

APPENDIX I

Baffinland's Response to QIA's Comments on Draft Application

(Pages I-1 to I-4)

Table F.1
Baffinland’s Response to QIA’s Comments on Draft Application

IR	Topic	Discussion	Information Request	Response
1-1	Inclusion of IQ	Throughout the application, Baffinland states that the conditions and impacts to both the physical environment and Inuit water rights are the same as in the original application. However, QIA notes that Baffinland has not included in this application any consideration of how Inuit Qaujimajatuqangit (IQ) has been used to evaluate impacts to the environment and Inuit water rights. In fact, IQ collected by QIA with North Baffin impacted communities through the Tusaqtavut studies, and the findings of the NIRB process (notably in the Phase 2 Report) indicate that impacts may have already occurred on a scale not predicted by Baffinland in the Final Environmental Impact Statement (FEIS) or subsequent applications. In addition, QIA questions whether there are enough trend-over-time data to suggest that the “physical environmental conditions are the same as in the original application”. Well over a decade has passed since the original application, and the amount of data collected in the interim, especially south of the mine toward Steensby Inlet, need to be considered as to its adequacy to gauge changes in conditions, especially given climate change. Overall, this application lacks consideration of Inuit Qaujimajatuqangit (IQ) and of freshwater-related impacts to Inuit water rights and Inuit culture, resources, and land use (CRLU). In the past, QIA noted “the absence of detailed, consistent, and extensive application of Inuit Qaujimajatuqangit (IQ) and Inuit-led monitoring” that is required for the water licence approval, monitoring and management (QIA 2023). This should include consideration of IQ for a range of concerns that can only be defined by Inuit. QIA’s review of Baffinland’s 2022 Nunavut Water Board Annual Report included the following examples that require significantly greater consideration of IQ in regard to project impacts and monitoring activities, such as: • Modifications of fish-bearing stream crossings; • Monitoring dust deposition and dust suppression; • Locations for and monitoring at Surveillance Network Program (SNP) monitoring locations; • The Tote Road Monitoring Program; • Snow stockpile monitoring; • Identification of waterbodies of heightened importance for additional monitoring and heightened management prescriptions, in the context of the exiting Water Licence; • Natural sedimentation surveys; • Elements of the Aquatic Effects Monitoring Program; • Implementation of the revegetation program.	QIA requests that Baffinland provide more detailed evidence of consideration of IQ and of impacts to Inuit water rights and Inuit Culture, Resources and Land Use in its forthcoming water licence renewal application and supporting materials.	The NWB Guides do not identify that this type of information is required as part of a licence renewal application. No amendments or modifications are being sought to the existing Type A Water Licence as part of the renewal. Impacts of the Project were assessed in the FEIS and FEIS Addendum prior to the original Licence being issued in 2013 and amended in 2015. As part of its ongoing operations, Baffinland has considered the following sources of formal IQ collection and relied on IQ and Inuit feedback to develop many key adaptive project mitigations (e.g. dust mitigation, Tote Road mitigation for sedimentation and design of watercourse crossings, as detailed response to Question 5-1). In addition, the extensive body of information gained through regular Inuit engagement, annual monitoring and periodic regulatory activities: • 2006 - 2012 Land Use Study • 2015 - 2016 Contemporary Land Use Studies • 2019 Risk Mitigation Workshop Report • 2019 - 2021 Tusaqtavut Studies Baffinland has completed a review of relevant information from its 2006-2010 Mary River Inuit Knowledge Study and the QIA’s Tusaqtavut studies, and this is described in Section 4 Consultation of the Application and Supporting Information Document (Knight Piésold, 2024a) in an appendix to the same document (Knight Piésold, 2024b). Baffinland remains open to considering new IQ that the QIA has collected in accordance with Baffinland’s agreement with the QIA to fund additional IQ collection. Baffinland has also demonstrated a willingness to develop additional monitoring programs outside of the licensing process, for example in developing the Snow Management Plan, the Tote Road Monitoring Program, and the Environmental Guidelines for the Repair, Modification or Replacement of Water Crossings, the latter two which are now effectively part of the Water Licence through their inclusion in the Surface Water and Aquatic Ecosystem Management Plan. CRLU is a topic addressed through the Project Certificate and the NIRB assessment process. Through the joint development of the CRLU Assessment in relation to the Phase 2 Proposal as well as Appendix B, QIA was resourced to carry out a defined scope of community engagement that included freshwater IQ data collection described as follows: <i>“- Conduct up to 30 interviews and 4 workshops. This would include identifying 2 Elders and 2 youth to be retained on honoraria during the time in Pond Inlet, to serve as mentors and mentees to the IQ transfer of knowledge during the process. Depending on the results of interviews and focus groups, report components may include:</i> • <i>List of waterbodies of heightened value;</i> • <i>IQ-based water health indicators;</i> • <i>Preliminary identification of sites recommended for monitoring by knowledge holders;</i> • <i>Preliminary identification of thresholds of acceptable change to waterbodies and water quality.</i>
