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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

**File No: 2AM-MRY1325/
Renewal Application**

September 23, 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

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

Dear Lou Kamermans:

Further to the Nunavut Water Board (NWB or Board) correspondence dated June 27, 2024¹, with respect to the determination of completeness of the 2AM-MRY1325 Water Licence Renewal Application and supporting documentation (Application) submitted by Baffinland Iron Mines Corporation (Baffinland or Applicant) for the Mary River Project, the Board received, on or before July 26, 2024, the Information Requests (IRs) and recommendations from the Qikiqtani Inuit Association (QIA), Department of Fisheries and Oceans Canada (DFO), and Environment and Climate Change Canada (ECCC). Crown-Indigenous Relations and Northern Affairs Canada advised the Board that they did not have any IRs.

On August 15, 2024, the Applicant provided their responses to Interveners' IRs and recommendations on the completeness of the Application and Interveners were requested to confirm by August 23, 2024 whether the Applicant's responses were satisfactory. On August 20, 2024, the NWB received correspondence from QIA requesting an extension. The NWB granted an extension to September 3, 2024.

On September 3, 2024, QIA submitted follow-up questions on the response to IRs submitted by the Applicant. The NWB requested that the Applicant submit their response by September 6, 2024, which was later extended to September 9, 2024, as requested by the Applicant. The NWB, upon receiving the Applicant's response to the second round of comments, requested that QIA provide confirmation that their concerns had been addressed.

¹ R. Dwyer (NWB) to Lou Kamermans (Baffinland); RE: Water Licence No: 2AM-MRY1325 Type A, Mary River Project; Renewal Application by Baffinland Iron Mines Corporation; June 27, 2024

On September 18, 2024, QIA provided their third submission and stated that two IRs remained “unresolved”. The Board is of the opinion that the “unresolved” IRs are more of a technical nature and can be discussed during the technical review and future technical meeting. The NWB also advised QIA that they will have an opportunity to discuss the deferred questions for ECCC and DFO directly during the technical meeting.

The Board has decided that the Application can proceed to the technical review stage with the proposed technical review timelines. Copies of the comments received from Intervening parties, submissions from the Applicant, and all documents associated with the Application 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/2024%20Renewal>

Based on the scope and nature of this Undertaking, the Application has been deemed to be a complete application for a type A Water Licence. As such, it will require a public hearing as required by the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSTRA)*. 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 Baffinland generally constitutes an administratively and materially complete Application in accordance with the Guides². The Board has therefore decided that the Application can proceed to the next stage(s) of the licensing process, subject to any outstanding pre-licensing considerations that may be associated with the Application. The NWB retains the rights, however, to request additional information and studies pursuant to s. 48(2) of the NWNSTRA or to issue additional guidelines for the provision of information pursuant to s. 48(3) of the NWNSTRA, if it becomes necessary.

In accordance with s. 55(1) of the *NWNSTRA*, the **Board gives Notice of the Application** and invites interested persons to make representation to the Board no later than **October 23, 2024** (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 are outlined in s. 59 and s. 60(2) of the *NWNSTRA*³.

² The minimum information requirements set out in the NWB Guidance Documents: Guide 4 – Completing and Submitting a Water Licence Application for a New Licence, July 2015, see Table 1; and Guide 5 – Processing Water Licence Applications, July 2015, see Table 1.

³ 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.

Notice of Application and Commencement of Technical Review

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 renewal of the type A Water Licence No: 2AM-MRY1325, available on the NWB Public Registry or by directly contacting Lou Kamermans, Senior Director, Sustainable Development, Baffinland, at lou.kamermans@baffinland.com.

Next Steps in the Process

The next steps in the Board's consideration of the Application have been outlined as follows for the information of all parties. Please note that the Board reserves the right to revise the next steps and timelines if circumstances dictate:

Steps Preceding Technical Meeting

September 23, 2024	Commencement of the technical review period; parties are asked to provide their technical review comments to the Board.
October 23, 2024	Submission of technical review comments and representations to the Board.
November 12, 2024	Applicant to provide response(s) to technical review comments. Parties given an opportunity to review responses from Applicant.
November 18, 2024	Circulation of draft agenda for the Technical Meeting.
November 22, 2024	Submission of Applicant's and Interveners' presentations for the proposed technical meeting (including translated versions). Confirmation of attendance and receipt of draft agenda.
November 26, 2024	Circulation of final agenda for the Technical Meeting / Pre-Hearing Conference.

Steps including and following Technical Meeting

1. Technical Meeting / Pre-Hearing Conference:

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 has directed the staff of the NWB, in accordance with the NWB Rules, to hold the in-person TM/PHC for the Application during the week of December 1, 2024 (tentatively on **December 2-3, 2024**). Interested persons should note that these dates are tentative and could be changed by the Board with a notice provided to parties. In advance of the date on which the TM/PHC will be held, the NWB will issue correspondence that will confirm dates and provide other relevant details.

2. Pre-Hearing Conference Decision

Following the TM/PHC, the NWB will issue a Pre-Hearing Conference (PHC) decision that may outline the technical commitments of the Applicant and the administrative and procedural requirements for a Public Hearing.

Public Hearing Notice

Sub-section 55(2) of the *NWNSRTA* requires that a minimum notice period of sixty (60) days be provided for a Public Hearing (PH). As with the Technical Meeting / Pre-hearing Conference, the Board has the ability to conduct its Public Hearing in writing, by teleconference, or in person. Once the Board has received all information requested through this process and is satisfied that the Public Hearing 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.

3. Public Hearing Decision

Following the Public Hearing (PH), the Board will issue a final written decision with reasons (final decision). The final decision will be provided to the Minister of Northern Affairs (Minister) for their consideration. Interested and intervening parties will also be provided with a copy of the Board's final decision as well as the Minister's decision.

Throughout the technical review phase, interested parties are encouraged to work cooperatively with Baffinland to discuss issues in advance of the proposed Technical Meeting / Pre-hearing Conference. The NWB, however, requests to be kept informed of any issues and any agreements reached between the parties on specific issues related to the Application. The Board also asks that all technical review comments, particularly for matters such as marine discharges, air quality, noise, and wildlife, be provided within the limits of the NWB's jurisdiction over the use of Waters and the deposit of Waste in Waters or that may enter Waters.

All submissions pertaining to this file should be provided to the NWB's Manager of Licensing by email at licensing@nwb-oen.ca by Thursday, October 23, 2024 (3:00 p.m., MST).

If you have any questions regarding procedural matters, please contact Robert Hunter, Licensing Administrator, at robert.hunter@nwb-oen.ca or by phone at (867) 360-6338 (ext. 28).

For any technical inquiries, please contact Abid Jan, Technical Advisor, at abid.jan@nwb-oen.ca or by phone at 867-360-6338, ext. 29, or Karén Kharatyan, Director of Technical Services, at karen.kharatyan@nwb-oen.ca.

Sincerely,

NUNAVUT WATER BOARD

Stephanie Autut
Executive Director

SA/aj/rh
ec: Distribution List – Mary River