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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

File No.: 2AM-MRY1325

To: Mary River Distribution List

Date: February 25, 2015

Subject: Type “A” Water Licence 2AM-MRY1325 – Pre-Hearing Conference Decision Regarding Amendment No.1 Application, Submitted by Baffinland Iron Mines Corporation for Licence Issued to the Mary River Project

On February 24, 2015, by Motion #: 2014-29-P4-03, the members of the Mary River Panel (P4), duly appointed by the Nunavut Water Board (the NWB or the Board) to consider the Application to amend Type “A” Water Licence 2AM-MRY1325 approved and directed the release of this Pre-Hearing Conference Decision Report and procedural direction associated with the upcoming Public Hearing to be held in-person in the first week of May 2015.

In order to facilitate the licensing process for considering the Type “A” Water Licence No. 2AM-MRY1325, Amendment No.1 Application (the Amendment Application), submitted to the Board by Baffinland Iron Mines Corporation (BIMC or the Applicant), the Panel directed that, in accordance with Rule 14 of the NWB Rules of Practice and Procedure (the Rules), the staff of the NWB hold a Technical Meeting (TM) and a Pre-Hearing Conference (PHC) for the Application.

The TM for the application was held on January 28 – 29, 2015, and the PHC was held on January 29, 2015. Both meetings were held by way of Teleconference as suggested by the Applicant and intervening parties. A copy of the TM and PHC Agenda is attached in Appendix C of this document.

The aim of the Technical Meeting, which is mentioned in detail later on in this Report, was to address, in a somewhat informal session, the issues that intervening parties and/or the Board identified during their technical reviews of the Application.

As set out in Rule 14.1 of the Rules, the Pre-Hearing Conference, dealt with the following matters relevant to the Renewal Application:

- Timetable for the Pre-Hearing exchange of information;



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- Identification of interested parties;
- Submissions of interested parties;
- List of issues to be dealt with at the Hearing;
- Desirability of amending the Application for the purpose of clarification;
- Procedures for the Hearing; and
- Identification of any other matters that may assist in the simplification and disposition of the Hearing.

Introduction and Registration

The following parties registered and participated in the TM and PHC:

- The Applicant, Baffinland Iron Mines Corporation (BIMC);
- The Qikiqtani Inuit Association (the QIA);
- Aboriginal Affairs and Northern Development Canada (AANDC);
- Environment Canada (EC); and
- Representatives of the Hamlet of Pond Inlet – Mayor and Counsellors, representatives of Pond Inlet Hunters and Trappers Organization, and the Senior Administrative Officer (SAO).

Appendix A to this report contains the names of participants representing the various organizations at the TM and PHC held for the Amendment Application by way of Teleconference on January 28 – 29, 2015.

1.0 The Application Before the Board

The Application being considered by the Board is by Baffinland Iron Mines Corporation (BIMC or the Applicant) for an amendment to Type “A” Water Licence No. 2AM-MRY1325 (the Existing Licence), which authorizes the use of water and deposit of waste for a Mining Undertaking (as now defined under the *Nunavut Waters Regulations*¹) at the Mary River Project (Project), located approximately 160 kilometres south of the Hamlet of Pond Inlet, in the Qikiqtani Region of Nunavut (the Amendment Application). The Amendment Application seeks to add to the scope of the existing Type “A” Water Licence in terms of changes to the quantity

¹ SOR/2013-69.



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and/or sources of water used by the Mary River Project as well as changes to the infrastructure and/or facilities associated with the Project to reflect the additional phase referred to as the “Early Revenue Phase” when assessed by the Nunavut Impact Review Board in 2014.

Amendment Application and Supporting Materials Submitted by the Applicant

The NWB received from BIMC, under the submissions noted below, an application to amend Licence 2AM-MRY1325 (the Amendment Application). The specific documents contained in the submissions include the following:

July 16, 2014 Submission

- Application form and required application processing fees;
- Executive summaries of the Amendment Application in English, Inuktitut, and French;
- **Attachment 1** – Supplementary technical information for Milne Port facilities based on the Amendment Application;
- **Attachment 2** – Supplementary Technical Information for additional water withdrawal locations and water quantities along the Tote Road based on the proposed Amendment Application;
- **Attachment 3** – Supplementary technical information for changes introduced at the Mine Site based on the Amendment Application;
- **Attachment 4** – Interim Closure and Reclamation Plan for the Mary River Project and associated estimated security deposit;
- **Attachment 5** – Company Financial Information and List of Directors; and
- **Attachment 6** – Compliance Assessment and Status Report in response to Inspector’s Report.

August 29, 2014 Submission

- Document entitled “Application for Amendment to the Type “A” Water Licence 2AM-MRY1325 Clarifications,” received August 29, 2014.

In addition to the initial application documents submitted by the Applicant, the NWB has also received additional submissions or correspondence in respect of the Amendment Application from intervening parties, the Board, and the Applicant as indicated in the procedural history section of this Report and in Appendix B.



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A complete listing of the submissions received in support of the Amendment Application is provided in Appendix B of this document, and access to all non-confidential documents associated with the application provided through the NWB’s FTP site at following link (**Username:** public; and **Password:** registry):

<ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/2%20MINING%20MILLING/2A/2AM-MRY1325%20BIMC/1%20APPLICATION/>

Scope of the Type “A” Amendment Application

The scope of the Amendment Application, submitted by BIMC to the NWB is for the proposed Amendment (No.1) to Type “A” Water Licence No. 2AM-MRY1325, includes the following:

General

- Amalgamation of the scope of Type “B” Licence No. 8BC-MRY1416 with that of Type “A” Licence No. 2AM-MRY1325;

Milne Port Site:

- Integration of the water quantities, 367.5 m³/day combined, as allowed under Licence Nos. 8BC-MRY1416 and 2AM-MRY1325 in support of water requirement for both the construction and operations phases of the project (68.5 m³/day allowed under Licence No. 2AM-MRY1325 and 299 m³/day allowed under Licence No. 8BC-MRY1416, with withdrawal from Philips Creek or km 32 lake);
- Operations of the existing Rotating Biological Contactor (RBC) type Sewage Treatment Plant located at Milne inlet;
- Construction of an additional Polishing Waste Stabilization Pond (PWSP) to treat off-specification effluent as allowed under Licence No. 8BC-MRY1416. The PWSP will be similar in capacity and design specifications to the one constructed in 2013;
- Relocation of the treated sewage effluent discharge, from a location north of the old airstrip to north of the Milne Tank Farm;
- Additional fuel storage facility to allow for the installation of two 100,000 L marine diesel tanks;
- Construction of an ore stockpile pad and associated drainage ponds;
- Construction and operation of an ore dock and ore loading system, additional ancillary buildings, and maintenance facilities required for the shipment of iron ore;



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Tote Road

- “Development” of the Tote Road to include realignment, change the grade of the road and works identified in the Application to amend the Type “A” water Licence No. 2AM-MRY1325;
- Withdrawal of additional water quantities from several water bodies located along the Tote Road for use in dust suppression (water quantities for dust suppression will range from 1,500 m³/day – 2,788.5 m³/day, to allow for operational flexibility);

Mine Site

- Extension in usage, beyond the previously anticipated timeframe, for some infrastructure and/or facilities established for the project such as camps, buildings, fuel storage facilities, and transitional fuel storage facilities;
- Discharge of treated sewage effluent on to land in accordance with the *Fresh Water Supply, Sewage and Wastewater Management Plan*, date March 31, 2014; and
- Addressing closure cost estimates for the Type “B” licences in future closure cost estimate for the project;

