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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

**Files No: 2AM-MRY1325**

November 8, 2019

Jared Ottenhof  
Director, Major Projects  
Qikiqtani Inuit Association  
P.O. Box 1340  
Iqaluit, NU X0A 0H0

Spencer Dewar  
Director, Resource Management  
Crown-Indigenous Relations and Northern Affairs  
P.O. Box 100  
Iqaluit, NU X0A 0H0

Mary River Distribution List

**Subject: Updated Guidance Regarding CANCELLATION of the Upcoming Technical Meeting in Iqaluit, November 12 and 13 in Respect of the Application of Baffinland Iron Mines Corporation to Amend Type “A” Water Licence No: 2AM-MRY1325**

Dear Parties,

As noted in the recent correspondence of the Qikiqtani Inuit Association (QIA)<sup>12</sup>, this past week the Nunavut Impact Review Board (NIRB) directed that due to an incomplete evidentiary record, the Public Hearing portion of the NIRB’s assessment of the Mary River Phase 2 Development Proposal (Phase 2 Development Proposal) will be continued to a future, as yet undetermined date. As the Phase 2 Development Proposal provides the basis for the amendments to the existing Type “A” Water Licence No: 2AM-MRY1325 (the Amendment Application) requested by Baffinland Iron Mines Corporation (Baffinland) that were going to be the subject matter of the Nunavut Water Board’s (NWB) upcoming Technical Meeting scheduled for November 12 and 13, 2019, in Iqaluit,

<sup>1</sup> Jared Ottenhof (QIA) to Richard Dwyer (NWB), Clarification Regarding Nunavut Water Board Technical Meeting – Nov 12 – 13 in Iqaluit, dated November 7, 2019.

<sup>2</sup> Jared Ottenhof (QIA) to Richard Dwyer (NWB), QIA Clarification on Upcoming Technical Meeting, dated November 8, 2019.

the Interveners: the QIA and Crown-Indigenous Relations and Northern Affairs (CIRNA)<sup>3</sup> have requested that the NWB consider cancelling the Technical Meeting until such time as the NIRB's guidance regarding the timing and procedure associated with the NIRB's continuation of Phase 2 Development Proposal assessment is issued.

Having considered this request, the NWB has determined that until the NIRB's assessment process is largely completed it is premature for the NWB to conduct a Technical Meeting on an incomplete record. Although the NWB and the NIRB are working to coordinate the NIRB's assessment of the Phase 2 Development Proposal with the NWB's consideration of the amendments to Water Licence No: 2AM-MRY1325, the NWB's consideration of the Amendment Application is informed by the NIRB's assessment and the process of resolving technical issues amongst intervening parties that takes place during the NIRB's assessment process. Specifically, it is the NWB's understanding that due to time constraints at the NIRB Public Hearing, the technical discussions of the freshwater environment or general water management were not commenced during the NIRB's Public Hearing in respect of the Phase 2 Development Proposal. This is a significant gap in the evidentiary record that would normally be established through the NIRB's assessment and would support the NWB's conduct of a focused Technical Meeting.

On this basis, the NWB has determined that it is appropriate to CANCEL the NWB's upcoming Technical Meeting in respect of the Amendment Application scheduled to take place on November 12 and 13, 2019, in Iqaluit, Nunavut. While the NWB recognizes that this will create challenges to parties who have prepared to proceed, the NWB has balanced this consideration against the fact that proceeding on the basis of an incomplete record is likely to result in the need for a repeat of the Technical Meeting.

When the NIRB has issued further guidance regarding the continuation of the NIRB's Public Hearing for the Phase 2 Development Proposal the NWB will issue follow up guidance regarding the rescheduling of the Technical Meeting.

Should you have any questions and/or require clarification on the above, or wish to discuss further, please contact the undersigned in writing.

Sincerely,  
**NUNAVUT WATER BOARD**

Stephanie Autut  
Executive Director

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<sup>3</sup> Spencer Dewar (CIRNA) to Richard Dwyer (NWB), Re: Technical Meeting for Baffinland Iron Mines Corporation Water Licence Amendment Application for Phase 2 of the Mary River Project, Water Licence 2AM-MRY1325 - Amendment No. 1