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RE: PROPOSED NEXT STEPS IN THE NWB LICENSING PROCESS

Dear Mr. Hohnstein,

The Qikiqtani Inuit Association (QIA) would like to thank the Nunavut Water Board (NWB) for providing another opportunity for parties to comment on the joint coordinated review process. The Mary River Project, proposed by the Baffinland Iron Mines Corporation (BIMC), is the first project in Nunavut to operate under the joint coordination of the Nunavut Impact Review Board (NIRB) and Nunavut Water Board (NWB). In correspondence issued by the NIRB and the NWB detailing the next steps in the impact review process¹, stakeholders were invited to comment on the proposed NWB Type A Water License Review process, detailed in an update to the NIRB Review Process Map² (hereafter referred to as the “*Process Map*”). Additional correspondence from the NWB on March 2, 2012³ expanded on the NWB’s proposed Review process. Through this correspondence, QIA offers its position on the proposed water license review steps and timing.

It is QIA's opinion that the updated *Process Map* is missing several key steps in the water licensing process that are typically part of a Type A Water License Review⁴. In addition to these comments, QIA has also prepared a suggested Water Licence Review schedule (see **Table 1**) to fill

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Kimmirut

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Pangnirtung

Pond Inlet

Qikiqtarjuaq

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¹ Amanda Hanson, Director, Technical Services, Nunavut Impact Review Board and David Hohnstein, Director, Technical Services, Nunavut Water board, to Mary River Distribution List, February 29, 2012, Nunavut Impact Review Board Public Registry, Cambridge Bay, NU

² Review Process Map, NIRB Part 5 Review Process with NPC/NWB Coordination Highlighted, as issued by NIRB February 29th, 2012.

³ David Hohnstein, Director, Technical Services, Nunavut Water board, to Erik Madsen. Vice-President Sustainable Development, Baffinland Iron Mines Corporation, March 29, 2012, Nunavut Water Board Public Registry, Gjoa Haven, NU

⁴ Nunavut Water Board, "Water License Process Flowcharts and Time Charts (colour)", Nunavut Water Board Public Registry. Gjoa Haven, NU



in these gaps. Specifically, QIA has identified five additional process steps that it would like to see implemented in an updated NIRB/NWB *Process Map*.

1. Requirement for the Proponent to Respond to Information Requests

It is QIA's recommendation that the proponent be required to respond to comments filed by reviewers prior to a Technical Meeting. QIA feels this is standard practice⁵ in a Type 'A' water licence. Furthermore, QIA suggests the proponent be encouraged to meet with review parties in order to discuss any Information Requests prior to filing a response. QIA believes by requiring the proponent to file a response it will allow all parties to narrow the scope of their assessment and required follow-up, therefore improving the efficacy of a Technical Meeting. QIA suggests that the proponent's response to Information Requests be required within 30 days of the NWB releasing Information Requests to the proponent.

QIA further suggests that the proponent's response to Information Requests and the Technical Meetings would benefit if the NWB required parties to prioritize their comments into categories of relative importance. QIA believes that this would allow for appropriate time to be spent on issues with relatively higher significance.

2. Additional Information Request Stage

The Draft Environmental Impact Statement (DEIS) was to contain a completed Type A water license application⁶. The Type A application contained in the DEIS was incomplete, and as a review was not possible during previous steps in the coordinated review process. It is QIA's recommendation that the NWB establish a second round of Information Requests after the NWB Technical Meeting. QIA feels a second Information Request would give parties the original period intended to review the completed Type A water license application.

QIA suggests the second round of Information Requests be held after the 1st NWB Technical Meeting, and, a minimum of 2 weeks after the NIRB Final Hearing. QIA believes this is a critical juncture in the joint coordinated review process and marks an important transition towards a more NWB focused process.

3. Requirement for the Proponent to Respond Information Requests

QIA recommends the proponent be required to submit a response to the second round of Information Requests. The rationale for this request is similar to that listed above under

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⁵ Nunavut Water Board, “Guide 5 Processing Water License Applications”, Nunavut Water Board Public Registry. Gjoa Haven, NU

⁶ Nunavut Impact Review Board, "Guidelines for the Preparation of an Environmental Impact Statement for Baffinland Iron Mines Corporation's Mary River Project", Nunavut Water Board Public Registry. Gjoa Haven, NU



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recommendation #1. The proponent's response should be filed 30 days after the second round Information Request submissions.

