

NUNAVUT WATER BOARD
PUBLIC HEARING FOR LICENSE NO. 2AM-MRY1325

AMENDMENT NO. 1 APPLICATION

HEARING HELD AT
POND INLET, NUNAVUT
VOLUME 1
MAY 6, 2015

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1 APPEARANCES:

2

3 NUNAVUT WATER BOARD

4 T. Kabloona Chair of Hearing

5 D. Aglukark, Sr. Member

6 R. Mrazek Member

7

8 NUNAVUT WATER BOARD STAFF

9 T. Meadows Legal Counsel

10 D. Hohnstein Technical Advisor

11 S. Joseph Technical Advisor

12 B. Kogvik Board Secretary

13 R. Ikkutisluk Licensing Administrator

14

15 APPLICANT BAFFINLAND IRON MINES CORPORATION

16 C. Kowbel Legal Counsel

17 E. Madsen Vice President Sustainable
18 Development, Health, Safety,
19 Environment

20 O. Curran Director Sustainable
21 Development

22 J. Millard Environmental Manager

23 S. Potter Environmental Specialist

24

25

26

1 INTERVENORS

2 QIKIQTANI INUIT ASSOCIATION

3 E. Inuaraq Board of Directors

4 S. Williamson Bathory Director, Department of
5 Major Projects

6 J. VanGulck, Dr. Arktis Solutions Inc.

7 B. Ootoova Community Coordinator

8

9 ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT CANADA

10 S. Muscati Legal Counsel

11 A. Morgan Senior Project Engineer

12 S. Forte Water Management
13 Coordinator

14 S. Burgess Project Manager, Mary
15 River Team

16

17 ENVIRONMENT CANADA (VIA TELEPHONE)

18 M. Dahl Environmental Assessment
19 Coordinator

20 A. Wilson Water Quality Specialist

21

22 HAMLET OF POND INLET

23 J. Aareak Representative

24 J. Atagootak Representative

25

26

1 MITTIMATALIK HUNTERS AND TRAPPERS ORGANIZATION.

2 N. Mablick Representative

3 G. Koonark Representative

4 M. Kaunak Representative

5

6 INTERPRETERS/TRANSLATORS

7 B. Kogvik Inuktitut Translator

8 T. Arnakallak Inuktitut Translator

9 M. Arnakallak Inuktitut Translator

10

11 J. Macdonald, CSR(A) Court Reporter

12

13 C. Francis Sound Technician

14

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1 (PROCEEDINGS COMMENCED AT 9:19 AM)

2 Opening Remarks by Nunavut Water Board Chair

3 THE CHAIR: Good morning everyone.

4 Can you hear me okay?

5 Good morning and welcome to the public
6 hearing for the application submitted by Baffinland
7 Iron Mines Corporation for proposed amendment,
8 Amendment Number 1, to Water License Number
9 2AM-MRY1325, issued to the Mary River project. My name
10 is Thomas Kabloona, and I am the Chair of the Nunavut
11 Water Board.

12 Before we proceed with the hearing, please
13 let us begin with a prayer by Charlie Inuaraq.

14 (OPENING PRAYER)

15 THE CHAIR: Thank you, Charlie
16 Inuaraq.

17 On behalf of the Nunavut Water Board, I
18 welcome you to the community of Pond Inlet.

19 Now, to provide some background and set the
20 stage for the hearing, the Nunavut Water Board, which I
21 shall refer to as "the Board" or "NWB", is an
22 institution of public government created under Article
23 13 of the Nunavut Land Claims Agreement. The NWB is
24 responsible for the use, management, and regulation of
25 freshwater in the Nunavut settlement area.

26 The purpose of this hearing is to review and

1 discuss the information provided in an application
2 filed by Baffinland Iron Mines Incorporation, whom I
3 shall refer to as "Baffinland" or "BIMC" or "the
4 Applicant", for a proposed amendment to the Type A
5 water license issued to the Mary River project in
6 accordance with the Nunavut Waters and Nunavut Surface
7 Rights Tribunal Act.

8 In accordance with Section 13.3.6 of the
9 Nunavut Land Claims Agreement and Section 29 of the
10 Nunavut Waters and Nunavut Surface Rights Tribunal Act,
11 the Board has delegated its power in all matters
12 related to the Amendment to Type A water license.

13 (Other language spoken)

14 I will be chairing this Panel, and with me
15 today are members Ross Mrazek on my left; to my right
16 is David Aglukark, Sr.

17 Several Staff members who have contributed to
18 the NWB's administration and review of the application
19 are present with legal counsel to the NWB. I will
20 introduce the individuals in attendance: David
21 Hohnstein, Director of Technical Services and Acting
22 Executive Director; Ben Kogvik, Secretary and
23 Interpreter to the Board; Sean Joseph, Technical
24 Advisor; Robin Ikkutisluk, Licensing Administrator; and
25 Teresa Meadows with Shores Jardine LLP, legal counsel
26 to NWB.

1 In addition, we have interpreters available
2 for simultaneous interpretation: Ben Kogvik, Secretary
3 to the Board and Interpreter/Translator, and Titus
4 Arnakallak and Morgan Arnakallak.

5 For audio support, we have Cory Francis from
6 PIDO Productions Limited with us. If you experience
7 any difficulties with your headsets or the microphones,
8 Cory will be able to provide assistance.

9 To ensure an accurate record of the
10 proceeding is kept, we have with us a court reporter,
11 Julie Macdonald, from Dicta Court Reporting. To assist
12 Julie, I ask that all parties please state their name
13 prior to speaking.

14 Before I move on to the overview of this
15 application and what to expect today at this public
16 hearing, here are some important housekeeping items for
17 everyone here.

18 Firstly, there will be interpretation
19 available throughout the hearing and earpieces
20 available from the table located by the door as you
21 come in. Channel 1 is the English; channel 3 is
22 Inuktitut. When you are speaking into the microphone,
23 please make sure you turn off your earpiece so that we
24 don't get feedback over the speakers.

25 Secondly, the Board appreciates everyone,
26 including the Applicant and intervenors to sign in on

1 the sign-in sheet located at the table when you come
2 into the hall. This is an important record of the
3 hearing, and we appreciate your help in making sure it
4 is complete.

5 The washrooms are located through the exit,
6 and the exit's located at the front and back of the
7 hall. There will be coffee, tea, and snacks located at
8 the tables along the side of the hall during breaks. I
9 would also like to remind even to please turn off your
10 cell phones before we begin.

11 Finally, to assist our court reporter and our
12 interpreters, please wait to have a microphone before
13 you speak, and state your name, speak clearly, and
14 slowly; to avoid the use of abbreviations. We
15 appreciate your assistance in making sure your comments
16 are recorded and the Board's record of the proceeding
17 is accurate and complete.

18 In the past, parties in other proceedings
19 have approached the media prior to the release of the
20 Board's decision suggesting comments about what the
21 Board is going to do, either procedurally or in terms
22 of the final result. Since the Board cannot comment on
23 pending matters, either by confirming or denying the
24 accuracy of statements by others to the media, the
25 Board would appreciate if all matters -- parties would
26 refrain from any such comments that may imply a certain

1 action or decision by the Board. Board members will
2 not discuss the hearing or the matters before the Board
3 with any of the parties or the media.

4 If you have questions regarding the Board and
5 its practices or procedures, please speak with David
6 Hohnstein, the acting Executive Director and director
7 of technical services, and he will assist you.

8 Prior to identifying and introducing all the
9 parties in attendance today, I will provide a summary
10 of the history of the file in terms of the licenses
11 issued by the Board to the project that are still
12 active and as well as an overview of the Amendment
13 Application that is before the Board.

14 There are currently three active water
15 licenses issued by the Nunavut Water Board to the Mary
16 River project: Type A License 2AM-MRY1325 and two Type
17 B Licenses 8BC-MRY1416 and 2BE-MRY1321.

18 Type A Water License Number 2AM-MRY1325, this
19 license was issued to the project on June 10, 2013, and
20 is set to expire on June 10, 2025. The license allows
21 for the use of water and the deposit of waste in
22 support of a mining undertaking. This is the main
23 license that will be directly affected by the Amendment
24 Application that is subject of today's and tomorrow's
25 public hearing.

26 Type B License Number 2BC-MRY1416 [sic], this

1 license was issued to the project on August 6th, 2014,
2 and is set to expire on August 5, 2016. The license
3 allows for the use of 299 cubic metres of water per day
4 and the deposit of waste in support of a site
5 preparation project, including use of camp facilities,
6 construction of ore-stockpile areas, and sedimentation
7 ponds, permanent ore dock, and other related
8 activities.

9 Baffinland has requested that the entire
10 scope of this license would be incorporated into a Type
11 A water license so if the requested amendment is
12 granted, this license would be included under the scope
13 of the amended Type A license.

14 Type B License Number 2BE-MRY1421 [sic] this
15 license was issued to the project on April 17, 2014,
16 with the expiry date of April 16, 2021. This license
17 allows for the use of 299 cubic metres per day of water
18 and the deposit of waste in support of exploration
19 activities including land-based and on-ice drilling,
20 mapping, sampling, trenching, and stripping, and more.
21 The proposed amendment to the Type A license does not
22 directly affect this water license.

23 Pre-licensing requirements. Before this
24 Amendment Application could be considered by the Board,
25 there were two key licensing conditions that needed to
26 be met. October 6, 2014, the Nunavut Planning

1 Commission, NPC, issued correspondence indicating that
2 it issued a positive conformity determination for the
3 proposed amendment of the water license on May 16,
4 2014; therefore, a conformity determination against the
5 North Baffin Regional Land Use Plan was not required.

6 September 11, 2014, the Nunavut Impact Review
7 Board, NIRB, issued correspondence indicating that the
8 Amendment Application is exempt from screening in
9 accordance with Section 12.4.3 [sic] of the NLCA.

10 The Amendment Application before the Board.
11 I am going to move on to the Amendment Application
12 before the Board.

13 As mentioned earlier, the application that is
14 currently before the Board is for the amendment of a
15 Type A water license, License Number 2AM-MRY1325,
16 issued to Baffinland Iron Mines Corporation for a
17 mining undertaking at the Mary River project. The
18 scope of the application for an amendment to the
19 license included the following: Milne Port site
20 integration of water quantities withdrawn from Phillips
21 Creek or KM 32 Lake as allowed under License
22 8BC-MRY1416 and License 2AM-MRY1325 to support the
23 construction and operation phases of the project;
24 recommissioning of an existing Rotating Biological
25 Contractor, RBC, sewage treatment plant; construction
26 of an additional polishing waste stabilization pond

1 similar in capacity and design specifications to the
2 one constructed in 2013 to treat off-specification
3 effluent; relocation of the treated sewage effluent
4 discharge from a location north of the old airstrip to
5 north of the Milne tankfarm; construction of ore
6 stockpile settling or sedimentation ponds; installation
7 of two 100,000-litre marine diesel fuel tanks within
8 the existing tankfarm facility; construction of an oil
9 -- ore-stockpile pad and associated drainage ponds;
10 construction and operation of an ore dock and ore
11 loading system, additional buildings, and maintenance
12 facilities required for the shipment of ore, iron ore.

13 Tote Road. Upgrading and further development
14 of the existing Tote Road to include realignment,
15 changes to the road grade, and works identified in the
16 Amendment Application; withdrawal of additional water
17 quantities from several water bodies located along the
18 Tote Road for use in dust suppression. Water
19 quantities will range from approximately 1,500 to 2,700
20 cubic metres per day to allow for operational
21 flexibility.

22 Mine site extension in usage beyond the
23 previously anticipated timeframe for some
24 infrastructure and/or facilities established for the
25 project such as camps, buildings, fuel storage, and
26 transitional fuel-storage facilities; discharge of

1 sewage effluent onto land in accordance with the
2 Freshwater Supply, Sewage and Wastewater Management
3 Plan dated March 31, 2014; and adding the closure cost
4 estimates for the Type B licenses to the future closure
5 cost estimates for the overall project.

6 General. In addition to the scope of
7 activities, the Application also provided, as part of
8 the submissions filed following the technical meeting
9 and pre-hearing conferences, several consequential
10 amendments linked to specific sections under Parts A,
11 'B', 'C', 'E', 'F', 'I', and 'K' and Schedules A and
12 'I' in the current license.

13 Additional procedural history. The following
14 documents were included as part of the application that
15 the NWB received July 16, 2014, to amend License Number
16 2AM-MRY1325 application; application form and required
17 application processing fees; executive summaries of the
18 application, Amendment Application in English,
19 Inuktitut, and French; supplementary technical
20 information for Milne Port facilities based on the
21 application, Amendment Application; Attachment 2,
22 supplementary technical information for additional
23 water withdrawal locations and water quantities along
24 the Tote Road based on the proposed Amendment
25 Application; Attachment 3, supplementary technical
26 information for changes introduced at the Milne site

1 based on the Amendment Application; Attachment 4,
2 Interim Closure and Reclamation Plan for the Mary River
3 project and associated estimated security deposit;
4 Attachment 5, company financial information and list of
5 directors; and Attachment 6, compliance assessment and
6 status report in response to an Inspector's report.

7 August 29, 2014, submission: document
8 entitled "Application for Amendment to the Type A Water
9 License Number 2AM-MRY1325 Clarifications" received
10 August 29, 2014.

11 The NWB also received several documents from
12 the Applicant in support of the Amendment Application
13 as required by the pre-hearing conference decision
14 and/or commitments made by the Licensee. Further, the
15 NWB will also consider some of the documents and
16 management plans provided as part of the 2014 Annual
17 Report for this Amendment Application.

18 Copies of all submissions received in
19 relation to the Amendment Application as well as all
20 documents related to file are available on the NWB's
21 Public Registry and FTP site.

22 In addition, our licensing administrator,
23 Robin Ikkutisluk, has made available for public viewing
24 at this hearing, paper and/or electronic copies of the
25 documents that have been received to date for the
26 Amendment Application and the file. If you are

1 interested in receive -- reviewing any of the
2 documentation, please ask Robin.

3 Application procedural history. Now I am
4 going to provide you with a brief overview of the
5 procedural history for the application that is before
6 the Board, which highlights the major procedural steps
7 in the Board's processing of the Amendment Application.

8 2014. July 16, 2014, NWB received an
9 application from Baffinland Iron Mines Corporation for
10 an amendment, License Number 1 to License Number
11 2AM-MRY1325.

12 August 2014. August 6, 2014, NWB formally
13 acknowledged receipt of the Amendment Application.
14 August 29, 2014, NWB received correspondence from BIMC
15 providing clarification with respect to the specific
16 items contained in the Amendment Application submitted
17 on July 16, 2014. August 29, 2014, NWB distributed
18 correspondence requesting that interested parties
19 conduct their completeness check and preliminary
20 technical assessment of the Amendment Application with
21 the deadline for submission set for September 19, 2014.

22 September 2014. September 16 to 19, 2014,
23 NWB received comments on completeness and preliminary
24 technical assessment for the Amendment Application from
25 AANDC, EC, and QIA. September 19, 2014, NWB received
26 comments from BIMC related to its Amendment

1 Application. September 29, 2014, NWB issued notice of
2 the Amendment Application and distributed it for a
3 45-day technical review/comment period, with the
4 deadline for submission set for November 14, 2014.

5 October 2014. October 2, 2014, NWB received
6 and acknowledged receipt of correspondence from BIMC
7 that addressed the issues identified in intervenors'
8 comments on completeness.

9 2014. November 2014, NWB received technical
10 review comments from AANDC, EC, and QIA. November 19,
11 2014, NWB acknowledged receipt of the technical review
12 comments from intervenors, which is distributed
13 publicly.

14 December 2014. December 5, 2014, NWB
15 received BIMC's response to intervenors' technical
16 review comments. December 15, 2014, EC responded to
17 QIA technical review comments directed at EC. December
18 19, 2014, NWB issued correspondence that included a
19 draft agenda for the technical meeting and pre-hearing
20 conference scheduled for July -- January 28 and 29,
21 2015.

22 January 2015. January 6, 2015, NWB arranged
23 for English and Inuktitut versions of radio
24 announcements to be aired on the community of Pond
25 Inlet's radio station, informing the interested parties
26 of the TM and PHC for the Amendment Application.

1 January 6, 2015, NWB issued public notice for TM and
2 PHC associated with the Amendment Application. January
3 9, 2015, NWB received comments from EC on the draft
4 agenda for TM and PHC related to the Amendment
5 Application. January 9th, 2015, NWB arranged for all
6 advertisements in English and Inuktitut to be televised
7 for the TM and PHC associated with the Amendment
8 Application. January 12, 2015, NWB received additional
9 comments from AANDC related to the Amendment
10 Application.

11 January 14, 2015, NWB acknowledged receipt of
12 AANDC's January 12, 2015, submission. January 23,
13 2015, NWB received copies of TM and PHC's presentation
14 from BIMC, AANDC, and EC. January 23, 2015, NWB
15 received comments from QIA and AANDC related to the
16 draft agenda for the Mary River project. January 26,
17 2015, NWB distributed a copy of the agenda and
18 presentations for the pre -- technical meeting and
19 pre-hearing conference. January 26, 2015, NWB received
20 an Inuktitut version of EC's TM PHC presentation.
21 January 27, 2015, NWB received an Inuktitut version of
22 BIMC's TM PHC presentation. January 27, 2015, NWB
23 distributed, publicly, copies of the presentations
24 received for the technical meeting and pre-hearing
25 conference. January 28 and 29th, 2015, NWB conducted,
26 by way of teleconference, the technical meeting and

1 pre-hearing conference for the Amendment Application.
2 January 28, 2015, NWB publicly distributed copies of
3 the draft lists of the commitments and issues generated
4 through the TM PHC for the Amendment Application.

5 February 6th, 2015, NWB received a submission
6 from BIMC in response to the relevant commitments
7 generated through TM PHC for the application. February
8 9th, 2015, NWB received a revision of a submission from
9 BIMC in response to relevant commitments generated
10 through TM and PHC for the application. February 11th,
11 2015, NWB received a second revised version of
12 submissions from BIMC in response to relevant
13 commitments generated through TM and PHC for the
14 application. February 12th, 2015, NWB distributed,
15 publicly, the February 11th, 2015, revised version of
16 the submission received in response to commitments from
17 the BIMC. February 25th, 2015, NWB issues the PHC
18 decision for the Amendment Application. February 27th,
19 2015, NWB issued notice of public hearing. February
20 27th, 2015, AANDC requested an extension of the
21 deadline contained in the PHC decision for the
22 submission of final intervenors' comments.

23 April 2015. April 16, 2015, AANDC requested
24 and was granted an extension to April 22, 2015, for the
25 submission of final written comments. April 17, 2015,
26 NWB revised [sic] final intervenors' submissions from

1 Environment Canada, EC, and the Qikiqtani Inuit
2 Association. April 22, 2015, NWB received the final
3 intervenor submission from AANDC. April 23, NWB
4 received a submission from the Mittimatalik HTO
5 committee board members. April 24, NWB provided radio
6 announcements to Pond Inlet to be aired in advance of
7 the hearing. April 28, 2015, NWB received and
8 distributed copies of BIMC's response to the
9 intervenors' final written submission. April 30, 2015,
10 NWB received correspondence from Environment Canada
11 indicating that EC has no outstanding concerns
12 regarding the water license amendment proposed by BIMC
13 and that EC will be available to participate in the
14 hearing via teleconference. April 29, 2015, NWB issued
15 correspondence that included updated information about
16 the public hearing as well as copies of the draft
17 agendas for the public hearing and community session.

18 May 2015. May 1, 2015, NWB received and
19 distributed copies of the presentation materials for
20 this hearing from AANDC, BIMC, and the QIA.

21 Complete details on all submissions received
22 or related to the renewal application and the files are
23 available on NWB's FTP site.

24 I will now move on to the list of main issues
25 to be addressed during this hearing as identified
26 during the technical meeting and pre-hearing

1 conference. 1, general communication of inspection and
2 annual reports, including monitoring results. 2,
3 confirmation of water-use compensation. 3,
4 consequential amendments to water license terms and
5 conditions to reflect amendment request. 4, scope of
6 potential license amendment. 5, annual security
7 review, (a) timing and changes to process. 6, water
8 use and management, (a) water-use volumes (b) water
9 sources. 7, waste disposal, (a) changes to discharge
10 points. 8, review and comments on updated, revised,
11 and approved plans including, (a) the Aquatic Effects
12 Monitoring Plan, (b) the Interim Abandonment and
13 Reclamation Plan, updated to overall reclamation
14 security. 9, monitoring, including, (a) effluent
15 quality criteria at Milne Inlet, (b) additions/changes
16 to monitoring requirements, (stations, locations, et
17 cetera). 10, other issues, status of 8BC-MRY1416.

18 If I have missed any written submissions of
19 any intervenors, please let me know.

20 If there are no concerns, I would like to
21 move on to a roll call. I will begin the roll call
22 with the Applicant, Baffinland Iron Mines Corporation,
23 BIMC or Baffinland. I will then go to the local
24 associations and representatives and intervening
25 parties, QIA, Aboriginal Affairs and Northern
26 Development, Environment Canada, the Hamlet of Pond

1 Inlet, the Mittimatalik HTO Committee, so I will move
2 back to the top of the roll call.

3 Applicant.

4 Roll Call

5 MR. MADSEN: Good morning. Thank you,
6 Mr. Chairman. It's Erik Madsen here. I'm the Vice
7 President of Sustainable Development Health, Safety,
8 and Environment with Baffinland, and with me here
9 today, with Baffinland, to my left is Oliver Curran,
10 the super -- Director of Sustainable Development.
11 Beside him is Shelly Potter, Environmental Advisor with
12 Baffinland, and to my right is Christine Kowbel, our
13 legal counsel, and we also have another representative
14 that will be here probably in about an hour or so. His
15 name is Jim Millard, and he's our Environmental
16 Manager.

