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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

File: 8BW-CLY0810

October 6, 2010

Mr. Philippe Simon
Room 580, 3333 Queen Mary
Montreal Quebec
H3V 1A2

and

Mr. Harry Flaherty, President
Qikiqtaaluk Corporation
P.O. Box 1228
Iqaluit, NU
X0A 0H0

Email: psimon@qenv.ca; hflaherty@qcorp.ca

Subject: Renewal Application for Water Licence 8BW-CLY0810

Dear Mr. Simon and Mr. Flaherty,

The Nunavut Water Board (NWB or Board) acknowledges receipt on August 18, 2010 of Qikiqtaaluk Corporation's (Licensee) application to renew water Licence 8BW-CLY0810 (Application). The Application includes the following documents:

- Email chain from H. Flaherty, hflaherty@qcorp.ca, to P. Simon, psimon@qenv.ca, Subject: Clyde River road repair, dated August 19, 2010;
- Location map;
- Completed application for water licence renewal, signed by P. Simon on August 19, 2010;
- Email chain from K. Wasylyshen, kwasylshen@gov.nu.ca, to C. Baptista, cbaptista@qenv.ca, Subject: Land Use and Quarrying Permit, dated April 30, 2010;
- Email and attachment from P. Simon, psimon@qenv.ca, to P. Beaulieu, licensing@nunavutwaterboard.org, Subject: Compliance with 8BW-CLY0810 amendment, dated August 20, 2010;
- Email and attachment from P. Simon, psimon@qenv.ca, to P. Beaulieu, licensing@nunavutwaterboard.org, and P. Simon, psimon@qenv.ca, Subject: Compliance with 8BW-CLY0810 amendment, dated August 20, 2010;

- Document entitled “Application for Water Licence Renewal, Licence 8BW-CLY0810, English summary”;
- Above document translated into Inuktitut;
- Figure entitled “Road between Cape Christian and Clyde River, Location of impacted areas and constructed water crossings” prepared by Qikiqtaaluk Logistics Inc., dated August 18, 2010;
- Cape Christian Clyde River as-built drawings stamped by P. Simon, Registered Professional Engineer, NWT, signed August 19, 2010 by Qikiqtaaluk Environmental including:
 - Crossing 2a, dated 15/12/2009
 - River cross 3, dated 28/07/2010
 - Crossing 5, dated 15/12/2009
 - Crossing 9, dated 15/12/2009
 - Crossing 10, dated 15/12/2009
 - Crossing 11, dated 15/12/2009

The Application has been uploaded to ftp site, using the username of “public” and the password of “registry”, without the quotes, at the following link:

<ftp://nunavutwaterboard.org/1%20PRUC/8%20MISCELLANOUS/8B/8BW%20-%20Watercourse/8BW-CLY0810/1%20APPLICATION/2010%20Renewal/>

The NWB has undertaken an assessment of administrative compliance of the file, and finds that several conditions of water licence 8BW-CLY0810 (Licence) have not been addressed including the following:

- Part D Item 3 requiring the Licensee to submit to the Board, written documentation from the community of Clyde River authorizing the disposal of waste in the community’s landfill. The Board notes that the 2009 annual report indicates that waste associated with the operation was deposited in the Clyde River landfill, however no written documentation authorizing the disposal is on file.
- Part G Item 4 requiring the Licensee to provide to the Board Engineer stamped ninety percent complete plans and drawings of the bridge and culverts prior to construction and installation. The Board notes that Engineer stamped drawings for crossings 2, 3, 5, 9, 10, and 11 were submitted April 2009; however drawings for crossings 2a, 3a, 4, 6, and 7a are not on file.
- Part G Item 5 requiring the Licensee to provide to the Board Engineer stamped as-built plans and drawings of the bridge and water crossings within ninety (90) days of completion of the Modification. The Board notes that Engineer stamped as-built drawings of crossings 2a, 3a, 5, 9, 10, and 11 were submitted as part of the Application, and as indicated in the Application, as-built drawings of the bridge and crossing 7a will be submitted once complete. As-built drawings for crossings 4 and 6 remain outstanding and the expected date of completion of as-built drawings for the bridge and crossing 7a has not been provided.

- Part G Item 6 requiring the Licensee to submit to the Board within sixty (60) days of issuance of the Licence Amendment, Engineer stamped as-built plans and drawings of the constructed roadway, and constructed bridge and water crossings. The Board notes that in addition to the outstanding requirements noted in the bullet above, as-built drawings for the constructed roadway also remain outstanding.
- Part I Item 10 requiring the Licensee to submit to the Board for review within thirty (30) days of issuance of the Licence Amendment, an addendum to the document entitled *Mitigation Plan to Restore all Impacted Grounds and Waters on the “Old Roadway” – Road Between Clyde River and Cape Christian*, dated August 31, 2009, or subsequent revisions. The addendum shall address parties’ comments during the review process including the following:
 - (a) Weekly reporting mechanism to regulators;
 - (b) Map or diagram that clearly identifies the new road route, impacted sites and constructed water crossings; and
 - (c) Plans to address ponded water adjacent to the roadway and new route to prevent thermokarst, erosion, and sedimentation of proximal water sources.

A response to (b) was submitted as part of the Application; however responses to (a) and (c) are not on file.

- Part J Item 4 requiring the Licensee to conduct basic water quality testing that includes pH, temperature, conductivity, total suspended solids, and total oil and grease, upstream and downstream of the Clyde River bridge construction site prior to, weekly during construction and upon completion. The Board notes that monitoring results were provided in the 2009 annual report, however monitoring results for temperature and monitoring results during construction of the bridge were not provided.
- Part J Item 9 requiring the Licensee to submit to the Board for review and approval, either sixty (60) days prior to the completion of construction or upon the application to the NWB for Licence renewal, whichever comes first, a Post Construction Monitoring Plan, that is to include monitoring of erosion prevention, sediment control mechanisms and water quality testing. This Plan has not been provided.
- Part J Item 10 requiring the Licensee to submit weekly progress reports to the Board and the Inspector including pictures of any remediation work achieved on the areas identified in the document entitled *Mitigation Plan to Restore all Impacted Grounds and Waters on the “Old Roadway” – Road Between Clyde River and Cape Christian*, dated August 31, 2009, or subsequent revisions. The Board notes that weekly progress reports are not on file.

In addition, the Board acknowledges the information in the Application regarding the need to develop additional borrow sources. The Licensee is advised that borrowing and/or quarrying activities are not currently included in the scope of the existing Licence, and that the addition of such activities requires a water licence amendment. Furthermore, to process a water licence

amendment, the NWB requires written documentation from the Nunavut Planning Commission (NPC) and the Nunavut Impact Review Board (NIRB) confirming that their requirements under Articles 11 and 12 of the Nunavut Land Claims Agreement (NLCA) have been addressed.

A response to the above issues is requested from the Licensee as soon as possible in order to proceed with processing the Application.

Finally, the Board is aware that the Licence expires on October 1, 2010. The NWB reminds the Licensee of its responsibility, pursuant to section 46 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, that the expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence.

Should you have any questions please do not hesitate to contact the NWB office.

Yours truly,

Original signed by:

Phyllis Beaulieu (for)
David Hohnstein, C.E.T.
Director Technical Services

DH/tla/pb