rule 14 of the NWB *Rules of Practice and Procedure for Public Hearings* (the *Rules*), and the previous direction and delegation of authority from Panel A1 to the staff of the NWB, the NWB's staff held a technical meeting (TM) and a Pre-Hearing Conference (PHC) for the Application by video and audio conference during the day on September 6, 2023. The list of the parties in attendance are provided in this Report in [APPENDIX B: Attendees at TM/PHC](#).

On March 31, 2023, ECCC submitted the Application seeking to replace current Type "B" Licence No: 8BC-EUR2131 with a new Type "A" Water Licence for a term of 25 years.

The NWB distributed the Application for a completeness check on May 2, 2023. The Board received comments and information requests (IRs) from Crown-Indigenous Relations and Northern Affairs Canada (CIRNA) on May 15 and 16, 2023.

The Completeness Check stage for a Type "A" Application is meant to invite Interveners to go through the list of documents submitted with the Application to identify and request any additional or missing information that may support their technical review of the Application. Once responses are received from the Applicant to any IRs or information required to complete the Application, the Board considers all the information received and determines whether the Application is sufficiently complete to progress to the full Technical Review stage, where Interveners are invited to submit technical review comments regarding the Application.



In this case, following the Completeness Check, the NWB deemed the Application to be complete and provided public notice of the Application on June 6, 2023 and invited parties for a full technical review of the Application. This correspondence included tentative timelines for the Technical Meeting and Pre-Hearing Conference.

Following the submission of responses and clarifications submitted by Applicant, on July 20, 2023, the NWB provided correspondence confirming that the Application could proceed to the Technical Meeting (TM) and Pre-Hearing Conference (PHC) stage and advising that the TM and PHC were scheduled to take place on September 6 and 7, 2023, and would be conducted via Zoom, including both video and teleconference links.

Although it is the Board's practice to hold a community session for the community most affected by the Project, for which a water licence is sought, due to the remote location of the Project, this step was omitted.

Although the TM was scheduled for a full day, and the PHC was scheduled to be completed on the following day, the Board was able to complete the full Agenda for the TM in the early afternoon of September 6, and so, with the agreement of the participants, the Board conducted the PHC on the afternoon of September 6 (the Final Agendas for the meetings as conducted on September 6, 2023, are attached to this Decision in [APPENDIX A: TM/Community Session/PHC Agendas](#)).

Environment and Climate Change Canada (ECCC), Crown-Indigenous Relations and Northern Affairs (CIRNA), and the NWB staff participated via Zoom and teleconference links during the TM/PHC.

The individuals representing the NWB, the Applicant and the Interveners are listed in [APPENDIX B: Attendees at TM/Community Session/PHC](#). The commitments generated and reviewed by the parties during the TM/PHC are listed in [APPENDIX D: List of Commitments](#).

As set out in Rule 14.1 of the *Rules*, the PHC dealt with the following matters relevant to the Application:

- Timetable for the pre-Hearing exchange of information;
- Identification of interested parties;
- Submissions of interested parties;
- List of issues to be dealt with at the Public Hearing;
- Desirability of amending the Application for the purpose of clarification;
- Procedures for the Public Hearing; and
- Identification of any other matters that may assist in the simplification and disposition of the Application or the conduct of the Public Hearing.



Having considered the Application and supporting materials submitted by the Applicant as summarized in [APPENDIX C: List of Application Submissions](#), the technical review comments in respect of the Application received to date by the NWB, the discussions during the Technical Meeting, the questions, issues and comments identified by participants during the Pre-Hearing Conference, and the commitments of the Applicant as outlined in [APPENDIX D: List of Commitments](#), the Panel has concluded that the Application is ready to proceed to the Public Hearing stage of the Board's consideration of the Application. As noted above, the Panel has directed that the Public Hearing to consider the Application be conducted in writing, with the Public Hearing Record closing in the week of **November 27-December 1, 2023**, in accordance with the timelines and other procedural details provided in the text that follows.

### **Introduction and Registration**

The following participants registered in advance and attended the TM/PHC audio/video conference on September 6, 2023:

#### **Environment and Climate Change Canada (ECCC) representatives:**

- Jean-Philippe Cloutier-Dussault, Property Manager, Assets, Real Property and Security Directorate
- Simon Germain, Installation Management, Canadian Meteorological Centre
- Greg Mulholland, Project Manager
- Julie Walker, Environmental Specialist – Eureka HAWS Regulatory Project, Public Services and Procurement Canada (PSPC)
- Mark Mogan, Project Manager – Eureka HAWS Water & Sewer Project, Public Services and Procurement Canada
- Tyler Huguet (AECOM), Environmental Planner
- Nadia Baker (AECOM), Environmental Assessment and Permitting Specialist

#### **Crown Indigenous Relations and Northern Affairs (CIRNA) representatives:**

- Andrew Keim, Manager, Water Resources
- Joyce Demers, Industrial Coordinator

The listings of the parties participating in the TM/PHC audio/video conference on September 6, 2023 are attached as [APPENDIX B: Attendees at TM/Community Session/PHC](#) to this Report.