17 THE CHAIR: Thank you. Next we have
18 QIA.

19 MR. WILLIAMSON BATHORY: (Other language spoken)

20 At these meetings, QIA is represented by our
21 board member Enookie Inuaraq. He's in the audience.
22 We're also represented by Beverly Ootoova, our
23 community coordinator. She's in the audience. We've
24 brought a technical expert, Dr. Jamie VanGulck. He's
25 currently also sitting in the audience, and myself
26 Stephen Williamson Bathory, Director of Major Projects

1 at QIA, and I'd be happy to pass on the spellings for
2 everyone's names for the official transcripts. (Other
3 language spoken)

4 THE CHAIR: Thank you.

5 EC.

6 MS. MORGAN: Good morning, Mr. Chair.

7 SOUND TECHNICIAN: Can you pick the mic up?

8 MS. MORGAN: My name's Andrea Morgan.

9 I'm a senior project engineer with Aboriginal Affairs
10 and Northern Development Canada. Today I have with me
11 Sarah Forte. She's a Water Management Coordinator;
12 Sina Muscati, he's our legal counsel from the
13 Department of Justice; Scott Burgess, he is the Project
14 Manager for the Mary River Project Team with the
15 department, and on telephone, I believe Jean Allen is
16 also attending, and she is a Water Management
17 Specialist for the department.

18 THE CHAIR: Thank you.

19 Next, Environment Canada.

20 MR. DAHL: Yeah, good morning.

21 Thank you for accommodating us on the phone. My name's
22 Mark Dahl. I'll be speaking on behalf of Environment
23 Canada, and I will be joined by Anne Wilson, our water
24 quality expert.

25 MS. MEADOWS: Thank you, Mr. Chair.

26 Teresa Meadows, legal counsel for the Nunavut Water

1 Board.

2 Mr. Dahl, unfortunately we clipped the
3 beginning of your introduction, so if you can just
4 reintroduce yourself? Thank you.

5 MR. DAHL: My name's Mark Dahl.
6 I'll be speaking for Environment Canada, and I'll be
7 joined by Anne Wilson, our water quality expert.

8 THE CHAIR: Thank you.

9 And Hamlet of Pond Inlet.

10 MR. ARREAK: This is Joshua Arreak
11 from the Hamlet of Pond Inlet. I'm the Deputy Mayor
12 and representing the Hamlet as well as the Mary River
13 Working Group, and with me is James -- Councilor James
14 Atagootak sitting in the audience representing the
15 Hamlet, and he will be with us today. I'd like to
16 welcome also our mayor who is in the audience just here
17 for this morning. (Other language spoken)

18 THE CHAIR: Thank you.

19 And Mittimatalik HTO committee.

20 MR. ARREAK: I would just like to say
21 that they're not here right now, but they were here.
22 (Other language spoken)

23 THE CHAIR: Thank you.

24 It is our tradition to give respect to our
25 elders; therefore, at any time during the proceeding,
26 an elder may speak to the application that is before

1 the Board.

2 Are there any members of the general public
3 who would like to identify themselves and provide a
4 presentation to the Board during the public hearing?

5 Are there any representatives from agencies,
6 associations, et cetera, who have not submitted
7 interventions but would like to speak?

8 Before proceeding with the hearing, I would
9 like to request that if you haven't already done so,
10 all parties and attendees, please register and sign in
11 with Robin Ikkutisluk, NWB's licensing administrator at
12 the side table at the entrance.

13 I will now proceed with the identification of
14 any motions or any objections, as the registry is
15 opening to an Amendment Application that is before the
16 Board. We will now proceed with Item A the agenda,
17 presentation by the Applicant.

18 Mr. Madsen, how much time will you and your
19 representatives require?

20 And, Teresa, please swear in the witnesses.

21 MR. MADSEN: Mr. Chair, I think our
22 presentation will probably last a total of about one
23 hour.

24 THE CHAIR: Teresa, please swear in
25 the witnesses.

26 MS. MEADOWS: Thank you, Mr. Chair.

1 Teresa Meadows, legal counsel for the Nunavut Water
2 Board.

3 If I can have the witnesses state and spell
4 their name for the record, please.

5 MR. MADSEN: It's Erik Madsen.
6 Spelling is E-R-I-K M-A-D-S-E-N.

7 MR. CURRAN: Oliver Curran,
8 O-L-I-V-E-R C-U-R-R-A-N.

9 MS. MEADOWS: Thank you. Mr. Chair,
10 Teresa Meadows, legal counsel for the Nunavut. If I
11 can have the witnesses who wish to swear place your
12 hand on the Bible and raise your right hand.

13 ERIK MADSEN, OLIVER CURRAN Sworn

14 MS. MEADOWS: Thank you, Mr. Chair.
15 Teresa Meadows, legal counsel for the Nunavut Water
16 Board.

17 Mr. Madsen, I have two copies, hardcopies of
18 PowerPoint presentations, one in English, and one in
19 Inuktitut that you are about to present. Is it your
20 intention to offer these as exhibits in this hearing?

21 MR. MADSEN: It's Erik Madsen with
22 Baffinland. Yes, that is the intention, yes.

23 MS. MEADOWS: Thank you, Mr. Chair.
24 Teresa Meadows, legal counsel for the Nunavut Water
25 Board.

26 Let the record show that these will be marked

1 as Exhibits 1 and Exhibit 2 in this public
2 hearing.

3 EXHIBIT 1 - Inuktitut PowerPoint
4 presentation by Baffinland Iron Mines
5 Corporation

6 EXHIBIT 2 - English PowerPoint presentation
7 by Baffinland Iron Mines Corporation

8 MS. MEADOWS: Thank you, Mr. Madsen.
9 You may proceed.

10 THE CHAIR: Mr. Madsen, if I heard
11 you correctly, did you say your presentation was going
12 to be an hour? So having heard what you just said,
13 would I suggest a 15-minute break, and then you can do
14 your presentation after the break?

15 MR. MADSEN: That would be fine, yes.

16 THE CHAIR: Thank you.

17 (ADJOURNMENT)

18 THE CHAIR: Welcome back.

19 Mr. Madsen, please go ahead with your
20 presentation.

21 MR. MADSEN: Thank you, Mr. Chair.

22 Presentation by Baffinland Iron Mines Corporation

23 MR. MADSEN: Good morning. My name is
24 Erik Madsen. I'm the Vice President of Sustainable
25 Development Health, Safety, and Environment.

26 First of all, I'd like to thank the Nunavut

1 Water Board and the Board Staff for organizing the
2 final hearing for Baffinland's Type A Water License
3 Amendment Application. We look forward to the
4 discussions to be held during these meetings with the
5 representatives of the community, the Qikiqtani Inuit
6 Association, and the various federal parties.

7 I have already introduced our representatives
8 that are here today, and, as noted, Jim Millard, our
9 Environmental Manager, will be here and join us around
10 noon.

11 This presentation will summarize the work
12 that has been put into the Type A water license
13 amendment that was submitted on July 16th, 2014. With
14 information requested from agencies, the technical
15 review, and comments from agencies, the pre-technical
16 [sic] meeting held in January 2015, the final
17 intervenor comments, and subsequent correspondence from
18 agencies and Baffinland, we are all in a good position
19 to work through the identified key aspects that will be
20 touched on during this hearing.

21 In our presentation, we will include an
22 overview of the current project status early revenue
23 phase, provide an overview of the Amendment
24 Application, review key aspects of the technical
25 meeting, and provide topics for discussion in today's
26 public hearing.

1 In the next slide, I will provide an update
2 on the early revenue phase.

3 The Mary River project and associated early
4 revenue phase has been approved by the amendment --
5 Amended Project Certificate Number 005, and it consists
6 of the following activities: the development of the
7 mine site to achieve mining and production of up to
8 22.5 million tonnes per annum of iron ore; the
9 improvements to the Tote Road; truck haulage of 4.2
10 million tonnes per year, annum, on the Tote Road;
11 stockpiling of ore at Milne Port; and construction of
12 an ore dock and ore loading facility at the Milne Inlet
13 Port.

14 It also includes the construction and
15 operation of a railway to transport 18 million tonnes
16 per year of iron ore to the Steensby Port, and it
17 includes the construction and development of the
18 Steensby Port infrastructure that will enable the
19 company to crush, stockpile, and ship 18 million tonnes
20 per year of iron ore, but Baffinland would like to note
21 and remind the Board, and all in attendance at these
22 hearings, that the Phase 2 Proposal is not in the scope
23 of this Amendment Application.

24 I will now outline the Amendment Application
25 timeline; however, we heard earlier this morning from
26 the Chairman, he outlined all the dates in detail

1 earlier.

2 This figure provides an overview of the main
3 stages of the licensing process that has been completed
4 for the Amendment Application. On July 16, 2014, the
5 application submission was submitted. On September
6 16th to the 19th, agency comments were provided to the
7 Water Board. October 3rd, 2014, Baffinland responded
8 to the agency comments. November 14th to 19th,
9 technical agency comments were provided to the Nunavut
10 Water Board.

11 On December 5th, 2014, Baffinland responded
12 to the technical comments. Then on January 28th and
13 29th, a technical meeting was held by a conference
14 call. On February 6th to the 12th, Baffinland provided
15 responses to the commitments made during the technical
16 meeting, and then here, this week, on May 6th and 7th,
17 we are holding a public hearing.

18 In addition, on April 26th -- or 22nd and
19 23rd of 2015, Baffinland received the final round of
20 intervenor comments based on Baffinland's February 6th
21 to 12th submission. Baffinland responded to all
22 comments on April 29th, 2015. If required, additional
23 clarification on responses can be addressed over the
24 next two days.

25 In this slide, I will describe the four main
26 reasons for this Amendment Application. The first is

1 more from an administrative-process side of things to
2 consolidate the scope of the Type A water license. The
3 second one is to include inclusion of additional
4 marginal infrastructure at Milne Port required for the
5 early revenue phase. The third is to accommodate
6 expected peak water requirements during construction
7 and operation. And the fourth one is to include
8 additional water withdrawal at several locations along
9 the Tote Road to undertake best efforts in minimizing
10 dust generation for the haul -- from the haul road,
11 haulage, and shipping of operation -- shipping
12 operation of ore at Milne Port.

13 In the upcoming slide, I will just briefly
14 describe the contents of the Amendment Application
15 itself that was submitted.

16 We have the application form itself. In
17 Attachment 1, it contained the supplementary technical
18 information for Milne Port facilities. Attachment 2
19 contains supplementary technical information for
20 additional water-withdrawal locations along the Tote
21 Road. Attachment 3 contains supplementary technical
22 information for changes introduced to the mine site.
23 Attachment 4 included the Interim Closure and
24 Reclamation Plan for the project and the associated
25 cost estimates. Attachment 5 contained the company
26 financial information and list of directors. And

1 lastly, Attachment 6 outlined the compliance assessment
2 and status report in responses to the Inspector's
3 report.

4 The scope of the Amendment Application
5 submitted to the Water Board is for the proposed
6 amendment Type A Water License Number 2AM-MRY1325, and,
7 so, now, I will turn it over to Oliver to describe,
8 more specifically, the points that we are looking at
9 for the amendment.

10 MR. CURRAN: Thanks, Erik, and thank
11 you, Mr. Chair.

12 So I'll be providing an overview of the rest
13 of the presentation which will focus on the particulars
14 of the application as they pertain to the project area.

15 In this slide, shows the Milne Port facility
16 including fuel storage and accommodations, so you can
17 see the fuel-storage area here. This is the
18 accommodations complex. We have our polishing pond in
19 this area, the ore-stockpile pad is in this area, and
20 this is the location of the new ore dock, and we'll
21 have a more detailed site layout that I'll provide
22 later.

23 This slide highlights the proposed scope of
24 the Type A water license amendment for Milne Port.
25 Baffinland would like to, again, point out that our
26 existing construction Type B water license covers the

1 activities and infrastructure listed on the slide.

2 The Type B license is due to expire on August
3 5th, 2016. It is Baffinland's intention to combine the
4 scope of the Type B license with that of the Type A
5 license.

6 In addition, Baffinland would like to note
7 that the relocation of the treated effluent discharge
8 to the north of the Milne tankfarm was included in the
9 2014 version of the Freshwater Supply Sewage and
10 Wastewater Treatment Plan.

11 The discharge location is north of the
12 existing fuel farm facility and was relocated to make
13 way for the dock infrastructure. The new location is
14 shown on the following slide.

15 So this slide shows the site layout for Milne
16 Port with additional infrastructure approved under the
17 early revenue phase including the ore dock, stockpile
18 ponds, and revised discharge location, so this shows
19 the location of the ore stockpile. These are the
20 catchment ponds for any runoff from the stockpile.
21 This is the location of the ore dock, and as you saw in
22 the previous picture, this is the fuel farm, and the
23 accommodations complex, treatment plant, and polishing
24 pond.

25 So the next few slides will focus on the
26 proposed water withdraws along the approximately

1 100-kilometre Tote Road. This is a view of one section
2 of the Tote Road showing one of our bridge
3 installations, and this Tote Road is approximately
4 100-kilometres long and joins the mine site to the port
5 location.

6 During the Nunavut Impact Review Board review
7 process of Baffinland's application for an amendment to
8 the project certificate, the company committed to
9 undertake best efforts to minimize dust generation from
10 the road haulage of ore.

11 This commitment necessitates an authorization
12 from the Nunavut Water Board for additional withdraw of
13 water at several locations along the Tote Road for dust
14 suppression if or when required.

15 Baffinland notes that the requested range of
16 water withdrawal is minimal and accounts for only 3
17 percent of flow from the catchment area. This volume
18 is environmentally acceptable and well below any
19 threshold which could potentially impact the aquatic
20 ecosystem.

21 The upper limit is required for operational
22 flexibility and realities of operating a road where, on
23 any given day, greater focus on certain areas along the
24 road may be required due to regrading or resurfacing,
25 for example, while other draw points along sections of
26 the road may require little or no water on that same

1 day.

2 Lastly, this slide notes that upgrades on the
3 Tote Road were included in the assessment of the
4 railway projects and are, therefore, addressed under
5 Baffinland's existing project certificate and Type A
6 water license. The Water Board's February 25th
7 correspondence acknowledged this.

8 This figure indicates the proposed water
9 source locations along the Tote Road that was included
10 as part of the hydrological assessment, Attachment 2 of
11 the Type A Water License Amendment Application. So in
12 this figure, the mine site is located here, and this
13 road is approximately 100-kilometres long which goes to
14 the port facility at Milne Inlet, and these points
15 along here are the proposed draw points for water along
16 the Tote Road.

17 This table identifies the proposed water
18 sources and daily water take proposed along the Tote
19 Road. Baffinland is requesting additional water take
20 of up to 2,788.5 cubic metres per day from proposed
21 water sources along the Tote Road for the purpose of
22 dust suppression. The table on this slide was
23 submitted to the Water Board in the document named
24 "Consequential Amendments to Type A Water License"
25 February 2015.

26 Baffinland would also like to refer the Water

1 Board to Table 8 of the hydrological assessment
2 originally presented in Attachment 2 of the application
3 which outlines the same values as Table 4 on this
4 slide.

5 Baffinland would like to again point out that
6 although the Tote Road may only require 1,500 cubic
7 metres per day or less for dust suppression, Baffinland
8 is requesting a total of up to 2,788.5 cubic metres per
9 day due to the requirement to have operational
10 flexibility in the license. This operational
11 flexibility relates to the fact that on certain days or
12 times of the year, portions of the road may require
13 more water for dust suppression than others due to
14 regrading or other maintenance activities.

15 So although it is unlikely that the total
16 accumulative value shown on this slide would be used on
17 any given day, Baffinland may require the total amount
18 of water from several, but not all, the sources on a
19 given day.

20 Hence, for operational flexibility, the
21 request is to draw up to the values presented in Table
22 4 on this slide which are acceptable and conservative
23 amounts from the both an environmental and hydrological
24 standpoint.

25 So in the next slides, I will describe the
26 scope of the Type A water license for the mine site.

1 This picture shows the mine site complex and Sheardown
2 Lake in the background. So this is the accommodations
3 complex at the mine site. Deposit 1 is in behind us
4 here, and the Tote Road comes around and goes to the --
5 it goes to the port, and this is Sheardown Lake here in
6 the background.

7 This slide describes some points related to
8 the mine site. Firstly, it is important to point out
9 that the current Type A water license already provides
10 the authorization necessary for Baffinland to proceed
11 with the full development of the mine site. Due to the
12 phase development approach of the Mary River project,
13 Baffinland wishes to recognize the longer use of some
14 temporary and transitional facilities such as the
15 construction accommodations and fuel storage in the
16 amended Type A water license.

17 With respect to treated effluent discharge,
18 land discharge of treated effluent was submitted to the
19 Water Board in the March 31st version of the Freshwater
20 Supply, Sewage, and Wastewater Management Plan.

21 During the winter, treated effluent, which
22 meets discharge requirements, is just -- discharged to
23 one of two designated winter-discharge locations that
24 drain to the Mary River. The effluent will freeze in a
25 non-fish bearing natural depression leading to the Mary
26 River and then drain, by gravity, into the Mary River

1 during periods of thaw.

2 During the summer, the treated effluent is
3 discharged directly from the treated effluent pond into
4 a natural drainage, absent of fish habitat, that
5 discharges into the Mary River. Specific discharge
6 locations into Mary River can be seen on the mine site
7 layout found at Appendix B.

8 The last point on the slide refers to closure
9 cost estimates for the Type B license. Currently,
10 closure costs for the Mary River project, including the
11 early revenue phase, are addressed under the Type A and
12 Type B licenses. In future, all exploration-related
13 security will be under the exploration Type B, and all
14 Mary-River-project securities will be addressed under
15 the Type A license.

16 So in this figure, we show a layout of the
17 mine site, so we have Deposit 1 here, which is
18 currently being mined, and we have the road that goes
19 down to where the ore is crushed, and then we have the
20 Tote Road that goes out along this way. This is our
21 airstrip here.

22 In that other photo, you saw the
23 accommodations complex, which is situated around here,
24 and our discharge locations to the Mary River are here,
25 so this is the Mary River that comes along the edge of
26 the development area.

1 We have Camp Lake right here, which is the
2 water source for the site, and we have Sheardown Lake
3 over here, which you also saw in the picture.

4 So the next portion of the presentation
5 provides an overview of the key discussion areas during
6 the technical meeting.

7 Councillors of Pond Inlet and representatives
8 from the Pond Inlet Hunters and Trappers Association
9 attended the technical meeting along with the senior
10 administration officer, and a number of commitments
11 were identified during the technical meeting, and these
12 commitments have been summarized in a commitment list,
13 and Baffinland responded to these commitments on
14 February -- February 6th to 12th, 2015.

15 So the key aspects that were addressed in the
16 submission by Baffinland to the Water Board in February
17 are highlighted on this slide. Firstly, during the
18 review process of the early revenue phase, Environment
19 Canada confirmed that the Metal Mining Effluent
20 Regulations criteria at the port do not apply.
21 Baffinland acknowledged Environment Canada's April 17th
22 submission indicating that there is an obligation to
23 demonstrate that the effluent discharged to the Milne
24 Inlet meets the requirements of Section 36 of the
25 Fisheries Act prior to release.

26 As per our application, effluent will meet

1 the discharge criteria of Table 10 of the existing
2 license which addresses stockpile effluent discharge
3 quality limits.

4 Baffinland has also committed to marine
5 monitoring in Milne Inlet. As such, a Marine
6 Ecological Effects Monitoring Plan has been tabled with
7 Environment Canada at the Marine Environment Working
8 Group for their comments. Comments will be addressed
9 within the context of the working group and are outside
10 the scope of the Type A license.

11 With respect to reclamation security for the
12 entire project, on March 25th, 2015, Baffinland
13 provided a revised estimate of the ultimate reclamation
14 security for the entire project to the Water Board.
15 Further, Section 13.1.1 of the updated Interim
16 Abandonment and Reclamation Plan was submitted to
17 parties on March 31st, 2015, as part of Baffinland's
18 annual reporting to the Water Board and the Qikiqtani
19 Inuit Association.

20 For management plans, suggested updates to
21 management plans were provided to the Water Board in
22 the February 11th, 2015, submission.

23 The second-last bullet on this slide speaks
24 to administrative flexibility for the annual security
25 review process.

26 The existing license requires an annual

1 security review. Baffinland requests that the Board
2 revise Part J, Item 3 so that the Board may decide to
3 conduct a review on an as-needed basis.

4 Lastly, as already described, Tote Road
5 updates are within the scope of the project certificate
6 and the existing Type A water license.

7 This slide is a continuation of key points
8 discussed during the technical meeting. The first two
9 points speak to the requested water-use volumes and
10 sources that are identified in Baffinland's Type A
11 Water License Amendment Application Form and suggested
12 consequential amendments submitted to the Water Board
13 on February 11th, after the technical meeting.

14 With respect to the term of the license,
15 Baffinland confirms that no extension of the license
16 term was applied for. The existing 12-year term should
17 still apply and, therefore, will expire in 2025.

18 The next point on the slide speaks to the
19 items identified during the Aboriginal Affairs
20 inspections. In response to these items, Baffinland
21 provided responses to the Water Board on February 11th,
22 2015.

