

File No: 2AM-MRY1325

**To:** Mary River Distribution List

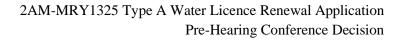
Date: December 19, 2024

**Subject:** Pre-Hearing Conference Decision Report regarding Renewal Application for

Type A Water Licence No: 2AM-MRY1325

This Pre-Hearing Conference Decision Report is in relation to the application (the Renewal Application or Application) filed by Baffinland Iron Mines Corporation (Baffinland or Applicant) for renewal of existing type A Water Licence No: 2AM-MRY1325 (the Water Licence) for the Mary River Project (Project). Baffinland proposes to renew the existing Water Licence for a term of 15 years. The scope of the Renewal Application remains generally the same as that of the current Water Licence (as outlined under the Scope of the Existing Water Licence subheading in this Report). No changes are being proposed in terms of scope, location, water use volumes, or deposit of waste. During the Technical Meeting for the file, the Applicant, Crown-Indigenous Relations and Northern Affairs (CIRNA), and the Qikiqtani Inuit Association (QIA) indicated that there may be an amendment to Part C (Security) and Schedule C (Annual Security Review) of the Water Licence to reflect that these parties are in discussions regarding entering into a Security Management Agreement that would guide how reclamation security would be administered for the Project going forward.

During the Pre-Hearing Conference, when discussing next steps and tentative timelines for the Renewal Application to advance to the Public Hearing stage, parties were advised by the Nunavut Water Board's (NWB or Board) legal counsel that in order to preserve the Board's and the Minister of Northern Affairs' (Minister) full timelines for decision-making after the Public Hearing, it is advisable for the Applicant to bring an application for a short-term renewal of up to 180 days of the Water Licence under s. 9(1)(b) of the *Nunavut Waters Regulations*, SOR/2013-693 (*Regulations*) to bridge any potential gap between the expiry of Licence No: 2AM-MRY1325 on June 10, 2025 and the NWB's and Minister's completion of decision-making for the Renewal Application (and if recommended by the NWB and approved by the Minister, the issuance of a renewed licence). As permitted under s. 9(1)(b) of the *Regulations*, the short-term renewal application can be processed by the Board without a Public Hearing. Given the requirement under s. 55 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*,) S.C. 2002, c. 10 (*NWNSRTA*) requiring the Board to provide at least 30 days' notice of an application before acting





on the application, the Board recommended that Baffinland consider submitting a short-term renewal application early in 2025. The Board emphasizes that in recommending that a short-term renewal application is advisable, the NWB would continue to be bound by the timelines in the *NWNSRTA*, and would nonetheless continue to process the Renewal Application in a timely manner.

On December 19, 2024, the Members of the Mary River Panel (the Panel or P4 Panel), duly appointed by the Nunavut Water Board (NWB or Board) as the decision-makers for the file met by teleconference to consider the next steps in the NWB's processing of the Application. By Motion #2024-12-P4-03, the Panel approved the release of this Pre-Hearing Conference Decision Report (Report). In addition, by Motion #2024-12-P4-04, the Panel authorized the issuance of the procedural direction in this Report that directs the next steps in the Board's processing of the Renewal Application, the conduct of an in-person Public Hearing in Pond Inlet. The NWB has tentatively set the dates for the Public Hearing to occur sometime in the week of **March 10 – 14**, **2025** (with audio and video links being provided to parties unable to travel to Pond Inlet and members of the public unable to attend the venue for the Public Hearing).

Formal Notice of Public Hearing will be published on **December 27, 2024**. Please note that despite issuing the Notice of Public Hearing, the Board may modify the schedule and format of the Public Hearing on short notice if circumstances warrant, including, if Public Hearing logistics dictate; or if parties fail to supply the documentation required to be supplied in advance of the Public Hearing in accordance with the timelines set out in this Report, if public concerns with the Application are identified, if public health and safety circumstances dictate, etc. More specific details regarding the timelines and conduct of the Public Hearing are outlined under the subheadings <u>Timeline for Pre-Hearing Exchange of Information</u> and <u>Procedures for the Public Hearing</u> of this Report.

This Report also provides information regarding the key steps in the Board's processing of the Renewal Application to date. As set out in greater detail in the body of the Report, following two rounds of requests for information and exchange of written comments and reply submissions in relation to the Renewal Application, in accordance with Rule 14 of the NWB *Rules of Practice and Procedure for Public Hearings* (the *Rules*), and the previous direction and delegation of authority from the Mary River Panel to the staff of the NWB, the NWB's staff held an in-person Technical Meeting and Pre-Hearing Conference (TM/PHC) for the Application in Pond Inlet on December 3-4, 2024. Due to lack of accommodations in Pond Inlet the NWB also hosted a community gathering in Iqaluit with representatives from North Baffin communities including Arctic Bay, Clyde River, Sanirajak, and Igloolik. The Pond Inlet and Iqaluit venues were connected through an on-line zoom connection so that the North Baffin communities were able to participate in the proceedings.



The NWB staff also hosted a Community Session on the evening of December 3, 2024. As directed by the NWB's decision-making panel for this file (Panel P4), the focus of the Community Session was to provide community members from Pond Inlet and the potentially affected North Baffin communities with an opportunity to ask questions and get responses from the NWB staff, the Applicant and the Interveners regarding the Renewal Application.

The final Agendas for each of these meetings are attached to this Decision in <u>APPENDIX A:</u> <u>TM/Community Session/PHC Agendas</u>. The individuals representing the NWB, the Applicant and the Interveners, as well as the members of the public are listed in <u>APPENDIX B: Attendees at TM/Community Session/PHC</u>. The Application and supporting materials submitted by the Applicant are summarized in <u>APPENDIX C: List of Renewal Application Submissions</u>. The commitments generated and reviewed by the parties during the TM/PHC are listed in <u>APPENDIX</u> D: List of Commitments.

As summarized in more detail in <u>Table 1</u>, the community members from Pond Inlet and North Baffin communities shared their knowledge, and provided questions and comments about the following issues in relation to the Renewal Application:

- Proposed term of licence;
- Impacts of project activities on wildlife and fishing;
- Impacts on Water Rights;
- Impacts from dust accumulation and use of explosives on lakes and vegetation;
- Water management and monitoring of lakes;
- Waste management related to open burning; and
- Concerns about the adequacy of Security held for the reclamation of the undertaking.

As set out in Rule 14.1 of the *Rules*, the PHC dealt with the following matters relevant to the Application:

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

Having considered the Application and supporting materials submitted by the Applicant as summarized in <u>APPENDIX C:</u> <u>List of Renewal Application Submissions</u>, the technical review comments in respect of the Application received to date by the NWB, the discussions during the



Technical Meeting, the questions, issues and comments identified by participants during the Pre-Hearing Conference, and the commitments of the Applicant as outlined in <u>APPENDIX D: List of Commitments</u>, the Panel has concluded that the Application is ready to proceed to the Public Hearing stage of the Board's consideration of the Application.

Reflecting the interest in the Renewal Application and level of engagement of members of the public during the Community Session, and the views expressed by Baffinland and all Intervenors, the Board considers it important to conduct an in-person Public Hearing in the community of Pond Inlet during the week of March 10 - 14, 2025. The Public Hearing will include technical sessions and an in-person Community Session in the evening and will be conducted in accordance with the timelines and other procedural details provided in the text that follows. Although the Board emphasizes the importance of parties' attending in-person to the extent possible, the Board also recognizes, there may be limits on travel and accommodation that could prevent some participants from being able to travel to Pond Inlet. Accordingly, the Board will provide remote access options for those participants unable to travel.

#### **Introduction and Registration**

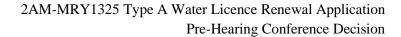
The following participants registered in advance and attended the TM/Community Session/PHC in-person and virtually via audio/video conference held on December 3-4, 2024.

#### **Baffinland Iron Mines Corporation (Baffinland or Applicant):**

- Lou Kamermans, Senior Director, Sustainable Development
- Paul Quassa, Senior Advisor to the CEO
- Elisabeth Luther, Senior Manager, Regulatory Affairs
- Connor Devereaux, Environmental Manager
- Joseph Tigullaraq, Head of Northern Affairs (On-line)
- Michael Salomonie, Community Relations Manager (On-line)
- Steve Borcsok, Approvals Manager (attended public gathering in Iqaluit)
- William Bowden, Senior Environmental Superintendent (On-line)
- Morgan Schauerte, Consultant to Baffinland, Stantec (On-line)
- Christine Kowbel, Lawson Lundell LLP, Legal Counsel

#### **Qikiqtani Inuit Association (QIA):**

- Assol Kubeisinova, Manager of Regulatory Review
- Andrew Jaworenko, Environmental Specialist
- Amoudla Kootoo, Water Specialist (attended public gathering in Iqaluit)
- Richard Nesbitt, Consultant to QIA, Hutchinson Environmental Sciences





- Alistair Macdonald, Consultant to QIA, The Firelight Group
- Joe Cavallo, Consultant to QIA, LGL Limited
- Keith Scott, Consultant to QIA, Research Analyst, The Firelight Group (On-line)
- Jake Carman, Ecologist, Consultant to QIA, Water Resources Specialist, LGL Limited (On-line)
- Mitchell Kay, Consultant to QIA, Senior Aquatic Scientist, LGL Limited (On-line)
- Corey Shefman, Olthuis Kleer Townshend LLP, Legal Counsel (On-line)

### **Crown-Indigenous Relations and Northern Affairs (CIRNA):**

- Jeff Hart, A/Director of Resource Management
- Andrew Keim, Manager of Water Resources (On-line)
- Lauren Perrin, Water Management Specialist (On-line)

#### **Environment and Climate Change Canada (ECCC):**

- Melissa Pinto, Senior Environmental Assessment Officer
- Jennifer Sabourin, Environmental Assessment Officer (On-line)
- Sarah Forte, Water Quality Analyst (On-line)
- Reg Ejeckam, Senior Mining Officer (On-line)
- Robert Nissan, Air Quality Analyst (On-line)

#### Fisheries and Oceans Canada (DFO):

- Paul Harper, Fish and Fish Habitat Protection Biologist
- Nicholas Wasilik, Fish and Fish Habitat Protection Biologist

#### **Nunavut Water Board (NWB):**

- Stephanie Autut, Executive Director, participating (On-line)
- Karén Kharatyan, Director of Technical Services
- Ben Kogvik, Director of Board Administration and Communications, also helping with interpretation
- Abid Jan, Technical Advisor in-charge of the file
- Mohammad Ali Shaikh, Technical Advisor (attended public gathering in Iqaluit)
- Robert Hunter, Licensing Administrator
- Amos Kamookak, Assistant Technical Advisor (attended public gathering in Iqaluit)
- Teresa Meadows, Meadows Law, Legal Counsel (On-line)
- Zachary Bliss, Meadows Law, observer (On-line)



The listings of the parties as well as members of the public participating in the TM/Community Session/PHC audio/video conference on December 3-4, 2024 are attached as <u>APPENDIX B</u>: <u>Attendees at TM/Community Session/PHC</u> to this Report.

#### 1.0 The Application before the Board

The Application before the Board was filed by Baffinland on June 26, 2024 and proposes to renew the existing Type A Water Licence No: 2AM-MRY1325 for a term of 15 years to continue their existing operations associated with the construction/operation/closure of Baffinland's Mary River Project (Application or Renewal Application). The Renewal Application seeks the NWB's authorization to continue the use of water and deposit of waste associated with a Mining undertaking<sup>1</sup> at the existing Mary River mine. The documents filed by the Applicant in support of the Renewal Application are listed in detail in <u>APPENDIX C: List of Application Submissions</u>.

All of the Applicant's submissions are available from the NWB's public registry at the following link:

https://public.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MRY1325%20BIMC/1%20APPLICATION/2024%20Renewal/

All documentation associated with the Renewal Application from the Applicant, the Board, intervening parties and the public is available from the NWB's public registry at the following link:

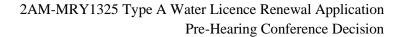
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#### **Scope of the Existing Water Licence**

A summary of the scope of the existing Water Licence is as follows:

- The existing Licence allows for the use of water for domestic and industrial purposes at the Milne Port (Milne Inlet) Site, Mine (Mary River) Site, Steensby Port (Steensby Inlet) Site and the railway camps as follows:
  - Water Use during Construction Phase 689,000 m<sup>3</sup>/year

<sup>&</sup>lt;sup>1</sup> SOR/2013-69, Schedule 1, Item 2, Column 2, describes a "Mining undertaking" as: Exploration or prospecting — including bulk sampling — for minerals other than petroleum or gas, the operation of a mine, the processing of minerals other than petroleum or gas, the restoration of the site of a mine and any other mining activity other than an industrial activity described in item 1, column 2 [of Schedule 1].





- o Water Use during Operations Phase 353,000 m<sup>3</sup>/year
- Water use authorized for Dust Suppression up to 1,500 m<sup>3</sup>/day to a maximum of 547,500 m<sup>3</sup>/year
- Tote Road (all weather road) to connect Mine Site to Milne Port Site;
- Water management infrastructure including water course crossings, flood control infrastructure and other measures including diversions, alteration of flow or storage by means of dykes or dams, and related maintenance;
- Treatment facilities for sewage, wastewater and oily stormwater, contaminated snow and soil;
- Waste sorting, management, and disposal facilities including landfills and incinerator systems;
- Management of waste rock stockpile, ore stockpile, and related runoff management;
- Storage and management of fuel and other hazardous material;
- Ongoing decommissioning of existing and historic camp infrastructure; and
- Other activities in support of engineering and scientific studies for the Project and ongoing maintenance to existing project infrastructure.

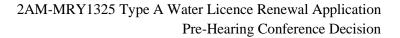
# 2.0 Regulatory and Procedural History of the Renewal Application

#### **Current Renewal Application**

On June 26, 2024, the NWB received the type A Water Licence Renewal Application and supporting documentation (the Renewal Application or Application) from Baffinland Iron Mines Corporation (Baffinland or Applicant) for the Mary River Project (the Project).