## 1.0 The Application before the Board

Environment and Climate Change Canada (the Applicant, Licensee or ECCC) operates the Eureka High Arctic Weather Station Project (HAWS), a federal weather and scientific station. The Project is located 425 km north-northwest of Grise Fiord within the Qikiqtani Region of Nunavut. ECCC currently holds Type “B” Water Licence No: 8BC-EUR2131.

Facilities and activities at Eureka include operation of a water reservoir, pump-house, water crossings, sewage lagoon, several landfills and a landfarm, power-house, fuel storage facility, electrical-plumbing-carpentry facilities shops, accommodations and other buildings, maintenance garage, warehouses, quarry operation, runway surface repair, dust suppression, incineration, construction and operation of a new water storage reservoir, a wastewater treatment plant, and a greywater exfiltration trench.

The Eureka HAWS water reservoir is also the source of water for the Department of National Defense (DND)’s Canadian Force Station (CFS) Eureka. Water from the Eureka HAWS reservoir is trucked to the DND CFS-Eureka station and discharged into a cistern system.

**Table 1: Water Use Authorized for all Purposes**

Source	Volume (m <sup>3</sup> /year)	Purpose
Station Creek	8,775	Domestic camp and other use
West Remus Creek	800	Dust suppression
Blacktop Creek	425	Dust suppression
<b>Annual Total</b>	<b>10,000 m<sup>3</sup></b>	
<b>Daily total</b>	<b>299 m<sup>3</sup></b>	

Waste facilities at Eureka include a sewage lagoon, at least four solid waste disposal sites (landfills/dumps), a landfarm, and a temporary contaminated soil storage area. The sewage lagoon at the Eureka HAWS is a single cell, engineered retention lagoon and is located to the south of the complex in the immediate vicinity of the Fjord. Construction of a new wastewater treatment plant is planned.

On June 13, 2022, the Board approved the amendment to Type “B” Water Licence 8BC-EUR2131, which included the construction of a new water storage reservoir. With the Application, the Licensee seeks to temporarily increase the water withdrawal rate from Station Creek from 8,775



m<sup>3</sup>/year to 2,000 m<sup>3</sup>/day for the duration of ten (10) days. Although the increase is temporary, the activity requires a Type “A” licence due to the withdrawal rate greater than 299 m<sup>3</sup>/day. In addition, ECCC requests extending the term of the licence to 25 years.

### **Application and Supporting Materials Submitted by the Applicant**

The Application as received on March 31, 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.

The documents filed by the Applicant in support of the Application are listed in detail in [APPENDIX C: List of Application Submissions](#).

The Applicant’s submissions in respect of the Application are available from the NWB’s public registry at the following link:

[ftp://ftp.nwb-oen.ca/registry/8 MISCELLANEOUS/8A/8AC - Camp/8AC-EUR----ECCC/1 APPLICATION](ftp://ftp.nwb-oen.ca/registry/8_MISCELLANEOUS/8A/8AC_-_Camp/8AC-EUR----ECCC/1_APPLICATION)

All documentation associated with the Application and received from the Applicant, the Board, intervening parties and the public is available from the NWB’s public registry at the following link:

<ftp://ftp.nwb-oen.ca/registry/8%20MISCELLANEOUS/8A/8AC%20-%20Camp/8AC-EUR----%20ECCC/2%20ADMIN>

### **Scope of the Current Application**

The Application before the NWB is for a Type “A” Water Licence to replace the existing Type “B” Water Licence No. 8BC-EUR2131. The general scope of the Application includes the following:

- Replacement of the Type “B” Water Licence No: 8BC-EUR2131 with a new Type “A” Water Licence for a twenty-five (25) year term to allow for the continued use of Water and deposit of Waste associated with an Undertaking classified as “Other” and
- Increase the water withdrawal rate from Station Creek from 8,775 cubic metres annually to 2,000 cubic metres per day.



## **2.0 Procedural History**

### **Licences Issued to the Project**

Reflecting the NWB's jurisdiction for licensing undertakings resulting in the use of water and deposit of waste as established under Article 13 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA or Act*), the NWB has issued five Licences for this undertaking to date.