23 Lastly, following the technical meeting, the
24 parties confirmed that there was sufficient information
25 to proceed to a public hearing.

26 So as I mentioned before, several

1 representatives from the community of Pond Inlet,
2 including the mayor and council members, the Hunters
3 and Trappers Association, and senior administrative --
4 and the senior administration officer participated in
5 the technical meeting. So in these next few slides,
6 key items raised and Baffinland's responses are
7 summarized in the following slides.

8 So one of the key questions related to
9 process and scope was, Does this Amendment Application
10 before the Board right now, does that include any
11 aspects of Phase 2 proposed, and the answer to that is
12 that Phase 2, the scope for Phase 2 is not included in
13 the scope of this license application.

14 The next question related to process, it was
15 related around the Metal Mining Effluent Regulations
16 and them not applying to the discharges at the port,
17 and, so, I've already described that Environment Canada
18 made a submission that the Fisheries Act does apply to
19 any discharges to Milne Port, and the testing there
20 would demonstrate that the effluent is not deleterious
21 to fish or their habitat.

22 So the next question the communities raised
23 or theme was related to Phillips Creek, and, so,
24 Baffinland confirmed that there are no discharges to
25 Phillips Creek, and that is the reason why there are no
26 criteria or monitoring in Phillips Creek and that all

1 discharge is to the marine environment at Milne Port.

2 The second question on this slide related to
3 having Marine Environment Working Group meetings in
4 Pond Inlet in order for the HTO and the Hamlet to be
5 able to participate, so Baffinland has taken this point
6 into consideration for future meetings.

7 The HTO had a question related to discharges
8 at Camp Lake where their current cabin resides, and,
9 so, Baffinland confirmed that for the project, no
10 untreated effluent goes into any water body and that
11 Camp Lake is the source of water for the camp and that
12 no discharges go into Camp Lake.

13 So moving on to Slide 27, there was a
14 question regarding water use and noncompliance, so
15 Baffinland confirmed if there was a noncompliance
16 related to water use, Baffinland would have to report
17 that in monthly and annual reports.

18 The second question relates to inspections
19 conducted by Aboriginal Affairs and Northern
20 Development Canada, and, so, BIMC responded indicating
21 that the inspections are summarized in our NIRB and
22 annual reports to the Water Board and QIA.

23 The third question relates to the application
24 and proposed water draws from Camp Lake and David Lake.
25 The response Baffinland provided is that the existing
26 license only authorizes Baffinland to withdraw water

1 from Camp Lake and that an additional draw from David
2 Lake is proposed for this amendment and that both David
3 and Camp Lake were assessed from an aquatic standpoint
4 in the final environmental impact statement.

5 There was a question related to inspect --
6 the timing of inspections from Aboriginal Affairs, and
7 at the time Baffinland responded that it's up to
8 Aboriginal Affairs to determine when the site visits
9 occur, and then the following is a related question
10 related to where do the inspection reports go and how
11 can community members get access to those reports? So
12 Baffinland has responded that the inspection reports
13 are summarized in both the Nunavut Impact Review Board,
14 the Qikiqtani Inuit Association, and Water Board Annual
15 Reports, so they are publicly available.

16 The last question on this slide related to
17 the ability for community representatives to accompany
18 inspectors when Aboriginal Affairs comes to the Mary
19 River project, and, again, this is a question that can
20 only be answered by Aboriginal Affairs.

21 Moving on to Slide 29, so, again, this
22 question relates to where does the monitoring
23 information go? And, again, this is summarized in
24 reports that are provided to the Nunavut Impact Review
25 Board, the QIA, and the Water Board.

26 The second question on this slide, again,

1 relates to the Metal Mining Effluent Regulations, and
2 in my previous slides, I described that the Fisheries
3 Act does apply for discharges at Milne Port, and that
4 will ensure that discharges are not deleterious to fish
5 or their habitat.

6 The last question on this slide relates to
7 the amendments of this license and how do those changes
8 get reflected in monitoring; and the answer -- the
9 short answer to that is that our Aquatic Effects
10 Monitoring Program would get updated as required
11 throughout the life of the project to reflect any
12 changes in frequency or monitoring priorities.

13 So the remaining slides of this presentation
14 will focus on topics for discussion at the hearing. In
15 the submission from the Nunavut Water Board on February
16 25th, the following topics were identified as items for
17 discussion at the public hearing.

18 Baffinland would like to take the opportunity
19 of this hearing to discuss these items and provide
20 responses where required.

21 So Item Number 1 relates to general
22 communication of inspection and annual reports, so the
23 2014 QIA and Water Board Annual Reports were provided
24 to all parties on March 31st, and Baffinland provided a
25 detailed summary of the 2014 Aboriginal Affairs and
26 Northern Development inspections and Baffinland

1 responses in the February 11th submission to the Water
2 Board.

3 The second item on this slide pertains to
4 confirmation of water-use compensation. Baffinland and
5 QIA have signed a Water Compensation Agreement which
6 applies to this amendment.

7 Item Number 3 relates to consequential
8 amendments to license, terms, and conditions, and on
9 February 11th, Baffinland provided suggested comments
10 on proposed amendments to license terms and conditions.

11 Item 4 on this slide relates to the scope of
12 the potential license amendment, and as I described
13 before, there is no change in the request in the term
14 of the license.

15 And Item 5 on this slide requests that the
16 Board revise Part J, Item 3 so that the Board may
17 decide to conduct the annual security review on an
18 as-needed basis.

19 For Item 6 on this slide, Baffinland notes
20 that the application was not revised following the
21 technical meeting; however, we were asked to provide
22 details on the specific water use during construction,
23 operation, and dust-suppression activities.

24 In our consequential amendment document,
25 Baffinland indicated that during construction, water
26 use at Milne Port would need to increase to 367.5 cubic

1 metres per day from Phillips Creek or Kilometre 32 Lake
2 and that during operations, water use at Milne Port
3 would need to be updated to 367.5 cubic metres per day
4 from Phillips Creek or Kilometre 32 Lake.

5 And, lastly, for dust-suppression activities,
6 Baffinland is requesting additional water take of up to
7 2,788.5 cubic metres per day from proposed water
8 sources along the Tote Road for dust suppression.

9 For Item Number 7, following the technical
10 meeting, Baffinland was asked to clarify reasons for
11 the change in discharge points at the mine site and
12 Milne Port. Reasons for relocation of discharge
13 locations are described in detail in the Freshwater
14 Supply, Sewage, Wastewater Management Plan as well as
15 the Aquatic Effects Monitoring Plan.

16 Item Number 8 on this slide indicates that
17 management plans, including the Aquatic Effects
18 Monitoring Plan, will be updated as required.

19 For the Interim Closure and Reclamation Plan,
20 Baffinland provided a revised estimate of the ultimate
21 reclamation security for the entire project to the
22 Water Board, specifically Section 13.1.1 of the updated
23 Interim Closure and Reclamation Plan submitted to
24 parties on March 31st. It also references the revised
25 estimate.

26 Other than the suggested amendment to the

1 license to not require an annual security review,
2 Baffinland believes that no other changes are required
3 for Part J of the license.

4 For Item 9 on this slide, Baffinland
5 acknowledges Environment Canada's April 17th submission
6 indicating that there is an obligation to demonstrate
7 that the effluent discharged to Milne Inlet meets the
8 requirements of Section 36 of the Fisheries Act prior
9 to release. Baffinland has also committed to marine
10 monitoring in Milne Inlet, and, as such, a Marine
11 Ecological Effects Monitoring Plan has been tabled with
12 Environment Canada at the Marine Environment Working
13 Group for their comment, and as mentioned before,
14 comments on that plan will be addressed in the context
15 of the working group and is outside the scope of the
16 Type A water license.

17 Other management plans will be updated if
18 required to reflect amended terms and conditions of the
19 amended license.

20 Lastly, for Point 10, Baffinland's preference
21 is for the scope of the existing Type B license to be
22 incorporated into the Type A license, and, there, I'm
23 speaking specifically of the construction, the
24 construction Type B license.

25 On behalf of the Baffinland team, we would
26 like to extend our appreciation to the Water Board, the

1 Water Board Staff, the Qikiqtani Inuit Association,
2 Environment Canada, Aboriginal Affairs and Northern
3 Development Canada, community members of Pond Inlet,
4 the Pond Inlet hamlet, and all regulatory agencies that
5 have undertaken a thorough review of our application.

6 It is our view that we have put forward an
7 application with monitoring and management plans,
8 including proposed license conditions, that will allow
9 the Board to consider and be in the position to develop
10 and issue an amended Type A water license.

11 This concludes Baffinland's presentation. We
12 look forward to productive meetings over the next two
13 days. Thank you.

14 THE CHAIR: Thank you.

15 Before I move on to the questioning of the
16 Applicant, I understand there's a representative from
17 HTO Pond Inlet, if you would like to come up to the
18 microphone and introduce yourself? If not, we will --

19 MS. MABLICK: (Other language spoken)

20 THE CHAIR: Thank you.

21 Now, I will now move on to the questioning of
22 the Applicant by QIA to the Applicant. We have
23 questions to the Applicant.

24 Qikiqtani Inuit Association Questions Baffinland Iron
25 Mines Corporation

26 MR. WILLIAMSON BATHORY: (Other language spoken)

1 QIA has a set of questions we would like to
2 put forward to the Proponent. Our objective with the
3 questions is to work through the hearing to reduce the
4 number of outstanding issues that remain before the
5 board at the close of the hearing.

6 Since QIA filed its final comments to the
7 Board as well as -- as well as our presentations, the
8 Proponent has presented this, this last presentation
9 they've walked through as well as an April 29th
10 submission, and we would like to just discuss those
11 pieces with the view of trying to resolve some of the
12 remaining topics, so if you bear with us, we have a
13 series of questions with the view of trying to reduce
14 the number of topics we then speak to in our
15 presentation, and hopefully by the final statements.
16 So I would like to ask that Dr. Jamie VanGulck start
17 our line of questioning and we'll let you know when
18 we've concluded. (Other language spoken)

19 THE CHAIR: Thank you. Please go
20 ahead.

21 DR. VANGULCK: Thank you, Mr. Chair.

22 It's Jamie VanGulck. I'm a technical
23 consultant for the Qikiqtani Inuit Association. The
24 first question I have is in relation to Slide 26 of the
25 presentation by Baffinland.

26 So as noted here, the community had concerns

1 regarding monitoring or discharge of waste to Phillips
2 Creek. Baffinland's response informed that there are
3 no discharges to Phillips Creek, so our understanding
4 that water that drains from a portion of the Tote Road
5 as well as the quarry site located near Milne Inlet may
6 also enter Phillips Creek watershed. Could Baffinland
7 provide comment regarding the water-volume monitoring
8 at Phillips Creek that may be in response to the road
9 construction and operations or the quarry operations?

10 THE CHAIR: Baffinland.

11 MR. CURRAN: Thank you, Mr. Chair.

12 Thanks for the question, Jamie. So, yeah,
13 Baffinland recognizes that water suppression along the
14 Tote Road could result in drainage along the Tote Road
15 just like snow falling on the road or rainwater falling
16 on the road, eventually makes its way to a catchment
17 area.

18 I think it's important to note that we have
19 several authorizations from Fisheries and Oceans which
20 outline construction monitoring activities that -- that
21 need to occur, including monitoring to ensure that
22 those construction activities are not adversely
23 affecting fish or their habitat, so during construction
24 activities, there's -- there is requirements for silt
25 curtains and other mitigations to prevent sedimentation
26 of streams, and there's also a requirement to monitor

1 and report annually on those authorizations.

2 Baffinland also has an Environmental
3 Protection Plan which outlines methodologies for
4 construction monitoring to ensure that any discharges
5 during construction or runoff from construction
6 activities are not adversely affecting the streams, so
7 right now, I would -- would offer that response, and
8 our environmental manager at site, Jim Millard, could
9 likely also elaborate on the types of activities they
10 do at our site through construction operations to
11 ensure that runoff from the Tote Road is not adversely
12 affecting the streams.

13 THE CHAIR: Thank you.

14 QIA.

15 DR. VANGULCK: Thank you, Mr. Chair.

16 Jamie VanGulck for the QIA.

17 We understand Mr. Millard is on his way. I
18 would have a follow-up question regarding the types of
19 monitoring that would be done during operations of the
20 road and also for the quarry locations. If we could
21 come back and revisit that as a follow-up when -- when
22 he's available? If that's acceptable, I'll move on to
23 my next question.

24 THE CHAIR: That's fine.

25 DR. VANGULCK: Thank you very much.

26 My next question deals with a statement that

1 was made during the presentation regarding the effluent
2 discharge from the Milne Inlet ore stockpile, and there
3 was reference made to the existing water license, Table
4 10, which would be in Part F, Item 25 of the current
5 license, Type A license.

6 If I understood things correctly, and this
7 would be my first question, if you could confirm that
8 you're proposing Table 10 to be the effluent discharge
9 criteria for the Milne Inlet or stockpile drainage
10 waters?

11 THE CHAIR: Baffinland.

12 MR. CURRAN: Thank you, Mr. Chair.

13 Yes, that's -- that's correct. We're
14 proposing that the existing criteria for ore stockpile
15 runoff at the mine site be used for ore stockpile
16 runoff at the port.

17 THE CHAIR: QIA.

18 DR. VANGULCK: Thank you, Mr. Chair.

19 I have a few follow-up questions on this
20 point, and I'd like to also probably ask Environment
21 Canada a similar question on their cross-examination.

22 It's my understanding that Table 10 has
23 effluent quality criteria that were selected to
24 represent the concentrations that are listed in the
25 Metal Mines Effluent Regulation, so, in other words,
26 the runoff and discharge from the ore stockpile at the

1 mine site as well as the discharge from the open pit,
2 what's depicted here in the license is the Metal Mines
3 Effluent Regulations discharge criteria, which is
4 generally about 100 times larger than the
5 concentrations that are protective of aquatic life for
6 freshwater. Would you agree with that statement?

7 THE CHAIR: Baffinland.

8 MR. CURRAN: Thank you, Mr. Chair.

9 I think the question was directed to
10 Environment Canada?

11 DR. VANGULCK: Mr. Chair, I was giving
12 Environment Canada a heads up that we'd be asking a
13 similar question to them during cross-exam, but this
14 question is directed to Baffinland.

15 THE CHAIR: Baffinland.

16 MR. CURRAN: Thank you, Mr. Chair.

17 Baffinland is of the -- of the position that
18 the criteria parameters for discharge at the mine site
19 have been put in the water license to be protective of
20 aquatic life in the freshwater environment, which is a
21 much smaller receiving environment than the ocean at
22 Milne Inlet; therefore, the discharges that are
23 acceptable for the freshwater environment at the mine
24 site would certainly be protective of discharges to a
25 much larger water body that is the ocean at Milne Port.
26 Thank you.

1 THE CHAIR: Thank you.

2 QIA.

3 DR. VANGULCK: Thank you, Mr. Chair.

4 Jamie VanGulck for the QIA.

5 If I understood your answer correctly, you
6 are suggesting that the effluent quality criteria for
7 the Milne Inlet stockpile should be protective of
8 aquatic life?

9 THE CHAIR: Baffinland.

10 MR. CURRAN: That's correct.

11 THE CHAIR: Thank you.

12 MR. CURRAN: It -- if it weren't, I
13 would question why that -- those parameters were put
14 into our water license for the existing license that
15 all intervening parties participated in, including the
16 QIA.

17 THE CHAIR: Thank you.

18 QIA.

19 DR. VANGULCK: Thank you, Mr. Chair.

20 So I'll move away from maybe Table 10 and
21 move forward with the basis of the response saying that
22 the effluent quality criteria leaving the Milne Inlet
23 stockpile should be protective of aquatic life. The
24 concentrations that are suggested is what Baffinland
25 references as Table 10 of the current water license.
26 I'll follow up with Environment Canada on the

1 application here.

2 My last question specific to this would be
3 the effluent quality criteria listed in -- at the mine
4 site is based on Metal Mines Effluent Regulations, and
5 it's understood that there is a dilution zone that
6 occurs between the point of discharge to a location
7 where the concentrations in the receiving environment
8 are acceptable. In other words, there are objectives
9 in the receiving environment that are down gradient at
10 the point of discharge that are less than what the
11 criteria are in the water license, and the Metal Mines
12 Effluent Regulations provides that basis to allow that
13 dilution zone to happen.

14 Can you comment on what the environment would
15 be leaving the Milne Inlet stockpile and if there is a
16 dilution zone between the point of discharge and where
17 your objectives would be in the receiving environment?

18 THE CHAIR: Thank you.

19 Baffinland.

20 MR. CURRAN: Thank you, Mr. Chair.

21 Thanks for the question, Jamie. So the
22 scenario at the mine site and Milne Port are very
23 similar in that the discharge at the mine site is onto
24 land in a non-fish bearing ditch that drains to the
25 Mary River. At Milne Port, it's a similar scenario
26 where the discharge is discharged to a non-fish bearing

1 ditch which then drains into the ocean.

2 THE CHAIR: Thank you.

3 QIA.

4 DR. VANGULCK: Thank you, Mr. Chair.

5 I'll move on to another line of questioning.

6 I'll move away from the discharge criteria and onto the
7 topic of the Tote Road.

8 In the response from Baffinland to the
9 intervenor comments, we were informed that the Surface
10 Water and Aquatic Ecosystem Management Plan included
11 monitoring for construction activities for water
12 crossings along the Tote Road. Could Baffinland
13 provide further information on whether or not the
14 current water license requires a monitoring plan that
15 addresses monitoring of the Tote Road water crossings
16 during construction and also during operations of the
17 project, and if so, what is the title of that plan?

18 THE CHAIR: Thank you.

19 Baffinland.

20 MR. CURRAN: Thank you, Mr. Chair.

21 Thank you for the question, Jamie. So the
22 mechanisms for monitoring, as I've described before
23 along the Tote Road during construction and operations,
24 come under our Environmental Protection Plan, so
25 there's a series of management plans that are required
26 as under this Type A water license, and, so, the

1 Environmental Protection Plan is a management plan that
2 meets objectives for monitoring during construction and
3 operations, and then outside of the Type A water
4 license, Fisheries and Oceans Canada, being the
5 authority on the protection of fish and their habitat,
6 has provided us with an authorization for the
7 construction of crossings along the Tote Road, and that
8 authorization is yet another level of protection for
9 monitoring and reporting during those construction
10 activities for crossings along the Tote Road, so those
11 are the two main mechanisms for monitoring and
12 reporting. Thank you.

13 THE CHAIR: Thank you.

14 QIA, and could I remind everyone to please
15 state your name prior to speaking or asking a question.
16 Thank you.

17 Please go ahead.

18 DR. VANGULCK: Thank you, Mr. Chair.

19 Jamie VanGulck for the QIA.

20 Specific to the Environmental Protection
21 Plan, since that is a requirement of the current water
22 license, does that plan include monitoring of all water
23 crossings during operations?

24 THE CHAIR: Thank you.

25 Baffinland.

26 MR. CURRAN: Thank you, Mr. Chair.

1 I think that question would be best answered
2 by Jim Millard, and I know we have already referred or
3 deferred one question or a portion of one question, so
4 I think we'll defer that question for when Jim Millard
5 arrives. Thank you.

6 THE CHAIR: Do you have a name?

7 MR. CURRAN: Thank you, Mr. Chair.
8 It's Oliver Curran with Baffinland.

9 THE CHAIR: Thank you.

10 QIA.

11 DR. VANGULCK: Jamie VanGulck for the
12 QIA. If that's acceptable to the Board, we'll defer
13 that follow-up question for when Mr. Millard is
14 available.

15 THE CHAIR: Thank you.

16 DR. VANGULCK: I'll move on to the next
17 question, then. The Nunavut Waters and Nunavut Surface
18 Rights Tribunal Act defines water use in relation to
19 water as being any direct or indirect use of any kind,
20 including, but not limited to, any diversion or
21 obstruction of waters, any alteration of the flow of
22 waters, and any alteration of the bed or banks of a
23 river, stream, lake, or other water body, whether or
24 not the body of water is seasonal.

25 Does Baffinland agree that the construction
26 as well as the operation of the water crossings along

1 the Tote Road is a water use as defined by the Waters
2 Act?

3 THE CHAIR: Thank you.

4 Baffinland.

5 MS. KOWBEL: Christine Kowbel,
6 Baffinland.

7 I just wanted to note that that kind of
8 question is not really a question for Baffinland to
9 answer, but more of a question for the Water Board.
10 That's a question about the scope of the Act and not a
11 sort of factual question for Baffinland to answer.

12 MS. MEADOWS: Thank you, Mr. Chair.
13 Teresa Meadows, legal counsel for the Nunavut Water
14 Board.

15 DR. VANGULCK, I think that question is sort
16 of -- and this dates me by saying this, but the \$64,000
17 question in that there is a great deal of discussion
18 currently ongoing, as you may be aware, with respect to
19 the scope and application of the definition of water
20 use, and we take our direction from Aboriginal Affairs
21 and Northern Development Canada and the position that
22 they communicated in January of 2014, and in that
23 definition, it would be included in a definition of
24 water use, and, so, included within the scope of the
25 Type A water license, you can see that there was a
26 clarification issued in February this year from the

1 Water Board with respect to the road construction, the
2 Tote Road construction at the water crossings, and
3 whether or not that was included within the scope of
4 the existing Type A, and the confirmation was that
5 those water crossings and the Tote Road activities for
6 this aspect of the -- the project were included within
7 the scope of the existing Type A, so I -- I don't know
8 what more you are expecting to receive in terms of
9 clarification from that, but the Water Board has
10 already given some direction on that point.