After initial review, the NWB commenced the Completeness Check for the Renewal Application on June 27, 2024. Parties were invited to review the Renewal Application for completeness and provide Information Requests (IRs) to the Board by July 26, 2024. Submissions were received from the Qikiqtani Inuit Association (QIA), Environment and Climate Change Canada (ECCC), and Fisheries and Oceans Canada (DFO). Crown-Indigenous Relations and Northern Affairs (CIRNA) advised the Board that they did not have any IRs.

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





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

On September 18, 2024, QIA provided their third submission and stated that two IRs remained unresolved. The Board was of the opinion that the unresolved IRs were of a technical nature and could be brought forward to be discussed during the technical review stage of the Board's consideration of the Renewal Application rather than being resolved at the completeness stage. The NWB also advised QIA that they would have an opportunity to discuss the deferred questions for ECCC and DFO directly during the technical meeting.

On September 23, 2024, the Board deemed the Renewal Application to be complete and gave Notice of the Renewal Application and invited parties to commence their full technical review of the Renewal Application and provide their comments/recommendations to the Board by October 23, 2024. This correspondence also included tentative timelines for the Technical Meeting and Pre-Hearing Conference (TM/PHC). The NWB received written comment submissions from QIA, CIRNA, ECCC, and DFO, on or before October 23, 2024. On November 12, 2024, the Applicant provided their response to the Interveners' technical review comments.

On November 18, 2024, the Board distributed the draft Agenda for the TM/PHC and Community Session along with the updated timelines for the next steps in the process. Parties confirmed their attendance at the TM/PHC and submitted their presentations by November 22, 2024. The NWB conducted the TM/PHC in-person in Pond Inlet, on December 3-4, 2024, with a videoconference/audioconference link by Zoom for participants who were unable to attend in person. A Community Session was also conducted on the evening of December 3, 2024. Due to lack of accommodations in Pond Inlet the NWB also hosted a community gathering in Iqaluit with representatives from North Baffin communities including Arctic Bay, Clyde River, Sanirajak, and Igloolik. Pond Inlet and Iqaluit venues were connected through zoom connection.

#### **Licences Issued to the Project**

Reflecting the NWB's jurisdiction for licensing undertakings requiring the use of water and deposit of waste as established under Article 13 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA* or *Act*), the NWB has previously issued one (1) Licence and one (1) Amendment for this undertaking to date:



#### 1. Licence No: 2AM-MRY1325

- Approved on July 15, 2013;
- Allowed for the use of 580,000 cubic metres of water annually during project construction phase, 230,000 cubic metres of water annually during the project operation phase, and the deposit of waste in support of a Mining Undertaking.

#### i. Amendment No 1: 2AM-MRY1325

- Approved on September 2, 2015;
- Allowed for the use of 689,000 cubic metres of water annually during construction phase, 547,500 cubic metres of water annually during early revenue phase, 353,000 cubic metres of water annually during the operations phase, and the deposit of waste in support of a Mining Undertaking.

#### **Pre-Licensing Requirements**

#### The Nunavut Planning Commission (NPC)

On May 24, 2024, the Nunavut Planning Commission (NPC)<sup>2</sup> noted that activities associated with this proposal were previously reviewed by NPC, and conformity determinations were issued on April 30, 2008, August 12, 2011, February 8, 2016, January 26, 2017, May 18, 2018, December 16, 2019, June 7, 2022, and February 2, 2023, which still apply. The NPC further noted that the activities were previously screened and reviewed by the Nunavut Impact Review Board (NIRB) under Project Certificate No. 005, and that the "project proposal is exempt from screening by the NIRB because the NPC is of the understanding that it does not change the general scope of the original or previously amended project activities, and the exceptions noted in Section 12.4.3 (a) and (b) of the Nunavut Agreement do not apply".

As a result, the NWB has concluded that the applicable pre-licensing conformity and impact assessment requirements for the Renewal Application under Articles 11 and 12 of the *Nunavut Agreement*, Part 3 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*) and ss. 38 and 39 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA*) have been met, and the Renewal Application can be processed by the NWB.

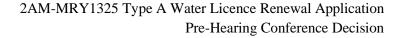
<sup>&</sup>lt;sup>2</sup> Nunavut Planning Commission (NPC) Conformity Determination (150396), May 24, 2024



#### **Procedural History**

The following section includes a brief overview of the procedural history for the Renewal Application. It should be noted that the following listing captures only the major procedural steps associated with the Renewal Application. All documentation and the complete record of the NWB's processing of the file are available from the NWB's Registry at the links provided in Section 1.0 of this Report.

| <u>June 26, 2024</u>      | The NWB received the Type A Water Licence Renewal Application and supporting documentation (the Renewal Application or Application) from Baffinland Iron Mines Corporation (Baffinland or Applicant) for the Mary River Project (the Project).  |  |
|---------------------------|---|--|
| June 27, 2024             | The NWB commenced the Completeness Check where parties were invited to review the Application for completeness and provide Information Requests (IRs) by July 26, 2024.   |  |
| July 26, 2024             | Submissions and Information Requests (IRs) were received from Qikiqtani Inuit Association (QIA), Environment and Climate Change Canada (ECCC), and Fisheries and Oceans Canada (DFO). Crown-Indigenous Relations and Northern Affairs (CIRNA) advised they did not have any IRs.        |  |
| August 15, 2024           | Applicant provided responses to Interveners' Information Requests.  |  |
| August 20, 2024           | QIA requested an extension to respond to Baffinland's response on first round of submissions. NWB granted an extension until September 3.   |  |
| <u>September 3, 2024</u>  | The NWB received a second round of submissions from QIA.  |  |
| <u>September 9, 2024</u>  | Baffinland provided responses to the second round of submissions from QIA.  |  |
| <u>September 23, 2024</u> | The NWB deemed the Renewal Application complete and gave Notice of the Renewal Application and invited parties to conduct a full technical review and provide their comments/recommendations by October 23, 2024. This correspondence also included tentative timelines for the TM/PHC. |  |





October 23, 2024 Submissions were received from the Qikiqtani Inuit Association

(QIA), Crown-Indigenous Relations and Northern Affairs (CIRNA), Environment and Climate Change Canada (ECCC) and Fisheries and

Oceans Canada (DFO).

November 12, 2024 Baffinland responded to Interveners' comments. Supplemental

information was provided by Baffinland on November 18, 2024.

**November 18, 2024** The NWB distributed the draft Agenda for the TM/PHC, including the

Community Session along with the updated timelines for the next steps

in the process.

November 22, 2024 The NWB received confirmation of participation in the meetings and

presentation documents from QIA, CIRNA, ECCC, DFO and

Baffinland.

November 26, 2024 NWB provided the final Agendas for the TM/PHC and Community

Session.

**December 3-4, 2024** NWB hosted the Technical Meeting (TM) and Pre-Hearing

Conference (PHC) in Pond Inlet with a videoconference/audioconference link by Zoom for participants who were unable to attend in person. A Community Session was also held on the evening of December 3, 2024. A community gathering was also hosted in Iqaluit for representatives from North Baffin communities including Arctic Bay, Clyde River, Sanirajak, and Igloolik. Pond Inlet

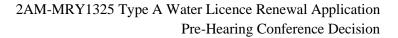
and Iqaluit venues were connected through zoom connection.

Complete information related to the procedural history of the Renewal Application and the information filed with the NWB associated with the Renewal Application can be accessed from the NWB's Public Registry using the following link:

 $\frac{https://public.nwb-oen.ca/registry/2\%20MINING\%20MILLING/2A/2AM\%20-\%20Mining/2AM-MRY1325\%20BIMC/$ 

#### 3.0 Technical Review Comments Received by the Board

Prior to the TM and PHC, several opportunities to comment on the Renewal Application were provided to Interveners and members of the public. The Board's first request for comments asked parties to consider whether the Renewal Application was complete and to identify any outstanding issues that should prevent the Board from continuing to process the Renewal Application,





including any additional information requests (IRs) that must be addressed before the parties could commence their technical review of the Renewal Application. The first completeness comment period closed on July 26, 2024. A second round of comments on completeness and IRs were received by the Board on September 3, 2024.

On September 23, 2024, Notice of the Renewal Application was issued by the NWB, and the full technical review period commenced, with a deadline for parties and the public to file their technical comments with the Board by October 23, 2024. The following sections outline the comments provided during these review periods, and also reflect comments provided to the Board during the TM/PHC.

#### **Baffinland Iron Mines Corporation (Baffinland or Applicant)**

In addition to the original Renewal Application and supplemental information submitted on June 26, 2024, the Applicant provided additional information in response to technical comments submitted by various intervening parties, including the Qikiqtani Inuit Association (QIA), Crown-Indigenous Relations and Northern Affairs (CIRNA), Environment and Climate Change Canada (ECCC), and the Fisheries and Oceans Canada (DFO). For ease of reference, the specific topics and outcomes of the Interveners' comment submissions are summarized in the sections below.

Before the Pre-Hearing Conference (PHC) on December 4, 2024, the Applicant resolved a number of the technical issues identified by the Interveners, and commitments were added to the list of commitments. Baffinland, in their closing statement at the Technical Meeting (TM), reaffirmed their commitments to provide the information summarized below. For more details on the commitments Baffinland and the parties had developed to resolve specific technical issues, along with the timeline and form of submissions, please see the list of commitments provided in APPENDIX D: List of Commitments.

#### **Crown-Indigenous Relations and Northern Affairs (CIRNA)**

CIRNA administers Crown land and resources and enforces regulatory permits affecting land and water resources in Nunavut, including enforcing the provisions of water licences issued by the NWB under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA or Act) and *Nunavut Waters Regulations*, SOR/2013-69.

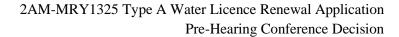
CIRNA provided technical review comments related to the following topics on October 23, 2024:

- General Updated Management or Monitoring Plans;
- Waste Reporting Conditions;
- Regulatory Fragmentation AEMP Dustfall Reporting;



- Dustfall Monitoring Improvements;
- Water Licence Annual Reporting Clarification and Commitment;
- Water Discharge Non-compliance / Non-conformance;
- Mineral Wastes;
- Water Balance;
- Thermal Monitoring;
- Climate Change Predictions;
- Updates on Performed Closure and Rehabilitation Activities;
- Financial Security;
- Section 24 Proposed Time Schedule;
- Updates on WRP Leachate Water Quality;
- Update on Water Quality Monitoring;
- Update Quantity Predictions of PAG rock Volume;
- Clarity on Terminology of Requirement;
- Discrepancy in Operations Schedule and Water License Duration;
- Camp Lake Water Quality;
- Related Licenses that Expire Prior to 2039;
- Clarification on Water Use -Flood Control;
- Labeling of Sources on Figures;
- Description / Type of Water Sources;
- Stream/Creek Water Source Capacity;
- Description of Water Intake Condition;
- Ice Road as Industrial Use of fresh water;
- Description of Flow Rates for Water Usage Estimates;
- Water Storage Freshwater Tanks;
- Water Storage Stormwater Management Ponds as Storage Reservoirs;
- Rail Bridge Watercourse Crossings;
- Groundwater Monitoring Plan;
- Water Management Plan;
- Residual Effects Monitoring;
- Expected Changes in Water Flow / Storage Update;
- KM105 Pond Design; and
- Camp Lake Area Water Management Designs.

The following commitments were agreed upon by the Applicant, resulting from CIRNA's comments and discussions during the TM:

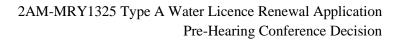




- Commitment 1 [R-1] Baffinland will include a table providing the status of management plans in the NWB and QIA Annual Reports for Operations.
- Commitment 2 [R-6] (a) Baffinland will provide updated figures to reflect the most up to date information for all routine and permitted sampling locations on November 18, 2024 to the Nunavut Water Board and intervenors. CIRNA confirmed that these were provided by Baffinland.
- Commitment 3 [R-10] Baffinland will provide the status of all thermistors, including BH2 and BH3 in the 2024 annual report.
- Commitment 4 [R-11] Baffinland will include multiple climate change projections in the next update of the thermal model planned for 2026, as outlined in the Interim Closure and Reclamation Plan Revision 6.
- Commitment 5 [R-13] Baffinland supports a change in the financial security review process
  that allows flexibility in timing and duration. Baffinland will continue to engage with CIRNA
  and QIA on this specific item and present an agreed upon revision to the relevant WL
  conditions.
- Commitment 6 [R-22] Baffinland will update the Surface Water and Aquatic Ecosystems
  Monitoring Plan (SWAEMP) with a synthesis of the groundwater activity on site, combined
  with the groundwater quality analysis and interpretation within one year of Renewal Licence
  approval.
- Commitment 7 [R-28] Baffinland will provide details regarding water bodies that will be withdrawn from and the projected volume of water during the detailed design stage of the Project, sixty days prior to water withdrawal. This will be submitted to the NWB as part of the design construction reports outlined in Part D, Item 2 of the Water Licence.

#### **Qikiqtani Inuit Association (QIA)**

QIA is a Designated Inuit Organization under the *Nunavut Agreement* and is one of three Regional Inuit Associations affiliated with Nunavut Tunngavik Inc. QIA works closely with partners as well as different levels of government, to represent Inuit in the Inuit Nunangat, the Inuit homeland. QIA's participation in the review of the Renewal Application is focused on ensuring that adequate protection of the environment occurs by requiring the Applicant to implement best practices in their mitigation and monitoring programs.





QIA provided several comments and IRs related to the following topics during the Completeness Check of the application process:

- Compliance Assessment;
- Schedule of Construction and Operations;
- Inuit Engagement;
- Incorporation of Inuit Qaujimajatuqangit;
- Inuit Indicators and Measures;
- Updates on Management Plans;
- Monitoring at the Steensby Component and Overall Results of Project Aquatic Monitoring;
- Water Quality Modelling representative of Site Activities and Climate Change;
- Management of Impacts of Water Withdrawal;
- Effluent Quality;
- Water and Sediment Quality;
- Application of Trigger Action Response Plans for Erosion and Sedimentation Events and in Water Supply, Sewage, and Wastewater Management;
- Operations and Closure and Reclamation of Water Storage Infrastructure;
- Cumulative Effects; and
- Usage of up-to-date Information.