In addition to the above-scope of activities, the Applicant provide as part of its submission received following the TM and PHC, several proposed consequential amendments that may need to be addressed under any potential amendment issued to Licence No. 2AM-MRY1325. A summary of the consequential amendments is as follows:

- Part, Item 1 – Changes to the Scope, Definition, and Enforcement section of the licence to include water for dust suppression along the Tote Road in addition to safety-related items;
- Part B, Item 14 – Changes to condition/term related to Management Plans to address versions of plans submitted after the licence was issued;
- Part B, Item 15 – Changes to the condition/term to allow for the submission of specific, revised/updated management plans within sixty (60) days of issuance of any amended licence;
- Part C, Item 1 – Changes to the condition/term related to Security;
- Part E, Item 2 & Table 2 – Changes to the condition/term applicable to water use requirements for the Construction Phase of the project;
- Part E, Item 4 & Table 3 – Changes to the condition/term applicable to water use requirements for the Operations Phase of the project;



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- Part E, Item 8 – Changes to condition/term limiting the use of water sources/water bodies associated with the project to the current and proposed sources/water bodies;
- Part E, Item 23 – Recommendations that this condition/term be removed from the licence;
- Part E, Item 25 (New Item) – Recommendations that water sources and volume proposed for dust suppression along Tote Road be included in the licence;
- Part F, Item 18 – Changes to condition/term related to sewage effluent discharge so as to remove apparent redundancies from the Licence;
- Part F, Item 19 – Changes to condition/term related to effluent discharge from the Polishing Waste Stabilization Ponds so as to remove apparent redundancies;
- Part I – Changes to condition/term related to monitoring so as to address the fact that the Applicant has currently submitted the AEMP;
- Part I, Items 2 & 4 – Changes to condition/term in the licence to address the fact that the Applicant has currently submitted the to the Board for Consideration a copy of it AEMP;
- Part K, Schedule A –Changes to the definition section of the Licence to include a definition for “Milne Port Ore Stockpile”;
- Schedule I, Table 13 – Changes to Schedule I in the licence to include additional monitoring stations and proposed monitoring parameters at Milne Port.

2.0 Procedural History

The Existing Type “A” Water Licence (2AM-MRY1325)

Type “A” Water Licence, No. 2AM-MRY1325, was issued on June 10, 2013 to BIMC for the use of water and deposit of waste associated with the Mary River Project, located in the Qikiqtani Region of Nunavut (the Existing Licence). The Existing Licence, which is valid for a 12 year term, is set to expire on June 10, 2025 and authorizes project activities that include the construction, operation, closure and reclamation of an open-pit iron ore mine at a deposit identified as “Deposit No.1” in the project proposal submitted during the assessment of the project.

Type “B” Licences Issued to the Project

In addition to the Existing Licence, the NWB has also issued two separate Type “B” Licences to authorize aspects of activities for the Mary River Project not necessarily covered under the



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Existing Licence: specifically Licence Nos. 2BE-MRY1421 and 8BC-MRY1416. Licence No. 2BE-MRY1421 was issued to the Mary River Project to support specified exploration activities while Licence No. 8BC-MRY1416 was issued to the Mary River Project in support of specified project construction activities. It should be noted that while all the licences issued to the Mary River Project are for separate and generally stand-alone activities/undertakings, there is some overlap in terms of inter-use of some support facilities under the various licences.

As part of the scope of the Amendment Application for Type “A” Licence No. 2AM-MRY1325, the Applicant has requested that the entire scope of the Type “B” Licence, No. 8BC-MRY1416, be included within the expanded scope of any potential amendment issued to the project under Type “A” Licence No. 2AM-MRY1325. As identified in the discussion of issues during the Pre-hearing Conference on whether this amendment to the Existing Licence will potentially be followed by the cancellation of Type “B” Licence No. 8BC-MRY1416, should the Board approve the Type “A” Amendment No.1 request, this will form one of the issues to be discussed at the Public Hearing for the Amendment Application.

Pre-Licensing Requirements

With respect to this Application, the NWB has received confirmation that the following pre-licensing requirements have been completed or addressed:

- October 6, 2014 – The Nunavut Planning Commission (NPC) issued correspondence to the NWB indicating that a Positive Conformity Determination was issued on May 16, 2014 for the proposed amendment. Consequently, an NPC conformity determination against the North Baffin Regional Land Use Plan is not required.

September 11, 2014 – The Nunavut Impact Review Board (NIRB) issued correspondence stating that the Amendment Application is exempt from the requirement for screening in accordance with section 12.4.3 of the NLCA as the scope of Amendment Application does not change the general scope of the Mary River Project or its Early Revenue Phase, previously reviewed by the NIRB.

The Early Revenue Phase of the Project is expected to include mining of iron ore at a rate of 3.5 million tonnes per year, and using trucks haul the ore from the Mine Site to Milne Port for shipment abroad.



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On this basis, the NWB has concluded that the conformity and environmental assessment requirements for the Amendment Application have been met² and therefore the Amendment Application could be processed by the NWB.

Procedural History – Existing Type “A” Water Licence 2AM-MRY1325 Amendment Application

This section provides an overview of the main stages of the licensing process that have been completed for the Amendment Application to date. It should be noted, however, that while the listing below captures the major procedural aspects of Board’s processing of the Amendment Application, all documentation and the complete history of the NWB’s licensing process for the file are available from the NWB’s ftp site at the link identified above.

July 2014

- *July 16, 2014* – NWB received an application from Baffinland Iron Mines Corporation for an Amendment (Amendment No. 1) to Licence No. 2AM-MRY1325;
- *July 22, 2014* – NWB acknowledged, through an informal email, receipt of the Amendment Application;

August 2014

- *August 6, 2014* – NWB issued a formal letter of acknowledgment of receipt of the Amendment Application;
- *August 29, 2014* – NWB received correspondence from BIMC that provided clarifications with respect to the specific items contained in the Amendment Application Submitted on July 16, 2014;
- *August 29, 2014* – NWB distributed correspondence request that interested parties conduct their completeness check and preliminary technical assessment of the Amendment Application, with deadline for submission set for September 19, 2014;

September 2014

- *September 16, 2014* – NWB received comments on completeness and preliminary technical assessment of the Amendment Application from the QIA;

²See specifically the requirements outlined in ss. 38 and 39 of *the Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA).



