



**NUNAVUT WATER BOARD**  
**WATER LICENCE NO: 8AC-EUR2331**  
**REASONS FOR DECISION**  
**INCLUDING RECORD OF PROCEEDINGS**

# NUNAVUT WATER BOARD

In the Matter of:

Applicant: Environment and Climate Change Canada  
(ECCC)

Subject: Application to Replace Type “B” Water Licence  
No: 8BC-EUR2131 with a new Type “A” Water  
Licence

Date: December 19, 2023

Precedence: Where there is any inconsistency or conflict between *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 (NWNSRTA)*, the *Nunavut Agreement* prevails to the extent of the inconsistency or conflict. Where there is any inconsistency or conflict between the *NWNSRTA* and any other act of Parliament, except the *Nunavut Land Claims Agreement Act*, the *NWNSRTA* prevails to the extent of the inconsistency or conflict.

## **RECORD OF PROCEEDINGS**

Applicant: Environment and Climate Change Canada  
(ECCC)

Address: 2121 Trans Canada Hwy  
Dorval, QC  
H9P 1J3

Purpose: Application for a Type “A” Water Licence No:  
8AC-EUR2331 to replace Type “B” Water  
Licence No: 8BC-EUR2131

Application for  
Type “A” WL  
Received on: March 31, 2023

Application  
Received from: Environment and Climate Change Canada

Public Hearing  
Record Closed: December 4, 2023

## Participants in the Board's processing of the Application:

### NWB

#### Representatives:

Nunavut Water Board Panel Members (Panel A1):	Chairman	L. Toomasie
	Member	A. Ningark
	Member	U. Puqignak
Nunavut Water Board Staff:	Executive Director	S. Autut
	Director of Technical Services	K. Kharatyan
	Licensing Manager	R. Dwyer
	Technical Advisor	A. Kubeisinova
	Technical Advisor	N. Singh
	Director of Board Administration and Communication/Translator	B. Kogvik
	Licensing Administrator	R. Hunter
	Legal Counsel (Meadows Law)	T. Meadows

#### Applicant:

Environment and Climate Change Canada	Property Manager, Assets, Real Property and Security Directorate	J.-P. Cloutier-Dussault
	Project Manager	G. Mulholland
	Installation Management, Canadian Meteorological Centre	S. Germain
Public Services and Procurement Canada	Environmental Specialist – Eureka HAWS Regulatory Project	J. Walker
	Project Manager – Eureka HAWS Water & Sewer Project	M. Mogan
AECOM	Environmental Planner	T. Huguet
	Environmental Assessment and Permitting Specialist	N. Baker

**Parties:**

(The following parties participated in the Technical Meeting and Pre-Hearing Conference for the Application via teleconference and provided Final Written Submissions associated with the written Public Hearing):

Crown-Indigenous Relations and Northern Affairs (CIRNA)	Manager, Water Resources Industrial Coordinator	A. Keim J. Demers
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Written Record of Submissions: Available from the Board's public registry using the following link:

<ftp://ftp.nwb-oen.ca/registry/8%20MISCELLANEOUS/8A/8AC%20-%20Camp/8AC-EUR2331%20ECCC>

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## **ABBREVIATIONS**

CIRNA	Crown-Indigenous Relations and Northern Affairs (formerly Indian and Northern Affairs Canada (INAC) and Aboriginal Affairs and Northern Development Canada (AANDC))
ECCC	Environment and Climate Change Canada (formerly Environment Canada)
DFO	Department of Fisheries and Oceans
NIRB	Nunavut Impact Review Board
<i>Nunavut Agreement</i>	<i>Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada</i>
NPC	Nunavut Planning Commission
<i>NuPPAA</i>	<i>Nunavut Planning and Project Assessment Act</i> , S.C. 2013, c. 14, s. 2
<i>NWNSRTA</i>	<i>Nunavut Waters and Nunavut Surface Rights Tribunal Act</i> , S.C. 2002, c. 10
NWB	Nunavut Water Board
PHC	Pre-Hearing Conference
PH	Public Hearing
PSPC	Public Services and Procurement Canada
TM	Technical Meeting



## **REASONS FOR DECISION**

### **Executive Summary**

This decision is in relation to an application before the Nunavut Water Board (NWB or Board), filed by Environment and Climate Change Canada (ECCC, Applicant or Licensee) requesting the replacement of Type “B” Water Licence No: 8BC-EUR2131 (the Existing Licence) with a new Type “A” Water Licence No: 8AC-EUR2331 (the Licence), to authorize the continued use of water and deposit of waste associated with the Applicant’s operation of the Eureka High Arctic Weather Station Project (HAWS) (the Application). Under the applicable provisions of the *Nunavut Waters Regulations*,<sup>1</sup> this undertaking is classified as “8. Other Undertaking”.

ECCC has operated the HAWS since 1947 and the HAWS collects weather information that is used to produce public weather forecasts. 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 for the undertaking, but requires a Type “A” Water Licence due to the increase to the daily water withdrawal required by the Applicant for the duration of approximately 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.<sup>2</sup>

Facilities and activities at the HAWS 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 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 under Existing Licence**

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>	

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<sup>1</sup> Schedule 1, *Nunavut Waters Regulations*, SOR/2013-69 (NWR or *Regulations*)

<sup>2</sup> NWR, Schedule 1, Item 8.

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.

On March 31, 2023, ECCC submitted the Application to the Board. 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 approximately ten (10) days in order to fill the new water storage reservoir during open-water season. Although the increase is temporary, the activity requires a Type “A” licence because the daily withdrawal rate when the reservoir is being filled will exceed the existing Type “B” licence limit of 299 m<sup>3</sup>/day. In addition, ECCC requested extending the term of the licence to 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. On June 6, 2023, the NWB deemed the Application to be complete, provided the Public Notice of the Application and commenced the technical review of the Application.

Following the submission of responses and clarifications submitted by Applicant, on July 20, 2023, the Board provided correspondence confirming that the Application could proceed to the Technical Meeting (TM) and Pre-Hearing Conference (PHC) stage. Although it is the Board’s practice to hold proceedings such as the TM, Community Session, PHC and/or Public Hearing (PH) in the Nunavut community most affected by the undertaking, due to the remote location of the HAWS, the considerable distance (425 km) from the nearest civilian community of Grise Fiord and the significant travel restrictions associated with travel to the HAWS, the Board’s proceedings for the Application were conducted in writing and via remote access.

On September 6, 2023, the Board conducted the TM/PHC via Zoom and teleconference, and ECCC Crown-Indigenous Relations and Northern Affairs (CIRNA) and the NWB’s staff participated. No members of the public advised the Board of their interest in participating in these proceedings and no members of the public called in or connected on-line to the proceedings.

As indicated in the NWB’s Pre-Hearing Conference Decision dated September 25, 2023, following the TM/PHC the Board determined that for the reasons noted above, it was appropriate for the Board to conduct the Public Hearing in respect of the Application in writing. Having received Final Written Submissions from ECCC and CIRNA, the Board closed the Public Hearing Record for the Application on December 4, 2023 and remitted the file to the NWB’s duly appointed decision-making Panel for their consideration.

