



Water Resources Division
Nunavut Regional Office
Iqaluit, NU
X0A 0H0

NWB File: 8BW-CLY0810
CIDMS #: 450546

March 18, 2011

**Re: 8BW-CLY0810 – Renewal Application - Clyde River Road
Construction Project to Cape Christian – Qikiqtaaluk Corporation
(QC).**

Please be advised that Indian and Northern Affairs Canada (INAC) have completed a review of the renewal application for water license 8BW-CLY0810 prepared by Qikiqtaaluk Corporation. The Nunavut Water Board (NWB) circulated the renewal application for comments on February 7, 2011. All documents related to the application posted on the NWB ftp site under 8BW-CLY0810 were included in my review (See attached Technical Review Memo).

Should you have any questions or comments, please do not hesitate to contact me at (867) 975-4282 or by email at Ian.Parsons@inac.gc.ca.

Sincerely,

Original signed by

Ian Parsons
Regional Coordinator

Cc. Jim Rogers, Manager of Water Resources – Indian and Northern Affairs
Canada, Nunavut Regional Office
Peter Kusugak, Manager of Field Operations – Indian and Northern Affairs
Canada, Nunavut Regional Office



Technical Review Memorandum

To: Phyllis Beaulieu – Manager of Licensing, Nunavut Water Board

From: Ian Parsons – Regional Coordinator, Indian & Northern Affairs Canada.

**Re: 8BW-CLY0810 – Renewal Application - Clyde River Road
Construction Project to Cape Christian – Qikiqtaaluk Corporation
(QC).**

Background

Clyde River is a Hamlet located on the north-eastern part of Baffin Island, Nunavut. Cape Christian is located another 16 km to the Northeast of Clyde River on Baffin Island, Nunavut. Cape Christian is a former United States Coast Guard Long Range Navigation Communications Station which was abandoned in 1975 without being decommissioned. Decommissioning and remediation of Cape Christian began in 2008 with a completion date set for 2010 by INAC.

INAC Contaminated Sites Directorate contracted Qikiqtaaluk Logistics (QL) to remediate Cape Christian. Barges were going to be used to get equipment and personnel to the site, however the landing area was too soft and alternate ways to get equipment and personnel to the site had to be developed. QL contracted Qikiqtaaluk Corporation (QC) to rebuild/rehabilitate the abandoned road between Clyde River and Cape Christian to facilitate the access for equipment and staff to Cape Christian to complete the remediation and clean-up. The road was not part of the water licence issued to INAC for the Cape Christian remediation but was a separate application and licence. The road is on municipal and Commissioner's lands.

The road was reconstructed in 2008 from Clyde River to Cape Christian, rerouting part of the abandoned road, installing culvert stream crossings and construction of a free span bridge. However, the road is no longer since remedial work at Cape Christian was completed on schedule in 2010.

In order for the abandonment and restoration plan of the current water license 8BW-CLY0810 to be carried out the water license has to be renewed.



Recommendations/Comments

Commissioners Lands/Municipal Lands

All municipal lands within the Territory of Nunavut, which has not been conveyed to the Municipal Corporation, are Commissioners lands. The land surrounding the Hamlet of Clyde River and extending out to Cape Christian was part of a block land transfer agreement between the crown and the commissioner to set aside lands for municipalities/hamlets. The road that was construction by QC under Water Licence 8BW-CLY0810 is on land that was part of this block land transfer agreement and as such can not be disposed of without the prior written consent and approval of the Municipal Corporation as per Article 14 Part 4 of the Nunavut Lands Claim Agreement (NLCA). Therefore the land that the road has been constructed on is municipal land, commissioners land and/or a combination of both and thus can not be disposed off without prior written consent from the leading authority.

INAC believes that, since the infrastructure is on Commissioner's and municipal lands, the licensee should inform the Commissioner of Nunavut as well as the Government of Nunavut and the Municipal Corporation of their planned activities. The Nunavut Water Board should be informed of the leading authority's decision before proceeding with a licence renewal or INAC enforcing the present terms and conditions of the licence.

Application

Pending the decision over the infrastructure on Commissioner's and/or municipal lands, INAC recommends that the applicant should clearly indicate that the license renewal is for the sole purpose of completing the obligations (abandonment and restoration, post-closure monitoring, etc) set forth in the previous license or the municipality should apply to amend their water licence to include the road.

If the Nunavut Water Board decides to proceed to renew the licence, INAC recommends that:

- The applicant plans to remediate all the items outlined on the map, which was attached to the application entitled Road between Cape Christian and Clyde River;
- all precautions and best management practices (Rip-rap materials, Silt curtains, Barriers, etc) be implemented to prevent erosion, sedimentation of the waterways and any future degradation of the area being remediated, including removal of culverts and repairs to areas disturbed or impacted during the initial construction; and
- any road construction materials be reused if possible.



After reviewing the Monitoring Plan outlined in the abandonment and restoration plan INAC is satisfied that the plan will visually capture any problem areas that will arise from the closure activities. The monitoring plan should, however, include water quality sampling and be implemented for the term of the water license, not just for two years as was mentioned in the plan.

INAC notes that, in the renewal application, the licensee is requesting a 25 year term for the renewal of water license 8BW-CLY0810. INAC recommends a term of no longer than ten years.

INAC recommends that the applicant provide, to the NWB, all written authorizations pertaining to the application as well as all other outstanding information dealing with the renewal application for 8BW-CLY0810 before the application is considered for approval by the NWB.

Cc. Jim Rogers, Manager of Water Resources – Indian and Northern Affairs
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