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- *September 19, 2014* – NWB received comments related to completeness and preliminary technical assessment of the Amendment Application from AANDC and EC;
- *September 19, 2014* – NWB received comments from BIMC related to its Amendment Application;
- *September 29, 2014* – NWB issued notice of the Amendment Application and distributed it for a forty-five (45) day technical review/comment period, with deadline for submission set for November 14, 2014;

October 2014

- *October 2, 2014* – NWB received and acknowledged receipt of correspondence from BIMC that addressed the issues identified in interveners’ comments on completeness;

November 2014

- *November 14, 2014* – NWB received Technical review comments from AANDC, EC, and the QIA;
- *November 19, 2014* – NWB acknowledged receipt of technical review comments from interveners and distributed those comments to the Mary River Distribution List;

December 2014

- *December 5, 2014* – NWB received BIMC’s response to interveners’ Technical Review Comments;
- *December 15, 2014* – EC responded to the QIA technical review comments directed at EC;
- *December 19, 2014* – NWB issued correspondence that included a draft agenda for the Technical Meeting and Pre-Hearing Conference, scheduled for January 28 and 29, 2015;

January 2015

- *January 6, 2015* – NWB arranged for English and Inuktitut versions of radio announcements to be broadcast on the community of Pond Inlet’s radio station, informing the interested persons of the TM and PHC for the Amendment Application;
- *January 6, 2015* – NWB issued Public Notice for the TM and PHC associated with the Amendment Application;
- *January 9, 2015* – NWB received comments from EC on the draft agenda for the TM and PHC related to the Amendment Application;



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- *January 9, 2015* – NWB arranged for advertisements in English and Inuktitut to be televised for the TM and PHC associated with the Amendment Application;
- *January 12, 2015* – NWB received additional comments from AANDC related the Amendment Application;
- *January 14, 2015* – NWB acknowledged receipt of AANDC’s January 12, 2015 submission;
- *January 23, 2015* – NWB received copies of TM and PHC presentations from BIMC, AANDC, and EC;
- *January 23, 2015* – NWB received comment from the QIA and AANDC, related to the draft agenda for the Mary River Project;
- *January 26, 2015* – NWB distributed a copy of the Agenda and presentations for the Technical Meeting and Pre-hearing Conference;
- *January 26, 2015* – NWB received an Inuktitut version of EC’s TM-PHC presentation;
- *January 27, 2015* – NWB received an Inuktitut version of BIMC’s TM-PHC presentation;
- *January 27, 2015* – NWB distributed publicly copies of the presentations received for the Technical Meeting and Pre-hearing Conference;
- *January 28 – 29, 2015* – NWB conducted by way of teleconference, the Technical Meeting and Pre-hearing Conference for the Amendment Application;
- *January 28, 2015* – NWB publicly distributed copies of the draft lists of commitments and issues generated during the TM/PHC for the Amendment Application;

February 2015

- *February 6, 2015* – NWB received a submission from BIMC in response to relevant commitments generated during the TM and PHC for the Amendment Application;
- *February 9, 2015* – NWB received a revised submission from BIMC in response to relevant commitments generated during the TM and PHC for the Amendment Application;
- *February 11, 2015* – NWB received a second revised submission from BIMC in response to relevant commitments generated during the TM and PHC for the Amendment Application;
- *February 12, 2015* – NWB distributed the February 11, 2015 revised submission received from BIMC;



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- *February 12, 2015* – NWB received correspondence from BIMC indicating that the February 11, 2015 submission superseded the submissions that the NWB received February 6 and 9, 2015;
- February 25, 2015 – NWB issues the PHC decision for the Amendment Application
- March 6, 2015 – NWB issues public notice for the in-person hearing planned by the Application

3.0 Technical Review Comments Received by the Board

As noted in the procedural history above, following the initial completeness and preliminary review period, the Application was distributed on September 29, 2014, for a forty-five day, technical review period. Comments and/or recommendations specific to the Application were received from the QIA, AANDC, and EC on or before the November 14, 2014, deadline for comments. The following sections generally summarize the technical review comments received from the various parties who have participated in the processing of the Amendment Application to date. Some of these comments included in interveners’ submission were also specifically discussed during the Technical Meeting held for the Amendment Application.

Qikiqtani Inuit Association (QIA)

The Qikiqtani Inuit Association (QIA) is an organization that represents the Inuit beneficiaries of the Qikiqtani Region of Nunavut, at both the territorial and regional levels and supports sustainable economic development opportunities for Inuit beneficiaries.

The QIA generally highlighted the following items in its technical review submissions of the Amendment Application:

- Requesting clarification about whether the criteria in the MMER (Metal Mining Effluent Regulations) will apply to the effluent from the ore stockpile at the Milne Port site, and seeking the advice of Environment Canada regarding whether the MMER would or would not apply to that site. In addition, the QIA requested that effluent criteria for the ore stockpile runoff that is protective of the environment be provided as well as information pertaining to monitoring requirements and the responsible regulatory authority;
- Noting that the current scope of the Aquatic Effects Monitoring Program (AEMP), which was submitted to the NWB on June 27, 2014, and is currently undergoing review, does not include the activities associated with the Early Revenue Phase. Also indicating that several issues in the AEMP should be addressed including runoff from the ore stockpile at



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Milne Port, monitoring associated with contact water, and monitoring stations. Clarification from the NWB is requested on several topics related to the AEMP;

- Indicating that details pertaining to water compensation remain to be discussed between BIMC and the QIA;
- Requesting clarification on which part in the FEIS contains details related to the potential impact on the receiving environment associated with water withdrawal along the Tote Road;
- Identifying that no additional information was provided by the Applicant to support addition to the addition to the term of the Existing Licence (BIMC’s Amendment Application requested an addition to the term to extend the licence expiry date 2040);
- Noting that the Interim Closure and Reclamation Plan for the Mary River Project was reviewed by the QIA, however, the QIA and BIMC have an agreement to fulfill the relevant requirements under the closure and reclamation plan in the context of a commercial lease agreement;
- Requesting clarification from the NWB with respect to the scope of the Tote Road upgrades permitted under the Existing Licence in order to understand and provide directed comments with respect to the amendments required to relevant phases and terms used in the Existing Licence and in order to authorize the additional work associated with the Tote Road improvements under the Early Revenue Phase;

Aboriginal Affairs and Northern Development Canada (AANDC)

AANDC administers Crown land and resources and enforces regulatory permits affecting land and water resources in Nunavut, including enforcing the provisions of the Existing Licence issued to the Mary River Project. In this general context, the following key issues were highlighted/recommendations made in AANDC’s technical review comment submissions:

- Requesting details regarding how the Milne Port ore stockpile runoff ponds were sized and where the effluent discharge limits will be monitored;
- Seeking clarification from the NWB regarding whether BIMC’s proposed accelerated pit filling idea would be assessed within the consideration of the current Amendment Application or would be deferred to future licensing processes;
- Requesting additional details with respect to where compliance with any proposed discharge limits for the Milne Port ore stockpile runoff, including proposed discharge point(s) and relevant updated management plans;



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- Requiring additional clarification from BIMC regarding how the run-off coefficient design criteria of 0.0 was applied to the Milne Port ore stockpile runoff sedimentation pond and the proposed method to discharge ore stockpile runoff from ponds to receiving waters;
- Identifying deficiencies in the final and marginal security cost estimates and suggesting that these issues could be addressed as part of the 2015-16 Annual Security Review;
- Indicating that one deficiency of the Interim Mine Closure and Reclamation Plan, dated June 27, 2014, is that it did not include or adequately address closure cost to reflect the project’s scope given that final closure estimate is same as that proposed under the original project scope;
- Indicating that written approval should be sought by BIMC prior to the commencement of mining operations;
- Proposing specific changes to the terms and conditions of the Existing Water Licence No. 2AM-MRY1325;

Environment Canada (EC)

The focus of EC’s involvement in respect of the Renewal and Amendment Application is based on its jurisdiction under the *Canadian Environmental Protection Act, 1999*, the *Species at Risk Act* and EC’s jurisdiction under the pollution prevention provisions of the *Fisheries Act* (including provisions of the *Metal Mining Effluent Regulations*). The focus of EC’s technical review of the application was on the extension of the Existing Licence term requested by the Applicant. EC indicated that it believes that the term of the Existing Licence, 12 years, is appropriate in that it provides a reasonable balance between investors’ interest and uncertainties related to operational conditions and lack of site specific data. EC also indicated that the current 12 – year licence term will allow for adequate monitoring of results required for informing any future licence renewal process.