1. Licence No: NWB4EUR9904
  - Issued April 1, 1999 and expired on April 1, 2004.
2. Licence No: 3BC-EUR0611
  - Issued February 6, 2006 and expired on January 30, 2011.
  - Allowed for the use of 10,000 cubic metres of water annually and the deposit of waste in support of a Municipal Undertaking.
3. Licence No: 3BC-EUR1116
  - Issued June 7, 2011 and expired on June 7, 2016.
  - Allowed for the use of 10,000 cubic metres of water annually and the deposit of waste in support of a Municipal Undertaking
4. Licence No: 8BC-EUR1621
  - Issued August 11, 2016 and expired on August 10, 2021.
  - Allowed for the use of 10,000 cubic metres of water annually and the deposit of waste in support of 8. Other Undertaking.
  - Amendment No. 1 issued on July 18, 2018 with an additional scope of facility upgrades, development of a new borrow pit, construction of culverts, use of water for dust suppression, and fuel storage.
5. Licence No: 8BC-EUR2131
  - Issued July 22, 2021 and expired on July 21, 2031.
  - Allowed for the use of 10,000 cubic metres of water annually and the deposit of waste in support of 8. Other Undertaking.
  - Amendment No. 1 issued on June 13, 2022 authorizing the Licensee to construct and operate a new water storage reservoir, a wastewater treatment plant, and a greywater exfiltration trench.





## Pre-Licensing Requirements

### *The Nunavut Planning Commission (NPC)*

On December 16, 2022, the Nunavut Planning Commission (NPC) issued its conformity determination<sup>2</sup> 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; and
- the project proposal requires screening and was referred to the Nunavut Impact Review Board (NIRB) under Article 12, Section 12.4.3 of the *Nunavut Agreement* as amended because it is for a component or activity that was not part of the original or previously amended proposal, and its inclusion is a significant modification of the proposal as previously assessed.

On March 14, 2023, the NIRB issued its Screening Decision Report for the Application,<sup>3</sup> stating that provided that the Proponent complies with the terms and conditions set out in the NIRB's Screening, the NIRB was of the view that the Application is not likely to cause significant public concerns, and it is unlikely to result in significant adverse environmental and social impacts. Consequently, the NIRB determined that further assessment via a review of the Application was not required in accordance with s. 92(1)(a) of *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*),

On this basis, the NWB concluded that the applicable pre-licensing conformity and impact assessment requirements for the Application under Articles 11 and 12 of the *Nunavut Agreement*, Part 3 of the *NuPPAA* and ss. 38 and 39 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA*) have been met, and the Application can now be processed by the NWB.

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<sup>2</sup> Correspondence dated December 16, 2022 from G. Djalogue, Nunavut Planning Commission to R. Dwyer, NWB (and others) Re: NPC File # 149859 [Landfarm, solid Waste Non-Hazardous Facility, Water and Sewage Treatment Infrastructure Upgrades, Temporary Camp and Amendment of Water Licence, for the Eureka High Arctic Weather Station].

<sup>3</sup> NIRB Screening Decision Report, NIRB FILE No.: 23WA065, March 14, 2023, available from the NIRB's on-line registry via the project dashboard: <https://www.nirb.ca/project/125746> NIRB Doc ID: 343254.





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. 52 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (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).

### **Procedural History – Environment and Climate Change Canada's Type "A" Water Licence Application**

The following section includes a brief overview of the procedural history for the Application. It should be noted that the following listing captures only the major procedural steps associated with the Application. All documentation and the complete record of the NWB's processing of the file are available from the NWB's ftp site at the links provided in Section 1.0 of this Report.

#### **March 31, 2023**

The NWB received from ECCC an application for amendment to Type "A" Water Licence.

#### **May 2, 2023**

The NWB publicly distributed the Application for a completeness check by interveners.

#### **May 15 and 16, 2023**

The NWB received comments on completeness from CIRNA.

#### **June 6, 2023**

The NWB publicly distributed the water licence application for a full technical review.

#### **June 30, 2023**

The NWB received technical review comments on the water licence application from CIRNA.

#### **July 18, 2023**

The NWB received ECCC's responses to the technical review comments.

#### **July 20, 2023**

The NWB distributed correspondence regarding the status of the Amendment Application and included the draft agendas for the technical meeting and pre-hearing conference scheduled for the file.

#### **August 23 and 24, 2023**

NWB received confirmation of participation and presentation documents from the Applicant's Representatives and CIRNA.



**August 30, 2023**

The NWB distributed the final agenda for the technical meeting and pre-hearing conference scheduled for the file.

**September 6, 2023**

The NWB hosted the Technical Meeting (TM) and Pre-Hearing Conference (PHC) via Zoom and teleconference link.

