



NUNAVUT WATER BOARD

WATER LICENCE NO: 2AM-MRY1325

**REASONS FOR DECISION INCLUDING RECORD OF
PROCEEDINGS**

NUNAVUT WATER BOARD

In the Matter of:

Applicant: Baffinland Iron Mines Corporation

Subject: Application for a Type “A” Water Licence

Date: June 12, 2013

Precedence: Where there is any inconsistency or conflict between the *Nunavut Land Claims Agreement* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)*, the Agreement prevails to the extent of the inconsistency or conflict. Where there is any inconsistency or conflict between the *NWNSRTA* and any other act of Parliament, except the *Nunavut Land Claims Agreement Act*, the *NWNSRTA* prevails to the extent of the inconsistency or conflict.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

RECORD OF PROCEEDINGS

Applicant:	Baffinland Iron Mines Corporation	
Address:	Suite 1016, 120 Adelaide Street West Toronto, ON M5H 1T1 www.baffinland.com	
Purpose:	Application for Type “A” Water Licence 2AM-MRY1325 Mining and Milling Undertaking	
Application Received on:	March 15, 2008 (Original Draft Application) February 17, 2012 (Application submitted as Appendix to Final Environmental Impact Statement)	
Application Received from:	Original Draft, Derek Chubb, Vice President Sustainable Development Application as Appendix to Final EIS, Erik Madsen, Vice President Sustainable Development, Health, Safety & Environment	
Date & Location of Hearing:	Day 1: Tuesday, April 23	Atakaalik Community Hall, Pond Inlet, NU
	Day 2: Wednesday, April 24	Atakaalik Community Hall, Pond Inlet, NU
	Day 3: Thursday, April 25	Atakaalik Community Hall, Pond Inlet, NU
Nunavut Water Board Panel Members:	Chairman	T. Kabloona
	Member	D. Aglukark, Sr.
	Member	R. Mrazek
	Member (Observer)	J. Pameolik
Nunavut Water Board Staff:	Executive Director	D. Côté
	Board Secretary/Interpreter	B. Kogvik
	Director Technical Services	D. Hohnstein
	Technical Advisor	S. Joseph
	Licensing Clerk	M. Porter
	Legal Counsel	T. Meadows, (Miller Thomson LLP)
Nunavut Impact Review Board Staff:	Director of Technical Services	A. Hanson
	Technical Advisor	J. Dhillon



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Interpreter(s):	Inuktitut Inuktitut Inuktitut	M. Arnakallak B. Kogvik J. Nutarak
Court Reporter:	Dicta Court Reporting	K. Schumann (CSR)A
Sound Technician:	Pido Productions	N. Poitras
Applicant: Baffinland Iron Mines Corporation	<ul style="list-style-type: none"> ▪ O. Curran, Director of Sustainable Development ▪ E. Madsen, Vice President Sustainability, Environment, Health and Safety ▪ J. Millard, Senior Environmental Superintendent ▪ G. Missal, Vice President of Corporate Affairs ▪ F. Beaulac, Senior Environmental Engineer (FPB Management) ▪ R. Cook, Consultant (Knight Piésold) ▪ C. Moore, Consultant (Intrinsic Environmental) ▪ B. Armstrong, Legal Counsel (Lawson Lundell) ▪ C. Kowbel, Legal Counsel (Lawson Lundell) 	
Parties: Nunavut Tunngavik Inc.	<ul style="list-style-type: none"> ▪ A. Itorcheak, Policy Analyst ▪ P. Irngaut, Wildlife Communications Advisor 	
Qikiqtani Inuit Association	<ul style="list-style-type: none"> ▪ S. Awa, Mary River Project Coordinator ▪ S. Williamson Bathory, Director of Department of Major Projects ▪ J. VanGulck, Consultant (ARKTIS Solution Inc.) 	
Government of Nunavut	<ul style="list-style-type: none"> ▪ N. Erklou, Acting Director of Community Economic Development and Transportation ▪ P. Suvega, Assistant Deputy Minister, Sustainable Development, Executive and Intergovernmental Affairs ▪ C. Kieu, Legal Counsel 	
Aboriginal Affairs and Northern Development Canada	<ul style="list-style-type: none"> ▪ Murray Ball, Manager of Water Resources ▪ Karen Costello, Director of Resource Management 	
Environment Canada	<ul style="list-style-type: none"> ▪ M. Dahl, Senior Ocean Disposal Officer ▪ A. Wilson, Sector Specialist, Water Quality 	
Fisheries and Oceans Canada	<ul style="list-style-type: none"> ▪ G. Williston, Habitat Management Biologist 	



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

Natural Resources Canada

- K. Cavallaro, Senior Environmental Assessment Officer
- J. Clarke, Director, Environmental Assessment Division
- J. Kwong, Senior Environmental Scientist

Department of Justice (Canada)

- K. Landa, Legal Counsel (AANDC, EC, DFO, NRCan)

Participants:

See Appendix B to this document for a full listing of participants by venue.

Full Transcript Proceedings
Available from:

[ftp://nunavutwaterboard.org/1%20PRUC/2%20MINING%20MILLI
NG/2A/2AM%20-%20Mining/2AM-MRY----
%20BIMC/2%20ADMIN/4%20HEARINGS/2%20HEARING/](ftp://nunavutwaterboard.org/1%20PRUC/2%20MINING%20MILLI%20NG/2A/2AM%20-%20Mining/2AM-MRY----%20BIMC/2%20ADMIN/4%20HEARINGS/2%20HEARING/)

Table of Contents

RECORD OF PROCEEDINGS	3
REASONS FOR DECISION	9
Executive Summary	9
SECTION I: BACKGROUND AND REGULATORY HISTORY	11
Application.....	11
Site History	12
The Project.....	12
Potential Amendment to NIRB Issued Project Certificate No. 0005.....	13
Regulatory History.....	14
SECTION II: SUMMARY OF FINAL HEARING SUBMISSIONS OF THE PARTIES	18
The Qikiqtani Inuit Association (QIA)	18
Waste Management – Sewage Treatment and Transportation:.....	18
Water Use – Fuel Storage Tanks:	18
Water Quality – Blasting and Blasting Management Plans:.....	19
Monitoring – Aquatic Effects Monitoring Plan:	19
Closure and Reclamation – Landfarm:	19
Water Quality – Discharge Criteria Selection:.....	19
Winter Road:	20
Licence Term:	20
Aboriginal Affairs and Northern Development Canada (AANDC).....	21
Pit Lake:	22
Open Burning Impacts:	22
Management Plans/Monitoring Plans:	22
Rolling Type “B” Licence Activities into Type “A” Licence:.....	23
Additional Type “B” Water Licence Applications:	23
Licence Term:	23
Environment Canada (EC).....	23
Water Discharge:	24
Waste Incineration:	25
Licence Term:	25
Fisheries and Oceans Canada (DFO)	25
Silt and Sediment:	26
Use of Explosives:	26
Conceptual Fish Habitat Off-Setting Plan:	26
Issues with Fish Passage:	27



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Methodology for Post Construction Performance Monitoring:	27
Licence Term:	27
Natural Resources Canada (NRCan).....	27
SECTION III: SUBMISSIONS BY COMMUNITY REPRESENTATIVES AND MEMBERS OF THE PUBLIC	29
SECTION IV: JURISDICTION OF THE BOARD.....	33
SECTION V: REQUIREMENTS OF THE NWNSTRA, NWR AND NLCA.....	34
Objects of the Board and its Relationship to other Bodies	34
Land Use Planning	34
Environmental Assessment	35
Inuit Water Rights.....	36
The Nunavut Waters Regulations	37
Recommendations on Marine Areas	37
Fisheries Act and Regulations.....	38
SECTION VI: DECISION TO ISSUE	38
Conditions for Issuance of a Licence	39
Financial Responsibility of the Applicant.....	39
Compensation of Existing or Other Users	41
Issuance of a Licence	41
Assumptions.....	41
Applications in Relation to the Licences	42
Application to Amend or Application for Future Modifications	42
Assignment of a Licence.....	42
Cancellation or Expiry of the Licence	43
Term of Licence.....	43
SECTION VII: WATER LICENCE 2AM-MRY1325 TERMS AND CONDITIONS.....	46
Part A: Scope, Definitions and Enforcement	46
Water Use or Impacts to Water.....	46
Waste Deposit.....	47
Enforcement and Compliance.....	49
Part B: General Conditions	49
Water Use Fees	49
Reports and Plans Filed with the Board.....	50
Part C: Conditions Applying to Security	54



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

Financial Responsibility of the Applicant and Requirement of Security.....	54
The Board’s Jurisdiction over Land and Water Security	54
The Issue of Overbonding.....	56
Avoiding Overbonding in the Current Licence Application.....	56
Form of Security	58
Amount of Security.....	58
Review of the Amount of Security	61
Part D: Conditions Applying to Construction.....	63
Part E: Conditions Applying to Water Use and Water Management.....	64
Water Use.....	64
Water Management.....	65
Part F: Conditions Applying to Waste Disposal and Waste Management.....	66
Waste Disposal.....	66
Waste Effluent Streams.....	66
Solid Waste Management	71
Part G: Conditions Applying to Modifications	72
Part H: Conditions Applying to Emergency Response and Contingency Planning.....	72
Part I: Conditions Applying to General and Aquatic Effects Monitoring.....	74
Part J: Conditions Applying to Abandonment, Reclamation and Closure.....	75
Schedules	79
SECTION VIII: ISSUES OUTSIDE THE JURISDICTION OF THE BOARD	80
APPENDIX A—List of Acronyms.....	82
APPENDIX B – Sign In Sheets From Public Hearing	84
APPENDIX C – List of Submissions and Correspondence.....	85
APPENDIX D – List of Exhibits Public Hearing 2AM-MRY1325, Pond Inlet, April 23 to April 25, 2013	95
APPENDIX E – Project Maps	97



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

REASONS FOR DECISION

Executive Summary

This decision is in relation to an application by Baffinland Iron Mines Corporation to the Nunavut Water Board for a 25-year, Type “A” Water Licence, to use water and to deposit waste in support of the proposed Mary River Project.

On the basis of the written submissions filed with the Board, the evidence provided by the Applicant and the parties present at the Public Hearing, as well as the comments of the community members and members of the public, the Board has decided the following:

- To grant the Applicant’s request for a Type “A” Water Licence in accordance with the terms and conditions outlined in the attached Decision and Licence;
- Specific terms and conditions of note include the following:
 - the term of the Licence is 12 years, with the requirement that the Licensee apply for renewal of the Licence one year before the Licence is set to expire;
 - the scope of the Licence includes several activities included under existing Type “B” Water Licences, but excludes those activities under the Type “B” Water Licences associated with on-going exploration projects;
 - at the time the Licence is approved by the Minister, the Applicant will be required to pay the water use fee deposit in accordance with the *Nunavut Waters Regulations*, including for the first year of the Licence;
 - the Applicant will be required to post an initial security amount under the Licence, in a form to be determined by the Minister. In subsequent years, the security that is required to be held under the Licence may be assessed and adjusted in consultation with the Licensee, the Minister, the Qikiqtani Inuit Association and the Board during an Annual Security Review;
 - the Licence prescribes that closely linked to the Annual Security Review is also the requirement for the Licensee to file an annual work plan and updated estimate of anticipated mine closure and reclamation costs;
 - effluent discharge criteria consistent with current regulatory requirements have been adopted under the Licence;



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

- the Licence requires that the Licensee provides the Board with 60 days notice prior to the mine entering a Care and Maintenance Phase and that 30 days after providing such notice to the Board, the Licensee must provide a Care and Maintenance Plan to identify how compliance with the terms and conditions in the Licence will be met during the Care and Maintenance Phase; and
- the Applicant is reminded that compliance with the terms and conditions of this Licence does not absolve the Licensee from responsibility for compliance with all applicable legislation, guidelines and directives, including, without limitation, the requirements to obtain the necessary authorizations from agencies such as the Nunavut Impact Review Board, the Qikiqtani Inuit Association, Aboriginal Affairs and Northern Development Canada, Environment Canada, the Department of Fisheries and Oceans and Natural Resources Canada.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

SECTION I: BACKGROUND AND REGULATORY HISTORY

Application

The final version of the Application considered by the Board and that is the subject of these Reasons for Decision was filed with the Board for consideration on February 17, 2012¹ by Baffinland Iron Mines Corporation for a new Type “A” Water Licence (the Licence) to use and deposit waste in support of the Mary River Project (Project). The Application was submitted as part of the Final Environmental Impact Statement (FEIS) for the Project and in accordance with the Detailed Coordinated Process Framework (DCPF).² For the purposes of these Reasons for Decision, documents referred to from the public record in relation to the Application, Baffinland Iron Mines Corporation shall be referred to as BIMC, the Proponent or the Applicant and the Type “A” Water Licence Application shall be referred to as the Application.

The Application for the Project consists primarily of the documents provided under Appendix 3B of the FEIS as well as other relevant sections of the FEIS containing information on water and waste associated with the Project. Appendix 3B consisted of an Executive Summary (English and Inuktitut), an application form, processing fee confirmation, design drawing, specifications and supporting technical information including management plans.

Although the supporting information for the Application can be found throughout the Final Environmental Impact Statement (FEIS) most of the information specifically intended to satisfy the requirements of the water licensing process was included in Appendix 3B of the FEIS filed by BIMC as part of the NIRB Part 5 Review. Appendix 3B of the FEIS includes an Executive Summary (English and Inuktitut) for the Type “A” Water License Application, an application form, the processing fee, and supporting technical information.

All information pertaining to the above-mentioned Application, including the supporting documents for the Project, is available on the NWB’s FTP site and can be accessed using the following link (user name: “public”, password: “registry”):

[ftp://nunavutwaterboard.org/1%20PRUC/2%20MINING%20MILLING/
2A/2AM%20-%20Mining/2AM-MRY-----%20BIMC/](ftp://nunavutwaterboard.org/1%20PRUC/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MRY-----%20BIMC/)

¹ Although a draft version of the Type “A” Water Licence Application was submitted initially with the Project Proposal in March 2008, the final version of the Application that was reviewed and commented on at the Public Hearing was provided as part of and together with the Final Environmental Impact Statement (FEIS) for the Mary River Project filed with the NWB by Erik Madsen, Vice President, Sustainable Development, Health, Safety and Environment, Baffinland Iron Mines Corporation on February 17, 2012.

² See the Nunavut Impact Review Board (NIRB) and Nunavut Water Board (NWB) Detailed Coordinated Process Framework for NIRB Part 5 Reviews and NWB Licensing, September 2009.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Site History

The Mary River Project is located approximately 160 kilometres south of Pond Inlet and approximately 1000 kilometres north of the City of Iqaluit in the Qikiqtani Region of Nunavut. The Project, as filed under the Application before the Board, involves the development of an open pit mine for the purpose of extracting iron ore from Deposit No. 1, which was discovered in the 1960s. Several other deposits have been discovered near Deposit No. 1 during the 1960s and in subsequent years; however, the mining of other deposits was not reviewed by the Nunavut Impact Review Board and is not being considered under the Application currently before the Board.

BIMC acquired the mineral claims associated with the Mary River Project in 1986, and in 2004, the Applicant commenced exploration activities as well as other activities in support of eventually developing the Project. From 2008 - 2010, BIMC undertook a bulk sampling program in addition to their normal exploration program. Up to and following 2010, BIMC continued their exploration program, maintained and sustained the infrastructure and facilities established to support the exploration program, conducted geotechnical drilling and relevant scientific studies, including baseline studies, in support of the Environmental Impact Statement (EIS) for the Project.

The Project

The Mary River Project consists of three (3) main sites, which include the Mine Site, Milne Port (Milne Inlet) to the north and Steensby Port (Steensby Inlet) to the south of the Mine Site. The Milne Port site is currently linked to the Mine Site by the existing approximately 100-kilometre Tote Road while the Mine site is to be eventually linked to the Steensby Port site by a proposed approximately 150-kilometre railway to be constructed as part of the scope of the Project.

The Project involves the construction, operation, closure and reclamation of an open-pit mine for the purposes of extracting, transporting and shipping high-grade iron ore from Deposit No. 1 to markets abroad. Deposit No. 1, which has an estimated reserved of 365 million tonnes of ore, is projected to be mined at a rate of 18 million tonnes per annum.

The construction phase of the project is estimated to last four (4) years, the operations phase is estimated to last 21 years based on the projected extraction rate of 18 million tonnes of ore per annum, and the closure and reclamation phases are estimated to last five (5) years and could potentially be extended if reclamation and objectives are not achieved. During the operations phase of the Project, the ore generated will be crushed and screened prior to being shipped to



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

markets abroad. Information contained in the Application and confirmation provided by the Proponent during the Public Hearing indicate that there are no plans to process the ore on site; therefore, no tailings facilities are included under the scope of the Project. The Proponent stated the following during the Hearing:

A fundamental advantage of this project is that there is no processing plant or mill that adds chemical reagents; hence, there is no process water or mine tailings discharged to containment areas or to tailings ponds.³

Potential Amendment to NIRB Issued Project Certificate No. 0005

On January 10, 2013, BIMC submitted correspondence⁴ to the Nunavut Impact Review Board (NIRB) requesting an amendment to Project Certificate No. 005, which was issued on December 28, 2012, by the NIRB for the Project, to allow for the inclusion of an early revenue phase into the scope of the Project. The early revenue phase, which is anticipated to be similar to that of the bulk sampling program undertaken by the Proponent in 2008, will involve the shipment of 3.5 million tonnes per annum of iron ore generated by the Project. The ore will be trucked from the Mine Site, via the Tote Road, to a small port facility at Milne Inlet prior to being shipped to markets abroad.

It should be noted that the road haulage option that is being contemplated under the early revenue phase and for which the amendment is requested was originally included under the Draft Environmental Impact Statement⁵ for the Project; however, the road haulage option was excluded from the FEIS and therefore was not assessed under the NIRB's review. Further, given that the NIRB's review process for the amendment of the Project Certificate to include the early revenue phase is at the initial stages, the NWB is not in a position to determine what impacts, if any, the potential amendment could have on the scope of activities listed under this Application. Therefore, at this stage, the NWB can only confirm that the Applicant has not applied to the Board for any reduction and/or increase to the scope of activities under the current Application. During the Public Hearing, the Proponent stated that BIMC plans to submit to the NIRB a detailed addendum to the FEIS, in support of the Proponent's Project Certificate amendment request, by the end of June 2013. BIMC further advised that if an amendment is subsequently

³ J. Millard, BIMC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 23, 2013, p. 68, lines 3-8.

⁴ Letter from E. Madsen, BIMC to R. Barry, NIRB, Re: Request to Amend Project Certificate No.005 – Mary River Project, dated January 10, 2013.

⁵ Draft Environmental Impact Statement submitted by Baffinland Iron Mines Corporation for the Mary River Project on February 11, 2011.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

required to any Type “A” water licence issued for the Project, an amendment application would be submitted to the NWB only once the NIRB Project Certificate process has concluded.⁶

Regulatory History

As the BIMC Application was reviewed in accordance with the NIRB and the NWB Detailed Coordinated Process Framework (DCPF) for NIRB Part 5 Reviews and NWB Licensing, several drafts of the Type “A” Water Licence were provided by BIMC at the initial stage when the Project Proposal was provided to the Nunavut Impact Review Board in March 2008 and in February, 2011 as part of the Draft Environmental Impact Statement. However, as noted above, the final version of the Application that was reviewed by the NWB at the Public Hearing was received by the Board on February 17, 2012.⁷

On April 30, 2008, the Nunavut Planning Commission (NPC) issued a positive conformity determination for the Project in relation to the North Baffin Regional Land Use Plan (NBRLUP). The conformity determination also outlined the provisions set forth in sections 3.5.11 and 3.5.12 of Appendix C of the NBRLUP, regarding the requirement for a joint public review by the NIRB and the NPC which was required to address the transportation corridor aspect of the Project.⁸

As the Application was processed in accordance with the Detailed Coordinated Process Framework, it meant that while the NIRB conducted the environmental assessment of the Project Proposal, some of the NWB’s review of BIMC’s Application took place concurrently. In February 2012, the NWB acknowledged receipt of the final Application, submitted as part of the Final Environmental Impact Statement.⁹ In March 2012, the NWB acknowledged receipt of the water use fees and application fee for the Application.¹⁰ In April, following the NWB’s completeness review, the Board issued Public Notice of the Application,¹¹ in accordance with

⁶O. Curran, BIMC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 23, 2013, p. 44, lines 16-23.

⁷Although a draft version of the Type “A” Water Licence Application was submitted initially with the Project Proposal in March 2008, the final version of the Application that was reviewed and commented on at the Public Hearing was provided as part of and together with the Final Environmental Impact Statement (FEIS) for the Mary River Project filed with the NWB by Erik Madsen, Vice President, Sustainable Development, Health, Safety and Environment, Baffinland Iron Mines Corporation on February 17, 2012.

⁸Letter from Brian Aglukark, Director, Regional Planning, NPC to Phyllis Beaulieu, Manager Licensing, NWB and others, RE: Baffinland Mary River Project, dated April 30, 2008.

⁹Letter from Phyllis Beaulieu, Manager of Licensing RE: Receipt of FEIS and Application for Type “A” Water Licence to Erik Madsen and Oliver Curran, Baffinland Iron Mines Corporation, dated February 22, 2012.

¹⁰Letter from David Hohnstein, Director of Technical Services, NWB to Erik Madsen, Vice President Sustainable Development, Baffinland Iron Mines Corporation, Re: Acknowledgement and receipt of Application fee and water use fee deposit for new Water Licence Application-Mary River Project-Type A- 2AM-MRY----, dated March 8, 2012.

¹¹ NWB issued the Public Notice of the Application on April 16, 2012.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

s. 55(1) of the NWNSRTA,¹² and interveners and other interested parties were invited to submit their technical review comments in respect of the Application. In June 2012, the following interested parties provided written technical review comments in respect of the Application:

- the Qikiqtani Inuit Association (QIA);
- Aboriginal Affairs and Northern Development Canada (AANDC);
- Fisheries and Oceans Canada (DFO); and
- Environment Canada (EC).

In July 2012, the NWB participated in and provided technical advice to the NIRB during the NIRB's Public Hearing for the Mary River Project, which was held in Iqaluit, Igloolik and Pond Inlet. In September 2012, the NIRB issued a positive Decision for the Project, recommending that the relevant Federal Ministers approve the Project to proceed to licensing and permitting in accordance with over 180 recommended terms and conditions.¹³

On October 18, 2012, the NWB held a preliminary technical meeting primarily aimed at further defining the outstanding regulatory and technical issues related to the Type "A" water licence. Secondary goals of the meeting were to discuss the approach being taken or contemplated by the Proponent to address the outstanding major issues identified through interveners' technical review submissions including Information Requests, and to highlight the issues identified in the NIRB's Public Hearing Report that may have implications for the water licensing process.

In early December the relevant Federal Ministers, represented by the Minister of Aboriginal Affairs and Northern Development Canada,¹⁴ accepted the NIRB Final Hearing Report and Recommendations and on December 28, 2012, the NIRB issued Project Certificate No. 005 for the Project and indicated the Project could now proceed to the licensing stage.

¹² Section 55(1) of the NWNSRTA requires:

The Board give notice of every application in relation to a licence to the council of each municipality in the area affected by the application and shall publish the notice in a newspaper of general circulation in the area affected or.... In such other manner as the board considers appropriate. The notice shall invite interested persons to make representations within a specified period and shall advise them of the consequences....of any failure to respond to the notice.

¹³See NIRB File No.: 08MN053, Final Hearing Report for the Baffinland Iron Mines Corporation's Mary River Project Proposal, September 14, 2012.

¹⁴ Letter from the Honourable John Duncan, PC, MP to Elizabeth Copland, Chairperson of the Nunavut Impact Review Board, dated December 3, 2012, exercising the Ministers' discretion pursuant to Article 12, Section 12.5.7(a) of the NLCA to accept the NIRB's Decision Report and Recommended Project Certificate Terms and Conditions.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Pursuant to Article 13 Clause 13.3.6 of the Nunavut Land Claims Agreement and s. 29¹⁵ of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTRA), the Board delegated its power to dispose of all matters relating to the Type “A” Licence Application 2AM-MRY1325, including the conduct of the Public Hearing, to a panel (P4 or the Panel) of the Board. Although from the time the Panel was seized of the matter to the time when the Public Hearing took place, the term of one of the Panel Members, David Aglukark, Sr. expired, in the interests of continuity and fairness the Chairman exercised his power under s. 15(2) of the NWNSTRA to authorize the extension of Member Aglukark’s term for the purposes of the P4 Panel, until such time as the Public Hearing concluded and a decision was made by the Panel.

In order to facilitate the hearing process for the Application, the Board directed that in accordance with Rule 14 of the *NWB Rules of Practice and Procedure* (the Rules), the staff of the NWB hold a Pre-Hearing Conference (PHC) for the Application.

On December 14, 2012, the NWB provided notice¹⁶ that the Technical Meeting and Pre-hearing Conference (TM/PHC) in respect of the Application would take place on January 16 and 17 in the community of Pond Inlet, NU. In addition, to facilitate the hearing process, the Board invited interested persons to make any additional written technical comments (supplementing the earlier submissions of the parties filed with the NWB in June 2012).

The TM/PHC was held on January 16 and 17, 2013 in Pond Inlet, NU. The TM provided an informal meeting for all parties to discuss issues raised during the technical review of the Application and the PHC allowed the parties to identify issues and discuss the process and procedures for a Public Hearing in respect of the Application. All documents provided to the Board in support of the TM/PHC have been placed on the Board’s public registry and are available from the Board’s ftp site.

On January 25, 2013 the NWB issued the PHC Decision, which set the dates for the Public Hearing in respect of this Application as April 23 - 25, 2013 at Atakaalik Community Hall in

¹⁵ Section 29 of the NWNSTRA states:

(1) The Board may establish panels of the Board and delegate any of its powers, duties and functions to them.

¹⁶ Letter from Damien Côté, Executive Director, NWB to Erik Madsen, Vice President, Sustainable Development, Health, Safety and Environment, Baffinland Iron Mines Corporation Re: Technical Meeting and Pre Hearing Conference -2AM-MRY---- Type “A” Water Licence Application by Baffinland Iron Mines Corporation for the Mary River Project English and Inuktitut, dated December 14, 2012.



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

Pond Inlet, NU. Formal notice of the Public Hearing was issued on January 25, 2013, and provided to the Board's distribution list and published in Nunatsiaq News.¹⁷

On or before March 22, 2013, interventions or formal submissions for the Public Hearing were received from the following parties:

- the Qikiqtani Inuit Association (QIA);
- Aboriginal Affairs and Northern Development Canada (AANDC);
- Environment Canada (EC);
- Fisheries and Oceans Canada (DFO);
- Natural Resources Canada (NRCan).

The Hearing was conducted in Pond Inlet on April 23 - April 25. The sign-in sheets indicating the list of participants at the Public Hearing is provided in Appendix B.

A complete list of submissions and correspondence in support of this Application is provided in Appendix C. A list of Exhibits from the Public Hearing is provided in Appendix D. All listed submissions, correspondence, exhibits and transcripts of the Public Hearing have been placed on the Board's public registry and are available from the NWB's ftp site using the access username of "public" and the password of "registry" (without the quotes) at the following link:

[ftp://nunavutwaterboard.org/1%20PRUC/2%20MINING%20MILLING/
2A/2AM%20-%20Mining/2AM-MRY----%20BIMC/](ftp://nunavutwaterboard.org/1%20PRUC/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MRY----%20BIMC/)

The Board's decision to hold an in-person Public Hearing in respect of this Application is consistent with the Board's obligation to give due regard and weight to Inuit culture, customs and knowledge, pursuant to Article 13, Clause 13.3.13(b) of the NLCA and s. 33 of the NWNSRTA.

¹⁷ Notice of the Public Hearing was given in accordance with s. 55(2) of the NWNSRTA.