11 THE CHAIR: Thank you, Teresa.

12 QIA.

13 DR. VANGULCK: Thank you, Mr. Chair, and
14 thank you for the response, Teresa.

15 Yes, I was aware of what the Water Board
16 clarified regarding the scope of the Tote Road, and at
17 the risk of paraphrasing and being corrected, I
18 understand that the Tote Road upgrades, the Board has
19 determined that that scope is within the current
20 approved license, and based on what you just said now,
21 I'm hearing that the water crossings were also included
22 as part of that scope?

23 THE CHAIR: Do you have a name?

24 DR. VANGULCK: Thank you, Mr. Chair.

25 It's Jamie VanGulck for the G -- or for the QIA.

26 THE CHAIR: Thank you.

1 Teresa.

2 MS. MEADOWS: Thank you, Mr. Chair.

3 Teresa Meadows, legal counsel for the Nunavut Water
4 Board.

5 I thought that the direction that was
6 provided by the Board was to indicate all activities
7 associated with the Tote Road upgrades were included,
8 so that would include the water crossings. I mean, all
9 activities associated with the Tote Road upgrade. I
10 don't -- I'm not sure that I understand that there's
11 any further discussion or clarification there, but if
12 there is, please advise us.

13 THE CHAIR: Thank you.

14 QIA.

15 DR. VANGULCK: Thank you, Mr. Chair.

16 It's Jamie VanGulck for the QIA.

17 I'll come back to revising my initial
18 question to Baffinland then, and hopefully this won't
19 require further discussion from a legal standpoint.

20 On a general basis, if a culvert was to be
21 installed within a road, for instance a culvert along
22 the Tote Road, would you agree that that would impact
23 the flow of water around the original stream, or would
24 you agree that that may impact or alter the flow of
25 water or the bank of the stream?

26 THE CHAIR: Thank you.

1 Baffinland.

2 MR. CURRAN: Thank you, Mr. Chair. So
3 just to respond to Teresa's description right now, all
4 activities for construction of the Tote Road were
5 already covered under the existing Type A, so I think
6 the -- in response to your question, what I can say is
7 that construction activities in a water body are
8 overseen and authorized by Fisheries and Oceans Canada.
9 Fisheries and Oceans Canada reviewed all of our
10 crossings along the Tote Road and provided us with an
11 authorization to conduct that work in a manner that
12 would be protective of fish and their habitat during
13 construction and after construction, and the other
14 level of production that's offered by the company is
15 our Environmental Protection Plan which contains
16 operational environmental standards relevant to the
17 management and monitoring of construction activities
18 along the Tote Road, and those management plans were
19 reviewed and approved as part of the existing Type A
20 water license, so as mentioned before, upgrades to the
21 Tote Road are outside of the scope of this Type A
22 amendment.

23 THE CHAIR: Thank you.

24 QIA.

25 MR. WILLIAMSON BATHORY: (Other language spoken)
26 Stephen Williamson Bathory, QIA. Again, just

1 in an effort to confirm statements as they're made
2 through the hearing and reduce the number of topics,
3 could we please ask that Baffinland put up Slide 33
4 from your presentation this morning? Thank you.

5 So on this slide, we heard a statement
6 presented in addition to the text on the slide
7 suggesting that Baffinland felt no revisions to Part J
8 of the license would need to be required for this
9 amendment. We're just looking to confirm that
10 statement relative to a statement Baffinland made in
11 their April -- April 29th submission to the Board, and
12 it's on the same topic, the Interim Closure and
13 Reclamation Plan, and we're just looking to confirm
14 that in that exchange. Unfortunately there's no page
15 number, so I'll just -- I'll just read it out.

16 What was presented to the Board by QIA was
17 that the Interim Closure and Reclamation Plan Version
18 3, as submitted on March 31st, 2015, be subject to a
19 review and approval process within 60 days of the
20 issuance of this water license amendment. We see
21 Baffinland was confirmed [sic] to that; however, their
22 statement suggests the license wouldn't need to be
23 amended to reflect that, that need.

24 Right now, there's no requirement within the
25 license to approve this, what would be called the
26 Version 3 of the plan following this amendment, so,

1 again, just looking for confirmation that the
2 Baffinland agrees 60 days following the approval of
3 this amendment, that the ICRPs should be subject to a
4 Water Board approval. (Other language spoken)

5 THE CHAIR: Thank you.

6 Baffinland.

7 MR. MADSEN: It's Erik Madsen with
8 Baffinland, and there are a number of plans that we
9 submit annually to the Water Board on March 31st, and
10 Mr. Bathory is correct. The Interim Closure Plan was
11 submitted, and I would assume that there would be a
12 process the Water Board usually has to approve of a
13 plan like that, and if it requires 60 days after to
14 approval, that's fine. It's now there, and we wouldn't
15 have a problem with that, but there's a number of plans
16 that get submitted annually that require approval, so
17 I'd turn it back to the Water Board as to their
18 process, how many days they usually get the various
19 departments to approve it.

20 THE CHAIR: Thank you.

21 QIA.

22 DR. VANGULCK: Thank you, Mr. Chair.
23 Jamie VanGulck for the QIA. I see Jim Millard in the
24 room now. I was wondering if it would be an opportune
25 time to do the follow-up questions?

26 THE CHAIR: Go ahead.

1 MS. KOWBEL: Christine Kowbel. I
2 would just -- we haven't had a chance to talk to
3 Mr. Millard, so I might suggest that it might be more
4 appropriate to do that after the break.

5 DR. VANGULCK: Jamie VanGulck for the
6 QIA. May I suggest to the Board that maybe we move on
7 to the other presenters or questioning, and then when
8 it's a good time, we can come back up and follow up on
9 the questions?

10 THE CHAIR: Thank you. (Other
11 language spoken)

12 Next we have AANCD, questions to the
13 Applicant? AANCD?

14 MS. MORGAN: This is Andrea Morgan
15 from Aboriginal Affairs and Northern Development
16 Canada. We have no questions for Baffinland at this
17 time. Thank you.

18 THE CHAIR: Thank you.
19 Environment Canada?

20 MR. DAHL: Mark Dahl for Environment
21 Canada. I have no questions, as also in line.

22 THE CHAIR: Thank you.
23 Hamlet of Pond Inlet, questions to the
24 Applicant, Hamlet of Pond Inlet?

25 MR. ARREAK: (Other language spoken)
26 We do have questions from the Hamlet of Pond

1 Inlet if I'm understandable. Will we have an
2 opportunity to ask questions when the Deputy Mayor's
3 back here?

4 THE CHAIR: The short answer's yes.

5 Next, we have questions from HTO. HTO?

6 MS. MABLICK: Thank you. We don't have
7 any questions at this time. We mostly have statements
8 to think about. We have no questions at this time.
9 Thank you.

10 MR. KOONARK: I'll make a short
11 statement. We apologize we do not have statements --
12 questions here. We were to have questions, but we were
13 unable to prepare, and I just wanted to tell you about
14 that. Thank you.

15 THE CHAIR: Thank you.

16 Questions to the Applicant from Staff?
17 Nunavut Water Board Staff Questions Baffinland Iron
18 Mines Corporation

19 MR. JOSEPH: Sean Joseph. Thank you,
20 Mr. Chair. We have a couple of questions to
21 Baffinland, if I may proceed?

22 THE CHAIR: Go ahead, Sean.

23 MR. JOSEPH: Okay. Yeah, the first
24 question I would like to ask Baffinland is -- well,
25 it's not mostly a question. It's more or less of a,
26 you know, an overview of the consequential amendments.

1 I know Baffinland, as part of its response to the
2 pre-hearing conference decision report and commitments
3 made during the pre-hearing conference provided a list
4 of consequential amendments, and they have gone through
5 those amendments, those proposed consequential
6 amendments, and in addition of those identified a
7 number of others that the Board believe or the NWB
8 believe would need to be addressed as well, so we would
9 just like to identify a few of those.

10 In particular, under the "scope" section of
11 the license, the definition to do with operation phase
12 and construction phase would also need to be amended as
13 consequential amendments. In addition, there are
14 sections of the license that refer to requirements that
15 Baffinland would have to -- requirements that
16 Baffinland would have to meet in order to initiate
17 operation, the operation phase of the project, which is
18 like identifying the Board within a specific timeframe
19 in advance of doing so. This part of the license would
20 also have to be amended as a consequence to take into
21 consideration both the operation phase and the
22 construction phase concurrently, so these are just two
23 of the number of consequential amendments that the NWB
24 believes would have to be taken into consideration.

25 Mr. Chair the -- thank you, Mr. Chair.

26 So the next question that we have has to do

1 -- well not a question, but another issue that we would
2 like to raise has to do with the fate of the 8BC
3 construction license. I know Baffinland explained,
4 during its presentation, that it would like the entire
5 scope of that license to be incorporated or absorbed
6 into the Type A license. We have had a similar
7 scenario with previous licenses as well whereby we had
8 absorbed aspects of licenses, Type B licenses, into
9 Type A licenses, and then after actually continue with
10 the scope of the Type B license, so what I would like
11 to ask Baffinland, would it be considering a
12 cancellation of that license once the scope of that
13 license is actually absorbed into the Type A?

14 THE CHAIR: Thank you, Sean.
15 Baffinland.

16 MR. MADSEN: Yeah. Thanks, Sean.
17 It's Erik Madsen of Baffinland.

18 I think that's -- you know, I understand what
19 you're saying there, and I think we'd like to discuss
20 it a little bit over lunch here, and we'll get back to
21 you on that. I understand what you're saying there.

22 THE CHAIR: Thank you.
23 Sean.

24 MR. JOSEPH: Thank you, Mr. Chair.
25 I would like to move on to the other
26 question. With respect to the water use for Tote Road,

1 we've -- we've heard from Baffinland previously and
2 during this public hearing as well of the quantities of
3 water it requires for dust suppression, and the
4 question I would like to ask is whether or not that
5 quantity of water would be sustained even during the
6 phase whereby the actual rail is initiated, so --
7 because this has been labelled as the pre-development
8 or early revenue phase aspects of the project, so is
9 that being contemplated when the rail line is up and
10 running and when the bulk of the project is in full
11 swing?

12 MR. CURRAN: Thank you, Mr. Chair.
13 It's Oliver Curran with Baffinland.

14 So the short answer to that, Sean, is that,
15 yes, those activities would continue to occur, so the
16 early revenue phase would occur currently with the rail
17 project, so the same -- the life of -- the life of the
18 early revenue phase is 21 years, and there would be
19 overlap with the early revenue phase and the rail
20 project.

21 THE CHAIR: Thank you.
22 Sean.

23 MR. JOSEPH: Thank you, Mr. Chair.
24 Mr. Chair, I have a few more questions, but I would
25 like to, if possible, reserve those questions because
26 at this point, I think I would like to have an internal

1 discussion, if possible, before asking the other
2 questions?

3 THE CHAIR: Thank you. Would you be
4 more comfortable if we break for lunch now and be back
5 at 1, and you can have your -- continue on with your
6 questions?

7 MR. JOSEPH: Sean Joseph. Thank you,
8 Mr. Chair. That would definitely work.

9 THE CHAIR: Thank you.

10 It's a quarter to 12, and we -- I will
11 suggest that we break for lunch now and be back at
12 1:00. We'll see you then, and then the questions will
13 carry on with the questioning by Staff. We'll see you
14 at 1.

15 (LUNCHEON ADJOURNMENT AT 11:45 AM)

16 (PROCEEDINGS RECONVENED AT 1:04 PM)

17 THE CHAIR: Welcome back, everyone.
18 To carry on where we left off before we broke for
19 lunch, Staff had a question.

20 MR. JOSEPH: Thank you, Mr. Chair.
21 Sean Joseph.

22 Just to take up from where we left off, I
23 would like to refer to Slide Number 12, I believe.
24 Yes, Slide Number 12. Yes, this slide provides a site
25 layout of the Milne Port area, and what we're hoping
26 here is whether or not Baffinland could provide for us,

1 you know, a brief overview of some of the main items
2 there in terms of numbers, you know, with respect to
3 things like the polishing waste stabilization ponds,
4 the sedimentation ponds, and the future airstrip, just
5 to give us an indication of the quan -- the numbers.
6 Right now, we are a little bit uncertain with respect
7 to some of the items in terms of how many units of
8 this, but some particular items that is captured under
9 this amendment. For example, there is a future
10 polishing waste stabilization pond that is included in
11 the drawing that is in the bulk-fuel storage area, and
12 pretty much that, based on the information we've
13 received, there's only two polishing waste
14 stabilization ponds at Milne that was being considered,
15 and we just wanted to make sure that the scope is
16 consistent in terms of the way we look at it from your
17 perspective and the Board's perspective. Thank you.

18 THE CHAIR: Thank you.

19 Baffinland.

20 MR. MADSEN: Mr. Chair, we have Jim
21 Millard here now, and I don't know if he needs to be
22 sworn into the hearing before he answers some
23 questions?

24 THE CHAIR: Teresa.

25 MS. MEADOWS: Thank you, Mr. Chair.

26 Yes, my recommendation would be that he be sworn in

1 before he provides testimony, so if I can get you to
2 state and spell your name for the record, please?

3 MR. MILLARD: Good afternoon. My name
4 is James Millard. That's J-A-M-E-S, last name Millard,
5 M-I-L-L-A-R-D.

6 MS. MEADOWS: Thank you, Mr. Chair.
7 Teresa Meadows, legal counsel for the Nunavut Water
8 Board.

9 JAMES MILLARD, Sworn

10 THE CHAIR: Thank you.

11 Please proceed.

12 MR. MILLARD: So if I can understand --
13 it's James Millard speaking here.

14 If I can understand the question, you are
15 looking at -- you want to identify the infrastructure
16 that is part of this amendment? Okay.

17 So we have two sediment settling ponds here
18 to -- that were constructed to catch the runoff from
19 the ore, ore stockpile before it is discharged to the
20 receiving environment. We have a second PWSP that's
21 located at that location, and we have the existing
22 matrix camp which is going to become part of the --
23 located right there which is going to become, I guess,
24 incorporated into the -- into the new license. What
25 else am I missing here?

26 Right. Yes. We have the airstrip here,

1 which is not part of this application, but was approved
2 as part of the final environmental impact statement,
3 and we have an additional fuel storage area I think
4 that was located on the east side of the -- of the
5 existing fuel farm.

6 Yes. So as part of the existing wastewater
7 and management plan, we have a -- rather than
8 discharging our sewage, our treated sewage, to this
9 location which is now not -- not longer possible, we
10 have a new station discharge location here, which is
11 for discharge of sewage effluent from our sewage
12 treatment plant.

13 I think that wraps it up. If I think of
14 anything else, I will let you know.

15 THE CHAIR: Sean.

16 MR. JOSEPH: Sean Joseph. Thank you
17 Mr. Chair.

18 Thank you, Jim. Just two clarifications. I
19 just wanted to confirm whether or not the airstrip was
20 included, because I didn't hear properly, and secondly,
21 there is a future polishing waste stabilization pond in
22 addition to the two that are already approved. Is that
23 considered as well, so are we looking at three
24 polishing waste stabilization ponds or two eventually?

25 MR. MILLARD: Sorry. I should have
26 clarified that. The original exploration polishing

1 pond has been decommissioned, so it's -- it no longer
2 existed. It's within the footprint of the ore
3 stockpile. The airstrip, the future airstrip, is not
4 part of this amendment.

5 THE CHAIR: Do you have a name?

6 MR. MILLARD: Oh, sorry. James, James
7 Millard from Baffinland. Thank you.

8 THE CHAIR: Thank you.

9 Sean.

10 MR. JOSEPH: Thank you, Mr. Chair.

11 We have just one more question, and it's in
12 part a follow-up with the previous question we had with
13 respect to water use this morning for the early revenue
14 phase. Baffinland had indicated that it needed
15 approximately 2,788.5 cubic metres per day for a
16 maximum for dust suppression, and one of the things I
17 would like for, if Baffinland could help us out with
18 here, is in terms of an overall quantity of water that
19 it will require for the operations phase and the
20 construction phase, just to make sure that we have it
21 on the record what would that overall quantity be and
22 whether or not the 2,788.5 cubic metres per day that
23 it's asking for is captured under the amount that it
24 would provide?

25 THE CHAIR: Baffinland.

26 MR. CURRAN: Thank you, Mr. Chair.

1 It's Oliver Curran with Baffinland.

2 So in response to your question, Sean, I
3 think there was -- I'm not sure which slide it was.
4 I'll just go to this one for now. So just -- just to
5 be clear, so for the construction and operation phase,
6 at the port, we're still looking at 385 -- 365.5 cubic
7 metres per day for construction and operation. During
8 -- for the Tote Road, during operations and
9 construction, the hydrological assessment had a number
10 of assumptions to arrive at the potential water demand
11 for dust suppression, and that amount was 1,500 cubic
12 metres per day.

13 Now, the reality is dust suppression on the
14 Tote Road may focus on certain areas during -- on any
15 given day, so although we will not necessarily need the
16 entire 1,500 -- 1,500 cubic metres over the entire Tote
17 Road, the reality is, is that certain draw points will
18 require the full amount that we've shown on this Table
19 4, so if you add up the full amount for each draw point
20 along the Tote Road, it comes to 2,788.5 cubic metres
21 per day; so in terms of operational flexibility, we
22 need to have the ability to take the volume, for
23 example, given for David Lake, we need to have that
24 ability to take that 132 cubic metres per day from that
25 one draw point and several other draw points, which
26 then would amount to the full amount of 2,788.5 cubic

1 metres per day.

2 So, essentially, what Baffinland is saying is
3 that although we only anticipate to use 1,500 cubic
4 metres or less, the reality is, is that for certain
5 draw points, we will need to draw those amounts;
6 therefore, we need to have, in our license, those
7 values for any -- for those specific draw points. I
8 hope that helps clarify.

9 THE CHAIR: Thank you.

10 Sean.

11 MR. JOSEPH: Thank you, Mr. Chair.

12 Just one clarification I would like to seek.
13 I believe I did not phrase the question properly. What
14 I was intending to capture here was, you know, the
15 total amount that you would require for operations and
16 for the construction phase, taken into consideration
17 those values you provided for dust suppression, so
18 looking at it from a holistic perspective as opposed to
19 just within that area.

20 THE CHAIR: Thank you.

21 Baffinland.

22 MR. CURRAN: Thank you, Mr. Chair.

23 It's Oliver Curran with Baffinland.

24 Yeah, thank you, Sean, for the question. So
25 to be clear, the total amount would be the 2,788.5
26 along the Tote Road for both construction and operation

1 and then 367.5 cubic metres at Milne Port for both
2 operations and construction, and there would be no
3 change to the quantity required at Mary River, at the
4 mine site.

5 THE CHAIR: Thank you.

6 MR. JOSEPH: Thank you, Mr. Chair.
7 Sean Joseph.

8 Just thanks for that clarification, Oliver.
9 If we can take this just one bit further and give us,
10 you know, a holistic figure. You may not have that
11 figure right now, but maybe later on, of the total
12 amount that you need in the license? You know, like
13 the amount that we have embedded, I know under the
14 existing license, I believe the amount was -- I believe
15 the amount was 230, 230,000 cubic metres per annum for
16 operations and 580 cubic metres per annum for the
17 construction phase, so if you do not have that figure
18 handy when you take into consideration the amount that
19 you would require for dust suppression, and then if you
20 can provide us with that information later on, it would
21 be helpful.

22 THE CHAIR: Thank you.

23 Baffinland.

24 MR. CURRAN: Thank you, Mr. Chair.

25 Oliver Curran with Baffinland.

26 So we'll get back to you on that, Sean.

1 We'll provide the total quantum. Thank you.

2 MR. JOSEPH: Thank you, Mr. Chair.

3 Sean Joseph. That would be all.

4 THE CHAIR: Thank you.

5 Any questions to the Applicant from Panel
6 members?

7 The Panel Questions Baffinland Iron Mines Corporation

8 MR. MRAZEK: Thank you, Mr. Chairman.

9 Ross Mrazek, Water Board. A question to Baffinland.

10 There have been discussions about dust
11 suppression, and I wonder, you know, if you have the
12 equipment already on the site and if it is ready
13 eventually for use? Thank you.

14 THE CHAIR: Thank you.

15 Baffinland.

16 MR. MILLARD: This is James Millard
17 from Baffinland.

18 Thanks for the question. Yes, we have a
19 limited number of trucks and such available for dust
20 suppression on site right now, and there is more coming
21 in on the sea lift this year.

22 THE CHAIR: Thank you. Any other
23 questions?

24 MR. MRAZEK: Thank you, Mr. Chairman.

25 THE CHAIR: Thank you. Next we have
26 Qikiqtani Inuit Association.

1 Teresa?

2 MS. MEADOWS: Mr. Chair, Teresa
3 Meadows, legal counsel for the Nunavut Water Board.
4 Perhaps before the Qikiqtani Inuit Association does
5 their presentation, perhaps the deferred questions that
6 were deferred by Baffinland this morning for
7 Mr. Millard for more of as follow-up to a couple of
8 questions that were posed to Baffinland.

9 THE CHAIR: Go ahead with your
10 question, whenever you're ready.

11 Qikiqtani Inuit Association Further Questions
12 Baffinland Iron Mines Corporation

13 DR. VANGULCK: Jamie VanGulck for the
14 GNWT [sic]. Thank you for your patience, Mr. Chair.
15 For the QIA, not the GNWT. Yeah, we have a few
16 follow-up questions to Mr. Millard who may be able to
17 answer some of the questions from this morning. I'll
18 give you a little bit of context of where it came from
19 to start with.