2-1	Inclusion of Inuit Values	The application states that the “location of the undertaking [is] the same as that considered in the existing licence” (2). Although this may be technically true, Baffinland’s shifting focus over the past 12 years from Milne Port to Steensby has been accompanied by a lack of consideration of IQ and potential project impacts from the Southern transportation corridor and surrounding areas and the proposed Steensby Port. The application also states in section 18 that the rights holders in the area are “the same as those considered in the existing water licence” and that “Inuit hunters frequent the area, and a hunter cabin has been established outside the mine area and also at Milne Port.” (12). Inuit water rights are related to Inuit harvesting rights, both of which are protected in the Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Agreement) and must be considered in this application. This application has not identified Inuit use values (i.e. locations of value) in the impacted areas that may be in proximity to Baffinland’s existing and future water withdrawal and waste disposal locations as shown in Attachment 2 to this application. Nor has this application demonstrated sufficient consideration of IQ in identifying proximal use values. Studies conducted by QIA, such as the Tusaqtavut studies for five of the seven communities most likely to be impacted by the Mary River Project show extensive use values throughout the area and included fishing and freshwater as a valued component (VC). Information from these studies and others should be integrated into this application. Regarding the southern areas, Baffinland’s own maps provided in their recent freshwater FAA application identify many use values in the Steensby area.	QIA requests that Baffinland provide further information which clearly identifies what IQ has been utilized to identify potential project interactions between water withdrawal and waste disposal activities in relation to valued Inuit harvesting and culture locations. This will help identify whether adequate work has been done to identify potential project interactions and associated impacts to Inuit water rights and culture, resources and land use (CRLU).	Baffinland has completed a review of relevant information from its 2006-2010 Mary River Inuit Knowledge Study and the QIA’s Tusaqtavut studies, and this is described in Section 4 Consultation of the Application and Supporting Information Document (Knight Piésold, 2024a) in an appendix to the same document (Knight Piésold, 2024b). Baffinland remains open to considering new IQ that the QIA has collected in accordance with Baffinland’s agreement with the QIA to fund additional IQ collection. Baffinland has also demonstrated a willingness to develop additional monitoring programs outside of the licensing process, for example in developing the Snow Management Plan, the Tote Road Monitoring Program, and the Environmental Guidelines for the Repair, Modification or Replacement of Water Crossings, the latter two which are now effectively part of the Water Licence through their inclusion in the Surface Water and Aquatic Ecosystem Management Plan. CRLU is a topic addressed through the Project Certificate and the NIRB assessment process. Through the joint development of the CRLU Assessment in relation to the Phase 2 Proposal as well as Appendix B, QIA was resourced to carry out a defined scope of community engagement that included freshwater IQ data collection described as follows: <i>“- Conduct up to 30 interviews and 4 workshops. This would include identifying 2 Elders and 2 youth to be retained on honoraria during the time in Pond Inlet, to serve as mentors and mentees to the IQ transfer of knowledge during the process. Depending on the results of interviews and focus groups, report components may include:</i> • <i>List of waterbodies of heightened value;</i> • <i>IQ-based water health indicators;</i> • <i>Preliminary identification of sites recommended for monitoring by knowledge holders;</i> • <i>Preliminary identification of thresholds of acceptable change to waterbodies and water quality.</i>
3-1	Project Impacts on Inuit	Baffinland’s application states that the description of the undertaking is the same as that considered in the existing water licence and refers to its 2012 Final Environmental Impact Statement and unnamed subsequent submissions to the NWB during the water licensing process. Later in the application, in regard to environmental impacts, the application states that “Environmental impacts were assessed in detail in the 2012 Final Environmental Impact Statement and the 2013 Addendum to the FEIS for the Early Revenue Phase (Baffinland, 2012 and 2013)” (11). Information provided in the 2012 FEIS is also relied on in other parts of the application, such as section 24 (p. 17). In section 23 of the application, Baffinland refers again to outdated reports. Baffinland does not list or attach specific studies or reports as requested in the application question (“List and attach updated studies, reports, research etc”) (16), but rather refers to the outdated FEIS and addendum and a series of annual reports. Baffinland’s original EIS is now 12 years old and was considered inadequate by QIA in the first place (and repeatedly in the interim during other NIRB and NWB processes) for its insufficient consideration of IQ and freshwater-related impacts to Inuit CRLU. Project effects from the Tote Road, Milne Port, and Milne Inlet ship transits have been observed and experienced by north Baffin Inuit at levels that exceeded the FEIS predictions for those portions of the Project that have been developed. It is expected that baseline conditions have changed in the areas south of the mine that concern the current application. Potential project effects are now better understood than they were in 2012, but also not readily agreed upon between Baffinland and Inuit. Notably, the project-specific and cumulative effects that have emerged through Baffinland’s ongoing road hauling and Milne shipping activities affecting freshwater are now better understood but are also subject to substantially different perspectives between Baffinland and Inuit parties. Though the Steensby component was included in the original approved project assessment, the fact that 12 years have elapsed means that conditions may have changed due to impacts from the project, climate change, and other factors. Additionally, Baffinland’s shifting focus, as mentioned above, has resulted in under consideration of IQ and impacts to Inuit CRLU in certain areas, most notably in areas south of the mine to Steensby Port. In 2019 and 2020, QIA completed three Tusaqtavut studies with the five impacted North Baffin communities, which included fishing and freshwater as a valued component evaluated for use values and impacts. This information should be used to assess impacts and concerns related to water.	QIA requests that Baffinland clearly outline its plan to engage Inuit in order to update information that is now found to be lacking in its 2012 FEIS. This exercise may be carried out alongside other data collection and analysis required in comments above. A new and updated plan for IQ collection is required to address outdated information and update conclusions regarding potential impacts to water. Updated assessment of current use in the “mine to Steensby” area and of current and potential impacts from the project is required to assess ongoing and potential impacts to CRLU resulting from water use.	