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

SECTION II: SUMMARY OF FINAL HEARING SUBMISSIONS OF THE PARTIES

The Qikiqtani Inuit Association (QIA)

The QIA is a Designated Inuit Organization under the Nunavut Land Claims Agreement, representing the rights and values of the Inuit within the Qikiqtani Region of Nunavut in respect of rights to water and wildlife compensation, landowner rights and negotiation of an Inuit Impact and Benefit Agreement. In their written submissions, the QIA's comments and concerns¹⁸ included the following:

Waste Management – Sewage Treatment and Transportation:

The QIA commented that BIMC had not finalized a plan for how to deal with discharge and storage of waste at the railway construction campsites prior to the NIRB Final Hearing in July. Consequently, the QIA requested that BIMC, in consultation with the QIA, clearly provide direction as to which waste discharge activities (sewage storage and disposal at each camp) would be included in the Type "A" Application. The QIA requested that the NWB ensure that only activities that have been assessed through the NIRB process be included in the Type "A" Licence Application.

The QIA further expressed concern that BIMC's Application may include activities that need to be assessed by NIRB under BIMC's Project Certificate-005 amendment application, including: (i) storage of large amounts of sewage at the railway construction camp; (ii) the discharge of this sewage (intended or accidental) at railway construction camps; and (iii) a significant increase to the number of people located at the Milne Inlet Camp during operations that has not yet been thoroughly assessed by NIRB.

Water Use – Fuel Storage Tanks:

The proposed construction for the Mary River mine includes the installation of multiple above-ground fuel storage tanks. The specifications for the construction of these tanks provides for the possibility of hydrostatic testing, which involves the withdrawal and subsequent discharge of large quantities of water. This discharge to the environment is not incorporated into the Application and has not been through environmental screening and/or assessment, and on this basis, the QIA requested that hydrostatic testing be removed as a provisional testing method for the above ground fuel storage tanks.

¹⁸ The QIA, "Final Intervention regarding the Mary River Type "A" Water Licence Application", Main Document, dated March 22, 2013.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Water Quality – Blasting and Blasting Management Plans:

On the issue of blasting and blasting management plans the QIA comments that the amount of explosives used during the construction and operation periods of the mine was not clearly defined and therefore it is not possible to determine the amount of waste that will be discharged to freshwater from the blasting residue. The QIA also noted that BIMC had not discussed in detail how it will prevent, monitor and adapt to the deposit of waste from blasting. Consequently, the QIA requested that BIMC detail their plan for handling and storage of explosives, detail best practices to be used to minimize the deposit of waste into freshwater, update their Explosive Management Plan and ensure techniques for monitoring blasting be included within BIMC's Environmental Monitoring Plan.

Monitoring – Aquatic Effects Monitoring Plan:

The QIA noted that although the Aquatic Effects Monitoring Plan (AEMP) Framework has been developed, the actual Monitoring Plan has not yet been completed. The QIA identified that BIMC should continue to consult the QIA as the Plan is developed and implemented. Also, the QIA wished to ensure that industry guidelines would be included in the AEMP. As BIMC agreed to use *Inuit Qaujimajatuqangit* (IQ) in their development of the Aquatic Effects Monitoring Plan, the QIA specifically requested that BIMC be required to develop a monitoring program specifically referencing *Inuit Qaujimajatuqangit* (IQ) for inclusion within the AEMP.

Closure and Reclamation – Landfarm:

Regarding the landfarm proposed to be constructed at Milne Inlet to treat contaminated soil, the QIA requested that if the soil is to be used in site reclamation then the criteria used for the treatment of the remediated soil be consistent with the Canadian Council of Ministers for the Environment (CCME) agricultural criteria for soil quality. The QIA also requested that the acceptable uses of the treated soil from the landfarm be specified in the Licence.

Water Quality – Discharge Criteria Selection:

The QIA questioned whether the preliminary discharge criteria proposed by BIMC (the Industrial Waste Discharge in Nunavut Guideline (IWDNG)) are appropriate for use, and indicated that it is the QIA's view that the CCME guidelines for the protection of aquatic life or site specific water quality objectives should be applied to all discharges and monitoring points that are not already regulated. The QIA also requested that all discharges of a similar type have



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

the same discharge criteria, with the exception of any site-specific water quality objectives derived for a set location.

Winter Road:

The QIA identified that although an outline of a winter road is visible in drawings that depict the railway route no further information regarding this road is available or was submitted. Accordingly, the QIA asserted that the winter road had not been through an environmental screening and/or environmental assessment and should not be considered by the NWB in this Application. In its submissions the QIA requested that BIMC provide the amount of water projected to be used daily and annually for the construction of the winter road from each withdrawal location to facilitate discussion regarding licensing of this activity. Further, the QIA requested that the Department of Fisheries and Oceans operational statement regarding Ice Bridges and Snow Fills be required to be used during construction and operation of the proposed road.

Licence Term:

The QIA noted that the Mary River Project will become the largest mine developed in Nunavut. During the application process, mine components and water treatment and discharge locations have changed multiple times. Final designs and drawings are not available for the proposed infrastructure for this project. As such, there is significant uncertainty regarding the final layout and design of the mine, which can affect the projected discharges of waste into the environment. In January, BIMC applied for an amendment to NIRB Project Certificate-005. In light of this uncertainty it was the written submission of the QIA that a five-year licence term would be most appropriate.¹⁹

Notwithstanding their written submissions, in the final verbal submissions of the QIA at the Public Hearing in respect of this Application, the QIA modified its position, stating as follows:

With respect to licence term, at the onset of the hearings, QIA recommended a licence term of five years to coincide with the construction of the Mary River Project. Having further discussed and considered this matter, QIA feels that a term of eight to ten years is more appropriate. This change in position is meant to ensure that the licencing [sic] process and requirements remain effectively tied to the project's development and operational path.

¹⁹ The QIA, "Final Intervention regarding the Mary River Type "A" Water Licence Application", Main Document, dated March 22, 2013.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

QIA also urges the Nunavut Water Board to consider the comments provided by the community members at this public hearing and the extensive Mary River Project committee minutes in making their determination on an acceptable licence term.²⁰

Aboriginal Affairs and Northern Development Canada (AANDC)

Aboriginal Affairs and Northern Development Canada (AANDC) has a broad mandate for the co-management of water resources and the management of Crown land in Nunavut under the following applicable law and policy: the *Department of Indian Affairs and Northern Development Act*,²¹ the *Nunavut Land Claims Agreement* and the *Nunavut Land Claims Agreement Act*,²² the *Territorial Lands Act*²³ and applicable *Regulations*,²⁴ the *Nunavut Waters and Surface Rights Tribunal Act*,²⁵ the *Canadian Environmental Assessment Act*,²⁶ and the *Mine Site Reclamation Policy for Nunavut*.²⁷ AANDC administers Crown land and resources and enforces regulatory permits affecting land and water resources in Nunavut.

AANDC filed a formal submission²⁸ to the NWB and presented²⁹ their submission and recommendations at the Public Hearing in Pond Inlet.

²⁰ S. Williamson Bathory, the QIA, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 25, 2013, p. 716, lines 12-25.

²¹ R.S.C. 1985, c. I-6.

²² S.C. 1993, c. 29.

²³ R.S.C. 1985, c. T-7.

²⁴ See for example *Territorial Land Use Regulations*, C.R.C. c. 1524 and the *Northwest Territories and Nunavut Mining Regulations*, C.R.C. c. 1516.

²⁵ S.C. 2002, c. 10.

²⁶ S.C. 1992, c. 37.

²⁷ Minister of Indian Affairs and Northern Development, (Ottawa: Minister of Public Works and Government Services Canada, 2002) available on-line: http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/recpolnuna_1100100036043_eng.pdf.

²⁸ AANDC Written Intervention for the NWB Hearing submitted to Phyllis Beaulieu, Manager of Licensing, NWB from Murray Ball, Acting Director Resource Management, Nunavut Regional Office, AANDC, dated March 21, 2013.

²⁹ See NWB Public Hearing File No.: 2AM-MRY1325, Exhibits No. 6 and 7, Aboriginal Affairs and Northern Development Canada's "Presentation to Final Hearing, Baffinland Iron Mines Corporation, Mary River Project Type "A" Water Licence Application" Power Point Presentation (English and Inuktitut hard copies) filed by AANDC on April 25, 2013.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Pit Lake:

In its submission AANDC commented that the pit lake will be one of the major legacies at the Mary River mine and requested that clear conditions be developed under the water licence to ensure that pit development will be prohibited until the necessary mitigation and security arrangements for the pit lake are in place.

Also in reference to the pit lake, AANDC requested in its submission that the Board require BIMC to consider the potential problem of water column stratification affecting water quality, given the depth of the proposed lake. According to AANDC, BIMC has committed to research stratification effects in deep lakes in northern climates. AANDC requested that the Board include this commitment as a licence condition.

Open Burning Impacts:

AANDC noted in its submissions that AANDC had previously requested that BIMC submit a Quality Assurance and Quality Control (QA/QC) Plan for open burning activities which includes provisions to: (i) document the type and quantity of material burned; and (ii) monitor and report on surface water and sediment quality of potentially affected water bodies. In its submissions AANDC further requested that this QA/QC Plan also document: (i) the quantity and frequency of materials burned; and (ii) potential cumulative impacts to surface water and sediment quality of nearby water bodies associated with burning.

Management Plans/Monitoring Plans:

In its submissions AANDC commented on BIMC's plan to revise several of its management and mitigation plans, to be submitted 60 days prior to construction (in most cases). AANDC stated its preference that such revised plans be submitted **prior** to the water licence being issued (where technically feasible).

AANDC requested in its submissions that BIMC be required to conduct water sampling and monitoring to determine or manage:

- the effects of explosives residue and related by-products from blasting activities;
- the pH of nearby freshwater;
- exceedances of emissions;
- erosion, drainage and silt control; and



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

- effects to the quality of groundwater, surface water, and aquatic ecosystems.

Since climate change is likely to impact permafrost, water quantity and water quality, the AANDC asked that the water licence require BIMC to report the results of climate change studies in annual reports to the NWB and to incorporate the results into subsequent management plan updates.

AANDC also submitted that BIMC should be required to develop a progressive revegetation program with annual reporting, and commented that BIMC's Waste Management Plan should include land disposal of dredging waste, and that an updated version of this plan be reviewed and approved by the NWB before dredging is permitted.

Rolling Type “B” Licence Activities into Type “A” Licence:

In its submissions AANDC discussed BIMC's plan to roll existing Type B licence activities into the proposed Type “A” water licence. In particular, AANDC discussed a possible bulk sampling campaign, which was not approved under the existing Type “B” licence, and which would not be consistent with the scope of the Type “A” licence included in the Application. AANDC recommended that BIMC should clarify if additional approvals may be needed.

Additional Type “B” Water Licence Applications:

AANDC noted that BIMC had outlined certain activities which may require Type “B” licences, that are not within the scope of the current Application. For example a temporary camp mid-way along the tote road and construction of an ice road.

Licence Term:

AANDC supported the recommendation of other Federal Departments for a licence term of 10-12 years, to provide an opportunity to revisit licence conditions related to technical aspects of water and waste impacts and to accommodate public concerns expressed at the technical meeting about the need for periodic technical review through licence renewal.

Environment Canada (EC)

The primary relevant legislation and standards that Environment Canada (EC) administers or adheres to and that are applicable to the Application are the *Department of the Environment*



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Act,³⁰ *Canadian Environmental Protection Act, 1999*³¹ and the pollution prevention provisions of the *Fisheries Act*.³² EC is a science-based Department responsible for leading implementation of the Government of Canada's environmental agenda that is committed to contributing to the realization of sustainable development in Canada's North. The Department focuses on the provision of scientific expertise for incorporation into decisions on developments, such that all parties, by working together, can ensure that there is minimal impact on the natural environment and that ecosystem integrity is maintained and preserved for future generations.

EC filed a formal submission³³ to the NWB and presented³⁴ their submission and recommendations at the Public Hearing in Pond Inlet.

EC reviewed the Mary River Water Licence Application with a focus on areas which fall under the Department's mandated responsibilities including: water quality with respect to mine discharges; aquatic effects monitoring; waste disposal; and air emissions, insofar as there is the potential to affect water quality.

EC submitted that the primary issues remaining unresolved going into the Public Hearing were in respect of establishing sewage and mine contact water discharge limits that are sufficiently protective of the sensitive northern environment; pit closure requirements that minimize the potential for impacts from post closure pit water discharges; and establishing criteria that ensure nutrients released as a result of project activities are effectively managed.

Water Discharge:

With respect to setting effluent criteria for wastewater discharges, EC's position was that the *Wastewater Systems Effluent Regulations* (WSERs) serve the purpose of setting the minimum to be expected under the *Fisheries Act* for wastewater systems effluent and that although these Regulations do not currently apply in the Arctic, that BIMC should strive to meet or exceed the *Wastewater Systems Effluent Regulations*. This was in contrast to BIMC's position that the regulated discharge limits should account for operational variations and should be related to the

³⁰ R.S.C. 1985, c. E-10.

³¹ S.C. 1999, c. 33.

³² R.S.C. 1985, c. F-14.

³³ Environment Canada's Final Intervention with Respect to the Mary River Project Type A Water Licence Application submitted to Phyllis Beaulieu, Manager of Licensing, NWB by Susanne Forbrich, Manager Environmental Assessment and Marine Programs, on March 22, 2013.

³⁴ See the summary of Environment Canada's submissions at the Public Hearing in NWB Public Hearing File No.: 2AM-MRY1325, Exhibits No. 8 and 9, Environment Canada's "Intervention on the Mary River Project Licence Application" Power Point Presentation (English and Inuktitut hard copies) filed by EC on April 25, 2013.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

assimilative capacity of the receiving environment rather than wholesale adoption of the WSER requirements.

BIMC also proposed that mine contact water be monitored to ensure that discharge meets criteria based upon the current *Metal Mining Effluent Regulations* (MMER). EC expressed concern that if actual discharges were to occur at these levels, environmental concentrations of metals and other parameters may approach and exceed water quality objectives in Camp Lake Tributary and Mary River. EC recognized that although the mine's effluent will be regulated under the MMER, the MMER limits should be viewed as a minimum national standard which is applied to all metal mines, in a range of environmental settings. Therefore, it was EC's position that to be protective of the Northern ecosystem a lower discharge criteria should be used as a starting point for effluent quality limits, in conjunction with the overarching requirement that effluent always be non-toxic.

Waste Incineration:

With respect to BIMC's use of permanent incinerators at their camps to dispose of camp waste, while EC did not dispute this plan in principle it recommended that BIMC develop and implement an Incineration Management Plan in consultation with EC, incorporating the advice provided in the EC Technical Document for Batch Waste Incineration.

EC recommended that the water licence include conditions for closure, which require the proponent to review their options concerning the closure of their pit lake, and also conditions which are related to maintaining the water quality of Sheardown Lake.

Licence Term:

EC supported a licence term of 10 to 12 years.

Fisheries and Oceans Canada (DFO)

The *Constitution Act (1982)*³⁵ provides the federal government with exclusive authority for seacoastal and inland fisheries within Canada's territorial boundaries. DFO's primary focus in reviewing proposed developments in and around fishery water is to ensure that the works and undertakings are conducted in such a way that the proponents are in compliance with the applicable provisions of the *Fisheries Act*. Under the NLCA, the DFO participates in the regulatory review process led by the NWB. The DFO's review of proposed development in and

³⁵ 1982, c. 11 (U.K.), Schedule B.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

around fisheries waters is meant to ensure that the works and undertakings are conducted in such a way that the proponents are in compliance with the applicable provisions of the *Fisheries Act*. The habitat protection provisions of the *Fisheries Act* are administered through the guidance of DFO's Policy for the Management of Fish Habitat (1986).

Silt and Sediment:

According to the DFO there is the potential for silt and sediment to be released into water bodies in the project areas as a result of the installation of watercourse crossings and infrastructure construction. In its submissions the DFO stated that the Sediment and Erosion Control Plan presented in the Licence Application does not provide sufficient detail on the mitigation measures which will be implemented to avoid negative impacts to fish and fish habitat. The DFO recommended in its submission that the revised plan (which the proponent committed to provide) be submitted to the DFO for review *prior* to the commencement of any construction activities which have the potential to introduce silt and sediment into fish bearing water bodies.

Use of Explosives:

DFO noted that the construction of the rail line will require the use of explosives in and near fish bearing waters. The DFO's *Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters* (Wright and Hopky, 1998) offers guidance on the use of explosives to ensure no harm to fish and fish habitat. DFO indicated that it is the Department's expectation that BIMC will meet their commitment to develop a Blasting Management Plan which will incorporate DFO guidelines, including mitigation measures and monitoring. The DFO recommends that this Plan be submitted to the DFO office for review and approval prior to the commencement of blasting activities in or near fish habitat.

Conceptual Fish Habitat Off-Setting Plan:

According to the DFO the development of the Mary River Project will result in the harmful alteration, disruption or destruction of fish habitat in both the freshwater and marine environment. Impacts in the freshwater environment are the result of the installations of watercourse crossings and lake encroachments associated with the railway and access road construction. The proponent submitted a draft Conceptual Fish Habitat Off-Setting Plan. The DFO recommended that the BIMC continue community consultations to ensure that local input is incorporated into the Plan, and also that BIMC continue collecting sufficient baseline data to support the monitoring of newly constructed fish habitat.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Issues with Fish Passage:

The DFO expressed the importance of including design features in relation to bridges and culverts which will mitigate potential fish passage issues. The DFO recommended in its submissions that BIMC provide stream crossing, final crossing designs, and site-specific mitigation measures to DFO for review upon completion of the detailed engineering phase.

Methodology for Post Construction Performance Monitoring:

The DFO recommended that the proponent develop a detailed methodology for the “Post Construction Performance Monitoring” which was presented at the Aquatic Effects Monitoring Framework (February 2013) and submit this methodology to the DFO for review.

Licence Term:

The DFO recommended a 12 year licence term, which would provide an opportunity to revisit licence conditions related to impacts on fish and fish habitat with sufficient monitoring data and experience to make sound recommendations on any changes. It would also provide an opportunity to accommodate public concerns which were expressed at the technical meeting about the length of the licence.

Natural Resources Canada (NRCan)

The mandate of Natural Resources Canada (NRCan) is to develop, implement and deliver policies, programs, science and technology for the sustainable development and responsible use of Canada’s mineral, energy and forestry resources. NRCan regulates the manufacturing and storage of explosives through the *Explosives Act*³⁶ and may have regulatory responsibilities in relation to the Mary River project as the Department may issue a licence under this Act.

As the Board anticipated in its Pre-Hearing Conference Decision,³⁷ a key outstanding technical issue at the Public Hearing was the modeling and determination of pit lake water quality. Given the technical expertise of NRCan in this regard, the Board requested that NRCan personnel who could speak to the geochemical investigations and modeling associated with projecting pit lake water quality attend the Public Hearing. Consequently, in its submissions NRCan also commented on the modeling associated with the future water quality of the pit lake in light of

³⁶ R.S.C. 1985, c. E-17.

³⁷ Nunavut Water Board, Pre-Hearing Conference Decision Regarding Application for Type “A” Water Licence by Baffinland Iron Mines Corporation for the Mary River Project, 2AM-MRY1325, January 25, 2013, at p. 15.



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

uncertainty regarding predictions of the eventual pit water quality and the plan for reclamation of the pit lake.

At the Public Hearing, NRCan provided the following summary of the results of their review:

My review of the project EIS focussed on whether the Proponent has adequately characterized the potential for acid-rock drainage and metal leaching.

Based on my review of all, Natural Resources Canada did not find any fatal flaws with the Proponent's waste rock characterization program.

However, two observations can readily be made based on the information presented in the EIS and a presentation made to NRCan by Baffinland in May 2012. The first observation is that the encapsulation of what is called deleterious ore, which has now become the major part of the potential acid-generating waste rock, with rocks with little neutralization potential in a waste rock dump may or may not be effective depending on relative rate of sulphide oxidation and permafrost degradation. Therefore, the option of segregating the deleterious ore in a separate pile for ready relocation to be submerged in the pit lake if necessary should perhaps be considered.

The second observation is that there is uncertainty regarding the predictions of the eventual pit lake water quality. The Proponent proposed that the pit lake water quality will be monitored for a fixed period of time after mine decommissioning.

However, it is NRCan's opinion that the duration of post-closure monitoring should consider the evolving trends of a [sic] water quality in the pit lake instead of just having a fixed period of monitoring. It is NRCan's understanding that Baffinland will consider water quality trends in the pit lake and has committed to monitor as long as necessary and, if required, water treatment would be performed. From that perspective, NRCan would recommend Water Board to consider a requirement for annual monitoring of the pit lake as soon as start to accumulate water [sic] and also conduct a trend analysis at least every three or five years so that we will know how the water quality would change with time.³⁸

³⁸ J. Kwong, NRCan, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 25, 2013, pp. 614-615, lines 3-26 and lines 1-15.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

SECTION III: SUBMISSIONS BY COMMUNITY REPRESENTATIVES AND MEMBERS OF THE PUBLIC

At the Pre-hearing Conference the NWB held in January, the Board's staff were advised that although Pond Inlet was the most appropriate place to hold the Public Hearing, the communities of Hall Beach, Arctic Bay, Igloolik and Clyde River should also be represented at the Public Hearing as these communities could potentially be affected by the activities and facilities included in the Application. Consequently, to ensure that the Board was provided with the opportunity to hear the concerns, questions and issues of these communities, the Board invited 5 members from each of the four communities, representing Elders, the local Hunters and Trappers Organization, youth, women and the Hamlet to attend the Public Hearing in Pond Inlet. At the Public Hearing, these community representatives were given specific opportunities to ask questions of the Applicant and the interveners and to provide the Board with their views, identify issues, express concerns and provide any other comments relevant to the Application.

Table 1 that follows provides a summary, by topic, of the key issues related to the Type "A" Water Licence Application raised by community members during the Public Hearing and Community Sessions April 23-25. Those parties interested in a review of all comments received in their entirety are advised to consult the transcripts for the Public Hearing available on-line from the NWB's website.

Table 1: Key Issues Raised By Community Representatives During the Public Hearing and Community Information Sessions

Topic	Issues/Concerns/Comments
Aircraft landing on roads adjacent to railway	Will the roads adjacent to the railway line be wide enough for aircraft to land?
Discharges of Sewage, Oily Water and Run off	Will sewage, oily water and run off that has contacted the ore stockpile be treated to ensure that contaminants are not being released into the environment?
Blasting/Explosive Residue	How would the explosive residue on snow that builds up during the winter be prevented from becoming part of the snow melt water that goes into nearby creeks and flowing water or sinking into the ground?
	Is the smoke, dust and explosive residue associated with blasting activities toxic or dangerous to animals?
	Will people out on the land still be able to drink water from the small ponds nearby areas that are being blasted, or will these water sources be contaminated by blasting activities?
	How will BIMC ensure that blasting activities do not impact fish in fish-bearing waters?
	How will BIMC make sure that blasting activities along the railway does not leave behind residue that causes permanent effects?



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

Topic	Issues/Concerns/Comments
	Are there different criteria for blasting in open water and blasting where there is ice cover?
	Are there ever any allowances made for relocating the fish from a water body that is near to a blast site to a water body further away during blasting?
Contingency/ Emergency Planning	What kind of contingency/emergency plans are in place to notify communities if their water sources have been impacted?
Discharge Criteria	Is there a mechanism that can be established to ensure that phosphorus doesn't increase in the lakes receiving discharge from the mine and camps?
Fish Passage	Have there ever been instances where fish have successfully passed through culverts; where culverts do not act as blocks?
Impacts on Wildlife	How will the potential for impacts on water quality that affect wildlife and that could affect whether wildlife are safe to eat be prevented?
	What will the benefits be to compensate communities for the potential loss of traditional food sources associated with animals being impacted by these activities?
	How will birds, fish and animals be affected if they start eating the garbage generated by the mine?
	If there were impacts to wildlife that meant they could not be used for food, how would residents be notified not to eat these animals?
Inspection and Enforcement	Do inspectors and other regulators have plans for visiting the mine site, inspecting the sites and conducting their own monitoring of the sites, and if so, how often would they visit?
Monitoring	Once the project is operating how will it be monitored and will Inuit be sent to participate in monitoring?
	Due to the importance of the area for harvesting purposes the communities would like to see streams and rivers south of Mary River monitored annually to ensure that any downstream impacts are identified before they cause permanent damage.
	Will monitoring of pH levels in Mary River be undertaken, and if pH levels are detected that are too high or too low will people having cabins in the area be alerted that the water may be unsafe to drink?
	What agencies have responsibility for monitoring, or is it only BIMC who will be involved in undertaking the monitoring and reporting of their results?
Notification	When BIMC has to shift to the use of other water bodies in future will they be providing notification to the nearby communities that they are now using a different water body?
Ore Stockpiles	How can BIMC be so confident that oxidation of the iron ore won't take place in the ore stockpiles?
	How does ore dust affect water quality?
Permafrost	How will BIMC plan to resolve issues such as nearby lakes, rivers and streams draining due to the permafrost in the area degrading and melting?
	Does BIMC have any contingency plans in place to address climate-change-induced changes on the environment in the next 20 years?
Pit Water Quality	Would pit water quality be improved if the pit was filled by other than natural rain and snow melt?



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

Topic	Issues/Concerns/Comments
	Why are interveners suggesting that the pit lake water quality mitigation plan could be filed four years after the start of mining and not in advance?
	How long would pit lake water quality continue to be tested after closure?
Placement of Dredged Material on Land	Where will dredged material from Steensby Inlet be placed on land?
Reclamation	Once the project is complete, will the structures be taken down and would the land be returned to its original state?
Security	Has BIMC contemplated separating terrestrial and water-based security?
	What happens if after closure it is determined that the amount of security required exceeds the amount of security provided by BIMC?
Sediment Ponds	Once operations have ceased how will sediment ponds be reclaimed?
Sewage Lagoons	Will all lagoons used for sewage treatment be lined?
	Will the sewage lagoons and sewage treatment plants be big enough to accommodate all the people that will be on-site during peak construction?
	What criteria are used to identify the best spot to locate the sewage lagoons and the sewage discharge points?
	What happens to the sludge from the sewage treatment plants?
Spills	Does BIMC have not only a “mitigation plan” but also an “action plan” that would be activated in the event of a spill into water?
Storage Tanks	How would the integrity of the containment berms around tank farms be tested before fuel is brought on-site?
	How would the integrity of the containment berms around tank farms be maintained once constructed?
Term of Licence	Concerns expressed that the term of 25 years is too long a term because once a licence is granted there may not be any opportunity for the Board, other agencies, or the communities to revisit the licence during the term of the licence.
Waste Rock/Acid-Rock Drainage	Where will the waste rock that will be used to surround and encapsulate potentially acid-generating rock come from?
	Why does BIMC say that they may have overestimated the potential for acid-rock drainage to impact run off water quality?
	When will BIMC have <u>actual</u> information from the site regarding the acid-generating potential of the waste rock?
Water Quality	What are BIMC’s plans if the deterioration in water quality is identified through monitoring and in particular what if the deterioration in water quality jeopardizes having safe drinking water in the project camps? Specifically how would you deliver water to project camps where the nearby source is contaminated or becomes unsafe to use?
Water Use	Is it correct that the greatest use of water will occur during the construction and where is the break down of daily use?
	Are the smaller ponds and lakes that are going to have water taken from them going to be able to withstand the withdrawals without drying up?



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

In addition to the submissions of designated community representatives, on the evenings of April 23 and April 24, the NWB held Community Information Sessions that consisted of brief presentations from the Board, the Applicant and the Interveners followed by the opportunity for members of the public in attendance at the sessions to ask questions of all the parties. Table 2 summarizes the key issues relevant to the Application raised by members of the public during both the Public Hearing and the Community Information Sessions.

Table 2: Key Issues Raised By Members of the Public During the Public Hearing and Community Information Sessions

Topic	Issues/Concerns/Comments
Changes to Application	Questions regarding whether the changes to BIMC's plans announced in January 2013 will affect what is being proposed under this Application.
Discharges of Sewage, Oily Water and Run off	How good are the oily water and sewage treatment plants going to be—will they be better than the current Hamlet sewage treatment?
Dredging	Will dredging planned for Steensby Inlet impact benthic organisms, including destroying their habitat?
Explosive Residue	Is what's left behind after blasting toxic to people or fish?
Impacts on Fish	Concern that the project's impacts on fish will affect food sources for adjacent communities
Impacts on Wildlife	Noted that wildlife that had gone away during the operation of the Nanisivik mine have slowly come back to the area; animals returned once mining ceased.
	Have identified fewer seals in the area where exploration and bulk sampling have taken place.
Monitoring	How will BIMC monitor to make sure that if the mine is having impacts on water, BIMC and the NWB will know?
	How will regulators and agencies such as DFO and the NWB make sure that BIMC follows the terms and conditions in permits, licences and the applicable laws?
Reclamation	What plans does BIMC have for unused material when the mine ceases operation and reclamation is complete—will it be landfilled altogether or separately and if landfilled how will BIMC prevent seepage from the landfill?
Sewage Lagoons	Have concerns that even if the sewage is treated in a lagoon and is considered safe, Inuit are loathe to drink water in any area near a discharge point from a sewage lagoon.
Waste Deposits in Water	Residents have seen debris (including condoms and other garbage) floating on the lake that the mine is discharging its sewage into; does BIMC know anything about that?
Water Treatment	Who decides and when will it be decided if water treatment is required once the ore has been mined to the point where an open pit is created?