4.0 Technical Meeting (TM)

As stated above, the TM for the Amendment Application was held by way of teleconference on January 28 and 29, 2015. The Agenda in Appendix C indicates that the TM was originally scheduled for 10:30 a.m. – 3:00 p.m., EST, on January 28, 2015; however, due to minor delays in starting, the TM started at 11:00 a.m., EST, and concluded at 5:00 p.m., EST, on January 28, 2015 and recommenced at 10:30 a.m. - 1:30 p.m., EST, on January 29, 2015.



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As is the Board’s practice, the TM was an informal meeting and was chaired by the NWB’s Director of Technical Services and Acting Executive Director. The meeting was attended by the Board’s staff, Applicant, interveners, the Senior Administrative Officer (SAO), Mayor and several Councillors of Pond Inlet, and representatives from Pond Inlet Hunters and Trappers Organization. An interpreter from the community of Pond Inlet also participated in the meeting to provide simultaneous Inuktitut/English interpretation. It should be noted that, as is the Board’s normal practice, the Panel Members of the Board assigned to the Mary River Project (the Mary River Panel – P4 Panel), the decision-makers for the Amendment Application, were not present during the TM or the Pre-hearing Conference that followed.

At the commencement of the TM, the objectives of the meeting were outlined by the NWB’s Director of Technical Services as follows:

- Examine technical data and other materials submitted as part of the Amendment Application, including Interveners’ submissions that the Board had received to date for the Application;
- Informally discuss and resolve – to the extent possible – any technical matters / issues raised between Interveners and the Applicant, particularly those matters that could affect the Board’s determination of any PHC issues, in advance of the PHC;
- Provide an opportunity for the Applicant and Interveners to identify for the Board the issues and concerns that have been resolved and to discuss any unresolved or ongoing issues related to the Application;
- Identify opportunities for streamlining the issues and process so as to eliminate existing or potential duplication or delay; and
- Document any commitments made by the various parties involved in the TM, with the aim of carrying forward those commitments to the PHC.

Participants at the TM were advised that, upon completion of the TM, the Board expected any outstanding issues in respect of the Amendment Application would be resolved, or if not resolved, that some form of agreement, including commitments by the parties and accepted by the parties, would enable the Amendment Application to proceed to the next step of the licensing process, the Pre-Hearing Conference, notwithstanding any unresolved issues.

At the TM the following key issues were discussed:

- Monitoring of ore stockpile runoff at Milne Port and effluent criteria to be considered and effluent discharge point;



- Overall reclamation security for the entire project;
- Potential changes or updates to management plans;
- Potential changes to the ASR process so as to improve the process;
- Scope and nature of the Tote Road upgrades;
- Water quantity requirements associated with the Amendment Application;
- Consequential amendments associated with the application;
- Proposed extension to the Licence term;
- Issues identified during inspections conducted by AANDC;
- Scope of the Amendment Application;

A number of commitments were identified during the TM and these commitments have been summarized in the Commitment List provided in Appendix D of this Report.

5.0 Community Participation

Several representatives from the Community of Pond Inlet, including the Mayor and council members, representative from Pond Inlet Hunters and Trappers Organization, and the Senior Administrative Officer (SAO) of Pond Inlet, participated in the meeting as group through a telephone at the Hamlet’s office, in the January 28, 2015 segment of the TM held for the Amendment Application and in the continuation of the TM held on the morning of January 29, 2015. Simultaneous Inuktitut/English interpretation was provided by an Interpreter retained by the NWB and also stationed at the Hamlet’s Office. Unfortunately, due to an emergency situation arising in the community over the lunch hour break on January 29, 2015; these participants were unable to join the teleconference in the afternoon segment of the TM on January 29, 2015 well as the Pre-hearing Conference that followed the TM. Subsequently, the NWB followed up with representatives from the community to solicit their guidance regarding the items discussed in the Pre-hearing Conference as they unfortunately could not attend meeting. In response to this request, the community provided comments with respect to the location and venue for a potential public hearing planned for the Amendment Application. The community indicated that any public hearing scheduled for the Amendment Application should be held in person and in the community of Pond Inlet.

During the TM segment held on January 28 and the morning of January 29, representatives of the community raised several issues of concerns, which are summarized in Table 1 below.



Table 1: Key Issues as Raised by the Mayor, Councillors, Hunters and Trappers Organization Representatives for Pond Inlet Attending Via Teleconference

Topic	Issues/Concerns/Comments
Communication	Environment Canada should look to improve communication about their role in regulating effluent quality, as their involvement in the review of the Amendment Application isn't very clear.
Concerns Raised by the Community	When BIMC came to the Hamlet to present the Phase II development process in December 2014, did the concerns of the community expressed at that point get incorporated into this Amendment Application?
	Can the NWB provide more notice with respect to the Public Hearing than the notice provided of the Technical Meeting/Pre-hearing Conference?
Fish	There are fish in Phillips Creek so why is there no discharge limit on discharges to Phillips Creek?
	If there is no discharge to Phillips Creek are there any requirements for monitoring on Phillips Creek generally?
	The Marine Environment Working Group should be meeting in Pond Inlet more often and should find ways to allow the HTO and Hamlet to provide their recommendations to the Group
	No restrictions identified under the slide referenced by BIMC as Table 10 that limit taking water from Camp Lake and David Lake during various periods of the year – have these lakes been inspected and are they considered to be fish habitat?
	Is there sewage (treated or untreated) being discharged into the lake immediately below the HTO's cabin? And if there are discharges into the lake how are the fish protected from effects?
Inspections	If there is more water taken under the Licence than is approved what would happen?
	How frequently are inspections conducted by AANDC at the site?
	Where do the inspection reports go and how would community members get access to those reports?
	Why are inspections limited to only the summer months?



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Topic	Issues/Concerns/Comments
	If there are questions that arise out of the inspection reports who would the contact people be to follow up with?
	Can representatives from the community accompany inspectors during inspections carried out for the Mary River Project?
Monitoring	Where does the monitoring information go — who receives it and how do people get access to this information?
	Is there monitoring on Camp Lake and David Lake?
	If MMER doesn't apply, how is the release of substances into fish-bearing stream limited and harm prevented?
	Will the amendments to the Licence also include additional monitoring sites and increases or other changes to the frequency of monitoring?
Regulatory/ Technical Issues	Why doesn't the MMER (Metal Mining Effluent Regulations) apply at the Milne Port site?
	How is the “mine site” defined under the MMER and why is the ore stockpile at the Milne Port site not included?
Scope of the Amendment Application	Does this Amendment Application include the activities that are currently being proposed for the Phase II of BIMC Proposal?

6.0 Pre-Hearing Conference (PHC)

As the parties confirmed at the conclusion of the Technical Meeting that none of the outstanding issues should prevent the Amendment Application from proceeding to the next step in the licensing process, a Public Hearing, the PHC portion of the Agenda proceeded on the afternoon of January 29, 2015. This was a slight modification of the Agenda, as the PHC was originally scheduled to start at 3:00 p.m. EST on January 28, 2015. The PHC was actually held between 2:30-3:30 p.m., EST, on January 29, 2015.