20 The first pertains to Slide 26 of
21 Baffinland's presentation regarding community concerns.
22 Specifically, there was one comment from the community
23 that was highlighted that states what type of
24 monitoring or discharge of waste to Phillips Creek
25 occurs at the project, and in general, the response
26 from Baffinland addressed the question regarding

1 would be Part D, Item 16, Part I, Section 23 which
2 deals specifically with the runoff from the quarries,
3 so we have one potential drainage path from quarry Q1
4 that drains eventually to Phillips Creek over a
5 distance of -- I believe it is, over a kilometre
6 through over a flat, low-lying area, so that would be
7 the answer to -- I think to your -- to your question
8 with regard to monitoring.

9 THE CHAIR: Thank you.

10 DR. VANGULCK: Thank you, Mr. Chair.

11 Jamie VanGulck for the QIA.

12 The second question for follow up deals with
13 the Tote Road. From Baffinland's response to
14 interventions, we were informed that the Surface Water
15 and Aquatic Ecosystem Management Plan includes
16 monitoring for construction activities for water
17 crossings along the Tote Road.

18 Does the current water license require a
19 monitoring plan that addresses monitoring of the Tote
20 Road water crossings during construction and also
21 during operations of the project, and if so, what's the
22 title of that plan?

23 THE CHAIR: Thank you.

24 Baffinland.

25 MR. MILLARD: First of all, I guess I
26 would -- this is James Millard from Baffinland.

1 Thanks for the question, again, Jamie. First
2 of all, I would like to just point out that the
3 monitoring of the Tote Road crossings is -- it's my
4 understanding that it's outside the scope of the
5 current license amendment. That being said, I'm very
6 pleased to provide the -- the information that you've
7 requested, and the -- the monitoring of the downstream
8 of the -- upstream and downstream of crossings is well
9 covered within the existing Fisheries authorizations
10 and letters of advice that have been issued by the
11 Department of Fisheries and Oceans.

12 The -- there is a requirement in those
13 authorizations to sample water upstream and downstream
14 before construction, during construction, and
15 immediately after construction during the open-water
16 season, so that would be the first source of
17 information with regard to the monitoring.

18 In addition to that, our Environmental
19 Protection Plan, in particular operational
20 environmental statements or Standard 2.17 and 2.18 deal
21 directly with the specifics regarding monitoring
22 upstream and downstream of fisheries, construction
23 projects on the Tote Road at Tote Road crossings, and
24 it involves turbidity monitoring upstream and
25 downstream of the -- of the crossings.

26 The plan that you refer to, which is the

1 Aquatic and Surface Water -- Aquatic Ecosystems and
2 Surface Water Management Plan deal more tangentially
3 with the issue of dirty water on site, so if you have
4 siltation or sedimentation in -- that is observed how
5 -- how you go about to actually deal with mitigating
6 the dirty water through the installation of various
7 types of structures, including silt fences, silt
8 curtains, sumps, rip wrapping, and that sort of thing.

9 Also the Type A water license, the current
10 Type A water license itself does have -- I believe it's
11 Part D, Item 16 and Part I as well. Primarily Part D,
12 Item 16 which deals also with the monitoring of surface
13 waters generally during construction.

14 THE CHAIR: Thank you.

15 DR. VANGULCK: It's Jamie VanGulck for
16 the QIA.

17 In general, I heard that the Environmental
18 Protection Plan has a few standards as well as there is
19 DFO authorizations that deal with the construction
20 phase for water crossings along the Tote Road. Could
21 you further comment on the monitoring that may be
22 required or is in place for the operations phase?

23 THE CHAIR: Thank you.

24 Baffinland.

25 MR. MILLARD: With -- this is James
26 Millard from Baffinland.

1 Jamie, if I understand your question, you're
2 asking me what monitoring is in place specifically
3 along the Tote Road, I believe, during the operations
4 phase rather than the construction phase; is that
5 correct?

6 DR. VANGULCK: Mr. Chair, Jamie VanGulck
7 for the GNWT [sic].

8 Yeah, we've been looking to understand two
9 things: the monitoring for water crossings along the
10 Tote Road during construction phase and the operation
11 phase as well as the plan in which it's contained. I
12 believe so far we understand the construction phase,
13 but if you could further comment on the operation
14 phase?

15 THE CHAIR: Thank you.

16 Baffinland.

17 MR. MILLARD: With regard to the
18 operation phase, our current -- this is James Millard
19 from Baffinland.

20 With regard to the operations phase, our
21 Environmental Protection Plan covers both operation and
22 -- and construction phases of the project. In
23 addition, on an annual basis, a fisheries biologist or
24 our environmental specialist working under the
25 direction of the fisheries biologist inspect all the
26 fish-bearing culverts under existing Fisheries

1 authorizations and letters of advice to determine if
2 those cross -- those structures are operating as
3 designed, and if there are any problems with the
4 crossings, for instance they could be perched or there
5 may be sediment or something along those lines, maybe
6 some type of instability, that gets reported to us, and
7 we take corrective action. As well, the results of
8 that monitoring on an annual basis is provided in the
9 DFO Annual Report for the Tote Road, which is submitted
10 by the end of December each year, and that's a
11 requirement of the existing Fisheries authorization.

12 There is no expiry to the Fisheries
13 authorization. It pertains to an operation both during
14 the construction and also during the operations phase,
15 so I think we're well-covered based on that, on that
16 fact.

17 THE CHAIR: Thank you.

18 Any further questions?

19 DR. VANGULCK: Thank you. Jamie
20 VanGulck for the QIA.

21 Could you provide the number of water
22 crossings in total on Tote Road and then the number of
23 water crossings that have DFO authorizations associated
24 with them?

25 THE CHAIR: Baffinland.

26 MR. MILLARD: This is James Millard

1 from Baffinland.

2 First of all, I'd just like to point out that
3 it's our opinion that the question is outside the scope
4 of the current water license amendment; however, I can
5 give you this information if -- if you require it.
6 It's public. There are approximately -- originally,
7 there were 50 Fisheries authorized -- or 25 fishery --
8 Fisheries authorized culverts, 25 crossings under
9 letter of advice, and the exact number of other
10 drainages that aren't fisheries habitat would probably
11 be in the hundreds. I can't give you an exact number.

12 The -- I'd like to further point out that all
13 the crossings and the numbers of crossings on the Tote
14 Road are provided -- were provided in the Issued-for-
15 Construction report completed by Baffinland and its
16 consultants in 2009. They -- that's still generally
17 accurate.

18 THE CHAIR: Thank you.

19 QIA, any further questions?

20 MR. WILLIAMSON BATHORY: Stephen Williamson
21 Bathory, QIA. Could we just take a minute to discuss
22 one aspect before we determine if we're done with our
23 questions?

24 DR. VANGULCK: Jamie VanGulck for the
25 QIA. Thank you for your patience, Mr. Chair. I
26 believe we have one final question.

1 From the response, we hear that the
2 Environmental Protection Plan seems to be a home where
3 construction and operations phase monitoring along the
4 Tote Road water crossings occurs that is also embedded
5 within the current water license. Could Baffinland
6 comment on the type of material that's in the
7 Environmental Protection Plan with regards to adaptive
8 management should a crossing show that it needs or is
9 exceeding water quality limits or having elevated water
10 quality?

11 So in other words, if there is an obvious
12 sign that a water crossing needs to have an adaptive
13 management response, are there triggers within that
14 Environmental Protection Plan that outline what those
15 actions are?

16 The second part of the question would be is
17 there aspects of the Environmental Protection Plan that
18 deal with comparing the water quality that is measured
19 to the predicted impacts into the receiving
20 environment?

21 THE CHAIR: Thank you.

22 Baffinland.

23 MR. MILLARD: It's James Millard here
24 from Baffinland.

25 With regard to what triggers corrective
26 action at site with regard to any environmental issue,

1 as soon as that issue is noted, action is taken. In
2 this case, we have the Aquatic Ecosystems and Surface
3 Water Management Plan, and within that plan, there are
4 mechanisms for corrective action. If we see, again,
5 silty water or an issue with a crossing, that plan
6 would -- would apply, and actions would be taken, and
7 the plan, itself, provides a broad range of different
8 types of actions and controls that could be taken to
9 deal with that atypical observation.

10 I believe that was your first question. I'm
11 not clear on the second question and how it relates to
12 this water license amendment, so I'm -- I'm not -- I'm
13 not understanding your question and how it relates
14 here.

15 THE CHAIR: Thank you.

16 QIA.

17 DR. VANGULCK: Thank you, Mr. Chair.
18 I'll try to rephrase the question.

19 We understand the home for monitoring, and
20 now corrective action is discussed within the
21 Environmental Protection Plan. That plan is a
22 component of the current water license. Specifically,
23 within that plan, are there provisions to assess the
24 potential effects on the receiving environment from any
25 of the monitoring that's completed?

26 THE CHAIR: Do you have a name?

1 MR. MILLARD: It's James Millard here
2 from Baffinland.

3 The EPP, just to clarify, is a summary
4 document which summarizes all the required do's and
5 don't's in a sense, what you can do and what you can't
6 do, on the site, and it's a reference for site
7 employees and personnel to understand what's in the
8 permits and what they can and cannot do, so that's the
9 E -- that's what the EPP is, and as I've already
10 stated, the Aquatic Ecosystems and Surface Water
11 Management Plan provides the basis, a very strong
12 basis, for taking corrective action when there are any
13 atypical or out-of-compliance type of observations.

14 When we identify a -- for instance, some
15 siltation or issue related to construction, we act as
16 quickly and as diligently as possible and put as many
17 resources as necessary to -- in a prompt and timely
18 fashion to mitigate the condition that has been
19 observed.

20 THE CHAIR: Thank you.

21 QIA.

22 DR. VANGULCK: Thank you, Mr. Chair.

23 Jamie VanGulck for the QIA.

24 My apologies if you've already answered this.
25 I believe you have, but I wanted to make 100-percent
26 sure that I understand what's been told to me.

1 The Surface Water and Aquatic Ecosystem
2 Management Plan includes the monitoring of the water
3 crossings along the Tote Road during the construction
4 phase as well as during the operations phase of the
5 project? It's both phases; is that correct?

6 THE CHAIR: Baffinland.

7 MR. MILLARD: It's James Millard from
8 Baffinland.

9 Yes, that's correct, but also keep in mind
10 that the Environmental Protection Plan changes when our
11 management plans and our permits and authorizations
12 change, so it's a living document that adapts and
13 reflects our existing management plans, permits,
14 licenses, and authorizations.

15 THE CHAIR: Thank you.

16 QIA.

17 DR. VANGULCK: Thank you, Mr. Chair.
18 Jamie VanGulck for the QIA. We have no further
19 questions at this time.

20 THE CHAIR: Thank you. I understand
21 Hamlet council is ready to ask Baffinland questions?
22 The Hamlet of Pond Inlet Questions Baffinland Iron
23 Mines Corporation

24 MR. ARREAK: (Other language spoken)

25 Thank you, Mr. Chair. Joshua Arreak
26 representing the Hamlet. I will turn the mic over to

1 James Atagootak.

2 MR. ATAGOOTAK: Thank you, Joshua. My
3 name's James Atagootak representing the Hamlet of Pond
4 Inlet. On page 26, I have a question regarding a
5 question to Baffinland on this page. It states the
6 response by Baffinland is that, (as read):

7 No sewage, treated or untreated water, is
8 being distributed to this lake.

9 This morning, I heard, Mr. Chair, that Baffinland won't
10 be discharging treated effluent to a lake or holding
11 pond to a water body that does not have fish in it. I
12 will ask a question about that, Mr. Chair. I am
13 concerned about that.

14 Water birds, for example, landing on any open
15 areas, open water, the water birds, especially during
16 spring, the geese start arriving, the snow geese start
17 arriving when the lakes are starting to melt, and the
18 Mary River river is the flightway for the geese coming
19 into this area. For that reason being said, they would
20 discharge treated effluent into lakes and in ponds.
21 Would this affect our birds that we eat, because they
22 do drink water from the surrounding area, and they may
23 drink the water from the treated sewage.

24 I have two questions. That was my first
25 question, if I could be understood.

26 THE CHAIR: Baffinland.

1 MR. MILLARD: This is James Millard
2 from Baffinland. Thanks. Thank you very, very much
3 for your question.

4 With regard to the discharge of treated
5 sewage to water bodies, treated sewage is mainly -- at
6 Milne Inlet is mainly discharged directly to Milne
7 Inlet and though -- at the Mary River mine site, so at
8 the mine site, it's discharged to Mary River. Now,
9 this is treated sewage which meets all the water
10 license requirements, and it's my understanding that if
11 the sewage effluent meets our water license
12 requirements, it will be protective of -- of wildlife.
13 We do not discharge raw sewage to the receiving
14 environments of Milne Inlet or to Mary River.

15 MR. ATAGOOTAK: Thank you. My name's
16 James Atagootak.

17 They had said earlier this morning that they
18 will be discharging treated effluent in two lakes, but
19 apparently it will be discharged to the river. Even
20 though it's treated effluent, it still needs to go into
21 the water. Do you think the water-treated effluent
22 discharged to the Mary River will be cleaned further by
23 the time it gets to Milne Inlet? Has the treated
24 effluent been checked to see if it's safe to drink as
25 our water is here? Thank you.

26 MR. MILLARD: This is James Millard

1 from Baffinland.

2 I don't recommend drinking effluent from a
3 sewage treatment plant. It's not necessarily a common
4 practice, but with regard to our -- our treated
5 effluent from our plants, I can provide the results.
6 In fact, the results for the treated sewage are
7 provided in water license reports that are provided
8 monthly to the Water Board and the Qikiqtani Inuit
9 Association in that -- and those reports and those
10 analyses from the treated effluent indicated that
11 indeed the water is very clean and, in my opinion, is
12 safe for wildlife.

13 I would like to also clarify something that I
14 said earlier. I said that the treated effluent was
15 discharged to Mary River. That is the primary
16 location. We do have another authorized location which
17 we use very occasionally, and that is to Sheardown Lake
18 at the mine site, so you are correct in that one of the
19 locations that the effluent can be discharged to, but
20 it's not commonly discharged to, is Sheardown Lake, and
21 that's authorized under the water license, but, again,
22 the effluent will meet -- meets a very high level of
23 criteria before it is discharged.

24 MR. ATAGOOTAK: Thank you for answering
25 my question. I'm James Atagootak from the Hamlet.

26 And my other question, the iron ore that is

1 being trucked to Milne Inlet, it's actually very
2 high-grade iron ore. It's basically instant metal, so
3 someone said earlier that iron ore rusts, and we know
4 that. There are -- the stockpile pad for shipment by a
5 ship, how is the base for the stockpile made up? Is it
6 -- is the base all sand? Is the ore right on the sand?
7 It rains and the wind blows and Milne Inlet has pretty
8 strong winds, and the trucks carrying ore to the
9 stockpile do cause dust to be blown, and the dust may
10 be blown into the creek water bodies. Can you tell me
11 -- can you say that the stockpiled iron ore, which is
12 on the old airstrip, is it directly on sand? Is there
13 no other foundation for the stockpile? That's my
14 question.

15 MR. MILLARD: James Millard from
16 Baffinland.

17 Thanks again. I can -- I can tell you
18 absolutely that the -- the ore is -- rests on a pad of
19 quarried rock that came from Q1 quarry, so the quarry
20 that's nearby. That consists of native rock material
21 that's granite, primarily granite, was tested for
22 potential acid-rock drainage. It is clean. The pad
23 was constructed of that material, and the ore sits on
24 that, on that base.

25 As far as your second question is concerned,
26 with re -- with regard to dust, we -- we have a dust

1 management plan, air quality management plan that we
2 follow, and we -- we do have dust control measures at
3 our crusher sites; however -- that's at the mine site.
4 At the Mary River site, we -- we have dust monitoring
5 that's in place. We have these passive monitors that
6 receive the dust, and what we do -- they're located at
7 various distances from the operation in different
8 directions, so we monitor those, that dust, and we
9 compare it to what was predicted in the environmental
10 -- in the environmental impact statement, and that is
11 how we monitor for potential dust and identify whether
12 there's a dust issue.

13 The results of the dust monitoring program
14 are reported annually in the Nunavut Impact Review
15 Board Annual Report, so that's what happens there.
16 With regard to the composition of the ore itself, the
17 chemical composition of the ore is inert. It does not
18 become bioavailable to organisms. It's a very inert
19 type of material, and it will not be taken up by -- by
20 biological organisms.

21 MR. ATAGOOTAK: Thank you. James
22 Atagootak with the Hamlet of Pond Inlet.

23 I thank you for your response. I had
24 wondered if there was no base on the stockpile, and I
25 had thought that it would be a better way to go if you
26 had like a leak aid (phonetic) or something to prevent

1 leaks, leaking into the soil or the lake, and I had
2 thought that you would have a base and rubber padding
3 like you have for tankfarms. You don't have the rubber
4 lining, but I don't have any more questions. Thank
5 you, rubber lining for the pad.

6 THE CHAIR: (Other language spoken)

7 I understand Staff has one more question to
8 Baffinland.

9 Nunavut Water Board Staff Further Questions Baffinland
10 Iron Mines Corporation

11 MR. JOSEPH: Yes, Mr. Chair. We do.

12 Thank you, Mr. Chair. This is Sean Joseph.

13 We neglected to ask the question to do with
14 security under the 8BC license. We know that
15 Baffinland actually posted financial security under the
16 8BC license. The initial license that was issued, the
17 initial 8BC license, 8BC-MRY1314, had a security amount
18 of around \$122,000, and when the license was renewed
19 back in 2014, an additional 24,000, almost \$25,000, was
20 added to that, which brings the total to about 146 or
21 close to \$147,000, so we just wanted to know what
22 Baffinland intends or what Baffinland wants us to do
23 with that security amount that is posted and whether or
24 not it would be asking for a reduction or just the fate
25 of that security overall? Thanks.

26 THE CHAIR: Thank you.

1 Baffinland.

2 MR. MADSEN: Erik Madsen with
3 Baffinland.

4 So your question was brought up earlier
5 before lunch about the status of the Type B license
6 you're referring to, and I think we've discussed it a
7 little bit, and I think most of the activities related
8 to this Type B license are now -- would be covered in
9 this new Type A and are covered in the security under
10 the Type A, so moving forward, I think what we would
11 probably do is request to -- once the Type A has been
12 amended, if it is amended, to go ahead and proceed with
13 the cancellation of the Type B license, and then we
14 would then ask for that amount of security to be
15 refunded to Baffinland, because it is now covered in
16 the Type A water license.

17 THE CHAIR: Thank you.

18 Any further questions?

19 MR. JOSEPH: Thank you, Mr. Chair.
20 Sean Joseph.

21 Thank you, Erik.

22 That would be all, Mr. Chair.

23 THE CHAIR: Thank you, Sean.

24 Next, we have Qikiqtani Inuit Association to
25 do a presentation. Thanks.

26 Whenever you're ready, please go ahead.

1 MS. MEADOWS: Mr. Chair, Teresa
2 Meadows, legal counsel for the Nunavut Water Board.
3 If I can have the witnesses state and spell
4 their name for the record first, please.

5 MR. WILLIAMSON BATHORY: (Other language spoken)
6 Stephen Williamson Bathory, QIA,
7 S-T-E-P-H-E-N W-I-L-L-I-A-M-S-O-N B-A-T-H-O-R-Y.

8 DR. VANGULCK: Jamie VanGulck, Arktis
9 Solutions Incorporated, technical consultant for the
10 Qikiqtani Inuit Association. J-A-M-I-E, and VanGulck
11 is spelled V-A-N-G-U-L-C-K.

12 MS. MEADOWS: Thank you.

13 STEPHEN WILLIAMSON BATHORY AND JAMIE VANGULCK, Affirmed

14 MS. MEADOWS: Thank you, Mr. Chair.
15 Teresa Meadows, legal counsel for the Nunavut Water
16 Board.

17 It's my understanding, Mr. Williamson
18 Bathory, that you have the two presentations -- two
19 hardcopies of presentations that you will be presenting
20 now, one in English, one in Inuktitut, and I will enter
21 these as the next two exhibits in the hearing.

22 EXHIBIT 3 - Inuktitut PowerPoint
23 presentation by Qikiqtani Inuit Association
24 EXHIBIT 4 - English PowerPoint presentation
25 by Qikiqtani Inuit Association

26 MS. MEADOWS: Thank you , Mr. Chair.

1 Teresa Meadow, legal counsel for the Nunavut Water
2 Board. Those would be Exhibits 3 and Exhibit 4. I
3 have not lost count from 1 and 2, and if you would wish
4 to proceed.

5 THE CHAIR: Go ahead.

6 Presentation by Qikiqtani Inuit Association

7 MR. WILLIAMSON BATHORY: (Other language spoken)

8 The presentation we will go through today,
9 again, it's available in English and Inuktitut.
10 Hardcopies are available by the front door for anyone
11 in the public, and this presentation has not been
12 changed since the presentation we submitted to the
13 Board last week, so for parties who've reviewed the
14 presentation in preparation for the hearing, the slides
15 and content and numbering have not changed.

16 To start our presentation, QIA would like to
17 thank everyone for convening for the purposes of this
18 hearing in Pond Inlet. We understand, particularly for
19 the community of Pond Inlet, this process has taken a
20 number of years. We've been through a series of
21 hearings, and we thank the community for continuing to
22 support our work to advance the Mary River project, as
23 well, particularly thanks to Baffinland Iron Mines for
24 continuing to be a responsive party through the process
25 for engaging parties in an effort to resolve matters
26 and advance the project, so we are thankful that at

1 today's hearing, we have a limited list of items to
2 discuss before the Board.