**3.0 Technical Review Comments Received by the Board**

Prior to the TM/PHC, an opportunity for comment on the Application was provided to Interveners and members of the public. The Board's request for comments invited parties to consider whether the Application was complete and to identify any outstanding issues that would prevent the Board from continuing to process the Application, including any additional information required to complete the Application. The parties filed substantive technical review comments on or before July 5, 2023. The sections that follow outline the comments provided during these review periods, and also reflect comments provided to the Board's staff during the TM/PHC.

**Environment and Climate Change Canada**

As noted above, on March 31, 2023, ECCC submitted the Application seeking to replace current Type "B" Licence No: 8BC-EUR2131 with a new Type "A" Water Licence. The Applicant requested a term of 25 years and requested increasing the daily water use from Station Creek to 2,000 m<sup>3</sup>.

Following the Completeness Check, on May 2, 2023, the NWB received an Information Request (IR) from Crown-Indigenous Relations and Northern Affairs (CIRNA). In addition, the Intervener noted that it viewed the Application as complete.

The detailed technical review of the Application commenced on June 6, 2023, following which the NWB received review comments from CIRNA. The Applicant provided a response to Interveners' comments on July 18, 2023.

During the Technical Meeting (TM), ECCC was able to provide responses to most of the comments and IRs received from the Interveners, including the following:

- The description of water withdrawal process from Station Creek and measures to minimize the risk of erosion of the banks and stream bed;
- The implications on the Quality Control/Quality Assurance (QA/QC) program in cases where it is impossible to conduct Effluent testing within 24 hours of sample collection; and
- Clarification on the requested term of the licence.



The Applicant reaffirmed their commitment to provide the NWB and CIRNA with the specified information summarized in [APPENDIX D: List of Commitments](#).

### **Crown Indigenous Relations and Northern Affairs (CIRNA)**

CIRNA administers Crown land and resources and enforces regulatory permits affecting land and water resources in Nunavut, including enforcing the provisions of water licences issued by the NWB under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA) and *Nunavut Waters Regulations*, SOR/2013-69.

Reflecting CIRNA's responsibilities and jurisdiction, the following key issues were highlighted in CIRNA's initial comment submissions on the completeness of the Application, their technical review comment submissions and were discussed during the Technical Meeting (TM).

CIRNA provided the following technical review comments (June 30, 2023):

- A concern exists about water intake from Station Creek and discharge into the water storage reservoir causing the erosion of the stream bed and banks. Therefore, information on mitigation measures is required to be presented by the Applicant;
- Recommending a revision to the QA/QC plan with the implications of not testing collected samples within the prescribed 24-hour limit; and
- Requesting a clarification on the licence term sought by the Applicant.

### **4.0 Technical Meeting (TM)**

The TM for the Application was held via Zoom and teleconference link from 8:00 a.m. to 3:00 pm CT on September 6, 2023. As is the Board's practice, the TM was an informal meeting and was chaired by Richard Dwyer, the Board's Manager of Licensing. The meeting was attended by:

- the NWB's staff and legal counsel;
- the Applicant; and
- the Intervener, CIRNA.

In keeping with the Board's normal practice, the Panel Members of the Board (Panel Type A, A1), the decision-makers for the Application, were not present at the TM or the subsequent Pre-hearing Conference (PHC), having delegated the conduct of these meetings to the Board's staff. The TM included the following:

- Discussion of the technical issues identified by the Intervener and the NWB staff during their technical review of the Application;



- Examination of technical data, comment submissions and other materials submitted as part of the Application;
- Discussion, and where possible, resolution of technical matters or issues raised by Interveners and the Applicant, particularly those matters that could affect the Board's determination on any Pre-Hearing Conference (PHC) issues, prior to holding the PHC;
- Providing an opportunity for ECCC and participants to identify and confirm for the Board the issues and concerns that have been resolved and to discuss any unresolved or ongoing issues related to the Application;
- Identification of opportunities for streamlining the issues and process so as to eliminate existing or potential duplication or delay in the NWB's processing of the Application going forward; and
- Documenting any commitments made by the various parties during the Technical Meeting, with the aim of carrying over the commitments to the PHC and Public Hearing stages of the NWB's consideration of the Application.

The TM participants were advised that, upon completion of the TM, the Board expected any outstanding issues in respect of the Application to be resolved, or if not resolved, that some form of agreement, including commitments by the parties, would be provided by the parties to enable the Application to proceed to the next step of the licensing process, the Public Hearing, notwithstanding any unresolved issues.

At the TM, the following general topics were discussed:

- The description of water withdrawal process from Station Creek and measures to minimize the risk of erosion of the banks and stream bed;
- The implications on the Quality Control/Quality Assurance (QA/QC) program in cases where it is impossible to conduct Effluent testing within 24 hours of sample collection; and
- Clarification on the requested term of the licence.