During the technical review stage of the Application, the QIA raised a number of issues and concerns with a particular focus on the following topics:

- Adaptive Management;
- Closure and Reclamation:
- Compliance with Environmental Assessment predictions;
- Applicability of the Metal and Diamond Mining Effluent Regulations;
- Water Quality Modelling;
- Aquatic Monitoring Methodology and Results;
- Dust Suppression;
- Water Management Infrastructure Operation and Maintenance Procedures;
- Management of Impacts of Water Withdrawal;
- Inuit Engagement;
- Incorporation of Inuit Qaujimajatuqangit;
- Inuit Indicators and Measures;
- Inuit Water Use and Rights,
- Impacts on Fish Habitat; and



Cumulative Effects.

The following commitments were agreed upon by the Applicant, resulting from QIA's comments and discussions during the TM:

- Commitment 8 [QIA-TR-4] Baffinland will work with QIA as part of the annual security review process to address comments on the thermal model and Interim Closure and Reclamation Plan (ICRP). Baffinland will include multiple climate change projections in the next update of the thermal model planned for 2026 as outlined in the ICRP Revision 6.
- Commitment 9 [QIA-TR-7] DFO will provide its analysis of existing and required hydrological datasets associated with the Steensby Component, 30 days prior to the Public Hearing.
- Commitment 10 [QIA-TR-8] Baffinland commits to providing details to QIA on the use of the referenced methodology for under-ice water withdrawals at lakes where no bathymetric information is available. Baffinland will provide the information to QIA for review when it is used.
- Commitment 11 [QIA-TR-10] Baffinland will provide aquatic habitat information collected at the proposed water intake sites. These details will be submitted to the Board for review and acceptance at least sixty days prior to construction as outlined in Part D, Item 2 of the Water Licence.
- Commitment 12 [QIA-TR-20] Baffinland will provide updated water sampling and monitoring location figures within the next version of the SWAEMP. This update will include updated water monitoring locations and flow directions.
- Commitment 13 [QIA-TR-28-38]<sup>3</sup> Baffinland and QIA will continue discussions on these topics [integration of IQ into the Mary River Project, waterbodies of heightened importance, updates to Steensby baseline information, the Pond Inlet Freshwater IQ Study, Inuit OITRs, Inuit water rights, Inuit engagement, the Inuit Stewardship Program/Plan and CRLU studies]

<sup>&</sup>lt;sup>3</sup> Immediately after the TM/PHC, the QIA advised NWB that Commitment #13 [QIA-TR-28-38] was not suitable for inclusion in the list of commitments and should be removed. However, Baffinland indicated that they would like the commitment to remain in the list of commitments and will be reporting back to the Board in accordance with the timeline set out in the commitment. As Baffinland intends to provide an update on the outcomes of discussions under this commitment relevant to the Renewal Application prior to the Public Hearing, the Board has kept Commitment #13 in the list of commitments provided in <u>APPENDIX D: List of Commitments</u>.



and provide an update on the outcomes of those discussions as relevant to the Water Licence Renewal process at least 3 weeks prior to the Public Hearing.

#### **Environment and Climate Change Canada (ECCC)**

The focus of ECCC's involvement in respect of the Renewal Application is based on their jurisdiction under the *Canadian Environmental Protection Act*, 1999,<sup>4</sup> the *Species at Risk Act*<sup>5</sup> and ECCC's jurisdiction under the pollution prevention provisions of the *Fisheries Act*.<sup>6</sup>

The following key issues were highlighted in ECCC's initial comment submissions on the completeness of the Renewal Application:

- Additional Management Plans;
- Tote Road Monitoring Program; and
- Criteria for Project Related Total Suspended Solids Impacts along the Tote Road.

ECCC highlighted the following topics in their technical review submission:

- Erosion and Sedimentation Control Measures at the Mine Site;
- Incorporation of Management Plans related to Water into the Water Licence;
- Criteria for Project Related Total Suspended Solid Impacts along Tote Road;
- Metals Sampled for Tote Road Monitoring Program;
- Aromatic Hydrocarbon Referencing;
- Effluent Quality Criteria for Aromatic Hydrocarbons;
- Effluent Quality Criteria for Locations MS-MRY-04b and-04c;
- Integrating KM105 Pond into Plans and Water Licence;
- Water Quality Benchmarks in Aquatic Effects Monitoring Plan;
- Open Burning of Wood Waste; and
- Editorial Comments on Management Plans.

The following commitments were agreed upon by the Applicant, resulting from ECCC's comments and discussions during the TM:

<sup>&</sup>lt;sup>4</sup> S.C. 1999, c. 33.

<sup>&</sup>lt;sup>5</sup> S.C. 2002, c. 29.

<sup>&</sup>lt;sup>6</sup> R.S.C. 1985, c. F-14.

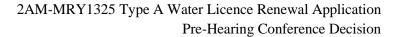


- Commitment 14 [ECCC#1] A comprehensive follow up report for water quality monitoring at the seep location as well as downstream receiving environment station D1-05 will be provided to ECCC, CIRNA and QIA by December 31, 2024.
- **Commitment 15** [ECCC #4] Baffinland will include the list of total and dissolved fractions in the next update to the Surface Water and Aquatic Ecosystems Monitoring (SWAEMP).
- Commitment 16 [ECCC #5] The abbreviation BTE will be corrected in Section 3.1 of the next revision of the Fresh Water Supply, Sewage, and Wastewater Management Plan, which will be issued with the 2025 NWB and QIA Annual Report.
- Commitment 17 [ECCC #6] Baffinland will adopt the Federal Environmental Quality Guidelines (FEQGs) as the discharge criteria for benzene, ethylbenzene, toluene and xylene at the Project.
- Commitment 18 [ECCC #7] Baffinland will issue a draft Schedule I with the requested information added on November 18, 2024 to the NWB for consideration as part of these proceedings. ECCC confirmed that this was provided by Baffinland.
- Commitment 19 [ECCC #8] Baffinland will issue a draft Schedule I with information added on November 18th, 2024 to the Nunavut Water Board for review as part of these proceedings. Water Licence monitoring locations will be updated in the next revision of the SWAEMP.
- Commitment 20 [ECCC #9] Baffinland is committed to incorporating updated industry standard guidelines and utilising them to protect potential receiving environments downgradient of the Project. Baffinland will add the new total Aluminum FEQG to the AEMP pending ongoing analysis of baseline data. Timing of plan update is to be confirmed before the Public Hearing.
- Commitment 21 [ECCC #11] The requested administrative updates for minor corrections will be made in the next revisions to the referenced plans and management plans following the NWB normal course, of annual reporting, which occurs in parallel with the renewal process.

#### Fisheries and Oceans Canada (DFO)

DFO reviews applications to determine whether an authorization will be required under the *Fisheries Act* or the *Species at Risk Act*.

The following key issues were highlighted in DFO's initial comment submissions on the completeness of the Renewal Application:





- Management Plans, including Surface Water, Aquatic Ecosystem Management Plan and the Road Management Plan be updated to include clear provisions for fish movement through watercourse crossing structures;
- At a minimum, supporting information should include:
  - o locations where road infrastructure interacts with waterbodies and watercourses including seasonally wet drainages;
  - o type of crossing proposed (bridges and culverts);
  - o fish species present, and life stage; and
  - o whether there are fish bearing waterbodies downstream and/or upstream of the crossing and known important habitat. The seasonal channels between fish bearing waterbodies should be considered fish habitat.

DFO provided technical review comments related to the following topics in their technical review submission:

- Watercourse crossings; and
- Sediment and erosion control.

The following commitments were agreed upon by the Applicant, resulting from DFO's comments and discussions during the TM:

- Commitment 22 [DFO-TRC-01] Baffinland will include a summary table with all proposed watercourse crossings (road and rail culverts and bridges) in the next update to the SWAEMP for crossing locations along the Tote Road.
- Commitment 23 [DFO-TRC-02] Baffinland will implement erosion and sediment control training required for personnel involved with the planning, installation, and maintenance of erosion and sediment control measures. In-house Erosion and Sediment Control Awareness training is being developed for personnel involved in erosion and sediment control activities and will be rolled-out during winter 2024-25.

In addition, as per Commitment 9, DFO committed to provide its analysis of existing and required hydrological datasets associated with the Steensby Component (as stated on page 15 of this Report).

#### **Nunavut Water Board (NWB)**

The following commitments were agreed upon by the Applicant, resulting from NWB's discussions during the TM:



- Commitment 24 [NWB-1] Baffinland will provide to the NWB management plans requiring updates based on review of the Application within a year following the approval of the renewed Water Licence. Baffinland will provide a proposed schedule for submission of updated management plans before the Public Hearing.
- Commitment 25 [NWB-2] Baffinland will submit a draft Water Licence Framework to the NWB before the Public Hearing.

#### **Baffinland Iron Mines Corporation (Baffinland or Applicant)**

Baffinland stated at the TM that while there are still some unresolved issues, Baffinland intends to work closely with the Interveners before the Public Hearing to work towards resolution of unresolved technical comments. Baffinland also noted their opposition regarding the QIA recommendations to NWB to include licence conditions regarding the integration of information on Inuit Qaujimajatuqangit and Inuit Qaujimaningit into project works, mitigation measures, monitoring plans, and adaptive management plans, as well as the Nunavut Impact Review Board's (NIRB) on-going work in relation to the development and implementation of Cumulative Effects Assessment Framework.

Baffinland reaffirmed their commitment to providing the NWB with the specified information to address the concerns raised by the QIA, CIRNA, ECCC and DFO during the technical review of the Renewal Application and discussed at the Technical Meeting. These commitments are provided in detail in <u>APPENDIX D: List of Commitments</u>.

#### **4.0** Technical Meeting (TM)

The TM for the Renewal Application was conducted in-person in Pond Inlet from 9:00 am to 5:30 pm ET on December 3, 2024, and continued on to the next day from 10:00 am to 12:15 pm on December 4, 2024, with a videoconference/audioconference link by Zoom provided by the Board for participants who were unable to attend in person. Due to limitations on the availability of accommodations in Pond Inlet, the Board also organized a public gathering in Iqaluit for participants from the potentially affected North Baffin communities to attend the meetings remotely. As is the Board's practice, the TM was an informal meeting and was chaired by Karén Kharatyan, the Board's Director of Technical Services. The meeting was attended by:

- the NWB's staff and legal counsel;
- the Applicant, which included representatives of Baffinland, as well as the Applicant's consultants and legal counsel;
- the Interveners, QIA, CIRNA, ECCC and DFO and their consultants and legal counsel; and
- members of the public.



In keeping with the Board's normal practice, the Panel Members of the Board (Mary River Panel, P4), the decision-makers for the Renewal Application, were not present at the TM or the subsequent Pre-hearing Conference (PHC), having delegated the conduct of these meetings to the Board's staff.

#### The TM included the following:

- Discussion of the technical issues identified by Interveners and the NWB staff during their technical review of the Renewal Application;
- Examination of technical data, comment submissions and other materials submitted as part of the Renewal Application;
- Discussion, and where possible, resolution of technical matters or issues raised by Interveners, community members and the Applicant, particularly those matters that could affect the Board's determination on any PHC issues, prior to holding the PHC;
- Providing an opportunity for Baffinland and participants to identify and confirm for the Board the issues and concerns that have been resolved and to discuss any unresolved or ongoing issues related to the Renewal Application;
- Identification of opportunities for streamlining the issues and process so as to eliminate existing or potential duplication or delay in the NWB's processing of the Renewal Application going forward; and
- Documenting any commitments made by the various parties during the TM, with the aim
  of carrying over the commitments to the PHC and Public Hearing stages of the NWB's
  consideration of the Renewal Application.

The TM participants were advised that, upon completion of the TM, the Board expected any outstanding issues in respect of the Renewal Application to be resolved, or if not resolved, that some form of agreement, including commitments by the parties, would be provided by the parties to enable the Renewal Application to proceed to the next step of the licensing process, the Public Hearing, notwithstanding any unresolved issues.

At the TM, the following general topics were discussed:

- The scope of the Renewal Application;
- Outstanding requests for additional information by the Interveners; and
- The status of various updates and additions to management and monitoring plans.

Following these discussions, the NWB, circulated to all meeting participants, an electronic copy of the draft List of Issues in respect of the Renewal Application that the NWB expects to be discussed at the Public Hearing for the file. On the morning of December 4, 2024, a draft of the



List of Commitments made by the parties during the TM and prepared by Baffinland, was also shared and discussed, and the Board asked for the parties to confirm whether they were satisfied with the commitment wording and to identify whether the commitments were sufficient to resolve any outstanding technical issues or not.

#### **5.0** Community Session

On November 26, 2024, the local radio stations in Pond Inlet and Iqaluit were advised by NWB staff to inform regularly the communities about the upcoming TM/PHC, including the Community Session. The NWB also posted a notice on Pond Inlet's and Iqaluit's social media groups to inform the public about the time and location of the Community Session. The Community Session took place in the Community Hall in Pond Inlet from 7:00 pm to 11:00 pm ET on December 3, 2024. Public gathering in Iqaluit was also organized at the French Association Hall for participants from the North Baffin communities to attend the meetings remotely due to limitation on logistical arrangements in Pond Inlet. All the participants from the Technical Meeting were present for the Community Session. Several community members attended this session in Pond Inlet and remotely from Iqaluit.

A brief presentation was made by Abid Jan for the NWB, explaining the NWB's process for a type A Renewal Application, the scope of the Renewal Application, outlining the procedural history for the file and advising the community members regarding the next steps in the NWB's processing of the Renewal Application. This was followed by presentations from Baffinland, QIA, CIRNA, ECCC and DFO. All parties provided a short explanation of their mandates and comments and resolutions discussed during the Application review process. After each presentation, community members were given opportunities to ask questions.

<u>Table 1</u> provides a summary of the key questions and comments raised by the community members during the Community Session.