3 Today, QIA's presentation is focused on the
4 early revenue phase application, and there are several
5 issues we would like to talk about as we go through our
6 presentation. We've broken our presentation down into
7 the following sections: in future slides, we'll talk
8 about QIA's mandate, QIA's objectives, QIA's
9 participation to date, recommendations and conclusions
10 all pertaining to the Water Board process and this
11 early revenue phase application.

12 The mandate of QIA generally is to promote
13 and protect Inuit rights and values as described in the
14 Nunavut Land Claims Agreement in the context of water
15 licensing that includes a designated Inuit organization
16 status for Article 20 water rights under the Nunavut
17 Land Claims Agreement. Furthermore, QIA has negotiated
18 an Inuit Impacts and Benefit Agreement for the project
19 as well as a commercial land lease providing service
20 access to the project.

21 QIA is very excited about the Mary River
22 project and is very keen to see the project proceed.
23 In the same token, QIA is also very serious about its
24 responsibilities and, particularly, its liabilities
25 about the project and has made numerous representations
26 before the Board along those lines.

1 QIA has designed its presentation today to
2 focus on key recommendations we would like the Board to
3 take into consideration during their final
4 deliberations on this application.

5 So, again, through the Nunavut Water Board
6 process, QIA has a number of general objectives. Those
7 are to encourage community involvement, to focus on the
8 priorities as articulated by Inuit, to conduct detailed
9 technical reviews, and provide recommendations on
10 solutions as well as to continue to participate in the
11 evolution of the project. We believe processes like
12 these help establish common goals amongst parties and
13 allow possible projects to proceed in the best possible
14 way.

15 Specific to QIA's participation in the Mary
16 River water licensing process, QIA does follow
17 direction from its board of directors as well as its
18 executive committee. Through those structures, QIA has
19 created a department of major projects, and that
20 department has facilitated QIA's involvement in all of
21 the formal processes as established by the Nunavut
22 Water Board. Through these processes, QIA has met
23 regularly with the Proponent and other parties to
24 ensure that we are able to come to a resolution on key
25 topics as they -- as they occur.

26 In collaboration with the Proponent, we would

1 like to specifically highlight the work that has been
2 undertaken on the topics of reclamation security as
3 well as an Interim Closure and Reclamation Plan.

4 Now, I'll move to some of the specific topics
5 that have been discussed by parties as it relates to
6 the more technical assessment of the water license.

7 Again, QIA would like to affirm for the
8 record that a water compensation does, in fact, exist
9 for this project and that QIA is satisfied with that,
10 with that agreement, for the purposes of the early
11 revenue phase project.

12 On the topic of financial security, QIA
13 recognizes that the water license requires that
14 financial security be updated on an annual basis as
15 determined through the annual security review function
16 of the water license. The annual basis for updating
17 security is generally appropriate for a mine that's
18 starting development; however, after the initial
19 construction is completed, the liability on site is not
20 expected to significantly fluctuate on an annual basis.
21 Therefore, as summarized in QIA's intervention, Section
22 2.3, QIA requests that the Nunavut Water Board take the
23 following requests into consideration during their
24 final deliberations.

25 The first such request is that the license
26 maintain the annual security review as the basis for

1 the determination of financial security, and the second
2 request is that the license provide flexibility to not
3 necessarily require an annual security review on an
4 annual basis, rather that that decision be informed by
5 the Water Board, Baffinland, and other interested
6 stakeholders.

7 The next topic I would like to speak to is
8 the Interim Closure and Reclamation Plan. To date,
9 Baffinland has provided two updates to their Interim
10 Closure and Reclamation Plan over the last year.
11 Version 2 of the plan was submitted to the Nunavut
12 Water Board in June 2014, and Version 3 has been
13 provided in March 2015.

14 To the best of QIA's knowledge, Version 2 of
15 2 Interim Closure and Reclamation Plan has not received
16 approval status from the Nunavut Water Board yet. QIA
17 would also like to note that QIA has the authority to
18 approve the Interim Closure and Reclamation Plan as it
19 applies to Inuit-owned lands through provisions of the
20 Commercial Production Lease.

21 The request QIA is putting forward to the
22 Board for consideration of these hearings and as noted
23 in Section 2.4 of QIA's intervention is that Version 3
24 of the Interim Closure and Reclamation Plan as
25 submitted in March 2015 be subject to a review and
26 approval process within 60 days following the issuance

1 of an amended water license.

2 The next topic we'd like to speak to is
3 Aquatic Effects Monitoring Plan. In July of 2014,
4 Baffinland submitted their Aquatic Effects Monitoring
5 Plan to the Nunavut Water Board for their review and
6 approval. In November of 2014, QIA provided comments
7 on this plan. To the best of QIA's knowledge, the
8 Aquatic Effects Monitoring Plan has not received
9 official Nunavut Water Board approval, and QIA review
10 comments have not yet been addressed.

11 Baffinland has proposed to update the Aquatic
12 Effects Monitoring Plan and submit to the Nunavut Water
13 Board for review after the issuance of the amended
14 license. QIA requests that the Nunavut Water Board
15 accept this proposal.

16 Furthermore, and as noted in Section 2.5 of
17 QIA's intervention, QIA requests that the updated
18 Aquatic Effects Monitoring Plan address QIA's November
19 2014 comments on the previous plan as well as address
20 how waste discharged from the Milne Inlet Port's --
21 Milne Inlet Port or stockpile facility will enter Milne
22 Inlet and be monitored to assess for potential affects.

23 The next topic we'd like to speak to is waste
24 discharge from Milne Inlet Port or stockpile. The
25 early revenue phase application requires ore to be
26 stockpiled at Milne Port within a contained facility.

1 Effluent from the Milne Port or stockpile is proposed
2 to be discharged upstream of Milne Port, and the water
3 will flow down into the ocean at Milne Inlet.

4 As discussed in Section 2.6 of QIA's
5 intervention, QIA requests that the effluent from the
6 Milne Port or stockpile be monitored as part of the
7 water license surveillance network program.

8 Furthermore, QIA supports Environment
9 Canada's recommendation that the effluent from this
10 facility have discharge criteria defined in the water
11 license and that the discharge criteria be set to
12 ensure compliance with the Fisheries Act.

13 The next topic we would like to introduce is
14 the monitoring of the Tote Road stream crossings.

15 The Tote Road is the land transportation
16 corridor between Milne Port and Mary River. This Tote
17 Road was upgraded during the bulk sample program to an
18 all-weather road, and in 2013, upgrades to the Tote
19 Road commenced which included culvert replacements,
20 culvert extensions, and bridge replacements.
21 Baffinland presented on the same topic in Slide 14 of
22 their presentation this morning.

23 It is QIA's opinion that upgrades to the Tote
24 Road were required to support heavier and larger trucks
25 to transport ore than compared to those used during the
26 bulk sample program. The transportation of ore on the

1 Tote Road is an activity that is unique and, therefore,
2 associated with the early revenue phase application.

3 Currently, the water license has no
4 conditions to address water monitoring about the
5 culverts and bridges along the Tote Road; however, it
6 is QIA's opinion that water crossings are within the
7 jurisdictions of the Nunavut Water Board for it is a
8 water use as defined by the Nunavut Waters and Surface
9 Rights Tribunal Act.

10 For a further example, this approach of
11 requiring water monitoring for road operations,
12 culverts, and bridges is reflected in other Nunavut
13 Water Board licenses associated with the Meadowbank
14 project, the Meliadine project, as well as the City of
15 Iqaluit road construction project. Furthermore, QIA is
16 aware that conditions addressing water monitoring about
17 culverts and bridges along roads are also common within
18 the Northwest Territories.

19 With respect to this topic, QIA is presenting
20 three recommendations for consideration for the Nunavut
21 Water Board.

22 Recommendation Number 1, this recommendation
23 is framed around addressing the gap in water monitoring
24 as described in Section 2.7 of QIA's intervention.
25 Specifically, QIA is asking that an assessment of the
26 construction and post-construction water quality

1 monitoring is completed if an indicator -- as an
2 indicator if each watercourse crossing is performing to
3 the degree or potential impacts to water are
4 acceptable. Should insufficient information exist to
5 complete an assessment for water crossing, collection
6 of the necessary data to enable determining -- to
7 enable a determination of potential impacts should
8 occur.

9 Recommendation Number 2 is that any
10 additional upgrades should include adjustments,
11 modifications to the Tote Road from what has been
12 included in the 2013 Issued-for-Construction drawings
13 should be considered outside the scope of the current
14 water license and therefore an amendment being
15 required. In other words, additional or future
16 upgrades, adjustments, modifications, including, but
17 not limited to, additional to watercourse crossings,
18 culvert extensions, additional bridge crossings,
19 changes to the road width, changes to the road height,
20 or changes to the road embankment shall require
21 subsequent amendments to this water license.

22 The third recommendation by QIA is that
23 monitoring of surface water and the evaluation of
24 potential impacts to water about the Tote Road
25 infrastructure are addressed within the Aquatic Effects
26 Monitoring Plan or other appropriate management plan.

1 In conclusion, QIA has presented comments
2 before the Board which focus on QIA's mandate and
3 interests in the context of the early revenue phase
4 application. Although QIA has some ongoing concerns,
5 we believe we've presented recommendations that, if
6 adopted, would satisfy those concerns.

7 QIA continues to support the development of
8 the Mary River project in a responsible and sustainable
9 way. Following the community session this evening, QIA
10 may speak to a few other matters as raised by the
11 community members. We've decided not to include them
12 to allow the community members to speak first and
13 provide Baffinland with the opportunity to respond.
14 (Other language spoken)

15 THE CHAIR: Thank you.

16 Questions to QIA from the Applicant?

17 MR. MADSEN: It's Erik Madsen with
18 Baffinland. I think at this point, I don't think we
19 have any questions for the QIA.

20 THE CHAIR: Thank you.

21 Questions to QIA from AANDC?

22 MS. MORGAN: This is Andrea Morgan
23 from Aboriginal Affairs and Northern Development
24 Canada, and we have no questions for QIA. Thank you.

25 THE CHAIR: Thank you.

26 Environment Canada?

1 MR. DAHL: No questions from
2 Environment Canada. Mark Dahl.
3 THE CHAIR: HTO, questions to QIA?
4 HTO?
5 MS. MABLICK: Is it on? We don't have
6 any questions.
7 THE CHAIR: Thank you.
8 Staff?
9 MR. JOSEPH: Thank you, Mr. Chair.
10 Sean Joseph. No questions, Mr. Chair.
11 THE CHAIR: Thank you.
12 Questions to QIA from Panel members? Thank
13 you. (Other language spoken)
14 Next, we have AANDC to do your presentation.
15 Thank you, Teresa. There was a request made
16 to take a 10-minute break, so we'll take a 10-minute
17 break, and then we'll resume.
18 (ADJOURNMENT)
19 THE CHAIR: Welcome back.
20 MS. MEADOWS: Thank you, Mr. Chair.
21 Teresa Meadows, legal counsel for the Nunavut Water
22 Board. If I could have the witness state and spell
23 name for the record, please.
24 MS. MORGAN: Andrea Morgan.
25 A-N-D-R-E-A M-O-R-G-A-N.
26 MS. MEADOWS: Thank you, Ms. Morgan.

1 Would you like to be affirmed or sworn?

2 MS. MORGAN: Sworn.

3 ANDREA MORGAN, Sworn

4 MS. MEADOWS: Thank you. And it's my
5 understanding, Ms. Morgan, that you have the hardcopy
6 PowerPoint presentations of the materials that you are
7 about to present, and I will mark that as Exhibit 5 in
8 these proceedings.

9 EXHIBIT 5 - PowerPoint presentation by
10 Aboriginal Affairs and Northern Development
11 Canada

12 Discussion

13 MR. MUSCATI: Hello, it's Sina Muscati,
14 legal counsel for the Government of Canada. Before
15 Ms. Morgan presents, we have some new information that
16 we received that we will be presenting that's not
17 included in the slides, so Ms. Morgan is going to be
18 going through the presentation as submitted, and then
19 we'll -- we'll be providing the new information at the
20 end.

21 MS. MEADOWS: Teresa Meadows, legal
22 counsel for the Nunavut Water Board.

23 Yes, before you provide the additional
24 information, as you're going, if you can identify for
25 us where that additional information might go in the
26 existing presentation, that would be very helpful for

1 us, and then we can have a discussion about the
2 additional evidence that you would like to provide at
3 this point after you conclude the presentation as
4 presented. Thank you.

5 THE CHAIR: Go ahead with your
6 presentation.

7 Presentation by Aboriginal Affairs and Northern
8 Development Canada

9 MS. MORGAN: Okay. Thank you,
10 Mr. Chair.

11 Good afternoon, everyone. My name is Andrea
12 Morgan. I am a senior project engineer with Aboriginal
13 Affairs and Northern Development Canada. I presently
14 work out of the department's Iqaluit office along with
15 my three colleagues present with me today: Sina
16 Muscati, legal counsel with the Department of Justice;
17 Scott Burgess, Mary River project manager; and Sarah
18 Forte, water management coordinator. I would also like
19 to introduce Jean Allen, water management specialist,
20 who works with the department, department's water
21 resources division. Jean will be supporting the
22 department throughout the hearing via telephone. Jean
23 has worked on the licensing process for the Mary River
24 project, including this recent water license Amendment
25 Application review process.

26 On behalf of my colleagues that are here with

1 me today in Pond Inlet, I'd like to express our
2 appreciation to the Hamlet of Pond Inlet and their kind
3 hospitality. Also, I would like to thank the Nunavut
4 Water Board for this opportunity to make this
5 presentation and intervention on behalf of the
6 department regarding Baffinland Iron Mines
7 Corporation's application to amend their Type A water
8 license for the Mary River project, and I would like to
9 thank Baffinland Iron Mines Corporation for responding
10 to our questions throughout the review process.

11 Throughout this presentation, I will refer to
12 Aboriginal Affairs and Northern Development Canada as
13 "the department" and Baffinland Iron Mines Corporation
14 as "Baffinland".

15 In my presentation, I'll provide a brief
16 overview of the department's responsibilities with
17 respect to the Mary River project water license
18 Amendment Application and introduce the department's
19 staff that are assigned to work on the Mary River
20 project. I will outline our contributions to the
21 application review process so far before going over the
22 comments that the department has previously provided
23 and identify those comments that require further
24 clarification.

25 Aboriginal Affairs and Northern Development
26 Canada has a broad mandate for the co-management of

1 water resources and management of Crown land in Nunavut
2 under the following applicable laws and policies: The
3 Department of Indian and Northern Affairs, Northern
4 Development Act, the Nunavut Land Claims Agreement Act,
5 the Nunavut Waters and Nunavut Surface Rights Tribunal
6 Act and Regulations, the Territorial Lands Act and
7 Regulations, and the mine site reclamation policy for
8 Nunavut.

9 The department administers Crown land and
10 resources and enforces regulatory authorizations
11 affecting land and freshwater resources in Nunavut.
12 The department also intervenes in water license
13 hearings along with other stakeholders to provide
14 technical advice and expertise to the Nunavut Water
15 Board.

16 Aboriginal Affairs and Northern Development
17 Canada has assembled staff to work in the Iqaluit
18 office on major projects within Nunavut. The staff
19 that had been assigned to work on the different aspects
20 of the Mary River project are presented on this slide.

21 To begin, I want to confirm that the
22 department supports Baffinland's request to amend the
23 Type A water license. Baffinland has adequately
24 addressed the department's review comments throughout
25 the technical review process, including the January
26 28th technical meeting. There are additional comments

1 by the department on the revisions to the water license
2 application and responses to the technical meeting
3 commitments that were submitted by Baffinland in
4 February through March. These will be addressed in the
5 following slides.

6 The department has been engaged throughout
7 the water license amendment process that was initiated
8 by the Water Board in August 2014. Comments were
9 provided at each stage of the water license amendment
10 process, including the review of the application for
11 completeness, the Aquatics Effects Monitoring Plan, and
12 the Interim Closure and Reclamation Plan. Department
13 staff also participated in the teleconference call for
14 the water license technical meeting on January 28th,
15 2015.

16 Through a separate review process, the
17 department staff participated in the annual security
18 review that was initiated in November 2014 and
19 completed in January of 2015.

20 The department submitted written technical
21 review comments on the water license Amendment
22 Application on November 14th, 2014. These comments
23 focused on the design and monitoring of the Milne Port
24 ore stockpile sediment ponds and the Interim Mine
25 Closure and Reclamation Plan that was issued June 27th,
26 2014. These comments have been addressed by the

1 licensee. The department is satisfied with
2 Baffinland's response.

3 THE CHAIR: Could I ask you to go a
4 little slower for the benefit of our court reporter.

5 MS. MORGAN: Okay. Sorry.

6 The department submitted additional comments
7 in the final written submission to the Water Board on
8 April 22nd, 2015. These comments reflect the
9 department's review of the additional information that
10 was provided by Baffinland since January 28th, 2015,
11 technical meeting and also refer to the annual security
12 review process and the Water Board's written direction
13 on this process dated February 11th, 2015.

14 In the revised water license application
15 issued to the Water Board on February 9th, 2015, the
16 amount of daily water use for dust suppression was
17 increased from 1,500 metre cubed per day to 2,788.5
18 metre cubes per day.

19 Baffinland has confirmed in their April 29th,
20 2015, response to our final written submission that
21 they do not propose to withdraw the maximum daily
22 amounts from all seven catchments in Phillips Creeks
23 during the same period.

24 The department recommends that the water
25 license clearly represents the limits to the maximum
26 daily water withdraw rates for each of the water

1 courses that will be used for dust suppression.

2 The department recommends that the revised
3 changes suggested by Baffinland to the water license
4 Part E, conditions applying to water use and
5 management, also include the requirements for an
6 environmental coordinator to visually inspect the water
7 courses used for dust suppression and review the
8 ongoing stream gauging information or that this
9 information be included in the management plan that
10 would become part of the license pursuant to Section 16
11 of Part B of the license.

12 The purpose of these inspections would be to
13 confirm if actual flows are representative of the wet,
14 mean, or dry-year conditions as estimated in the
15 hydrologic assessment. If the mean-measured flows are
16 indicating a drier year, then water withdraw rates
17 should be restricted as detailed in Table 4 of the
18 water license suggested revisions.

19 This approach to address possible differences
20 between the estimated versus actual dry-year flow
21 conditions was proposed by Knight Piesold Consulting in
22 their July 16th, 2014, letter to Baffinland entitled
23 the "Hydrology Assessment of Water Sources for Dust
24 Suppression Along the Tote Road".

25 The department recommends that the monitoring
26 station locations and methods used to determine the

1 low-flow years be included in the Aquatic Effects
2 Monitoring Plan.

3 The existing Type A water license references
4 the Interim Mine Closure and Reclamation Plan and
5 reclamation costs that were issued in 2012 as part of
6 the original water license application. Baffinland has
7 since updated the Interim Mine Closure and Reclamation
8 Plan and reclamation costs to include the early revenue
9 phase. The department recommends that the amended
10 water license include reference to the most recent plan
11 and costs that have been reviewed and approved.

12 So the new information that I will be
13 providing at the end of the presentation is with
14 regards to Slide 12, specifically with regards to
15 security.

16 The security costs have been developed based
17 on two scenarios. The 2015 work plan security cost
18 estimate includes the maximum reclamation costs that
19 may be incurred for works that are planned to the end
20 of 2015 construction season. This estimate, based on
21 the existing water license, is to be reviewed annually
22 through the annual security review process that starts
23 in November of each year.

24 The ultimate project is the long-term project
25 that assumes full development of the Mary River
26 project, including the railway and development of

1 Steensby Port area.

2 The department sees merit in Baffinland's
3 interest to move away from a rigid annual approach to
4 security estimates due to the time and costs associated
5 with this process. A number of the recommendations
6 have been set out in the cover letter for the
7 department's April 22nd, 2015, final written submission
8 with regards to security for the Mary River project.

9 I have not included all the department's
10 recommendations to the Water Board in today's
11 presentation, but I've drawn out some important points
12 that the department is recommending.

13 Items A and 'B' on this slide highlight the
14 department's recommendations to ensure that the
15 security amount is in line with the reclamation work
16 that may be incurred should the site be abandoned.

17 The department's April 22nd, 2015, final
18 written submission has been posted on the Water Board
19 FTP site.

20 The department recommends that both Part C
21 and Schedule C be revised to more clearly indicate the
22 Water Board's jurisdiction is with the security fixed
23 within the license and that, accordingly, furnished to
24 the Minister of Aboriginal Affairs and Northern
25 Development.

26 The department's April 22nd, 2015, final

1 written submission provides further terminology in Part
2 2 of the cover letter. That can be used to support
3 these revisions. The department is also interested to
4 provide further help with more specific changes if the
5 Water Board would find this helpful.

6 The department's recommendations have
7 remained consistent throughout the application review
8 process of both the existing Type A water license
9 signed in 2013 and this current Type A water license
10 amendment. The Minister supports -- support for
11 discounting this security is held within the water
12 license as conditional that any discounting to a
13 security be supported by evidence and that the Minister
14 should be kept informed of any changes to the security
15 amount and that any changes to the schedules should be
16 treated similarly to changes to the body of the
17 license, that is through an amendment process.

