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June 12, 2018

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Assol Kubeisinova
Technical Advisor, Nunavut Water Board
P.O. Box 119
Gjoa Haven, Nunavut,
X0B 1J0

Re: Mary River Project – Mine Site Crusher Pad Expansion Modification Request No. 1. Water Licence 2AM-MRY1325

Dear Assol Kubeisinova,

This letter represents the Qikiqtani Inuit Association's (QIA) comments in response to the Nunavut Water Board's (NWB) request for interested parties to provide comments regarding Baffinland Iron Mines Corporation's (Baffinland) Mine Site Crusher Pad Expansion Modification Request No. 1 submitted by Baffinland on May 29, 2018¹. The NWB requested that comments be submitted before June 14, 2018.

As the Designated Inuit Organization for the Qikiqtani region, QIA and Baffinland signed the Commercial Lease No. Q13C301² (the Lease) for the Mary River mine in 2013. QIA's comments herein are focused on items as they relate to the Lease and QIA's role as the Designated Inuit Organization and to the letter submitted to the NWB on November 7, 2017³.

As the Waste Rock Sedimentation Pond issues culminating in non-compliant discharges on Inuit Owned Land occurred less than a year ago, QIA recognizes the Mine Site Crusher Pad Sedimentation Pond Expansion as a similar environmental risk. As such, the documentation requested in the correspondence letter was to address these concerns and are requirements of the Lease. As shown in **Table 1** of Appendix A, many of these requirements have not been satisfied. Accordingly, Baffinland is non-compliant with the Lease at this time.

QIA is happy to discuss this letter and the Lease obligations with you and your staff at a time that is mutually agreeable.

Sincerely,

Fai Ndofo
Regulatory Manager

¹ Baffinland (2018). RE: Mary River Project – Mine Site Crusher Pad Expansion Modification Request No. 1 Water Licence 2AM-MRY1325. May 29, 2018.

² QIA and BIMC (2013) Commercial Lease No.: Q13C301. September 6, 2013.

³ QIA (2017). RE: 2AM-MRY1325 Mine Site Crusher Pad Sedimentation Pond Expansion Modification Request. November 7, 2017.



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QIA request in November 7, 2017 Letter ^a			
ID		Baffinland Response (May 29, 2018)	QIA Comments
1	QIA requests further information to substantiate that frozen ground exists at the construction location and will be maintained during operations. At a minimum the geotechnical data for the construction area and the thermal design of the facility is requested.	Due to changes in the proposed schedule, frozen ground conditions may not be present at the time of the construction to increase the pond capacity by raising and widening the berms. As described in the 27 Sept 2017 Baffinland submission to the NWB, Baffinland will mitigate impacts to the receiving environment utilizing sediment and erosion control measures, as outlined in the Surface Water and Aquatic Ecosystems Management Plan. Through effective mitigation techniques, Baffinland maintains that impacts to the environment are foreseen to be minimal.	Given that frozen ground conditions will no longer apply, and the current concerns with the referenced management plan, QIA would like confirmation of who is responsible for completing the environmental monitoring during construction? What the frequency of the monitoring will be? What the extent of the monitoring is? Furthermore, QIA requests a reporting schedule of monitoring be provided to QIA and NWB.
2	QIA requests a construction schedule that includes construction considerations, timing, and sequencing and a schedule of milestones.	Construction will commence following approval by the NWB or 1 August 2018, whichever arrives earliest. Construction schedule will be subject to change and variable depending on weather conditions. It is anticipated work would be completed before freezing ground conditions, or no later than 1 October 2018.	Part G, Item 3. e. of the Water License requires a schedule of construction to be submitted with the application, not after the modification is complete. It is QIA's view that a start and anticipated end date is not sufficient based on Part D Item 23.
3	A final design and for construction drawings included in a final design report with the components in (a) through (i)		It is QIA's view that a final design report should have been provided for this modification based on Part D Item 23 of the Licence including Items (a) to (i) here in.
	a) For-construction documentation including complete specifications and drawings.	A design report signed and stamped by a Professional Engineer is not a requirement of a modification request submission.	The requested information was not provided. QIA believes if as-built plans and drawings are required, for-construction documentation is also required. QIA believes the Canadian Dam Association Guidelines and Technical Bulletins are therefore applicable
	b) Background information including data from geotechnical investigations with designs deemed adequate by a Professional Engineer.	As the berms of the pond are being raised and the footprint of the pond remains consistent with the original design, no additional analysis is required at this time.	Please provide the geotechnical assessment by a registered engineer confirming the current design is safe, specifically to Tables 3-4 and 3-5 of the



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QIA request in November 7,			
ID	2017 Letter ^a	Baffinland Response (May 29, 2018)	QIA Comments
		however it is anticipated that earthworks would be completed by the end of August, with geomembrane extension through early and mid September. It is anticipated work would generally be completed before freezing ground conditions, or no later than 31 October 2018.	
	g) Operations and maintenance requirements of the facility.	Baffinland will update the Surface Water and Aquatic Ecosystems Management Plan in the next revision to include management practices of sedimentation ponds.	The Water License requires this to be submitted with the application, not after the modification is complete.
	h) Detailed instrumentation and monitoring plans including sampling locations, parameters measured, and frequencies of sampling.	Baffinland will update the Surface Water and Aquatic Ecosystems Management Plan in the next revision to include management practices of sedimentation ponds.	The Water License requires this to be submitted with the application, not after the modification is complete.
	i) Construction Quality Control Plan stamped by a Professional Engineer.	A Construction Summary Report with as-built drawings signed and stamped by a Professional Engineer will be prepared within 90 days following construction, as per Part G, Item 4 of the Type 'A' Water Licence.	No further action required at this time.
4	Provide an evaluation for security associated with this work and receive approval by QIA before work on this modification be commenced.	As the footprint of the sedimentation pond has not materially increased, there is no increase to the reclamation security required for the increase in berm height of the sedimentation pond. Baffinland is open to discussing this further with QIA during subsequent Annual Security Review processes if any clarification is needed.	No further action required at this time. Security will be updated with the approval of the Interim Closure and Reclamation Plan (ICRP).

^a Summarized request from November 7, 2017 Letter³.