Table 1: Key issues raised by Community Members during the Community Session

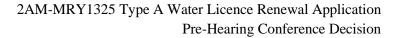
| Subject | Issues/Concerns/Comments  |  |  |
|---------|---|--|--|
| Dust    | What kind of dust suppressant is being used by Baffinland? The dust suppressant that we are using in our communities are not very effective.  |  |  |
| Dust    | On Baffin Island we remember the dust problems from the Nanisivik mine in Arctic Bay. Baffinland has indicated that the dust associated with the Nanisivik mine is very different, and I would like to know why and what difference that makes in terms of how dust issues are being handled by Baffinland. |  |  |



| Subject               | Issues/Concerns/Comments   |  |  |
|-----------------------|--|--|--|
| Dust                  | Are you aware that the dust, once it settles, compacts and become  |  |  |
|                       | very hard to move, even with a shovel.   |  |  |
| Dust                  | Caribou eat lichens and geese eat the vegetation growing on th   |  |  |
|                       | ground. Is this vegetation monitored for effects of dust? We have  |  |  |
|                       | seen the lichens turn from yellow to brownish and reddish and I don't  |  |  |
|                       | think that animals will want to eat it.  |  |  |
| Dust (other than iron | In addition to Baffinland's controls and focus on mitigations to lim   |  |  |
| ore dust)             | the iron ore dust along the road and the stockpile at Milne Inlet, is  |  |  |
|                       | Baffinland doing other things to control the dust from blasting? I am  |  |  |
|                       | starting to think that this dust source is also impacting our snow and   |  |  |
|                       | water. Has there been any research done on the dust and residual explosives that are being released into the environment? We are |  |  |
|                       | thinking that the dust from other sources (not just iron ore) is   |  |  |
|                       | impacting our environment too.   |  |  |
| Dust (Associated with | Has Baffinland identified some mitigations that they can do to reduce  |  |  |
| Blasting)             | the dust and gas emissions resulting from incomplete combustion of   |  |  |
| Diasting)             | explosives (as described by Baffinland) during blasting?   |  |  |
| Open Burning          | Does Baffinland allow open burning at their site. The communities  |  |  |
| open Burning          | do not want that to occur because we are concerned about   |  |  |
|                       | contaminants going into the air. We recommend that Baffinland be   |  |  |
|                       | required to use incinerators at the Mary River site and Mine Port site   |  |  |
|                       | (Steensby)   |  |  |
| Place Names           | We go hunting, fishing and camping in the area near to Steensby  |  |  |
|                       | Inlet. We would like Baffinland to use the Inuit place names to refer  |  |  |
|                       | to this area.  |  |  |
| Project Monitoring    | Does the Qikiqtani Inuit Association have baseline monitoring  |  |  |
|                       | information from before the mine was constructed that you can  |  |  |
|                       | compare to the situation now that the mine has been constructed?   |  |  |
| Security              | If the Qikiqtani Inuit Association/Minister does not hold enough   |  |  |
|                       | security can it be increased?  |  |  |
| Term of the Licence   | If the full 15-year term, as requested is granted by the NWB, by the   |  |  |
|                       | time the next licence is up for renewal, the mine will be almost 30  |  |  |
|                       | years old; that seems too long. I would like the term to be shorter  |  |  |
|                       | (maybe 7 or 8 years) so that the Nunavut Water Board will be able to   |  |  |
|                       | check in with Baffinland to make sure they are complying with the  |  |  |
|                       | terms and conditions of the Water Licence and protecting the   |  |  |
| TD C.11 T.            | environment.   |  |  |
| Term of the Licence   | I would feel more comfortable with a shorter term than 15 years  |  |  |
|                       | because if there are harmful effects identified during the shorter term,   |  |  |
|                       | it would be easier for the Board to deal with the harmful effects  |  |  |
|                       | immediately rather than allowing them to continue without being  |  |  |
|                       | remedied.  |  |  |



| Subject             | Issues/Concerns/Comments  |
|---------------------|---|
| Unresolved issues   | Does CIRNA require Baffinland to have resolved all outstanding          |
|                     | technical issues before the file goes to a public hearing?              |
| Water Monitoring    | When will Baffinland start monitoring the lakes along the area where    |
|                     | the railway is going to be built. Have there been studies done to see   |
|                     | what is there now (before the railway is built)? If so, when were these |
|                     | studies done and then what additional monitoring will be done when      |
|                     | the railway is being constructed and operated?                          |
| Water Quality       | We go hunting, fishing and camping in the area near to Steensby Inlet   |
|                     | and we are very concerned about what impacts on water quality at the    |
|                     | proposed Port at Steensby are going to mean, e.g. is it going to be     |
|                     | useless to go fishing in that area because the fish will be impacted?   |
|                     | And will there be any harm or erosion or contamination in that area?    |
|                     | We are also concerned we may not have good quality water to drink       |
|                     | when we are camping in that area.                                       |
| Water Quality       | In the water that you are withdrawing for the camp near the mine; do    |
| Monitoring          | you monitor it before you use it, and if so, have you identified any    |
|                     | contaminants going into the water in Camp Lake?                         |
| Water Rights        | Water should be provided to harvesters when they go up to the site.     |
| 8                   | There is strict security there and water is not provided; this has to   |
|                     | change.   |
| Water Use           | Is the community paid for the amount of water they use? It appears      |
| Compensation        | that during the term of the next Licence the amount of water used will  |
|                     | be greater (because the railway will be built) and I would recommend    |
|                     | that our communities/QIA should be paid more for this bigger            |
|                     | amount of water used.   |
| Water Use           | If a new water use compensation agreement is negotiated by the QIA      |
| Compensation        | and Baffinland, will Inuit beneficiaries be advised about the new       |
|                     | agreement and will those parties advise us about the amount of water    |
|                     | compensation that will be provided to Inuit beneficiaries after the     |
|                     | new agreement is signed?  |
| Wildlife Monitoring | The health and abundance of seals and other marine mammals should       |
|                     | be monitored in the vicinity of Milne Inlet. Baffinland should also     |
|                     | consider monitoring what is in the stomachs of seals to make sure       |
|                     | they are not eating contaminants. We have seen that there are things    |
|                     | like rocks found inside the stomachs of some seals we have harvested    |
|                     | recently.   |
| Wildlife Monitoring | Baffinland says that there is seal and other kinds of marine            |
|                     | monitoring happening already at Steensby Inlet, but we haven't heard    |
|                     | about this monitoring and any results from this monitoring.             |





During the Community Session, the Baffinland staff provided answers to the community members' questions and concerns. The QIA also responded to some of the community members' questions directed towards them. Although community members raised some concerns and asked questions regarding potential impacts of the Project, no significant concerns or issues as such were raised with respect to the Renewal Application that would prevent the NWB to move forward to the Public Hearing.

The questions, comments and concerns expressed by members of the public provided during the Community Session and general level of interest and engagement in relation to the water management and monitoring, dust, erosion and sedimentation, and potential issues related to the development of Steensby Port associated with the Mary River Project were considered by the Mary River Panel to support conducting an in-person Public Hearing in the community of Pond Inlet, and also to have another in-person Community Session in the evening, to be held during the inperson Public Hearing. Recognizing that there may be limitations on the availability of accommodations in Pond Inlet, the Board will also provide videoconference/audioconference links to the in-person proceedings in Pond Inlet.

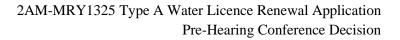
#### 6.0 Pre-Hearing Conference (PHC)

The Board commenced the PHC segment of the Agenda on the afternoon of December 4, 2024, at 1:30 pm ET. Teleconference links were available for participants who chose to participate remotely. A number of participants joined the meeting online.

The PHC was chaired by Karén Kharatyan, the Board's Director of Technical Services, with the same parties as the TM. The purpose of the PHC was to discuss the various matters as set out in Rule 14 of the *Rules of Practice and Procedure* (May 2005) (*Rules*) in preparation for the Public Hearing. Specifically, Rule 14 directs that the PHC address the following items:

- To set a timeline for the pre-Hearing exchange of information;
- To finalize the list of issues to be dealt with at the Public Hearing;
- To identify interested parties;
- To consider the desirability of changing the Renewal Application for the purposes of clarification;
- To finalize procedures to be followed in the Public Hearing; and
- To consider any other matters that may assist in the simplification and disposition of the Renewal Application or the conduct of the Public Hearing.

The PHC commenced with the review and refinement of both the List of Issues to be carried forward into the Public Hearing and the updated List of Commitments generated during the TM,





in order to reflect the clarifications and subsequent agreement of the parties. The wording in <u>APPENDIX D: List of Commitments</u> of this Report reflects these discussions. For the convenience of the parties, where commitments made by the Applicant will result in the submission of additional or updated documentation, the Board has included a description of the timelines for submission of this information and the form of submission expected by the parties.

Similarly, the List of Issues (discussed in more detail under the subheading <u>List of Issues</u> below) was also reviewed and revised during the PHC to reflect the discussions of participants during the TM. At the start of the PHC, all parties and the Board's staff confirmed that there were no outstanding issues that would prevent the Renewal Application from progressing to the Public Hearing stage.

#### **Timeline for Pre-Hearing Exchange of Information**

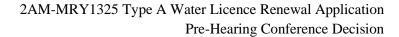
It was noted at the beginning of this discussion that, as required by s. 55(2) of the *Nunavut Waters* and *Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA or Act), the NWB must give the public and parties a minimum of sixty (60) days notice in advance of a Public Hearing.

The Applicant, QIA, CIRNA, ECCC, and DFO were polled regarding any outstanding information requirements that must be supplied in advance of a Public Hearing and indicated, that as long as the additional information outlined in <u>APPENDIX D: List of Commitments</u> is provided in accordance with the timelines specified in the list, the preparation and submission of additional information should not delay the potential Public Hearing for the Renewal Application.

As the participants did not identify any issues that would prevent the Board from proceeding to a Public Hearing for the Renewal Application, the Board's legal counsel outlined the following proposed timeline for the pre-Hearing exchange of information set out below. The Applicant and all participants were reminded, however, that the Board reserves the right to revisit the timing proposed if:

- parties are unable to meet the deadlines in their commitments;
- if the Board receives subsequent, reasonable requests from the parties for adjournments in response to additional information received;
- if public health or safety directions or orders are issued that impose limits on activities such as travel into Pond Inlet and/or the hosting of public gatherings; or
- as may subsequently be considered necessary by the Board.

In establishing the following schedule, the Board considered the views of the parties, the Board's current commitments and logistical constraints associated with conducting an in-person Public Hearing in Pond Inlet to identify that the most feasible timing to conduct the Public Hearing is





sometime in the week of <u>March 10-14, 2025 (tentatively March 11-12, 2025)</u>. Unless modified as noted above, the Board requires the participants to observe the following timeline:

- On or before Friday, December 27, 2024 the NWB will issue Notice of the Public Hearing;
- On or before Friday, January 17, 2025 any party requesting French translation of the Executive Summary materials, final written submissions of parties, reply submissions and/or presentation materials should make such requests to the Board in writing;
- On or before Wednesday, February 5, 2025 the Interveners, members of the public or other interested parties must file any further and final written submissions in respect of the Renewal Application with the Board;
- On or before Wednesday, February 19, 2025 the Applicant must file any further responses to the information filed in advance of the Public Hearing and must file their final written submissions with the Board; and
- On or before Thursday, February 27, 2025 all parties intending to present to the Board during the Public Hearing must file any presentation materials (e.g., PowerPoint Presentations, etc.) upon which they intend to rely at the Public Hearing.

NOTE: If the Interveners and/or the Applicant file additional written submissions, final statements and/or presentation materials as outlined above, they are also required to provide an Executive Summary of their written submissions in both English and Inuktitut (and French) and fully translated copies of their presentation materials or final summaries in English and Inuktitut at the same time as they file the full submission. All submissions will be posted on the NWB's Public Registry upon receipt.

During the discussion of tentative timelines, the parties were also advised by the Board's legal counsel that in order to preserve the Board's full decision-making timeline (45 days following the close of the Public Hearing record) and the Minister's full decision-making timeline (90 days following receipt of the Board's decision and, if applicable, recommended water licence), it is advisable for the Applicant to bring an application for a short term renewal of up to 180 days of the Water Licence under s. 9(1)(b) of the *Nunavut Waters Regulations*, SOR/2013-693 (*Regulations*) to bridge any potential gap between the expiry of Licence No: 2AM-MRY1325 on June 10, 2025 and the NWB's and Minister's completion of decision-making for the Renewal Application. As permitted under s. 9(1)(b) of the *Regulations*, the short-term renewal application can be processed by the Board without a Public Hearing. However, recognizing that, under s. 55 of the *NWNSRTA*, the Board is required to provide at least 30 days' notice of an application before acting on the application, the Board recommended that Baffinland consider submitting a short-term renewal application early in 2025.



The Board's recommended approach is intended to ensure that Baffinland's operations are governed by a current Water Licence, because although the <u>obligations</u> under a Water Licence continue to apply even after a Licence has expired, (see s. 46 of the *NWNSRTA*), the <u>rights</u> to use water and deposit waste end upon expiry of the Licence. In similar circumstances in the past, Interveners, including CIRNA have also raised the question as to whether a Water Licence can properly be "renewed" when the previous licence has expired. Consequently, to preserve the timelines for decision-making while ensuring a current Water Licence remains in place the Board recommends that a "bridging" short-term renewal be sought. However, in making this recommendation, the Board emphasizes that even if a short-term renewal is sought and granted, the NWB would continue to be bound by the timelines in the *NWNSRTA*, and would continue to process the Renewal Application in a timely manner.

#### **Identification of Interested Parties**

During the PHC, the following parties confirmed their participation in the future Public Hearing:

- Baffinland Iron Mines Corporation (Baffinland)
- Qikiqtani Inuit Association (QIA)
- Crown-Indigenous Relations and Northern Affairs (CIRNA)
- Environment and Climate Change Canada (ECCC)
- Fisheries and Oceans Canada (DFO)

#### **Provision of Final Written Submissions from Interested Parties**

Any additional information that the Applicant, Interveners or interested parties may wish the Board to consider during their review of the Renewal Application must be filed with the Board in advance of the Public Hearing and in accordance with the timelines outlined above under the heading Timeline for Pre-Hearing Exchange of Information.

#### **List of Issues**

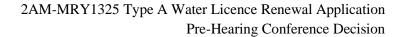
The intervening parties in attendance at the TM/PHC confirmed that none of the issues for discussion associated with the Renewal Application and the related information requirements should prevent the Board from proceeding with the Public Hearing.

