



- Geotechnical Studies - North Railway Terrain Analysis – Site Assessment of North Railway Alignment;
- North Railway Factual Geotechnical Report;
- North Railway Bridges Ground Temperature Data;
- North Railway Bridges Geotechnical Recommendations - Foundation Recommendations for Rail Bridges;
- North Railway Geotechnical Recommendations;
- Mine Site Factual Geotechnical Report - 2018 Mine Site Geotechnical Investigation Report;
- 2016-2017-2018 Milne Port Geotechnical Investigation Factual Data Report;
- Milne Port Geotechnical Recommendations;
- Milne Port Crushing and Screening Geotechnical Recommendations;
- Milne Port Dumper Load Out Tunnel and Indexer Geotechnical Recommendations - Geotechnical Recommendations for Dumper Load-out Tunnel and Indexer;
- Milne Port Stacker/Reclaimer Berm Foundation Geotechnical Recommendations;
- Milne Port Ore Dock No. 1 Factual Geotechnical Report;
- Milne Port Ore Dock No. 2 Factual Geotechnical Report;
- Milne Port Ore Dock No. 2 Factual Geophysical Report;
- 2007 Geochemical Evaluation;
- 2010 Geochemical Evaluation;
- 2017 Geochemical Evaluation;
- 2019 Geochemical Evaluation;
- Geochemistry Summary Memo (2007 to 2019);
- North Railway Detailed Figures;
- North Railway Design;
- North Railway General Arrangements;
- North Railway Plan and Profile Drawings;
- North Railway Cross-Sections;
- North Railway Typical Drawings;
- Milne Port Rail Workshop Drawings;
- Milne Port Locomotive Workshop Drawings;
- Road Modifications;
- Tote Road Grade Crossing Layouts;
- Tote Road Grade Crossing Sections;
- Tote Road Typical Drawings;
- Tote Road Relocation Drawings;
- Milne Port Southern Bypass Road Drawings;
- Milne Port Module Delivery Road Drawings;
- Milne Port Site Road Drawings;
- Fish Habitat Interactions Report;
- Fish Survey Report - North Railway Freshwater Habitat Survey: 2018;

- North Railway Catchments;
- North Railway Culvert Typical Drawings;
- Milne Port Culvert Placement Plan;
- North Railway Arch Culvert Details;
- North Railway Arch Bridges Hydraulic Assessment - Rail Bridge Design - Hydraulic Report;
- North Railway Bridge Drawings;
- Mine Site Material Handling and Water Management;
- Mine Site Water Management Plan;
- Mine Site Water Balance Schematic;
- Mine Site Truck Workshop Drawings;
- Milne Port Ore Handling and Stockpiling Drawings;
- Milne Port Stockyard Stormwater Ponds Schematic;
- Milne Port Water Management Plan;
- Milne Port Site Water Balance Schematic;
- Milne Port Site Expansion Drawings;
- Milne Port Laydown Area Drawings;
- Temporary Ore Staging Area;
- Temporary Ore Staging Area Water Balance Schematic;
- Mine Site Fuel Tank Farm;
- Mine Site Fuel Tank Farm Grading, Layout and Section Drawings;
- Mine Site Water and Sewage Schematic;
- Milne Port Water and Sewage Schematic;
- Milne Port Utilities Plan;
- Temporary Camp Sewage Tanks;
- Temporary Camp Water Tanks;
- Milne Port Landfarm Manual - Landfarm Operation Maintenance and Monitoring Manual;
- Emergency Response Plan - Draft;
- Spill Contingency Plan - Draft;
- Surface Water, Aquatic Ecosystem Management Plan;
- Fresh Water Supply, Sewage, and Wastewater Management Plan – Draft;
- Waste Management Plan – Draft;
- Hazardous Materials and Hazardous Waste Management Plan – Draft;
- Borrow Pit and Quarry Management Plan – Draft;
- Aquatic Effects Monitoring Plan – Draft;
- Environmental Protection Plan – Draft;
- Interim Closure and Reclamation Plan – Draft;
- Surface Water Sampling Program – Quality Assurance and Quality Control Plan;
- Phase 1 Waste Rock Management Plan; and
- Life-of-Mine Waste Rock Management Plan.

All information has been placed in the Board's Public Registry and is available from our ftp site using the following link:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MRY1325%20BIMC/1%20APPLICATION/2018%20Phase%202%20Expansion%20Project/>

On May 29, 2018, the Nunavut Planning Commission (NPC) issued its conformity determination stating that the Project proposal conformed to the North Baffin Regional Land Use Plan. In its original Application received by the Board on August 22, 2018, the Applicant has requested the NWB's consideration of the Application be conducted in a coordinated manner with the Nunavut Impact Review Board's (NIRB) assessment process of the Phase 2 of the Mary River Project (NIRB File No: 08MN053).

On October 12, 2018, the Board distributed the original Application for a completeness check by interested parties. On January 24, 2019, NWB notified BIMC that on the basis of the scope and nature of the amendments proposed, the comments on completeness received from intervening parties, and the NWB's assessment of the completeness of the Application, the Board concluded that the BIMC submission did not yet provide sufficient technical information to be considered complete and to progress to the NWB's technical review stage. NWB requested that BIMC provide the additional information requested to further process the Application. On March 8, 2019, the NWB provided the Applicant with additional guidance in respect of the next steps in the Board's consideration of the Application.