- Once data collection has been collated and analyzed a follow-up meeting in Pond Inlet will ensure quality/quantitative data after which the findings from the Study to the CRLU working group. - Initial pre-consultation meetings during the month of August with the Hamlet, HTO and CLDs in Pond Inlet will prepare residents prior to arrival during the 1st two weeks in September. The data will be collated during the months of October through November with a follow-up 2-day workshop in Pond Inlet in early January 2021 to ensure study results are finalized prior to March 8, 2021. - Data collected for the CRLU Assessment on Inuit freshwater values and waterbodies of heightened importance will also serve the purpose of development of a supplemental body of IQ to identify any Waterbodies of Heightened Importance within the Project Area, related to revisions to the Water Compensation Agreement t.” To date, Baffinland has not received confirmation of the scope of the activities that were ultimately carried out by QIA, or been supplied with the outcomes of any work that was completed. Therefore it is not possible to incorporate this information in the renewal. Since the rejection of the Phase 2 Proposal, Baffinland has reaffirmed its commitment to fund QIA to develop an Inuit Stewardship Plan and complete the CRLU Assessment (as well as the Pond Inlet Country Food Assessment and a newly proposed North Baffin Caribou Study) on two occasions through the PIPR and SOP NIRB Reconsiderations. Both commitments are included in Project Certificate 005, Appendix B and reflect QIA’s commitment to provide a Work Plan for approval by Baffinland to complete the proposed work. Baffinland continues to support these initiatives, noting that delays in implementation have limited our ability to supplement our existing record of IQ to address QIA concerns regarding CRLU and the freshwater environment. (See Project Certificate 005, Amendment No 005, Appendix B, Table 1, Commitment 019 and Table 2, Commitment 013). However, this information once available will be used to inform monitoring and mitigation programs. Baffinland can include a record of freshwater IQ it has access to and evidence of its consideration in our water management practices, however, no amendments or modifications to the water licence are being proposed in the renewal and it is not clear how this information would be considered in the NWB process. The Water Compensation Agreement addresses impacts to Inuit water rights from the Type A Water Licence, per Article 20 of the Nunavut Agreement.
6-1	Project Impacts on Inuit Water Use	Baffinland’s application states that “the quantity(s) of water to be used from each source [are] the same as those considered in the existing licence” (7). QIA’s review of Baffinland’s annual report to the NWB for 2022 notes “thirty (30) instances of exceedance of the specific daily withdrawal limit stipulated by Table 2-3 of the Type ‘A’ Water Licence” (1) and that this is partly due to Baffinland’s overuse of certain water withdrawal locations and under use of others. Overdrawing at certain locations, even if overall quantities are within the total allowances of the current licence, may impact local conditions, as a result, Inuit water rights. Other indications of impacts to Inuit water rights and CRLU are apparent in the annual reports and other documents (suspended solid exceedances; fish passage concerns; spills; and others). The recent CIRNAC inspection report also noted two non-compliance issues, to do with containment of waste oil and a leaking dam causing sediment-laden water to escape into the environment. Potential biophysical impacts such as these require assessment using IQ.	QIA requires that Baffinland demonstrate community engagement and consideration of IQ to determine which specific impact pathways regarding water use have bearing on Inuit CRLU in the project area. Specific values (e.g., fishing, cultural use, drinking water, etc.) and impact pathways should be chosen and evaluated by Inuit. QIA requires that Baffinland include in this application its plan to engage Inuit and consider IQ for all biophysical impacts that may have bearing on Inuit CRLU and water rights.	
1-2	Inclusion of IQ	See 1-1	QIA requests a discussion with Baffinland prior to filing its formal water licence renewal application to identify: a. an appropriate IQ and rights related data collection program as required to adequately assess impacts to Inuit rights. b. measures for any additional Inuit-led and/or Inuit-informed monitoring programs that will be developed and applied in relation to water and aquatic organisms	

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IR	Topic	Discussion	Information Request	Response
2-2	Inclusion of Inuit Values	See 2-1	Baffinland should identify any geographical areas or impact- and use-related topics (e.g. existing use values; impacts to fish; impacts to valued cultural areas; impacts to harvesting rights) that have not been evaluated by Inuit through the use of IQ and should provide this information as part of this draft application for QIA’s review. Where information is found by Baffinland or QIA to be lacking, Baffinland must commit to providing funds and other required resources for further research to be conducted by and with Inuit to identify locations of heightened importance and value for Inuit rights practices, and work with QIA to ensure that adequate mitigation and monitoring of existing or potential impacts to water conditions and Inuit rights in the project-affected area. QIA notes that the Inuit Stewardship Program (ISP) is a suitable pathway to addressing this gap.	Baffinland agrees with QIA that these topics are best addressed through the development of the Inuit Stewardship Plan (which is funded by Baffinland). Due to the complexities involved in QIA’s establishment of the plan, this information will not be available for consideration as part of the Type A Water Licence renewal process. As mentioned in response to QIA-1-1, QIA has not yet shared information collected in relation to the freshwater environment in 2020 and 2021 or the results of work that was undertaken related to water bodies of heightened importance. However, the outcomes from this work and the Inuit Stewardship Plan will be incorporated in the Project once available, per commitments in Appendix B of the Project Certificate and will be incorporated in the IIBA.