As noted above, as part of the recap of the TM, the parties reviewed the following List of Issues that are expected to be addressed during the Public Hearing and agreed that, subject to adding issues following the review of information that may be exchanged in advance of the Public Hearing, the following topics should be addressed at the Public Hearing:

• Scope of the Type A Water Licence



- o 15 Year Term of the Licence
- Water Use and Management
  - Water balance estimation
  - Lake water quality and methods for tracking trends and change
  - o River and tributary water quality
  - Aquatic Habitat
  - Adaptive management responses
- Pit water quality, potential for taliks within mined out pit lakes and potential for impact on regional groundwater through potential taliks
- Wastewater Management and Treatment
- Waste Management
  - Changes to Erosion and Sediment Control Program (including additions to monitoring methodology as requested by Interveners)
  - Dust control measures, including setbacks for snow-piles impacted by dust from mining activities
  - Waste Rock Characterization and Waste Rock Management
- Monitoring and Reporting
  - o Supplemental Baseline collection more specifically along the future railway
    - Specifically in relation to Steensby pre-construction on-territory data collection
  - o Timing for activation of Hydrometric stations along the railway
  - o Implementation of pre-construction and construction monitoring programs associated with activities at Steensby Inlet
  - o Incorporation of Inuit Qaujimajatuqangit and Inuit-led monitoring programs
    - Integration of information generated by the Inuit Stewardship Program (existing and future) or other programs
  - o Incorporation of monitoring techniques (i.e., sediment cores)
- Schedule I: Monitoring Program updates
- Updates to existing management and monitoring plans
  - Integration of Steensby component to support updated pre-construction baseline data collection
  - Evaluation of existing plan performance comparison of operational monitoring data to FEIS predictions
  - o Timing, content and review process of monitoring plans
- Closure and Reclamation Planning
  - o Interim Closure and Reclamation Plan
- Amendments to the Water Licence
  - Security





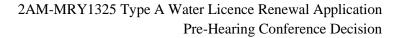
- o Security Management Agreement / modifications to Part C and Schedule C Security
- Discharge criteria (per Baffinland response to ECCC TC-06 filed Nov. 18, 2024 with NWB)
- Non-substantive updates (e.g., updated references to current approved plans)
- Draft Renewal Licence Framework
- The addition of terms and conditions related to cumulative effects

#### **Procedures for the Public Hearing**

Parties were asked for their views with respect to the form of the Public Hearing (written, teleconference or in-person). The QIA preferred an in-person Public Hearing, in Pond Inlet. CIRNA stated that they would be available for an in-person Public Hearing in Pond Inlet as well as for an on-line Public Hearing. ECCC also preferred an in-person Public Hearing. DFO suggested a hybrid arrangement i.e., primarily an in-person Public Hearing with on-line access provided for participants unable to travel to Pond Inlet. Baffinland also recommended a hybrid arrangement where most of their staff would attend in-person and some of their consultants would likely attend on-line. Baffinland suggested the Public Hearing to be held in Pond Inlet or Iqaluit for maximum involvement of public members. Additionally, Baffinland suggested to hold the Public Hearing in either of the last two weeks of February, 2025.

Recognizing the Board's schedule, the requirement to give at least 60 days notice of the Public Hearing and the logistical requirements to ensure adequate accommodations for Public Hearing participants, the Board has concluded that the week of March 10-14, 2025 is the most appropriate time for the in-person Public Hearing. Given the high level of public interest in this Renewal Application and recognizing the support of all parties for an in-person Public Hearing, the NWB's decision-making Panel for the file (Mary River Panel or Panel P4) has determined that it is most appropriate for the Board to hold an in-person Public Hearing to support decision-making for the file. Recognizing that there may be limitations on the availability of accommodations in Pond Inlet, the Board will also provide videoconference/audioconference links to the in-person proceedings in Pond Inlet. With respect to the location of the in-person Public Hearing, the parties were unanimous that Pond Inlet should be the most appropriate venue, as it is the closest community.

On this basis, the Mary River Panel decided, by Motion #2024-12-P4-04, that the in-person Public Hearing should be held in the community of Pond Inlet sometime during the week of <u>March 10-14, 2025</u>. The NWB expects that NWB Board Members appointed as decision-makers for the Renewal Application (Mary River Panel or P4 Panel), the Board's staff, and representatives from the Applicant and the Interveners would be able to participate during the in-person Public Hearing in Pond Inlet. However, while the Board emphasizes the importance of in-person attendance in





the community of Pond Inlet as the primary format for the Public Hearing, the Board recognizes that there may be travel and accommodation limits for some parties, and the Board will work to provide mechanisms for remote participation via audio/video links if possible. The Board will be working to confirm logistics, and will provide more specific details regarding the Board's approach to conducting the in-person Public Hearing when the formal Notice of Public Hearing is issued on **December 27, 2024**.

All parties should be advised, however, that this procedural direction, including the proposed timing and format of the Public Hearing may be modified by the Board in future as may be required to reflect changed circumstances such as:

- The failure of any participants to meet the timelines for the pre-Hearing exchange of documentation;
- Technological limits; and
- The receipt of the required Public Hearing funding by NWB from Crown-Indigenous Relations and Northern Affairs.

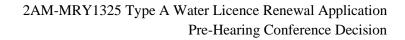
The parties have confirmed that they do not anticipate that they will require the Board to deviate from the Board's normal *Rules of Practice and Procedure* (May 2005) (*Rules*) during the conduct of the Public Hearing. As such, the Board directs all parties that the Public Hearing will be conducted in accordance with Parts III and IV of the Board's *Rules*.

#### Measures to Simplify the Disposition of the Renewal Application

With the exception of the Board's recommendation that Baffinland consider applying for a short-term renewal of the Water Licence, no other specific measures to simplify the disposition of the Renewal Application were identified at the PHC. However, as always, the Board encourages participants to make available visual representations such as maps, diagrams, pictures, video clips and models of facilities and infrastructure to support their discussions with the community during the Public Hearing.

#### **Steps following the Public Hearing**

Following the completion of the in-person Public Hearing and the closure of the Public Hearing Record, the Renewal Application would be remitted to the Mary River Panel (P4) for decision-making. When the Panel has reached a decision, which is typically within thirty (30) to forty-five (45) days of the closing of the Public Hearing Record, the Board will issue its Record of Proceedings and Decision to the Minister of Northern Affairs. If the Panel recommends that the requested renewal be granted, a draft of the Renewal type A Water Licence would also be attached to the NWB's Decision for the Minister's consideration.





If additional information is required regarding the Renewal Application, the Board's specific direction or the Board's processes in general, please do not hesitate to contact the Director of Technical Services, Karén Kharatyan, at <a href="mailto:karen.kharatyan@nwb-oen.ca">karen.kharatyan@nwb-oen.ca</a> or the Licensing Administrator, Robert Hunter, at <a href="mailto:robert.hunter@nwb-oen.ca">robert.hunter@nwb-oen.ca</a> for any other matters related to the Renewal Application.

Regards,

## NUNAVUT WATER BOARD

Stephanie Autut Executive Director

SA/aj/rh

#### Attachments:

Appendix A: Technical Meeting, Community Session and Pre-Hearing Conference Agendas
Appendix B: List of Participants at the Technical Meeting and Pre-Hearing Conference

Appendix C: List of the Renewal Application Submissions

Appendix D: List of Commitments generated during the Technical Meeting/Pre-Hearing

Conference held on December 3-4, 2024



#### **APPENDIX A:** TM/Community Session/PHC Agendas

# FINAL AGENDA TECHNICAL MEETING AND PRE-HEARING CONFERENCE (TM/PHC)

# MARY RIVER PROJECT

#### RENEWAL APPLICATION FOR WATER LICENCE NO: 2AM-MRY1325

#### **TECHNICAL MEETING**

Date: December 3, 2024

Time: 9:00 AM – 5:00 PM (ET)
Location: Community Hall, Pond Inlet

#### Teleconference link and call-in information:

https://pido-ca.zoom.us/j/83584664943?pwd=UF8oRVKbW1pNa3zSze1rHrRHcANfel.1

+1 613 209 3054 855 703 8985 (Toll-free)

#### Meeting ID: 835 8466 4943

- 1. Introduction and registration
  - a. Overview of the Technical Meeting
  - b. Introduction of Participants
- 2. NWB Opening Remarks / Application to the Board (15 Minutes)
  - a. Objectives of the Technical Meeting
  - b. Overview of scope and procedural history of the Application
- 3. Technical Review of the Application
  - a. Presentation by the Applicant (Baffinland) (up to 45 minutes, excluding time for questions and answers)
    - i. Questions from Parties, other conference call participants and the NWB regarding the Applicant's Presentation
  - b. Presentations by interested parties (up to 30 minutes, excluding time for questions and answers)
  - c. Formulation of outstanding issues
  - d. Identification of the parties' commitments to resolve relevant technical issues, service of documents to parties (deadline, public registry, form)
- 3. Closing of Technical Meeting

Health breaks – 15 minutes



#### **COMMUNITY SESSION**

Date: December 3, 2024

Time: Starting at 7:00 PM (ET)

**Location:** Community Hall, Pond Inlet

#### **Teleconference link and call-in information:**

https://pido-ca.zoom.us/j/83584664943?pwd=UF8oRVKbW1pNa3zSze1rHrRHcANfel.1

+1 647 374 4685 +1 778 907 2071 +1 647 558 0588 +1 204 272 7920 +1 587 328 1099

+1 613 209 3054 855 703 8985 (Toll-free)

#### Meeting ID: 835 8466 4943

1. Overview of NWB process by NWB (15 minutes)

- 2. Presentation of Application by the NWB (15 minutes)
- 3. Presentation of Application by Applicant (30 minutes)
- 4. Presentation/statements by Intervening Parties (15 minutes per party)
- 5. Questions and comments from community

Health breaks – 15 minutes



#### PRE-HEARING CONFERENCE

Date: December 4, 2024

Time: 9:00 AM – 5:00 PM (ET)
Location: Community Hall, Pond Inlet

#### Teleconference link and call-in information:

https://pido-ca.zoom.us/j/83584664943?pwd=UF8oRVKbW1pNa3zSze1rHrRHcANfel.1

+1 647 374 4685 +1 647 558 0588 +1 204 272 7920 +1 587 328 1099

+1 613 209 3054 855 703 8985 (Toll-free)

#### Meeting ID: 835 8466 4943

1. Pre-Hearing Conference

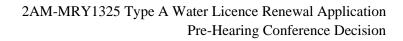
- a. Identify issues that may prevent the Application from proceeding to a Public Hearing
- b. Discuss form, timing, and location of a potential Public Hearing for the Application
- c. Establish timetable for the pre-hearing exchange of information including:
  - i. preparation and filing of additional documents by the parties (deadlines, form, public registry)
  - ii. document-translation requirements
  - iii. documentation to be included in the Public Hearing Record
- d. Finalize list of issues to be addressed at the Public Hearing
- e. Identify interested parties / parties that should be invited to participate in the Public Hearing
- f. Identify any changes required to the Application for the purposes of clarification
- g. Final procedures to be followed at the Public Hearing including:
  - i. requested modifications to the applicable NWB Rules of Practice and Procedure for Public Hearings (May 2005)
  - ii. language requirements at the Public Hearing
- h. Consideration of any other matters that may aid in the simplification and disposition of the Application at the Public Hearing
- 2. Other issues
- 3. Closing of the meeting

Health breaks – 15 minutes



# APPENDIX B: List of Participants at the Technical Meeting and Pre-Hearing Conference

| Participant         | Position                                 | Company/<br>Organization | Representing |
|---------------------|--|--------------------------|--------------|
| Stephanie Autut     | Executive Director                       | NWB                      | NWB          |
| Karén Kharatyan     | Director Technical Services              | NWB                      | NWB          |
| Ben Kogvik          | Board Administration & Communications    | NWB                      | NWB          |
| Abid Jan            | Technical Advisor                        | NWB                      | NWB          |
| Mohammad Ali Shaikh | Technical Advisor                        | NWB                      | NWB          |
| Robert Hunter       | Licensing Administrator                  | NWB                      | NWB          |
| Amos Kamookak       | Assistant Technical Advisor              | NWB                      | NWB          |
| Teresa Meadows      | Legal Counsel                            | Meadows Law              | NWB          |
| Zachary Bliss       | Associate                                | Meadows Law              | NWB          |
| Silas Takawgak      | Local Interpreter                        | Pond Inlet               | NWB          |
| Christopher Coomber | Sound Technician                         | PIDO                     | NWB          |
| Darin Woodbury      | Sound Technician                         | PIDO                     | NWB          |
| Lou Kamermans       | Senior Director, Sustainable Development | Baffinland               | Baffinland   |
| Paul Quassa         | Senior Advisor                           | Baffinland               | Baffinland   |
| Elisabeth Luther    | Senior Manager, Regulatory Affairs       | Baffinland               | Baffinland   |
| Connor Devereaux    | Environmental Manager                    | Baffinland               | Baffinland   |
| Joseph Tigullaraq   | Head of Northern Affairs                 | Baffinland               | Baffinland   |
| Michael Salomonie   | Community Relations Manager              | Baffinland               | Baffinland   |
| Steve Borcsok       | Approvals Manager                        | Baffinland               | Baffinland   |
| William Bowden      | Senior Environmental Superintendent      | Baffinland               | Baffinland   |
| Morgan Schauerte    | Consultant to Baffinland                 | Stantec                  | Baffinland   |
| Christine Kowbel    | Legal Counsel                            | Lawson                   | Baffinland   |
|                     |  | Lundell LLP              |              |
| Assol Kubeisinova   | Manager of Regulatory Review             | QIA                      | QIA          |
| Andrew Jaworenko    | Environmental Specialist                 | QIA                      | QIA          |
| Richard Nesbitt     | Consultant                               | Hutchinson               | QIA          |
|                     |  | Environmental            |              |
|                     |  | Sciences                 |              |
| Alistair Macdonald  | Consultant                               | The Firelight            | QIA          |
|                     |  | Group                    |              |
| Joe Cavallo         | Consultant                               | LGL Limited              | QIA          |
| Amoudla Kootoo      | Water Specialist                         | QIA                      | QIA          |
| Keith Scott         | Research Analyst                         | The Firelight            | QIA          |
|                     |  | Group                    |              |
| Jake Carman         | Ecologist, Water Resources Specialist    | LGL Limited              | QIA          |
| Mitchell Kay, PhD   | Senior Aquatic Scientist                 | LGL Limited              | QIA          |





