



NWB Tools

Ida Porter <ida.porter@nwb-oen.ca>

Re: [External]RE: Reclamation Security for 2019 Work Plan - Acknowledgement of Receipt

1 message

Assol Kubeisinova <assol.kubeisinova@nwb-oen.ca>

Mon, May 13, 2019 at 4:03 PM


To: Christopher Murray <christopher.murray@baffinland.com>

Cc: "Campbell, Bridget (AADNC/AANDC)" <bridget.campbell@canada.ca>, "Okonkwo, Godwin (AADNC/AANDC)" <godwin.okonkwo@canada.ca>, "Forte, Sarah (AADNC/AANDC)" <sarah.forte@canada.ca>, Lou Kamermans <lou.kamermans@baffinland.com>, "Mesher, Jonathan (AADNC/AANDC)" <jonathan.mesher@canada.ca>, Ida Porter <ida.porter@nwb-oen.ca>

Hi Chris, Bridget,

Thank you for the update and confirming the status of security placement in writing. Please be advised that this email exchange is sufficient.

Regards,
Assol

Assol Kubeisinoва- [illegible]

NUNAVUT WATER BOARD - OFFICE DES EAUX DU NUNAVUT
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 Merci de penser à l'environnement avant d'imprimer ce courriel / Thank you for thinking of the environment before printing this email

On Mon, May 13, 2019 at 4:01 PM Christopher Murray <christopher.murray@baffinland.com> wrote:

Hi Bridget,

Thanks for getting back to me even with being out of the office for training, much appreciated! I think your email should suffice. thank you for confirming.

Assol - do you need any additional information or is this sufficient for now? Bridget and myself will keep you updated when the final ICG is issued.

Thank you.

Christopher Murray | Environmental & Regulatory Compliance Manager

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From: Campbell, Bridget (AADNC/AANDC) [mailto:bridget.campbell@canada.ca]
Sent: Monday, May 13, 2019 5:57 PM
To: Christopher Murray <christopher.murray@baffinland.com>
Cc: Okonkwo, Godwin (AADNC/AANDC) <godwin.okonkwo@canada.ca>; Forte, Sarah (AADNC/AANDC) <sarah.forte@canada.ca>; Lou Kamermans <lou.kamermans@baffinland.com>; Mesher, Jonathan (AADNC/AANDC) <jonathan.mesher@canada.ca>; 'Assol Kubeisinova' <assol.kubeisinova@nwb-oen.ca>
Subject: [External]RE: Reclamation Security for 2019 Work Plan - Acknowledgement of Receipt

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Hi Christopher,

I just heard your voicemail and tried to call back. As it's after 5pm and you were not available, I'm leaving this e-mail.

The draft Letter of Credit that you submitted to us is currently undergoing legal review. This stage alone can take 2-3 weeks so it's not unusual that the process isn't yet complete. I was in training today and will be until Wednesday afternoon, so e-mailing is most convenient right now, but I can try calling you on my break tomorrow.

I can absolutely inform the Water Board that we are reviewing the draft LOC for its acceptability, that you submitted it to us on May 2, 2019, and that the process of first submitting a draft LOC was our suggestion to save time in the long term if there are any errors found in an original. Does this e-mail suit your need or do you require a formal letter with letterhead? If you require a typed formal letter, it will take at least a day or two until I have the opportunity. I've cc'd Assol Kubeisinova (NWB) and Jonathan Mesher (CIRNAC) in this e-mail for their information.

Bridget

From: Christopher Murray [mailto:christopher.murray@baffinland.com]
Sent: Monday, May 13, 2019 3:00 PM

To: Campbell, Bridget (AADNC/AANDC)
Cc: Okonkwo, Godwin (AADNC/AANDC); Forte, Sarah (AADNC/AANDC); Lou Kamermans
Subject: RE: Reclamation Security for 2019 Work Plan - Acknowledgement of Receipt

Hi Bridget,

I am following up on the below email and a voicemail I left at your office today. I did speak briefly with Sarah as well regarding this. The Water Board has asked that CIRNAC confirm they are in receipt of the draft LC, as the timeline for the provision of the updated security amounts set out in the 2019 ASR decision has now passed (11 May 2019). Baffinland would like to continue working together with CIRNAC to ensure the LC is posted in a timely manner, but in the interim during the review of the draft we are asking CIRNAC to confirm to the NWB the status.

Please let me know if you have any concerns regarding the above, or if you would like to discuss in more detail. I am currently at the Mine Site, but can be available for a call at a time that is convenient for you. Alternatively, if you are unavailable I can discuss further with Godwin or Sarah if they are available.