Following these discussions, the NWB circulated to all meeting participants, an electronic copy of the draft list of issues in respect of the Application that the NWB expects to be discussed at the Public Hearing for the file, as well as a draft of the list of all commitments made by the parties during the TM.

## **5.0 Pre-Hearing Conference (PHC)**

The parties confirmed in the TM that there were no outstanding issues that would prevent the Application from being considered by the Board in a Public Hearing, and the full TM Agenda,



which was scheduled for the entire day on September 6, was completed by the early afternoon of September 6. Accordingly, with the agreement of the participants, the Board proceeded to complete the PHC portion of the Agenda in the afternoon of September 6, 2023 via Zoom and teleconference links.

The PHC was chaired by the Board's Manager of Licensing, Richard Dwyer, with the same parties in attendance as the TM. The purpose of the PHC was to discuss the various matters as set out in Rule 14 of the NWB's *Rules* in preparation for the Public Hearing. Specifically, Rule 14 directs that the PHC address the following items:

- To set a timetable for the pre-Hearing exchange of information;
- To finalize the list of issues to be dealt with at the Public Hearing;
- To identify interested parties;
- To consider the desirability of amending the Application for the purposes of clarification;
- To finalize procedures to be followed in the Public Hearing; and
- To consider any other matters that may assist in the simplification and disposition of the Application or the conduct of the Public Hearing.

The PHC commenced with the review and refinement of both the list of issues and the list of commitments generated during the TM, in order to reflect the clarifications and subsequent agreement of the parties. The wording in [APPENDIX D: List of Commitments](#) of this Report reflects these discussions. For the convenience of the parties, where commitments made by the Applicant will result in the submission of additional or updated documentation, the Board has included a description of the timelines for submission of this information and the form of submission expected by the parties.

Similarly, the list of issues (discussed in more detail under the subheading [List of Issues](#) below) was also reviewed and revised during the PHC to reflect the discussions of participants during the TM.

### **Timetable for Pre-Hearing Exchange of Information**

It was noted at the beginning of this discussion that, regardless of the format of the Public Hearing for the file, as required by s. 55(2) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA*), the NWB must give the public and parties a minimum of sixty (60) days notice in advance of a Public Hearing.



The Applicant, and CIRNA were polled regarding any outstanding information requirements that must be supplied in advance of a Public Hearing and indicated, that so long as the additional information outlined in [APPENDIX D: List of Commitments](#) is provided in accordance with the timelines specified in the list, the preparation and submission of additional information should not delay the potential Public Hearing for the Application.

As the PHC participants did not identify any issues that would prevent the Board from proceeding to a Public Hearing for the Application, the Board's legal counsel outlined the following proposed timetable for the pre-Hearing exchange of information set out below. The Applicant and all participants were reminded, however, that the Board reserves the right to revisit the timing proposed if:

- parties are unable to meet the deadlines in their commitments;
- if the Board receives subsequent, reasonable requests from the parties for adjournments in response to additional information received; or
- as may subsequently be considered necessary by the Board.

In establishing the following schedule, the Board considered the views of the parties, the Board's current commitments and travel and other logistical constraints associated with conducting an in-person Public Hearing for the file. On this basis, Panel A1 (A1) has decided that the most feasible timing to conduct the written Public Hearing would result in the Public Hearing Record being closed for the file sometime in the week of November 27-December 1, 2023. Unless modified as noted above, the Board requires the participants to observe the following timetable:

- **On or before Friday, September 29, 2023** the NWB will issue the Pre-Hearing Conference Decision Report and Notice of the Public Hearing;
- **On or before Monday, October 16, 2023**, any party requesting French translation of the Executive Summary materials, final written submissions of parties, and/or reply submissions must make such requests to the Board in writing;
- **On or before Thursday, October 26, 2023**, the Interveners, members of the public or other interested parties must file with the Board any final written comment submissions about the Application and/or presentation materials they wish the Panel to consider in their decision-making for the Application;
- **On or before Wednesday, November 29, 2023**, the Applicant must file their reply to the final written submissions provided by Interveners and interested members of the public and the Applicant's final statements and/or presentation materials they wish the Panel to consider in their decision-making for the Application; and
- **In the week of November 27-December 1, 2023** if the Board decides all relevant information has been received, the NWB provides notice of closing the Public Hearing Record for the file and remits the matter to the Panel for decision-making.



NOTE: If the Interveners and/or the Applicant file additional written submissions, final statements and/or presentation materials as outlined above, they are also required to provide **an Executive Summary of their written submissions in both English and Inuktitut and fully translated copies of their presentation materials or final summaries in English and Inuktitut at the same time** as they file the full submission. All submissions will be posted on the NWB's ftp-site (<ftp://ftp.nwb-oen.ca/>) and in the public registry upon receipt.