| Participant         | Position                                   | Company/                | Representing |
|---------------------|--|-------------------------|--------------|
| 1 ai ticipant       | 1 osition                                  | Organization            | Kepresenting |
| Corey Shefman       | Legal Counsel                              | Olthuis Kleer           | QIA          |
|                     |  | Townshend               |              |
|                     |  | LLP                     |              |
| Jeff Hart           | A/Director of Resource Management          | CIRNA                   | CIRNA        |
| Andrew Keim         | Manager of Water Resources                 | CIRNA                   | CIRNA        |
| Lauren Perrin       | Water Management Specialist                | CIRNA                   | CIRNA        |
| Melissa Pinto       | Senior Environmental Assessment Officer    | ECCC                    | ECCC         |
| Jennifer Sabourin   | Environmental Assessment Officer           | ECCC                    | ECCC         |
| Sarah Forte         | Water Quality Analyst                      | ECCC                    | ECCC         |
| Reg Ejeckam         | Senior Mining Officer                      | ECCC                    | ECCC         |
| Robert Nissan       | Air Quality Analyst                        | ECCC                    | ECCC         |
| Paul Harper         | Fish and Fish Habitat Protection Biologist | DFO                     | DFO          |
| Nicholas Wasilik    | Fish and Fish Habitat Protection Biologist | DFO                     | DFO          |
| Andy Kalluk         | HTA  | N/A                     | Arctic Bay   |
| Sakiasee Qaunaq     | HTA  | N/A                     | Arctic Bay   |
| Paul Ejangiaq       | HTA  | N/A                     | Arctic Bay   |
| Gordon Kautuk       | HTA  | N/A                     | Clyde River  |
| Travis Kautuq       | HTA  | N/A                     | Clyde River  |
| Jopie Kaernerk      | HTA  | N/A                     | Sanirajak    |
| Isaac Anguttautuq   | HTA  | N/A                     | Sanirajak    |
| Luther Triggs       | Hamlet Council Member                      | Sanirajak               | Sanirajak    |
| Lloyd Idlout        | HTA  | N/A                     | Igloolik     |
| Lucy Qattalik       | HTA  | N/A                     | Igloolik     |
| Natalino Piugattuk  | HTA  | N/A                     | Igloolik     |
| Paul Irngaut        |  | NTI                     | N/A          |
| Alex Oootoowak      | Member of the Public                       | Oceans North            | Pond Inlet   |
| Asenath Ataguttak   | Member of the Public                       | N/A                     | Pond Inlet   |
| Cornelius Nutarak   | Member of the Public                       | Hamlet of               | Pond Inlet   |
|                     |  | Pond Inlet              |              |
| David Qamaniq       | Member of the Public                       | N/A                     | Pond Inlet   |
| Domina Koonark      | Member of the Public                       | N/A                     | Pond Inlet   |
| Dwyane Nutarariaq   | Member of the Public                       | N/A                     | Pond Inlet   |
| Elsirie Peterloosie | Member of the Public                       | Hamlet of               | Pond Inlet   |
|                     |  | Pond Inlet              |              |
| Gary Nashook        | Member of the Public                       | N/A                     | Pond Inlet   |
| Gisa Inuarak        | Member of the Public                       | N/A                     | Pond Inlet   |
| Guy Nutarariaq      | Member of the Public                       | Hamlet of<br>Pond Inlet | Pond Inlet   |



# 2AM-MRY1325 Type A Water Licence Renewal Application Pre-Hearing Conference Decision

| Participant         | Position             | Company/<br>Organization | Representing |
|---------------------|----------------------|--------------------------|--------------|
| Isaac Akpaleapik    | Member of the Public | N/A                      | Pond Inlet   |
| Jason Angetsiak     | Member of the Public | N/A                      | Pond Inlet   |
| Jerold Koonark      | Member of the Public | N/A                      | Pond Inlet   |
| Johnny-lee Qanguq   | Member of the Public | N/A                      | Pond Inlet   |
| Moses Koonark       | Member of the Public | Hamlet of                | Pond Inlet   |
|                     |                      | Pond Inlet               |              |
| Nancy Kilukishak    | Member of the Public | N/A                      | Pond Inlet   |
| Patrick Peterloosie | Member of the Public | N/A                      | Pond Inlet   |
| Rhoda Arnakallak    | Member of the Public | N/A                      | Pond Inlet   |
| Sali Inuara         | Member of the Public | N/A                      | Pond Inlet   |
| Samson Erkloo       | Member of the Public | N/A                      | Pond Inlet   |
| Tapisa Kasarnak     | Member of the Public | N/A                      | Pond Inlet   |
| Tim Jisu            | Member of the Public | N/A                      | Pond Inlet   |
| Norman Panniluk     | Member of the Public | N/A                      | Iqaluit      |

### Pond Inlet, Nunavut December 3, 2024

**Technical Meeting - Registration Form** 

| No.        | First Name       | Last Name  | Organization/<br>Address | Phone        | Fax | E-mail                        |
|------------|------------------|--|--------------------------|--------------|-----|-------------------------------|
| 1.         | A550             | Kubeisinova  | 10000000 QIA             |              |     | 1                             |
| 2.         | Alistair         | MacDonald  | QIA                      |              |     |                               |
| 3.         | Jæ               | Cavallo  | LGL                      |              |     |                               |
| 4.         | Elisabeth Lother | (quallo<br>Lither  | Bim                      |              |     |                               |
| 5.         | Lou Kommons      | 2  | BIM                      | 647-278-3317 |     | low. kowenews 6 taffulal com  |
| 6.         | Nicholas-wasi    | Wasilie  | DFO                      |              |     |                               |
| 7.         | Paul             | Harper   | TFO                      |              |     |                               |
| 8.         | Connor           | "Devereany   | BIM                      | 647-456-900  | 7   |                               |
| 9.         | JEFF             | HANT   | CIRNAC                   |              |     |                               |
| 10.        | Alex             |  |                          | 867 899 14   | 50  | anotoniak @ acous mois the (a |
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### Pond Inlet, Nunavut December 3, 2024

**Technical Meeting - Registration Form** 

| No. | First Name   | Last Name  | Organization/<br>Address   | Phone  | Fax | E-mail                            |
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| 65. | 2. chose   | Nestitt    | HESLIQIA   | 519-500-3055   |     | richard nosbilla esciencos ca     |
| 66. | Paul   | DUAS 5 A   | IGALUIT  | 975-267  |     | PQV2552 @ nolmail, com            |
| 67. | Nelessa  | Printo     | PICC   | 11) 06/2   |     | 10                                |
| 68. | Andreu   | Jeware190  | 10TH   |  |     | ANVEW. Javarentha Q QIA. Ca       |
| 69. | Rhoda  | Arnakallak | elber  |  |     |                                   |
| 70. | Gary   | Nashouk    | Public   | 343-572-761  | 2   |                                   |
| 71. | Asenath  | Ataguttak  | Public   | 343-551-41   | 13  | DE Arnarulu Ogalik ED hotmail com |
| 72. | he ran   | 5          | elder  |  |     |                                   |
| 73. | AL SIKIO   | PortLoosur | HAWIST   | 899 1732   |     |                                   |
| 74. | Duranne  | 1 1 1      | Public   | 613 327 5/12   |     | d+1303 Onotnailicon               |
| 75. | MOSES KOONER   | 1 HLC      | 12000  | 899-12/5   |     |                                   |
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morning session

### TM-PHC BAFFINLAND MARY RIVER PROJECT Iqaluit, Nunavut December 3, 2024 Technical Meeting - Registration Form

| NO. | N             |                  | recillical Meeting - Reg | A STATE OF THE PARTY OF THE PAR |   |   |
|-----|---------------|------------------|--------------------------|--|---|---|
| No. | First Name    | Last Name        | Organization/<br>Address | Phone  | Fax   | E-mail ,  |
| 1.  | JOPIE         | KAERNERK         |                          |  |   |   |
| 2.  | SAKTASEL      | CANNAQ           | Arctic Buy               |  |   |   |
| 3.  | TSAAC         | AWGUTTAUTUER     | HALLBEREH                | 867 4950à  | ý   | i.anyotautoK  |
| 4.  | Lucy          | Rattalik         | labelile                 | 867 934 6489   |   | 1 uni acttalitada ana 1 como                                  |
| 5.  | Llold         | Edlout           | Igloolik                 | 3435434116   |   | 1 loy l'ident Za zmail com                                    |
| 6.  | NATALINO      | PIVANTUK         | ThooLIK                  | 367201-2059  | •   | 7/1   |
| 7.  | EJANGIAO PAUL |                  | Arctic Bay               |  |   |   |
| 8.  | Avely         | Gallur           | ArcticBay                |  |   | acy-Kalla hotmailson  |
| 9.  | Luther        | Triggs           | Sanirajak                | 4313737245   |   | Luther Trago @gmail.com                                       |
| 10. | Travis        | Kautug           | Clade river              | 867-688-6146   |   | travistantes 190 Damail-Com                                   |
| 11. | GORDON        | KAUTUK           | HTO CLYDE RIVER          | 613-315-8981   |   | travistactor 190 Ogmail-com<br>gurdunksutuki 198 holonsil. Co |
| 12. | JOE           | TIGULLARAS       | Igaluit                  | 867-202-62   |   | people, tigullares platfillastico                             |
| 13. | Steve         | Borcsok          | Baffinland               | 647-444-3315   |   | steve bot csoke Obaffinland, com                              |
| 14. | Jessi Ca      | Kassar           | Igaluit ECCC             | 867-272-2036   |   | jessica. Kassar@ec.gc.Ca                                      |
| 15. | Amoudla to    | KGOTOU           | igaluit OLA              | 867-277-1581   |   | akoctoo@gia.ca  |
| 16. | LA has        | MICHAELSALOPERNO | TEAUN NO BIM             | 867200224  | 222 2024  | MICHAEL, SALGMONIE @ BAFFANIGNO, COM                          |
| 17. | Paul          | Imgan            | NTI                      | 975-4900   | 975-4949  | pingant @tempanik-rom   |
| 18. | Bridget       | Campbell         | ELCI                     | 867223   | 15291   | 1 1   |
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| 31. |               |                  |                          |  | Assessment |   |
| 32. |               |                  |                          |  |   |   |

Afternoon Session

### TM-PHC BAFFINLAND MARY RIVER PROJECT Iqaluit, Nunavut December 3, 2024 Technical Meeting - Registration Form

| 35. Je<br>36. St<br>37. 38. G<br>39. Tr<br>40. 1 | irst Name   | Last Name        | Organization/<br>Address | Phone        | Fax  | E-mail   |
|--|-------------|------------------|--------------------------|--------------|--|--|
| 35. Je<br>36. St<br>37. 38. G<br>39. Tr<br>40. 1 | -Nahelo     | MICHAEL SALDANIO | BAFFALAND                | 222 2074     | MICHAEL SA   | LOMONIE @ BACKINCAND   |
| 36. SH<br>37. 38. C<br>39. 40. 1                 | molidia     | Kootoo           | QIA                      | ar 1581      |  | axootoo egia.ca  |
| 37.<br>38.<br>39.<br>40.<br>41.                  | essi ca     | Kassor           | Igaluit ECCC             | 86 232-3036  |  | jessia. kassar@ec.gc. ca   |
| 38. G<br>39. Tr<br>40. L<br>41.                  | teve.       | Borcsok          | Baffinland               | 647-444-3315 |  | steveborcs & ebaffinland. com  |
| 39. Tr. 40. 1                                    | DE 88       | TIGUL CARAC      | Baffieland               | 867-222-113  | 2  | iogy Dy de jola  |
| 39. 17. 40. 1<br>41. 4                           | - order     | KAUTIK           | CUDE RIVERHIO            |              |  |  |
| 40.  | ruvis       | Kastege          | Clybe liver              |              |  |  |
| 41.  | Luther      | Trusq 1          | Sansijak Hanlet          | 4313737245   |  | Luther-triggo@gnail.com  |
| 12   | 4ndl        | Gall all         | Arctic Buy HTA           |              |  | son kall@hotmail.com   |
| 42.  | Paul        | EJANGIAQ         | ARCTIC BAY HTO           |              |  |  |
| 43.  | VATALINO    | PLUGATTUK        | ZGLOOLIK                 | 867 201 2059 | )  |  |
| 44. L  | loyd Edlout | Followt          | Igloplik                 | 343-543-416  |  | Mordillout 2 cog mail.com<br>lucygattalila amail.com<br>i, angotautor & not mail.com |
| 45.  | Lucy        | Qattalik         | Igiophile                | 867-934-6439 |  | lucygattalile anailecom  |
| 46.  | ISAAC '     | ANGUITAUTUG      | Hall Beach               | 867.495007   |  | i, angotautoko not mailcon   |
| 47.  |             |                  |                          |              |  |  |
| 48.  | SAKTASEE    | BAERNERK         |                          |              |  |  |
| 49.  | Jorle       | KAERNERK         | BUS PURE ENGIN           | 217 0278     | The state of the s |  |
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# Pond Inlet, Nunavut December 3, 2024