On the basis of the information provided with the Application by ECCC, technical review of the Application by the Board, Interveners and the public, the Applicant's commitments and responses to information requests from the parties during the technical review of the Application, comment submissions received throughout the Board's consideration of the Application, and the information provided during the written Public Hearing, the three-member Panel of the Board, Panel (A1), duly appointed by the Board to consider the Application, has by way of Motion No: **2023-12-A1-05** decided the following:

- To grant the Applicant's request to replace Water Licence No: 8BC-EUR2131 (the Existing Licence) with the attached Type "A" Water Licence No: 8AC-EUR2331 (the Licence); in accordance with the terms and conditions included in the Licence and as outlined in [SECTION VII: WATER LICENCE: TERMS AND CONDITIONS](#)
- Specific terms and conditions of note in the Licence include the following:
  - The term of the Licence is 8 years, with the Licence set to expire in 2031<sup>3</sup> and
  - The Licence authorizes daily water use of up to 2,000 cubic metres (m<sup>3</sup>) from Station Creek constituting an increase from 8,775 m<sup>3</sup> annually. The authorized water use from West Remus and Blacktop Creeks remains the same at 800 m<sup>3</sup> and 425 m<sup>3</sup> annually, respectively.

## **SECTION I: FILE BACKGROUND AND REGULATORY HISTORY**

### **Current Application**

All documents filed in association with the Application, as well as all documents provided by the Applicant in support of the Application are listed in detail in [APPENDIX B - List of Submissions and Correspondence](#) that is attached to these Reasons for Decision. A summary of the key materials provided by the Applicant in support of the application for the Type "A" Water Licence to replace the Existing Licence, as filed with the Board on March 31, 2023, included the following documents:

- Type "A" Water Licence Application;
- Executive summaries in English, French and Inuktitut;
- Maps;
- Nunavut Planning Commission conformity determination dated December 16, 2022; and
- Nunavut Impact Review Board screening decision dated March 14, 2023.

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<sup>3</sup> As explained in the discussion of the [Term of Licence](#), the Board has determined that because the Applicant expects the filling of the new reservoir to be required only once, it is more appropriate to grant a shorter term for the Type "A" Water Licence to replace the previous Type "B" Water Licence. Then when the Licensee applies for the renewal of the Licence (recommended 12 months in advance of the expiry in 2031) if the Licensee will not exceed the daily water use threshold for a Type "B" Water Licence of 299 m<sup>3</sup>, the Applicant may wish to apply to replace the Type "A" Water Licence No: 8AC-EUR2331 with a Type "B" Water Licence.

All 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%20MISCELLANEOUS/8A/8AC%20-%20Camp/8AC-EUR2331%20ECCC>

### **Scope of the 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 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.

### **Regulatory and Procedural History of the Application**

#### Licensing History of the Undertaking

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 (5) 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 to include the 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 set to expire 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>4</sup> stating that:

- the project proposal was previously reviewed by the NPC, and conformity determinations issued on December 17, 2010, January 6, 2011, April 14, 2016, March 7, 2018, January 22, 2021, February 9, 2021, February 22, 2021, and November 2, 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.

***The Nunavut Impact Review Board (NIRB)***

On March 14, 2023, the NIRB issued its Screening Decision Report for the Application,<sup>5</sup> stating that provided that the Proponent complies with the terms and conditions set out in the NIRB's

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<sup>4</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>5</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.

Screening, the NIRB was of the view that the Application is not likely to cause significant public concerns and 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 Article 12, Section 12.4.4(a) of the *Nunavut Agreement* and 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.

### Key Steps in NWB's Procedural History of the Application

The following listing summarizes only selected key steps in the procedural history of the NWB's processing of the Application. Complete information related to the procedural history of the Application and all information received in support of the file can be accessed from the NWB's FTP site and Public Registry using the following link:

<ftp://ftp.nwb-oen.ca/registry/8%20MISCELLANEOUS/8A/8AC%20-%20Camp/8AC-EUR2331%20ECCC>

Date	Procedural Step
<b><u>March 31, 2023</u></b>	The NWB received the application from ECCC seeking to replace the existing Type "B" Water Licence No: 8BC-EUR2131 with a new Type "A" Water Licence (the Application).
<b><u>May 2, 2023</u></b>	The NWB publicly distributed the Application for a completeness check by interveners.
<b><u>May 15 and 16, 2023</u></b>	The NWB received comments on completeness from CIRNA.
<b><u>June 6, 2023</u></b>	The NWB publicly distributed the Application for a full technical review.
<b><u>June 30, 2023</u></b>	The NWB received technical review comments about the Application from CIRNA.
<b><u>July 18, 2023</u></b>	The NWB received ECCC's responses to the technical review comments.
<b><u>July 20, 2023</u></b>	The NWB distributed correspondence regarding the status of the Application and included the draft agendas for the teleconference/videoconference Technical Meeting (TM) and Pre-Hearing Conference (PHC) scheduled for the file.

<b>Date</b>	<b>Procedural Step</b>
<b><u>August 23 and 24, 2023</u></b>	The NWB received confirmation of participation TM/PHC and presentation documents from the Applicant's Representatives and CIRNA.
<b><u>August 30, 2023</u></b>	The NWB distributed the final agenda for the technical meeting and pre-hearing conference scheduled for the file.
<b><u>September 6, 2023</u></b>	The NWB hosted the TM/PHC via Zoom and teleconference link.
<b><u>September 20, 2023</u></b>	The NWB received ECCC's submission pertaining to the commitments made by the Applicant during the TM.
<b><u>September 25, 2023</u></b>	The NWB issued the Pre-Hearing Conference Decision for the file; including a list of commitments, identifying issues to be addressed and proposing tentative timelines as the Application proceeded to a Public Hearing. In addition, the NWB issued notice of the written Public Hearing.
<b><u>September 29, 2023</u></b>	CIRNAC submitted their Final Written Submission.
<b><u>November 29, 2023</u></b>	The NWB received ECCC's Final Written Submission and final reply to Intervener's submissions.
<b><u>December 4, 2023</u></b>	The NWB issued the notice of closing the Public Hearing Record for the file.

### **The NWB's Timeline for Processing the Application**

As set out under the *NWNSRTA*, s. 55.2, the NWB is required to process applications for a new, amended or renewed Type "A" Water Licence within nine (9) months from the receipt of a complete application. The nine-month time limit does not commence until the applicable conformity assessment is conducted by the Nunavut Planning Commission (NPC) and the required impact assessment is completed by the Nunavut Impact Review Board (NIRB).<sup>6</sup> The impact assessment process was completed on March 14, 2023 when the NIRB issued its Screening Decision Report for the Application. In addition, under the *NWNSRTA*, s. 55.4, the time that is spent by the Applicant to provide additional information and/or supplement the Application is not included in the calculation of the time limit under section 55.2. When these circumstances are considered, the NWB has rendered this Decision well within the nine (9) month time limit prescribed under s. 55.2 of the *NWNSRTA* that commenced upon the NWB issuing notice of a complete Application on June 6, 2023 and that was paused during the Applicant's preparation of responses to Information Requests and technical comments.

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<sup>6</sup> As stated in s. 55.31 of the *NWNSRTA*:

*If the Board is cooperating and coordinating with the Nunavut Planning Commission under subsection 36(2) or with the Nunavut Impact Review Board, a federal environmental assessment panel or a joint panel under subsection 37(1), the time limit referred to in section 55.2 does not begin to run until the Nunavut Planning Commission, Nunavut Impact Review Board...has completed its screening or review of the project.*

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## **SECTION II: SUMMARY OF SUBMISSIONS OF THE PARTIES**

Prior to the Technical Meeting and Pre-hearing Conference (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. Following the Completeness Check, on May 15 and 16, 2023, the NWB received the confirmation of completeness from Crown-Indigenous Relations and Northern Affairs (CIRNA).

