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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI

June 23, 2003

NWB File #: NWB4BAT

Ms. Stephanie Briscoe
Executive Director
Nunavut Impact Review Board
PO Box 2379
Cambridge Bay, NU X0B 0C0

Via Telecopier (867) 983-2574 and Email

Subject: Review of Bathurst Inlet Port and Road Project – Project Description

Dear Ms. Briscoe:

At your request, the Nunavut Water Board (“NWB”) has conducted a preliminary review of the document titled “Bathurst Inlet Port and Road Project – Project Description, May 2003”, which also includes an application for a water licence, submitted by the Bathurst Inlet Port and Road Joint Venture (“BIPR Joint Venture”).

Pursuant to section 39(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (“Act”), the NWB may not issue a licence to use waters or deposit waste where the use or deposit requires screening in accordance with Part 4 of Article 12 of the Nunavut Land Claims Agreement (“Agreement”) until the Nunavut Impact Review Board (“NIRB”) has completed the screening and, where a review under Part 5 or Part 6 of that Article is required, issued a project certificate referred to in section 12.5.12 or 12.6.17 of the Agreement.

Following our initial review of the revised project description and application, we conclude that many site-specific details of the project are either insufficiently developed or simply absent from the current application. As stated above, the NWB has jurisdiction over the use of water and the deposit of waste into water. In this project, this may broadly consist of, but not limited to: the use of water for any purpose; the operations of camps and ancillary facilities; the direct or indirect deposit of waste into water, including sewage treatment and any solid waste disposal activities; watercourse crossings, including bridges and roads; watercourse diversion and training, including channel and bank alterations, culverts, erosion and flood control measures, artificial accretion, etc.; infilling, placement or removal of material in water, including docks, jetties, dykes, dams, etc.; and the handling and storage of petroleum products and hazardous materials. A water licence will be required for any of these activities during construction, operation, and abandonment of any component that are part of the undertaking.

However, since this application is subject to environmental screening as discussed above, we take the view that most of those details will eventually be provided by the proponent to the NIRB during the environmental assessment, and subsequently to the NWB for licensing purposes.

Therefore, while the NWB recognizes that the revised application does not contain all the information required for the eventual issuance of a water licence, it has decided to accept the application as submitted, and **we formally notify the NIRB that it may screen it pursuant to applicable provisions of the Agreement.**

This being said, the NWB would like to take this opportunity to all interested parties that it reserves the right to request additional information during or after the environmental assessment, before any water licence can be issued. We would also like to remind all parties that the NWB may decide to hold a public hearing before approving any application, regardless of any other public review that may be eventually conducted by the NIRB.

Please contact the undersigned in writing should you have any questions about the foregoing.

Sincerely,

Original signed by:

Philippe di Pizzo
Executive Director

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