### **Identification of Interested Parties**

During the PHC, the following parties confirmed their participation in the Board's consideration of the file:

- Environment and Climate Change Canada (ECCC)
- Crown-Indigenous Relations and Northern Affairs (CIRNA)

When asked at the PHC, these parties expressed the view that no additional interested parties would need to participate in the Public Hearing.

### **Provision of Final Written Submissions from Interested Parties**

Any additional information that the Applicant, Intervener or interested parties may wish the Board to consider during their review of the Application must be filed with the Board in advance of the Board closing the Public Hearing Record, and in accordance with the timelines outlined above under the heading [Timetable for Pre-Hearing Exchange of Information](#).

### **List of Issues**

The intervening parties in attendance at the TM/PHC confirmed that none of the issues for discussion associated with the Application and the related information requirements should prevent the Board from proceeding with the Public Hearing.

As noted above, as part of the recap of the TM, the parties reviewed the following list of issues that are expected to be address during the Public Hearing and agreed that, subject to adding issues following the review of information that may be exchanged in advance of the Public Hearing, the following topics should be addressed in the written Public Hearing:

- Scope of the Type "A" Water Licence
  - Increased water use from 8,775 m<sup>3</sup> annually to 2,000 m<sup>3</sup> daily for the duration of ten days in order to fill the new water reservoir (this increased water use during filling the new water reservoir triggers the requirement for a Type "A" Water Licence as the water use exceeds the daily 300 m<sup>3</sup> withdrawal limit under Type "B"





Water Licences under the *Nunavut Waters Regulations*, but following the one-time filling of the new reservoir in 2024, the daily withdrawal will return to less than 299 m<sup>3</sup>/day)

- Term of the Licence (25 years requested but may be revisited by the Applicant)
- Water Use
  - Increases to authorized water use volumes for withdrawals from water sources other than Station Creek (e.g., West Remus Creek) over the term of the new Type "A" Water Licence
- Mitigation Measures during one-time Withdrawal
  - Station Creek is not a fish-bearing stream, but discussion of various precautionary mitigation measures that will be implemented by the Applicant when filling the reservoir to protect fish, to protect the stream bed and banks from erosion, and to protect the liner and the reservoir from erosion and washouts.
- Monitoring and Reporting
  - Daily water use reporting
- Quality Assurance and Quality Control (QA/QC) Program
  - Clarification of requirements for requirements and contingencies when testing of samples cannot be carried out within 24 hours

### **Changes to the Application for the Purposes of Clarification**

During discussions during the PHC, the Applicant noted that once the water use needs at the HAWS have returned to less than 300 m<sup>3</sup> per day, and a Type "A" Water Licence is no longer required, that ECCC may consider applying to return to being regulated by a Type "B" Water Licence. Consequently, the Applicant may consider a reduction to the term of the new Type "A" Water Licence recognizing the Applicant's plans are to return to a type "B" Water Licence once the Eureka HAWS reservoir has been successfully filled.

### **Procedures for the Public Hearing**

Parties were asked for their views with respect to the form of the Public Hearing (written, teleconference or in-person). The Applicant stated that they favoured that the Public Hearing be conducted in writing only. CIRNA indicated that the decision with respect to the format of the Public Hearing remains with the NWB, but that they had no objection to the Board conducting a written Public Hearing for the file.



In determining the format of the Public Hearing, the Board acknowledges that the nearest civilian community, Grise Fiord is more than 400 kilometres away from the HAWS, and is unlikely to be affected by the water use and waste deposit requested in the Application. In addition, there are significant restrictions on travel to the HAWS that would limit the ability of the Board, Intervener and any interested members of the public from Grise Fiord to travel to the facility to undertake an in-person proceeding. On this basis, the NWB decision-making Panel for the file (Panel A1) has determined that it is most appropriate for the Board to conduct the Public Hearing in writing to support decision-making for the file.

Accordingly, by Motion #2023-08-A1-04, the Panel has directed that the Public Hearing should be held in writing, with the Public Hearing Record expected to close in the week of November 27-December 1, 2023.

All parties should be advised, however, that this procedural direction, including the proposed timing and format of the Public Hearing may be modified by the Board in future as may be required to reflect changed circumstances such as the failure of any participants to meet the timelines for the pre-Hearing exchange of documentation, or other interruptions to the Board's normal processes.

The parties have confirmed that they do not anticipate that they will require the Board to deviate from the Board's normal *Rules of Practice and Procedure* (May 2005) (*Rules*) during the conduct of the Public Hearing.