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

Crown-Indigenous Relations and Northern Affairs' (CIRNA) participation in water licensing processes in Nunavut is informed by their mandate under the following Acts and associated regulations:

- *Department of Crown-Indigenous Relations and Northern Affairs Act*;<sup>7</sup>
- *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Agreement)*;
- *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)*;<sup>8</sup>
- *Territorial Lands Act*;<sup>9</sup> and
- *Arctic Waters Pollution Prevention Act*.<sup>10</sup>

The following comments/recommendations were provided by CIRNA during the technical review stage:

1. Term of the Type "A" Water Licence
  - Requesting the Applicant clarify the term of the licence as sought in the Application
2. Mitigation Measures during one-time Withdrawal.
  - Requesting the Applicant outline the measures to mitigate erosion of the banks and the stream bed during the ten days in 2024 when water will be withdrawn from Station Creek to fill the new Eureka HAWS reservoir.
3. Quality Assurance and Quality Control (QA/QC) Program
  - Recommending the QA/QC Plan be updated with the description of the implications for not testing collected samples within the prescribed 24-hour limit.

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<sup>7</sup> S.C. 2019, c. 29, s. 337.

<sup>8</sup> S.C. 2002, c. 10.

<sup>9</sup> R.S.C. 1985, c. T-7.

<sup>10</sup> R.S.C. 1985, c. A-12.



In addition to comment submissions on completeness / technical review submissions as set out in detail in **APPENDIX B: List of Submissions and Correspondence**, on September 29, 2023, the NWB received CIRNA's Final Written Submission associated with their participation in the written Public Hearing for the file. In this submission, CIRNA stated that its concerns had been resolved by the information provided by the Applicant.

### **Environment and Climate Change Canada (ECCC) (Applicant or Licensee)**

ECCC provided discussions and clarifications which were required by parties during the review stages of the Application as responses to the Intervener's technical comments, discussion at the Technical Meeting, submissions to fulfill the Technical Meeting commitments, and their Final Written Submission associated with their participation associated with the written Public Hearing. These are summarized below.

1. Term of the Type "A" Water Licence
  - The Applicant seeks a twenty-five-year term of the licence.
2. Water use
  - The Applicant requests an increase of water withdrawal from Station Creek to 2,000 cubic metres daily in order to fill the new water storage reservoir (Eureka HAWS reservoir). ECCC estimates that reservoir filling will continue for the duration of ten days. Once the Eureka HAWS reservoir is filled, the Applicant intends to revert to the withdrawal rates permitted under the existing Type "B" Licence.
  - In its September 20, 2023 submission addressing the commitments made during the TM, ECCC requested additional water use increase from West Remus and Blacktop Creeks to a combined total of 2,000 cubic metres annually. However, later the Applicant changed its position and withdrew the request.<sup>11</sup> It should be noted that ECCC did not provide the NPC's determination on this issue.
3. Erosion mitigation measures during one-time withdrawal
  - The Applicant outlined the planned configuration of water intake infrastructure at Station Creek. The intake complete with a silt fence is to be positioned on a floating platform fixed at the shore. Intake elevation will be modified as water withdrawal progresses.
  - To minimize any disturbance at the point of discharge into the new water storage reservoir, liners, a geocell and rip rap are to be placed during reservoir construction. In addition, geocomposite will be placed temporarily atop the geocell.
4. Quality Assurance and Quality Control (QA/QC) Program
  - ECCC provided that samples taken for microbiological and biochemical oxygen demand (BOD) testing expire after 24 hours of storage. Therefore, repeat sampling

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<sup>11</sup> Jean-Phillippe Cloutier-Dussault (ECCC) to Assol Kubeisinova (NWB), RE: NPC's confirmation on increase of water withdrawal, dated November 15, 2023.

will be required if the samples are not processed at the testing laboratory within the required timeframe.

5. Introducing Site-Specific Target Levels (SSTLs) for soils

- On June 6, 2023, the Applicant provided an additional request to amend the Existing Licence by setting SSTLs for the treatment of contaminated soils on-site. The Existing Licence requires that the suitability of any contaminated soils for future use be assessed by the Government of Nunavut's Environmental Protection Service. However, the Applicant later withdrew the request. It should be noted that ECCC did not provide the NPC's determination on this issue.

### **SECTION III: SUBMISSIONS BY OTHER INTERVENING PARTIES OR MEMBERS OF THE PUBLIC**

There were no written submissions provided to the NWB by any other intervening party or members of the public throughout the Board's consideration of the Application. As required under ss. 55(1) and 55(2) of the *NWNSRTA*, the NWB published and/or posted on the NWB's Public Registry:

- Notice of the receipt of the Application, inviting comments on completeness, on May 2, 2023;
- Notice of a complete Application, identifying the dates for the upcoming Technical Meeting and Pre-Hearing Conference, on June 6, 2023; and
- The Pre-Hearing Conference Report, on September 25, 2023.

These notices invited any intervening parties or interested members of the public to make representations to the NWB about the Application. In addition, the format, timing and an invitation to participate in the Public Hearing was advertised more than 60 days in advance of the Public Hearing Record closing. No members of the public provided submissions, advised the Board of their concerns/comments, or otherwise participated in the Board's licensing process.

### **SECTION IV: JURISDICTION OF THE NWB**

Under Division 2 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA*)<sup>12</sup> the NWB has jurisdiction to issue a licence,<sup>13</sup> amend a licence,<sup>14</sup> or in certain circumstances, cancel a licence.<sup>15</sup> In exercising the Board's statutory functions under the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada*

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<sup>12</sup> Sections 42-81 of the *NWNSRTA*.

<sup>13</sup> See ss. 42, 48, 55, 56, and 70 of the *NWNSRTA*.

<sup>14</sup> See s. 43(1)(b) of the *NWNSRTA*.

<sup>15</sup> See s. 43(1)(c) of the *NWNSRTA*.

(*Nunavut Agreement*) and the statutory regime governing the Board (the *NWNSRTA* and the *Nunavut Waters Regulations*), the NWB must be guided by the following objects:

*... to provide for the conservation and utilization of waters in Nunavut, except in a national park, in a manner that will provide the optimum benefit from those waters for the residents of Nunavut in particular and Canadians in general.*<sup>16</sup>

In considering the Application, the NWB was guided by these objects and the NWB's statutory duty to make *all* reasonable efforts to minimize any adverse effects on aquatic ecosystems. Reading several of the Articles of the *Nunavut Agreement* together,<sup>17</sup> the NWB relies on the broad definition of "ecosystemic" found in Article 12, Section 12.1.1 of the *Nunavut Agreement*, requiring not only the Nunavut Impact Review Board (NIRB) but also the NWB to ensure that all components of the ecosystem, such as fish and fish habitat, are protected within the parameters of s. 71 of the *NWNSRTA*.

In accordance with Article 13, Section 13.3.6 of the *Nunavut Agreement* and s. 29 of the *NWNSRTA*,<sup>18</sup> the Board has delegated its power to dispose of all matters related to the Application for the Type "A" Water Licence No: 8AC-EUR2331, including the conduct of the Public Hearing, to a three-member Panel of the Board (which is referred to as Panel A1 or the Type "A" Panel).