3-2	Project Impacts on Inuit	See 3-1	Once gaps from the past 12 years and other gaps as outlined here and above are identified by Baffinland and/or QIA, a work plan should be developed and funding and resources provided to carry out independent Inuit-led data collection as required to adequately consider IQ and impacts in relation to water rights.	Baffinland and QIA have already agreed to amend the Water Compensation Agreement to be consistent with ID-17 Section 17.1.5 (a), (b), (c), (d) and (f) of the now terminated ICA. Section 17.1.5 (c) requires the ‘Requirements for initial and occasional revisiting of Inuit data collection to identify “waterbodies of heightened importance” and related topics relevant to Water Compensation Agreement implementation.’
4-2	Input of Inuit on Infrastructure Location		QIA requests that Baffinland engage with Inuit parties to identify whether there are any proposed but yet to be built project physical works and activities that merit reconsideration re: routing and/or siting. Should there be need for additional alternative means assessments of this nature, this work can be carried out in parallel with the required data collection and analysis discussed in comments above in regard to updating this application’s description of IQ and impacts related to the project’s water use.	Note the Steensby Railway and Port are approved project components under the Project Certificate and Type A Water Licence, they are not proposed.
4-1	Input of Inuit on Infrastructure Location	Baffinland’s application states that “the alternative methods and locations that were considered to carry out the project [are] the same as those considered in the existing water licence” and that “Alternative methods and locations were considered in the 2012 Final Environmental Impact Statement as well as the Type A Water Licence Application.” There is no information provided by Baffinland that Inuit have been involved in any reconsideration of the suitability and preferability of proposed project physical work and infrastructure locations between the mine and Steensby Port, at any time since 2012. Given climate change, what has been learned from the existing project components north of the mine and how they interact with Inuit CRLU and rights, higher expectations for Inuit involvement in siting and routing processes (including from the Phase 2 NIRB process), there is a reasonable expectation that Baffinland will work with Inuit to determine if any siting and routing issues need to be revisited prior to or during the NWB Water Licence process.	QIA requests that Baffinland identify whether it conducted any updated assessment of alternative methods and locations that accounts for IQ, Inuit use values in the project area, and existing and potential impacts to Inuit water rights and CRLU, for portions of the project south of the mine, between 2012 and present day, and if so, to provide the results for consideration by Inuit parties.	Alternatives assessment and location of the railway is a matter addressed by the NIRB environmental assessment process and Project Certificate 005, not the water licence process. These matters have already been determined via the NIRB regulatory process as follows. For clarity, Baffinland is not proposing to modify any part of the Approved Project, including its location. The location of the Steensby Railway and Steensby Port are established under Project Certificate 005 (as well as other approvals issued for the Steensby Components, such as Amendment No. 1 to the North Baffin Regional Land Use Plan). Per the 2012 FEIS, Baffinland undertook an extensive process to listen to and work with communities to identify and assess alternative Port and connecting rail locations. This included consideration of Ports to the east of the Mine Site between Pond Inlet and Clyde River, and to the west towards Nanisivik. A Port location further south in Steensby Inlet, identified as Nuvuit, was also considered in detail and the subject of a dedicated evaluation by Baffinland (Canarail), which was then subject to a third party review by QIA (HDS Engineers) and funded by Baffinland. The alignment of the Steensby Railway itself was also subject to an intensive alternatives assessment to consider different segments. The final Steensby Rail alignment was selected based on a comprehensive understanding of technical and economic feasibility, as well as environmental protection and community priorities. The NIRB offered numerous opportunities to Inuit and the communities for input, and over 150 Nunavummiut attended the final public hearings in Iqaluit, Pond Inlet and Igloodik. Baffinland also refers the QIA to the NIRB Recommendation Report (2012) for further details of NIRB’s consideration of this evidence in its decision making. At this stage in the development of the final alignment of the Steensby Railway, in accordance with the issued approvals and applicable legal requirements, Baffinland is focused on avoiding where possible: geotechnical hazards that present significant safety issues for the long term operation of the railway, encroachments on water bodies and archaeological sites of regional significance. Baffinland has presented these plans to all five North Baffin communities as well as Kimmirut and Kingait and no community organization to date has raised the topic of adjustments to the location of proposed Project infrastructure. Baffinland has engaged Inuit in relation to the Steensby Component of the Approved Project and will continue to do so as it is further developed. Inuit have been engaged directly in respect of major permits that concern infrastructure location and design, specifically through the development of Applications for Fisheries Act Authorizations under the Department of Fisheries and Oceans and the Approval to Construct under the Canadian Transportation Agency. QIA and Inuit will continue to be involved in the execution of the Government of Canada’s duty to consult in relation to major regulatory approvals. Inuit will be engaged in the development of environmental monitoring programs and mitigations intended to minimize the Project’s impact on community land use. The ongoing development of the Inuit Stewardship Plan is a meaningful component of this effort. These engagements will occur directly with Inuit in the communities, through ongoing bilateral work with the QIA, and through the environmental working groups, which include membership of the QIA and five North Baffin HTOs.