Thanks,

Christopher Murray | Environmental & Regulatory Compliance Manager

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From: Christopher Murray
Sent: Friday, May 10, 2019 1:21 PM
To: 'Campbell, Bridget (AADNC/AANDC)' <bridget.campbell@canada.ca>
Cc: Okonkwo, Godwin (AADNC/AANDC) <godwin.okonkwo@canada.ca>; Lou Kamermans <lou.kamermans@baffinland.com>
Subject: RE: Reclamation Security for 2019 Work Plan - Acknowledgement of Receipt

Hello Bridget,

Would it be possible to provide an update on the status of the review of the draft Letter of Credit? We would like to ensure we meet the timelines set by the NWB in their decision regarding the 2019 ASR. In the absence of a completed review, would CIRNAC Water Resources be able to confirm to the NWB and the CIRNAC enforcement officers that it is in receipt of the draft LC and is currently reviewing to documentation? While the new works proposed in the 2019 Work Plan on Crown land have not yet been initiated, we do not wish to be in non-compliance with the terms of the licence under the ASR through continued operation of the Mary River Project while reclamation security is outstanding.

I am available to discuss in more detail this afternoon if you would like, at a time that works for you.

Thank you,

Chris

Christopher Murray | Environmental & Regulatory Compliance Manager

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From: Campbell, Bridget (AADNC/AANDC) [<mailto:bridget.campbell@canada.ca>]
Sent: Thursday, May 2, 2019 4:34 PM
To: Christopher Murray <christopher.murray@baffinland.com>
Cc: Okonkwo, Godwin (AADNC/AANDC) <godwin.okonkwo@canada.ca>
Subject: [EXTERNAL] Reclamation Security for 2019 Work Plan - Acknowledgement of Receipt

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Hi Christopher,

Crown-Indigenous Relations and Northern Affairs Canada has received the draft Irrevocable Standby Letter of Credit No. BMT0593416OS from BMO. The next step, which is a legal review to determine if it is acceptable to the Minister, has been initiated. I will be in touch as soon as the review has been completed.

Please be aware that I will make my best effort to expedite the process but it may take 2-3 weeks for the review of the draft letter. This should however avoid unnecessary delays once the original is sent.

Kind regards,

Bridget Campbell

Coordinator, Water Resources, Nunavut Regional Office

Crown-Indigenous Relations and Northern Affairs Canada

bridget.campbell@canada.ca / Tel: (867) 975-4282

Coordinatrice, Ressources hydriques, Bureau régional du Nunavut

Relations Couronne-Autochtones et Affaires du Nord Canada

bridget.campbell@canada.ca / Tel: (867) 975-4282

From: Christopher Murray [<mailto:christopher.murray@baffinland.com>]

Sent: Thursday, May 02, 2019 10:16 AM

To: Campbell, Bridget (AADNC/AANDC)

Cc: Okonkwo, Godwin (AADNC/AANDC)

Subject: RE: [External]RE: Reclamation Security for 2019 Work Plan

Hi Bridget,

Attached is a draft of the LC prepared for the 2019 Annual Security Review for the Mary River Project, we are requesting CIRNAC provide a review and any comments/revisions on the draft prior to issuing the final document to ensure we are aligned. As the timeline set by the NWB requires us to post security no later than 11 May 2019, your assistance in expediting this review would be much appreciated. We are hoping to issue the final document on May 7th to allow time for the document to be couriered and arrive in time. I recognize this timeframe for review is short, so please let me know if there is anything we can do on our end to keep things moving along.

Thank you,

Christopher Murray | Environmental & Regulatory Compliance Manager

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From: Campbell, Bridget (AADNC/AANDC) [<mailto:bridget.campbell@canada.ca>]

Sent: Monday, April 29, 2019 2:40 PM

To: Christopher Murray <christopher.murray@baffinland.com>

Subject: [External]RE: Reclamation Security for 2019 Work Plan

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Hi Christopher,

We do have a template for the LC, which I've attached. You have the option to send us a draft LC by e-mail before the original LC is sent in case there are errors with the LC. This way the errors can be fixed and an original can be sent by mail or courier without errors, thus avoiding any unnecessary delays. Part of the acceptance process involves a legal review for acceptability; this usually takes 2-3 weeks.

Once you have your LC ready to send, the envelope should be addressed as follows:

Manager of Water Resources

P.O. Box 100

Iqaluit, Nunavut

X0A 0H0

The manager then will give it to the lead on the file (which is myself in this case) to start the process of accepting the LC. If you have any other questions, I'll be happy to help answer them.