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The PHC was chaired by the Board’s Director of Technical Services and Acting Executive Director with generally the same parties in attendance as those who participated in the TM, with the exception of a few representatives including those from the Hamlet of Pond Inlet, who had been called away to attend to an emergency situation in the community. The purpose of the PHC was to discuss the various matters as set out in Rule 14 of the Nunavut Water Board’s Rules of Procedure in preparation for the Public Hearing. Specifically, Rule 14 directs that the following matters be addressed through the PHC:

- To set a timetable for the Pre-Hearing exchange of information;
- To finalize the list of issues to be dealt with at the Public Hearing;
- To identify interested parties;
- To consider the desirability of amending the Application for the purposes of clarification;
- To finalize procedures to be followed in the Hearing; and
- To consider any other matters that may aid in the simplification and disposition of the application at the Hearing.

Timetable for Pre-Hearing Exchange of Information

It was noted at the beginning of this discussion that, as required by s. 55(2) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA), the NWB must give the public and parties a minimum of sixty (60) days’ notice in advance of a Public Hearing.

The Applicant and interveners in attendance were polled regarding any outstanding information requirements that must be supplied in advance of a potential Public Hearing and indicated, that as outlined in the commitments provided in Appendix D, the preparation and submission of additional information is not expected to delay any Public Hearing scheduled for the application.

The Board has including below the tentative schedule for the potential Public Hearing for the Amendment Application although the Board reserves the right to revisit the timing set out below in the event that parties are unable to meet the deadlines in the commitments, or as requested by the parties and the community, or if considered by the Board. In establishing the following schedule, the Board was mindful that the parties and the Board indicated that the most feasible timing for an in-person Public Hearing is likely the first week of May, 2015. Unless modified as outlined above, the Board requires the participants to observe the following timetable:

- On or before **Friday, March 6, 2015**, the NWB will issue Notice of the Public Hearing;



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- The Board requires any party requesting French translation of the Executive Summary materials, presentation materials and/or requesting the Board to provide simultaneous French translation at the Public Hearing to make such requests to the Board in writing on or before **Friday, March 20, 2015**.
- On or before **Friday, April 3, 2015** BIMC will submit, at the latest, any additional information required in support of the application for which there is no commitment date;
- All further and final written submissions to be provided by interveners must be filed with the Board on or before **Friday, April 17, 2015**;
- All further and final responses of the Applicant to the information filed to date must be filed with the Board on or before **Wednesday, April 29, 2015**;
- Any presentations (e.g. PowerPoint Presentations, etc.) upon which anyone intends to rely at the Public Hearing must be filed with the Board on or before **Friday, May 1, 2015**;
- If the interveners and/or the Applicant file additional written submissions, final responses and presentation materials as outlined above, they are also required to provide **an Executive Summary of their written submissions in both English and Inuktitut and fully translated copies of their presentation materials or final responses in English and Inuktitut at the same time** as they file the full submission; and

All submissions related to the Amendment Application will be posted on the NWB's ftp-site (<ftp://ftp.nwb-oen.ca/>) and in the public registry upon receipt. A copy of the public registry as it relates to the Amendment Application will be available for review at the Public Hearing.

Identification of Interested Parties

Appendix A contains the names of the attendees who represented the various organizations at the TM and PHC. During the PHC or in follow-up correspondence, the following parties confirmed their participation in the Public Hearing for the Amendment Application:

- The Applicant, BIMC;
- The Qikiqtani Inuit Association (the QIA);
- The Hamlet of Pond Inlet (HTO, SAO, Mayor and Council Members);
- Aboriginal Affairs and Northern Development Canada (AANDC); and
- Environment Canada.



Provision of Final Written Submissions from Interested Parties

Any additional information that the parties wish the Board to consider during their review of the Application must be filed with the Board in advance of the Public Hearing and in accordance with the timelines outlined above under the heading “Timetable for Pre-hearing Exchange of Information”.

List of Issues

The intervening parties in attendance at the TM and PHC confirmed that none of the unresolved or outstanding issues associated with the Amendment Application and the related information requirements should prevent the Board from proceeding with a Public Hearing.

At the end of the TM, the parties reviewed the following list and agreed that, subject to potentially adding issues following the review of information that may be exchanged in advance of the Public Hearing; the following topics should be items for discussion at the Public Hearing:

1. General communication of Inspection and Annual Reports (including monitoring results)
2. Confirmation of Water User Compensation
3. Consequential Amendments to Licence terms and conditions (to reflect Amendment Request)
4. Scope of potential Licence Amendment
5. Annual Security Review
 - a. Timing and Changes to Process
6. Water Use and Management
 - a. Water Use Volumes
 - b. Water Sources
7. Waste Deposit
 - a. Changes to discharge point(s)
8. Review and comments on updated, revised and approved Plans (including)
 - a. The Aquatic Effects Monitoring Plan
 - b. The Interim Abandonment and Reclamation Plan
 - i. Update to Overall Reclamation Security
9. Monitoring (including)
 - a. Effluent Quality Criteria at Milne Inlet
 - b. Additions/changes to monitoring requirements (stations, locations, etc.)
10. Other Issues
 - a. Status of 8BC-MRY1416



Amending the Application Prior to the Hearing

Although no specific changes to the scope of the Amendment Application were discussed during the TM and PHC, the Applicant agreed that the Amendment Application should be updated to properly account for the amount of water required under the Amendment Application as well as removal of requests to construct and operate a desalination plant and extend term of the licence.

Procedures for the Public Hearing

Parties were asked to provide input with respect to the form of the Public Hearing (written, teleconference or in-person). Given the relatively narrow scope of activities being considered under the amendment, the Qikiqtani Inuit Association (QIA) and Environment Canada (EC), indicated that they favored a teleconference or written Public Hearing. The Applicant also indicated that a teleconference or written Public Hearing (with community representatives being given the opportunity to participate in either forum) would be most appropriate. Aboriginal Affairs and Northern Development Canada (AANDC) expressed no particular preference regarding the form of the Public Hearing, noting that AANDC would respect the NWB’s decision. Representatives from the Hamlet of Pond Inlet were unable to attend the PHC for the Amendment Application; however, they indicated through separate email correspondence³ to the Board that the Hamlet Counsel feels that an in-person Public Hearing, held in the Hamlet of Pond Inlet, should be considered as it would give residents of the community an opportunity to voice their concerns and that failure to do so could be detrimental to the community and the project.

The Panel members have considered the feedback provided by the various parties and the community concerning the form of the public hearing as well as the scope of activities/undertakings being proposed in determining, by **Motion #: 2014-29-P4-03**, that it is most appropriate at this time for the Board to hold an in-person Public Hearing for the Application.

With respect to the timing of the Public Hearing, based on the time commitments outlined in the discussion of the exchange of documents outlined above, the Public Hearing is tentatively scheduled for the week of **May 4 – 8, 2015**. These dates are subject to final confirmation by way of Public Notice, once the Board has confirmed logistics and the documentation required, to be provided by **March 6, 2015**.

³ Letter from Mike Rudkin, SAO, Hamlet of Pond Inlet, to Phyllis, Beaulieu, Manager of Licensing, NWB, Re: Baffinland Iron Mines Corporation Type “A” Water Licence, February 19, 2015.



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The parties have confirmed that they do not anticipate that any deviations from the Board's Rules of Practice and Procedure (May 2005) (Rules) will be required, and, as such, the Board directs all parties that the Public Hearing will be conducted in accordance with Parts III and IV of the Board's Rules.

Measures to Simplify the Disposition of the Application

No measures to simplify the disposition of the Application were identified at the PHC.

Steps following the Public Hearing

When the Panel has reached a decision on the Amendment Application, which is typically within thirty (30) to forty five (45) days of the close of the Hearing Record, the Board will issue its Record of Proceedings and Decision to the Minister of Aboriginal Affairs and Northern Development Canada. If the Panel recommends that Amendment No.1 to the Licence No. 2AM-MRY1325 be granted, an amended Licence would also be provided for the Minister's consideration.