### **Measures to Simplify the Disposition of the Application**

No measures to simplify the disposition of the Application were identified at the PHC.

### **Steps following the Public Hearing**

Following the completion of written Public Hearing and the closure the Public Hearing Record as described above, the Application would be remitted to Panel A1 (A1) for decision-making. When the Panel has reached a decision, which is typically within thirty (30) to forty-five (45) days of the close of the Public Hearing Record, the Board will issue its Record of Proceedings and Decision to the Minister of Northern Affairs. If the Panel recommends that the new Type "A" Water Licence as requested in the Application be granted, a draft of the new Type "A" Water Licence would also be attached to the NWB's Decision for the Minister's consideration.

If you require additional information regarding this Application, the Board's specific direction or the Board's processes in general, please do not hesitate to contact the Board's Director of Technical



8AC-EUR---- Type "A" Water Licence Application  
Pre-Hearing Conference Decision

Services, Karén Kharatyan, [karén.kharatyan@nwb-oen.ca](mailto:karén.kharatyan@nwb-oen.ca) or the Board's Manager of Licensing, Richard Dwyer, at [richard.dwyer@nwb-oen.ca](mailto:richard.dwyer@nwb-oen.ca) for any other matters related to the Application.

Regards,

**NUNAVUT WATER BOARD**

Stephanie Autut  
Executive Director

SA/ak/rh

Attachments:

- Appendix A: Technical Meeting, Community Session and Pre-Hearing Conference Agendas
- Appendix B: List of Participants at the Technical Meeting and Pre-Hearing Conference
- Appendix C: List of the Application Submissions
- Appendix D: List of Commitments generated during the Technical Meeting/Pre-Hearing Conference held on September 6, 2023



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NUNAVUT WATER BOARD  
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OFFICE DES EAUX DU NUNAVUT

## **APPENDIX A: TM/PHC Agenda**

### **AGENDA**

#### **TECHNICAL MEETING AND PRE-HEARING CONFERENCE— EUREKA HIGH ARCTIC WEATHER STATION PROJECT**

**APPLICATION FOR AMENDMENT TO WATER LICENCE NO: 8BC-EUR2131**

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#### **TECHNICAL MEETING**

**Date: September 6, 2023**

**Time: 9:00AM – 4:00PM (CT)**

#### **Teleconference Call-In Information:**

<https://us06web.zoom.us/j/82903516735?pwd=ajNEaWFGRHpGOWdjcnY1UlplLy9rZz09>

Meeting ID: 829 0351 6735

Passcode: 052200

One tap mobile

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+16475580588,,82903516735#,,,,\*052200# Canada

Dial by your location

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+1 778 907 2071 Canada

+1 780 666 0144 Canada

+1 204 272 7920 Canada

+1 438 809 7799 Canada

+1 587 328 1099 Canada

855 703 8985 Canada Toll-free



8AC-EUR---- Type "A" Water Licence Application  
Pre-Hearing Conference Decision

Meeting ID: 829 0351 6735

Passcode: 052200

1. Introduction and registration.
2. Application to the Board, NWB Opening Remarks (15 minutes).
3. Purpose of the Technical Meeting.
4. Technical Review of the Application:
  - a) Presentation by Applicant (30-45 minutes);
  - b) Identification of Intervening Parties;
  - c) Presentations by Intervening Parties (30 minutes per party);
  - d) Discussion of Commitments to address Technical Issues; and
  - e) Formulation of Outstanding Issues.

Health Breaks – 15-20 minutes.



**TECHNICAL MEETING AND PRE-HEARING  
CONFERENCE— EUREKA HIGH ARCTIC WEATHER  
STATION PROJECT**

**APPLICATION FOR AMENDMENT TO WATER LICENCE NO: 8BC-EUR2131**

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**PRE-HEARING CONFERENCE**

**Date: September 7, 2023**

**Time: 9:00 AM (CT)**

**Teleconference Call-In Information:**

<https://us06web.zoom.us/j/82670280698?pwd=elNobFB2QzZmRi9oNmtXako5VnNjdz09>

Meeting ID: 826 7028 0698

Passcode: 446357

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+1 647 558 0588 Canada

+1 778 907 2071 Canada

+1 780 666 0144 Canada

+1 204 272 7920 Canada

+1 438 809 7799 Canada

855 703 8985 Canada Toll-free

Meeting ID: 826 7028 0698

Passcode: 446357

1. Identify issues preventing Application from proceeding to a Public Hearing.
2. Discuss form, timing and location for any potential Public Hearing.
3. Establish timetable for the pre-hearing exchange of information, including:



- a. preparation and service of documents to parties (deadlines, form, public registry);
  - b. document translation requirements; and
  - c. documentation to be included in the hearing record.
4. Finalize the list of issues to be dealt with at the Public Hearing.
5. Identify interested parties.
6. Identify any changes to Application for the purposes of clarification.
7. Final procedures to be followed at the Public Hearing, including:
  - a. requested modifications to the applicable NWB *Rules of Practice and Procedure for Public Hearing* (May 2005); and
  - b. language requirements at the Public Hearing.
8. Consider any other matters that may aid in the simplification and disposition of the Application at the Public Hearing.
9. Other Issues.
10. Closing of the Meeting.