18 In conclusion, Baffinland has adequately
19 addressed the department's comments throughout the
20 technical review process. The department recommends
21 that the renewal application be accepted with
22 consideration of the comments provided in the April
23 22nd, 2015, final written submission as well as the
24 additional information which I will provide at this
25 moment.

26 Discussion (Admissibility of New Evidence)

1 MS. MEADOWS: Mr. Chair, legal -- Teresa
2 Meadows, legal counsel for the Nunavut Water Board.

3 It's my understanding that you have
4 additional information with respect to security that
5 you wish to offer at this point, but before we do that,
6 I'd like to have a discussion about the submission of
7 new evidence at this point and give the parties present
8 an opportunity to comment on, just generally, the
9 submission of new evidence at this point. I don't need
10 to know what the evidence is, I just need to know,
11 generally, that it pertains to security and an update.
12 It's my understanding it's an update of the position of
13 Aboriginal Affairs and Northern Development Canada with
14 respect to the security to be held under this amended
15 license? Is that correct?

16 MR. MUSCATI: That's correct, and
17 strictly speaking, we're not presenting any -- any new
18 evidence but it is a change in the position based on
19 the -- based on having reviewed all the submissions and
20 the -- the circumstances.

21 MS. MEADOWS: Thank you, Mr. Chair.
22 Teresa Meadows, legal counsel for the Nunavut Water
23 Board.

24 Mr. Muscati, is the information -- and I'm
25 thinking in general terms again. Has Aboriginal
26 Affairs and Northern Development Canada presented the

1 specific figures before that you're now intending to
2 offer?

3 MR. MUSCATI: The information we'll be
4 presenting is based on evidence that has been presented
5 in earlier annual security review processes, and I
6 understand that that evidence remains on the record for
7 the purposes of this hearing.

8 MS. MEADOWS: Thank you, Mr. Chair.
9 Teresa Meadows, legal counsel for the Nunavut Water
10 Board.

11 Perhaps what I'll do is I'll poll the parties
12 first with respect to their position as to whether or
13 not they'd consider a revised number, I would imagine,
14 a revised number in terms of what you think should be
15 held under the water license, because I don't believe
16 as much as the basis of that number may have been
17 presented in the annual security review, I don't
18 believe we've actually seen the number that's being
19 suggested, so I'd like to go to legal counsel for the
20 Applicant first to see whether or not they have
21 anything to say about this, and then I'll also refer to
22 the other intervenor here, the Qikiqtani Inuit
23 Association as well, so first over to Baffinland.

24 Thank you, Mr. Chair.

25 THE CHAIR: Thank you.

26 Baffinland.

1 Submissions by Baffinland Iron Mines Corporation

2 MS. KOWBEL: Thank you, Mr. Chair.

3 Christine Kowbel, Baffinland.

4 I think Baffinland opposes the introduction
5 of any new evidence at this stage of these proceedings
6 on the issue of quantum of security. The issue of
7 quantum of security has not been an issue in these
8 proceedings that anyone, I think, has presented any
9 evidence on other than to say that the reclamation and
10 closure plan will be updated and subject to the usual
11 processes completed during the annual security review
12 at the end of this year.

13 It's, in our view, completely inappropriate
14 to bring up issues about quantum at this stage, given
15 that they have a technical aspect to them, given that
16 we've prepared for the hearing on the basis of the
17 submissions made so far in these proceedings, and given
18 the fact that the Board has established a very
19 thoughtful and thorough process to consider on an
20 annual basis at this time, the matter of quantum of
21 security and the appropriate quantum of security that
22 should be posted under this license, and I think for
23 all these reasons, we would oppose the introduction of
24 this kind of evidence at this stage.

25 Thank you, Mr. Chair.

26 THE CHAIR: Thank you.

1 Teresa.

2 MS. MEADOWS: Thank you, Mr. Chair.

3 Teresa Meadow, legal counsel for the Nunavut Water
4 Board.

5 If I can have the representatives from the
6 Qikiqtani Inuit Association perhaps provide their views
7 on the matter?

8 Submissions by Qikiqtani Inuit Association

9 MR. WILLIAMSON BATHORY: Hello. Stephen
10 Williamson Bathory, Qikiqtani Inuit Association.

11 We would like to support the statements made
12 by Baffinland's counsel. We feel that at this stage in
13 the hearing process, given the amount of time and
14 opportunity afforded to parties to already present
15 positions on security, given the fact there is an
16 annual security process within the license that was
17 completed for two years already, that we don't feel
18 it's appropriate to introduce new evidence at this
19 point in time.

20 If the Board chooses to entertain such a
21 discussion during this hearing, then QIA would like to
22 request the time to review and respond to such
23 material. We're not certain that we'd be in a position
24 to do that today or necessarily at these hearings,
25 given that until today, we had not heard that
26 discussion of the security figure was going to be

1 introduced. Thank you.

2 THE CHAIR: Thank you.

3 Teresa.

4 MS. MEADOWS: Thank you, Mr. Chair.

5 Perhaps we can open it up to the floor, if
6 there are any further comments from any of the parties,
7 and then the Panel will take a brief recess to discuss
8 the application for new evidence.

9 Thank you, Mr. Chair. Teresa Meadows, legal
10 counsel for the Nunavut Water Board. I don't know if
11 AANDC would like to reply to the submissions of
12 Baffinland and then we'll recess?

13 THE CHAIR: AANDC.
14 Submissions by Aboriginal Affairs and Northern
15 Development Canada

16 MR. MUSCATI: Thank you. Sina Muscati,
17 legal counsel for the Government of Canada.

18 I'll just say that the amendment process --
19 the amendment to the license will need to be approved
20 by the Minister, and, so, what we want to present is
21 what the department would be comfortable with, with
22 respect to security in order to be comfortable with
23 having the amendment go ahead, so that's the reason why
24 we wanted to present the new information.

25 THE CHAIR: Teresa.
26 Nunavut Water Board Staff Questions Aboriginal Affairs

1 and Northern Development Canada

2 MS. MEADOWS: Thank you, Mr. Chair.

3 Teresa Meadows, legal counsel for the Nunavut Water
4 Board.

5 Just a quick follow-up on that, then, am I to
6 take it that your suggestion is that this information
7 is directly tied to the Amendment Application and that
8 the Amendment Application should not proceed without a
9 full and complete understanding of this new
10 information?

11 THE CHAIR: AANDC.

12 MR. MUSCATI: Thank you, Sina Muscati,
13 legal counsel for the Government of Canada.

14 That's correct, yeah. This is information
15 that's material to the amendments and to whether the
16 department will recommend to the Minister whether the
17 amendment should be approved, so we understand that
18 this is coming in at the -- at the last minute. We had
19 these instructions sent to us today, and we appreciate
20 that there are concerns among the parties and that
21 there may be a need for more time for them to be able
22 to consider this information and to provide the
23 response to it.

24 THE CHAIR: Teresa.

25 MS. MEADOWS: Thank you, Mr. Chair.

26 Teresa Meadows, legal counsel for the Nunavut Water

1 Board. Thank you, Mr. Chair.

2 I think perhaps we should adjourn, and we'll
3 have a Panel discussion about the offering of the new
4 evidence, recognizing that potentially with the
5 submissions of Aboriginal Affairs and Northern
6 Development Canada, that the outcome may, in fact, be
7 an adjournment of the public hearing with respect to
8 this particular issue, so with that, we will adjourn.

9 THE CHAIR: Baffinland.

10 Submissions by Baffinland Iron Mines Corporation

11 MS. KOWBEL: Thank you, Mr. Chair.

12 Christine Kowbel.

13 I just wanted to clarify that I think I heard
14 a second motion in Mr. Muscati's response, which was a
15 motion to adjourn these hearings should the Board
16 accept new evidence to permit parties additional time,
17 and I just wanted to clarify that Baffinland would also
18 oppose that motion to adjourn on the basis that the
19 annual security review is the appropriate forum for
20 this discussion. The annual security review terms were
21 agreed to by AANDC, and they were established with
22 AANDC's full cooperation and involvement and that the
23 appropriate forum for these questions is within the
24 annual security review, and we don't believe that this
25 is an issue to be resolved in order to complete the
26 amendment process for this application.

1 THE CHAIR: Teresa.

2 MS. MEADOWS: Thank you, Mr. Chair.

3 Teresa Meadows, legal counsel for the Nunavut Water
4 Board. I require nothing further I think. Thank you.

5 THE CHAIR: We'll recess.

6 AANDC.

7 Submissions by Aboriginal Affairs and Northern
8 Development Canada

9 MR. MUSCATI: Thank you. Sina Muscati,
10 legal counsel for the Government of Canada.

11 We're not making a formal motion for an
12 adjournment, but we are presenting information that we
13 think is material to the amendment, and we appreciate
14 that other parties will need time to -- may need the
15 time to respond to this, so if -- if the Board feels
16 that there is a need to keep the record open, then we
17 leave that to the Board's judgment to decide.

18 THE CHAIR: Teresa.

19 MS. MEADOWS: Thank you, Mr. Chair.

20 Teresa Meadows, legal counsel for the Nunavut Water
21 Board.

22 I guess, you know, not to put too fine a
23 point on it, but formal motion or not, the net effect
24 of new evidence and the opportunity to reply is an
25 adjournment, so I'm not really sure how else to do it,
26 and I don't think, in fairness to the parties here,

1 that they would have the ability to respond to a
2 substantive revision with respect to quantum overnight,
3 so as much as I would like to have them work miracles
4 through the night, I suspect that that's probably not a
5 possibility.

6 Ms. Kowbel, I don't know if you have a
7 position on that, but I don't think that a response
8 would be available overnight, and also, too, I
9 recognize that the Qikiqtani Inuit Association does not
10 have their legal counsel here, so trying to -- trying
11 to prepare a response through the evening and into
12 tomorrow morning I suspect is probably a non-starter,
13 but Ms. Kowbel, perhaps if you can?

14 THE CHAIR: Baffinland.

15 Submissions by Baffinland Iron Mines Corporation

16 MS. KOWBEL: I think that that's safe
17 to say, but our final position on that would depend on
18 what the evidence is, should the Board determine they
19 wanted to hear from AANDC on this point.

20 THE CHAIR: Teresa.

21 MS. MEADOWS: Thank you, Mr. Chair.
22 Teresa Meadows. Legal counsel for the Nunavut Water
23 Board.

24 Perhaps if I can just ask, I think you
25 referenced it in your submissions, but trying to get
26 ahold of legal counsel tonight and be able to have a

1 position for the QIA tomorrow, if that's a possibility?

2 Submissions by Qikiqtani Inuit Association

3 MR. WILLIAMSON BATHORY: Thank you. Mr. Soundman?

4 Stephen Williamson Bathory, QIA. We've
5 reached out to our counsel. I just need a confirmation
6 call that we'd be able to connect this evening. It
7 appears we may be somewhat limited, given the
8 circumstance, and maybe just one final point to impress
9 upon the Board as you deliberate, we have, as an Inuit
10 association, invested considerable effort and work on
11 financial security for three years consistently on this
12 project. We've invested several hundred thousand
13 dollars of our institution's resources to ensure that
14 the liability on the project was well-managed. We've
15 done that in a way that we've worked with the Proponent
16 through policies that have been made public, explained,
17 introduced to all of their intervenors. We have spent
18 considerable effort ensuring that the evidence
19 presented before the Board at each of the annual
20 security reviews is not just substantial, but detailed
21 to the point where it could be critiqued in any form.

22 We are, to be fair, relatively frustrated
23 that a party would want to introduce matters of
24 security quantum at the final moment of an amendment
25 hearing, given that there have been many years and many
26 opportunities to have these discussions. We believe

1 the license permits that are to take place and that,
2 quite frankly, we think there are far more important
3 aspects of the project that we need to set our minds
4 to, and that's why this hearing's in Pond Inlet.

5 The project is meant to produce benefits to
6 these communities, and continuing a dialogue with no
7 resolution on security defers those opportunities, and
8 it's something QIA takes quite seriously, so, again,
9 QIA will continue to -- we'll reach out to our counsel
10 tonight. If we can resolve matters, we will, because
11 it's important that we're able to actually provide the
12 benefits and the opportunities associated with the
13 project.

14 To date, we haven't seen a single submission
15 from AANDC on the quantification of security that is
16 detailed. They have done armchair reviews of documents
17 and participated in a very ad hoc way through the
18 annual security review process, and that has been a
19 substantial limitation on our ability to move forward
20 on security as a whole, so it's not to say that we're
21 not open to discussions, but those discussions need to
22 take place in their proper venues. And we're very
23 cautious as to whether or not today's hearing on the
24 ERP amendment is that venue. Thank you.

25 THE CHAIR: Teresa.

26 MS. MEADOWS: Thank you, Mr. Chair.

1 Teresa Meadows, legal counsel for the Nunavut Water
2 Board.

3 With that, we will adjourn and consider the
4 two motions, even though I know it's only really one,
5 before the Board at the moment. Thank you.

6 THE CHAIR: Thank you.

7 (ADJOURNMENT)

8 THE CHAIR: Welcome back.

9 Teresa.

10 Ruling (Admissibility of Evidence)

11 MS. MEADOWS: Thank you, Mr. Chair, and
12 I think we've just heard legal counsel for the
13 Qikiqtani Inuit Association that has just called in, so
14 welcome, and thank you for joining us on such short
15 notice.

16 So when we adjourned, there were essentially
17 two motions before the Board. One to allow Aboriginal
18 Affairs and Northern Development Canada to present
19 additional evidence with respect to their position on
20 quantum of security to be held under an amended
21 license, and then flowing from that, the question was
22 if that evidence is allowed in, essentially, how the
23 Board may adjourn the hearing with respect to that
24 particular issue to allow the other parties time to
25 respond to the information presented, so I will start
26 by saying sort of some brief lead-in remarks.

1 We heard from Aboriginal Affairs and Northern
2 Development Canada that this additional information is
3 considered by them to be central to the Amendment
4 Application, and particularly reflecting the Minister's
5 jurisdiction to consider any amended license, should
6 the Board grant the amendment, the Minister would be,
7 at that point, considering whether or not adequate
8 security has been put in place.

9 The positions of the parties were that the
10 Applicant was opposed to this additional information
11 coming in, in this forum, having said that the annual
12 security review under the existing license is the more
13 appropriate venue for those discussions.

14 The Qikiqtani Inuit Association also took the
15 position in support of Baffinland's position, the
16 Applicant's position, that these discussions are more
17 appropriately dealt with under the annual security
18 review and not with respect to this Amendment
19 Application.

20 Having considered the submissions of the
21 parties, recognizing the stage of the review of the
22 Amendment Application that we're at, at the public
23 hearing, the Panel has decided to firstly allow
24 Aboriginal Affairs and Northern Development Canada to
25 present the additional evidence that they wish to with
26 respect to their position on quantum of security to be

1 held under a potentially amended license.

2 The second part of the Panel's direction is
3 to then permit, tomorrow morning, the Applicant and the
4 Qikiqtani Inuit Association to make submissions
5 tomorrow morning with respect to the time period that
6 they anticipate would be required to reply to the
7 additional evidence provided by Aboriginal Affairs and
8 Northern Development Canada.

9 At that point, the Panel will make a decision
10 as to the extent to which the record of this public
11 hearing may remain open and the time period for which
12 the record may remain open with respect to the issue of
13 quantum of security only.

14 So with that, Mr. Chair, I would turn it over
15 to Aboriginal Affairs and Northern Development Canada
16 to provide the additional submissions with respect to
17 their position on quantum of security. Thank you,
18 Mr. Chair.

19 THE CHAIR: Thank you, Teresa.

20 AANDC.

21 Further Presentation by Aboriginal Affairs and Northern
22 Development Canada

23 MS. MORGAN: Thank you to the Water
24 Board and to the Chair for considering the submission
25 of the new evidence by the department.

26 The issue of security is challenging. We are

1 still trying to find ways to minimize overbonding while
2 respecting the interest of Inuit landowners and
3 protecting the public interest. This problem has not
4 been resolved. The department now sees a need to
5 modify the approach we took previously. We appreciate
6 that this is an unexpected development and that
7 Baffinland, QIA, or the Board may need time to consider
8 and respond to it.

9 To protect the public interest and fulfill
10 the roles of the statutory officers under the Nunavut
11 Waters and Nunavut Surface Rights Tribunal Act, for
12 example, the Inspectors and the Minister, the minimum
13 water license security amount must cover Crown land,
14 water-related issues, and on Crown land and
15 water-related issues throughout the project scope.
16 Anything short of that would leave the Crown
17 significantly undersecured and would not be in the
18 public's interest.

19 In the Board's Reason for Decision of June
20 12th, 2013, the Board reviewed Baffinland's reclaim
21 evidence regarding the 2013 work plan which did
22 apportion out costs between land and water. At that
23 time, Baffinland's estimate of the water-related costs
24 was approximately 6 percent of the then current
25 reclamation cost estimate.

26 While that information applied to an earlier

1 work plan, it appears to be the best information
2 available to us on a reasonable apportionment between
3 land and water. On that basis, the department's
4 submission is that 6 percent of the consensus
5 reclamation cost estimate, that is 2,861,000 is the
6 minimum amount of security for the water license
7 itself. No discounting should take the Board below
8 that number.

9 The department understands the challenges of
10 apportioning reclamation costs between land and water
11 and understands the holistic approach that the Board
12 has taken; however, a discounting approach to security
13 requires the drawing of lines within the current
14 legislation -- legislative framework. This appears to
15 be the only way to reduce overbonding of Proponent's,
16 while at the same time protecting both the public
17 interest and respecting the interest of landowners and
18 holding security for the costs of risks that they may
19 -- must manage.

20 To be clear, the change in the department's
21 approach is with respect to the water-related issues on
22 private land. Our submission on a minimum quantum for
23 water license security modifies Part 1, paragraphs 2
24 and 3 of our written submission, but it does not
25 detract from the more general submission we have made
26 with respect to discounting.

1 The Board should discount only if the
2 conditions out in Part 2 of our written submissions are
3 addressed to the satisfaction of the Board. If the
4 Board does not have that evidence as basis for
5 discounting, then the reclamation cost estimate should
6 be secured in its entirety within the water license.

7 The department is undertaking a review of our
8 approach to water license security and, in particular,
9 to discounting to ensure that we are appropriately
10 safeguarding the public interest, and we will be
11 continuing to work on these issues in the coming
12 months.

13 The department understands that we can
14 anticipate an annual security review process as early
15 as this fall. While we don't have a precise
16 quantification of the problem, we already have enough
17 information to conclude that we are undersecured in
18 relation to what the public interest requires. That
19 situation should be rectified at the earliest possible
20 opportunity. The annual security review process would
21 be an opportunity to refine the numbers, and we should
22 start addressing the issue now.

23 And that completes our submission.

24 THE CHAIR: Thank you. Questions to
25 AANDC from the Applicant?
26 Baffinland Iron Mines Corporation Questions Aboriginal

1 Affairs and Northern Development Canada

2 MR. MADSEN: Erik Madsen with
3 Baffinland.

4 Once again, it's very disappointing at this
5 point in time to be talking about this. Two months
6 ago, your department participated in a review of this
7 and was in agreement with the amounts that were
8 proposed.

9 Just to clarify, you mentioned earlier -- in
10 the earlier amounts, 2013, there was 6 percent related
11 to an earlier work plan. You know, as these things
12 evolve, you look at your cost estimates and you
13 determine that there's certain amount of your work
14 plans that have been allocated to the wrong owners, and
15 in this case, the 2013 work plan and the cost estimate,
16 there was certain amount of funds related to cost
17 estimate that should have been on IOL lands, and that's
18 why in subsequent submissions, the amount of IOL or
19 QIA-related securities went up, and that's why these
20 annual security reviews are done, and we do very
21 thorough reviews on them, and you've heard from the QIA
22 they've done a thorough review, and I just want to
23 confirm that your department did participate in those
24 reviews this year and basically agreed on this year's,
25 the 2015, work plan on the amounts that were agreed
26 upon.

1 THE CHAIR: Thank you.

2 AANDC.

3 MR. MUSCATI: It's Sina Muscati, legal
4 counsel for the Government of Canada.

5 So, yes, the department was involved in the
6 2015 annual security review process that did arrive at
7 an amount, but the department is continually looking at
8 security and whether it's able to be comfortable. That
9 it's in a position to protect the public interest,
10 given the amount of security, and based on the ongoing
11 review and the instructions and information that we've
12 received, they feel that the security amount is not --
13 is not an amount that is sufficient to protect the --
14 to secure their interests and to protect the public
15 interests, so it's just based on an ongoing review and
16 assessment of the security amount.

17 THE CHAIR: Thank you.

18 Applicant.

19 MR. MADSEN: It's Erik Madsen again
20 with Baffinland.

21 I guess I can appreciate that, that you're
22 continuing to review it. I guess just a comment from
23 us. I appreciate that where we are right now with the
24 situation of our project, with other things that are
25 going on with other institutions such as NPC , we've
26 actually decided to scale back a lot of our work this

1 year in 2015, and, so, there's a lot less activities
2 that are going to occur this year that were actually
3 proposed in the 2015 work plan, so the amount of sea
4 lifts we'll be bringing in will be significant less, so
5 I will actually be making the comment right now that
6 for this year in 2015, we are probably overbonded for
7 the work that we are planning to do this year by
8 millions of dollars.