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Topic	Issues/Concerns/Comments
Water Use	How many people will be on-site at the peak of development and how much per capita water consumption has been estimated to accommodate the water use of all those people?
Water User Compensation	Does the Nunavut Water Board have a process for determining water user compensation if the Qikiqtani Inuit Association and BIMC are unable to come to an agreement?

SECTION IV: JURISDICTION OF THE BOARD

This Board has jurisdiction over this Application pursuant to Division 2 of the NWNSRTA.³⁹ Relevant sections in that Division allow the Board to issue a licence,⁴⁰ amend a licence,⁴¹ or in certain circumstances, cancel a licence.⁴² In deciding to issue a licence or engage in any other statutory function, the Board must follow the objects of the governing legislation, which are:

“... to provide for the conservation and utilization of waters in Nunavut, except in a national park, in a manner that will provide the optimum benefit from those waters for the residents of Nunavut in particular and Canadians in general.”⁴³

In setting the Terms and Conditions of a licence the Board is guided by these objects and also by the Project Certificate issued by the Nunavut Impact Review Board that addresses effects and mitigation measures applicable to the use of water and deposit of waste in a particular case.⁴⁴ The Board must meet its statutory duty to make *all* reasonable efforts to minimize *any* adverse effects on aquatic ecosystems. Reading several of the Articles of the NLCA together,⁴⁵ the Board relies on the broad definition of “ecosystemic” found in Article 12, Section 12.1.1. of the NLCA, requiring not only the NIRB but also the NWB to ensure that all components of the ecosystem, such as fish and fish habitat, are protected within the parameters of s. 71 of the NWNSRTA.

For all matters relating to a water licence application, the burden of proof in a Public Hearing rests with the Applicant to demonstrate that the Applicant’s request for a water licence should be granted. In addition, the NWB Rules of Practice state: “Any party offering evidence before the

³⁹ Sections 42-81 of the NWNSRTA.

⁴⁰ See ss. 42, 48, 55, 56, and 70 of the NWNSRTA.

⁴¹ See s. 43(1)(b) of the NWNSRTA.

⁴² See s. 43(1)(c) of the NWNSRTA.

⁴³ See s. 35 of the NWNSRTA.

⁴⁴ See the NWB’s implementation obligations as set out in Article 12, Section 12.9.7 of the NLCA and see the NIRB Project Certificate No.: 005, issued to Baffinland Iron Mines Corporation on December 28, 2012.

⁴⁵ This approach is consistent with the direction provided in Article 2, section 2.9.1 of the NLCA.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Board shall have the burden of introducing sufficient and appropriate evidence to support its position.”⁴⁶

Where intervening parties, community representatives and the public present no evidence supporting or rejecting the Applicant’s evidence, the NWB will base its decision on its own assessment of the Applicant’s request.

SECTION V: REQUIREMENTS OF THE NWNSRTA, NWR AND NLCA

Objects of the Board and its Relationship to other Bodies

Land Use Planning

In March 2008, when the Nunavut Impact Review Board (NIRB), NWB and Nunavut Planning Commission (NPC or Commission) first received the Mary River Project Proposal and *Draft* Type “A” Water Licence Application, BIMC identified that a positive conformity determination from the NPC was required under the North Baffin Regional Land Use Plan (NBRLUP). Further, as a portion of the proposed railway line falling within the area covered by the NBRLUP⁴⁷ constituted a “transportation corridor” BIMC identified that an amendment to the NBRLUP was also required to allow for the railway line to proceed.

On April 30, 2008, the Commission issued a positive conformity determination for the Project in relation to the NBRLUP. The conformity determination also outlined the provisions set forth in sections 3.5.11 and 3.5.12 of Appendix C of the NBRLUP, regarding the requirement for a joint public review by the NIRB and the NPC which was required to address the transportation corridor aspect of the Project.

Throughout the NIRB’s Article 12, Part 5 Review of the Mary River Project Proposal, NPC and the NIRB undertook the joint public review of the transportation corridor. Although to date the NPC has not issued a decision regarding the potential amendment to the NBRLUP triggered by the proposed railway, the NPC clearly expressed at the NIRB Final Hearing that any such amendment is not required before the water licensing process can commence:

In summary, the north Baffin regional land use plan does not contemplate that a land amendment be complete before the Nunavut Land Claims part 5 project review is finalized or before any permits,

⁴⁶ Section 23.1 of the Nunavut Water Board “Rules of Practice and Procedure for Public Hearing” (May 11, 2005).

⁴⁷ Approximately 34 km of the proposed railway routing lies within the area covered by the NBRLUP, BIMC Final Environmental Impact Statement submitted to the NIRB, Volume 2, Section 2.2.1, p. 45.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

licences, or authorizations can be issued. Implementation of the Nunavut Land Claims Agreement 11.6.3, requires that the Commission provide a recommendation to the Minister of Aboriginal Affairs and Northern Development Canada and the Minister of Environment, Government of Nunavut. The recommendation must advise the ministers on whether their request for the plan amendment should be accepted or rejected in whole or in part. The recommendation of the Commission to accept or reject the plan amendment proposal in whole or in part has no effect on the Nunavut Impact Review Board Review or the issuance of permits, licence, or authorizations.⁴⁸

On this basis, the NWB has considered the requisite land use planning requirements of the NLCA to be fulfilled such that the NWB can consider the processing of this Application and the issuance of the Type “A” Water Licence.

Environmental Assessment

As outlined briefly in the section of this decision discussing the regulatory history of the file, reflecting the requirements of Article 13, Sections 13.5.2 and 13.6.1 of the Nunavut Land Claims Agreement (NLCA),⁴⁹ at the request of BIMC and in an effort to co-ordinate, reduce duplication and streamline the impact assessment and water licensing requirements established under Articles 12 (Impact Assessment) and 13 (Water Management) of the Nunavut Land Claims Agreement (NLCA) and applicable to the Mary River Project, the NIRB and the NWB developed and implemented a Detailed Co-ordinated Process Framework (DCPF).

Essentially, the DCPF was intended to co-ordinate, to the extent possible, the submission and review of information required for the NIRB review process and the NWB water licensing process. As a result, the DCPF engaged the water licensing process during the NIRB Review rather than commencing only after the NIRB Review process is completed. However, although the DCPF coordinated the NIRB environmental impact assessment process and the NWB

⁴⁸ B. Aglukark, NPC, NIRB Final Hearing File No.: 08MN053 Transcript, July 17, 2012, p. 535 at lines 9-24.

⁴⁹ These sections of the NLCA state:

13.5.2 Where the water application is referred for review under Article 12, the NWB and the review body shall coordinate their efforts to avoid unnecessary duplication in the review and processing of the application. Legislation may provide for joint hearings or authorize the NWB to forego public hearings on any water application where it has participated in a public review of the relevant water application pursuant to Article 12.

13.6.1 The NPC, NIRB and the NWB shall co-operate and co-ordinate their efforts in the review, screening and processing of water applications to ensure they are dealt with in a timely fashion.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

application consideration processes, in this case the DCPF did not include a joint hearing process and did not affect the specific process requirements of either Board.

Although a joint hearing process was not undertaken for this file, in keeping with the coordination and cooperation under the DCPF, the NWB's technical advisor responsible for the Application attended the NIRB's Technical Meetings, Pre-Hearing Conference and Final Hearing to provide technical advice and support to the NIRB on water-related issues and the NIRB's Director of Technical Services and the Monitoring Officer for the Mary River Project were in attendance at the NWB's Technical Meeting, Pre-hearing Conference, Public Hearing and Community Information Sessions, providing technical support to the NWB, as well as to provide answers to any potential issues and questions falling under the NIRB's mandate.

The NIRB completed a full environmental assessment of the Project under Article 12 Part 5 of the NLCA, including a Final Hearing in Iqaluit, Igloolik and Pond Inlet in July 2012, which resulted in the issuance on December 28, 2012, of Project Certificate No. 005 to BIMC to authorize the Mary River Project.

The NIRB Project Certificate has several conditions relating directly or by implication to the water licence, including conditions related to hydrology and hydrogeology,⁵⁰ groundwater/surface water,⁵¹ erosion management and permafrost,⁵² design plans,⁵³ quarry management,⁵⁴ freshwater aquatic environment,⁵⁵ monitoring,⁵⁶ and others.⁵⁷ The NWB confirms that the Licence meets the requirements of the Project Certificate relevant to the jurisdiction of the NWB.

Inuit Water Rights

At the conclusion of the Public Hearing, BIMC, supported by the QIA, brought a motion before the Board seeking to keep the record of the Public Hearing open for a period of one week in order for the QIA and BIMC to conclude water user compensation negotiations. The Panel granted the motion for the record to remain open **ONLY** with respect to water user

⁵⁰ See NIRB Project Certificate No.: 005, Nos. 16-19.

⁵¹ See NIRB Project Certificate No.: 005, Nos. 20-24.

⁵² See NIRB Project Certificate No.: 005, Nos. 26 and 28.

⁵³ See NIRB Project Certificate No.: 005, No. 29.

⁵⁴ See NIRB Project Certificate No.: 005, No. 30.

⁵⁵ See NIRB Project Certificate No.: 005, Nos. 41-48.

⁵⁶ See NIRB Project Certificate No.: 005, Section 4.1 General Terms and Conditions, items 5-12 and Appendix A [to be completed in future].

⁵⁷ See NIRB Project Certificate No.: 005, dust management and monitoring No. 10, incineration management plan and monitoring, Nos. 11 and 12.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

compensation. On May 3, 2013, the QIA⁵⁸ and BIMC⁵⁹ confirmed that the requirements of water user compensation pursuant to s. 63(1) of the NWNSRTA had been satisfied in regard to the Application.

The Nunavut Waters Regulations

At the time that BIMC filed the finalized Type “A” Water Licence Application with the Board, the NWB’s jurisdiction to charge water user fees and to require a Type “A” Water Licence for this activity was set out in accordance with certain provisions of the *Northwest Territories Waters Regulations*.⁶⁰ These *Regulations* were identified as applicable in Nunavut (in the absence of Nunavut’s own regulations) under the “Application of Regulations” made under paragraph 33(1) (m) or (n) of the *Northwest Territories Waters Act* in Nunavut Order, S.O.R./2002-253. Prior to the Public Hearing, however, the *Northwest Territories Waters Regulations* were replaced by the new *Nunavut Waters Regulations* (NWR),⁶¹ which came into force on April 18, 2013. Consequently, as the Type “A” Water Licence had not yet been issued for BIMC, issues such as water user fee calculations are to be governed by the provisions of the NWR, as discussed in more detail in the appropriate section of the decision.

Recommendations on Marine Areas

Section 41 of the NWNSRTA permits the Board to advise and make recommendations respecting any marine matters that may arise to any department or agency of the Government of Canada or the Government of Nunavut.⁶² In this respect, the Board notes that although the Board does not have jurisdiction to regulate effluent being discharged directly into marine areas, in the Board’s view it is reasonable for the same effluent criteria for discharges into freshwater to be applied to discharges to the marine environment as well. Consequently, the Board

⁵⁸ Letter from J.Okalik Eegeesiak, President, the Qikiqtani Inuit Association to Damien Côté, Executive Director, NWB Re: Mary River Project-Type “A” Application – Baffinland Iron Mines Corporation-DIO Confirmation of Water Compensation Agreement English and Inuktitut, dated May 3, 2013.

⁵⁹ Letter from Erik Madsen, Vice President, Sustainable Development, Health, Safety and Environment, Baffinland Iron Mines Corporation to Damien Côté, Executive Director, NWB Re: Water Compensation Agreement, dated May 3, 2013.

⁶⁰ S.O.R./93-303.

⁶¹ S.O.R./2013-69.

⁶² Section 41 of the NWNSRTA states:

The Board may, either jointly with the Nunavut Planning Commission, the Nunavut Impact Review Board and the Nunavut Wildlife Management Board, as established by the Agreement, acting as the Nunavut Marine Council referred to in section 15.4.1 of the Agreement, or on its own, advise and make recommendations respecting any marine area to any department or agency of the Government of Canada or the Government of Nunavut, and those governments shall consider that advice and those recommendations when making any decision that may affect that marine area.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

recommends that Environment Canada consider applying the same discharge criteria to effluent discharged into the marine environment as currently adopted under the Water Licence.

Fisheries Act and Regulations

Under s. 73 of the NWNSRTA, any condition of a water licence relating to the deposit of waste into waters where regulations pursuant to s. 36(5) of the *Fisheries Act* apply shall be at least as stringent as the conditions prescribed by those regulations. Further, the Board emphasizes that the licences issued by the NWB do not authorize habitat alteration disruption or destruction pursuant to s. 35 of the *Fisheries Act*,⁶³ nor does a water licence authorize the deposit of deleterious substances into waters frequented by fish pursuant to s. 36 of the *Fisheries Act*.⁶⁴ Separate authorizations are required by the DFO to authorize such activities.

SECTION VI: DECISION TO ISSUE

Following the Public Hearing and for reasons elaborated further below, the Board has decided to issue Water Licence 2AM-MRY1325 (Licence) subject to the conditions set out therein.⁶⁵ The Licence contains terms and conditions necessary to protect the environment, conserve the water resources, and provide appropriate safeguards in respect of the Licensee's use of waters and

⁶³ See s. 35(1) of the *Fisheries Act* which states:

No person shall carry on any work, undertaking or activity that results in the harmful alteration, disruption or destruction, of fish habitat.

(Subject only to the exceptions in s. 35(2), which include carrying on the work, undertaking or activity in accordance with prescribed conditions, conditions established by the Minister, in accordance with an authorization or permission granted under the Act or in accordance with regulations).

⁶⁴ See s. 36 of the *Fisheries Act* which states:

36. (1) No one shall...

(3) Subject to subsection (4), no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water.

(4) No person contravenes subsection (3) by depositing or permitting the deposit in any water or place of (a) waste or pollutant of a type, in a quantity and under conditions authorized by regulations applicable to that water or place made by the Governor in Council under any Act other than this Act;

(b) a deleterious substance of a class and under conditions -- which may include conditions with respect to quantity or concentration -- authorized under regulations made under (5) applicable to that water or place or to any work or undertaking or class of works or undertakings; or

(c) a deleterious substance the deposit of which is authorized by regulations made under subsection (5.2) and that is deposited in accordance with those regulations.

⁶⁵ The Licence has been issued under separate cover as 2AM-MRY1325.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

deposit of waste. The Licence also parallels the recommendations and suggestions made by the NIRB in the Environment Assessment Report approved by the Minister.⁶⁶

Conditions for Issuance of a Licence

Section 57 of NWNSRTA provides several key legislative requirements that must be satisfied before the Board may issue a licence.⁶⁷ On the issue of waste produced by the undertaking the Applicant has satisfied the Board that in combination with mitigation measures proposed by the Licensee and the terms and conditions of the Licence, the Project can maintain and meet acceptable water quality and effluent standards.

Financial Responsibility of the Applicant

Specifically with respect to the requirements under the NWNSRTA, s. 57(b), the Board's consideration of the financial responsibility of the Applicant involves three aspects:

- the financial ability of the Applicant to complete the appurtenant undertaking;
- the ability of the Applicant to undertake measures to mitigate, and in the Board's view, also monitor for, impacts; and
- the Applicant's ability to maintain and restore the site during closure and abandonment.

This third aspect of financial responsibility will be specifically addressed in the section of this decision discussing reclamation security.

Section 57 also makes it clear that the NWB's assessment of the Applicant's financial responsibility is a contextual analysis that considers not only the undertaking which is the subject

⁶⁶ Letter from the Honourable John Duncan, PC, MP to Elizabeth Copland, Chairperson of the Nunavut Impact Review Board, dated December 3, 2012, accepting the NIRB's Decision Report and Recommended Project Certificate Terms and Conditions.

⁶⁷ Section 57 of the NWNSRTA states:

The Board may not issue a licence unless the applicant satisfies the Board that

- (a) any waste produced by the appurtenant undertaking will be treated and disposed of in a manner that is appropriate for the maintenance of the water quality standards and effluent standards that are prescribed by the regulations or, in the absence of such regulations, that the Board considers acceptable; and
- (b) the financial responsibility of the applicant, taking into account the applicant's past performance, is adequate for
 - (i) the completion of the appurtenant undertaking,
 - (ii) such measures as may be required in mitigation of any adverse impact, and
 - (iii) the satisfactory maintenance and restoration of the site in the event of any future closing or abandonment of that undertaking.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

matter of the Licence, but also the Applicant, with particular regard to the Applicant's past performance. In this case, the Applicant has had a Type "B" Licence in place since 2008 to authorize exploration activities, including effluent discharges from the camp at the mine site. There was no evidence before the Board of any outstanding issues of non-compliance with the existing Licence.

As noted by various interveners and members of the public this Project is unprecedented in terms of scale and capital expense in Nunavut.⁶⁸ As such, it is not only the existing financial capacity of the Licensee that is a concern, but also the on-going financial capacity of the Licensee:

Firstly, let me pose this query. We have spent about 21 years in planning for Mary River, and with the company that now owns the mineral rights at Mary River, I will use this example, and again, Arctic Bay tends to use Nanisivik. Nanisivik was also taken over by a different corporation, in particular, near the closure where the ownership kept changing hands. With the plans in place, with the ownership changing hands or the private company being bought out, will these plans continue to be implemented irrespective of the ownership of the company?⁶⁹

In response, BIMC identified that the restructuring of the company to go from a publicly-traded company to a private held company has actually increased the company's financial capacity to carry out the project as follows:

I think most everyone who's here knows that Baffinland did have a change in ownership about -- I guess, it's about two-and-a-half years ago now. At the time -- or previous to that, I should say, Baffinland was a public company that was considered a junior exploration company. It had shares that were publicly traded on the Toronto Stock Exchange.

And the project had always been a well known deposit and project, and then two-and-a-half years ago, there was a lot of interest from big companies from different parts of the world, and one of the companies that ended up buying a large share of Baffinland was called ArcelorMittal, and ArcelorMittal is a very large steel company that has its head office in London, England. It's the largest steel producer in the world, and it operates in over 60 countries all around the world, so it's a very large company. Along with that, there was a slightly smaller investment fund out of the United States that purchased 30 percent of Baffinland, and between the two of those -- those two companies, they

⁶⁸ See for example, O. Curran, BIMC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 23, 2013, pp. 46-47, lines 24-26 and lines 1-9.

⁶⁹ O. Naquitavik, Arctic Bay, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 24, 2013, p. 441, lines 5-15.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

took Baffinland from it being a public company to being a private company, but now there's only two shareholders, those two companies. Before we used to have many shareholders, and now we only have two, those two companies.

The plans that you're hearing about here today and the plans that we took through the Nunavut Impact Review Board process were plans that those two companies came up with and agreed to, so those are plans that are very current and that the current ownership has instructed us to pursue.⁷⁰

Based on the current ownership structure, the financial statements provided by BIMC in advance of the Public Hearing,⁷¹ and the evidence of the Applicant and Interveners at the Public Hearing, the Board is confident that the Applicant has the financial resources required to hold the Type "A" Water Licence as required under the NWNSRTA.

Compensation of Existing or Other Users

The NWNSRTA requires that the Board be satisfied that compensation of existing or other users has been or will be paid.⁷² Notice of the Application⁷³ was given and the NWB confirms that no representations regarding compensation were made to Board within the time period specified.

Issuance of a Licence

As stated above and pursuant to s. 42(1) of the NWNSRTA, the Board has decided to issue Water Licence 2AM-MRY1325 subject to the terms and conditions set out therein and explanations provided herein. In issuing the licence, the Board is satisfied that the Application contains the required information and is in the proper form having regard to the requirements of the NWNSRTA⁷⁴ and associated regulations.⁷⁵

Assumptions

When faced with choices regarding monitoring requirements such as standards or parameters to be imposed under the Licence, the Board has opted to impose stringent monitoring requirements

⁷⁰ G. Missal, BIMC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 24, 2013, pp. 441-443, lines 24-26, 1-26 and 1-2.

⁷¹ Correspondence from E. Madsen, BIMC, Vice President Sustainable Development, Health, Safety and Environment to D. Côté, Executive Director, NWB, dated March 7, 2013, Item #1.

⁷² See ss. 58-60 of the NWNSRTA.

⁷³ Notice of the Application in accordance with s. 55 of the NWNSRTA was issued on April 16, 2012.

⁷⁴ See s. 48 of the NWNSRTA.

⁷⁵ *Nunavut Waters Regulations*, SOR/2013-69, April 18, 2013.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

in an effort to ensure that the Applicant meets their on-going environmental protection obligations.

Applications in Relation to the Licences

Overall, the Board is satisfied that the requirements of s. 48 of the NWNSRTA have been met. BIMC filed an Application which complied with the Board's Rules, accompanied by the fees required by regulation including the application fee and water use fees.⁷⁶ In addition, the Licensee also provided the necessary information to evaluate the qualitative and quantitative effect of the use of water or the deposit of waste into water.

Application to Amend or Application for Future Modifications

In relation to future applications to amend or modify the Project, the Board reminds BIMC that it must comply with all requirements of the NLCA⁷⁷ and NWNSRTA⁷⁸ where applicable. With respect to the potential for future amendments to this Licence as a result of the Early Revenue Phase activities, the Board reiterates, from its Pre-hearing Conference Decision that:

The NWB does, however note that if any changes are subsequently required to the scope of the existing Type "A" Water Licence Application, the NWB would not consider any such amendments at the upcoming Public Hearing and the NWB's consideration of an amendment would only occur AFTER the NIRB had concluded its process for considering the request to amend the Project Certificate and, if it was considered necessary, any revisions and/or additions to the existing Project Certificate had been issued by the NIRB and approved by the Minister.⁷⁹

Assignment of a Licence

The Board reminds the Applicant that s. 44 of the NWNSRTA states:

⁷⁶ In accordance with section 7 of the *Northwest Territories Waters Regulations*, S.O.R./93-303 that, pursuant to the Application of Regulations made under paragraph 33(1) (m) or (n) of the *Northwest Territories Waters Act* in Nunavut Order, S.O.R./2002-253 applied in Nunavut at the time of the original application, a fee of \$30.00 was provided with the application, as was a water user fee of \$30 and receipt of both was acknowledged on March 8, 2012.

⁷⁷ See Article 12, Clause 12.4.3 (b) of the NLCA.

⁷⁸ See s. 43 of the NWNSRTA.

⁷⁹ Nunavut Water Board, Pre-Hearing Conference Decision Regarding Application for Type "A" Water Licence by Baffinland Iron Mines Corporation for the Mary River Project, 2AM-MRY----, January 25, 2013, at pp. 16-17.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

A sale or other disposition by a licensee of any right, title or interest in an appurtenant undertaking constitutes, subject to the authorization of the Board, an assignment of the licence to the person to whom the sale or other disposition is made.

A licence is only assignable if the requirements of s. 44 have been met. All necessary forms for filing an application for assignment can be obtained from the NWB Licensing Department.

Cancellation or Expiry of the Licence

The Board notes that s. 46 of the NWNSRTA states: “The expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence.”

In addition the Board advises the Proponent that based on the Board’s authority under s. 43(1)(c)(iii) of the NWNSRTA, the Board may, on application by a licensee, or on its own motion, cancel a licence when the Board considers the cancellation to be in the public interest.

Term of Licence

In accordance with s. 45 of the NWNSRTA, the term of a licence or any renewal shall not exceed twenty-five years. The Applicant, having projected an approximate 4 year construction period combined with a 21 year operating period applied for a “life of mine” term of a full 25 years.

In BIMC’s submissions and at the Public Hearing, BIMC asserted that the following justified a term of 25 years:

Baffinland is requesting a term of 25 years, while the QIA is asking for a 5-year term, and other agencies are requesting a 10 to 12 year term. Baffinland is asking for a longer term for the following reasons:

Number 1, although the scale of the development is large, the complexity is low. From a water use and discharge perspective, there is nothing new with the proposed activities that haven’t been experienced elsewhere. Secondly, Baffinland has applied for a 25 year licence to coincide with the expected life of the mine and as a basis of the significant capital investment. A longer term licence provides certainty for the large



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

investment. And lastly, the project has incorporated an adaptive management approach to deal with unforeseen events.⁸⁰

Environment Canada's position with respect to the length of the term was summarized at the Hearing as follows:

The last item Environment Canada has is with respect to the water licence term. A 25 year term has been requested. We note that typically licences are less than 10 years and that renewal opens up the licence, has a consolidation and submission of information so we can see have the conditions been effective, what's happening in respect to the environmental assessment predictions.

We do feel it's important for the mine to have time to develop a track record that will inform a renewal, and in that light are recommending that the term be in the range of 10 to 12 years.⁸¹

Aboriginal Affairs and Northern Development's support for a 10 to 12 year term was stated at the Hearing as follows:

The Applicant did request a 25 year term for the licence. Aboriginal Affairs, in our submission, recommended a term in the order of 10 to 12 years. We believe that this is appropriate. It will allow the Applicant to complete construction and also collect additional information, which will help inform some of its plans.

There is also a relatively low risk during some of this time, and -- or lesser risk, and we believe that there are enough mechanisms available to the Board to address issues and concerns that may come up during a licenced term of this period.⁸²

In their written submissions filed in advance of the hearing the Qikiqtani Inuit Association indicated that a five year term was appropriate as the renewal of the licence partway through the life of the mine would afford the Board and the parties with an opportunity to review the Applicant's Closure and Reclamation Plan, as well as to address any other outstanding issues at

⁸⁰ E. Madsen, BIMC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 23, 2013, pp. 46-47, lines 21-26 and 1-9.

⁸¹ A. Wilson, EC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 25, 2013, pp. 603-603, lines 19-26 and 1-4.

⁸² K. Costello, AANDC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 25, 2013, p. 656, lines 10-21.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

that time. Subsequently, at the Hearing, in response to the rebuttal submissions of the Applicant, the QIA modified their position as follows:

With respect to licence term, at the onset of the hearings, QIA recommended a licence term of five years to coincide with the construction of the Mary River Project. Having further discussed and considered this matter, QIA feels that a term of eight to ten years is more appropriate. This change in position is meant to ensure that the licencing process and requirements remain effectively tied to the project's development and operational path.⁸³

In addition, at the community sessions and in the submissions of community representatives, it was stated that most community members considered a term longer than 5 years, but shorter than 25 years to be more appropriate.⁸⁴

The Board has determined, after due consideration of the positions of the parties and the factors outlined below, that the Licence be issued for a term of 12 years. While the Board is mindful of the Applicant's position that a longer term would serve the interests of investor certainty and minimizing the burden of costs associated with participating in a renewal process, the Board must balance these considerations against several factors that support a term that is shorter than the life of the mine. These factors include:

- the considerable uncertainty regarding the operating conditions likely to be encountered by the Applicant and the extent to which the existing mine operating plans, reclamation and abandonment plans, adaptive management plans, etc. will need to be significantly modified as a result; and
- due to a lack of site-specific data, there is a high level of uncertainty surrounding what will be necessary to ensure appropriate mine closure and reclamation with respect to issues such as ensuring pit lake quality is maintained, and these issues can only really be determined when there is appropriate site-specific data coupled with operating history.

In the Board's view, a term of twelve years strikes the appropriate balance between certainty and flexibility as this will enable the Applicant to have four years of construction, combined with five to six years of operation before BIMC will be required to file the renewal application (one year before the expiry of the term). With five or more years of operating experience, the

⁸³ S. Williamson Bathory, the QIA, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 25, 2013, p. 716, lines 12-22.