If you require additional information regarding this Application, the Board's specific direction or the Board's processes in general, please do not hesitate to contact the NWB's Acting Executive Director and Director of Technical Services, David Hohnstein, david.hohnstein@nwb-oen.ca. For any administrative matters related to the Public Hearing, please contact the NWB's Manager of Licensing, Phyllis Beaulieu, at licensing@nwb-oen.ca.

Regards,

A handwritten signature in black ink, appearing to read "D. Hohnstein".

David Hohnstein
Director Technical Services/Acting Executive Director
Nunavut Water Board

DH/

Attachments:



2AM-MRY1325 Type “A” – Licence Amendment No. 1 Application PHC Decision

- Appendix A: List of Participants, Technical Meeting and Pre-Hearing Conference, Mary River Project Amendment Application
- Appendix B: List of Application Submissions for Amendment No.1 Application to Licence 2AM-MRY1325
- Appendix C: Technical Meeting and Pre-Hearing Conference Agenda for Licence 2AM-MRY1325 Amendment No.1 Application
- Appendix D: List of Commitments Generated during the Technical Meeting and Pre-Hearing Conference held January 28 - 29, 2015 for Licence 2AM-MRY1325 Amendment Application



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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

APPENDIX A: List of Participants for the January 28 - 29, 2015, Technical Meeting and Pre-Hearing Conference, Mary River Project Amendment Application

<i>January 28, 2015 -Morning & Afternoon Segments TM</i>				
No.	First Name	Last Name	Organization Representing	E-mail
1	David	Hohnstein	Nunavut Water Board	dave.hohnstein@nwb-own.ca
2	Ben	Kogvik	Nunavut Water Board	ben.kogvik@nwb-oen.ca
3	Teresa	Meadows	Nunavut Water Board Legal Rep	teresa@shoresjardine.com
4	Sean	Joseph	Nunavut Water Board	sean.joseph@nwb-oen.ca
5	Megan	Porter	Nunavut Water Board	megan.porter@nwb-oen.ca
6	Andrea	Morgan	AANDC	andrea.morgan@aandc-aadnc.gc.ca
7	Jean	Allen	AANDC	jean.allen@aandc-aadnc.gc.ca
8	Mart	Lupp	SNC-Lavalin Inc	mart.lupp@snclavalin.com
9	Mark	Dahl	Environment Canada	mark.dahl@ec.gc.ca
10	Anne	Wilson	Environment Canada	ann.wilson@ec.gc.ca
11	Reg	Ejeckam	Environment Canada	reg.ejeckam@ec.gc.ca
12	Salamonie	Shoo	Qikiqtani Inuit Association	landadmin@qia.ca
13	Stephen	Williamson Bathory	Qikiqtani Inuit Association	sbathory@qia.ca
14	Jamie	VanGulck	ARKTIS Solutions Inc.	yangulck@arktissolutions.com
15	Oliver	Curran	Baffinland Iron Mines Corporation	oliver.curran@baffinland.com
16	Erik	Madsen	Baffinland Iron Mines Corporation	erik.madsen@baffinland.com
17	Jim	Millard	Baffinland Iron Mines Corporation	jim.millard@baffinland.com
18	Shelley	Potter	Hatch	spotter@hatch.ca
19	Tessa	Mackay	Hatch	tmackay@hatch.ca
20	Fernand	Beaulac	Baffinland Iron Mines Corporation	fernand.beaulac@gmail.com
21	Richard	Cook	Knight Piesold	rcook@knightpiesold.com
22	Christine	Kowbel	Lawson Lundell	ckowbel@lawsonlundell.com
23	Charlie	Inuarak	Hamlet of Pond Inlet	
24	Joshua	Arreak	Hamlet of Pond Inlet	



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25	Abraham	Kublu	Hamlet of Pond Inlet	-
26	James	Atagootak	Hamlet of Pond Inlet	-
27	Jeannie	Kigutak	Hamlet of Pond Inlet	-
28	Morgan	Arnakallak	Hamlet of Pond Inlet	-
29	Mike	Rudkin	Hamlet of Pond Inlet	-
30	Jimmy	Pitseolak	HTO Pond Inlet	-
31	Tineka	Simmons	CanNor	tineka.simmons@cannor.gc.ca
32	Sean	Waites	CanNor	sean.waites@cannor.gc.ca

January 29, 2015 -Morning Segment TM				
No.	First Name	Last Name	Organization Representing	E-mail
1	David	Hohnstein	Nunavut Water Board	david.hohnstein@nwb-oen.ca
2	Teresa	Meadows	Nunavut Water Board Legal	teresa@shoresjardine.com
3	Ben	Kogvik	Nunavut Water Board	ben.kogvik@nwb-oen.ca
4	Sean	Joseph	Nunavut Water Board	sean.joseph@nwb-oen.ca
5	Megan	Porter	Nunavut Water Board	megan.porter@nwb-oen.ca
6	Oliver	Curran	Baffinland Iron Mines Corporation	oliver.curran@baffinland.com
7	Shelley	Potter	Hatch	spotter@hatch.ca
8	Jim	Millard	Baffinland Iron Mines Corporation	jim.millard@baffinland.com
9	Erik	Madsen	Baffinland Iron Mines Corporation	erik.madsen@baffinland.com
10	Christine	Kobel	Lawson Lundell	ckowbel@lawsonlundell.com
11	Jamie	VanGulck	ARKTIS Solutions Inc.	vangulck@arktissolutions.com
12	Justin	Hack	AANDC	justin.hack@aandc-aadnc.gc.ca
13	Stephen	Williamson Bathory	Qikiqtani Inuit Association	bathory@qia.ca
14	Andrea	Morgan	AANDC	andrea.morgan@aandc-aadnc.gc.ca
15	Mart	Lupp	SNC Lavalin Inc.	mart.lupp@snclavalin.com
16	Mark	Dahl	Environment Canada	mak.dahl@eg.gc.ca
17	Charlie	Inuarak	Hamlet of Pond Inlet	-
18	James	Atagootak	Hamlet of Pond Inlet	-
19	Morgan	Arnakallak	Hamlet of Pond Inlet	-
20	Sean	Waite	CanNor	sean.waite@cannor.gc.ca
21	Tineka	Simmons	CanNor	tineka.simmons@cannor.gc.ca



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22	Ken	Landa	Justice Canada	klanda@justice.gc.ca
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<i>January 29, 2015 –Afternoon Segment TM/PHC</i>				
No.	First Name	Last Name	Organization Representing	E-mail
1	David	Hohnstein	Nunavut Water Board	david.hohnstein@nwb-oen.ca
2	Teresa	Meadows	Nunavut Water Board Legal	teresa@shoresjardine.com
3	Ben	Kogvik	Nunavut Water Board	ben.kogvik@nwb-oen.ca
4	Sean	Joseph	Nunavut Water Board	sean.joseph@nwb-oen.ca
5	Megan	Porter	Nunavut Water Board	megan.porter@nwb-oen.ca
6	Erik	Madsen	Baffinland Iron Mines Corporation	erik.madsen@baffinland.com
7	Christine	Kowbel	Lawson Lundell	ckowbel@lawsonlundell.com
8	Jim	Millard	Baffinland Iron Mines Corporation	jim.millard@baffinland.com
9	Stephen	Williamson Bathory	Qikiqtani Inuit Association	bathory@qia.ca
10	Jamie	VanGulck	ARKTIS Solutions Inc.	vangulck@arktissolutions.com
11	Andrea	Morgan	AANDC	andrea.morgan@aadnc-aadnc.gc.ca
12	David	Abernathy	AANDC	david.abernathy@aadnc-aadnc.gc.ca
13	Mark	Dahl	Environment Canada	mark.dahl@ec.gc.ca



