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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

**File: 2AM-MRY1325 /  
Renewal Application**

June 27, 2024

Lou Kamermans  
Senior Director, Sustainable Development  
Baffinland Iron Mines Corporation  
#300 – 360 Oakville Place Drive  
Oakville, Ontario L6H 6K8

Email: [lou.kamermans@baffinland.com](mailto:lou.kamermans@baffinland.com)

**RE: Water Licence No: 2AM-MRY1325 Type A, Mary River Project; Renewal  
Application by Baffinland Iron Mines Corporation**

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Dear Lou Kamermans:

The Nunavut Water Board (NWB or Board) acknowledges receipt of the type A Water Licence Renewal Application and supporting documentation (the Application) submitted on June 26, 2024 by Baffinland Iron Mines Corporation (Baffinland or Applicant) for the Mary River Project (the Project), Water Licence No: 2AM-MRY1325.

Copies of all information received in support of the Application can be accessed from 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/2024%20Renewal>

*Pre-licensing Requirements*

On May 24, 2024, the Nunavut Planning Commission (NPC)<sup>1</sup> noted that activities associated with this proposal were previously reviewed by NPC, and conformity determinations were issued on April 30, 2008, August 12, 2011, February 8, 2016, January 26, 2017, May 18, 2018, December 16, 2019, June 7, 2022, and February 2, 2023, which still apply. The NPC further noted that the activities were previously screened and reviewed by the Nunavut Impact Review Board (NIRB) under Project Certificate No. 005, and that the “*project proposal is exempt from screening by the NIRB because the NPC is of the understanding that it does not change the general scope of the original or previously amended project activities, and the exceptions noted in Section 12.4.3 (a) and (b) of the Nunavut Agreement do not apply*”.

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<sup>1</sup> Nunavut Planning Commission (NPC) Conformity Determination (150396), May 24, 2024

Consequently, the NWB deems that the relevant pre-licensing requirements for its process have been met.

The Application included the following documents:

- Cover Letter Water Licence Renewal Application
- Application and Supporting Information to Renew Type A Water Licence 2AM-MRY1325

Appendices:

- Appendix A – Application for Water Licence Renewal
- Appendix B – Supplementary Information Guideline (SIG) Form
- Appendix C – Nunavut Planning Commission Conformity Letter
- Appendix D – Permit Register
- Appendix E – 1:50,000 Scale Figures Showing Existing and Proposed Infrastructure
- Appendix F – Detailed Site Layouts and Recent Site Photos
- Appendix F1 – Detailed Site Layouts (Mine Site, Milne Port, Other Camps)
- Appendix F2 – Recent Site Photos
- Appendix G – Baffinland’s Articles of Incorporation
- Appendix H – 2022 ASR Decision from NWB
- Appendix I – Baffinland’s Response to QIA’s Comments on Draft Application
- Appendix J – Summary of Inuit Knowledge of Waterbodies Important to Inuit
- Appendix K – Regulator Inspections and Baffinland’s Responses
- Appendix K1 – 2023 and 2024 CIRNAC Inspections and Baffinland’s Responses
- Appendix K2 – 2023 QIA Inspections and Baffinland’s Responses
- Appendix L – Management Plans
- Appendix L1 – Emergency Response Plan
- Appendix L2 – Spill Contingency Plan
- Appendix L3 – Surface Water, Aquatic Ecosystem Management Plan
- Appendix L4 – Fresh Water Supply, Sewage, and Wastewater Management Plan
- Appendix L5 – Waste Management Plan
- Appendix L6 – Hazardous Materials and Hazardous Waste Management Plan
- Appendix L7 – Borrow Pit and Quarry Management Plan
- Appendix L8 – Aquatic Effects Monitoring Plan
- Appendix L9 – Environmental Protection Plan
- Appendix L10 – Interim Closure and Reclamation Plan
- Appendix L11 – Sampling Program - Quality Assurance and Quality Control Plan
- Appendix L12 – Phase 1 Waste Rock Management Plan
- Appendix L13 – Life of Mine Waste Rock Management Plan
- Appendix L14 – Landfill Maintenance and Operation Manual
- Appendix L15 – Landfarm Operation Maintenance and Monitoring Report

The NWB has conducted a preliminary review of the submission(s) 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 section 52<sup>2</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*, 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 required to evaluate the quantitative and qualitative effects of the undertaking on the freshwater environment have been provided.

**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).**

All intervening parties should provide their submissions to the NWB's Manager of Licensing at [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca) by **Friday, July 26, 2024 (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 (IR's) to evaluate all quantitative and qualitative effects of the undertaking pursuant to section 48 of the Act. The NWB will advise Baffinland 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>3</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 section 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 sections 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.

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<sup>2</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.

<sup>3</sup> Guide 5 – Processing Water Licence Applications (April 2010)

## **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.

## **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 public hearing 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 Northern Affairs (Minister) for consideration. Interested and intervening parties will also be provided with a copy of the Board's final decision. The Minister typically issues his/her response to the Board's final decision within 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 TM/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 **Friday, July 26, 2024 (3:00 p.m. MT)**.

If you have any questions regarding this letter or procedural matters related to the file, please contact the NWB's Licensing department by e-mail at [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca) or by phone at (867)-360-6338. For inquiries related to technical matters, please contact Abid Jan, Technical Advisor, by email at [abid.jan@nwb-oen.ca](mailto:abid.jan@nwb-oen.ca) or by phone at (867)-360-6338 Ext. 29.

Parties should note that the NWB intends to issue copies of the Inuktitut and Inuinnaqtun versions of this correspondence subsequently.

Sincerely,

Richard Dwyer  
Manager of Licensing

RQD/aj/rh

Cc: Distribution List – Mary River