⁸⁴ See for example question by P. Ivalu, Igloolik to EC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 25, 2013, pp. 650-651 at lines 22-26 and lines 1-3.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Applicant, the Board, the community and the other participants in the licensing process will be better positioned to fully consider the mine operations, financial responsibilities, security requirements and closure and reclamation plans during the renewal of the Licence.

SECTION VII: WATER LICENCE 2AM-MRY1325 TERMS AND CONDITIONS

The Licence does not take effect until approval of the Minister is given or deemed to have been given pursuant to s. 56 of the NWNSRTA.⁸⁵ As indicated in Section VI, the Board has decided to issue Water Licence No. 2AM-MRY1325, subject to the conditions set out therein and which are further clarified and contextualized in the comments and discussions provided below. The Board has not provided specific comments with respect to terms and conditions which are clear in their wording and intent.

Part A: Scope, Definitions and Enforcement

The Project for which this Licence is issued is classified as a Mining Undertaking in accordance with Schedule 1, Item 2 of the *Nunavut Waters Regulations*.⁸⁶ The scope of the Licence includes the following activities and/or facilities that involve water use and/or impact the water and/or the deposit of waste:

Water Use or Impacts to Water

- Water for the purposes of supporting domestic camp use, including the railway camps, and for industrial uses at the main Project sites and related minor sites from several short-term and long-term sources including Phillips Creek, 32 Km Lake, Camp Lake, ST 347 Lake, 3 Km, Ravn Camp Lake, Nivek Lake, Cockburn Lake and 10 Km Lake. Short-term or temporary sources to be identified prior to use by the Proponent.
- Water course crossings, water course training, flood control, diversions, and flow alterations or storage by means of dykes or dams.

⁸⁵ Section 56 of the NWNSRTA states:

The issuance, amendment, renewal and cancellation of a type A licence, and if a public hearing is held, a Type B licence are subject to the approval of the Minister.

Under s. 56(2.2) if the Minister does not issue a decision within 45 days of receiving the Licence from the Board, (or within 90 days if the Minister has extended the decision-making period by an additional 45 days) the Minister is deemed to have approved the Licence.

⁸⁶ Formerly classified as a “Mining and Milling Undertaking” under Schedule 1 of the *Northwest Territories Waters Regulations*, S.O.R./93-303 and Application of Regulations made under paragraph 33(1) (m) or (n) of the *Northwest Territories Waters Act* in Nunavut Order, S.O.R./2002-253.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Waste Deposit

- Discharge of site water from Drainage Collection Systems for the major project sites (Milne Port, the Mine Site, Steensby Inlet) and minor project sites to the receiving freshwater environment to meet discharge criteria in the Licence;
- Discharge of effluent from the Sewage Treatment Facilities at the relevant project sites to the receiving freshwater environment to meet discharge criteria in the Licence;
- Discharge of effluent from the Oily Water/Wastewater Treatment Facilities at the relevant project sites to the receiving freshwater environment to meet discharge criteria in the Licence;
- Discharge of effluent from the surface water or runoff collected from the Landfarm Facilities at the relevant project sites to the receiving freshwater environment to meet discharge criteria in the Licence;
- Discharge of surface water or runoff collected from the Landfill Facilities at the relevant project sites to the receiving freshwater environment to meet discharge criteria in the Licence;
- Discharge of effluent from the secondary containment areas associated with the Bulk Fuel Storage Facilities including fuel dispensing areas, unloading areas and temporary fuel caches at the relevant project sites to the receiving freshwater environment to meet discharge criteria in the Licence;
- Discharge of effluent from the containment areas associated with non-hazardous waste storage and/or waste transfer facilities at the relevant project sites to the receiving freshwater environment to meet discharge criteria in the Licence;
- Discharge of effluent from the Polishing Waste Stabilization Ponds (PWSP) at the relevant project sites to the receiving environment to meet discharge criteria in the Licence;
- Discharge of effluent from the Bladder Tank Farms at the relevant project sites to the receiving freshwater environment to meet discharge criteria in the Licence;



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

- Discharge of effluent associated with transportation, use and manufacturing of explosives at the relevant project sites to the receiving freshwater environment to meet discharge criteria in the Licence;
- Discharge of effluent or runoff from the storm water management systems including ponds associated with the Waste Rock and Run of Mine Stockpiles as well other facilities and infrastructure at the relevant project sites to the receiving freshwater environment to meet discharge criteria in the Licence; and
- Discharge of effluent from areas affected by the bulk sample program at the relevant project sites to the receiving freshwater environment to meet discharge criteria in the Licence.

Complete details on the scope of activities associated with the Project are provided under Part A, Item 1(a) in the Licence.

In addition to the scope of activities mentioned above, this Licence incorporates all of the activities under Type “B” Licence No. 8BC-MRY1314 and all non-exploration activities under the Type “B” Licence No. 2BB-MRY1114. Licence 8BC-MRY1314 was issued on May 24 and is set to expire on May 23, 2014. The Licence allows for the expansion of the Bulk Fuel Storage Facility and containment area at Milne Port, the installation of a 5-million litre steel tank at Milne Port, establishment of laydown areas and camp infrastructure at Milne Port and the Mine Site, and the expansion the Sewage Treatment Facilities at Milne Port, to include an additional Polishing Waste Stabilization Pond (PWSP).

Licence 2BB-MRY1114 was issued on April 5, 2011 and expires on April 5, 2014. The scope of activities and facilities at the existing project sites under Licence No. 2BB-MRY1114 that have been incorporated into the Type “A” Water Licence include: the Tote Road water crossings; oily water treatment systems; temporary hazardous and non-hazardous waste and material storage facilities; water supply facilities; sewage treatment facilities including the polishing waste stabilization ponds; landfill at the Mine Site; incinerators; explosives magazines; activities in support of engineering and scientific studies; ongoing maintenance of existing project infrastructure; bulk fuel storage (fuel bladder farms) and associated containment areas; relevant camp facilities; and domestic and industrial waste treatment and/or disposal.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Enforcement and Compliance

For the purpose of ensuring compliance with the Licence, an Inspector designated by the Minister may inspect or examine works, waters or waste and exercise other powers according to the NWNSRTA.⁸⁷ The NWNSRTA includes provisions authorizing the Board to require the Licensee to furnish and maintain security and prescribing serious penalties for breach of the Licence.⁸⁸ Investigations or inspections to support enforcement and compliance are carried out by persons designated and empowered by the Minister.⁸⁹

The Applicant should also note that the Licence states that “Compliance with the terms and conditions of this Licence does not absolve the Licensee from responsibility for compliance with all applicable legislation, guidelines and directives.”

Part B: General Conditions

Water Use Fees

Subject to the applicable regulations the Licensee is required to remit fees for the right to the use of water under this Licence. Fees for the right to the use of water must be calculated and paid on an annual basis in advance of the date on which this Licence was issued and in accordance with s. 12 of the *Nunavut Waters Regulations*. It should be noted that in contrast to the previous water user fees requirements under the *Northwest Territories Waters Regulations* (in place in Nunavut until April 18, 2013), s. 12(6) of the new *Regulations* states that “no licence fees are payable for the right to the use of waters on, in or flowing through Inuit-owned Lands”. As a result, the fees being referred to in this section are only for waters on, in or flowing through Crown Lands, which must be submitted to the NWB’s Manager of Licensing and made payable to the Receiver General for Canada.

Under the previously applicable *Northwest Territories Waters Regulations*, which the NWB adopted and used up to and until the *Nunavut Waters Regulations* came into effect on April 18, 2013, all fees for the right to the use of waters (irrespective of whether the waters were flowing on, in or through Crown Lands or Inuit-Owned Lands), were submitted to the NWB and made payable to the Receiver General for Canada. Under the new *Nunavut Waters Regulations* only fees for the right to the use of waters flowing through Crown Lands are payable under this Licence. It has been determined that some of the water sources for the Project are situated on

⁸⁷ Sections 85-94 of the NWNSRTA.

⁸⁸ Section 90 of the NWNSRTA.

⁸⁹ Section 85-88 of the NWNSRTA.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Crowns Lands while others are on Inuit-Owned Land. Further, some of the water sources for the Project have not been determined at this time. As such, the NWB has included requirements in the Licence for the Licensee to distinguish and identify in their Annual Report for the Project information related to the water use associated with specific sources located on Crown Lands versus Inuit-Owned Lands. The Licensee is responsible to then conduct the appropriate water use fee calculations for all waters in, on or under Crown lands that will be used by the Licensee in the upcoming year and then remit the required water use fees.

Reports and Plans Filed with the Board

In order to determine the effectiveness of the measures implemented to protect the receiving environment it is acknowledged that there is the need for adequate reporting of results associated with the operation of the Project. At the Public Hearing held for the Application, the Applicant indicated their willingness to undertake the relevant reporting required for the Project, including reporting quantities of water withdrawn for use by the Project on a monthly basis, as well as submitting that information as part of their Annual Report.⁹⁰

At the Public Hearing, intervening parties, community members and BIMC highlighted the importance of developing and implementing comprehensive management plans designed to minimize the potential impacts of the Project on areas within and outside of the Project's footprint.

Interveners' concerns

AANDC requested where technically feasible that detailed management plans for the Project be submitted for review prior to the issuance of the Water Licence. Also, AANDC requested that in cases where plans were inconsistent with other plans, lacked sufficient detail for adequate assessment, or failed to address particular concerns, the plans be updated and submitted for consideration after the issuance of any potential licence.⁹¹

The NWB has approved the plans that have been filed under the Application in cases where the plans address matters that are within the NWB's mandate. The NWB has further included requirements for the submission of revised, updated, or additional specific management plans for

⁹⁰ J. Millard, BIMC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 23, 2013, pp. 66-67, lines 24-26 and line 1.

⁹¹ NWB Public Hearing File No.: 2AM-MRY1325, Exhibits No. 6 and 7 Aboriginal Affairs and Northern Development Canada Presentation to Final Hearing Baffinland Iron Mines Corporation Mary River Project Type A Water Licence Application, English and Inuktitut respectively filed by AANDC on April 25, 2013 at p. 22.



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

review and acceptance or approval by the Board during certain phases of the Project and/or in accordance with the relevant timelines included in the Licence.

Unless management plans are accepted or approved by the Board in writing, the plan cannot be considered as meeting the relevant requirements in the Licence. In addition, the Board may alter or modify a Plan, if necessary, to achieve the legislative objectives and will notify the Licensee in writing of acceptance, rejection, or alteration of any Plan. The Plan must then be carried out in a manner and timeframe consistent with the Board's direction. Every Plan to be carried out pursuant to the terms and conditions of the Licence shall become a part of the Licence, and any additional terms and conditions imposed upon approval of a Plan by the Board also become part of the Licence.

The Applicant has filed the following management plans with the Board under the Application for the Project:

- Emergency Response & Spill Contingency Plan;
- Oil Pollution Emergency Plan – Milne Inlet Fuel Storage Facility;
- Oil Pollution Emergency Plan – Steensby Port Fuel Storage Facility;
- Surface Water and Aquatic Ecosystems Management Plan;
- Freshwater Supply, Sewage and Wastewater Management Plan;
- Waste Management Plan for Construction, Operation & Closure;
- Waste Rock Management Plan;
- Hazardous Material and Hazardous Waste Management Plan;
- Aquatics Effects Management Plan Framework;
- Explosives Manage Plan;
- Preliminary Mine Closure and Reclamation Plan;
- Borrow Pit and Quarry Management Plan;
- Operations and Management Plan Milne Inlet Quarry (Q1);
- Operations and Management Plan Mary River Mine Site (QMR2);
- Operations and Management Plan Steensby Inlet Quarry (QS2);
- Quarry Operation and Management Plan: Quarry Q7 + 500;



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

- Environmental Monitoring Plan;
- Health and Safety Management Plan;
- Environmental Protection Plan;
- MMER Environmental Effects Monitoring Study Design Framework;
- Quarry Operation and Management Plan: Quarry Q133+ 500;
- Quarry Operation and Management Plan: Quarry Q77 + 200

The following plans have been approved by the Board with the approval of the licence; however, the Licensee is required to update or to make corresponding changes to and/or update Plans to reflect the appropriate terms and conditions in the Licence:

- Emergency Response & Spill Contingency Plan;
- Environmental Protection Plan;
- Environmental Monitoring Plan;
- Aquatic Effects Management Plan Framework;
- Explosives Manage Plan;
- Preliminary Mine Closure and Reclamation Plan;
- Borrow Pit and Quarry Management Plan;
- Operations and Management Plan Milne Inlet Quarry (Q1);
- Operations and Management Plan Mary
- Quarry Operation and Management Plan: Quarry Q7 + 500;
- Quarry Operation and Management Plan: Quarry Q133+ 500;
- Quarry Operation and Management Plan: Quarry Q77 + 200
- Surface Water and Aquatic Ecosystems Management Plan;
- Freshwater Supply, Sewage and Wastewater Management Plan;
- Waste Management Plan for Construction, Operation & Closure;
- Waste Rock Management Plan;
- Hazardous Material and Hazardous Waste Management Plan; and



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

River Mine Site (QMR2);

- Environmental Monitoring Plan.
- Operations and Management Plan
Steensby Inlet Quarry (QS2);

The following plans have not been approved by the Board because they target aspects of the project and/or activities which are outside of the Board's mandate:

- Health and Safety Management Plan;
- Blasting Management Plan;
- Oil Pollution Emergency Plan – Milne Inlet Fuel Storage Facility; and
- Oil Pollution Emergency Plan – Steensby Port Fuel Storage Facility.

The Licensee is required to update the following plans and/or submit to the Board for review and/or acceptance or approval in accordance with the relevant terms and conditions in the Licence:

- Baffinland Iron Mines Corporation Mary River Project Surface Water and Aquatic Ecosystems Management Plan, dated March 2013;
- Baffinland Iron Mines Corporation Mary River Project Emergency Response & Spill Contingency Plan, dated March 28, 2013;
- Baffinland Iron Mines Corporation Mary River Project Attachment 5: Fresh Water Supply, Sewage and Wastewater Management Plan Appendix 10D-3, dated January 2012;
- Baffinland Iron Mines Corporation Mary River Project Waste Management Plan for Construction, Operation and Closure, dated April 19, 2013; and
- Baffinland Iron Mines Corporation Mary River Project Hazardous Materials and Hazardous Waste Management Plan, dated April 22, 2013.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Part C: Conditions Applying to Security

Financial Responsibility of the Applicant and Requirement of Security

The NWNSRTA allows the Board to require the Licensee to furnish and maintain security with the Minister in a form determined by the regulations or satisfactory to the Minister.⁹² Further, as referred to in the section discussing the financial responsibility of the Applicant, the Board may not issue a Licence unless the Board is satisfied regarding the financial responsibility of the Applicant, including reviewing any costs associated with the closing or abandonment of the undertaking.⁹³

The Board's Jurisdiction over Land and Water Security

In accordance with its duties and authority under the NLCA and the NWNSRTA, the Board has a broad and widely recognized mandate to assess and order both land and water related security, to ensure that the overall reclamation of the licensed undertaking is secured. As stated in the Reasons for Decision for the Doris North Gold Mine:

After careful consideration, the Board accepts the submissions of both KIA [Kitikmeot Inuit Association] and MHL on the matter of the Board's jurisdiction pursuant to section 76(1) of the NWNSRTA. In particular, in the Board's mind, the language of subsections 76(1) and 70(1)(d), as well as the wording of the section 12 of the NWT Water Regulations, including the use of the words "appurtenant undertaking" provide the Board with jurisdiction to determine the total amount of security – water and land-related - for the Project. Furthermore, while the Board is not bound by its previous decisions, the Board has reviewed and re-affirms its reasons in its 2001 Boston Renewal Decision, particularly those reasons cited above by MHL. Most importantly, the Board agrees with MHL that this decision is consistent with the Federal Court's interpretation of section 76(1) of the NWNSRTA in the CanZinco decision.⁹⁴

⁹² Subsection 76(1) of the NWNSRTA states:

The Board may require an applicant, a licensee or a prospective assignee to furnish and maintain security with the Minister in the form, of the nature, subject to such terms and conditions as in an amount prescribed by, or determined in accordance with, the regulations or that is satisfactory to the Minister.

⁹³ See footnote 67 for the full text of s. 57(b) of the NWNSRTA.

⁹⁴ Nunavut Water Board, Reasons for Decision for 2AM-DOH0713, September 19, 2007 at p. 25.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

As a result of its statutory authority and obligations, the Board has established a holistic and practical approach to the assessment of the security required to be held by the Applicant under their Water Licence. This holistic and practical approach was first described in the Board's 2001 decision in the BHP Boston Licence renewal:

The NWB takes a holistic but also practical approach to reclamation: on the one hand, the NWB believes that the elements of the environment, including land and water, are interconnected: what affects one part of the environment can ultimately have an impact on other environmental elements (water and vegetation, for example). By altering the natural elements of the environment, traditional Inuit culture and use of the water can be directly affected; on the other hand, the NWB believes, where possible, that a proponent should be required to submit one single reclamation plan, without segregating land-related reclamation and water-related reclamation because reclamation activities upon abandonment will likely be more efficient and undoubtedly less onerous if conducted at the same time by the same person.⁹⁵

In the current Water Licence Application the Applicant, AANDC, and QIA have all acknowledged the mandate of the Board to assess security sufficient to reclaim all sites affected and impacts created by the licensed undertaking. This approach is also consistent with principles set out in the *Mine Site Reclamation Policy for Nunavut*, 2002, which state:

- The total financial security for final reclamation required at any time during the life of the mine should be equal to the total outstanding reclamation liability for land and water combined (calculated at the beginning of the work year, to be sufficient to cover the highest liability over that time period).
- Financial security requirements related to reclamation should be clearly set out in water licences, land leases and other regulatory instruments, though there may be circumstances where security requirements may be more appropriately dealt with through an agreement.⁹⁶

⁹⁵ From the Board's 2001 renewal of the Boston Licence, as cited in the Hope Bay decision, see Nunavut Water Board, Reasons for Decision for 2AM-DOH0713, September 19, 2007 at p. 23.

⁹⁶ *Mine Site Reclamation Policy for Nunavut*, 2002, at http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/recpolnuna_1100100036043_eng.pdf.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

The Issue of Overbonding

In order to fulfill its mandate and in accordance with its holistic approach, in the past the Board has required applicants to post security under their water licences for the total outstanding reclamation liability for both land and water. Unless sufficient evidence can be provided that an Applicant's responsibilities for reclamation of certain aspects of an undertaking have otherwise been secured, the NWB must take security for all aspects of the licensed undertaking. A complication which then has the potential to arise in such cases (where land based security is determined and held under a water licence) is that should a land owner also require security under a land instrument, then an applicant may be overbonded. Overbonding arises where the aggregate security posted across all instruments exceeds the aggregate liability.

In keeping with the Board's holistic but also practical approach to establishing reclamation security, the Board's primary focus in assessing security is that an applicant post sufficient security, through all means, when taken together, to ensure that the overall reclamation of the site (land and water) has been adequately addressed. For this reason the starting point of the Board is to "consider the security requirements holistically and then deduct from the aggregate land and water reclamation totals any security held under other instruments, with the remained being secured under the water licence".⁹⁷ In the current case the QIA is in the process of negotiating a Commercial Production Lease (Lease) with the Applicant, including financial security requirements as a term of the Lease. The amount of security to be held under the Lease is unknown at this time.

Avoiding Overbonding in the Current Licence Application

As the amount of land based security to be held by the QIA under the Lease has not yet been established, the problem of overbonding cannot be pre-emptively resolved by the Board in this case through reducing the amount of security to be held under the Water Licence. The Board is not able to discount an unknown amount of security held under the Lease from the holistic amount it is obligated to secure in accordance with its statutory obligations. In acknowledgment of these considerations and the fact that the Applicant should not be burdened with unfair financial liabilities where this can be avoided, the relevant parties to the current Water Licence Application (AANDC, QIA and the Applicant) have offered various possible solutions to the Board:

⁹⁷ Nunavut Water Board, Reasons for Decision: 2AM-JER1119, December 21, 2011 at p. 47.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

QIA

The QIA recommended that the “land related portion of the NWB financial security, determined by the NWB outside of the QIA process” should be considered a “place holder” in the form of a promissory note.⁹⁸ The QIA further recommended that the Water Licence include a condition that removes the land related portion of the NWB financial security estimate once it is provided by the Applicant to QIA under the Lease.⁹⁹

The suggestion of QIA leaves the unresolved detail that the security to be held under the Lease will be determined by the QIA process, distinct from the NWB process, and therefore the amounts may differ.

AANDC

In its submissions AANDC recommended that the Board “recognize the security held under land instruments as a demonstration of the financial responsibility of BIMC, and discount from the required “holistic” security the amount of security held under land leases”. AANDC qualifies this suggestion with the idea that the Board must be satisfied that the lease provides “equivalent protection to that which could be held under the water licence”.¹⁰⁰ The inability of the Board to accept this suggestion at the time of writing is because the amount of security to be held under the lease is currently not known.

BIMC

The Applicant definitively states in their submissions that “Baffinland will not overbond” and suggests as a result that either one of the QIA or AANDC could hold the total amount of security, coming to some mutual agreement with the other for how the monies may be shared, if required.¹⁰¹ In the alternative, the Applicant proposes that the total amount of security be held by a bank with promissory notes provided to the QIA and AANDC for the respective amounts of land and water based security.

⁹⁸ Annex C: QIA Final Submissions to NWB, QIA Letter to Minister of Aboriginal Affairs and Northern Development, Financial Security.

⁹⁹ In Annex C: QIA Final Submissions to NWB, QIA Letter to Minister of Aboriginal Affairs and Northern Development, Financial Security, the QIA notes that there is precedent for this approach in the case of North American Tungsten Corporation LTD’s (NATCL) Cantung Mine as outlined in Article 2 of the Reclamation Security Agreement, between NATCL and her Majesty the Queen in Right of Canada.

¹⁰⁰ AANDC Final Submission – Regarding Baffinland Iron Mines Corporation Type “A” Water Licence Application for the Mary River Project, March 22, 2013 at p. 7.

¹⁰¹ BIMC letter in Response to Final Intervention Comments on the Type A Water Licence Application for the Mary River Project, April 6, 2013 at p. 6.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Form of Security

Pursuant to s. 76(1) of the NWNSRTA and s. 10(3) of the *Nunavut Waters Regulations* S.O.R./2013-69:

10(3) Security must be in the form of

- (a) a promissory note guaranteed by a bank listed in Schedule I or II to the *Bank Act* and made payable to the Receiver General;
- (b) a certified cheque drawn on a bank listed in Schedule I or II to the *Bank Act* and made payable to the Receiver General;
- (c) a performance bond approved by the Treasury Board for the purposes of paragraph (c) of the definition “security deposit” in section 2 of the *Government Contracts Regulations*;
- (d) an irrevocable letter of credit from a bank listed in Schedule I or II to the *Bank Act*; or
- (e) a cash payment.

Amount of Security

The reclamation cost estimate for the Type “A” Water Licence provided in the Preliminary Abandonment and Reclamation Plan of the Water Licence Application was prepared using the RECLAIM method which is in accordance with the *Mine Site Reclamation Policy for Nunavut*.¹⁰² In their submissions the Applicant proposes to update this Plan annually with estimated mine restoration liabilities, enabling the Board and the QIA to assess whether additional security may be required.

The QIA did not comment on the amount of land based security that ought to be secured and, as stated above, is currently under negotiations with the Applicant concerning this amount. Also as noted above, the QIA was clear in its submissions that its method for determining the security amount may not be consistent with the methods typically used by the Board and therefore the amounts may vary. Finally, the QIA expressly stated that it was not concerned with the amount of water-based security held by the Board.

¹⁰² According to the *Policy*:

The recognized methodology for calculating reclamation costs, for the purposes of financial security, should be the RECLAIM or some other appropriate model. Consideration should be given to alternate or innovative forms of security, such as mine reclamation trusts, provided they meet certain criteria that protect the government's interests and objectives.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

AANDC recommended that the NWB accept the overall “holistic” amount of security for the Type “A” Water Licence of \$518,711,208, as an initial estimate of the total security requirement for the undertaking, subject to periodic review through the life of the mine. The acceptance of AANDC assumes that the reclamation costs will be further developed, refined and re-calculated in the creation of the Interim Mine Closure and Reclamation Plan and updates to the same, and that the new cost estimates will be reflected in the quantity of security required under the Licence as they are accepted by the NWB.

A final revised closure cost estimate was prepared by the Applicant solely for activities proposed in the 2013 Work Plan that outlines the proposed security cost estimates for both the existing Type B and the proposed Type “A” Water Licence for both land and water related activities. The total security is estimated by the Applicant at \$37,250,000 (including the Type “B” and Type “A” Licence). Of this \$37.25 million – approximately 94% is considered land related and 6% is considered water related for the activities ending in 2013.

AANDC commented on the Applicant’s estimate of the security required to be furnished for the first year, as follows:

The Department has reviewed the updated closure cost estimate provided by Baffinland in their April 5th submission to the Board. The Department is aware that there has been a significant change between the two cost estimates, and we understand the rationale and concur with the changes. The Department is satisfied that the approximately \$37 million estimate is technically sound and appropriate to be able to reclaim project sites based on current conditions and the planned work for 2013.¹⁰³

However, the QIA were unable to confirm the amount of security that will be held by the QIA for the upcoming work plan for 2013:

One point of clarity is that QIA, as of today, holds a total value of \$26.2 million in the letter of credit for current site conditions. QIA believes it has, therefore, offered the Nunavut Water Board what it feels is an appropriate tool to limit the extent to which double-bonding may occur in relation to the requirements for security that may be established under a Type “A” water licence.

¹⁰³ K. Costello, AANDC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 25, 2013, pp. 509-510, lines 26 and 1-9.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

With respect to the global figure of security supplied by the Proponent in their presentation to the Water Board yesterday, QIA can confirm that it will seek to hold security for project activities in advance of their occurrence. QIA cannot today confirm the amount proposed by the Proponent is the amount QIA will hold in relation to the 2013 work plan. However, QIA can commit to providing the Nunavut Water Board with additional evidence in the future...¹⁰⁴

As set out in Table 3, Table 4 and Table 5 below, and reflecting the status of information available at the Public Hearing, the Board accepts that security in the global amount of \$36,000,000 for 2013, as proposed by BIMC and accepted by AANDC as required for reclamation of the activities and undertakings included in the 2013 work plan, constitutes the appropriate amount of security required to be provided under the Type “A” Water Licence for 2013. The Board also recognizes that at present, BIMC has posted \$26,200,000 with the QIA¹⁰⁵ and \$6,738,216 with AANDC¹⁰⁶ under the Type “B” Licence, for a total of \$32,938,216. According to BIMC’s estimates, approximately \$1,250,000 of this security should remain attached to the Type “B” Water Licence activities that will not be subsumed under the Type “A” Water Licence.¹⁰⁷ On this basis, subtracting the \$1.25 million held against the Type “B” Water Licence reclamation security from the total security already held by both the QIA and AANDC, results in the Licensee having already posted with the QIA and AANDC \$31,688,216 in security for the Type “A” Water Licence. When this amount is subtracted from \$36,000,000 (the total amount the Board has determined the Licensee is required to post to meet the reclamation liability associated with the activities to be undertaken under the Type “A” Water Licence for 2013) the Licensee is required to post a further \$4,311,784 with the Minister under the Type “A” Water Licence for 2013.

¹⁰⁴ S. Williamson Bathory, the QIA, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 24, 2013, p. 285, lines 6-22.

¹⁰⁵ NWB Public Hearing File No.: 2AM-MRY1325, Exhibit No. 15 Amendment to Irrevocable Letter of Credit Application Baffinland Iron Mines Corporation \$26.2 Million filed by QIA on April 25, 2013.

¹⁰⁶ NWB Public Hearing File No.: 2AM-MRY1325, Exhibit No. 17 Application for Irrevocable Standby Letter of Credit / Letter of Guarantee of Applicant Baffinland Iron Mines Corporation \$6,738,216.00 filed by BIMC on April 25, 2013.