**Community Session - Registration Form** 

|     |  |              | Community Session - Re   | CONTRACTOR OF THE PARTY OF THE |                   |  |
|-----|--|--------------|--------------------------|---|-------------------|--|
| No. | First Name   | Last Name    | Organization/<br>Address | Phone   | Fax               | E-mail   |
| 1.  | JEFF   | Hans         | CIRNAC                   |   |                   |  |
| 2.  | Tee  | Cavalle      | 1 GLIQUA                 |   |                   |  |
| 3.  | Alistair   | MacDonald    | Firelight/BIA            |   |                   |  |
| 4.  | Elisabeth  | Lither       | Bordenland               |   |                   |  |
| 5.  | Lou 12   | Kameinens    |                          |   |                   |  |
| 6.  | Paul   | Quasa        | Kallinland               |   |                   |  |
| 7.  | Nelissa  | Divito       | EEEC                     |   |                   |  |
| 8.  | Paul   | Harper       | DEO                      |   |                   |  |
| 9.  | Silas  | takangak     | Interpreter              |   |                   |  |
| 10. | Duragne  | N. Jarae'sa  | BIMC                     | 6133235712  |                   | at 303@hotacail.com                              |
| 11. | DAVID  | RAMANIO      | PUBLIC.                  | 867-222-0880  |                   | do a i acore amail a com                         |
| 12. | JEROLD &   | Koonar K     | Public                   |   |                   | de ajorage grail-rom<br>Folder-0987 Bostlook cam |
| 13. | Domina   | Koonart      | Public                   | 899-6101  |                   | dakopnartagnailcom                               |
| 14. | Isaac  | AKPACEAPIK   | Public                   | 1756  |                   | - ans  |
| 15. | Nancy  | Kilukishak   | Public                   | 899 6979  |                   | Kilukishak pancy & mail                          |
| 16. | Patrick  | Peter 10051e | Public                   | 999-2016  |                   |  |
| 17. | Johnnylee  | Q10919.      | Public.                  | 899 6653  |                   | Preserved & Maila                                |
| 18. | Christin   | Rangual      | Bim                      |   |                   |  |
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# Pond Inlet, Nunavut December 3, 2024

**Community Session - Registration Form** 

| 65. Co<br>66. Ac<br>67. Ac<br>68. | nnor<br>Xol | Devereaux<br>Kubeisinas<br>Wasilik | Organization/ Address | Phone 647-456-9 | Fax   | E-mail |
|-----------------------------------|-------------|------------------------------------|-----------------------|-----------------|-------|--------|
| 66. Ac. 67. 68.                   | holas       | Devereaux<br>Kubeisinas            |                       | 647-456-9       | 1067  | 1      |
| 66. Ac. 67. 68.                   | holas       | Devereaux<br>Kubeisinas<br>Dasilik | BIM                   | 647-456-9       | 1067  |        |
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# Iqaluit, Nunavut December 3, 2024

**Community Session - Registration Form** 

| No. | First Name | Last Name  | Organization/   | Phone        | Fax                                     | E-mail                            |
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|     |            |            | Address         | , mone       |   |                                   |
|     | 10         |            | 1 -1/000        |              |   |                                   |
| 1.  | Amoudia    | Koctoo     | 19alut/QIA      | 499 1281     |   | akootoo@gla.ga                    |
| 2.  | MICHALL    | SALABONE   | TOAWIT BIMC     | 2272074      | MICHAE                                  | Steve bores & Chaffin land com    |
| 3.  | Steve      | Borcsok    | Baffinland      | 647-444-3315 |   | steve borcsok @baffinland com     |
| 4.  | Joe        | TIGULLARAS | Battingerd      | 86.7-272-662 | 2 Jos                                   | ephiticullaras Co bottin les hors |
| 5.  | GORDON     | KAUTUK     | HTO CLYDE RIVER | 613 3158981  |   | gorden Karto K440 hotensil. (2    |
| 6.  | Travis     | houture    | HTO CLUBE TIMET |              |   |                                   |
| 7.  | Luther     | 1711/202   | Sonrajak Hombet | 4313737245   |   | Lwther triggs @grail . com        |
| 8.  | Avoly 1    | Kylloa     | Arctic Bay HTA  |              |   | 20                                |
| 9.  | ETANGIAR   | E. Paul    | ARCTICBAY       |              |   |                                   |
| 10. | NATALINO   | PIUGATTUK  | IGLOOLIK        | 201-2059     |   |                                   |
| 11. | Cloyd      | Idlout '   | Igloplik        | 343-543-416  |   | Markillout Zagmail.com            |
| 12. | lucy       | Dattalik   | ialoolik        | 934-6439     |   | lucygattal it@gmad.com            |
| 13. | TSAAC      | ANGUITAUTU | Sanirasak       | 495-0079     |   | i ana otouito K& Hat malk om      |
| 14. | SAKTASEE   | DAUNAD     | . 0             |              |   |                                   |
| 15. | DOPLE      | IRAERNERIL |                 |              |   |                                   |
| 16. | 110rmen    | Panniluk   | 19auTN4         | 202-7eki     | 3                                       | N.P.                              |
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# Pond Inlet, Nunavut December 4, 2024

**Pre-Hearing Conference - Registration Form** 

| No. | First Name      | Last Name  | Organization/ | Phone    | Fax | E-mail                        |
|-----|-----------------|------------|---------------|----------|-----|-------------------------------|
| No. | rirst ivame     | Last Name  | Address       | Phone    | rdX | E-IIIali                      |
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| 1.  | Circy.          | Netararian | HAMLET        | 867-2240 | H9/ | geen varanage                 |
| 2.  | MOSES KORNEY    | 100100     | HLCD          | 899-6015 |     | 2 Cropolica Coop              |
| 3.  | ELEINIE KOUNTY  | PETORLOGIE | HAMILT        | 899 1739 |     |                               |
| 4.  | Richord         | NosbiFF    | QIA/HESL      |          |     |                               |
| 5.  | Melissa         | Pruto      | ECC           |          |     |                               |
| 6.  | Nicholas        | Wasilik    | DFO           |          |     |                               |
| 7.  | Payl            | Harper     | DEC           |          |     |                               |
| 8.  | 100             | Komemons   | BIM           |          |     |                               |
| 9.  | Connor          | Deversanx  | BTM           |          |     |                               |
| 10. | JEEC            | Hart       | CIRNAC        |          |     |                               |
| 11. | PAUL            | QUASS A    | BIM           |          |     |                               |
| 12. | Alexander       | Octoowak   | Oceans Worth  | 899 1450 |     | acotoon at @ Oceans north, ca |
| 13. | Crisa           | Invarak    | Public        | 899-896  | (   |                               |
| 14. | 1867 * XX * 359 |            | Z00M          |          |     |                               |
| 15. | Cornelius Nu    | Hardt.     | most          | 849-2156 |     | Midulale                      |
| 16. | Christle        | Vaile!     | Bim'          |          |     |                               |
| 17. | Alistair        | MwcDonald  | DIA           |          |     |                               |
| 18. | Joseph          | Cavallo    | LEL           |          |     | jeavallo@leglicom             |
| 19. |                 |            |               |          |     | 0                             |
| 20. |                 |            |               |          |     |                               |
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# TM-PHC BAFFINLAND MARY RIVER PROJECT Pond Inlet, Nunavut December 4, 2024

**Pre-Hearing Conference - Registration Form** 

| No.   First Name   Last Name   Organization   Phone   Fax   E-mail  |   |            | Pre-l      | Hearing Conference | - Registration F | orm |        |
|---|---|------------|------------|--------------------|------------------|-----|--------|
| 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 90.           | No.   | First Name |            | Organization/      |                  |     | E-mail |
| 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 90.           |   |            | 1/ 1       | OLA                |                  |     |        |
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| 92.<br>93.<br>94.<br>95.  |   |            |            |                    |                  |     |        |
| 93.<br>94.<br>95.   |   |            |            |                    |                  |     |        |
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#### TM-PHC BAFFINLAND MARY RIVER PROJECT Iqaluit, Nunavut December 4, 2024 Pre-Hearing Conference - Registration Form

| No. | First Name | Last Name        | e-Hearing Conference - I<br>Organization/ | Phone        | Fax  | E-mail   |
|-----|------------|------------------|---|--------------|--|--|
|     |            |                  | Address                                   |              |  |  |
| 1.  | GORDON     | KAUTUK           | HTO CHIDERIED                             | 1613315898   | 1  | gordon Koutuk 49 @ listerail. (2)  As ticultus a @ lott ford, Come stever borcs it to bath land, com jessia Kassar Dec. gc. ca |
| 2.  | TOE        | TIGULLARAG       | Battinland                                | 867-202-460  | 2 Jos  | de ticulassa Choff land com  |
| 3.  | Steve      | Borcsok          | Baffinland                                | 647-444-3315 |  | steve boresole baffinland com  |
| 4.  | , Jessaca  | Kassar           | ECCC/Igaluit                              | \$222-2076   |  | jessica. Kassardec.gc.ca   |
| 5.  | 14 466     | Michael Solomora | RIM                                       | 222 2074     | MICHAE   | - SALOMONIED BACKINLAND, COM   |
| 6.  | Amouella   | KOOTOO           | ORA / Igaluit                             | 221 2074     |  |  |
| 7.  |            |                  |   |              |  | akootoo@gia.ca   |
| 8.  | + 11 DELE  | GATES            |   |              |  |  |
| 9.  |            |                  |   |              |  |  |
| 10. |            |                  |   |              |  |  |
| 11. |            |                  |   |              |  |  |
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### **APPENDIX C:** List of Renewal Application Submissions

### 1. June 26, 2024

The Application included the following documents:

- Cover Letter Water Licence Renewal Application
- Application and Supporting Information to Renew Type A Water Licence 2AM-MRY1325

### Appendices:

- Appendix A Application for Water Licence Renewal
- Appendix B Supplementary Information Guideline (SIG) Form
- Appendix C Nunavut Planning Commission Conformity Letter
- Appendix D Permit Register
- Appendix E 1:50,000 Scale Figures Showing Existing and Proposed Infrastructure
- Appendix F Detailed Site Layouts and Recent Site Photos
- Appendix F1 Detailed Site Layouts (Mine Site, Milne Port, Other Camps)
- Appendix F2 Recent Site Photos
- Appendix G Baffinland's Articles of Incorporation
- Appendix H 2022 ASR Decision from NWB
- Appendix I Baffinland's Response to QIA's Comments on Draft Application
- Appendix J Summary of Inuit Knowledge of Waterbodies Important to Inuit
- Appendix K Regulator Inspections and Baffinland's Responses
- Appendix K1 2023 and 2024 CIRNAC Inspections and Baffinland's Responses
- Appendix K2 2023 QIA Inspections and Baffinland's Responses
- Appendix L Management Plans
- Appendix L1 Emergency Response Plan
- Appendix L2 Spill Contingency Plan
- Appendix L3 Surface Water, Aquatic Ecosystem Management Plan
- Appendix L4 Fresh Water Supply, Sewage, and Wastewater Management Plan
- Appendix L5 Waste Management Plan
- Appendix L6 Hazardous Materials and Hazardous Waste Management Plan
- Appendix L7 Borrow Pit and Quarry Management Plan
- Appendix L8 Aquatic Effects Monitoring Plan
- Appendix L9 Environmental Protection Plan
- Appendix L10 Interim Closure and Reclamation Plan
- Appendix L11 Sampling Program Quality Assurance and Quality Control Plan
- Appendix L12 Phase 1 Waste Rock Management Plan
- Appendix L13 Life of Mine Waste Rock Management Plan
- Appendix L14 Landfill Maintenance and Operation Manual
- Appendix L15 Landfarm Operation Maintenance and Monitoring Report



### 2. August 15, 2024

- Letter: 2AM-MRY1325 Type A Water Licence Renewal Application Information Request Responses
  - Table 1. Information Request Responses
  - Attachment 1. Status of Compliance for 2AM-MRY1325 Type A Water Licence Terms and Conditions
  - Attachment 2. Type A Water License (2AM-MRY1325) Renewal Application -Water Quality Scatter Plots
  - Attachment 3. BIM-5200-PLA-0022 Fresh Water Supply, Sewage, and Wastewater Management Plan
  - o Attachment 4. Freshwater Environment Engagement Comments, 2014-2024
  - o Attachment 5. Mine Site Water Management Plan

### 3. September 10, 2024

- Letter: 2AM-MRY1325 Type A Water Licence Renewal Application Information Request Responses
  - o Table 1. Information Request Responses
  - Attachment 1. NorthSouth Consultants Inc. 2024. Steensby Port and Railway Freshwater Habitat Surveys: 2021-2023
  - Attachment 2. Knight Piesold. 2023. Water Withdrawal Notification and Hydrological Assessment – Steensby Component
  - o Attachment 3. ERM. 2019. Community Risk Assessment Workshop: Final Report
  - Attachment 4. Baffinland. 2024. Letter to Pond Inlet Mayor and MHTO Chairperson regarding Mary River Project – Steensby Component Community Meetings

### 4. September 16, 2024

- Letter: 2AM-MRY1325 Type A Water Licence Renewal Application Information Request Responses
  - o Attachment 1. Water Quality Monitoring Results 2013-2023
  - Attachment 2. Status of Management Plans Required Under the Type A Water Licence
  - o Attachment 3. Inuit Engagement Summary Update
  - o Attachment 4. Cumulative Effects Summary Memo

### 5. November 1, 2024

- Letter: 2AM-MRY1325-2025 Annual Security Review Process ICRP Submission
  - o Attachment 1. Interim Closure and Reclamation Plan
  - o Attachment 2. Assessment of Active Zone Depth Considering SSP1-2.6 Climate Change Projections at Mary River Mine

### 6. November 12, 2024



# 2AM-MRY1325 Type A Water Licence Renewal Application Pre-Hearing Conference Decision

- Letter: Responses to Technical Review Comments on the Water Licence Renewal for Type A Water Licence 2AM-MRY1325
  - o Attachment 1. QIA TR-1. 2023 CREMP
  - o Attachment 2. CIRNAC R-17. Baffinland Waste Rock Reconciliation
  - o Attachment 3. CIRNAC R-24. Updated Figures 5.1 and 5.2
  - o Attachment 4. CIRNAC R-30. Construction Summary Reports
  - o Attachment 5. CIRNAC R-33. Hatch Civil Design Philosophy
  - o Attachment 6. CIRNAC R-34. Phase 2 Water Withdrawal Plan

### 7. November 18, 2024

- Letter: 2AM-MRY1325 Type A Water Licence Renewal Application Technical Review Comments –
- Supplementary Information
  - o Attachment 1. ECCC 6. Updated Discharge Water Quality Table
  - o Attachment 2. ECCC 8. Schedule I Tables 12, 13, 14, 15
  - o Attachment 3. CIRNAC R-06. Updated Sampling Location Figures