9 THE CHAIR: Thank you.

10 AANDC.

11 MS. MORGAN: Andrea Morgan from AANDC.

12 Thank you, Baffinland, for this information.
13 It will be taken into consideration through a review.

14 THE CHAIR: Thank you. Any further
15 questions from Baffinland?

16 MR. MADSEN: No, not just any further
17 questions, just a general comment. You know, as people
18 understand that the price of iron ore is very low
19 compared to when we first started out on this project,
20 so any -- anything like situations that are just
21 occurring now really impact how investments are done in
22 the north and in Nunavut, and this is something that
23 not only our company, but other people that are going
24 to invest in this territory are going to think about
25 moving forward. Thank you.

26 THE CHAIR: Thank you.

1 Questions to AANDC from Qikiqtani Inuit
2 Association?

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1 Qikiqtani Inuit Association Questions Aboriginal
2 Affairs and Northern Development Canada

3 MR. WILLIAMSON BATHORY: Stephen Williamson
4 Bathory, QIA.

5 A general question first to AANDC. You've
6 just presented an oral submission, a change in some of
7 your submission relative to what was submitted last
8 week in your formal preparation. A question to AANDC
9 and looking also for confirmation of the Board, is that
10 going to be provided in writing? When would that be
11 provided in writing, and are there more pieces that we
12 would expect to be delivered in concert with that?
13 We're asking simply because what was described is --
14 we're interpreting as a concept. AANDC's proposing a
15 concept to resolve an AANDC point of conflict with what
16 they're viewing as being the security process present.
17 QIA needs a better understanding of what AANDC's
18 actually presenting.

19 What you have just introduced raises a number
20 of questions that of course we would need to understand
21 before we could begin to undertake to develop a
22 position, so respecting that the Water Board has asked
23 we make a representation by tomorrow morning, from our
24 perspective, we need to first understand the process
25 through which your positions will be presented,
26 clarified such that our review can be initiated. Thank

1 you.

2 THE CHAIR: Thank you.

3 AANDC.

4 MR. MUSCATI: Thank you. It's Sina
5 Muscati, legal counsel for Government of Canada.

6 Yes, we do appreciate that this information
7 has come in last minute, and I will be checking just to
8 see when we might have a written submission that we'll
9 be able to provide, and hopefully within the next hour,
10 we can get back to you with more details on when that
11 will be coming in and in what format.

12 THE CHAIR: Thank you.

13 QIA.

14 MR. WILLIAMSON BATHORY: So just as a follow-up,
15 and we can again spend more time on this over the
16 evening, but what I would suggest, QIA will need time
17 to first receive and review the AANDC submission before
18 we can fully respond on how much time we would need to
19 present our position on the topics raised by AANDC. We
20 simply can't predict what our timeframes will be in the
21 absence of seeing the submission and then having the
22 opportunity to clarify the submission with AANDC.

23 Thank you.

24 THE CHAIR: Thank you.

25 AANDC.

26 MR. MUSCATI: Thank you. Sina Muscati,

1 legal counsel for Government of Canada.

2 Yes, we appreciate that and will try to get
3 you that information as soon as possible.

4 THE CHAIR: QIA.

5 MR. WILLIAMSON BATHORY: Thank you. Again,
6 Stephen Williamson Bathory, QIA.

7 Just because our counsel has joined on the
8 phone line, I would ask if he has anything further to
9 add? Otherwise, I'm happy to further discuss with the
10 Board at the close of today, and QIA can prepare a
11 formal response by the morning, but, again, I'd like to
12 involve our counsel in this.

13 THE CHAIR: Thank you.

14 Legal Counsel.

15 MR. OSLAND: Yes, Sorry, Mr. Chairman.
16 It's Mike Osland speaking in Ottawa. I hope you can
17 hear me. I apologize if the technology is preventing a
18 better submission from me. I'm having a difficult time
19 hearing. A fair number of blackouts occurring while
20 some of the speakers have been presenting.

21 I just want to point out we don't even have
22 instructions. We will speak with QIA over the evening,
23 and tomorrow we'll come back with any further direction
24 or submissions we'd like to make after we clarify
25 instructions, but I would like to point out just how
26 disappointing this is, this turn of events truly is

1 given the fact that QIA spends a significant amount of
2 cost in following the process and respecting the
3 process, and to have last-minute submissions like this
4 brought in, I really think it would be incumbent upon
5 the Board to really try to identify how to separately
6 isolate this issue and avoid it from bogging down the
7 hearing as a whole or any issues that need to be
8 resolved for this year's operations.

9 As far as QIA is concerned, there was an ASR
10 earlier this year. The 2015 security has been accepted
11 and agreed to by the department, and any other issues
12 that they wish to raise, we can certainly look to,
13 identify, respond to if we're given enough time to do
14 so, but it's -- it's just not fair to either QIA or to
15 the Proponent if this is the sort of last-minute
16 raising of major issues is allowed to bog down the
17 entire process; and other than that, very off-the-cuff
18 submission, we'll seek further instructions and
19 hopefully be on the phone with you tomorrow. Thank
20 you.

21 THE CHAIR: Thank you.

22 Environment Canada?

23 MR. DAHL: No comments from
24 Environment Canada or questions.

25 THE CHAIR: Thank you.

26 Hamlet of Pond Inlet?

1 HT0? HT0?

2 Staff?

3 Nunavut Water Board Staff Questions Aboriginal Affairs
4 and Northern Development Canada

5 MR. JOSEPH: Sean Joseph. Thank you
6 Mr. Chair. We have just one clarification that we'd
7 like to seek from AANDC.

8 THE CHAIR: Go ahead, Sean.

9 MR. JOSEPH: Thank you, Mr. Chair.

10 Referring to Slide Number 9 from AANDC's
11 presentation, I would just like to know if AANDC could
12 elaborate a little bit in terms of the rationale for
13 wanting the water use that the Proponent is asking for,
14 wanting to limit that amount to 1,500 cubic metres per
15 day?

16 THE CHAIR: AANDC.

17 MS. MORGAN: This is Andrea Morgan
18 from AANDC. I just need a second to think to give you
19 a proper response.

20 So with regards to the withdraw rates,
21 they're in Table 4. There was a maximum withdraw rate
22 indicated for each of the water courses, and, in total,
23 they summed up to the 2,788, although Baffinland has
24 indicated that they would not be withdrawing from all
25 seven water courses within the Phillips Creek. They --
26 it's not clear within the proposed water license

1 submission, and I guess what we were raising concern is
2 accumulative impacts, if it's -- if -- should the full
3 amount be taken out at the same time, what would that
4 accumulative impact be on the Phillips Creek.

5 MR. JOSEPH: Thank you, AANDC. Thanks
6 for your answer. We appreciate it.

7 That will be all for me, Mr. Chair.

8 THE CHAIR: Thank you. Any questions
9 to AANDC from Panel members? We will move on to the
10 next intervenor. Ten-minute break. Ten-minute break,
11 one, zero minutes.

12 (ADJOURNMENT)

13 THE CHAIR: Welcome back. I
14 understand QIA has a few more questions for AANDC.

15 Please go ahead.

16 Qikiqtani Inuit Association Further Questions
17 Aboriginal Affairs and Northern Development Canada

18 MR. WILLIAMSON BATHORY: (Other language spoken)

19 Stephen Williamson Bathory, QIA.

20 I'd like to ask if we could look at Slide 15
21 from your presentation? And, again, this brings back
22 the topic of security. On that slide, there's a line
23 which reads, (as read):

24 Any discounting be supported by evidence.
25 The question we'd like to ask AANDC is through these
26 hearings, you've represented some thoughts on security.

1 On the topic of evidence, do you know of any specific
2 issues, based on the public record for this license,
3 which would suggest there are weaknesses in the
4 evidence that have been presented by parties to support
5 discounting? So is there anything specific that you
6 can point to on the topic of weaknesses in evidence as
7 presented before the Board?

8 THE CHAIR: Thank you.

9 AANDC.

10 MS. MORGAN: Andrea Morgan from AANDC.

11 The purpose of the information on Slide 15
12 and that were included in the cover letter for the
13 final written submission was intended as
14 recommendations on how to manage security within the
15 water license. It was not specific to the security
16 that we just currently reviewed in the past year.

17 THE CHAIR: Thank you. QIA.

18 MR. WILLIAMSON BATHORY: (Other language spoken)

19 Stephen Williamson Bathory, QIA.

20 Just a follow-up question, then. AANDC did
21 provide an April 22nd submission to the Board, and they
22 referenced that earlier in their presentation.
23 Specifically, I'm looking at page 4 of 6, and page 4 of
24 6 lays out five specific items that AANDC suggests
25 would have to be presented to establish that proper
26 evidence exists to support discounting.

1 Again, I would like to ask if AANDC can point
2 to any of those five bullets in their submission that
3 would suggest that such evidence hasn't already been
4 presented before the Board as it relates to the Mary
5 River financial security estimates.

6 So we understand in your most recent
7 response, your slide is a general statement. At this
8 hearing, we're looking to resolve specific matters, so,
9 again, specifically, can you point to an issue of
10 evidence from that list?

11 THE CHAIR: Thank you.

12 AANDC.

13 MS. MORGAN: Andrea Morgan from AANDC.

14 Again, these are comments that were directed
15 to the Water Board with regards to security management
16 under the license that the department was recommending
17 that the wording within the amended license ensure that
18 these items that have been included in -- within this
19 page 2 and 6 of the cover letter of the April 22nd
20 submission, that these are covered within the water
21 license wording itself.

22 THE CHAIR: Thank you.

23 QIA.

24 MR. WILLIAMSON BATHORY: (Other language
25 spoken)

26 Stephen Williamson Bathory, QIA.

1 From that, QIA takes the understanding that
2 there are no specific issues relative to the evidence
3 that has been presented before the Board on the topic
4 of financial security. The only other follow-up
5 comment we would like to propose back to AANDC is
6 confirmation that AANDC participated in the review of
7 the 2013 work plan for the purposes of establishing
8 security as well as the 2014 and 2015 ASR process for
9 the purpose of establishing security?

10 (Other language spoken)

11 THE CHAIR: Thank you.

12 AANDC.

13 MS. MORGAN: Andrea Morgan from AANDC.

14 I just want to rephrase your questions to
15 make sure that I understand them clearly. I think
16 there was two questions there. The first one is that
17 QIA is seeking confirmation from the department that
18 the evidence is adequate for the security held by QIA;
19 and the second question was to confirm AANDC's
20 participation in -- of the 2013, '14 annual security
21 reviews as well ? Is that correct?

22 THE CHAIR: QIA.

23 MR. WILLIAMSON BATHORY: (Other language spoken)

24 Stephen Williamson Bathory, QIA.

25 And I'll try to just be more clear, so I'll
26 deal with the first topic. QIA now understands that

1 AANDC does not have any specific issues to raise with
2 regards to the evidence that have been presented, and
3 we were just looking for a final confirmation that
4 there's no specific issue with any specific piece of
5 evidence that has been presented to date? So that was
6 Topic 1.

7 The second topic is just a confirmation that
8 AANDC did, in fact, participate in the establishment
9 for security for the 2013 work plan, that was through a
10 hearing process, as well as the 2014 and 2015 ASR
11 process?

12 Thank you.

13 THE CHAIR: Thank you.

14 AANDC.

15 MS. MORGAN: Andrea Morgan from AANDC.

16 Regarding your first question, the department
17 -- see, my understanding that it's the Water Board that
18 reviews the evidence that is brought forward by QIA on
19 the security, and they make their decision on whether
20 the security is held in the same form as what it would
21 be, and intent is that it would be held by the Minister
22 or by the Crown, so I think that answers the first
23 question.

24 And the second question is I've -- myself, I
25 have been involved with the annual security review for
26 the work plan for 2015. I understand that the

1 department was also involved with the 2013 and 2014
2 annual security review. I was not participating in
3 that, but I do see correspondences from previous
4 department representatives.

5 THE CHAIR: Thank you.

6 QIA.

7 MR. WILLIAMSON BATHORY: (Other language spoken)

8 Stephen Williamson Bathory, QIA.

9 So hopefully just one final question, then.
10 What we're hearing is that through this process, AANDC
11 doesn't have any advice to give to the Board on the
12 basis that there is any weakness in the evidence that
13 has been presented on security, so through this
14 process, parties are able to advise the Board in their
15 decision-making. We're just confirming there's no
16 specific advice AANDC's offering the Board on the topic
17 of evidence?

18 Thank you.

19 THE CHAIR: Thank you.

20 AANDC.

21 MS. MORGAN: Andrea Morgan from AANDC.

22 The focus has been really to clarify to the
23 Water Board what the department's expectations are for
24 security that is held outside of the water license, and
25 it was the intent of the April 22nd, 2015, final
26 submission that that would bring more clarity to the

1 department's expectations of the Water Board when they
2 do review the evidence.

3 THE CHAIR: Thank you.

4 QIA?

5 MR. WILLIAMSON BATHORY: (Other language spoken)

6 Stephen Williamson Bathory, QIA.

7 Nothing further.

8 THE CHAIR: Thank you. We will now move
9 on to our next intervenor, Environment Canada.

10 Teresa.

11 MS. MEADOWS: Thank you, Mr. Chair.

12 Teresa Meadows, legal counsel for the Nunavut Water
13 Board. We have, on the phone, two witnesses who will
14 be providing evidence for Environment Canada, and I
15 will solemnly affirm them because I cannot see them
16 holding a Bible at this point, so if I can have the
17 witnesses, by teleconference, state and spell their
18 name for the record, please.

19 MR. DAHL: Mark Dahl, M-A-R-K

20 D-A-H-L.

21 MS. WILSON: And Anne Wilson, A-N-N-E

22 W-I-L-S-O-N.

23 MS. MEADOWS: Thank you, Mr. Dahl and

24 Ms. Wilson.

25 MARK DAHL, ANNE WILSON, Affirmed

26 MS. MEADOWS: Thank you, Mr. Chair.

1 Teresa Meadows, legal counsel for the Nunavut Water
2 Board.

3 It's also my understanding, Mr. Dahl, that
4 you have provided the Board with your -- a written copy
5 of your speaking notes today, and the Board will be
6 providing that as the next exhibit in the hearing and
7 will be posting it in an electronic form onto the
8 registry.

9 MR. DAHL: That's correct.

10 MS. MEADOWS: Thank you. For the
11 record, that will be entered as Exhibit Number 6.
12 Thank you.

13 EXHIBIT 6 - Electronic copy of speaking
14 notes provided by Environment Canada

15 THE CHAIR: Thank you. Please go
16 ahead with your presentation.

17 Presentation by Environment Canada

18 MR. DAHL: Thank you, Mr. Chair.

19 And just to put everybody's mind at ease,
20 I'll start with this is not new information. This is
21 just a summary of information provided previously.

22 As was mentioned, my name is Mark Dahl, and
23 I'll be speaking on behalf of Environment Canada, and
24 Anne Wilson is here on the phone as well, and she's a
25 water quality expert for Environment Canada, and I did
26 not provide a formal presentation for the hearing, but

1 my speaking here will be a brief overview of our
2 mandate and our role in the water licensing process as
3 well as I'll identify the issues that we feel have been
4 resolved from our perspective.

5 Environment Canada is an expert department
6 that reviews department or developmental proposals for
7 potential environ -- for potential -- and potential
8 environmental impacts and provides the scientific
9 information and knowledge to regulators and boards on
10 issues falling within our mandate. Environment
11 Canada's responsibilities for environmental management
12 and protection are mandated by the Department of the
13 Environment Act and include the preservation of water
14 quality as well as the conservation and protection of
15 enviro -- of Canada's water resources.

16 For a water license, Environment Canada's
17 efforts focus on protecting water quality as well as on
18 effective waste management and the protection of air
19 quality as they relate to water quality. Environment
20 Canada is responsible for parts of the Fisheries Act
21 dealing with the prevention and control of pollutants
22 affecting fish.

23 Section 36 of the Fisheries Act is a key
24 pollution prevention provision which prohibits the
25 introduction of harmful substances into waters
26 frequented by fish. Environment Canada also has

1 pollution-prevention-related responsibilities under the
2 Canadian Environmental Protection Act, or CEPA. CEPA
3 includes a number of regulations, guidelines, and codes
4 of practice that are designated to protect the
5 environment from the introduction of toxic substances.

6 It is from this perspective that Environment
7 Canada provides recommendations and advice to the
8 Nunavut Water Board and to the Nunavut Impact Review
9 Board.

10 During the review of the amendment proposed
11 by Baffinland, Environment Canada determined that the
12 Metal Mining Effluent Regulations were being
13 inappropriately applied to the port sites and that the
14 monitoring of discharges to the marine environment and
15 monitoring of effects in the marine environment were
16 required.

17 Through correspondence and during discussions
18 with Baffinland and other intervenors at the technical
19 meeting, Environment Canada is satisfied that these
20 issues have been resolved. Environment Canada also
21 looks forward to further discussions regarding the
22 implementation of discharge and effects monitoring at
23 the Marine Environment Working Group.

24 Thank you.

25 THE CHAIR: Thank you.

26 Questions to Environment Canada from the

1 Applicant?

2 MR. MADSEN: It's Erik Madsen with
3 Baffinland. We have no questions.

4 THE CHAIR: Thank you.

5 QIA?

6 Qikiqtani Inuit Association Questions Environment
7 Canada

8 DR. VANGULCK: Thank you, Mr. Chair.
9 Jamie VanGulck for the QIA.

10 Baffinland has proposed the effluent quality
11 criteria for waters discharged from the Milne Inlet
12 store -- ore stockpile. These are listed in Part F,
13 Item 25 of the water license. Could Environment Canada
14 comment on the suitability of that effluent quality
15 criteria for this setting?

16 MS. WILSON: Anne Wilson here. I'm
17 assuming, Mr. Chairman, that it's okay to proceed to
18 speak and answer?

19 THE CHAIR: Go ahead, please.

20 MS. WILSON: Thank you.

21 So the water license limits apply to
22 discharges to freshwater. The applying the MMER limits
23 to the marine environment would pose less concern than
24 it would to freshwater because of the large receiving
25 environment capacity to simulate, not to mention the
26 tidal flushing that would continually dilute or rinse

1 out the water that comes in from the land there, so the
2 main thing that EC wants to see is that the effluent at
3 end of pipe is not deleterious. It must comply with
4 the Fisheries Act, and to that end, we would expect to
5 see the bioassay testing as one indicator of
6 deleteriousness that the effluent be non-acutely toxic.
7 Thank you.

8 THE CHAIR: Thank you.

9 QIA?

10 DR. VANGULCK: Jamie VanGulck for the
11 QIA.

12 Thank you very much for your response, Anne.
13 Just a follow-up question, then. If your only
14 recommendation is to achieve the Fisheries
15 authorization, would you have any recommendations to
16 the Board as to other water-quality parameters to
17 include in the effluent water quality for the Milne
18 Inlet stockpile effluent waters?

19 THE CHAIR: Thank you.

20 Environment Canada.

21 MS. WILSON: Thank you. Anne Wilson,
22 Environment Canada.

23 The toxicity testing provides us with an
24 integrated assessment of the quality of the effluent,
25 and because of the receiving environment not being
26 particularly sensitive, we are less worried about some

1 of the parameters, such as ammonia or nutrients, that
2 could cause eutrophication in freshwaters, so we didn't
3 put forward any specific recommendations for numbers or
4 parameters there. If the effluent passes the bioassay
5 test, I would trust that parameters of concern, such as
6 ammonia, would be at concentrations that would be below
7 the normal license limits, so I'm not sure if that
8 quite answers your question?

9 THE CHAIR: QIA?

10 DR. VANGULCK: Jamie VanGulck for the

11 QIA. No further comments.

12 Thank you very much, Environment Canada, for
13 your response.

14 THE CHAIR: Thank you.

15 Next we have AANDC, questions to Environment
16 Canada?

17 MS. MORGAN: Andrea Morgan from the
18 AANDC. There are no questions from the department.

19 THE CHAIR: Thank you. Any questions
20 to Environment Canada from Hamlet?

21 MR. ATAGOOTAK: No questions.

22 THE CHAIR: Questions to Environment
23 Canada from HTO? HTO?

24 Staff, questions to Environment Canada from
25 Staff?

26 MR. JOSEPH: Sean Joseph, NWB. No,

1 Mr. Chair, we have no questions to -- for Environment
2 Canada.

3 THE CHAIR: Board members?

4 Thank you. This brings us to 10 to 5. What
5 we will now do is break and be back here tonight at 7
6 for our community session from 7 to 10, and we'll see
7 you back here at 7.

8 (PROCEEDINGS CONCLUDED AT 4:50 PM)

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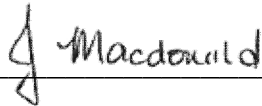
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1 CERTIFICATE OF TRANSCRIPT:
2

3 I, Julie Macdonald, certify that the foregoing
4 pages are a complete and accurate transcript of the
5 proceedings, taken down by me in shorthand and
6 transcribed from my shorthand notes to the best of my
7 skill and ability.

8 Dated at the City of Calgary, Province of Alberta,
9 this 17th day of May 2015.

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14 JULIE MACDONALD, CSR(A)
15 Official Court Reporter
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7	EXHIBIT 1 - Inuktitut PowerPoint	30
8	presentation by Baffinland Iron Mines	
9	Corporation	

10		
11	EXHIBIT 2 - English PowerPoint	30
12	presentation by Baffinland Iron Mines	
13	Corporation	

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15	EXHIBIT 3 - Inuktitut PowerPoint	102
16	presentation by Qikiqtani Inuit	
17	Association	

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19	EXHIBIT 4 - English PowerPoint	102
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22

23 EXHIBIT 5 - PowerPoint presentation by 114

24 Aboriginal Affairs and Northern

25 Development Canada

1 EXHIBIT 6 - Electronic copy of speaking 157
2 notes provided by Environment Canada

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