¹⁰⁷ NWB Public Hearing File No.: 2AM-MRY1325, Exhibits No. 1 and 2 Mary River Project Nunavut Water Board Public Hearing PowerPoint Presentation, English and Inuktitut respectively filed by BIMC on April 23, 2013 at p. 130.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Table 3: Summary of Security Held to Date 2013

Held By	Amount
The Qikiqtani Inuit Association	\$26,200,000.00
Aboriginal Affairs and Northern Development Canada	\$ 6,738,216.00
<i>TOTAL SECURITY HELD 2013</i>	<i>\$32,938,216.00</i>

Table 4: Summary of Security Requirements for 2013
Under the Type “B” and Type “A” Water Licences

Licence Requirements	Amount
Type “B” Water Licence	\$ 1,250,000.00
Type “A” Water Licence	\$36,000,000.00
<i>TOTAL SECURITY REQUIRED 2013</i>	<i>\$37,250,000.00</i>

Table 5: Additional Security Required to Be Posted by BIMC
Under Part C of the Type “A” Water Licence in 2013

Licence Requirements	Amount
Total Security Required	\$37,250,000.00
Total Security Held	\$32,938,216.00
<i>TOTAL ADDITIONAL SECURITY REQUIRED UNDER PART C</i>	<i>\$ 4,311,784.00</i>

The Board notes that as the QIA could not confirm that they accept that the total amount of reclamation security proposed for the 2013 work plan is sufficient, the Board has included a term in the Licence that would allow the Licensee to apply for the Board to reconsider the amount of security to be posted upon providing further evidence, or alternatively, the Licensee and the QIA may provide evidence to the Board as part of the Annual Security Review process set out in Schedule C of the Licence to readjust the amount of security filed under the Licence to reflect any additional evidence from the Licensee, the Minister or from the QIA as to the amount of security required.

Review of the Amount of Security

Under the *NWNSRTA* the Board may include conditions of a licence where it considers this appropriate. Most specifically, s. 76(1) of the *Act* gives the Board the authority to establish



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

terms or conditions relating to the furnishing or maintaining of security. As always the Board's authority must be exercised in light of its objects, stipulated under s. 35 of the Act.¹⁰⁸

As above, the Applicant and the QIA recommended in their submissions that the Type "A" Water Licence issued to the Applicant include conditions permitting the Board to review and amend the security holding. In their submissions, the Applicant states:

5. Baffinland also recommends that clauses be added to the security section of the licence that reflects the following:

- a. The Proponent must by November 1st each year submit an updated work plan (to the NWB, the QIA, and AANDC) for the upcoming year, this updated work plan must also include an updated closure cost estimate for the works related to the upcoming year.
- b. The Proponent will arrange for a meeting between November and December each year with the QIA, the NWB, and AANDC to review the proposed Closure Cost Estimate in order to agree on that upcoming year's estimate for land and water related activities.
- c. The Proponent will by March 1st of each year, post the newly agreed upon Security for the upcoming year in a manner as outlined in #4 above.¹⁰⁹

QIA recommended that the Water Licence "include a condition that removes the land related portion of the NWB financial security estimate once it is provided by BIMC to QIA under the Commercial Production Lease. QIA will provide the required supporting evidence".¹¹⁰

The Board has determined that (i) further evidence will be required to assess the final cost of closure and reclamation, and (ii) that the amount of security held under the water licence may need to be adjusted as a result of the land based security held under the QIA Lease. For these reasons the Board has decided that the initial security amount shall not be fixed for the term of the licence, but rather will be reviewable on an annual basis in accordance with the review of the updated annual work plan. At the time of the annual review, if the Licensee and landowners have evidence of the land based security amounts that should be removed from the total amount of security held under the Water Licence, the Board would consider this evidence in assessing

¹⁰⁸ Section 35 states:

The objects of the Board are to provide for the conservation and utilization of waters in Nunavut, except in a national park, in a manner that will provide the optimum benefit from those waters or the residents of Nunavut in particular and Canadians in general.

¹⁰⁹ Baffinland Response to Final Intervention Comments on the Type A Water Licence Application for the Mary River Project, April 6, 2013 at pp. 6-7.

¹¹⁰ Annex C: QIA Final Submissions to the NWB, QIA Letter to Minister of Aboriginal Affairs and Northern Development, Financial Security.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

whether the amount of security under the Water Licence for the upcoming year requires adjustment in accordance with an Annual Security Review process as set out in Schedule C of the Licence.

As noted in Part B of the Licence, the Board does not consider the annual review or any required adjustments to constitute an amendment to the terms and conditions of a licence, but rather a component of the required annual planning and reporting that is required to keep the Licence up to date and reflective of the phases of project development and associated levels of activity.

Any failure on the part of the Licensee to fulfill the annual planning and reporting requirements included in the terms and conditions of the Licence could result in suspension of terms and conditions or even cancellation of the Licence. For example, until the Licensee meets the requirements of the Annual Security Review set out in Schedule C, the Licensee may be unable to undertake any additional work that could result in an increase to the Licensee's reclamation obligations until such time as these conditions are met.

Part D: Conditions Applying to Construction

The scope of the Application includes the construction of an array of facilities and infrastructure to support the Project. Proposed facilities and infrastructure under the scope of the Application include potable water treatment facilities, wastewater treatment facilities, oily water treatment facilities, camp facilities, airstrips, railway, access roads, waste storage and handling facilities, drainage collection systems, water crossings, borrow pit and quarry sites and more. Some of the proposed facilities and infrastructure are intended for use during the construction phase of the Project only, while others are for use during construction and operations phases, or throughout the life of the Project.

The Proponent has indicated that prior to the construction of any facility or infrastructure under the scope of the licence, it will submit to the Board for review for-construction drawings in advance and as-built drawings after construction.

Based on the information provided in the Application, representation made by various intervening parties and community members, and the NWB's review, the Board has included conditions requiring the Proponent to submit to the Board for review at least two (2) months prior to the construction phase of the project, for-construction drawings, stamped and signed by a qualified professional, for all relevant facilities/infrastructure designed to contain, withhold, divert or retain waters.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Subsequent to the construction phase of the project, within ninety (90) days of the completion of each structure designed to contain, withhold, divert or retain waters, the Proponent is required under the terms and conditions in the Licence to submit a construction summary report including as-built drawings and design as well as documentation of field decisions that deviated from original plans. The Board has included conditions requiring the Proponent to undertake geotechnical inspections of facilities/infrastructure designed and constructed to withhold, divert or retain waters in accordance with set intervals as well as adherence the Canadian *Dam Association Safety Guidelines* for relevant infrastructure/facilities.

Part E: Conditions Applying to Water Use and Water Management

Section 11 of the NWNSRTA states "... no person shall use, or permit the use of, water in Nunavut except in accordance with the conditions of a licence."

Water Use

Background

The scope of this Licence includes water use for domestic and industrial purposes. Industrial water use is categorized as water required for purposes, such as manufacturing concrete, dust suppression, drilling, etc. Domestic water uses include water that will generally undergo treatment at potable water treatment facilities and be used for drinking purposes and other camp-related uses at Project sites. Potable Water Treatment Plants will be installed at the Milne Port Site, Mine Site, Steensby Port Site, and at the Railway Camps to provide water that is suitable for drinking.

Table 4-1 of the Freshwater Supply, Sewage and Wastewater Management Plan (Appendix 10D-3) states that the freshwater demand for the project is estimated at 580,000 cubic meters per year during the construction phase and 230,000 cubic metres per year during the operations phase of the Project. The freshwater required for the major and minor Project sites will be obtained from several known and/or unknown short-term and/or long-term sources. The Applicant has provided details on the long-term, freshwater sources that will satisfy most of the water requirements for the Project. However, some of the short-term sources associated with freshwater requirements for minor miscellaneous uses have not been identified or determined at this stage. BIMC has indicated that once they have identified the short term water sources not identified in the Application and prior to using these water sources, BIMC will provide the Board and the AANDC Inspector with adequate notice of BIMC's intended uses of these sources.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

BIMC has indicated that it would implement measures to maximize, to the greatest extent possible, the use of reclaimed water at the Project sites.¹¹¹

Having recognized the concerns expressed by community members and interveners, the Board has included conditions in the Licence that are protective of water quality and quantity. Specifically, the Board has imposed in the licence daily and yearly limits on water requirements for the Project that are meant to protect sources from the effects of drawdown and that set effluent criteria for discharge to prevent harm to the receiving freshwater environment. In addition, and as recommended by the DFO, the Licence includes a requirement for the Licensee to equip each water-intake hose or structure with a screen of an appropriate mesh size to ensure that fish are not entrained and to withdraw water at a rate such that fish do not become impinged on the screen. The Board also requires BIMC to provide detailed design drawings and plans of the intake pipe and fish screen used for the intake of water for the Project.

In addition, as mentioned above, BIMC is required to ensure that an adequate notice period is provided to the Board and the AANDC Inspector prior to the Licensee's intended use of any water body not originally identified in the Application.

Water Management

There are multiple major and minor sites associated with the Project, making the implementation of adequate and effective water management measures very important. The Applicant has included as part of their Application a Surface Water and Aquatic Ecosystems Management Plan, a Freshwater Supply, Sewage and Wastewater Management Plan and a Site Water Management Plan. These Plans outline the processes and procedures to document the quality and quantity of water that will interact with the Project components overtime. These documents include management practices to minimize the potential for adverse impacts to receiving waters, management of runoff collection systems for non-point and point surface water discharges and specific mitigation measures for work involving stream and river crossings, as well as for general operation and construction activities. The Plans also identify the roles and responsibilities, specific requirements, and mitigation and management actions for erosion and sedimentation control.

The management plans of the Applicant in their current form do not address water quality for the Pit Lake that will eventually be developed at the Mine Site. BIMC has carried out some modeling aimed at estimating the eventual quality of the water in the Pit Lake over time but this

¹¹¹ J. Millard, BIMC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 23, 2013, p. 6, lines 1-3.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

information cannot be developed fully until mining progresses and a pit begins to form at the site. In addition, as the possibility of accelerating the filling of the Pit Lake beyond the natural fill rate to address Pit Lake quality issues was not assessed under the NIRB's Environmental Review, the scope of this Licence does not include any terms and conditions that would authorize BIMC to use water to accelerate the filling of the Pit Lake, as these activities would need to undergo assessment by the NIRB prior to consideration by the NWB. Consequently, the terms and conditions in relation to the Pit Lake under this Licence are limited to the activities undertaken by the Licensee to conduct the research work required to gain a greater understanding of the eventual Pit Lake water quality.

Part F: Conditions Applying to Waste Disposal and Waste Management

From an enforcement and compliance perspective the Board has endeavoured to prepare this Type "A" Water Licence in a manner that fairly reflects the Project, the Applicant's requests, the issues and concerns presented to the Board during the review process, including the Public Hearing, and the Board's mandate and jurisdiction. The Board has attempted to adopt clear and effective discharge parameters and other limits in the Licence, while balancing the burden of over-regulation of the Project with the risks to water quality in Nunavut which could result from under-regulation.

Waste Disposal

Various quantities and types of waste (solid and in effluent streams) will be generated during the construction, operation and closure phases of the Project. To assist in effectively managing the wastes generated, BIMC has included, under the scope of the Application, waste management facilities, such as landfills, landfarms, wastewater treatment facilities, oily water treatment facilities, solid waste and hazardous waste handling and storage facilities, etc., to prevent these wastes from adversely impacting the Project area. In addition, BIMC submitted a Waste Management Plan for the Construction, Operation, and Closure (Appendix 10D-4) phases of the Project. Recognizing the potential for environmental impacts that could occur if waste disposal is not managed appropriately, the Board has included terms and conditions governing these facilities and waste types in the Licence.

Waste Effluent Streams

Facilities that will produce a waste effluent stream include Wastewater Treatment Facilities, Oily Water/Wastewater Treatment Facilities, waste rock and ore stockpiles, surface runoff contact water, Landfills and Landfarms. Appropriate effluent quality criteria have been included within the Licence to regulate the types of discharge and the quality of effluent that may be released from these facilities.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Wastewater Treatment

Wastewater treatment includes discharges from the Project camps located at the Mine Site, Milne Inlet and Steensby Inlet. This wastewater is treated using the Wastewater Treatment Facilities at the relevant sites, with effluent transferred to Polishing Waste Stabilization Ponds (PWSPs) for controlled discharge at a later date. The Board has prescribed effluent criteria for the discharges coming from the PWSPs under the Licence, Part F, Waste Disposal and Waste Management.

In submissions at the Public Hearing, Environment Canada indicated that the discharge limits for ammonia should be:

4 mg/L for total ammonia (as Nitrogen) and the proposed Maximum Grab Concentration of 8 mg/L are reasonable for the treatment technology proposed.¹¹²

BIMC, in their presentation at the Public Hearing and in Exhibit 16,¹¹³ adopted these discharge limits for the effluent quality for sewage discharge at Mary River and Sheardown Lake.

Community members also expressed concern about ensuring that ammonia residues associated with blasting during construction are prevented from impacting smaller water courses along the railway:

Indeed, I voiced this concern yesterday that the Department just spoke about, and due to this concern, of any explosive residues, obviously rain and snow melt will -- would disperse some of the residue from the land to the lake, so that's my concern, and that's why I question the first -- about whether or not this explosive residue will kill off the small invertebrates and the plankton, as well as small fish, so I just wanted the Water Board to ensure that they review this very carefully.¹¹⁴

With respect to phosphorous criteria for Sheardown Lake, Environment Canada expressed concern about the levels of phosphorus that would be discharged with the sewage effluent to waters that are naturally low in phosphorus. In such an environment, as Sheardown Lake where both phosphorous and nitrogen are added, the result can be eutrophication of the lake as oxygen is consumed by the increased growth of algae that is typically expected with such increases.¹¹⁵ Consequently, EC proposed the following phosphorous criteria for Sheardown Lake:

¹¹² Environment Canada, Final Written Submissions to the NWB, 2AM-MRY----, March 22, 2013, p. 9.

¹¹³ See NWB Public Hearing File No.: 2AM-MRY1325, Exhibit No. 16 "Proposed Terms and Conditions for Baffinland's Type "A" Water Licence – Working Document, April 25, 2013, filed by BIMC on April 25, 2013.

¹¹⁴ J. Alooloo, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 25, 2013, p. 549, lines 4-14.

¹¹⁵ A. Wilson, EC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 25, 2013, p. 596, lines 4-8: "And you might think you're just going to have a bunch of happy fish and bugs in the lake, but as soon as winter comes, and these tiny algae and creatures die off and sink to the bottom, then we see them decompose."



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

EC concurs with the Baffinland-proposed draft water licence condition F.4, which would set criteria for Sheardown Lake at 1 mg/L Maximum Average and 2 mg/L Maximum Grab Concentration.¹¹⁶

BIMC acknowledged the specific concerns of EC with respect to discharges of phosphorous to Sheardown Lake, and confirmed at the Public Hearing:

For discharges to Sheardown Lake from the existing exploration camp, the phosphorus level is lower than for Mary River. This is based on concerns expressed by Environment Canada. Baffinland concurs and has proposed a mutually agreeable and attainable effluent discharge criteria for phosphorus.¹¹⁷

Mine Contact Water Discharge

At the Public Hearing the Board heard diverging views regarding the appropriate standards for mine contact water discharge criteria that should be applicable to the Project. Environment Canada, in suggesting discharge limits that reflect the possibly elevated new criteria being discussed for the next revision of the *Metal Mining Effluent Regulations* (MMER)¹¹⁸ stated the following:

The water quality objectives proposed by Baffinland can be met with discharges at the lower levels. If they instead discharge at the MMER levels, which are proposed, the objectives would not be met. In, for example, the Camp Lake tributary, depending on whether it's above or below the in-flow stream, the effluent will form between 46 and 53 percent of the stream. It will definitely affect the water quality.

It is for this reason that Environment Canada recommends that lower limits would be appropriate. I put some numbers forward here that are inline with thinking on changes to the metal mining effluent regulation. I'm not sure I'm happy with these numbers. They could be lower. These concentrations will still potentially result in exceedances of water quality objectives, but they would be more protective than the MMER, which represent a minimum national standard, which has been seen to need revision, and based on the predicted quality, these would not be hard numbers for the company to meet.¹¹⁹

¹¹⁶ Environment Canada, Final Written Submissions to the NWB, 2AM-MRY----, March 22, 2013, p. 9.

¹¹⁷ J. Millard, BIMC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 23, 2013, pp. 80-81, lines 25-26 and lines 1-5.

¹¹⁸ See NWB Public Hearing File No.: 2AM-MRY1325, Exhibit No. 13 "10 Year Review of the Metal Mining Effluent Regulations—Discussion Paper" prepared by Environment Canada filed by BIMC on April 25, 2013.

¹¹⁹ A. Wilson, EC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 25, 2013, p. 600, lines 6-25.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

In response BIMC asserted that given that the expected water quality at discharge will be several times better than the existing MMER limits, it is highly unlikely that the potential for exceedances of the water quality objectives will result, whether the current MMER criteria are applied or more stringent criteria:

...it's Brad Armstrong again -- your second point says that discharging at metal mine effluent regulation's limits may result in exceedance of water quality objectives.

And I just want to suggest to you that the -- that that is not -- is neither an expected scenario nor realistic, not expected or realistic that the discharge would be at the metal mine limit, given the fact that the estimates are that the water quality will be ten, a hundred, or a thousand times lower than those limits. So what I'm asking to you to agree with is that your second bullet, about discharging at the MMER limits, is highly unlikely here.

MS. WILSON: It's Anne Wilson with Environment Canada. My response to that would be if it is unlikely that discharge would ever approach those limits, why would we need those limits?

MR. ARMSTRONG: Thank you, Mr. Chair. It's Brad Armstrong. Well, those limits, they certainly won't be a limit for this project because the water quality is so much better than. That's the point you're making, the water quality is so much better than the regulation requirements that the limits are really not particularly meaningful in this context.¹²⁰

BIMC also observed that at present, there is uncertainty regarding the timing and extent of changes to the current MMER limits:

...the limits shown on this slide are actually some limits in a discussion paper put out by Environment Canada in December, and that the limits in this table are actually part of a two-year discussion process under which various stakeholders, the Federal ministries, the mining industry, regulators, and potentially even regulators like this Water Board, would have input to determine whether the metal mine effluent regulations should be revised? These are proposed levels which are part of a two-year discussion; is that correct?

¹²⁰ Exchange between B. Armstrong, BIMC and A. Wilson, EC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 25, 2013, pp. 625-626, lines 24-26 and lines 1-23.



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

MS. WILSON: It's Anne Wilson. That is correct.¹²¹

...And I understand that the timeline that's out there right now is that it's expected that the two-year process would end with some recommendations from the Minister in the fall of 2015, and the new regulations in place, if they are changed, in early 2016; is that the current timeline?

MS. WILSON: It's Anne Wilson. The timing will depend on the consultation process, but roughly that is I think what's anticipated.¹²²

As noted by EC, if there are revisions to the MMER limits in future that do become more stringent, the criteria established in this Licence would not relieve BIMC from the requirements to comply with the new MMER limits when they are brought into force:

The idea being that and most water licences state that that instrument does not relieve the licence holder from compliance with more stringent legislation, and nor does the metal mining effluent regulations prohibit more stringent regulation from being -- or permits from being put in place.¹²³

EC expressly stated that harm to the receiving environment is unlikely because the water quality expected of the mine contact water will be orders of magnitude better than the MMER limits:

Environment Canada feels that because the modelling predictions are so much lower than these numbers and because these numbers, more importantly, are -- sorry, the modelled numbers are the basis for the predictions that were assessed and the basis that, if we have these low concentrations, then we aren't going to see harm in the receiving environment.¹²⁴

On this basis the Board has adopted terms and conditions in the Licence that capture discharge parameters consistent with the existing MMER. In the Board's view the use of this criteria and the other limits included in the Licence are protective of the receiving environment, but do not

¹²¹ Exchange between B. Armstrong, BIMC and A. Wilson, EC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 25, 2013, p. 627, lines 1-13.

¹²² Exchange between B. Armstrong, BIMC and A. Wilson, EC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 25, 2013, p. 629, lines 1-11.

¹²³ A. Wilson, EC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 25, 2013, pp. 629-630, lines 25-26 and lines 1-5.

¹²⁴ A. Wilson, EC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 25, 2013, pp. 599-600, lines 25-26 and lines 1-5.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

attempt to over-regulate the Project or bring into force criteria that have yet to be widely adopted. While the Board has the discretion to adopt more stringent criteria than the national standards, and has done so in the past, in this case the Board was not persuaded that there was a need to adopt more stringent criteria than those prescribed in the current MMER. As noted by Environment Canada, in the event that the MMER criteria are revised in future to become more stringent, BIMC will be required to comply with these more stringent criteria at that time. If, however, the MMER criteria are unchanged or become less stringent, then the more stringent terms and conditions of this Licence will continue to apply.

In general, the Board has included conditions in the Licence to ensure that the main types of waste and/or effluent generated by the Project do not negatively impact the receiving freshwater environment. The following lists the wastes, facilities and/or activities that are of importance to the NWB's mandate:

- Surface water runoff from Aggregate Sources;
- Effluent from Wastewater Treatment, Oily Water and Wastewater Treatment Facilities;
- Hazardous and Non-Hazardous Waste Storage;
- Explosives handling storage and use;
- Surface runoff or effluent from Landfill and Landfarm Facilities;
- Mine contact water, including water collected from Drainage Collection Systems from waste rock and ore stockpiles;
- Surface runoff Contact Water; and
- Dredged Material derived from the construction of the port facility.

Solid Waste Management

The proposed scope of activities under the Application is expected to generate a variety of waste types and quantities that would necessitate the implementation of adequate and effective waste management measures and strategies to ensure that negative potential environmental impacts are prevented or minimized. In keeping with this objective, the proponent has submitted management plans detailing how it intends to manage the waste generated by the Project as well



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

as timelines for the submission of outstanding management plans. Under the appropriate sections of the Licence, the NWB has approved relevant waste management plans provided by the Proponent as well as included requirements for the submission of additional plans where necessary.

Information provided by the Applicant indicated that they plan to follow the “cradle to grave” principle in addressing waste generated by the Project. BIMC also indicated that they will utilize waste reduction techniques and strategies that involve reduction, recovery, reuse, and recycling.

Part G: Conditions Applying to Modifications

Pursuant to Article 12 and Clause 12.4.3¹²⁵ of the NLCA a proposed modification submitted under this Licence may require a screening determination by the NIRB. It is the responsibility of the Licensee to notify and consult with NIRB to ensure Article 12 requirements are met prior to submission of a modification request to the NWB under the Licence.

Further, the Licensee is required to obtain permission from the Board for any modification being contemplated. Without written consent from the Board, the Licensee is not allowed to carry out modifications. All modifications must be consistent with the terms of this Licence.

Part H: Conditions Applying to Emergency Response and Contingency Planning

The development and implementation of measures to respond to spills and other emergencies are fundamental to ensuring that any potential undesired effects that certain Project activities might have on the receiving environment are prevented and/or minimized. Accordingly, the Applicant has submitted an Emergency Response and Spill Contingency Plan (ERSCP) as part of their Application. This Plan identifies potential emergencies that could arise while executing the Project, and a procedural framework for responding to those emergencies.

The ERSCP, which is supplemented by the Oil Pollution Emergency Plans (OPEP) for the Milne Inlet and Steensby Port Fuel Storage Facilities, targets potential emergencies impacting land and/or the freshwater environment, whereas the OPEPs generally target emergencies related to

¹²⁵ Article 12, Clause 12.4.3 of the NLCA states:

Any application for a component or activity of a project proposal that has been permitted to proceed in accordance with these provisions shall be exempt from the requirements for screening by NIRB unless

(a) Such component or activity was not part of the original proposal [i.e. not part of the original scope of the project]; or

(b) Its inclusion would significantly modify the project.

[emphasis added]



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

the marine environment within the vicinity of Milne Inlet and Steensby Inlet. Although the ERSCP and OPEP essentially target different Valued Ecosystem Components (VECs), they do have some marginal overlap for the purpose of ensuring adequate measures are in place to address activities, such as sea-to-shore transfer of fuel. BIMC has stated in the information provided in their Application that it intends to update the Plans throughout the life of the Project, to reflect any Project changes that could influence the effectiveness of the Plan.

AANDC's comments focused on the need for the Applicant to update all management plans associated with the Application on a regular basis; however, specific reference was not made to the Spill Contingency Plan. The QIA, in its final submission as well as at the Public Hearing, highlighted that the volume of sewage proposed to be stored at the rail camps should be limited so as to reduce potential environmental risks, such as infrastructure failure and spills that may be related to the storage of large volume of sewage.¹²⁶ The Government of Nunavut (GN) stated at the Public Hearing that it recognizes the Spill Contingency Plans are going to continue to be adapted and evolve throughout the Project's life.¹²⁷ In addition, the GN indicated that it looks forward to reviewing the Proponent's Emergency Response and Spill Contingency Plan as well as other management plans prior to these Plans being finalized and implemented.¹²⁸

During the Public Hearing some community members also expressed concerns about the potential for Project-related spills. One community member stated that he had concerns about the potential for on-land spills involving salt used for drilling purposes and the impact that such spills could have on birds or wildlife.¹²⁹ Another community member stated that the size of the sewage lagoon proposed seemed to be inadequate for the quantity of sewage that will be generated by the Project and that such inadequacy may lead to spills that will affect rivers and lakes.¹³⁰

The NWB in its review of the Emergency Response Spill Contingency Plan (ERSCP) examined the functionality of the Plan in terms of measures outlined to respond to emergencies, including spills. Although the jurisdiction for review and implementation of the Oil Pollution Emergency Plans remains primarily with Transport Canada, the NWB did review the Oil Pollution

¹²⁶ S.W. Bathory, QIA, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 24, 2013, p. 273, lines 14-17.

¹²⁷ P. Suvega, GN, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 22, 2013, pp. 13-14, lines 19-26, 1-2.

¹²⁸ P. Suvega, GN, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 25, 2013, p. 15, lines 1-9.

¹²⁹ E. Panipakoocho, Pond Inlet community member, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 24, 2013, p. 15, lines 22-26 and lines 1-2.

¹³⁰ J. Aloocho, Pond Inlet community member, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 24, 2013, pp. 348-349, lines 19-26 and lines 1-20.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

Emergency Plans within the context of overall emergency planning, response, and interaction with the ERSCP. The NWB's review of these plans also considered the concerns of interveners and the community provided for both the ERSCP and OPEPs. Based on the results of the review, the NWB has approved the ERSCP under the list of plans approved under the Licence. BIMC should also note there are requirements under the Licence for the Proponent to document and report spills in accordance with the *Consolidation of Regulation R-068-93 Spill Contingency Planning and Reporting Regulations* (1993) and for the submission of any revision or update to the Plan for review by the Board and interested persons. The Board did not approve the OPEPs that were submitted with the Application because as previously noted, the overall scope of these plans is outside of the Board's jurisdiction.

Part I: Conditions Applying to General and Aquatic Effects Monitoring

As previously noted, s. 73 of the NWNSRTA requires the Board to set conditions at least as stringent as conditions prescribed by regulation pursuant to s. 36(5) of the *Fisheries Act*.¹³¹ Furthermore, for the purpose of ensuring compliance with the licence or regulations, an Inspector designated by the Minister may inspect or examine works, waters or waste and exercise other powers according to the NWNSRTA.¹³² For the purpose of monitoring, the Board may include conditions in the licence regarding monitoring programs to be undertaken.¹³³

The inclusion of monitoring requirements in the Licence is crucial from the prospective of ensuring that the facilities operating under the Licence are doing so in accordance with design specifications and that any discharge being generated meets acceptable criteria in the Licence. The Applicant submitted, as part of the Application filed with the Board, an Environmental Effects Monitoring Study Design Framework for the Aquatic Effects Monitoring Plan (AEMP). Following consultation with stakeholders, such as Environment Canada, DFO, the Qikiqtani Inuit Association, Aboriginal Affairs and Northern Development Canada, the NWB and other interested parties BIMC submitted a Draft Aquatic Effects Monitoring Program Framework (Framework) in December 2012. The Framework, which will eventually become the Aquatic Effects Monitoring Plan (AEMP) is designed to address issues identified during the environmental assessment process that could potentially impact the aquatic environment within the Project's footprint. The AEMP is designed to take an integrated, ecosystem-based approach

¹³¹ Section 73 of the NWNSRTA states:

Where the Board issues a licence in respect of any waters to which regulations made under subsection 36(5) of the *Fisheries Act* apply, any conditions in the licence relating to the deposit of waste in those waters shall be at least as stringent as the conditions prescribed by those regulations.