As with any applications considered by the NWB, the burden of proof rests with the Applicant to demonstrate that its request for a Type "A" Water Licence should be granted and that the proposed terms and conditions (including amendments to the Existing Licence) should be granted. In addition, the NWB's Rules of Practice and Procedure for Public Hearing (NWB's Rules) state: "[a]ny party offering evidence before the NWB shall have the burden of introducing sufficient and appropriate evidence to support its position."<sup>19</sup>

## **SECTION V: REQUIREMENTS OF THE NWNSRTA, THE NUNAVUT AGREEMENT AND NUPPAA**

### **Objects of the NWB and its Relationship to Other Bodies**

As established under Articles 10-13 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* prior to the NWB's consideration of the Application, the Applicant is required to meet the pre-licensing requirements of the Nunavut Planning Commission (land use planning) and the Nunavut Impact Review Board (impact assessment).

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<sup>16</sup> See s. 35 of the *NWNSRTA*.

<sup>17</sup> This approach is consistent with the direction provided in Article 2, section 2.9.1 of the *Nunavut Agreement*.

<sup>18</sup> S.C. 2002, c. 10.

<sup>19</sup> Section 23.1 of the Nunavut Water Board "Rules of Practice and Procedure for Public Hearing" (May 11, 2005).

## Land Use Planning

As outlined in the summary provided under the sub-heading [Pre-licensing Requirements](#), on December 16, 2022, the Nunavut Planning Commission indicated that previous conformity determinations issued to the Project remained applicable, and the Application conformed to the North Baffin Regional Land Use Plan (NBRLUP). The NPC noted that the scope constituted a “*significant modification to the project because include [sic] the increase of daily water use requiring a Type A water license.*”<sup>20</sup> On this basis, the NPC forwarded its determination and the proposal containing the updated scope to the Nunavut Impact Review Board to conduct screening of the Application.

## Impact Assessment

As indicated in NPC’s December 16, 2022 conformity determination, on the basis of the scope of the Application, the NPC determined that additional assessment of the proposed activities by the NIRB was required and referred the Application with the updated scope to the NIRB for screening. On March 14, 2023, the NIRB issued its Screening Decision Report to reflect the NIRB’s assessment and concluded that the Application is not likely to cause significant public concerns and result in significant adverse environmental and social impacts.<sup>21</sup>

As no further assessment of the activities included within the scope of the Application was required, the NWB has 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 *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*) and ss. 38 and 39 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA*) have now been met, and the Application can now be processed by the NWB.

## **SECTION VI: DECISION TO ISSUE**

On the basis of the Application, the materials filed with the Board during the Board’s consideration of the Application, including the submissions of the Intervener, the presentations and discussion during the written Public Hearing, the Board has decided to grant the Application for new Type “A” Water Licence No: 8AC-EUR2331 (the Licence) to replace Type “B” Water Licence No: 8BC-EUR2131 subject to the terms and conditions set out in the attached draft of Type “A” Water Licence No: 8AC-EUR2331, and as described in more detail in the text that follows. The Licence authorizes Environment and Climate Change Canada’s continued use of water and deposit of waste

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<sup>20</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>21</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.

for an Undertaking classified as Other and defined under Schedule 1 of the *Nunavut Waters Regulations*, with terms and conditions as required to:

- Replace Type “B” Water Licence No: 8BC-EUR2131 with new Type “A” Water Licence 8AC-EUR2331 ;
- Authorize the increased use of up to 2,000 m<sup>3</sup> of Water daily from Station Creek and the deposit of Waste associated with 8. Other Undertaking.

### **Conditions for Issuance of a Licence**

Section 57 of the *NWNSRTA* provides several key legislative requirements that must be satisfied before the NWB may issue a licence.

*The Board may not issue a licence unless the applicant satisfies the Board that*

- (a) any waste produced by the appurtenant undertaking will be treated and disposed of in a manner that is appropriate for the maintenance of the water quality standards and effluent standards that are prescribed by the regulations or, in the absence of such regulations, that the Board considers acceptable; and*
- (b) the financial responsibility of the applicant, taking into account the applicant’s past performance, is adequate for*
  - (i) the completion of the appurtenant undertaking,*
  - (ii) such measures as may be required in mitigation of any adverse impact, and*
  - (iii) the satisfactory maintenance and restoration of the site in the event of any future closing or abandonment of that undertaking.*

### **Financial Responsibility of the Applicant**

As outlined under the *NWNSRTA*, s. 57(b), the NWB considers three aspects of the responsibility of an Applicant to carry out a licensed undertaking:

- (i) the financial ability of the Applicant to complete the appurtenant undertaking;
- (ii) the ability of the Applicant to undertake measures to adequately monitor for impacts and implement measures to mitigate any impacts; and
- (iii) the Applicant’s ability to maintain and restore the site during care and maintenance, closure and abandonment.

As a public authority, the Board’s inquiry into the financial responsibility of the Applicant is somewhat different than would be the case for other types of corporate or individual water licence

applicants. Reflecting this distinction, the Board has focused this inquiry on the second and third elements of the financial responsibility assessment; the ability to undertake measures to adequately monitor and mitigate impacts and the Applicant's ability to maintain and restore the site during care and maintenance, closure and abandonment.

During the Board's assessment of the extent to which the Applicant has the ability to undertake the required monitoring and mitigation measures associated with the Application, the Board has noted the commitments of ECCC. With few changes to the terms and conditions in Type "A" Water Licence No: 8AC-EUR2331 (the Licence) compared to the previous terms and conditions of the Existing Licence, the Board remains confident the Applicant will be able to continue to conduct the undertaking in a manner that is protective of the freshwater environment.

#### Compensation of Existing or Other Users

The *NWNSRTA* requires that the NWB be satisfied that existing or other water users affected by the Application have been or will be compensated for any damage to their rights to use Water.<sup>22</sup> To ensure that all parties with the potential to bring a water user compensation claim have been notified of their rights under the *NWNSRTA*, the NWB provided, in the Notice of Application, an invitation to parties with water use compensation issues to advise the NWB regarding such issues. The Notice of the Application was issued by the Board on June 6, 2023, and the Board advised anyone having a water user compensation claim to inform the Board of their interests within the time limit specified in the Notice, and in accordance with s. 55 of the *NWNSRTA*. The NWB confirms that throughout the Board's consideration of the Application, no representations regarding a claim for water user compensation were made to the NWB in respect of the Application.

#### **Issuance of a Licence**

As stated above and pursuant to s. 42(1) of the *NWNSRTA*, the NWB has decided to issue amended Type "A" Water Licence No: 8AC-EUR2331 (the Licence) to replace the Existing Licence subject to the terms and conditions outlined in these Reasons for Decision and the attached Licence. In deciding to issue the Licence, the NWB is satisfied that the Application contained the required information and is in the proper form having regard to the requirements of the *NWNSRTA*<sup>23</sup> and associated *Regulations*.<sup>24</sup>

#### **Applications in Relation to the Licence**

Overall, the NWB is satisfied that the requirements of s. 48 of the *NWNSRTA* were met by the Applicant. ECCC filed the Application, which complied with the NWB's Rules. Further, the Applicant has also provided the necessary application and supplementary information required to evaluate whether the Licence should be granted, and to assess whether any changes to the Existing

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<sup>22</sup> See ss. 58-60 of the *NWNSRTA*.

<sup>23</sup> See s. 48 of the *NWNSRTA*.

<sup>24</sup> *Nunavut Waters Regulations*, SOR/2013-69.

Licence requested by the Applicant are reasonable and consistent with the objects of the Board as established under the *Nunavut Agreement* and the *NWNSRTA*.