**APPENDIX B: List of Submissions for Amendment No.1 Application to
Licence 2AM-MRY1325**

The following documents were included within the Amendment Application:

Application:

1. Cover letter and initial submission of Amendment application for water licence by Baffinland Iron Mines Corporation, dated July 16, 2014;

Initial Submission & Correspondence:

1. Submission from Baffinland Iron Mine Corporation, Re: Type “A” Water Licence Amendment, Attachment 1: Supplementary Technical Information for Milne Port Facilities subject to this application, dated July 21, 2014;
2. Submission from Baffinland Iron Mine Corporation, Re: Interim Mine Closure and Reclamation Plan, dated July 21, 2014;
3. Submission from Baffinland Iron Mines Corporation, Re: Project Summaries All languages, dated July 21, 2014;
4. Email to Jennifer St. Paul Butler, Sustainability and Reporting Specialist, Baffinland Iron Mines Corporation, dated July 22, 2014, from Megan Porter, Licensing Administrator Assistant, NWB, Re: Application Acknowledgement for the Mary River Project;
5. Email Receipt of Administration fees, dated August 6, 2014, from Megan Porter, Licensing Administrator Assistant;
6. Letter to Jennifer St. Paul Butler, Sustainability and Reporting Specialist, dated August 6, 2014, from Megan Porter, Licensing Administrator Assistant, NWB, Re: Acknowledgement of Receipt of Application Fee-Amendment Water Licence-Mary River Project;
7. Letter to Erik Madsen, Vice President Sustainable Development, Health Safety and Environment, BIMC, dated August 29, 2014, from Phyllis Beaulieu, Manager of Licensing, NWB, Re: 2AM-MRY1325, Type “A”; Amendment (No.1) Application by Baffinland Iron Mines Corporation (BIMC) for the Mary River project;
8. Email receipt of Completeness Review dated August 29, 2014, from Megan Porter Licensing Administrator Assistant, NWB;



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9. Letter to Sean Joseph, Technical Advisor, NWB, dated August 29, 2014, from Oliver Curran, Director, Sustainable Development, Baffinland Iron Mines Corporation, Re: Application for Amendment to the Type "A" Water Licence 2AM-MRY1325 clarifications;
10. Letter to Damien Cote, Executive Director, NWB, dated September 2, 2014, from Oliver Curran, Director Sustainable Development, BIMC, Re: Notice of Amendment Application and commencement of Technical Review Period for Mary River Project;
11. Letter to Nunavut Water Board, dated September 16, 2014, from Stephen Williamson Bathory, Director, Department of Major Projects, Qikiqtani Inuit Association, Re: QIA Comments
12. Letter to Phyllis Beaulieu, Manger of Licensing, Nunavut Water Board, dated September 19, 2014, from Jean Allen, Water Management Specialist, Aboriginal Affairs and Northern Development Canada, Re: Amendment Application Completeness Review;
13. Letter to Phyllis Beaulieu, Manger of Licensing, Nunavut Water Board, dated September 19, 2014, from Mark Dahl, Sr. Ocean Disposal Officer, Environment Canada, Re: EC Comments;
14. Letter to Nunavut Water Board, dated September 19, 2014, from Erik Madsen, Vice President, Sustainable Development, Health, Safety & Environment, BIMC, Re: Application for Renewal and Amendment to Type A Water Licence 2AM-MRY1325;
15. Email Receipt of Notice of application, dated September 29, 2014, from Megan Porter, Licensing Administrator Assistant, NWB;
16. Letter to Erik Madsen, Vice President, Sustainable Development, Health, Safety & Environment BIMC, dated September 29, 2014, from Damien Cote, Executive Director NWB, Re: Type "A" Notice of Amendment Application and Commencement of Technical Review Period for Mary River Project;
17. Public Notice of Amendment Application English, dated September 29, 2014;
18. Public Notice of Amendment Application Inuktitut, dated September 29, 2014;
19. Request to Post Notice to Local Organizations, dated September 29, 2014;
20. Letter to Phyllis Beaulieu, Manger of Licensing, NWB, dated October 3, 2014, from Oliver Curran, Director, Sustainable Development, BIMC, Re: Baffinland Responses



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- to Agency Comments on the Amendment to the Type "A" Water Licence 2AM-MRY1325;
21. Email receipt of Baffinland's Response to comments received for the Amendment Application, dated October 3, 2014, from Megan Porter, Licensing Administrator Assistant, NWB;
 22. Letter to Phyllis Beaulieu, Manager of Licensing, NWB, dated November 14, 2014, from Jean Allen, Water Management Specialist, AANDC, Re: Technical Review Comments Mary River Project;
 23. Letter to Phyllis Beaulieu, Manager of Licensing, NWB, dated November 14, 2014, from Mark Dahl, Sr. Ocean Disposal Officer, EC, Re: Technical Review comments Mary River Project;
 24. Letter to Nunavut Water Board, dated November 14, 2014, from Stephen Williamson Bathory, Director of Major Project, QIA, Re: Technical Review Comments;
 25. Email to Mary River Distribution, dated November 19, 2014, from Megan Porter, Licensing Administrator Assistant, NWB, Re: Technical Review Comments received for the Mary River Project;
 26. Letter to Phyllis Beaulieu, Manager of Licensing NWB, dated December 5, 2014 from Oliver Curran, Director, Sustainable Development BIMC, Re: Baffinland Responses to Agency Technical Comments on the Amendment to the Type "A" Water Licence 2AM-MRY1325;
 27. Letter to Erik Madsen, Vice President, Sustainable Development, Health, Safety & Environment, BIMC, dated December 19, 2014, from David Hohnstein, DTS/Acting Executive Director, NWB, Re: TM-PHC Correspondence;
 28. Public Radio Announcement for TM-PHC for Mary River Project, dated January 6, 2015;
 29. Public Notice Inuktitut of TM-PHC for Mary River Project, dated January 6, 2015;
 30. Public Notice of English-PHC for Mary River Project, dated January 6, 2015;
 31. Email to Licensing Department, dated January 9, 2015, from Mark Dahl, Sr. Ocean Disposal Officer, Environment Canada, Re: EC Comments on Proposed Agenda for TM-PHC;



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32. Public Notice Television Advertisement for TM-PHC For Mary River, dated January 9, 2015;
33. Letter to Phyllis Beaulieu, Manager of Licensing, NWB, dated January 12, 2015, from Jean Allen, Water Management Specialist AANDC Re: Comments on Additional Information;
34. Email receipt of Submission on Technical Review for Mary River, dated January 14, 2015, from Megan Porter, Licensing Administrator Assistant, NWB;
35. Email to Nunavut Water Board, dated January 23, 2015, from Stephen Williamson Bathory, Director Major Projects, QIA, Re: QIA Comments on Draft agenda and list of attendees;
36. Email to Nunavut Water Board, dated January 23, 2015, from Jean Allen, Water Management Specialist AANDC, Re: AANDC comments on Draft agenda and list of participants;
37. Submission from AANDC Technical Meeting and Pre-Hearing Conference community presentation teleconference Inuktitut, dated January 23, 2015;
38. Submission from AANDC Technical Meeting and Pre-Hearing Conference Presentation English, dated January 23, 2015;
39. Submission from BIMC, Technical Meeting and Pre-Hearing Conference Presentation English, dated January 23, 2015;
40. Submission from EC Technical Meeting and Pre-Hearing Conference Presentation English, dated January 23, 2015;
41. Letter to Erik Madsen, Vice President, Sustainable Development, Health Safety and Environment, BIMC, dated January 26, 2015 from David Hohnstein, Director of Technical Services, NWB, Re: Amendment 1 TM-PHC Correspondence and Agenda;
42. Submission from EC, Summary of EC Comments Inuktitut, dated January 26, 2015;
43. Submission from BIMC Technical Meeting and Pre-Hearing Conference Presentation Inuktitut, dated January 27, 2015;
44. Submission of Draft List of Commitments by Sean Joseph, Technical Advisor, NWB, dated January 28, 2015;