¹³² See ss. 85-94 of the NWNSRTA.

¹³³ See s. 70(1)(c) of the NWNSRTA.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

that links mitigation and monitoring or physicochemical effects on the receiving environment by addressing key issues such as water quantity, water and sediment quality, and freshwater biota and fish habitat for all project sites. The AEMP is designed to detect project related impacts at time-based and spatial scales in Water Management Areas #48 and #21 which could be affected by the Project. The potential impacts associated with water withdrawal could include the following:

- Water Quality;
- Water and Sediment Quality; and
- Freshwater Biota and Fish Habitat.

Although community representatives and members of the public did not have specific questions regarding monitoring parameters or scientific characteristics of monitoring, when identifying their issues for the Board, community representatives and members of the public generally indicated that access to monitoring data, reports and the Licensee's responses to water quality issues identified during monitoring were all community priorities.

Part J: Conditions Applying to Abandonment, Reclamation and Closure

The Board requires all Type "A" water licence applicants to prepare an Interim and eventually a Final Closure and Reclamation Plan in accordance with the *Mine Site Reclamation Guidelines for the Northwest Territories, 2007*¹³⁴ (Guidelines) and consistent with the *Mine Site Reclamation Policy for Nunavut, 2002* (Policy).¹³⁵ As established in the Shear Diamonds Licence Renewal Decision:¹³⁶

The Board's approach to reclamation reflects the four main objectives outlined in the Policy.

The Mine Site Reclamation Policy for Nunavut serves four main objectives:

- Ensure the impact of mining on the environment and human health and safety is minimized.

¹³⁴ Indian and Northern Affairs Canada, (Yellowknife: Indian and Northern Affairs Canada, 2007) available on-line: http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-NWT/STAGING/texte-text/msr_1320177195268_eng.pdf.

¹³⁵ Minister of Indian Affairs and Northern Development, (Ottawa: Minister of Public Works and Government Services Canada, 2002) available on-line: http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/recpolnuna_1100100036043_eng.pdf.

¹³⁶ Nunavut Water Board, Reasons for Decision: 2AM-JER1119 Type A – Licence Renewal at pp. 66-68.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

- Reduce the environmental liability that falls to government to the greatest extent possible.
- Provide industry and the public with a clear signal of the government's expectations.
- Build positive and supportive relationships with the new regulatory authorities coming into operation in the North.¹³⁷

In terms of the details surrounding the Board's expectations regarding the specific contents of the plans required to fulfill the Applicant's obligations, the Board adopts the Guidelines, which are expressly stated to be based on the principles and objectives laid out in the Policy. In particular, the Board notes:

Key principles to bear in mind when planning for closure include: fully considering both traditional knowledge and other scientific information, to apply adaptive management principles making use of the best available information and technology, to promote environment protection, and to apply the precautionary principles in the absence of conclusive information.¹³⁸

With respect to the specific components of the plans, the Board adopts the approach put forward in the Guidelines that recognizes that there are three stages in the development of a Closure and Reclamation Plan (CRP). The first stage involves the preparation of a Preliminary Closure and Reclamation Plan that is typically prepared as part of the environmental assessment of the project that demonstrates "how the mine site is proposed to be reclaimed and to describe the likely residual risks to human health and the environment".¹³⁹ The second stage involves the development of one or more Interim Closure and Reclamation Plans through the operating life of the mine, which builds on the Preliminary CRP and is updated to reflect significant changes to the mine plan or key milestones in terms of the mine life. As stated in the Guideline:

The general purpose of the Interim CRP is to update preceding plans according to the current mine operating plan, updated or renewed community values, or advances in mine reclamation technology. Interim Reclamation Plans provide conceptual detail on the reclamation of mine components which will not be closed until near the end of the mining operations, and operational detail for components which are to be progressively reclaimed earlier in the mine life. The Interim CRP should include increased detail and more specific closure criteria regarding

¹³⁷ Minister of Indian Affairs and Northern Development, (Ottawa: Minister of Public Works and Government Services Canada, 2002), p. 2.

¹³⁸ Indian and Northern Affairs Canada, (Yellowknife: Indian and Northern Affairs Canada, 2007), p. 1.

¹³⁹ The Guidelines as cited in footnote 134, p. 3.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

reclamation components as these become available and as those areas of the mine are developed (e.g. rock piles that are completed or reclamation test studies that have been conducted).¹⁴⁰

The third stage involves the preparation of a Final CRP that should be provided and approved before a scheduled permanent closure or as soon as is practical after an unplanned closure. According to the Guideline: “The general purpose of the Final CRP is to provide complete details, usually for regulatory approval, regarding the proposed reclamation activities such that they can be subsequently implemented.”¹⁴¹

For the convenience of the parties, the Board also adopts and has included Figure 3.2 from the Guidelines to show the relationship between the various plans that will be required, correlated to the stages in the operation of the mine.

Figure 3.2. Stages of Closure and Reclamation Planning Through Life of the Mine

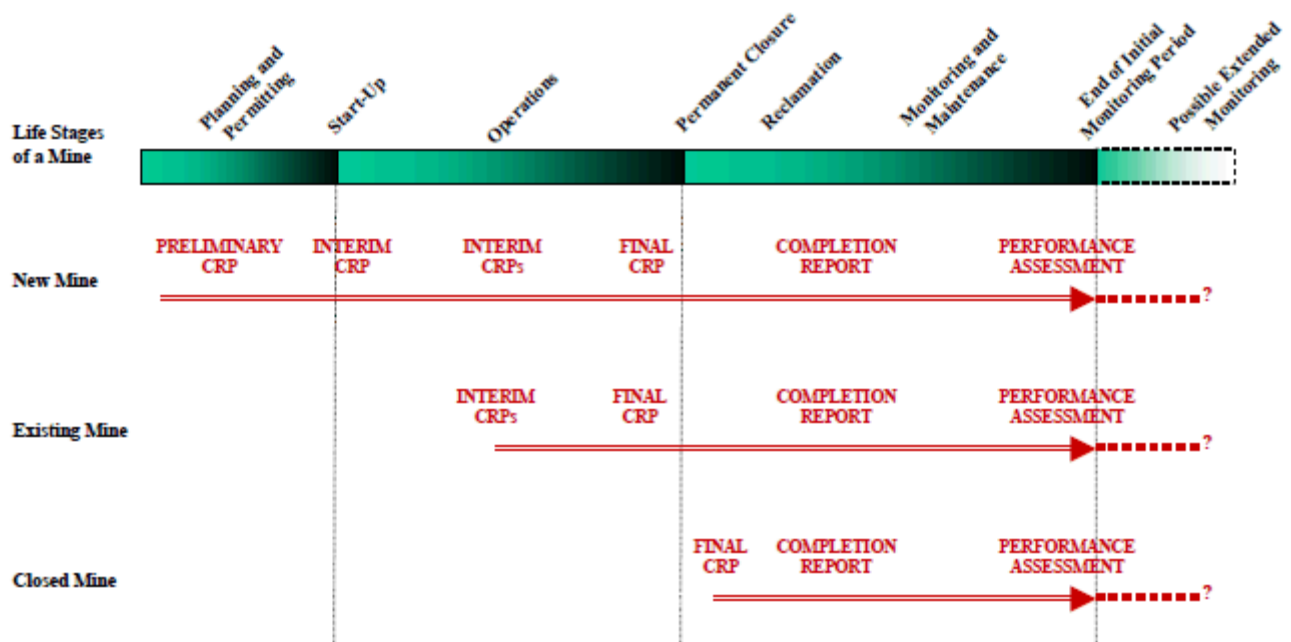


Figure 3.2: Mine Site Reclamation Guidelines for the Northwest Territories, 2007¹⁴²

¹⁴⁰ The Guidelines as cited in footnote 134, p. 4.

¹⁴¹ The Guidelines as cited in footnote 134, p. 5.

¹⁴² Indian and Northern Affairs Canada, as cited in footnote 134 (Yellowknife: Indian and Northern Affairs Canada, 2007), p. 3.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

The Interim CRP should be considered a “living document” that may be modified considerably over time to reflect changes to operations, responses to monitoring data and any on-going reclamation. The Final CRP, which is based on a more fulsome understanding of operating history and is required to be filed in closer proximity to when closure will actually take place should be a more established Plan, which is less likely to undergo significant revision prior to implementation.

With this common background and understanding, the Board turns to the specific application of the Policy and Guidelines to this case.

BIMC included their Preliminary Abandonment and Reclamation Plan with their Water Licence Application in February 2012. As is required, this Plan was guided by the *Nunavut Mine Site Reclamation Policy* and the *Mine Site Reclamation Guidelines*, in addition to the *Abandonment and Reclamation Policy for Inuit Owned Lands* (QIA 2009). During the initial years of the Project BIMC proposes to update this Interim Abandonment and Reclamation Plan on an annual basis to reflect the progress of the development at the site. These updates will be accompanied by a continually updated closure cost estimate which will allow for the security held under the Type “A” Licence to be recalculated and adjusted annually. According to BIMC, once the construction phase of the project is completed, the Interim Abandonment and Reclamation Plan will then be updated every 3 to 5 years. In February 2013 a work plan was submitted for development work to be undertaken and expected to be completed during 2013. Two closure cost estimates for abandonment and reclamation were submitted to the Board in March and April of 2013 which were calculated using the RECLAIM model.

In its submissions AANDC expressed the concern that the reclamation cost estimates made by BIMC do not take larger closure and reclamation planning into consideration, the plans presented by BIMC did not include care and maintenance planning as a contingency should operations cease during the year, and finally the amount of security calculated by BIMC did not include legacy issues. AANDC agreed that the plans as presented were sufficient to anticipate closure scenarios which may arise in the first year of the project, but advised that more information would be needed in the future to bring annual plans into alignment with overall life-of-mine closure and reclamation planning. AANDC requested in its submissions that BIMC be required, every three years, to submit an updated Closure and Reclamation Plan (stamped by a professional engineer) and a security estimate.

Among the specific concerns of the parties was the Pit Lake. AANDC requested in its submissions that BIMC be required to submit a Pit Lake Water Quality Mitigation Plan for



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

approval by the Nunavut Water Board within four years of issuance of the Water Licence, and that the Plan include an “accelerated fill option”, unless another option that would be completed within 25 years after pit closure could be demonstrated to prevent an impact on downstream water quality from Pit Lake overflow. EC expressed similar concerns with regard to the Pit Lake, recommending in its submissions that the Water Licence include conditions for closure which include development of filling alternatives, which consider environmental benefits and costs; monitoring parameters; and objectives for pit water quality at closure which would be protective of aquatic life.¹⁴³ For its part, the DFO requested that the removal of watercourse crossings be included in the preliminary Closure and Reclamation Plan.

On the basis of the evidence of the parties and with a recognition of the Policy and Guidelines, the Board has approved the “Preliminary Mine Closure and Reclamation Plan” filed as part of the Licence Application. The Board has also required that at least 60 days prior to the commencement of mining operations that BIMC provides for the Board’s review and approval an Interim Closure and Reclamation Plan consistent with the Guidelines, Policy and QIA Reclamation Policy. Under Part J (and as set out in Schedule J) the Board has established a mechanism to require the Licensee to provide annually: (i) an updated work plan and (ii) an updated estimate of anticipated mine closure and reclamation costs for the upcoming year. In addition, given the concern expressed by the public and community members regarding the potential effects of the mine going into a Care and Maintenance Phase, the Board has prescribed notification and planning requirements associated with the mine entering into Care and Maintenance.

Schedules

As set out in Part B, Schedules to the Licence provide instructive detail and greater clarity to conditions which appear in more general terms in the main body of the Licence. It should be noted that if the Board determines that an item in the Schedules requires revision in order to better reflect the conditions and intent of the Licence, the Board may, in its discretion, and upon providing notice to the Licensee of the revision, revise the item in the Schedule. Unless the Board directs otherwise, such a revision will not be considered to be an “amendment” to the Licence.

¹⁴³ Environment Canada’s Final Intervention with Respect to the Mary River Project Type A Water Licence Application submitted to Phyllis Beaulieu, Manager of Licensing, NWB by Susanne Forbrich, Manager Environmental Assessment and Marine Programs, on March 22, 2013 at p. 15.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

SECTION VIII: ISSUES OUTSIDE THE JURISDICTION OF THE BOARD

During the Public Hearing it was identified that the communities potentially affected by the mine wish to have on-going access to the monitoring being conducted by the mine's operator, as well as having on-going information regarding the activities of the regulatory agencies responsible for reviewing and responding to the monitoring data being provided by BIMC.

...who is going to be monitoring the recommendation and the implementation; who is monitoring the recommendations? Is QIA responsible for them, or is there a QIA member of the community responsible? Do they have to try to find out more information? Again, here I'm talking about the recommendations pertaining to Mary River Project where recommendations were submitted. So who keeps the communities and people informed about whether these recommendations are being implemented? I would like that clarified...¹⁴⁴

...will they be the only monitoring agency of the lands and water? Are there any other regulatory agencies conducting inspections? Will there be other inspectors, or will it just be Baffinland conducting these inspections?¹⁴⁵

Consequently, the Board wishes to highlight for all regulators responsible for on-going monitoring and compliance at the mine that the community clearly indicated their need for more information with respect to the monitoring data being received by such agencies, as well as the steps being taken by regulatory agencies to respond to the monitoring information, including addressing issues of non-compliance. The Board notes that at the Public Hearing the NIRB¹⁴⁶

¹⁴⁴ J. Alooloo, Pond Inlet community member, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 24, 2013, pp. 325-26, lines 18-26 and lines 1-2.

¹⁴⁵ E. Inaurak, QIA, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 24, 2013, p. 377, lines 11-16.

¹⁴⁶ See A. Hanson, NIRB, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 25, 2013, p. 672, lines 3-18, where she describes the role of the NIRB in making monitoring reports available and soliciting comments on monitoring reports:

We would take that annual reporting, and then we ask all of the public as well to look at this report and to comment on that overall effects monitoring.

At that point, communities, the Qikiqtani Inuit Association, all the Federal departments, everyone would have access to Baffinland's report and all of the other authorization reports that the Federal regulators provide. The Nunavut Impact Review Board then prepares its annual monitoring report and issues that publicly...There are a lot of parties involved, and there are opportunities for the public and communities as well to be reviewing the information that's provided and to also see what some of the input from the other regulators is with regard to monitoring.



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

and AANDC¹⁴⁷ expressly committed to providing this type of reporting to the communities potentially affected by the Project and the Board affirms the importance of ensuring all regulators with a monitoring role associated with the Project meet these commitments.

¹⁴⁷ See K. Costello, AANDC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, April 45, 2013, pp. 421-422, lines 26 and 1-6, where she notes:

In closing, I would like to remind the community, as I mentioned a few moments ago, that Aboriginal Affairs will be involved in the Mary River Project on an ongoing basis as the project moves forward. This will involve inspections and monitoring and reviews of annual reports to the Nunavut Water Board and the Nunavut Impact Review Board.



Nunavut Water Board - Record of Proceeding/Reasons for Decision: 2AM-MRY1325 Type A – Licence Application

NTI	Nunavut Tunngavik Incorporated	ᓄᓇᓂᓐ ᑕᓄᓐᓂᓐ ᐃᓄᐃᐅᓂᓐ
NWB	Nunavut Water Board	ᓄᓇᓂᓐ ᐃᓂᓂᓐᓂᓐ ᓂᓂᓂᓐᓂᓐ
NWMB	Nunavut Wildlife Management Board	ᓄᓇᓂᓐᓂᓐ ᓂᓂᓂᓐᓂᓐᓂᓐ ᓂᓂᓂᓐᓂᓐ
PHC	Pre Hearing Conference	ᐃᓄᓂᓐᓂᓐᓂᓐ ᐃᓄᓂᓐ ᓂᓂᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐ ᓂᓂᓂᓐᓂᓐ
QIA	Qikiqtani Inuit Association	ᓂᓂᓂᓐᓂᓐ ᐃᓄᓂᓐ ᓂᓂᓂᓐᓂᓐᓂᓐᓂᓐ
RSA	Regional Study Area	ᓄᓇᓂᓐ ᐃᓂᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐ ᓂᓂᓂᓐᓂᓐᓂᓐ
SARA	Species at Risk Act	ᓂᓂᓂᓐ ᐃᓂᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐ ᓂᓂᓂᓐᓂᓐᓂᓐ
SEMC	Socio-Economic Monitoring Committee	ᐃᓄᓂᓐᓂᓐᓂᓐ -ᐃᓂᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐ ᓂᓂᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐ ᓂᓂᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐ
TDS	Total Dissolved Solids	ᓂᓂᓂᓐᓂᓐ ᐃᓂᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐ
TK	Traditional Knowledge	ᐃᓄᓂᓐᓂᓐ ᓂᓂᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐ
VEC	Valued Ecosystem Component	ᓂᓂᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐ ᐃᓄᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐ
VSEC	Valued Socio-Economic Component	ᐃᓄᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐ ᐃᓄᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐᓂᓐ

APPENDIX B – Sign In Sheets From Public Hearing

Registration Form

NO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	JdsWir	Dhillon	Nunavut Impact Review	Cambridge Bay	780-261-474		jdhillon@nirb.ca
2	Oliver	Curran	BSM	Toronto	416-577-5829		oliver.curran@baffinland.com
3	ERIK	MAGNSEN	BIM	Toronto	416-996-5523		erik.magnsen@baffinland.ca
4	KAREN	COSTELLO	AANDC	IGLOOIT	975-4546		
5	ERIK	ALLAIN	AANDC	IGLOOIT	975-4546		erik.allain@baffinland.ca
6	JACOB	AGNETZBERG	Hamlet of Pond Inlet	Pond Inlet	949-9202		ponch.rec@baffinland.ca
7	JACOB	KOONARK	ARCTIC BA	ARCTIC BAY	949-8860		ponch.rec@baffinland.ca
8	FRANK	MAY	HAMLET OF A.BAY		439-8750		mayor-ab@ginig.com
9	OCAXIK	NARFARVIK					
10	JANIE	VANBULL	GLA - ARTIS.	IGLOOIT	446-4129		vanbull@baffinland.ca
11	ELCAND			IGLOOIT	928-8127		
12	TIMOTHY			IGLOOIT	928-8104		
13	Jerry	Nataniel	Hamlet Clyde	Gen - Del.	924-6220		nataniel@baffinland.com
14	Jim	MILLARD	BAFFINLAND	HALIFAX	902-403-1337		jim.millard@baffinland.com
15	Anne	Wilson	EC	Edmonton	867-765-8480		anne.wilson@ec.gc.ca
16	SAM.	ANKURATSIAP	Hamlet of Pond Inlet	HALL BEACH	928-8775		
17	Abraham	KUBULU	Fisheries & Oceans Canada	Poseidon	899-8935		kubulu@baffinland.com
18	Georgina	Williston	Natural Resources Canada	Ottawa, ON	925-2865		georgina.williston@baffinland.com
19	Kate	Cavallaro	Natural Resources Canada	Ottawa, ON	(613) 996-0055		Kathleen.Cavallaro@baffinland.com
20	JOHN	KWONG	Natural Resources Canada	Ottawa, ON	613-943-0500		John.Kwong@baffinland.com
21	MARK	DAHL	Environment Canada	Winnipeg, MB	204-983-4815		mark.dahl@ec.gc.ca
22	Stephen	Williamson	QIA	IGLOOIT			stephen.williston@baffinland.com
23	FLKOO	ANGULAKJUI	CLYDE RIVER		904-6358		
24	ST.						
25	Andrew	Muckpa	Arctic Bay		439-8026		
26	Joe	TIGULAKAR	Baffinland	IGLOOIT	928-6622		joetigulak@baffinland.ca
27	Josiah	Kadlutsiak		IGLOOIT	934-4039		

Registration Form

NO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	Manasie	Kilukishnak		PO BOX 26 Pond	867 877 6104		m.kilukishnak@hotmail
2	Sean	Joseph	NWB				
3	Dave	Huntstein	NWB				
4	Ben	Krovik	NWB				
5	Danein	Cole	NWB				
6	Megan	Porter	NWB				
7	Thomas	Kablone	NWB				
8	ROZ		NWB				
9	David		NWB				
10	Theresa	meadows	NWB Illegal				
11	Mary	Angealik	Pond Inlet				
12	Norberg		PIDO				
13	Thomas	Russell					
14	Richard	Cook	Baffinland				
15	Arata						
16	BEAD	ARIST/Conch	Baffinland				
17	KAROLINE	SCHUMANN	DKTA INC.		403-531-0590		
18	Daniel	Komungapik	HFA				
19	James	Simoneau	HTO				
20	COLIN	SAUNDERS	HAANCEP/Pond Inlet	PO Box 180	867-877-8884		pondcabea@icw.ca
21	Josie	Paseolak					
22	Nelaki	Aniak	Resident	Box 468	867-877-8884		mkanre@icw.ca
23	Julia	Innuvaluk	Pond	Box 522	867-877-8884		
24	Rebecca	ETHUK		Box 74	867-877-8884		EtukK Pond@hotmail.com
25	Leann	Paniktocho	Pond Inlet	Box 311	867-877-8884		
26	GIAISG	ISSIGAITOK	P. I	Box 282	867-877-8884		
27	AGNES	MAKTAR	P. I	Box 488			Agnes Maktar

Registration Form

First Name	Last Name	Organization	Address	Phone	e-mail
28	Solomon	Awa	QIA	9758427	SAM@qia.ca
29	Elisapee	Quassu	MRP	934-8410	ata-goo@hotmail.com
30	Eric	Tungilik	MRP		
31	Curtis	Teeagugg	Community Rep.	934-4005	angagatsig-taq39@live
32	Jayso	Allobo	BLPRC	899-8444	Jayso.allobo@gmail.com
33	Sideon	Lagaagali	LITO	934-8744	Dr.Jayso@live
34	Peter	Ivalu	Hanlot of Iglood	934-4436	pappagatti@gmail.com
35	Joel	Nesook	MRPC	Nic	Joel.Nesook@live
36	Joan	Allen	ANDC		Joan.Allen@andc.gc.ca
37	Murray	Ball	ANDC		murray.ball@andc.gc.ca
38	Grady	Green	GN-Justice	975-6523	clen@covnu.ca
39	Nailla	Erkus	EDIT-GN	899-7347	new88gn@nu.ca
40	Ken	Landit	Justice Canada		
41	Judy Lee	Kannuk	Pond Inlet	899-2265	Kennedy.lee@nu.ca
42	Johann	Pelage	IQALUIT	975-3748	johann.pelage@nu.ca
43	Cherita	Kalluk	Arctic Bay	429-8191	Kalluk.cherita25@hotmail.ca
44	Joanna	Innuatic	Pond Inlet	899-6010	jinnuatic@nu.ca
45	Elijah	Pavlikov	HTO	899-2666	hotmail@nu.ca
46	James	Atagootak	HALC		
47	Jaykolasie	Kilikitee	HALC	867-899-8999	
48	ROSE	Sangulua	Hydro-Québec	867-924-6888	Bronny82@live.ca
49	Mosa	Paviliq	NWB	867-924-6888	
50	L:	Arreak	NWB	924-6221	
51	Dennis	ERKIOO	PRC		
52	Penelope	Nutarak	memory overland	899-2263	

Registration Form

53	Mike	Rudkin	Hamlet Pond Inlet	Pond Inlet	899-8898	
54	Enookie	Inuarak	QIA Director	Pond Inlet	899-8898	
55	Pavilio	Sangoya	CLARC	Pond Inlet	899-6339	
56	David	Qamanig	QIA	Pond Inlet	899-8640	
57	Marie	Michael	QIA	Iqaluit	222-4624	
58	APLA	TORITAK	NTI	Iqaluit	222-1573	
59	Alvin	Pavlikascho		Pond Inlet	899-6552	
60	Joshua	Arreale	Hamlet	Pond Inlet	899-1331	

Registration Form

28	Ena	mucktar	P.I	Box 203	899-86416	
29		T. Ootook				
30	Gordon	Kalluk	PT	Box 366	899-8245	
31	Lamech	Kadloo	Pond Inlet, NU.	Box 64	899-8858	
32	Ananda	Hanson	NIRB	Box 1360	983 4600	
33	Elaine	Anneak	Pond Inlet Hamlet	Box 312	899-8956	
34	Meeta	Atagontak	P.I			
35	Jake	Anavirak	PI	Box 11	-	
36	Leetia	Kyck	PI			
37	Joan H	Atagoona	PI	Gea del	6106	
38	Patrick	Peteskoosie	Pond Inlet, NU	Box 47	899-2037	Patrick-P-19@hotmail.ca
39	Joshua	Endokolo	Pond Inlet	Box 176	11 11	J.Endokoolook@yahoo.com
40						
41						
42						
43						
44						
45						
46						
47						
48						
49						
50						
51						
52						

Registration Form

NO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	Roy	Phabesh	Self	Box 572, Pond Inlet	899-6268		br13858@gmail.com
2	Elisapie	Gracisa	ANRSC	Teloalik	894-8440		ata-good@hotmail.com
3	Sidewin	Taagook	HTO	Teloalik	89744		
4	Peter	Leah	Hamlet	Teloalik	894-4442		pappygath@gmail.com
5	Elizabeth	Pomalewska					
6	Ravensie	Suresa	GN	Teloalik	899-7800		psurega@gnv.nv.ca
7	Michael	Amak	Self	Pond Inlet	894-606		amarek@gnv.nv.ca
8	DAVID	RAMANIA	QTA	Box 151 Pond Inlet	899-8440		pondinlet@gnv.nv.ca
9	TIMOTHY	KUPHAR	GNL		899-8440		
10	AMIEB	SANGUWAH	HTO	Box 579 Pond Inlet	899-8507	899-8990	
11	Thomas	Kabidong	NWB chair				
12	David		NWB board				
13	Joseph		NWB				
14	ROS		NWB				
15	Ben	Kogrik	NWB				
16	Damien	Cote	NWB				
17	Dave	Horstein	NWB				
18	Sean	Joseph	NWB				
19	Theresa	Meadows	NWB legal				
20	Megan	Porter	NWB				
21	Murray	Ball	AANDC				
22	Hannah	Quarag					
23	Georgina	Quarag					
24	DORCAS	ERKID					
25	Amyl	WILLIAMS					
26	Rubica	Estuk					
27	Sanguya	Keena					

Registration Form

28	Johann	Pélagie	CANOR - NPMO	19 Inlet	975-3740	johann.pelage@canor.gc.ca
29	Cherita	Kalluk	Youth - Rep	Arctic Bay	979-7191	kalluk.cherita25@hotmail.com
30	Annie	Koonoo		Pond Inlet	899-6186	annie.koonoo@hotmail.com
31	Mary	KIMMERNUAR		Mitimatalik NA	899-8752	
32	Theresa	Maktar		Pond Inlet		
33	David	Pangakkocho		Pond Inlet		
34	DAVID	CURACEY		Pond Inlet		
35	Jeannie	Inutiq		Pond Inlet	899-1204	jeannie.i
36	Ivan	Atagookak				Ivan Atagookak
37	David	Erkloo		Pond Inlet	899-2037	David Erkloo
38	Jimmy	Pitsooluk	H T O	Pond Inlet	899-8956	Jimmy Pitsooluk
39	Louis	Erkloo				
40	Calen	Nashook				
41	Thaika	Peterloosie				
42	Rosie	Katsak	Jett inuk	Pond Inlet	899-2654	Rosie Katsak
43	MARY	AMAGOLUK				
44	Catherine	Kiliktee				
45	Daryl	Quaraq				
46	Johnny	Quaraq				
47	Mindy	Nakitavik				
48	Gregory	Singirik				
49	Celina	Satusik				
50	Dennis	Notarale				
51	Kesbea	Konyube				
52	Lisa	Kasarakuk		PI	899-6031	Lisa Kasarakuk

