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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

NWB File No: 2AM-MRY1325

May 16, 2019

Lou Kamermans
Director, Sustainable Development
Baffinland Iron Mines Corporation
Suite 300 – 2275 Upper Middle Road East
Oakville, Ontario, Canada L6H 0C3

Email: lou.kamermans@baffinland.com

**Subject: Application for Amendment to Water Licence No. 2AM-MRY1325;
Baffinland Iron Mines Corporation**

Dear Lou Kamermans,

Further to the Nunavut Water Board (NWB) correspondence¹ of May 5, 2019, with respect to the determination of completeness of the 2AM-MRY1325 amendment application (the Application), submitted by Baffinland Iron Mines Corporation (BIMC or the Applicant) for the Mary River Project, the Board received comments² from the following interested parties: Qikiqtani Inuit Association (QIA), Fisheries and Oceans Canada (DFO), and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC). CIRNAC indicated that, in its view, the Application is ready to proceed to the technical review stage while DFO did not comment on the matter. QIA expressed its opinion that the Application is incomplete and should not proceed to technical review stage of the NWB's processing of the Application, noting that:

- management plans provided with the Application were provided in draft form;
- some information provided links back to submissions made as part of the NIRB process (which is still taking place);
- water quality and dustfall monitoring programs for the Tote road and railway were absent;
- adaptive management principles applied within updated management plans were not included, and
- that quarry management plans were not included.

¹ Letter from Assol Kubeisinova (NWB) to Lou Kamermans (BIMC), Re: Application for Amendment to Water Licence No. 2AM-MRY1325; Baffinland Iron Mines Corporation, May 5, 2019.

² Fisheries and Oceans Canada, May 14, 2019; Qikiqtani Inuit Association, May 14, 2019; and Crown-Indigenous Relations and Northern Affairs Canada, May 14, 2019.

In response, BIMC disagreed with QIA's conclusions in its letter to the NWB³. The Applicant indicated where in the Application some of the requested information could be located, as well as suggested an updated timeline for the NWB's licensing process.

Copies of the comments received from Intervening parties, submissions from the Applicant, and all documents associated with the Application received to date have been placed in the Board's Public Registry and made available through the NWB's 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/>

Although the NWB has noted the QIA's concerns regarding the sufficiency of information provided by BIMC, the NWB also expects that during the NWB's robust and extended technical review stage the assessments and comments on the adequacy of the information provided by an applicant can be addressed. In determining the timing of the next steps of the licensing process, the NWB assures the parties that the Nunavut Impact Review Board's process schedule will be taken into account.

Accordingly, reflecting the scope and nature of the undertakings and the amendments sought in the Application, the NWB duly-appointed Panel for decision-making in respect of the Application (Panel P4 or Mary River Panel) has, by way of Panel Motion: #2019-04-P4-03 determined that the Application is a complete application for a Type "A" Water Licence Amendment and has directed the issuance of this Notice of Application and invitation to parties to commence their technical review of the Application. As the Application involves an amendment to a Type "A" Water Licence that could affect water quantity or quality, the NWB will require some form of Public Hearing to consider the Application, as required by the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWSRTA)*. 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).

NWB Notice of Application and Commencement of Technical Review

The NWB has determined through the completeness and preliminary assessment, which took into consideration the Application, Interveners' submissions, and the Board's initial review that the Application submitted by BIMC generally constitutes an administratively and materially complete Application in accordance with the Guides.⁴ The Board has therefore decided that the Application can proceed to the next stage(s) of the licensing process,

In providing the following Notice of Application and invitation to commence the technical review period for the Application, the NWB highlights that 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

³ Lou Kamermans (BIMC) to Assol Kubeisinova (NWB), Re: Completeness of Application for Amendment to Water Licence No. 2AM-MRY1325; Baffinland Iron Mines Corporation, dated May 15, 2019.

⁴ The minimum information requirements set out in the NWB Guidance Document- Guide 4 – Completing and Submitting a Water Licence Application for a New Licence, July 2015, see Table 1.

No: 08MN053). Notwithstanding the NWB's commitment to coordinate their consideration of the Application with the NIRB's assessment of the project proposal, the NWB retains the rights, however, to request additional information and studies pursuant to s. 48(2) of the *NWNSRTA* or to issue additional guidelines for the provision of information pursuant to s. 48(3) of the *NWNSRTA*, if it becomes necessary.

In accordance with s. 55(1) of the *NWNSRTA*, the **Board gives Notice of the Application** and invites interested persons who consider themselves to be entitled to compensation under the *NWNSRTA* because they may be adversely affected by the use of waters or deposit of wastes proposed in the Application to make representations to the NWB no later than **July 15, 2019 (3:00 p.m. MST)**. Notice of the Application will also be forwarded to the council of each municipality in the area(s) most affected by the Application and shall be published in a newspaper of general circulation in the area(s) affected or, if there is no such newspaper, in such other manner as the Board considers appropriate. Parties are advised that the consequences of failure to respond by the deadline above are outlined in s. 59 and ss. 60(2) of the *NWNSRTA*,⁵ and may include forfeiting rights to compensation.

By copy of this letter to the distribution list, all interested parties or persons are requested to complete a thorough technical assessment of the Application for the amendment to the Type "A" Water Licence No. 2AM-MRY1325, available from the NWB Public Registry or by directly contacting Lou Kamermans, Baffinland Iron Mines Corporation. All technical review comment submissions from Interveners and other interested parties should be provided to the NWB no later than **July 15, 2019 (3:00 p.m. MST)**.

Next Steps in the Process

Further details with respect to the Technical Meeting and the NWB's subsequent processing of the Application will be provided when timing and venue details can be confirmed.

All representations by interested parties with respect to compensation and technical review submissions pertaining to this file should be provided to the NWB's Manager of Licensing by email to licensing@nwb-oen.ca prior to Monday, July 15, 2019 (3:00 p.m., MST).

If you have any questions regarding procedural matters related to the file, please contact Richard Dwyer, Manager of Licensing at richard.dwyer@nwb-oen.ca or by phone at (867) 360-6338 (ext. 27). For any Technical inquiries, please contact Assol Kubeisnova, Technical Advisor at assol.kubeisnova@nwb-oen.ca or by phone at (867) 360-6338 (ext. 31) or Karen Kharatyan, Director Technical Services at karen.kharatyan@nwb-oen.ca or by phone at (867) 360-6338 (ext. 35).

⁵ Section 59: In the circumstances described in paragraph 58(b), an applicant need not compensate the person under section 58 if the person fails to respond to the notice of application given under subsection 55(1) within the time period specified in the notice for making representations to the Board. Section 60(2) Subsection (1) does not apply in respect of a person referred to in that subsection who fails to respond to the notice of application given under subsection 55(1) within the time period specified in that notice for making representations to the Board.

Sincerely,

NUNAVUT WATER BOARD

Stephanie Autut
Executive Director

SA/ak/ip
Cc: Distribution List – Mary River