### **Application to Amend or Application for Future Modifications**

As discussed 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, ECCC may consider applying to the NWB to be regulated by a Type “B” Water Licence. Accordingly, the NWB reminds the Applicant that for any future applications to undertake significant modifications of the activities included within the scope of the Licence, it must comply with all requirements of the *Nunavut Agreement*,<sup>25</sup> *NuPPAA*,<sup>26</sup> and the *NWNSRTA*.<sup>27</sup> In particular, the Board notes that the scope of the authorized use of water and deposit of waste is as provided by the ECCC in the Application and as set out in Part A of the Licence, and any requested changes to that scope may require an amendment to the Licence. In addition, any significant modifications to the undertaking are required to be submitted to the Nunavut Planning Commission and may subsequently be referred to the Nunavut Impact Review Board prior to the NWB’s consideration of any future amendments to the Licence.

### **Cancellation or Expiry of the Licence**

As identified above, the NWB reminds the Applicant that the provisions of s. 46 of the *NWNSRTA* states: “[t]he expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence.”

The Applicant is also reminded that pursuant to the NWB’s authority under s. 43(1)(c)(iii) of the *NWNSRTA*, the NWB may, on application by a licensee, or on its own motion, cancel a licence at any time that the NWB considers the cancellation to be in the public interest.

### **Term of Licence**

Under s. 45 of the *NWNSRTA*, the NWB is required to ensure that the term of a licence shall not exceed the longer of twenty-five years or the “anticipated duration” of the undertaking. In the Application, the Applicant requested a term of 25 years for the new Type “A” Water Licence. However, upon the Board’s consideration of the Application, the Board recognizes that the obligations of a Licensee associated with maintaining, monitoring, reporting, amending, and/or renewing a Type “A” Water Licence are more extensive and prescriptive than with respect to the Licensee’s previous Type “B” Water Licence. For example, under ss. 52 and 55(2) of the *NWNSRTA* with few exceptions, an application in relation to the amendment or renewal of a Type “A” Water Licence requires the Board to conduct some form of public hearing and requires the

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<sup>25</sup> See Article 12, Clause 12.4.3 (b) of the NLCA.

<sup>26</sup> *Nunavut Planning and Project Assessment Act* S.C. 2013, c. 14 (*NuPPAA*).

<sup>27</sup> See s. 43 of the *NWNSRTA*.

Board to provide at least 60 days advance notice of the public hearing. As explained in the Application, the requirement for a Type “A” Water Licence to authorize the water use and waste deposit associated with the undertaking is triggered solely by the one-time filling of the new reservoir when the daily threshold for a Type “B” Water Licence will be exceeded during the estimated 10-day filling of the new facility in 2024. ECCC indicated that they do not expect this level of withdrawal to be required after this one event, and that the undertaking will return to below the daily threshold for a Type “B” Water Licence for the remainder of the term of the Licence. The Board expects that ECCC may require some flexibility to adjust to site conditions and the operation of the new facility, and to determine the extent to which the annual replenishing of the new reservoir can be accomplished during the open water season via daily withdrawals below 300 m<sup>3</sup>.

Taking into consideration these factors, the Board has determined that for the majority of the 25-year term requested by the Applicant, the undertaking would have to comply with the more extensive obligations under a Type “A” Water Licence, notwithstanding that the water use and waste deposit associated with the undertaking has returned to a level that is more appropriately regulated under a Type “B” Water Licence. However, as the Board understands that it would be advantageous for ECCC to gain some experience with the reservoir filling and replenishment before they can confirm that their water use requirement for annual resupply of the reservoir will remain below the daily threshold of 300 m<sup>3</sup>, the Board has issued the new Type “A” Water Licence for the remaining term of the prior Type “B” Water Licence, with the expiry set for December 2031. The Board’s expectation is that if during the 8-year term of the new Type “A” Water Licence, ECCC determines that their daily water use returns to below the threshold for a Type “B” Water Licence, when ECCC applies for the renewal of the Water Licence (12 months in advance of the 2031 expiry), ECCC may wish to apply for a Type “B” Water Licence to replace Type “A” Water Licence No: 8AC-EUR2331.

Given these factors, the NWB is satisfied that the requested term of 25 years is not appropriate given the expectation that for most of the 25 year term, the undertaking would be sufficiently regulated under a Type “B” Water Licence. Consequently, the Board has issued the Licence for 8 years, with the Licence set to expire on December 18, 2031.

## **SECTION VII: WATER LICENCE: TERMS AND CONDITIONS**

The Licence does not take effect until approval of the Minister is given or is deemed to have been given pursuant to s. 56 of the *NWNSRTA*.<sup>28</sup> As indicated in the Reasons for Decision, the Panel has

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<sup>28</sup> Section 56 of the *NWNSRTA* states:

*The issuance, amendment, renewal and cancellation of a type A licence, and if a public hearing is held, a Type B licence are subject to the approval of the Minister.*

Under s. 56(2.2) if the Minister does not issue a decision within 45 days of receiving the Licence from the Board, (or within 90 days if the Minister has extended the decision-making period by an additional 45 days) the Minister is deemed to have approved the Licence.



decided to issue Water Licence No: 8AC-EUR2331 to replace the Existing Licence subject to the conditions contained herein (the Licence).

To provide context and clarity, in the following section the NWB provides some discussion and comments about specific terms and conditions that follow. The Board has not included discussion or commentary with respect to those licence terms and conditions that are clear in their wording and intent on the face of the Licence and/or that are unchanged from the Existing Licence.

## **PART A: Scope, Definitions and Enforcement**

### **Scope**

The scope of activities, works, and undertakings included under the Licence is set out in Part A of the Licence, and includes replacement of Type “B” Water Licence No: 8BC-EUR2131 with a new Type “A” Water Licence for a term of 8 years to allow for the continued use of up to 2,000 cubic metres (m<sup>3</sup>) of Water daily from Station Creek, 800 m<sup>3</sup> of Water annually from West Remus Creek, 425 m<sup>3</sup> of Water annually from Blacktop Creek, and the deposit of Waste associated with an Undertaking classified as “Other”.

### **Definitions**

No changes to the definitions in the Existing Licence are recommended for the Licence.

### **Enforcement**

To ensure that ECCC complies with the terms and conditions of the Licence, inspectors, designated and empowered by the Minister of Northern Affairs, may inspect or examine works, activities, and undertakings associated with the use of waters and/or the deposit of waste for the purposes of exercising their powers in accordance with the *NWNSRTA*.<sup>29</sup>

## **PART B: General Conditions**

Part B of the Licence addresses many of the general terms and conditions that apply to the Undertaking, such as annual report submission, protocols for handling documents related to the Licence, posting of signage at sites associated with the Undertaking, and more.

## **PART C: Conditions Applying to Security**

There are no requirements for security to be posted for the Undertaking, as the Licensee is exempt from the requirements for posting security because the Licensee is a department within the Federal Crown. However, in Part C, Item 1, the Board clarifies that the exemption from security is only

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<sup>29</sup> Sections 85-88 of the *NWNSRTA*.

applicable if the Licensee remains a Federal department exempt from the requirements to pay security.

#### **PART D      Conditions Applying to the Use of Waters and Water Management**

Part D of the Licence focuses on the use of water and the related management plans. To ensure that the amount of water use authorized under the Licence does not negatively impact freshwater resources, the Board has included several terms and conditions under Part D of the Water Licence designed to preserve water sources.

The maximum volume of water use from Station Creek is increased from the amount allowed under the Existing Licence, from 8,775 cubic metres (m<sup>3</sup>) per year to 2,000 cubic metres (m<sup>3</sup>) daily for the one-time filling of the new Eureka HAWS reservoir. Station Creek is not fish-bearing, and its flowrate during freshet fluctuates from 0.9 to 5.1 cubic metres per second.