EVENING

Registration Form

NO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	Amanda	Ootoolva		P.O. BOX 56	849 8870		amanda_luke@hotmail.ca
2	Amanda	Hansen	NIRB				
3	Georgina	Williston	Fisheries & Oceans	Pasquot, ON			
4	Kate	Cavallaro	Natural Resources Canada	Ottawa, ON			
5	Mesa	Palitua	NWB	10 Clyde River	924-6888		
6	L	Arack	NWB	Clyde River	924-6221		
7	KLON	Angutikjuaq	NWB	Clyde River	924-6358		
8	Rose	Sanguya	NWB	Clyde River	924-6358		
9	Eric	Tungilik	NWB	Hall Beach			tungilik@xhbc.ca
10	Jesse	Nutawak	SELF	Pond Inlet	342-8888		janetkarak@gmail.com
11	Solomon	Amer	QIA	Pond Inlet	979 1034		Solomon19@gmail.com
12	LEAH	Koonak		ARCTIC BAY	439 8860		
13	Joel	Nashook	MRPRC	Pond Inlet	892053		
14	Solomon	Qanatsiaq	NWB	Hall Beach			
15	ESAC	Q. HUGRIK	NW.C.	Pond Inlet			
16	Josip	KADLUTSIK	Nunavut	P.O. Box 16	934-4039		X
17	OLAYUK	NAGITARK		ARCTIC BAY			
18	JAN.	ANGURATSIAD	QIA	HALL BEACH	928 8775		
19	Alice	Piilik	QIA	Pond Inlet	222-4624		
20	Joanna	Innualek	Women Rep	Pond Inlet	899 6010		
21	Ben	Widdowson	BAFAN	Pond Inlet	890-8584		
22	JOE	KEINMERDUAR	BAFFINLAND	Pond Inlet	899-8752		inukstallion@yahoo.ca
23	Josie	Pitsoolak					
24	Curtis	Taqungaq	Community Rep.	Iqloolik	934-4005		angungatsiaq-fog39@li
25	Joswir	Dhillon	NIRB				
26	Dane	M'Lann	BAFFINLAND	P.O. Box 548 Pond	899 6036		
27	Clare	Qatol	Community	POND INLET	8855		

Registration Form

28	Reguler	Ooteryq	Agard Fannit	P.O. Box 126	8855		
29	Susie	Enook	Pond Inlet NU	P.O. Box 166	899-8080	-	
30	Lydia	Leonark	Pond Inlet NU	P.O. Box 46	899-6245	-	
31	Annie	Qillag	Pond Inlet NU	P.O. Box 437	899-2011		
32	Theresa	Remotewill	Pond Inlet NU	P.O. Box 257	899-2483		
33	Eleanore	Anne's	Harbour of Pond	Box 312	899-8956		
34	ERIKSO	NEWIE	GN-EDIT	P.O. Box 387	899-8344		
35	Fraser	Shazam					
36	ÖJ	De 575 10	FLC 50				
37	Jean	Allen	Agard FANNIT	Agard			jean.Allen@andc.gc.ca
38							
39							
40							
41							
42							
43							
44							
45							
46							
47							
48							
49							
50							
51							
52							

Registration Form

53	Silas	Katsak		PI	899-6036	Silas K
54	Abraham	Kunnuk		PI	899-6016	ARK
55	Nellie FRANK	Qanguq MAY		PI	899-8660	Qanguq
56	Jayce	Simeone		Arctic Bay	439-8750	PI
57	Rhoda	Koonoo		PI	899-8451	PI
58	Bruce	Betsart		P.I.	899-2334	PI
59						PI
60						PI

24 Apr 13
Am

Morning session

Registration Form

NO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	Marc	Middle	QIT				
2	OLAYUK	NARITARVIK		ARCTIC BAY			
3	TIMOTHY	KUPPAH		5054	928-8164		
4	FRANK	MAY	HAMLET of A.BAY		439-8750		
5		666666		5054			
6	RICE	DEENAR	Hamlet of P.I.		899-8934		pond-recreation@nrc.ca
7	KEAT	KOONARK		ARCTIC BAY	439-8760		
8	MARIC	PAHL	Environment Canada	Winnipeg	204-983-7813		mark.dahl@ec.gc.ca
9	JOHN	KWANG	Natural Resources Canada	CO Howard	613-943-8555		john.kwang@NRCan-RNCan.gc.ca
10	BRYAN	Natanson	CLYDE RIVER				
11	LAREN	GOSTELLO	AANDC	IDAULUT	975-546		
12	Christine	MOORE	Baffinland	Hughes	478-0395		cmoores@intrinsik.com
13	Richard	Cook	"	North Bay	705-476-2165		rcooke@knightspress.com
14	Oliver	Curran	"	North Bay			
15	Eric	Moham	"	North Bay			
16	Jamie	Vanbulck	QIA-ARCTIS	Ignat	446-4129		vanbulck@architectural.com
17	Curtis	Teggaugag	Community Rep	Igloolik	934-4005		
18	Peter	Ivalua	Hamlet of Igloolik	Box 30 X0A0L0	934-4436		pappagatti@gmail.com
19	Gideon	Tagaagagak	ISLOOLIK/HTO		934-5744		
20	Mik	Rullish	Hamlet of Igloolik		859-8154		
21	Paulose	SUVEGA	AN	Ignat	975-7800		psuvega@gov.nu.ca
22	Joe	TIGULLAARAR	Baffinland	"	222-6622		joe.f.tigullaarar@baffinland.ca
23	Andrew	Muckpa	H.T.O	Arctic Bay	439-8026		Andrew
24	Elisapee	Quassa	Baffinland	Igloolik	934-8440		ata.gca@hotmail.com
25	ELKOO	ANGUTIKJUK	AN	CLYDE	934-635		
26	SA	ANGI	NWB	CLYDE	924-6221		
27	Joel	Nashook	WPRPC	Pond Inlet	899-2053		

Registration Form

NO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	Thomas	Kabbone	NMB				
2	Marie	Michael	Qig				
3	Olayuk	Nagitarvik		Arctic Bay			
4	Timothy	Kuppaa		75-97	928 8104		
5	Frank	May		75-97	439-8750		
6	Hel	ben	Hamlet of Arctic Bay		899-8934		Pond-recreation@qigug.ca
7	Pat	Siagoo	Hamlet P.I				
8	Leah	Koonark		Arctic Bay	439-8860		
9	Mark	Dahl	Environment Canada	Winnipeg	204-983-4815		mark.dahl@ec.gc.ca
10	Jerru	Nataniine	Clym River				
11	John	Kwong	Natural Resource Canada	Ottawa	613-943-0825		John.Kwong@nrcan.gc.ca
12	Karen	Costello	AANDC	Spadina	9754 816		
13	Christine	Moore	Baffinland	Halifax	478-0395		cmoore@baffinlink.com
14	Richard	Cook	Baffinland	North Bay	705-476-2165		rcook@baffinlink.com
15	Olivia	Curran	"	Toronto	416		
16	Erik	Madsen	"	Toronto			
17	Jamil	Vingulak	QIA - ARKIS	194/Int	446-4129		Vingulch@arkis
18	Curtis	Taggaugaa	Community Rep	Igloolik			
19							
20							
21							
22							
23							
24							
25							
26							
27							

Registration Form

53	Damein	celei	NWB				
54	Dave	Holmsten	NWB				
55	Sean	Joseph	NWB				
56	Theresa	meadows	NWB legal				
57	Megan	Porter	NWB				
58	Ben	Kogvik	NWB				
59	Joseph	Pameglik	NWB				
60	David	Aghukkarik	NWB				

Registration Form

NO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	Franko	Alcool	MRPRC	Pond Inlet	899-6441		frank.alcool@guy.ca
2	James	A746004K					
3	Nelle	Exclw	EDIT-GN	✓	899-7344		netkwo@gmail.com
4	Pamilo	Sanguya	Elbors		899-6339		
5	Eric	Tungilik	MRP MRP	Hall Beach			eric.tungilik@xanoxa.ca
6	Dean	Alvin	AANDC	Iqaluit			jean.alvin@canada.gc.ca
7	Frank	Allain	AANDC	Iqaluit	975-8458		
8	Kate	Civallaro	NELAN	Ottawa, ON	906-0055		
9	Joe	KRIMMERDWAR	BI Rm	Pond Inlet	899-8753		
10	Josiah	Kadlutsiak	AAS	Iqaluit	934-4639		
11	Murray	Ball	AANDC				
12	Mosa	Paitum	NWB	Clyde	924-6888		
13	Lucy	Pop	AAS	PNLCC	899-8729		
14							
15	Elia H	Papadakoosk	H.T.O.	Pond Inlet	899-6666		
16	Sam	Angusatev		HALL BEACH	928-8725		
17	Rose	Sanguya	NWB	Clyde River	924-6582		
18	Johann	Pelage	CANMAR - NPMU	IQALUIT	925-3248		johann.pelage@canmar.gc.ca
19	Enokie	Inarak	QIA Rep	Pond Inlet	899-8898		inarak@gnail.com
20	Joanac	Innuetluk Kuumuk	Women Rep	Pond Inlet	899-6010		
21	Cornelius	K.Nutbrak	meany over down	" "	899-2263		
22	Cherita	Kalluk	Youth - Rep	Arctic Bay	439-8191		kalluk-cherita25@hotmail.ca
23	PATRICK	SANGOSA	N/A	POND INLET	899-2355		snowy-owl@live.ca
24	DANIEL	QAMANLIO	QIA	Box 51 Pond Inlet	899-8640		pondinlet160@qininc.com
25	Solomon	Awa	QIA	IQALUIT	999-1039		Solomon@qininc.ca
26	ANALASIE	KILLISTER	HSLC LAG	POND INLET	899-8934		
27	Konan	Issignitok	N/A	Pond Inlet	N/A		

Registration Form

28	Name	Pitsook	NIC	Pond Inlet		
29	Colin	Sauveter	Hamlet	867-899-8934		Pond-Ced@wan.ca
30	Josie	Pitsook				
31	Georgina	Williston	Fisheries + Oceans Canada	613-925-2865		
32	Cindy	Kierl	G.N. Day	867-975-6523		
33	AGNES	MAKTAR	POND INLET			Deane Mallon
34	Colabo	Sauveter	HTO	867-899-8507		em-sun
35	CAREY	ELVERUM	Parks Canada	Pond Inlet	899-9092	carey.elverum@pc.gc.ca
36	PAUL	TANWAT	NTI	1044411	975-4900	pinigaut@teungauk.c
37	Isaac	Al'palepak	Pond Inlet	Pond Inlet	899 6474	
38	Ananda	Hammond	NIRB	Cambridge Bay		
39	Abraham	Kubell	Hamlet of Pond Inlet		899-8935	Kubell@be@smail.com
40	Jimmy	Pitsook	HTO	Pond Inlet	899-2956 899-2956 2182	Jimipits@hotmai.c
41	betamie	Kucisimut	POND INLET		899-8805	
42	Ane	Wilson	FC			
43	DORCAS	ERKICE				
44	MIKE	Ootook			899-6090	
45	Traden	Ingotswik				
46	David	V. OOK				Pond-Ced@wan.ca
47	David	Panipakooch	Pond Inlet			
48	Josie	Pitsook				
49	Joe	Marcia	Pond Inlet			
50	SA	ASIN	POND INLET			Macpaenugu22@hotmail.co
51	Mary	Anagalik	POND INLET			
52						

Registration Form

28						
29	Jenny	Pitzgoblak	HTO	Pond Inlet	845-8456	h 544
30	MARK	DAHL	Env't Canada	Winnipeg	2047834815	
31						
32						
33						
34						
35						
36						
37						
38						
39						
40						
41						
42						
43						
44						
45						
46						
47						
48						
49						
50						
51						
52						

Public Hearing Mary River Project
Pond Inlet, Nunavut
Day Sessions
Evening

1 of 3

Registration Form

NO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	Maria	Mich	QIA	Box 1214	222-9624		mmich@capehart.ca
2	Kate	Cavallaro	Natural Resources Canada	Ottawa, ON	996-0055		Kathleen.Cavallaro@nrcan.gc.ca
3	Jaykolasie	Killikishak	HELL' MAYER	POND INLET	899-5934		
4	Timothy	KUPPAQ		50-5-5	928-8104		
5	Joanasi	ATAJUAAT		POND INLET	899-8260		
6	Joanasi	Williston	Fisheries & Oceans	Prescott, ON	613-925-2865		
7	Joanasi	Inuita	Pond Inlet	Pond Inlet	899-1204		
8	Joanasi	Kelluk	Youth - Rep	Acting Rep	439-291		
9	Kelluk	Sanguya	Youth - Rep	Child Rier	424-6582		
10	Enk	Motson	Bim	Toronto	416-996-5523		
11	Jitita	Kelluk	Nasivink H.S.	P.O. Box 64	899-8838	8875	
12	Patrick	Peterbansie		P.O. Box 42	(867) 899-2037		
13	Deano	McLean	Boothby		899-8838		
14	Bruce	Botan	Pond Inlet	P.O. Box 387	899-2354		
15	David	Erkloo	Pond Inlet	Box 12	899-2037		
16	Lea	Kaurak	Pond Inlet	P.O. Box 153	899-8838		
17	Abraham	Kulluk	Hamlet of Pond		899-8838		
18	Sheela	Shapra	Helping women's group	P.O. Box 335	899-8838		
19	Thomas	Ramteahls	PT	P.O. Box 257	899-2483		
20	Timika	Peterbansie	Pond Inlet	P.O. Box 253	899-1416		
21	Joie	Pitsoolak					
22	Annmaria	Kilikishak	Pond Inlet	Box 85	899-8838		
23	Michael	Peterbansie		P.O. Box 253	899-1366		
24	Mary	Simone	11				
25	Maggie	Qanguq	11	Box 495	899-6063		
26	MARC	DAHL	Environment Can	Winnipeg	204-983-4825		
27							

Registration Form

53	Johann	Pelage	CANNOR - NPMO	IQALUIT	975-3748	phann.pelage@cannor.gc.ca
54	Abraham	Komuk	P	POND TAKEF	6010	14082
55	SAM.	ANGURATISIA		HALL BEACH		
56	Soloma	AWS	QIA	TOALUIT	979-1039	SABA @215.C9
57	Joanna	Innuatuk Kunnuk	Women Rep	Pond Inlet	899-6010	
58	GANC	ADAG30		Clyde River	921-653	
59	DAVID	QAMAVIC	QIA	Box 151 Pond Inlet	899-8640	pondinletclo@inlet.com
60	DAVID	PANIPAKOOC40		POND Takefe	899-2449	

Registration Form

53	Peter	Ivory	Municipality	Egloo	934-4430		pappysgott@gmail.com
54	Biden	Tarasak	HTO.	Isle	8744		
55		Caleb	Commer	Don	8855		
56	Regina	Otoma	AND	POND	8855		
57	Jesse	Uterak	Pond	Inlet			
58	Karen	Costa	AND	10	9754546		
59	John	Kwang	NRC	Ottawa	613-943-0525		
60	Erik	Allan	AND	Tgait	867-945444		

ENDING
SESSION 2013
24 APRIL,

Public Hearing Mary River Project
Pond Inlet, Nunavut
Evening Sessions

2 of 3

Registration Form

28	FRANK	MAY		Arctic Bay	439-8750		
29	LEAH	Koonark		ARCTIC BAY	439-8860		
30	Gisa	Inuaraq		Pond Inlet	8961		
31	Jasmine	Kuukisatuk		Pond Inlet	8805		
32	Jessica	Kadlatsalik		Iqloolik	934-4039		
33	hcl	6214		h on 94			
34	Nach						
35	Elisapee	Quassa	MRP	Iqloolik	934-8410		
36	Joe	TIGULLARAQ	BIM	Iqloolik	2-6622		
37	Jayko	Aleoloo	MRPRC	Amqumattalik	899-6441		
38	Enockie	Inuaraq	QIA Rep	Pond Inlet	899-8898		
39	CLAYK	NARITARVIK		ARCTIC BAY			
40	PAUL	STRONGACT	NTI	ARCTIC BAY	975-4900		
41	Joel	Nashwood	MRPRC	Pond Inlet	899-2053		
42	Sam	omik		Pond Inlet			
43	Ruth	omik		Pond Inlet			
44	Wren	omik		Pond Inlet			
45	Murphy	Ball	AANDC	Pond Inlet			
46	ELIJAH	PANIKKAN		Pond Inlet			
47	MARY	KIMMERSON		Pond Inlet			
48	JOE	KIMMERSON	BAFFINLAND	Pond Inlet			
49	ILKOR	ANALITHYAK	Bojile	CLXDA RIVER	9024355		
50	Curtis	Taqequng	Community Rep	Iqloolik			
51	MATTIAS	QUINIA	HTO	PLCC	8776		
52	dean	Allen	AANDC	Iqloolik			ban.Allen@andc.gc.ca

Registration Form

NO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	Christine	Moore	Bombardier	Hallifax	478 0395		cmoores@intrinsik.ca
2	Jill	TISULUKA	Baffinland	Iqaluit			
3	Solomon	Awe	QIA	Iqaluit			
4	Paul	IRNGAUT	NTI	Iqaluit	975-4960		
5	TIMOTHY	KUPPA		Iqaluit	928-8104		
6	LEAH	KOONACK		ARCTIC BAY	435 8860		
7	CLAYTON	NAKITARVIK		ARCTIC BAY			
8	Andy	Kiwan	GIN Justice	Iqaluit			
9	Robbie	suvega	GIN		9747800		730994@baffinland.ca
10	FRANK	MAY	ARCTIC BAY		439-8750		may.f52@gmail.com
11	DIKOR	AKSILIC	6170116	Iqaluit	974 6355		gicqat
12	Kate	Cavallaro	Natural Resources Canada	Ottawa, ON	996-0055		
13	KAREN	COSTELLO	RANDC	Iqaluit	975-5546		
14	Erik	Alvira	RANDC	Iqaluit	975-4508		
15	Murray	Ball	AANDC	Iqaluit	975-4550		
16	Tracy	Angus	Ministry of P.I.	Iqaluit	399 8934		pond-recreation@pini.
17	MARK	DAHL	Environment Can	Winnipeg	204 983 4815		
18	JOHN	KWONG	NRCan	Ottawa	613-943-0525		
19	JEAN	Allen	RANDC	Iqaluit			jean.allen@nrc.gc.ca
20	Janko	Alcool	MRPRC	Pond Inlet ALIK	899-6444		
21	Eric	Tapias	HTO	Iqaluit	877 44		
22	Mosa	Palitug	HTO	Clyde	924 6888		
23	Leah	Arreak	NWB	Clyde	924-6221		
24	CEL	Wanna					
25	Josiah	Kadlytsiak	P.S.D. AGO	Iqaluit	934-4039		
26	Joel	Musko	PRCP	Pond Inlet	899-2053		
27	Andrew	Muckpa	HTO	Arctic Bay	439-8026		

Registration Form

28	Mike	Rudkin	Hendry Pond Kinda	Pond Inlet	899-8930	
29	Abraham	Kublu	Houlet of Pond Inlet		899-8884	
30	Elijah	Panipakoocho	P.I. H.T.O.		899-266066	
31	Curtis	Taqungaq	Community Rep	Igloodik	934-4408	
32	Cherita	Kaltuk	Youth - Rep	Arctic Bay	939-8911	
33	Matthew	Quunaaq	P.T. H.T.O.	FNLC	899-8771	Kallik Koochoi - 2501010@mail.com
34	Peter	Tran	Igloodik	Humblet	934-4436	panipakoocho@gmail.com
35		Star	Quunaaq	Hunter		
36	Joe	Kimberly	BIMC	Pond Inlet		
37	Cornelius	K. Natarak	Mary River Com	Pond Inlet		
38	Jaykwasie	Kilikkee	HALL LBY	POND INLET	899-8934	
39	Asasas		Igloodik		934-8440	disapal@nucor.ca
40	Neil	Evelo	AN-EPIT	Pond Inlet		
41	Eric	Tungilik	MRP	Hall Beach		stungilik@nucor.ca
42	Gamallie	Kilikishak	Elder	84 Box Pond Inlet	899-8771	
43	David	Qamanig	QIA	Pond Inlet	899-8640	pondinletdogging.com
44	SAM	ANIKRATSIAS		HALL BEACH	928-8885	
45	Enookie	Inuaraq	QIA Rep	Pond Inlet	899-8888	inuaraq@gmail.com
46	Ferry	Nafamine	Clyde River Hamlet		9246220	
47	James	Nafamine		Pond Inlet		
48	David	Panipakoocho	Pond Inlet			
49	Jaswir	Dhillon	NIRB			
50	Anne	Wilson	EC			
51	Alvin	Panipakoocho		Pond Inlet		
52	Caleb	Sungoyi	H.T.O.	Pond Inlet	899-8507	

Registration Form

28	FRANCIS	L. Koonark	ED & T	Pond Inlet		
29	COLIN	SAUNDERS	Harriet of PI	867-899-8934		
30	Amanda	Hansen	NIRB	Cambridge Bay		
31	Alia	Anavicupik	Local	Pond Inlet		
32	5094	hcl	6212			
33	Richard	Cook	Bedfordland	North Bay, ON		
34		F. Ootook				
35	MAMAKASAK	Kasanak		Pond Inlet	899-6049	
36	GiSaInuak			Pond Inlet	8961	
37	Joanna	Innuak Kunnak	Women Rep	Pond Inlet	899-6010	
38	David	Erkloo		Pond Inlet	11 2037	
39	Theresa	Pembroke				
40	MARY	AMAGORAK				
41	daylene	Groarts.	Pot	Pond Inlet	899-8775	
42		5.5 NY	community member		8990	
43	Philippa	Ootowak	Pond Inlet Archive	Pond Inlet	899-6003	
44	Reggie	Ootova	PIV INNUK	POND INLET	8855	
45	Jonah	Koonak	DPW P.I.	Pond Inlet	8274	
46	Esther	Koonak			8274	
47	Nellie	Akpaleapik	Pond Inlet	Pond Inlet	6974	
48						
49						
50						
51						
52						

53	FALC	T. DO TOOK				
54	Jamie	Vangeluchi	QIA - AR KRIS	19 adult		vangeluchi@arkelkissolutions.com
55	Morgan	Kravtchuk	R Pond Inlet	but / Trans.		
56	Gregoria	Williston	DFD	Prescott		
57	Chris	Wilson	Butterfly			
58	AR	ADISL				
59	ALY	SLASL				
60	Tyra	RL	Harriet of Pond Inlet	Pond Inlet		

April 25, 2013

Registration Form

NO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	Thomas	Kaplan	NWB				
2	David	Aguirre	NWB				
3	Joseph	Pamolik	NWB				
4	Danien	Hohnstein	NWB				
5	Ben	Kogik	NWB				
6	Theresa	Madden	NWB				
7	Megan	Porter	NWB				
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							

Evening Session April 25, 2013
Registration Form

NO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	LEAH	Koonark	SNV	ARCTIC BAY	439 8860	0	0
2	Pauline	Svega	GN	Iqaluit			
3	Josiah	Kadlutsak	AAA	14600 LK	934-4639	X	Y
4	Josiane	ATA-DUGAT		Pond Inlet			67-attawapast
5	Christine	Moore	Holifax-Baffinland	Holifax			
6	OLAYUK	NAQITARVIK		ARCTIC BAY			
7	Anne	Wilson	EC				
8	Paul	Ingaud	NTI	LOALUIT			
9	Solaim	Mud	QIA	LOALUIT			
10	Georgina	Williston	DFD				
11	Erik	Allain	AANDC	Iqaluit			
12	Math	Caumay	NTO	FNLCC	999 8776		972
13	Men	Costard	AANDC	LOALUIT	9754546		
14	Ken	LANDA	DOT	YELONKNIFE			
15	Mustay	Ball	AANDC	Iqaluit			
16	Defer	Traler	Iqaluit	Holifax			
17	Eric	Tungilik	Hall Beach	Holifax			
18	Jeann	Allen	AANDC	Iqaluit			jean.Allen@aadnc.gc.ca
19	Jamie	Vangulick	QIA-ACENTIS	Iqaluit			vangulick@arcticssolutions.ca
20	Mosa	Palituey	NWB	Clyde	924 6888		
21	Amanda	Hanson	NIRB	Cambridge Bay			
22	Andrew	Mack pa	H.T.O	Arctic Bay	479-8020		0
23		McL	GA-AS				

Registration Form

24	Colabo	Ootova	895027	Pond	8855	CO	
25	Simon	Tagassak	H.T.O.	Iglolik	8744		
26	Curtis	Tagassak	Community Rep	Iglolik			
27	JAYLASE	KILLIKSEE	HAMLET HAYES	POND LAKE	899-8934		
28	SAM	ANJURATISIAH	MRP	HALL BEACH	928-8775		
29	AK-SI	SSAS	MRP	Iglolik	934-8440		
30	Bruce	Ootova	Pond Inlet	Pond	899-2334	BO	
31	David	Panipakoocho	Pond Inlet				
32	Regilee	Ootova	PALCER	PALCER			
33	Alfred	WUKE	MRP	Pond Inlet	924-6558		Alfred
34	Joel	WUKE	MRP	Pond Inlet	899-2053		
35		Shon	Omik				
36	Maie	Michael					
37	Cherita	Kalluk	Youth-Rep	Arctic Bay	439-8191		Kalluk-cheri-250@hotmail.com
38	Rose	Sarungu	Youth-Rep	Lynx River	924-6552		
39	Nellie	Encho	EDTGN	Pond Inlet	899-7344		
40	JOE	KIMMERSSUAR	BIAFFINLAND	Pond Inlet			
41	JOE	ENOOK	M.L.A. JUNIOR	Pond Inlet	899-8799		jenook@assembly.nrc.ca
42	Jimmy	Pheoluk	H.T.O.	Pond Inlet	899-8956		Jimmy.Pitso@koptmni
43	Abraham	Kupuk	POND INLET	Pond Inlet	6010		PRK
44	Nellie	Changuy	Pond Inlet	Pond Inlet	899-8609		Changuy
45	Corndus	K-Notsak	Pond Inlet	Pond Inlet	899-8956		Corndus
46	Doreas	ERKUD					
47	DENN	DEEN	PALCER				
48	Jasper	Singorie	Pond Inlet		999-8651		J. Singorie

Registration Form

49	Catherine	Panilloo	Pond Inlet		8898		
50	Donair	Duillon	NWB				
51	Gisa	Inuarek	Pond Inlet		8961		
52	Annie	Koonoo	Pond Inlet		899-6186		
53	Barily	SINGOORIC	"		8651		
54	William	Atagastak	"		899-6186		
55	Thomas	Kabloo'	Nunavut website				
56	David	Akukrag	NWB				
57	Joseph	Pamuellic	NWB				
58	Damin	COTE	NWB				
59	David	Honstein	NWB				
60	Sean	Joseph	NWB				

April 25, 2013

Registration Form

- evening session

NO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	Megan	Porter	NWB				
2	Theresa	Meadows	Legal counsel NWB				
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

APPENDIX C – List of Submissions and Correspondence

Application

1. Cover letter and initial submission of Application for Water Licence submitted March 15, 2008 by Baffinland Iron Mines Corporation.

Initial Submissions & Correspondence:

1. Development Proposal for the Mary River Project, submitted March 15, 2008 by Baffinland Iron Mines Corporation.
2. Supplementary Questionnaire for Mine Development, submitted March 15, 2008 by Baffinland Iron Mines Corporation.
3. Acknowledgement of Application Letter from Richard Dwyer, Licensing Administrator, NWB to Derek Chubb, Baffinland Iron Mines Corporation, VP Sustainable Development dated March 28, 2008, Subject: Type “A” Water Licence Application for Baffinland Iron Mines Corporation Mary River Project.
4. Meeting Minutes of meeting between NWB, NIRB and Baffinland Iron Mines Corporation, February 10, 2011.
5. Letter from Baffinland Iron Mines Corporation to Dionne Filiatrault, Executive Director, NWB dated February 14, 2011 Re: Coordinated Review Process NWB and NIRB.
6. Letter from Phyllis Beaulieu, Manager of Licensing, NWB to Oliver Curran, Baffinland Iron Mines Corporation, Director Sustainable Development Corporation Re: Acknowledgement and receipt of Response to Information Request 2AM-MRY----, dated April 27, 2011.
7. Letter from David Hohnstein Director of Technical Services, NWB to Robert J. St. Eloi, Director Lands and Resources QIA and the Baffinland Iron Mines Corporation, Subject: NWB File 2AM-MRY---- NWB’s Response to Questions raised in QIA’s Technical Review Comments with Respect to the Draft Water Licence Application Associated with the Coordinated Process dated September 13, 2011.
8. Letter from Phyllis Beaulieu, Manager of Licensing, NWB to Erik Madsen and Oliver Curran, Baffinland Iron Mines Corporation, RE: Receipt of FEIS and Application for Type “A” Water Licence dated February 22, 2012.
9. Letter from Navarana Beveridge, Executive Director, the Qikiqtani Inuit Association to Dionne Filiatrault, Executive Director, NWB, Re: 2AM-MRY---- Baffinland Iron Mines Corporation’s 2012 Work Plan Application, dated February 27, 2012.
10. Letter from David Hohnstein, Director of Technical Services NWB to Erik Madsen, Vice President Sustainable Development, Baffinland Iron Mines Corporation, Re: Application for a Type “A” Licence dated March 2, 2012.