### 8. November 22, 2024

- Letter: 2AM-MRY1325 Type A Water Licence Renewal Application Technical Meeting
  - Attachment 1. Baffinland Technical Presentation: 2AM-MRY-1325 Type A Water Licence Renewal NWB Technical Meeting
  - Attachment 2. Baffinland Community Presentation: 2AM-MRY-1325 Type A Water Licence Renewal NWB Technical Meeting
  - Attachment 3. Baffinland Type A Water Licence 2AM-MRY1325 Renewal Executive Summary



# APPENDIX D: List of Commitments generated during the Technical Meeting/Pre-Hearing Conference - December 3-4, 2024

| No. | Party Responsible for Commitment | Party who raised<br>(Item #) | Issue - TM Commitment  | Timeline for<br>Submission  | Form of<br>Submission                               |
|-----|----------------------------------|------------------------------|--|---|---|
| 1   | Baffinland                       | CIRNAC (R-1)                 | Baffinland will include a table providing the status of management plans in the NWB and QIA Annual Reports.  | Annually, with the submission of the NWB and QIA Annual Reports               | Annual Report                                       |
| 2   | Baffinland                       | CIRNAC (R-06)                | (a) Baffinland will provide updated figures to reflect the most up to date information for all routine and permitted sampling locations on November 18, 2024 to the NWB and Intervenors.   | November 18, 2024   |   |
| 3   | Baffinland                       | CIRNAC (R-10)                | Baffinland will provide the status of all thermistors, including BH2 and BH3 in the 2024 NWB and QIA Annual Report.  | March 31, 2025  | 2024 Annual<br>Report                               |
| 4   | Baffinland                       | CIRNAC (R-11)                | Baffinland will include multiple climate change projections in the next update of the thermal model planned for 2026, as outlined in the Interim Closure and Reclamation Plan (ICRP) Revision 6.   | November 1, 2026  | Interim Closure<br>and Reclamation<br>Plan Revision |
| 5   | Baffinland                       | CIRNAC (R-13)                | Baffinland supports a change in the financial security review process that allows flexibility in timing and duration. Baffinland will continue to engage with CIRNA and QIA on this specific item and present an agreed upon revision to the relevant Water Licence conditions.  | Before the Public<br>Hearing  |   |
| 6   | Baffinland                       | CIRNAC (R-22)                | Baffinland will update the Surface Water and Aquatic Ecosystems Monitoring Plan (SWAEMP) with a synthesis of the groundwater activity on site, combined with the groundwater quality analysis and interpretation.  It is anticipated the update will include; frequency of upgradient and downgradient monitoring at selected shallow groundwater monitoring locations and identify potential areas and triggers | Within 1 year<br>following the<br>approval of the<br>Water Licence<br>Renewal | Updated Plans                                       |



| No. | Party Responsible for Commitment | Party who raised<br>(Item #) | Issue - TM Commitment  | Timeline for Submission  | Form of<br>Submission   |
|-----|----------------------------------|------------------------------|--|--|---|
|     |                                  |                              | associated with implementation of monitoring at the Project for water quality analytes and the associated monitoring frequencies.  |  |   |
| 7   | Baffinland                       | CIRNAC (R-28)                | Baffinland will provide details regarding water bodies that will be withdrawn from and the projected volume of water during the detailed design stage of the Project. This will be submitted to the NWB as part of the design construction reports outlined in Part D, Item 2 of the Water Licence.                            | 60 days prior to<br>start of water<br>withdrawal for<br>Steensby<br>construction | Design<br>Construction<br>Report(s)                           |
| 8   | Baffinland                       | QIA (QIA-TR-4)               | Baffinland will work with QIA as part of the annual security review process to address comments on the thermal model and Interim Closure and Reclamation Plan (ICRP). Baffinland will include multiple climate change projections in the next update of the thermal model planned for 2026 as outlined in the ICRP Revision 6. | November 1, 2026   | Interim Closure<br>and Reclamation<br>Plan Revision           |
| 9   | DFO                              | QIA (QIA-TR-7)               | DFO will provide its analysis of existing and required hydrological datasets associated with the Steensby Component.   | 30 days prior to<br>Public Hearing   |   |
| 10  | Baffinland                       | QIA (QIA-TR-8)               | Baffinland commits to providing details to QIA on the use of the referenced methodology for under-ice water withdrawals at lakes where no bathymetric information is available. Baffinland will provide the information to QIA for review when it is used.   | To be provided when method is used   |   |
| 11  | Baffinland                       | QIA (QIA-TR-10)              | Baffinland will provide aquatic habitat information collected at the proposed water intake sites. These details will be submitted to the Board for review and acceptance at least sixty days prior to construction as outlined in Part D, Item 2 of the Water Licence.   | 60 days prior to<br>start of Steensby<br>construction                            | Design<br>Construction<br>Report(s)                           |
| 12  | Baffinland                       | QIA (QIA-TR-20)              | Baffinland will provide updated water sampling and monitoring location figures within the next version of the Surface Water and Aquatic Ecosystems Monitoring Plan (SWAEMP). This update will include updated water monitoring locations and flow directions.  | Within 1 year<br>following the<br>approval of the<br>Water Licence<br>Renewal    | Surface Water<br>and Aquatic<br>Ecosystems<br>Monitoring Plan |



| No. | Party Responsible for Commitment | Party who raised<br>(Item #) | Issue - TM Commitment   | Timeline for<br>Submission | Form of<br>Submission |
|-----|----------------------------------|------------------------------|---|----------------------------|-----------------------|
| 137 | Baffinland                       | QIA (QIA-TR-28-<br>38)       | Baffinland and QIA acknowledge there are existing regulatory authorizations (Project Certificate 005 Terms and Conditions and Appendix B Commitments) and bilateral agreements (Mary River IIBA and Water Compensation Agreement) that address the topics raised in QIA technical comments QIA-TR-28 to QIA-TR-38. This includes the integration of IQ into the Mary River Project, waterbodies of heightened importance, updates to Steensby baseline information, the Pond Inlet Freshwater IQ Study, Inuit OITRs, Inuit water rights, Inuit engagement, the Inuit Stewardship Program/Plan and CRLU studies. Many of these initiatives and deliverables are being led directly by QIA.  Baffinland and QIA will continue discussions on these important topics and provide an update on the outcomes of those discussions as relevant to the water licence renewal process at least 3 weeks prior to the NWB Final Hearing. In the meantime, Baffinland and QIA agree that the NWB can proceed and schedule a public hearing on the basis of our mutual understanding of the current status of each item as agreed to previously and in other forums between Baffinland and QIA. | Ç                          |                       |

<sup>&</sup>lt;sup>7</sup> Immediately after the TM/PHC, the QIA advised NWB that Commitment #13 [QIA-TR-28-38] was not suitable for inclusion in the list of commitments and should be removed. However, Baffinland indicated that they would like the commitment to remain in the list of commitments and will be reporting back to the Board in accordance with the timeline set out in the commitment. As Baffinland intends to provide an update on the outcomes of discussions under this commitment relevant to the Renewal Application prior to the Public Hearing, the Board has kept Commitment #13 in the list of commitments.



| No. | Party Responsible for Commitment | Party who raised<br>(Item #) | Issue - TM Commitment   | Timeline for<br>Submission  | Form of<br>Submission   |
|-----|----------------------------------|------------------------------|---|---|---|
| 14  | Baffinland                       | ECCC #1                      | A comprehensive follow up report for water quality monitoring at the seep location as well as downstream receiving environment station D1-05 will be provided to ECCC, CIRNA and QIA in Q4 2024.  Baffinland will provide an update on the various infrastructure under the original Mine Site water management plan in subsequent annual reporting. As indicated previously the title may be misleading as this was a planning document and used to permit features under the WL in Modification No. 13. Baffinland will work with ECCC and the various regulators to ensure sufficient information is provided as committed to during ongoing discussions and the WL renewal process. We envision this to include lessons learned, adaptive management implemented to date, ongoing monitoring data, updates on constructed infrastructure with plans to address issues and then ensuring this is incorporated into the new designs or remedial actions for areas that are required. As this information is permitted and built with approval from the NWB then applicable information for how the facility or infrastructure is managed and operated is updated in the applicable WL Management Plan(s). I.e., Freshwater, Supply, Wastewater Management Plan. | By December 31, 2024  Within 1 year following the approval of the Water Licence Renewal | Applicable<br>Management<br>Plans                             |
| 15  | Baffinland                       | ECCC #4                      | Baffinland will include the list of total and dissolved fractions in the next update to the Surface Water and Aquatic Ecosystems Monitoring Plan (SWAEMP).  | Timing of plan<br>update to be<br>confirmed before<br>the Public Hearing.               | Surface Water<br>and Aquatic<br>Ecosystems<br>Monitoring Plan |
| 16  | Baffinland                       | ECCC #5                      | The abbreviation BTE will be corrected in Section 3.1 of the next revision of the Fresh Water Supply, Sewage, and Wastewater Management Plan, which will be issued with the 2025 NWB and QIA Annual Report.   | Timing of plan<br>update to be<br>confirmed before<br>the Public Hearing.               | Relevant<br>Management<br>Plans Revisions                     |



| No. | Party Responsible for Commitment | Party who raised<br>(Item #) | Issue - TM Commitment   | Timeline for Submission   | Form of<br>Submission   |
|-----|----------------------------------|------------------------------|---|---|---|
| 17  | Baffinland                       | ECCC #6                      | Baffinland will adopt the below Federal Environmental Quality Guidelines (FEQGs) as the discharge criteria for benzene, ethylbenzene, toluene and xylene at the Project. Benzene - $0.59 \text{ (mg/L)}$ ; Toluene - $0.03 \text{ (mg/L)}$ ; Ethylbenzene - $0.07 \text{ (mg/L)}$ . | December 18, 2024   | N/A   |
| 18  | Baffinland                       | ECCC #7                      | Baffinland will issue a draft Schedule I with the requested information added on November 18, 2024 to the NWB for consideration as part of these proceedings.   | November 18, 2024   |   |
| 19  | Baffinland                       | ECCC #8                      | Baffinland will issue a draft Schedule I with this information added<br>on November 18th, 2024 to the Nunavut Water Board for review as<br>part of these proceedings.   | November 18, 2024   | Surface Water<br>and Aquatic<br>Ecosystems<br>Monitoring Plan |
|     |                                  |                              | The most recent revision of the Surface Water and Aquatic Ecosystems Monitoring Plan (SWAEMP) was issued prior to the KM105 Pond being constructed. Water Licence monitoring locations will be updated in the next revision of the SWAEMP.  | Timing of plan<br>update to be<br>confirmed before<br>the Public Hearing. | Revision  |
|     |                                  |                              | Baffinland will make the following updates to the draft Schedule I. 1. Nitrite-N be added to Group 7 in the Water Licence of Table 122. Add metals from Group 4 to Group 5 in the Water Licence of Table 12.  | December 18, 2024   |   |



| No. | Party Responsible for Commitment | Party who raised<br>(Item #) | Issue - TM Commitment   | Timeline for<br>Submission  | Form of<br>Submission   |
|-----|----------------------------------|------------------------------|---|---|---|
| 20  | Baffinland                       | ECCC #9                      | Baffinland is committed to incorporating updated industry standard guidelines and utilising them to protect potential receiving environments down gradient of the Project. Baffinland will add the new total Aluminum FEQG to the AEMP pending ongoing analysis of baseline data.  Baffinland commits to updating their AEMP benchmark to align with CCME standards in the 2025 AEMP Rev 2 submission for selenium.   | Timing of plan<br>update to be<br>confirmed before<br>the Public Hearing.     | AEMP Revision   |
| 21  | Baffinland                       | ECCC #11                     | The requested administrative updates for minor corrections will be made in the next revisions to the referenced plans and management plans following the NWB normal course, of annual reporting, which occurs in parallel with the renewal process.   | Timing of plan<br>update to be<br>confirmed before<br>the Public Hearing.     | Relevant<br>Management<br>Plans   |
| 22  | Baffinland                       | DFO-TRC-01                   | Baffinland will include a summary table with all proposed watercourse crossings (road and rail culverts and bridges) in the next update to the Surface Water and Aquatic Ecosystems Monitoring Plan (SWAEMP) for crossing locations along the Tote Road. The review of the SWAEMP will occur following the NWB normal course of annual reporting, which occurs in parallel with the renewal process. Timing of plan update to be confirmed before the Public Hearing. | Within 1 year<br>following the<br>approval of the<br>Water Licence<br>Renewal | Surface Water<br>and Aquatic<br>Ecosystems<br>Monitoring Plan<br>Revision |



| No. | Party Responsible for Commitment | Party who raised<br>(Item #) | Issue - TM Commitment  | Timeline for<br>Submission  | Form of<br>Submission                       |
|-----|----------------------------------|------------------------------|--|---|---|
| 23  | Baffinland                       | DFO-TRC-02                   | BIM will implement erosion and sediment control training is required for personnel involved with the planning, installation, and maintenance of erosion and sediment control measures. The addition of Canadian-Certified Inspector of Sediment and Erosion Control (CAN-CISEC) personnel has been valuable in drawing awareness to and understanding of erosion and sediment control requirements, supporting construction activities and daily operations. In-house Erosion and Sediment Control Awareness training is being developed for personnel involved in erosion and sediment control activities and will be rolled-out during winter 2024-25.  Topics covered will include:  Legislation that governs erosion and sediment Types of erosion Factors that influence erosion Erosion and Sediment control best management practices Installation of best management practices | Winter 2024-2025  |   |
| 24  | Baffinland                       | NWB-1                        | Baffinland will provide to the NWB management plans requiring updates based on review of Application within a year following the approval of the Water Licence Renewal. Baffinland will provide a proposed schedule for submission of updated management plans before the Public Hearing.  | Within 1 year<br>following the<br>approval of the<br>Water Licence<br>Renewal | Management<br>Plans                         |
| 25  | Baffinland                       | NWB-2                        | Baffinland will submit a draft Water Licence Framework to the NWB before the Public Hearing.   | December 18, 2024   | Report: Draft<br>Water Licence<br>Framework |