



***INSPECTOR'S DIRECTION***  
**Pursuant to Section 87(1) of the Nunavut Waters  
And Nunavut Surface Rights Tribunal Act**

**To:**  
**Harry Flaherty, Project Director**  
**Qikiqtaaluk Corporation**  
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**August 24, 2009**

**- Inspector's Direction -**

I, Andrew Keim, a duly designated Inspector pursuant to subsection 85 (1) *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, conducted a scheduled regular Water License Inspection on August 20<sup>th</sup>, 2009 of the Qikiqtaaluk Corporation's use of water and disposal of waste during road construction and watercourse crossing activities at the Clyde River Road Construction Project located within the Qikiqtani Region, Nunavut. This project is associated with the remediation of the former Cape Christian DEW Line Site.

The current Water License authorizes the use of water and the deposit of waste with respect to the rehabilitation of an existing road/trail including water crossings. The Water License has terms and conditions applicable to this authorization to protect and prevent adverse environmental impacts to waters. As a result of the August 20<sup>th</sup> inspection several violations of the Water License Terms and Conditions and the NWNSRTA were observed by the Inspector. These include

- Construction of an alternative road/water crossings not authorized by the current Water License. This is contrary to Section 12, NWNSRTA
- Failure to install sediment and erosion control measures that "shall be implemented prior to and maintained during the operation to prevent entry of sediment into water" contrary to **Part C Item 5** of Water License 8BW-CLY0810.
- Failure to "undertake the appropriate corrective measures to mitigate impacts on surface drainage resulting from the Licensee's operations" contrary to **Part C Item 6** of Water License 8BW-CLY0810.
- Failure to "prepare all sites in such manner as to prevent rutting of the ground surface" contrary to **Part C Item 12** of Water License 8BW-CLY0810.



- Allowing the use of equipment or vehicles in the course of this undertaking while the ground surface was not in a state capable of fully supporting the equipment or vehicles without rutting or gouging and for failing to cease said activity and travel if rutting occurs contrary to **Part C Item 15** of Water License 8BW-CLY0810.
- Failure “to provide the Nunavut Water Board ninety percent complete plans and drawings of the bridge and culverts prior to construction and installation. These plans and drawings shall be stamped by and Engineer” contrary to **Part G Item 4** of Water License 8BW-CLY0810
- Failure “to monitor all activities for signs of erosion and shall implement and maintain sediment and erosion control measures prior to the undertaking to prevent entry of sediment into any water body” contrary to **Part J Item 1** of Water License 8BW-CLY0810

On August 21<sup>st</sup>, 2009 the Water Resources Officer with the Nunavut Regional Office of the Department of Indian Affairs and Northern Development (INAC) issued a Record of Inspection Form to Philippe Simon of Qikiqtaaluk Corporation. This report noted the Inspector’s observations and identified all non-compliance items referred to above.

As stipulated in subsection 12 1(b) of the Act : Except in accordance with the conditions of a License, no person shall deposit or permit the deposit of waste in any other place in Nunavut under conditions in which the waste, or any waste that results from the deposit of that waste, may enter waters in Nunavut.

*Having a reasonable belief that the Occurrences, in whole or in part, have resulted, or may result, in:*

- (i) *waters being used in contravention of the Act or the Water Licence;*
- (ii) *waste being deposited in contravention of the Act or the Water Licence; and/or*
- (iii) *the failure of a work related to the foregoing; and*

*Pursuant to Section 87(1) of the Act, I hereby direct Qikiqtaaluk Corporation to take the following reasonable measures*

- (a) *to rectify existing non-compliance with the Act and the Water Licence;*
- (b) *to prevent further non-compliance with the Act or the Water Licence;*
- (c) *to prevent the use of waters, the deposit of waste, or the failure of a work related to the use of waters or the deposit of waste as a result of the Occurrences; and*
- (d) *to counteract, mitigate or remedy the adverse effects to persons, property or the environment as a result of the Occurrences.*

*These measures are consistent with compliance with the Water Licence and the prevention of adverse environmental affects which could be reasonably expected from the above mentioned occurrences and violations.*



### *Remediation of Observed Environmental Concerns*

1. To immediately notify the Nunavut Water Board and as required apply to the Nunavut Water Board for an amendment to allow for the continued construction of the alternative road and the continuation of the Project.
2. To immediately, upon receipt of this Direction, contact the Department of Fisheries and Oceans with a copy to the Inspector, to notify them of the possible impact the continuation of the New Road Construction activities, once approved, may have on their current determination and authorization of harmful alteration, disruption or destruction of fish habitat. (HADD)
3. To by August 26<sup>th</sup> 2009, implement such measures as are required to prevent entry of sediment into any water body (For example Silt fencing). The Inspector shall be notified when this is complete and dated photographs indicating these measures provided.
4. To by August 31<sup>st</sup>, 2009 develop and submit to the Inspector and the Nunavut Water Board for approval a plan to mitigate activities on all impacted grounds and waters on the “old and roadway” which have been impacted by the use of vehicles and equipment. This plan must include but is not limited to;
  - i. A firm timeline for implementation and a date for completion
  - ii. Identification of all impacted sites
  - iii. Identification of remedial methods to be employed
  - iv. Provision of a sediment control plan for affected waters
  - v. A weekly reporting mechanism to regulators
  - vi. Restoration of all impacted surface grounds that have been gouged and/or rutted as a result of vehicular traffic or other project equipment
  - vii. Provision of a map diagram that clearly identifies the alternate road, impacted sites, constructed water crossings, etc
  - viii. Contacting the Nunavut Water Board to determine an appropriate course of action that ensures the alternate road construction complies with Section 12, NWNSRTA. This may require an amendment to the existing Water License. The Inspector must be copied on any correspondence with the Board.

Upon receiving concurrence from the Inspector, Qikiqtaaluk Corporation shall implement the Plan.

Failure to comply fully or in part with an **Inspector’s Direction** constitutes a offence under subsection 90 (1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*.

Further pursuant to subsection 90 (4) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, each day on which the **Inspector’s Direction** is not complied with shall be considered a separate offence.



If you have any questions or concerns, please do not hesitate to contact me at (867) 975-4289 or [Andrew.Keim@inac.gc.ca](mailto:Andrew.Keim@inac.gc.ca)

Andrew Keim

Inspector

Original signed this date and mailed

Inspector's Signature