Based on the information provided with the Application, noting the hydrological characteristics of the water body, and a lack of public concern, the Board is confident that the authorization for the Applicant's increased consumption of Water is sustainable.

#### **PART E:      Conditions Applying to Deposit of Waste Disposal**

Part E of the Licence focuses on terms and conditions relevant to Waste management. The NWB set a requirement for the submission of a remedial options analysis and remedial action plan for Board approval for the Temporary Contaminated Soil Storage by March 31, 2022 with the 2021 Annual Report. Although the Applicant submitted a version of a remedial action plan on March 31, 2023, it was later withdrawn. Therefore, the Board reminds ECCC that the requirement to submit the document remains an outstanding obligation.

#### **PART F:      Conditions Applying to Camps, Access Infrastructures and Operations**

In Part F, the Board imposes conditions related to the routine activities of the Project in general and the camp in particular. The Board reminds the Licensee of the requirement to submit to the Board for review, at least thirty (30) days prior to commissioning the Greywater Exfiltration Trench, the **updated** *Summary of Operations and Maintenance Procedures for Drinking Water, Sewage, Solid Waste Disposal and Waste Treatment Facilities* dated June 2021 that was previously approved by the NWB.

#### **PART G:      Conditions Applying to Modifications And Construction**

The NWB reminds the Licensee that any activity, which would constitute a significant modification to the Type "A" Water Licence, will require the Applicant to apply to the NWB for an amendment to the Licence and may trigger requirements for a conformity assessment of the proposed

amendments by the Nunavut Planning Commission and impact assessment by the Nunavut Impact Review Board under the *Nunavut Agreement* and the *NuPPAA*.

#### **PART H: Conditions Applying to Spill Contingency Planning**

This Part of the Licence contains conditions for spill contingency planning. The Licensee shall follow the *Emergency Plan for Petroleum and Allied Petroleum Products* dated April 2021 as previously approved by the Board.

#### **PART I: Conditions Applying to the Monitoring Program**

With respect to the monitoring requirements under the Licence, the NWB's jurisdiction is very broad and the NWB may include conditions in licences related to monitoring programs to be undertaken.<sup>30</sup>

The Licensee has submitted the Plan entitled "Quality Assurance (QA) and Quality Control (QC) Program" dated September 2021 with the document control section indicating that updates were made on April 28, 2023. The Plan is to be updated to include the recommendations from CIRNA on the implications for the QA/QC program in cases where it is impossible to conduct Effluent testing within 24 hours of sample collection.

#### **PART J: Conditions Applying to Closure and Reclamation or Temporary Closure**

The Licensee shall implement the *Interim Abandonment & Restoration Plan* dated June 2021 as previously approved by the Board.

#### **Schedules A, B and I**

Schedules A, B, and I have been included to reflect the changes under the Licence. The following sections outline the changes to the schedules included in the Licence.

##### **Schedule A**

The Licence includes Schedule A: Definitions. There were no general changes in the Licence to the definitions that were previously included in the Existing Licence.

##### **Schedule B**

Schedule B applies to general and specific annual reporting requirements for the Undertaking.

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<sup>30</sup> See s. 70(1)(c) of the *NWNSTRA*.

## Schedule I

This Schedule is linked to Part I of the Licence and the Conditions Applying to the Monitoring Program. This Schedule includes monitoring requirements taking into consideration the Intervener's recommendations, the Board's mandate, and the scope of the Undertaking.

### **Management Plans, Manuals and Reports**

Throughout the review of the Application, the Intervener, the Board, and the Applicant have considered and commented, to various extents, on the following management plan/program (Plan), which was received during the Application process:

- Quality Assurance (QA) and Quality Control (QC) Program

After completing the technical review of the Plan as part of the Board's consideration of the Application, the Board included the requirement on updating the Plan as discussed above in Part J.

Furthermore, the following management plans were previously approved by the Board:

- Revised Quarry Operations Plan West Remus Creek, Eureka, Nunavut Nuna East Ltd.
- Summary of Operations and Maintenance Procedures for Drinking Water, Sewage, Solid Waste Disposal and Waste Treatment Facilities
- Interim Abandonment & Restoration Plan

As discussed above, the Licensee is required to submit the updated *Summary of Operations and Maintenance Procedures for Drinking Water, Sewage, Solid Waste Disposal and Waste Treatment Facilities*.

The Board also expects that in future, the Licensee shall update the approved Plans as may become necessary to reflect updates to operations, such as changes to site infrastructure (e.g., new infrastructure is added, or existing infrastructure is modified or decommissioned).

## APPENDIX A - List of Acronyms

CIRNA or CIRNAC	Crown-Indigenous Relations and Northern Affairs (formerly INAC and AANDC)	dΔʹɁᖃ ᓄᓇᖅᖅᐅᑦᑕᑦᑕᑦ ᐸᒻᒪᐅ ᐅᑭᐅᑦᑕᖅᐅᑦ ᐱᑦᑕᑦᑕᑦ (ᑕᖅᐅᐸᖃᔨᑦᐅᑦ ᑦᑭᑦᑕᐅᔨᖅ ᐃᓂᑦᑕᑦᐅᐅᑦᐅᑦ)
ECCC	Environment and Climate Change Canada (former EC)	ᑲᓇᑕᑦ ᐸᓇᑕᑦᑕᑦᑕᑦ ᐸᒻᒪᐅ ᑦᑕᑦ ᐸᑦᑕᑦᖅᑕᑦᐸᑦᐸᑦᑕᑦᑕᑦ (ᑕᖅᐅᐸᖃᔨᑦᐅᑦ EC-ᐅᑦ)
GN	Government of Nunavut	ᓄᓇᑭᑦ ᑕᓇᒻᒪᖅ
NIRB	Nunavut Impact Review Board	ᓄᓇᑭᑦ ᐸᓇᑕᑦᑕᑦᑕᑦᐅᑦ ᑲᑕᑕᑦᑕᑦᑕᑦ
NPC	Nunavut Planning Commission	ᓄᓇᑭᑦ ᑕᑦᓇᐃᑦᑕᑦ
<i>Nunavut Agreement</i>	<i>The Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada</i>	ᑦᑕᓇ ᐸᑦᑕᑕᑦᑕᑦ ᑕᖅᐅᓇᖅ ᐃᓂᐃᑦ ᓄᓇᑭᑕᑦᑕᑕᑦᑕᑦ ᐃᐅᐸᑦ ᐸᒻᒪᐅ ᓇᖅᑕᑕᑕᑕᑕᑦ ᑕᓇ ᐅᐃᖃᔨᖅ ᑭᖅᐅᐅᑦᑕᑦ ᑲᓇᑕ
<i>NuPPAA</i>	<i>Nunavut Planning and Project Assessment Act</i>	ᓄᓇᑭᑦ ᑕᑦᓇᐃᓂᖅ ᐸᒻᒪᐅ ᐱᑦᑕᑦᑕᑦ ᖅᐅᔨᖅᓂᑦᑦ ᐱᑦᐅᑦ
NWB	Nunavut Water Board	ᓄᓇᑭᑦ ᐃᒪᑦᑕᑦᑕᑦ ᑲᑕᑕᑦᑕᑦᑕᑦ
<i>NWNSRTA</i>	<i>Nunavut Waters and Nunavut Surface Rights Tribunal Act, S.C. 2002, c. 10</i>	ᓄᓇᑭᑦ ᐃᒪᐃᑦ ᐸᒻᒪᐅ ᓄᓇᑭᑦ ᓄᓇᑦ ᖅᑕᑦᑕᑦ ᐱᔨᖅᐅᑦᑕᑦᑕᑦ ᐸᐱᖅ)ᐃᔨᑦᑕᑦ ᐱᑦᐅᑦ
<i>NWR or Regulations</i>	<i>Nunavut Waters Regulations, SOR/2013-69</i>	ᓄᓇᑭᑦ ᐃᒪᐃᑦ ᒪᑦᑕᑦᐃᑦ
PH	Public Hearing	ᐃᓂᖅᓂᖅ ᐸᐱᖅᑦᑕᓂᖅ
PHC	Pre-Hearing Conference	ᐃᓂᑦᐸᖅᑕᑦᑕᑦ ᐃᓂᐃᑦ ᑲᑕᑕᑕᑕᑕᑕᑕᑦᐸᑦᓂᑦᑦ ᑲᑕᑕᓂᖅ
TM	Technical Meeting	ᐃᐅᑦᑕᑦᓂᖅ ᑲᑕᑕ ᙳᔨᑕᖅᑕᑦ