4. Second Technical Meeting

Based on the scale of infrastructure and the number of items that must be contemplated in the Type A Water Licence Application, QIA is requesting that the NWB hold a second Technical Meeting. This Second Technical meeting will allow outstanding issues that have been raised during the second round of Information Requests to be addressed. It is further recommended that the second technical meeting be held after NIRB has held its Project Certificate Workshop. As with past projects in Nunavut, NIRB's Project Certificate may include terms and conditions that require further consideration in the NWB process, and therefore will influence how all parties approach the second Technical Meeting.

5. Intervention Submissions Prior to the NWB Final Hearing.

QIA recommends that all review parties, including the proponent, be given the opportunity to file submissions to the NWB prior to a Final Hearing. QIA believes this is a key component of Water License Review process which will allow the proponent to better prepare for hearings, as well as benefiting the NWB in developing a Final Hearing Agenda based on key issues to the parties.

6. Pre-Hearing Conference Scheduling

Based on the above described recommendations, QIA recommends a modification to the scheduling of the NWB's Pre-Hearing Conference (PHC). In the NWB's letter of March 2nd the timing of the PHC is stated as being fifteen days (15) after the submission of technical review from parties. However, this timing conflicts with the proposed timing in the *Process Map*, which shows the proposed NWB PHC being held concurrently with the NIRB Project Certificate Workshop. Therefore, QIA recommends that the NWB PHC be decoupled from the NIRB Project Certificate Workshop, to allow sufficient time to conduct a second technical meeting, as described under Recommendation #4.

QIA's process step recommendations and timing related to the Type A Water License Review process are further summarized in **Table 1**. Additional process steps recommended by QIA, which were not included in the NIRB/NWB Process Map, are highlighted in blue.

QIA would like to thank the NWB for again enabling parties to comment on the proposed review process, and for their consideration of this submission.

Regards,

[Original Signed By]

Stephen Williamson Bathory
Director, Department of Major Projects
Qikiqtani Inuit Association



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Table 1 NWB water license review process (as detailed in the updated Process Map²) and QIA's suggested water license review process.

NWB Suggested Process	NWB Suggested Deadline	QIA Suggested Process	QIA Suggested Deadline
IR's To NIRB and NWB re: Water License may include comments related to the NWB Process	30/03/12	IR's To NIRB and NWB re: Water License may include comments related to the NWB Process	30/03/12
NWB staff attend NIRB technical meeting	30/04/12	NWB staff attend NIRB technical meeting	30/04/12
Parties submit comments to NWB on Type A Water License	22/06/12	Parties submit 1 st round IR to NWB regarding Type A Water License. Review period commences.	22/06/12
NWB Staff Attend NIRB Public Hearing	July	BIMC response to IRs	30 days after 1 st IR submission. 23/07/12
NWB Technical Meeting	Not given	NWB Staff Attend NIRB Public Hearing	July
NWB Attends PC Workshop/NWB Pre-Hearing Conference	Not given	1 st NWB Technical Meeting	Mid-August (minimum 2 weeks after NIRB Public Hearing)
NWB issues PHC Decision and Notice of Hearing	Not given	Parties submit 2 nd round of IRs to NWB regarding Type A Water Licence.	Mid-September
NWB Public Hearing	Not given	BIMC response to 2 nd round IR.	30 day after 2 nd IR submission
NWB Issues Reasons for Decision and Type A Water License	Not given	NWB Attends NIRB PC Workshop	Dependent on NIRB PC workshop timing
		2 nd NWB Technical Meeting	30 days after NIRB PC Workshop
		NWB Pre-Hearing Conference	Concurrent with the submission of interventions
		NWB issues PHC Decision and Notice of Hearing	
		Parties submit Interventions to NWB	30 days after the 2 nd technical meeting
		NWB Public Hearing	30 days after interventions are submitted
		NWB Issues Reasons for Decision and Type A Water License	