**APPENDIX B: Attendees at TM/PHC**

<b>Participant</b>	<b>Position</b>	<b>Company/ Organization</b>	<b>Representing</b>
Jean-Philippe Cloutier-Dussault	Property Manager, Assets, Real Property and Security Directorate	ECCC	ECCC
Greg Mulholland	Project Manager	ECCC	ECCC
Simon Germain	Installation Management, Canadian Meteorological Centre	ECCC	ECCC
Julie Walker	Environmental Specialist – Eureka HAWS Regulatory Project	PSPC	ECCC
Mark Mogan	Project Manager – Eureka HAWS Water & Sewer Project	PSPC	ECCC
Tyler Huguet	Environmental Planner	AECOM	ECCC
Nadia Baker	Environmental Assessment and Permitting Specialist	AECOM	ECCC
Andrew Keim	Manager of Water Resources	CIRNA	CIRNA
Joyce Demers	Industrial Coordinator	CIRNA	CIRNA
Richard Dwyer	Manager of Licensing	NWB	NWB
Assol Kubeisinova	Technical Advisor	NWB	NWB
Robert Hunter	Licensing Administrator	NWB	NWB
Nidhi Singh	Technical Advisor	NWB	NWB
Amos Kamookak	Assistant Technical Advisor	NWB	NWB
Teresa Meadows	Legal Counsel	Meadows Law	NWB



## **APPENDIX C: List of Application Submissions**

### **March 31, 2023 submissions**

- 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.
- Updated Remedial Action Plan

### **April 14, 2023 submissions**

- Environment Climate Change Canada Response to Nunavut Water Board review.

### **May 17, 2023 submissions**

- Environment Climate Change Canada Response to Nunavut Water Board.
- Environment Climate Change Canada Letter to Nunavut Water Board.

### **June 8, 2023 submissions**

- Quality Assurance (QA) and Quality Control (QC) Program.
- Quality Assurance (QA) and Quality Control (QC) review letter
- Eureka Sampling Procedure Standard Operating Procedure Water and Sewage Sampling.
- 2023 Eureka Water Licence Pumping Data – Sewage.
- Certificate of Accreditation. Taiga Environmental Laboratory

### **June 12, 2023 submission**

- Water Licence 8BC-EUR2131; Request to amend Part D, Item 16

### **July 18, 2023 submissions**

- Environment Climate Change Canada Response to Crown Indigenous Relations Northern Affairs Canada comments.

### **August 23, 2023 submissions**

- Environment Climate Change Canada List of Attendees
- Environment Climate Change Canada Re - List of Attendees
- Environment Climate Change Canada Re - List of Attendees
- Environment Climate Change Canada Presentation - English
- Environment Climate Change Canada Presentation – French
- Environment Climate Change Canada Presentation - Inuktitut



**APPENDIX D: List of Commitments generated during the Technical Meeting/Pre-Hearing Conference held September 6, 2023**

<b>No.</b>	<b>Party Responsible for Commitment</b>	<b>Party(s) who raised (Item #)</b>	<b>Issue - TM Commitment</b>	<b>Timeline for Submission</b>
1	ECCC	NWB raised during the Technical Meeting discussion	The Applicant commits to addressing the issue of water withdrawal from West Remus Creek in excess of that permitted under current Water Licence No: 8BC-EUR2131 by providing a justification for such exceedance and whether an increase in the permitted water withdrawal is being sought as part of this Application. If so, the Licensee will provide hydrological information for the water body, from which increased water withdrawal is required.	September 27, 2023
2	ECCC	NWB raised during the Technical Meeting discussion	The Applicant commits to reporting daily water withdrawals in future annual reports.	Subsequent annual reports
3	ECCC	CIRNA Technical Comment #1	The Applicant commits to providing the information on the design of: <ul style="list-style-type: none"> <li>a) water intake from Station Creek and its elevation relative to the stream bed;</li> <li>b) water discharge into the water reservoir and the mitigation measures to avoid washouts and damage to the liner system; and</li> </ul>	September 27, 2023

No.	Party Responsible for Commitment	Party(s) who raised (Item #)	Issue - TM Commitment	Timeline for Submission
			c) protection of stream beds and banks from erosion.	