Kind regards,

Bridget Campbell

Coordinator, Water Resources, Nunavut Regional Office

Crown-Indigenous Relations and Northern Affairs Canada

bridget.campbell@canada.ca / Tel: (867) 975-4282

Coordinatrice, Ressources hydriques, Bureau régional du Nunavut

Relations Couronne-Autochtones et Affaires du Nord Canada

bridget.campbell@canada.ca / Tel: (867) 975-4282

From: Christopher Murray [<mailto:christopher.murray@baffinland.com>]

Sent: Monday, April 29, 2019 1:48 PM

To: Campbell, Bridget (AADNC/AANDC)
Cc: Okonkwo, Godwin (AADNC/AANDC); Forte, Sarah (AADNC/AANDC); Law2, Alison (AADNC/AANDC); Dewar, Spencer (AADNC/AANDC); 'Gruda-Dolbec, Simon'
Subject: RE: Reclamation Security for 2019 Work Plan

Hi Bridget,

Is there a template of the preferred format for letters of credit available? We are working to get the new LC set up and want to ensure it is in a format that is acceptable to the Minister.

Thank you,

Christopher Murray | Environmental & Regulatory Compliance Manager

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From: Campbell, Bridget (AADNC/AANDC) [<mailto:bridget.campbell@canada.ca>]
Sent: Wednesday, April 17, 2019 2:41 PM
To: Christopher Murray <christopher.murray@baffinland.com>
Cc: Okonkwo, Godwin (AADNC/AANDC) <godwin.okonkwo@canada.ca>; Forte, Sarah (AADNC/AANDC) <sarah.forte@canada.ca>; Law2, Alison (AADNC/AANDC) <alison.law2@canada.ca>; Dewar, Spencer (AADNC/AANDC) <spencer.dewar@canada.ca>; 'Gruda-Dolbec, Simon' <Simon.Gruda-Dolbec@justice.gc.ca>
Subject: [EXTERNAL] RE: Reclamation Security for 2019 Work Plan

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Hello Christopher,

Thanks for reaching out. The acceptable forms of security are outlined in the Nunavut Waters Regulations 10(3). I can confirm that letters of credit are indeed still acceptable, as are promissory notes, certified cheques, and cash payments. CIRNAC is looking into accepting surety bonds, but unfortunately is not able to accept them at this time.

I can also confirm that the Minister under the legal title "Minister of Indian Affairs and Northern Development Canada" will be accepting security, as you have correctly stated in your third bullet. Please address the upcoming LC or amendment like you did for the last LC. The working titles of the Ministers have changed and some portfolios have been shifted, but for legal purposes including security please use this legal title.

If you have any further questions, or if you would like to send CIRNAC a draft of the LC for our legal review prior to mailing original documents, please let me know and I'll be happy to help.

Best regards,

Bridget Campbell

Coordinator, Water Resources, Nunavut Regional Office

Crown-Indigenous Relations and Northern Affairs Canada

bridget.campbell@canada.ca / Tel: (867) 975-4282

Coordinatrice, Ressources hydriques, Bureau régional du Nunavut

Relations Couronne-Autochtones et Affaires du Nord Canada

bridget.campbell@canada.ca / Tel: (867) 975-4282

From: Christopher Murray [<mailto:christopher.murray@baffinland.com>]

Sent: Wednesday, April 17, 2019 9:37 AM

To: Campbell, Bridget (AADNC/AANDC)

Cc: Okonkwo, Godwin (AADNC/AANDC); Forte, Sarah (AADNC/AANDC); Law2, Alison (AADNC/AANDC)

Subject: Reclamation Security for 2019 Work Plan

Hello Bridget,

I wanted to reach out to you to confirm a few items in regards to the posting of security for the 2019 Work Plan, following the ASR decision issued by the NWB. Baffinland is due to adjust the value of the reclamation security held by the Crown by a marginal increase of \$150,246. I wanted to confirm the following as I was not with Baffinland when we last increased the value held by the Crown, and I want to ensure the appropriate procedure is followed.

- Can you confirm the forms of security that are acceptable to the Minister? Historically we have posted the value as a Letter of Credit (LC), however I would like to confirm that this instrument is still acceptable, and if there are other financial instruments available to us at this time that would be acceptable.
- Can you confirm which minister the security will be held by, or will it be jointly held by the Minister of Intergovernmental Affairs and Northern Affairs and Internal Trade and the Minister of Crown-Indigenous Relations?
- Can you confirm based on the response to the above question regarding the Minister, the beneficiary that should be named (and address) on a LC or other instrument. The last LC issued in February 2017 (Bank of Nova Scotia LC No.

OSB4357TOR Amendment #1) was issued to the following beneficiary:

- *Her Majesty the Queen in Right of Canada, as represented by the Minister of Indian Affairs and Northern Development Canada, Payable to the Receiver General of Canada c/o P.O. Box 100, Bldg. 918 Iqaluit, Nunavut, Canada X0A 0H0.*

For reference, I have attached the previous LC and the letter of confirmation of receipt provided by INAC. Any assistance you can provide would be much appreciated.

Thank you,

Christopher Murray | Environmental & Regulatory Compliance Manager

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