5-1	Inuit Perspective on Project Impacts to Freshwater Sources	Baffinland’s application states that “water quality and available capacities at the sources remain unchanged, and as assessed in the 2012 FEIS and the 2014 Amendment No. 1 Application”. However, Baffinland provides no detail as to how this was assessed or whether IQ was considered in this assessment, either in the two processes mentioned above or subsequent to them.	QIA requests that Baffinland describe how IQ and Inuit perspectives have been engaged in the past 12 years to assess water quality and quantity in the project-affected region, for both current activities and the proposed new focus on the Steensby portions of the project (activities south of the mine).	The water quality and available capacities references are based on objective and quatitative measurements gathered as part of comprehensive monitoring programs and field surveys. This information is now presented in Section 5 of the Application and Supporting Information Document (Knight Piésold, 2024a). Inuit concerns in relation to water shared with Baffinland have focused on potential impacts of dust and sedimentation on water quality. Monitoring programs are ongoing, and some of these programs have been developed jointly or with input from Inuit, including QIA. Baffinland received considerable feedback from Inuit during the review of the Phase 2 Proposal regarding the issue of dust on snow, and improving this experience this continues to be a focus for the Project, working with the Inuit-led dust audit committee. Baffinland has also been focused on upgrading the Tote Road crossings and drainage to address sedimentation issues that have been raised by Inuit. In short, there has been considerable engagement on water quality in recent years, and Baffinland is actively working to address these issues. Water quantity is a function of the upstream catchment size and the quantity of precipitation that falls over time. This has the potential to change (increase) over the span of decades due to climate change. However, water withdrawal rates are conservative. Further, recent design work to remediate crossings along the Tote Road is to a much longer design storm return period (i.e., 1 in 100-years, instead of 1 in 10-years or 1 in 25-years), with further increases in culvert sizing to address fish passage. Similarly, recent crossing design work for the railway is to the same standard plus an additional uplift in sizing for climate change.
5-2			2. If gaps are evident in how IQ and Inuit perspectives have been integrated into characterization for water quality, Baffinland and QIA should work together to set up corrective data collection and monitoring programs to be funded by Baffinland.	Per the above, Baffinland has agreed to fund the development of an Inuit Stewardship Plan which is well suited to address such topics, if QIA identifies this as a priority item. Baffinland has already previously agreed to support the development of a snow quality metric, integrating traditional knowledge (See Project Certificate 005, Amendment No 005, Appendix B, Table 1, Commitment 047). Per the above, this information will not be available for consideration as part of the water licence renewal process, but Baffinland and QIA can rely on other project mechanisms to integrate Inuit Stewardship Plan outcomes into the Project.
7-1	Inclusion of Inuit Qaujimajatuqangit and Inuit Values in Management and Monitoring Plans	Baffinland’s application states that “The methods of [water] extraction are described in the approved Fresh Water Supply, Sewage, and Wastewater Management Plan”. The Fresh Water Supply, Sewage, and Wastewater Management Plan listed in the application by Baffinland should be included as an attachment to this application. Baffinland’s Fresh Water Supply, Sewage, and Wastewater Management Plan contains no mention of how IQ was considered in the development of management tools and processes. This also seems to be the case for other water-related management plans produced by Baffinland, such as their Waste Management Plan and Surface Water and Aquatic Ecosystems Management Plan. It is also worth noting that Baffinland’s management plan is also subject to several water-related conditions indicated in the project certificate issued to Baffinland by the Nunavut Impact Review Board in 2023 and that the NIRB expects Baffinland to “also incorporate Inuit-specific indicators and thresholds into Baffinland’s existing monitoring program as they are developed.” This is expected in regard to water use and any related impact management and monitoring plans.	QIA requests that Baffinland provide detailed explanation of how IQ was engaged in the development of the above-mentioned plans and how Inuit will be engaged in monitoring to ensure effectiveness of the proposed and required water management activities. Any monitoring and management plans must include Inuit thresholds and indicators designed and vetted by Inuit to ensure project activities and outputs remain within tolerable parameters.	The integration of IQ into the listed management plans is generally guided by the mechanisms described in Baffinland’s IQ Framework. The integration of adaptive management also brings forward an element of IQ, consistent with Baffinland’s Adaptive Management Plan. The Fresh Water Supply, Sewage, and Wastewater Management Plan and the Surface Water and Aquatic Ecosystems Management Plan have been updated to conform to both the IQ Framework and the Adaptive Management Plan. The Waste Management Plan has not been identified to date as requiring such updates by QIA or any other party, however, Baffinland can consider such amendments in the next planned revision. Baffinland can confirm management plans have been developed based on the IQ made available to it during the drafting processes, and have revised its management plans over time based on, among other things, identified Inuit concerns. Baffinland also acknowledges that it will be working with QIA to integrate Inuit thresholds and indicators on agreed topics (see Appendix B of the Project Certificate) into its adaptive management framework based on the outcomes of QIA’s work under the Inuit Stewardship Plan. QIA has agreed to lead and carry out this work, which Baffinland is committed to fund and support. Again, the required information from the Inuit Stewardship Plan will not be available from QIA in time to consider as part of the water licence renewal process, but outcomes from that work will be integrated into the Project once shared.