The NWB has conducted a preliminary review of the submission and determined that the Application meets the requirements allowing for public distribution in support of an initial technical assessment. Further, the preliminary review confirms that the Application is for a Type "A" Water Licence, which will require a public hearing in accordance with s. 52<sup>1</sup> of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTRA or Act). All public hearing matters will be carried out in accordance with the Board's *Rules of Practice and Procedure for Public Hearing*, dated May 11, 2005 (NWB Rules).

The next step in processing the Application involves a completeness review and an initial technical assessment to determine if all of the necessary information and studies to evaluate quantitative and qualitative effects of your project on the freshwater environment have been provided. Recognizing that the original Application had undergone a completeness check by parties already, the Board reduces the timeframe for the completeness check of the latest submission.

**Accordingly, by copy of this letter, the Board requests that interested parties review the Application and supplemental information for completeness and conduct an initial technical assessment, including identifying any Information Requests (IRs) that the reviewing party requests be filed to enable that party to complete their technical review of the Application. Further, the NWB invites interested parties to comment on the type of Technical Meeting-Pre-Hearing Conference to be held for the application (written, teleconference, or in person as outlined in steps 3 and 5 in the process overview set out below).**

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<sup>1</sup> *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, section 52 (1) Subject to subsection 37(2), a public hearing shall be held by the Board before it disposes of (a) any application in relation to a licence, unless the application is of a class that is exempted by the regulations from the requirement of a public hearing.

All intervening parties should provide their submissions to NWB's Manager of Licensing at [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca) by **May 14, 2019 (3:00 p.m. MT)**.

Following the receipt of comments, the NWB will determine whether the Application is complete, or whether additional information and studies are required (IRs) to evaluate all quantitative and qualitative effects of the undertaking pursuant to s. 48 of the Act. NWB will advise BIMC of the Board's determination at that time.

Once the Application has been deemed complete, the following general process will be undertaken. Complete details on the NWB's licensing process are available in NWB Guide 5<sup>2</sup> and the Board preserves the right to modify the licensing process, including timelines as may be required to appropriately process this Application.

**1. Notice of the Application**

A notice of the Application will be made in accordance with s. 55(1) of the Act. This notice will invite interested persons to make representation to the Board. Parties will be advised of the consequences of failure to respond as outlined in ss. 59 and 60(2) of the Act. Furthermore, the Board will distribute notice to the communities and interested parties affected by the application and shall publish the notice in a newspaper of general circulation in the areas that are affected. If there is no such newspaper, the Board shall publish the notice in such other manner as the Board considers appropriate.

**2. Detailed Technical Review**

Interested parties will be invited to undertake a detailed technical assessment or review of the complete application for the undertaking. Parties (interveners and the Applicant) will be encouraged to work cooperatively to address technical issues identified during the review period. Generally, the Board provides at least thirty (30) days for a technical review in advance of a technical meeting. However, to assist the Board in expediting the technical assessment, parties are encouraged to begin their detailed technical assessment as early as possible (during and following the initial request for IRs).

**3. Technical Meeting (TM)/Pre-Hearing Conference (PHC)**

Rule 14 of the NWB Rules permits the Board, through its staff or in conjunction with staff, to hold a Technical Meeting (TM) and Pre-hearing Conference (PHC) with interested parties, either in writing, by teleconference, or in person. The Board anticipates setting a date for a TM/PHC shortly after the deadline for receiving technical review submissions. The PHC is typically scheduled to immediately follow the TM.

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<sup>2</sup> Guide 5 – Processing Water Licence Applications (April 2010).

4. **Pre-Hearing Conference (PHC) Decision**

Following the TM/PHC, the NWB will issue a PHC decision and may outline any technical commitments of the Applicant, and the administrative and procedural requirements for a Public Hearing.

5. **Public Hearing (PH)**

Sub-section 55(2) of the Act requires that a minimum notice period of sixty (60) days be provided for a Public Hearing (PH). As with the Technical Meeting and Pre-hearing Conference, the Board has the ability to conduct its PH in writing, by teleconference, or in person. Once the Board has received all information requested through this process and is satisfied that the PH should proceed, the type or place, date, and time of the hearing will be determined and a notice will be published by the Board in advance of the PH and in a manner that promotes public awareness and participation in the hearing.

6. **Public Hearing Decision**

Following the Public Hearing, the Board will issue a written decision with reasons (final decision) for the Application. The Board's final decision will be provided to the Minister of Indian Affairs and Northern Development (Minister) for consideration. Interested and intervening parties will also be provided with a copy of the of the Board's final decision. The Minister typically issues his/her response to the Board's final decision with forty-five (45) days of receipt, or if notifying the Board of an extension within the forty-five (45) days, within ninety (90) days from the date of receipt.

On this basis, the NWB is inviting interested persons to comment on the following:

- 1) Completeness of the Application based on their initial technical assessment;
- 2) Information Requests (IRs) related to the Application that must be provided to enable the parties to complete their full technical review; and
- 3) Type of a Technical Meeting (TM)/Pre-Hearing Conference (PHC) to be held.

All comments, recommendations and any requests for information (IRs) should be submitted to the NWB's Manager of Licensing at [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca) no **later than May 14, 2019 (3:00 p.m. MT)**.

If you have any questions regarding the above or procedural matters, please contact Richard Dwyer, Manager of Licensing, at (867) 360-6338 or by e-mail to [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca). For inquiries related to Technical matters, please contact the undersigned at (867) 360-6338 ext. 31 or by email to [assol.kubeisinova@nwb-oen.ca](mailto:assol.kubeisinova@nwb-oen.ca).

Sincerely,

Assol Kubeisinova  
Technical Advisor

Cc: Mary River Distribution