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45. Technical Meeting and Pre-Hearing Conference Mary River Project Draft List of Issues from Sean Joseph, Technical Advisor, NWB, dated January 28, 2015;
46. Letter to Phyllis Beaulieu, Manager of Licensing, NWB, dated February 12, 2015, from Erik Madsen, Vice President Sustainable Development, Health Safety and Environment, BIMC Re: Baffinland Responses to Technical Hearing Commitments on the Amendment to the Type A Water Licence 2AM-MRY1325;
47. Submission from BIMC Technical Hearing and Pre-Hearing Conference Commitments and Baffinland Responses, dated February 12, 2015;
48. Submission of Revised Type "A" Amendment Application, dated February 12, 2015;
49. Submission of Baffinland Financial Information, dated February 12, 2015;
50. Submission of Consequential Amendments to Type A Water Licence 2AM-MRY1325 February 2015, dated February 12, 2015;



APPENDIX C: TM and PHC Agenda January 28-29, 2015

AGENDA

TECHNICAL MEETING & PRE-HEARING CONFERENCE MARY RIVER PROJECT (LICENCE 2AM-MRY1325)

Teleconference Information

Toll Free Number: **1-888-289-4573**; Participant Code: **7214943**

Technical Meeting Segment

January 28, 2015, (10:30 a.m. – 3 p.m., EST, including intermission; if required may be extended to January 29, 2015)

1. Opening remarks
 - a. Introduction of Participants
 - b. Overview of the purpose of the Technical Meeting/Pre-Hearing Conference (TM/PHC)
 - c. Overview of scope and procedural history of the application
2. Identification of Interested Parties
3. Presentations and Questions
 - a. Presentation by Applicant, Baffinland Iron Mines Corporation (BIMC), on the current application before the Board
 - b. Questions from parties and the NWB regarding BIMC's presentation
4. Presentations by Intervening Parties
 - a. Presentation by Qikiqtani Inuit Association (QIA)
 - i. Questions from parties and the NWB regarding QIA's presentation
 - b. Presentation by Aboriginal Affairs and Northern Development Canada (AANDC)
 - i. Questions from parties and the NWB regarding AAND's presentation
 - c. Presentation by Environment Canada
 - i. Questions from parties and the NWB regarding EC's presentation



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- d. Presentation by interested parties wanting to make representations
 - i. Questions from parties and the NWB regarding presentation by interested parties
- 5. Identification of the parties' commitments to resolve technical issues
- 6. Formulation of outstanding issues

January 28, 2015, (3:10 p.m. -5 p.m., EST, *may be extended/rescheduled to January 29, 2015, if required*)**

PHC Segment

- 7. Pre-Hearing Conference
 - a. Identify issues preventing application from proceeding to a hearing
 - b. Discuss form, timing and location for any potential Public Hearing
 - c. Establish timetable for the pre-hearing exchange of information, including:
 - i. preparation and service of documents to parties (deadlines, form, public registry); and
 - ii. document translation requirements
 - iii. documentation to be included in the hearing record
 - d. Finalize list of issues to be dealt with at the Hearing
 - e. Identify interested parties
 - f. Identify any changes to Application for the purposes of clarification
 - g. Final procedures to be followed at the Hearing, including:
 - i. requested modifications to the applicable *NWB Rules of Practice and Procedure for Public Hearing* (May 2005)
 - ii. language requirements at the Hearing
 - h. Consider any other matters that may aid in the simplification and disposition of the Application at the Hearing
- 8. Other Issues
- 9. Closing of the Meeting



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**APPENDIX D: List of Commitments Generated during the Technical Meeting and Pre-Hearing Conference held
January 28-29, 2015 for Licence 2AM-MRY1325 Amendment Application**

Commitment No.	Raised By	Description of Commitment	Responsible Party	Deadline
1	QIA	BIMC to, in consultation with the Marine Environment Working Group, revise the Environmental Effects Monitoring Program and submit it to the relevant parties prior to any discharge in to the marine environment at Milne Port and in accordance with timelines agreed to by the relevant parties.	BIMC	Draft by March 2015
2	QIA	NWB to clarify whether the scope of the upgrades contemplated for the Tote Road as described in the existing Type "A" water licence and Final Environmental Impact Assessment for the overall project is consistent with the upgrades proposed in the Amendment Application. Clarifications will include but not be limited to the NWB's interpretation of the following terms: “Current Form” “Routine Maintenance” and “Minor Upgrades”.	NWB	February 13, 2014 (Delayed to February 24, 2015)
3	NWB	The QIA to provide confirmation on whether any changes to the Water User Compensation will result from the amendment application that is before the Board.	QIA/BIMC	By February 6, 2015
4	NWB	BIMC to review and identify changes and updates to management plans linked to the amendment application and identify strategy and timelines for submitting those changes to the NWB and reviewers for comment.	BIMC	By February 6, 2015
5	NWB	BIMC to update the amendment application currently before the board to address exclusion of the desalination plant, discrepancies in water quantity required, and changes to the licence term.	BIMC	By February 6, 2015



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Commitment No.	Raised By	Description of Commitment	Responsible Party	Deadline
6	NWB	BIMC to confirm and/or provide a copy of its financial information that appears to be absent from its application.	BIMC	By February 6, 2015
7	NWB	BIMC to prepare a listing of consequential amendments to the licence based on the amendment request.	BIMC	By February 6, 2015
8	NWB	BIMC to consider and advise whether summary information on key aspects of its 2014 annual report can be provided in advance of March 31, 2015 submission date.	BIMC	By February 6, 2015
9	NWB	BIMC to provide summary of actions taken to address compliance issues flowing from AANDC inspection reports.	BIMC	By February 6, 2015
10	NWB	AANDC to provide up to date compliance status report, reflecting AANDC inspections from 2014.	AANDC	By February 6, 2015
11	NWB	BIMC to submit a revised estimate of the ultimate reclamation security for the entire project as part of its updated Interim Abandonment and Reclamation Plan.	BIMC	March 31, 2015
12	NWB	BIMC to submit proposed changes to the ASR process that may be considered in the context of the current amendment application before the Board.	BIMC	By February 6, 2015
13	AANDC/ QIA	BIMC and the relevant parties to hold a potential meeting subsequent to BIMC’s submission of BIMC submission of proposed changes to the ASR process	BIMC	Subsequent submission of proposed changes to the ASR

Notes

AANDC: Aboriginal Affairs and Northern Development Canada
BIMC: Baffinland Iron Mines Corporation
NWB: Nunavut Water Board

ASR: Annual Security Review Process
EC: Environment Canada
QIA: Qikiqtani Inuit Association