7-2			QIA also requests that Baffinland commit to filling gaps identified by QIA regarding Baffinland’s consideration of IQ in relation to the development of management plans.	
8	Project Impacts on Inuit Water Rights	Baffinland’s application states that “the effects of the undertaking on the quality, quantity or flow of waters flowing through Inuit Owned Land (IOL) [are] the same as those considered in the existing water licence” and that “No claim for compensation for loss or damage been paid to the QIA under the Water Compensation Agreement.” Baffinland’s application contains no mention of specific engagement work undertaken to monitor loss and damage to Inuit water rights and resources. How does Baffinland define loss and damage in relation to Inuit water rights? If simply waiting for a claim to be filed for compensation for loss or damaged is the extent of their consideration of impacts to rights, then this is inadequate.	As above, QIA requests that Baffinland use an Inuit-developed framework to identify potential project effects on Inuit water rights and CRLU and that Baffinland actively engage Inuit communities to assess water-related project effects.	This is a matter that is addressed by the Water Compensation Agreement, per Article 20 of the Nunavut Agreement. Baffinland has agreed to amend the Water Compensation Agreement to be consistent with ID-17 Section 17.1.5 (a), (b), (c), (d) and (f) of the now terminated Inuit Certainty Agreement. Section 17.1.5 (d) specifically requires ‘a revisiting of the definition of “substantial effects”, and development of a more detailed understanding of what constitutes a “substantial effect” on water or a waterbody, or at least define a process through which this will be determined in the Water Compensation Agreement. This will include inputs from both IQ and western science and will take into account Article 20 of the Nunavut Agreement.’

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9	Inuit Engagement	Section 20 of the NWB application asks for "a summary of any consultation meetings including when the meetings were held, where and with whom. Include a list of concerns expressed and measures to address concerns." Baffinland has not provided a list of concerns expressed and measures to address concerns. Instead, Baffinland provides a list of community meetings with locations and dates and states that "No concerns specific to the water licence have been raised as part of these engagement activities." This despite the fact that IQ gathered for recent studies conducted by QIA includes freshwater as a primary concern throughout the project-affected area and that impacts due to the project have been identified. This Baffinland-reported absence of "specific concerns" is therefore much more likely to be caused by gaps in the consultation approach rather than an absence of Inuit concern on this topic. No description is provided of Baffinland's efforts to engage Inuit on specific questions related to the water licence, which may impact on Inuit use due to questions related to water withdrawal quantity and location and discharge type, quantity, and location. A mere list of engagement meetings is not sufficient. What specific efforts did Baffinland make to raise issues related to impacts to Inuit CRLU due to past/ongoing water use and potential impacts regarding the Steensby component and other proposed or approved developments? During the engagement activities listed by Baffinland, has there been any new data recorded regarding the use of the Steensby Railway area by Inuit for fish harvesting, whether this has changed at all (and why), and any changes to the health and distribution of Arctic char stocks? This information needs to be collected to begin to address the deficiency in the outdated information identified in comments above. If this data has not been collected, QIA is of the view that the material collected in preparation for the FEIS on these subjects is now more than a decade old and is outdated.	In this section of its forthcoming application, Baffinland should provide a list of Inuit concerns related to water use and discharge. Baffinland must provide detailed descriptions of all water-related issues touched on in all community meetings so that QIA and other Inuit parties can assess their adequacy and whether additional IQ and other community engagement is required and whether additional changes to the water licence or mitigations are required.	See response to QIA-1-1. Feedback received from Inuit relating to water related topics through community tours on the Steensby Components that were carried out has been provided to QIA as part of the applications for <i>Fisheries Act</i> Authorizations filed with DFO in February 2024. Baffinland also summarizes information shared through community engagement as part of its Annual Report.
10	Inuit Monitoring Activities	Section 26 of the application deals with annual report but does not include consideration of Inuit monitoring activities.	QIA requests that Baffinland commit to include a section in all subsequent annual reports related to reporting of Inuit monitoring of project operations and potential or ongoing impacts to Inuit CRLU and water rights.	Baffinland is open to the recommendation to include Inuit monitoring as a heading in annual reports going forward. Baffinland will work with QIA as the Inuit Stewardship Plan is developed to determine the best format of the outcomes of the Inuit led monitoring programs established by QIA to regulators. However, until the Inuit Stewardship Plan is in place and Inuit-led monitoring information is made available to Baffinland by QIA, this section will likely only be able to communicate status updates on the Inuit Stewardship Plan. Per Article 20 of the Nunavut Agreement, the Water Compensation Agreement is in place to address potential or ongoing impacts to Inuit water rights. As noted above, other topics raised in this comment (CRLU) are matters addressed under the Project Certificate and the environmental assessment process led by NIRB.