## **APPENDIX B - List of Submissions and Correspondence**

### **Application:**

1. Initial submission of water licence amendment for Environment Climate Change Canada (ECCC) High Arctic Weather Station Eureka **March 31, 2023**.

### **Submission & Correspondence:**

1. Cover E-mail to: Richard Dwyer, Assol Kubeisinova, Karen Kharatyan, Nunavut Water Board (NWB), RE: Eureka HAWS 8BC-EUR2131 - Applications for Type B Amendment and Type A Water Licence, from Nadia Baker, AECOM (consultant for Environment Climate Change Canada), dated **March 31, 2023**.
2. Submitted **March 31, 2023** by ECCC UPDATED REMEDIAL ACTION PLAN (RAP) AT THE EUREKA HIGH ARCTIC WEATHER STATION, NUNAVUT.
3. Cover E-mail to Nadia Baker, AECOM, RE: Eureka HAWS 8BC-EUR2131 - Applications for Type B Amendment and Type A Water Licence (NWB preliminary technical review), from Assol Kubeisinova, NWB, dated **April 6, 2023**.
4. Cover E-mail to: Assol Kubeisinova, NWB, RE: Eureka HAWS 8BC-EUR2131 - Applications for Type B Amendment and Type A Water Licence, from Jean-Philippe Cloutier-Dussault, ECCC, dated **April 14, 2023**.
5. Cover E-mail to: Jean-Philippe Cloutier-Dussault, ECCC, RE: Eureka HAWS 8BC-EUR2131 - Applications for Type B Amendment and Type A Water Licence, from Assol Kubeisinova, NWB, dated **April 14, 2023**.
6. Cover E-mail to: Assol Kubeisinova, NWB, RE: Eureka HAWS 8BC-EUR2131 - Applications for Type B Amendment and Type A Water Licence, from Jean-Philippe Cloutier-Dussault, ECCC, dated **April 20, 2023**.
7. Cover E-mail to: Jean-Philippe Cloutier-Dussault, ECCC, RE: Eureka HAWS 8BC-EUR2131 - Applications for Type B Amendment and Type A Water Licence, from Assol Kubeisinova, NWB, dated **May 2, 2023**.
8. Letter to Jean-Philippe Cloutier-Dussault, ECCC, RE : Application for Amendment to Water Licence No: 8BC-EUR2131; Environment and Climate Change Canada, from Karen Kharatyan, NWB, dated **May 2, 2023**.

9. Cover E-mail to: Jean-Philippe Cloutier-Dussault, ECCC, RE: 8AC-EUR---- Amendment Application Completeness Check, from Robert Hunter, NWB, dated **May 2, 2023**.
10. Letter to Assol Kubeisinova, Richard Dwyer, Karen Kharatyan, NWB, RE: Water Licence 8BC-EUR2131; Request to withdraw Type B Licence Amendment and resubmit as Type B Licence Modification, from Jean-Philippe Cloutier-Dussault, ECCC, dated **May 4, 2023 (received May 17, 2023)**.
11. Letter to Robert Hunter, NWB RE: Crown-Indigenous Relations and Northern Affairs Canada's Review of the Licence Amendment Application for Environment and Climate Change Canada Eureka High Arctic Weather Station, Type A Water Licence No. 8AC-EUR----, from Joyce Demerss, CIRNA, dated **May 15, 2023**.
12. Cover E-mail to Joyce Demerss, CIRNA, RE: 8AC-EUR---- Amendment Application Completeness Check, from Assol Kubeisinova, NWB, dated **May 15, 2023**.
13. Cover E-mail to Assol Kubeisinova, NWB, RE: 8AC-EUR---- Amendment Application Completeness Check, from Joyce Demerss, CIRNA, dated **May 16, 2023**.
14. Cover E-mail to Assol Kubeisinova, NWB, RE: Eureka HAWS 8BC-EUR2131 - Applications for Type B Amendment and Type A Water Licence, from Jean-Philippe Cloutier-Dussault, ECCC, dated **May 17, 2023**.
15. Prepared by NWB **June 5, 2023**, Public Notice of New Application for Environment Climate Change Canada.
16. Letter to Jean-Philippe Cloutier-Dussault, ECCC, RE : Application for Amendment to Water Licence No: 8BC-EUR2131; Environment and Climate Change Canada, from Stephanie Autut, NWB, dated **June 6, 2023**.
17. Cover E-mail to Jean-Philippe Cloutier-Dussault, ECCC, Qikiqtani E-mail Distribution List, RE : 8AC-EUR---- Application for Amendment to Water Licence No: 8BC-EUR2131; Environment and Climate Change Canada, from Robert Hunter, NWB, dated **June 6, 2023**.
18. Letter to Assol Kubeisinova, Richard Dwyer, Karen Kharatyan, NWB, RE: Water Licence 8BC-EUR2131; Request to amend Part D, Item 16, from Jean-Philippe Cloutier-Dussault, ECCC, dated **June 6, 2023 (received June 12, 2023)**.

19. Submitted **June 8, 2023** by ECCC, Water License 8BC-EUR21231 Eureka High Arctic Weather Station, (Quality Assurance and Quality Control Plan review and approval letter).
20. Submitted **June 8, 2023** by ECCC, QUALITY ASSURANCE (QA) AND QUALITY CONTROL (QC) PROGRAM — Eureka High Arctic Weather Station dated September 2021.
21. Submitted **June 8, 2023** by ECCC, Eureka Sampling Procedure Standard Operating Procedure Water and Sewage Sampling.
22. Submitted **June 8, 2023** by ECCC, 2023 EUREKA WATER LICENCE PUMPING DATA – Sewage.
23. Submitted **June 8, 2023** by ECCC, Canadian Association for Laboratory Accreditation Inc. Certificate for Accreditation issued September 27, 2021.
24. Cover E-mail to Jean-Philippe Cloutier-Dussault, ECCC, Qikiqtani E-mail Distribution List, RE: 8AC-EUR---- Application for Amendment to Water Licence No: 8BC-EUR2131; Environment and Climate Change Canada, from Robert Hunter, NWB, dated **June 8, 2023**.
25. Cover E-mail to Jean-Philippe Cloutier-Dussault, ECCC, Qikiqtani E-mail Distribution List, RE: 8AC-EUR---- Application for Amendment to Water Licence No: 8BC-EUR2131; Environment and Climate Change Canada, from Richard Dwyer, NWB, dated **June 22, 2023**.
26. Letter to Robert Hunter, NWB, RE: Crown-Indigenous Relations and Northern Affairs Canada's Review of the Licence Amendment Application for Eureka High Arctic Weather Station, Type A Water Licence No. 8AC-EUR---- from Type B Water Licence 8BC-EUR2131, from Joyce Demers, CIRNA, dated **June 30, 2023**.
27. Cover E-mail to Jean-Philippe Cloutier-Dussault, ECCC, Qikiqtani E-mail Distribution List, RE: 8AC-EUR---- Application for Amendment to Water Licence No: 8BC-EUR2131; Environment and Climate Change Canada, from Richard Dwyer, NWB, dated **July 6, 2023**.
28. Letter to Richard Dwyer, NWB, RE: Crown-Indigenous Relations and Northern Affairs Canada's Review of the Licence Amendment Application for Eureka High Arctic Weather Station, Type A Water Licence No. 8AC-EUR---- from Type B Water Licence 8BC-EUR2131, from Jean-Philippe Cloutier-Dussault, ECCC, dated **July 18, 2023**.



