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Aたいいかい シューでが トイナル Serving the communities of April 19th, 2013

Δ⁵∧⊲⁵≺⁵ Arctic Bay Damien Cote Executive Director Nunavut Water Board P.O. Box 119 Gjoa Haven, NU XOB 1J0

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Re: Type B Application, 8BC-MRY

∖ራናታ Hall Beach The Qikiqtani Inuit Association (QIA) is presenting this letter to the Nunavut Water Board (NWB) in relation to the type "B", originally filed by the proponent on March 11th, 2013, for which an extension was granted by the NWB for interested parties to file comments.

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1.0 Nature of the Application

Δ۵۰ ا Iqaluit In providing comments on the type "B" application before the NWB, QIA is making the assumption that the NWB has determined that all the relevant steps have been taken with respect to project conformity determinations and development impact review to allow the NWB to proceed with application and issuance of the licence.

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It is requested by QIA that the NWB, in its Reasons for Decision for this application, confirm whether or not all activities proposed within the scope of the current licence have in fact been appropriately assessed by NPC and NIRB.

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It is also requested by QIA that the NWB, in its Reasons for Decision for this application, confirm that the application filed by the proponent was complete and consider appropriate for review by interested parties.

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2.0 Term of Licence

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Respecting that the type "B" application is intended to be interim in nature and relates to the type "A" application (for the same project) presently before the NWB, QIA strongly recommends that the type "B" licence carry a term of not more than one (1) year. QIA notes this aligns with the requested term under the General Water Licence Application, Proposed Term of Licence, (Section 25). Furthermore, QIA strongly recommends that the type "B" licence be subsumed into the type "A" licence once such a licence exists (assuming such a licence is approved).

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3.0 Specific Activities

Regarding the specific activities applied for under the current application, QIA has requested and received confirmation from the NWB that comments previously filed by QIA in relation to the type "A" licence that pertain to the same project activities contained within the type "B" application can be referenced. QIA therefore directs the NWB to the following comments made by QIA on March 22, 2013 for the type "A" application:

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Development of Q1 Quarry and Local Borrow Sources

- a. See QIA Final Type "A" Submission to NWB Section 2.5, Requests 1 to 4 on Page 8.
- 2. Expand camp sewage facilities, such as construction of a second PWSP at Milne Inlet
 - a. See QIA Final Type "A" Submission to NWB Section 2.1, Requests 3 and 4 on Page 5.
- 3. Construction of 5ML steel tank (at Milne Inlet)
 - a. See QIA Final Type "A" Submission to NWB Section 2.2, Request 1on Page 5.

For the following activities QIA believes the NWB has the expertise to develop customary Water Licence conditions without further comment from QIA. QIA strongly encourages NWB to consider the use of existing licence conditions where the proponent has already been licenced for such activities, including but not limited to:

- 1. Development of laydown areas A and B (Milne Inlet);
- Construction of camp facility pads and begin the instillation of construction camps and associated facilities (Milne Inlet and Mary River); and
- 3. Fuel tank farm secondary containment structure (at Milne Inlet).

QIA notes that under the General Water Licence Application, Description of Undertakings (Section 9) the proponent clearly acknowledges that of the activities listed items number 2, 4 and 6 are for construction purposes only. QIA therefore strongly recommends that the operation, use, and maintenance of these facilities be permitted only under a type "A" licence, as currently being reviewed by the NWB.

A note of clarification, it is unclear to QIA whether the proponent also intends to include the following activities within the scope of 8BC-MRY:

- 1. The erection and installation of emergency response building,
- 2. The erection and installation concrete batch plant,
- 3. The erection and installation emulsion plant,
- 4. The erection and installation maintenance shop, trades shops, warming shed and parking garage, warehouses, administration buildings and field offices.

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4.0 Abandonment and Reclamation

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%⊳⊿∆ጎ% Resolute Bay In the event the activities proposed require complete abandonment and reclamation it is unclear to QIA which Abandonment and Reclamation Plan would guide the reclamation of the activities applied for within the current application. QIA did not find any materials specific to Abandonment and Reclamation in the type "B" application. QIA reviewed the Executive Summary, Project Description the General Water Licence Application and the supplemental information package provided by the proponent on (April 3rd, 2013) and was unable to find a clear reference to a source document that would assist QIA to find the proper source document. QIA therefore strongly requests that the NWB seek clarity from the proponent as to whether not an Abandonment and Reclamation Plan exists for the activities proposed, including a requirement to supply all parties with such a document in advance of final licencing.

Furthermore, QIA notes although the General Water Licence Application, Security Information (Section 21) makes reference to security through the following statement:

"Security in the amount of \$6,738,216 is currently held in relation to 2BB-MRY0710. Additional security will be posted in respect of the Mary River facilities and will be the subject of submissions during the hearing on the Type A Water Licence scheduled for April 2013."

While QIA understands the position put forward by the proponent, QIA believes parties need to respect the direction offered by NIRB on this very topic which states:

"The Proponent shall meet with respective licensing authorities prior to the commencement of construction to discuss the posting of adequate performance bonding. Licensing authorities are encouraged to take every measure to require that sufficient security is posted before construction begins."

Given that all the activities applied for under the type "B" application would take place on Inuit Owned Lands, assuming the NWB approves a licence for the requested undertakings, QIA will undertake a review of financial security for the new activities proposed. Consistent with QIA's comments throughout the review process of this project, QIA will hold security under a land lease and that security will be developed on the basis of QIA policies.

ՎԺԲ _ dep and Condition No.7, Nunavut Impact Review Board, Project Certificate 005 (December Sanikilu284th, 2012)

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QIA requests that the NWB take security held under land instruments into consideration when determining the overall security amount for the type "B" licence. undertake to provide the NWB with evidence as to what security is held by QIA once a final amount is determined. To assist the NWB in allowing for security adjustments under the type "B" licence QIA refers the NWB to the licence condition on security proposed by QIA on March 22, 2013 for the type "A" application.

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5.0 **Closing Statement** Independent from, yet related to the type "B" application, QIA and the proponent

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continue to work though the rights of access required to enable the proponent to undertake the activities as applied for before the NWB. QIA is hopeful that the parties will be able to reach a positive conclusion to on-going lease negotiations or otherwise determine the reasonable terms and conditions of access pursuant to the NLCA.

From QIA's perspective the activities included in the type "B" application are in support of a Major Development Project, and therefore QIA is also hopeful that the parties will be able to complete their negotiations or otherwise obtain a final IIBA pursuant to the NLCA.

Concerning Inuit rights pursuant to Article 20 of the NLCA, QIA and the proponent continue to work towards completion of a Water Compensation Agreement.

We therefore offer to the NWB to please contact QIA with any comments, concerns, or questions you may have.

Sincerely,

Stephen Williamson Bathory Director, Major Projects

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