11	Term of the Licence	Baffinland has requested the licence renewal cover a 25-year period, a significant increase from the existing licence duration. The requested licence term is "... approximately when Baffinland expects to cease operations and enter the mine closure and reclamation phase". This time frame may be too long, given remaining uncertainty re: existing and likely future effects, quality of integration of Inuit inputs, IQ, and time needed to develop Inuit-led monitoring program, and uncertainty about both current conditions in the southern portion of the project and likely conditions in the near future with the rapidity of climate change. A shorter timeframe will help ensure more robust reconsideration of Baffinland's adherence to the terms and conditions of this licence and other regulatory requirements in relation to water use and waste discharge. We are sympathetic to Baffinland's desire to tie the licence duration approximately to the duration of currently planned operations but remain concerned that the requested licence duration does not provide an opportunity for a fulsome review of the ongoing success of project mitigations and management plans in aggregate. Baffinland's Annual Reports typically only include management plans that have been updated that year, causing modifications to be evaluated in isolation. Stakeholders are not afforded an opportunity to consider the interplay between all plans at once, nor participate in a facilitated public dialogue (through hearings or written submissions) that involves all parties at once on how they should be updated to address identified concerns. Further, QIA has noted issues with water management have persisted interannually through our reviews of Annual Reports. This indicates that the Annual Report review, comment and proponent response approach has not been an effective mechanism to constrain project effects on the aquatic environment and better ensure compliance with all licence conditions. A shorter licence term also helps ensures regulators, stakeholders and the proponent will have an opportunity to collaborate on and adjust the licence to make sure it continues to serve the needs of the project, environment, and conform to evolving legislations as the project itself evolves.	QIA recommends Baffinland reconsider their proposed 25-year licence term and modify their request to a 10-year period.	Baffinland has considered this advice and is modifying its application to request a 15 year term.

Table F.1
Baffinland’s Response to QIA’s Comments on Draft Application

IR	Topic	Discussion	Information Request	Response
12-1		The draft application does not appear to be complete. It is standard practice for proponents to submit renewal applications for mining and major industrial projects that include current versions of all monitoring and management plans that have been and will be used to evaluate and mitigate environmental effects to the aquatic environment. Applications also tend to include evaluations of how the project has been successfully mitigating interactions with the environment and constraining effects to within predictions, and modelling to demonstrate that those successes will be maintained over the duration of the requested licence period. Complete applications usually include fulsome discussions of: • Existing operations and future plans, • Public consultation conducted in support of the water licence renewal including major findings thereof, • Ongoing freshwater use, Summaries of water quality and aquatic ecosystem monitoring data with comparisons to existing predictions, and • A compliance assessment for management plans, the existing water licence, and as assessed via inspections. We note that Baffinland has included a high-level summary of this information within Attachment 1, and no or minimal supporting details are included. We suggest that a detailed application that includes relevant monitoring and management plans as well as modelling to demonstrate that ongoing compliance with licence terms and conditions as well as the environmental impact assessment is feasible and likely. This information is essential and lacking components within Baffinland’s draft application. QIA’s recent reviews of Baffinland’s 2021 and 2022 Annual Reports submitted to the NWB include comments that further exemplify the need for a fulsome re-evaluation of the water management strategies currently employed at the site that would occur through the review of a detailed renewal application. Key issues identified by QIA that could be addressed during the review of a comprehensive water licence renewal application include: Consistent exceedances of water withdrawal limits were observed in 2022 at 8 of the 15 permitted withdrawal locations while the remainder were not used. These exceedances occurred despite Baffinland implementing additional controls in 2022 to rectify a pattern of exceedances observed in 2021 (to a lesser degree) and 2020. • Baffinland reported several water quality sampling results observed through the 2022 aquatic effects monitoring program where concentrations of parameters suggest mine-related influence. Concentrations of noted parameters were either elevated relative to control sites or are showing upward trends over time. As Baffinland did not discuss or investigate the significance of these results in that Annual Report, it is unclear whether they represent a failure or diminished success of existing water management strategies on site. • Water quality results for the Milne Port and mine site freshet locations showed several Total Suspended Solids (TSS) exceedances. These exceedances were detected regularly in June 2022 and across all monitoring stations. QIA also noted similar issues in comments on the 2021 Annual Report. These results indicate that the water management strategies employed during freshet are not adequately constraining water chemistry to licence limits. • The 2021 Annual Report to the NWB identified eleven (11) fish passage issues at Tote Road stream crossings, including six (6) culverts found to be perched in both the spring and the fall. The 2022 Annual Report indicates that these fish passage issues have not yet been remedied. While we appreciate that some of this information is provided in the 2023 Annual Report as well as those that have predated it, a consolidated application is still required.	Please update the water licence application to include: • A summary of all aquatic environment data collected over the existing life of the project. Summaries should be used to demonstrate project compliance with water licence terms and conditions as well as environmental impact assessment predictions.	These summaries are not required for a water licence renewal, per the NWB Guides. As noted by QIA, Baffinland presents data collected in the aquatic environment as part of the QIA-NWB Annual Report for Operations. The Annual Report includes a summary of compliance with the terms and conditions of the Type ‘A’ Water Licence. It is outside the scope of the water licence renewal to include this information in the renewal application.