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54. Cover E-mail to Jean-Philippe Cloutier-Dussault, ECCC, Qikiqtani E-mail Distribution List, RE: Type “A” Water Licence No: 8AC-EUR----: CIRNAC Final Submission for the WrittenPublic Hearing regarding an Application for a Water Licence to replace Type “B”Water Licence No: 8BC-EUR2131, from Robert Hunter, NWB, dated **October 3, 2023**.
55. Cover E-mail to Jean-Philippe Cloutier-Dussault, ECCC, Qikiqtani E-mail Distribution List, RE: Type “A” Water Licence No: 8AC-EUR----: CIRNAC Final Submission for the WrittenPublic Hearing regarding an Application for a Water Licence to replace Type “B”Water Licence No: 8BC-EUR2131, from Robert Hunter, NWB, dated **October 27, 2023**.
56. Cover E-mail to Jean-Philippe Cloutier-Dussault, ECCC, Qikiqtani E-mail Distribution List, RE: NPC's confirmation on increase of water withdrawal, from Assol Kubeisinova, NWB, dated **November 9, 2023**.
57. Cover E-mail to Assol Kubeisinova, Licensing Department, NWB, Greg Mulholland, EC, Julie Walker, PSPC, RE: NPC's confirmation on increase of water withdrawal, from Jean-Philippe Cloutier-Dussault, ECCC, dated **November 15, 2023**.
58. Cover E-mail to Jean-Philippe Cloutier- Dussault, ECCC, RE: ECCC Eureka HAWS Regulatory Project - Planned site activities for the Landfarmproject this fiscal year (8BC-EUR2131), from Karen Kharatyan, NWB, dated: **November 19, 2023**.
59. Cover E-mail to Karen Kharatyan, NWB, RE: ECCC Eureka HAWS Regulatory Project - Planned site activities for the Landfarmproject this fiscal year (8BC-EUR2131), from Jean-Philippe Cloutier- Dussault, ECCC, dated **November 24, 2023**.
60. Cover E-mail to Jean-Philippe Cloutier- Dussault, ECCC, RE: ECCC Eureka HAWS Regulatory Project - Planned site activities for the Landfarmproject this fiscal year (8BC-EUR2131), from Karen Kharatyan, NWB, dated: **November 24, 2023**.
61. Cover E-mail to Karen Kharatyan, NWB, RE: ECCC Eureka HAWS Regulatory Project - Planned site activities for the Landfarmproject this fiscal year (8BC-EUR2131), from Jean-Philippe Cloutier- Dussault, ECCC, dated **November 28, 2023**.
62. Cover E-mail to Robert Hunter, NWB RE: Amendment Application for Eureka High Arctic Weather Station, Type A Water Licence No. 8AC-EUR---- from Type B Water Licence 8BC-EUR2131 - Applicant Reply to Final written Submissions. French and

Inuktitut translations to follow shortly, from Jean-Philippe Cloutier- Dussault, ECCC, dated **November 28, 2023**.

63. Memo Prepared by ECCC RE: Amendment Application for Eureka High Arctic Weather Station, Type A Water Licence No. 8AC-EUR---- from Type B Water Licence 8BC-EUR2131 – Applicant Reply to Final written Submissions.
64. Cover E-mail to Jean-Philippe Cloutier-Dussault, ECCC, Qikiqtani E-mail Distribution List, RE: Amendment Application for Eureka High Arctic Weather Station, Type A Water Licence No. 8AC-EUR---- from Type B Water Licence 8BC-EUR2131 – Applicant Reply to Final written Submissions, from Richard Dwyer, NWB, dated **November 30, 2023**.
65. Cover E-mail to Robert Hunter, NWB RE: Amendment Application for Eureka High Arctic Weather Station, Type A Water Licence No. 8AC-EUR---- from Type B Water Licence 8BC-EUR2131 – Applicant Reply to Final written Submissions, Inuktitut version. French version to follow shortly, from Jean-Philippe Cloutier- Dussault, ECCC, dated **November 30, 2023**.
66. Memo Prepared by ECCC RE: Amendment Application for Eureka High Arctic Weather Station, Type A Water Licence No. 8AC-EUR---- from Type B Water Licence 8BC-EUR2131 – Applicant Reply to Final written Submissions Inuktitut translation.
67. Cover E-mail to Jean-Philippe Cloutier-Dussault, ECCC, Qikiqtani E-mail Distribution List, RE: Amendment Application for Eureka High Arctic Weather Station, Type A Water Licence No. 8AC-EUR---- from Type B Water Licence 8BC-EUR2131 – Applicant Reply to Final written Submissions, Inuktitut version from Robert Hunter, NWB, dated **November 30, 2023**.
68. Cover E-mail to Robert Hunter from Jean-Philippe Cloutier-Dussault, ECCC, NWB RE: Amendment Application for Eureka High Arctic Weather Station, Type A Water Licence No. 8AC-EUR---- from Type B Water Licence 8BC-EUR2131 – Applicant Reply to Final written Submissions, French version. from Jean-Philippe Cloutier-Dussault, ECCC, dated **December 04, 2023**.
69. Memo Prepared by ECCC RE: Amendment Application for Eureka High Arctic Weather Station, Type A Water Licence No. 8AC-EUR---- from Type B Water Licence 8BC-EUR2131 – Applicant Reply to Final written Submissions French translation.
70. Cover E-mail to Jean-Philippe Cloutier-Dussault, ECCC, Qikiqtani E-mail Distribution List, RE: Amendment Application for Eureka High Arctic Weather Station, Type A

Water Licence No. 8AC-EUR---- from Type B Water Licence 8BC-EUR2131 – Applicant Reply to Final written Submissions, French version from Robert Hunter, NWB, dated **December 04, 2023**.

71. Letter to Jean-Philippe Cloutier-Dussault, ECCC, Qikiqtani Distribution E-mail List, RE: Closure of the Public Hearing Record in Respect of the Written Public Hearing Associated with the Nunavut Water Board’s Processing of an Application 8AC-EUR-- -- filed by the Environment and Climate Change Canada to Replace the Type “B” Water Licence No: 8BC-EUR2131. Dated **December 04, 2023**.
72. Cover E-mail to: Jean Philippe Cloutier-Dussault, ECCC, Qikiqtani E-mail Distribution List, RE: Closure of the Public Hearing Record in Respect of the Written Public Hearing Associated with the Nunavut Water Board’s Processing of an Application 8AC-EUR-- -- filed by the Environment and Climate Change Canada to Replace the Type “B” Water Licence No: 8BC-EUR2131 from Robert Hunter, NWB, dated **December 04, 2023**.