12-2	Completeness of the Application		All existing management plans pertaining to project interactions with the aquatic environment such that they can be reviewed in aggregate and interconnections between them considered. Management plans should include updates that address historical noncompliance with licence terms and conditions, environmental impact assessment predictions, and concerning trends observed in the aquatic environment monitoring data as well as issues identified by stakeholders in their reviews of previous versions of those plans as well as the Annual Reports.	A water and load balance is not required for a water licence renewal, per the NWB Guides. Baffinland provides an updated list of management and monitoring plans for the Project annually as part of the QIA-NWB Annual Report for Operations. Baffinland can provide existing management plans as part of the application for the convenience of reviewing parties, but the NWB does not consider updated management plans to be necessary for a renewal application.
12-3			Updates to the water and load balance model for all discharges and interactions with the aquatic environment that incorporates updated baseline data (relative to the existing licence), climate change predictions extending through and past the requested licence duration and includes model validation using project data collected over the previous water licence period.	A water and load balance is not required for a water licence renewal, per the NWB Guides. Further, a water and load balance is important as a planning tool for mines with process plants and tailings storage facility(s), where water is recycled to processing and contaminants can become concentrated over time, and the available water storage capacity in the TSF or other holding ponds varies over time. This is not the case at Mary River, where runoff from the waste rock facility is treated without long-term storage or recycle before discharge. Similarly, the various sedimentation ponds across the site focus on simple removal of total suspended solids (TSS) prior to discharge to the environment. There is no need for a water and load balance to predict make-up water requirements, or changes to effluent chemistry over time due to recycling or storage with tailings.
13	Compliance to the Water Licence Conditions	Baffinland provided the updated Issued for Construction drawings for the KM105 Sedimentation Pond grout curtain (IFCs). Based on the information provided in the Application, it is not well understood how the monitoring and potential adaptive management actions will be carried out if leakage continues. In addition, the timeline of the construction process is required to be included. QIA notes that the IFCs lack the proper stamps and signatures.	QIA requests the provision of monitoring and contingency plans specific to this area during freshet and the summer season along with the timeline of the construction.	This comment is outside the scope of the water licence renewal, as this is a matter that is being addressed as part of the annual report comment process. The 2023 Annual Report discusses Baffinland’s plans for continued remedial works to the surface water management pond at KM 105 in PC TCs 16 and 17.
14	Groundwater Quality	QIA has previously provided comments on the 2022 Groundwater Monitoring Report. These include the following points regarding the 2022 groundwater quality summary for the landfill facility. 1. Leachate was identified in all test pits excavated through the waste within the landfill. 2. Leachate samples are generally elevated in dissolved sulphate, dissolved iron, dissolved manganese, dissolved chloride, dissolved fluoride and dissolved boron compared to the Federal Interim Groundwater Quality (FIGQ) and Canadian Council of Ministers of the Environment (CCME) Long Term (LT) guidelines. 3. Groundwater sampled from monitoring location MS-LF-GW1, situated approximately 10 m downgradient and southwest of the landfill facility, had water quality above the comparative guidelines for dissolved chloride, dissolved sulphate, dissolved boron, dissolved cadmium, dissolved copper, dissolved manganese, dissolved nickel, dissolved uranium, and dissolved zinc (relative to Federal Interim Groundwater Quality Guidelines or FIGQ guidelines). The dissolved sulphate concentration measured at MS-LF-GW1 has exhibited an increasing trend since 2017. 4. At the monitoring location, MS-LF-GW3, situated approximately 10 m downgradient and southeast of the landfill facility and approximately 150 m south of MS-LF-GW1, had concentrations of dissolved sulphate and dissolved boron above the FIGQ. Section 6.2 of the 2022 Groundwater Monitoring Report details 14 recommendations, which Baffinland generally commented on in Section 7.7 of the 2022 Annual Report for Operations.	QIA requests that Baffinland provide the plan forward complete with a timeline on addressing the concerns on groundwater quality.	This comment is outside the scope of the water licence renewal, as this is a matter that is being addressed as part of the annual report comment process. The 2023 Annual Report discusses Baffinland’s compliance against PC TC No. 23, implementation of a Groundwater Monitoring and Management Plan, which includes Appendices G.3.1 (Groundwater Memo) and G.3.2 (Groundwater Assessment) with further information on groundwater monitoring done in 2023 and recommendations for 2024.
15	Tote Road Stability	There are outstanding activities from the 2019 Tote Road Priority Actions Schedule. The Tote Road is a historical concern and a possible source of environmental impact. As such, it is a concern/issue that should be investigated during a Water Licence renewal process.	QIA requests that Baffinland confirm the status of all activities listed in the 2019 Tote Road Priority Actions Schedule.	While this comment is outside the scope of the water licence renewal, for reference an updated Tote Road Priority Item Action Schedule can be found in Appendix G.2.5 in the 2023 Annual Report, which confirms the status of all activities.