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

11. Letter from David Hohnstein, Director of Technical Services, NWB to Erik Madsen, Vice President Sustainable Development, Baffinland Iron Mines Corporation, Re: Acknowledgement and receipt of application fee and water use fee deposit for new Water Licence Application-Mary River Project-Type A- 2AM-MRY----, dated March 8, 2012.
12. Letter from Erik Madsen, Vice President Sustainable Development, Health Safety and Environment, Baffinland Iron Mines Corporation to David Hohnstein, Director of Technical Services and Sean Joseph, Technical Advisor, NWB Re: Errata and Clarification Document for the Application for Type A Water Licence for the Mary River Project, dated March 9, 2012.
13. Letter from Cheryl Baraniecki, Regional Director, Environmental Protection Operations Prairie and Northern Region Environment Canada to Ryan Barry, Executive Director, NIRB and Phyllis Beaulieu, Manager of Licensing, NWB Re: Information Request from Environment Canada Regarding the Mary River Iron Ore Project final Environmental Impact Statement and Water Licence Application, dated March 30, 2012.
14. Letter from Stephen Williamson Bathory, Director, Department of Major Projects the Qikiqtani Inuit Association to Dionne Filiatrault, Executive Director, NWB Re: Completeness Review of Mary River Project Type “A” Application, dated March 30, 2012.
15. Letter from Stephen Williamson Bathory, Director, Department of Major Projects the Qikiqtani Inuit Association to Dionne Filiatrault, Executive Director, NWB, Re: Proposed Next Steps in the NWB Licensing Process dated March 30, 2012.
16. Submission on FEIS and Application from John Clarke Director Environmental Assessment Division Science and Policy Integration, Natural Resources Canada to David Hohnstein, Director of Technical Services, NWB Re: Natural Resources Canada’s (NRCan) Information Request regarding the final Environmental Impact statement (FEIS) and Type A Water Licence for the Baffinland Iron Mine Corporation’s Proposed Mary River Project, dated April 02, 2012.
17. Email from David Hohnstein, Director of Technical Services, NWB to Stephen Bathory, Director, Department of Major Projects, the Qikiqtani Inuit Association, Subject: Proposed Meeting with NWB/QIA, dated April 11, 2012.
18. Letter from David Hohnstein, Director of Technical Services, NWB to Erik Madsen, Vice President Sustainable Development, Baffinland Iron Mines Corporation Re: Completeness Review and Notice of Type “A” Water Licence Application No. 2AM-MRY---- with Table 1.0 and 1.1, dated April 13, 2012.
19. NWB issues Public Notice of New Application by Baffinland Iron Mines Corporation dated April 16, 2012.
20. Notice to Local Organizations from Phyllis Beaulieu, Manager of Licensing, NWB requesting posting of Notice of Application, dated April 16, 2012.
21. Letter from Erik Madsen Vice President Sustainable Development, Health safety and Environment, Baffinland Iron Mines Corporation to David Hohnstein, Director of Technical



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

Services, NWB, Subject: Baffinland Response to Information Requests Pertaining to Type “A” Water Licence Application, dated April 25, 2012.

22. Letter from Erik Madsen Vice President Sustainable Development, Health safety and Environment, Baffinland Iron Mines Corporation to Phyllis Beaulieu, Manager of Licensing, NWB, Subject: Reference to 2012 Work Plan in Type “A” Water Licence Application, dated May 23, 2012.
23. Email from Phyllis Beaulieu, Manager of Licensing, NWB to Oliver Curran, Director of Sustainable Development, Baffinland Iron Mines Corporation, Re: Reference to 2012 Work Plan in Type “A” Water Licence Application 2AM-MRY----, dated May 25, 2012.
24. Letter from Robin Aitken, Regional Director General, Aboriginal Affairs and Northern Development Canada, to Phyllis Beaulieu, Manager of Licensing, NWB, Re: Water Licence No. 2AM-MRY---- Baffinland Iron Mines Corporation-Mary River Iron Ore Project-New Application-Technical Review- Qikiqtani Region, dated June 22, 2012.
25. Letter from Derrick Moggy, Habitat Team Leader, Fisheries and Oceans Canada-Eastern Arctic Area to Sean Joseph, Technical Advisor, NWB, Subject: Fisheries and Oceans Canada Technical Review of the Mary River Type “A” Water Licence Application and Supporting Documents, dated June 22, 2012.
26. Cover Letter with Submission from Susan Forbrich, Manager of Environmental Assessment and Marine Programs, Environment Canada, to Phyllis Beaulieu, Manager of Licensing, NWB, Re: Technical Review of Type A Water Licence Application for the Baffinland Iron Mines Corporation Mary River Project, dated June 22, 2012.
27. Letter from Stephen Williamson Bathory, Director, Major Projects the Qikiqtani Inuit Association to David Hohnstein, Director of Technical Services, NWB, Re: Technical Review of the Mary River Type “A” Water Licence Application, dated June 22, 2012.
28. Submission from Aboriginal Affairs and Northern Development Canada, Executive Summary of Technical Review in English and Inuktitut dated June 28, 2012.
29. Letter from David Hohnstein, Director of Technical Services, NWB to Erik Madsen, Vice President, Sustainable Development, Health Safety and Environment, Baffinland Iron Mines Corporation, Re: Licence No. 2AM-MRY---- Mary River Project: Preliminary Technical Review Teleconference Meeting for the Type “A” Water Licence Application dated September 25, 2012.
30. Email from Amanda Hanson, Director of Technical Services, NIRB to Phyllis Beaulieu, Manager of Licensing, NWB, Re: 2AM-MRY---- Mary River Project Preliminary Technical Review Teleconference Meeting for the Type “A” application, dated October 03, 2012.
31. Email from Joel Fortier, Environmental Assessment Lead, the Qikiqtani Inuit Association to Phyllis Beaulieu, Manager of Licensing, NWB, Re: 120927 2AM-MRY---- Mary River Project Preliminary Technical Review Teleconference Meeting for the Type “A” Application, dated October 5, 2012.



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

32. Letter from Jean Allen, Water Management Specialist, Aboriginal Affairs and Northern Development Canada, Phyllis Beaulieu, Manager of Licensing, NWB, Re: 2AM-MRY---- Mary River Project-Baffinland Iron Mines Corporation- Preliminary Technical Review Teleconference Meeting, dated October 5, 2012.
33. Letter from John Clarke Director, Environmental Assessment, SPI, Natural Resources Canada to Phyllis Beaulieu, Manager of Licensing, NWB Re: Natural Resources Canada Comments regarding the proposed date of the preliminary technical review teleconference for the Baffinland Ltd.'s Mary River Project Type "A" Water Licence (Application), dated October 5, 2012.
34. Email from Mark Dahl, Environment Canada to Phyllis Beaulieu, Manager of Licensing, NWB Re: 2AM-MRY---- Mary River Project Preliminary Technical Review Teleconference meeting for the Type "A" Application, dated October 9, 2012.
35. Letter from David Hohnstein, Director of Technical Services, NWB to Erik Madsen, Vice President Sustainable Development, Health, Safety and Environment, Baffinland Iron Mines Corporation, Re: Date of Proposed Agenda for the Preliminary Technical Meeting for Type "A" Water Licence Application 2AM-MRY---- Mary River Project English and Inuktitut, dated October 10, 2012.
36. Final Preliminary Technical Meeting Agenda English and Inuktitut, submitted by the NWB, October 10, 2012.
37. Email from Phyllis Beaulieu, Manager of Licensing, NWB to Oliver Curran, Director, Sustainable Development, Baffinland Iron Mines Corporation, Re: Baffinland Responses to Tech Comments 2AM-MRY----, dated October 12, 2012.
38. Letter from Erik Madsen Vice President, Sustainable Development, Health, Safety and Environment Baffinland Iron Mines Corporation to Damien Côté, Executive Director, NWB, Re: Submission of Baffinland Response to Technical Review Comments on the Type "A" Water Licence Application, dated October 12, 2012.
39. Email from Phyllis Beaulieu, Manager of Licensing, NWB to Mary River Distribution List Re: Baffinland's Responses to Tech Comments 2AM-MRY----, dated October 15, 2012.
40. Email from Jean Allen, Water Management Specialist, Aboriginal Affairs and Northern Development Canada, to Phyllis Beaulieu, Manager of Licensing, NWB Re: Date and Proposed Agenda for Preliminary Technical Meeting, dated October 15, 2012.
41. Email from Mark Dahl, Sr. Ocean Disposal Officer, Environmental Assessment North (NT & NU) Environmental Protection Operations, Prairie and Northern Region, Environmental Canada to Phyllis Beaulieu, Manager of Licensing, NWB Subject: 2AM-MRY---- Preliminary Tech Meeting Follow-up questions regarding EC 3.9 Uncertainty in stream flow Estimates, dated October 18, 2012.



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

42. Letter from David Hohnstein, Director of Technical Services, NWB to Erik Madsen, Vice President Sustainable Development, Health Safety and Environment, Baffinland Iron Mines Corporation Re: File No. 2AM-MRY---- Mary River Project: Issues Requiring Follow-up Actions-Preliminary Technical Meeting for Type “A” Water Licence Application with Tables 1 and 2, dated October 25, 2012.
43. Letter from Oliver Curran, Director of Sustainable Development, Baffinland Iron Mines Corporation to Damien Côté, Executive Director, NWB Re: Baffinland Response to Nunavut Water Board (NWB) letter dated October 25, 2012, dated October 31, 2012.
44. BIMC-NWB Teleconference Notes dated November 26, 2012.
45. Letter from Oliver Curran, Director, Sustainable Development, Baffinland Iron Mines Corporation to Murray Ball, Manager Water Resources, Aboriginal Affairs and Northern Development Canada, Re: AANDC December 11, 2012 letter of recommendations related to Baffinland’s Type “A” Water Licence Application, dated December 21, 2012.
46. Letter from Murray Ball, Manager of Water Resources, Aboriginal Affairs and Northern Development Canada, to Erik Madsen, Vice President, Sustainable Development, Health, Safety and Environment, Baffinland Iron Mines Corporation Re: Technical Review Letter, dated December 11, 2012.
47. Letter from Murray Ball, Manager of Water Resources, Aboriginal Affairs and Northern Development Canada, to Erik Madsen, Vice President, Sustainable Development, Health, Safety and Environment, Baffinland Iron Mines Corporation Re: AANDC to BIMC on Tech Review, dated December 12, 2012.
48. Email from Murray Ball, Manager of Water Resources, Aboriginal Affairs and Northern Development Canada to Phyllis Beaulieu, Manager of Licensing, NWB Re: Issues Requiring Follow-up Actions-Preliminary Technical Meeting for Type “A” Water Licence Application, dated December 14, 2012.
49. Email from Murray Ball, Manager of Water Resources, Aboriginal Affairs and Northern Development Canada to Phyllis Beaulieu, Manager of Licensing, NWB Subject: Issues requiring follow up actions-Preliminary Technical Meeting for Type “A” Water Licence Application, dated December 14, 2012.
50. Letter from Damien Côté, Executive Director, NWB to Erik Madsen, Vice President, Sustainable Development, Health, Safety and Environment, Baffinland Iron Mines Corporation Re: Technical Meeting and Pre Hearing Conference -2AM-MRY---- Type “A” Water Licence Application by Baffinland Iron Mines Corporation for the Mary River Project English and Inuktitut, dated December 14, 2012.
51. Radio Announcement for Technical Meeting and Pre-Hearing conference-Final Draft English and Inuktitut submitted by the NWB, December 18, 2012.



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

52. Letter from Stephen Williamson Bathory, Director, Department of Major Projects the Qikiqtani Inuit Association to David Hohnstein, Director of Technical Services, NWB Re: Technical Meeting and Pre-Hearing Conference, Pond Inlet, dated January 8, 2013.
53. Email from Sean Joseph, Technical Advisor, NWB to David Hohnstein, Director of Technical Services and Phyllis Beaulieu, Manager of Licensing, NWB Subject: Logistical Information for TM/PHC, dated January 7, 2013
54. Letter from Phyllis Beaulieu, Manager of Licensing, NWB to Mary River Distribution List Re: 2AM-MRY---- Update on the Technical Meeting and Pre-Hearing Conference Scheduled for Baffinland Iron Mines Corporation's Mary River Project, Type "A" Water Licence Application, dated January 7, 2013.
55. Addendum to Environment Canada's Intervention with respect to Baffinland Iron Mines Corporation Water Licence Application for the Mary River Project submitted by Environment Canada, dated January 10, 2013.
56. Letter from Damien Côté, Executive Director, NWB to Erik Madsen, Vice President, Sustainable Development, Health Safety, and Environment, Baffinland Iron Mines Corporation Re: Baffinland Iron Mines Corporation, Mary River Project-Type A Water Licence Application; 2AM-MRY---- Agenda and List of Confirmed Participants for the Technical Meeting and Pre-Hearing conference English and Inuktitut, dated January 11, 2013
57. NWB Community Presentation Type "A" Water Licence Process for Baffinland Iron Mines Corporation's Mary River Project English and Inuktitut Final Version, dated January 11, 2013.
58. Baffinland Iron Mines Corporation Presentation to Technical Meeting Pre-Hearing Conference, dated January 14, 2013.
59. Department of Fisheries and Oceans Canada Presentation to Technical Meeting Pre-Hearing Conference, dated January 14, 2013.
60. The Qikiqtani Inuit Association Presentation to Technical Meeting Pre-Hearing Conference English and Inuktitut, dated January 14, 2013.
61. Letter from John Clarke, Director, Environmental Assessment Division, Science and Policy Integration, Natural Resources Canada to Phyllis Beaulieu, Manager of Licensing, NWB Re: Technical Meeting and Pre-Hearing Conference Scheduled for Baffinland Iron Mines Corporation's Mary River Project Type "A" Water Licence Application, dated January 15, 2013.
62. NWB Technical Meeting/Pre-Hearing Conference session sign in sheet dated January 16, 2013.
63. NWB Technical Meeting/Pre-Hearing Conference Community session sign in sheet dated January 16, 2013 (evening).
64. NWB Pre-Hearing Conference session sign in sheet dated January 17, 2013.



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

65. Letter from Damien Côté, Executive Director, NWB to Mary River Distribution list Re: Pre-Hearing Conference Decision Regarding Type “A” Water Licence Application by Baffinland Iron Mines Corporation for the Mary River Project, dated January 25, 2013.
66. NWB Fax Cover to Post Notices of Public Hearing dated January 25, 2013.
67. NWB Notice to Local Organizations Request to post Notices, Igloolik and Hall Beach dated January 25, 2013.
68. NWB Public Hearing notice dated January 25, 2013 English, French and Inuktitut.
69. Request to post notice of Public Hearing to Nunatsiaq News from Phyllis Beaulieu, Manager of Licensing, NWB dated January 25, 2013.
70. Letter from Sean Joseph, Technical Advisor, NWB to James Millard, Senior Environmental Superintendent, Baffinland Iron Mines Corporation, Re: 2BB-MRY1114: Updated to Pre-Technical Meeting Issues and Commitments following the Technical Meeting and Pre-Hearing Conference for the Baffinland Iron Mines Corporation’s Mary River Project, dated January 30, 2013.
71. Letter from Oliver Curran, Director, Sustainable Development, Baffinland Iron Mines Corporation to Damien Côté, Executive Director, NWB Re: Baffinland Response to Environment Canada’s Addendum to Technical Comments submitted to the NWB (January 10, 2013), dated February 5, 2013.
72. Letter from Erik Madsen, Vice President, Sustainable Development, Health, Safety and Environment, Baffinland Iron Mines Corporation to Damien Côté, Executive Director, NWB Re: Proposed Terms and Conditions for Baffinland’s Type “A” Water Licence and Aquatic Effects Monitoring Program (AEMP) Framework, dated February 26, 2013.
73. *Draft* Type “A” Water Licence Terms and Conditions submitted by Baffinland Iron Mines Corporation, dated February 26, 2013.
74. Letter from Erik Madsen, Vice President, Sustainable Development, Health, Safety and Environment, Baffinland Iron Mines Corporation to Damien Côté, Executive Director, NWB Re: Pre-Hearing Conference Decision Items for Follow Up- Final Submission, dated March 7, 2013.
75. Email from Phyllis Beaulieu, Manager of Licensing, NWB to Mary River Distribution Re: 2AM-MRY---- Pre-Hearing Conference Decision Items for Follow-up –Final Submission, dated March 18, 2013.
76. Cover Letter from Murray Ball, Acting Director, Resource Management, Nunavut Regional Office Aboriginal Affairs and Northern Development Canada, with Final Submission to Phyllis Beaulieu, Manager of Licensing, NWB Re: Application for Type “A” Water Licence by Baffinland Iron Mines Corporation for the Mary River Project-Final Submission, dated March 21, 2013.



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

77. Letter from Susanne Forbrich, Manager Environmental Assessment and Marine Programs, Environment Canada to Phyllis Beaulieu, Manager of Licensing, NWB Re: Environment Canada's Final Intervention with Respect to the Mary River Project Type "A" Water Licence Application, dated March 22, 2013.
78. ANNEX A: QIA Final submission to NWB; Qikiqtani Inuit Association's Comments on the Proponent's Proposed Type "A" Water Licence, dated March 22, 2013.
79. ANNEX B: QIA Final submission to NWB; Qikiqtani Inuit Association's Technical Support for Effluent Quality Criteria, dated March 22, 2013.
80. ANNEX C: QIA Final submission to NWB; QIA Letter to Minister of Aboriginal Affairs and Northern Development, Financial Security, dated March 22, 2013.
81. ANNEX D: QIA Final Submission to NWB; QIA Mary River Project Review Committee Comments- i. comments on the Draft Environmental Impact Assessment (381 Pages); and ii. Comments on the Final Environmental Impact Assessment (82 Pages) dated March 22, 2013.
82. Letter from Dale Nicholson Regional Director, Ecosystems Management Central and Arctic Region, Fisheries and Oceans Canada to Damien Côté, Executive Director, NWB Subject: Fisheries and Oceans Canada Final Written Submission for the Mary River Project; Type "A" Water Licence Application, dated March 22, 2013.
83. Environment Canada's Final Intervention with respect to Baffinland Iron Mines Corporation Water Licence Application for the Mary River Project dated March 22, 2013.
84. Natural Resources Canada Comments on the Geochemical Characterization Program for the Mary River Project dated March 22, 2013 English and Inuktitut.
85. Email from Solomon Awa, Mary River Project Coordinator and Stephen Williamson Bathory, Director, Major Projects, the Qikiqtani Inuit Association to Damien Côté, Executive Director, NWB Re: Quick call-Community Representation at MRY Public Hearing, dated April 3, 2013.
86. Environment Canada, Executive Summary, Inuktitut, dated April 04, 2013.
87. Letter from Erik Madsen, Vice President, Sustainable Development, Health, Safety and Environment, Baffinland Iron Mines Corporation to Damien Côté, Executive Director, NWB Regarding: Baffinland Response to Final Intervention Comments on the Type "A" Water Licence Application for the Mary River Project attachments Part 1, 2, 3 Baffinland Mines Iron Mines Corporation Mary River Project 2013 Work Plan Marginal Closure Cost Summary, dated April 5, 2013.
88. Email from Brian Flemming, Senior Administrative Officer, Igloolik to Phyllis Beaulieu, Manager of Licensing, NWB, Subject: Pond Inlet Hearings, dated April 6, 2013.
89. NWB Travel agreement for Community Representatives (Arctic Bay, Igloolik, Clyde River, Hall Beach), dated April 7, 2013.



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

90. Letter from Phyllis Beaulieu, Manager of Licensing, NWB to Mary River Distribution Re: 2AM-MRY---- Public Hearing: Type “A” Water Licence Application by Baffinland Iron Mines Corporation for the Mary River Project, dated April 9, 2013.
91. Letter to Mary River distribution from Damien Côté, Executive Director, NWB Re: 2AM-MRY-- -- Public Hearing; Type “A” Water Licence Application by Baffinland Iron Mines Corporation for the Mary River Project, dated April 9, 2013.
92. Public Announcement Notice from Phyllis Beaulieu, Manager of Licensing, NWB, dated April 9, 2013.
93. Notice to Local Organizations in Pond Inlet from Phyllis Beaulieu, Manager of Licensing, NWB, dated April 10, 2013.
94. Cover Email 2013 Marginal Cost Breakdown submitted by Baffinland Iron Mines Corporation dated April 3, 2013 and received April 10, 2013.
95. Letter from Stephen Williamson Bathory, Director, Major Projects, the Qikiqtani Inuit Association to Damien Côté, Executive Director, NWB Re: Water Compensation Agreement, dated April 12, 2013.
96. NWB Revised Community Session Agenda for Baffinland Iron Mines Corporation Mary River Project Type “A” Water Licence Application 2AM-MRY---- dated April 15, 2013.
97. Email from Phyllis Beaulieu, Manager of Licensing, NWB to Mary River Distribution Re: 2AM-MRY---- Proposed Terms and Conditions for Baffinland’s Type “A” Water Licence and Aquatic Effects Monitoring Program (AEMP) Framework, dated April 18, 2013.
98. Letter from Agnes Simonfalvy, Government of Nunavut to Damien Côté, Executive Director, NWB Re: 2AM-MRY---- Public Hearing: Type “A” Water Licence Application by Baffinland Iron Mines Corporation for the Mary River Project Participation in Public Hearing, dated April 18, 2013.
99. Email Cover Letter from Jean Allen, Water Management Specialist, Aboriginal Affairs and Northern Development Canada to Phyllis Beaulieu, Manager of Licensing, NWB Subject: AANDC Presentation and list of Attendees Public Hearing 2AM-MRY----, dated April 18, 2013.
100. Letter from Oliver Curran, Director, Sustainable Development, Baffinland Iron Mines Corporation to Damien Côté, Executive Director, NWB Re: Baffinland Submission of Final Hearing Presentation, English and Inuktitut, and list of Attendees, dated April 18, 2013.
101. Fisheries and Oceans Canada, Final Hearing Presentation, dated April 18, 2013.
102. Qikiqtani Inuit Association Proposed Mary River Project Public Hearing Presentation April 2013, English and Inuktitut, dated April 18, 2013.



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

103. NWB Public Hearing Revised Agenda, dated April 19, 2013.
104. Environment Canada Community Presentation, English and Inuktitut, dated April 19, 2013.
105. Environment Canada Final Hearing Presentation, English and Inuktitut, dated April 19, 2013.
106. Email from Phyllis Beaulieu, Manager of Licencing, NWB to Mary River Distribution Subject: 2AM-MRY---- Confirmed updated list of attendees Mary River Public Hearing, dated April 22, 2013.
107. Public Hearing Sign in sheets April 23, 2013.
108. Letter from Erik Madsen, Vice President, Sustainable Development, Health, Safety and Environment, Baffinland Iron Mines Corporation to Damien Côté, Executive Director, NWB Re: Water Compensation Agreement, dated May 3, 2013.
109. Email from Phyllis Beaulieu, Manager of Licensing, NWB to Mary River Project Distribution Subject: 2AM-MRY---- Water Compensation Reached, dated May 3, 2013.
110. Letter from J.Okalik Eegeesiak, President, the Qikiqtani Inuit Association to Damien Côté, Executive Director, NWB Re: Mary River Project-Type "A" Application – Baffinland Iron Mines Corporation-DIO Confirmation of Water Compensation Agreement English and Inuktitut, dated May 3, 2013.
111. Letter from Thomas Kabloona, Chairperson, NWB to Mary River Distribution List Re: 2AM-MRY---- Close of the Public Hearing Record in Respect of the Type "A" Water Licence Application by Baffinland Iron Mines Corporation for the Mary River Project, dated May 6, 2013.



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

APPENDIX D – List of Exhibits Public Hearing 2AM-MRY1325, Pond Inlet, April 23 to April 25, 2013

Exhibit	Exhibit Description	Date	Filed By
1	Mary River Project Nunavut Water Board Public Hearing Power Point Presentation of Baffinland Iron Mines Corporation [English]	April 23	Baffinland Iron Mines Corporation
2	Mary River Project Nunavut Water Board Public Hearing Power Point Presentation of Baffinland Iron Mines Corporation [Inuktitut]	April 23	Baffinland Iron Mines Corporation
3	Package of three figures: Figure 5: Milne Inlet Surveillance Network Program; Figure 6: Steensby Port Proposed Surveillance Network Program; and Figure 1: Proposed Surveillance Network Program	April 23	Baffinland Iron Mines Corporation
4	Qikiqtani Inuit Association Proposed Mary River Project Public Hearing Presentation dated April 2013 [English]	April 24	Qikiqtani Inuit Association
5	Qikiqtani Inuit Association Proposed Mary River Project Public Hearing Presentation dated April 2013 [Inuktitut]	April 24	Qikiqtani Inuit Association
6	Aboriginal Affairs and Northern Development Canada Presentation to Final Hearing Baffinland Iron Mines Corporation Mary River Project Type A Water Licence Application [English]	April 25	Aboriginal Affairs and Northern Development Canada
7	Aboriginal Affairs and Northern Development Canada Presentation to Final Hearing Baffinland Iron Mines Corporation Mary River Project Type A Water Licence Application [Inuktitut]	April 25	Aboriginal Affairs and Northern Development Canada
8	Environment Canada's Intervention on the Mary River Project Water Licence Application [English]	April 25	Environment Canada
9	Environment Canada's Intervention on the Mary River Project Water Licence Application [Inuktitut]	April 25	Environment Canada
10	Mary River Project Baffinland Iron Ore Mines Nunavut Water Board Presentation Fisheries and Oceans Canada [English and Inuktitut]	April 25	Fisheries and Oceans Canada



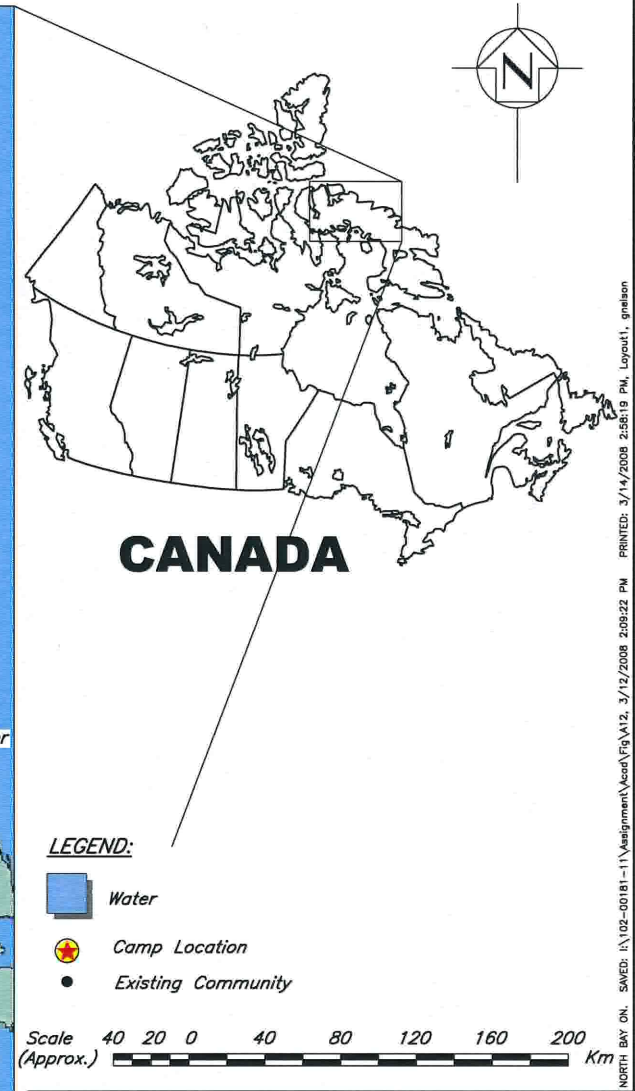
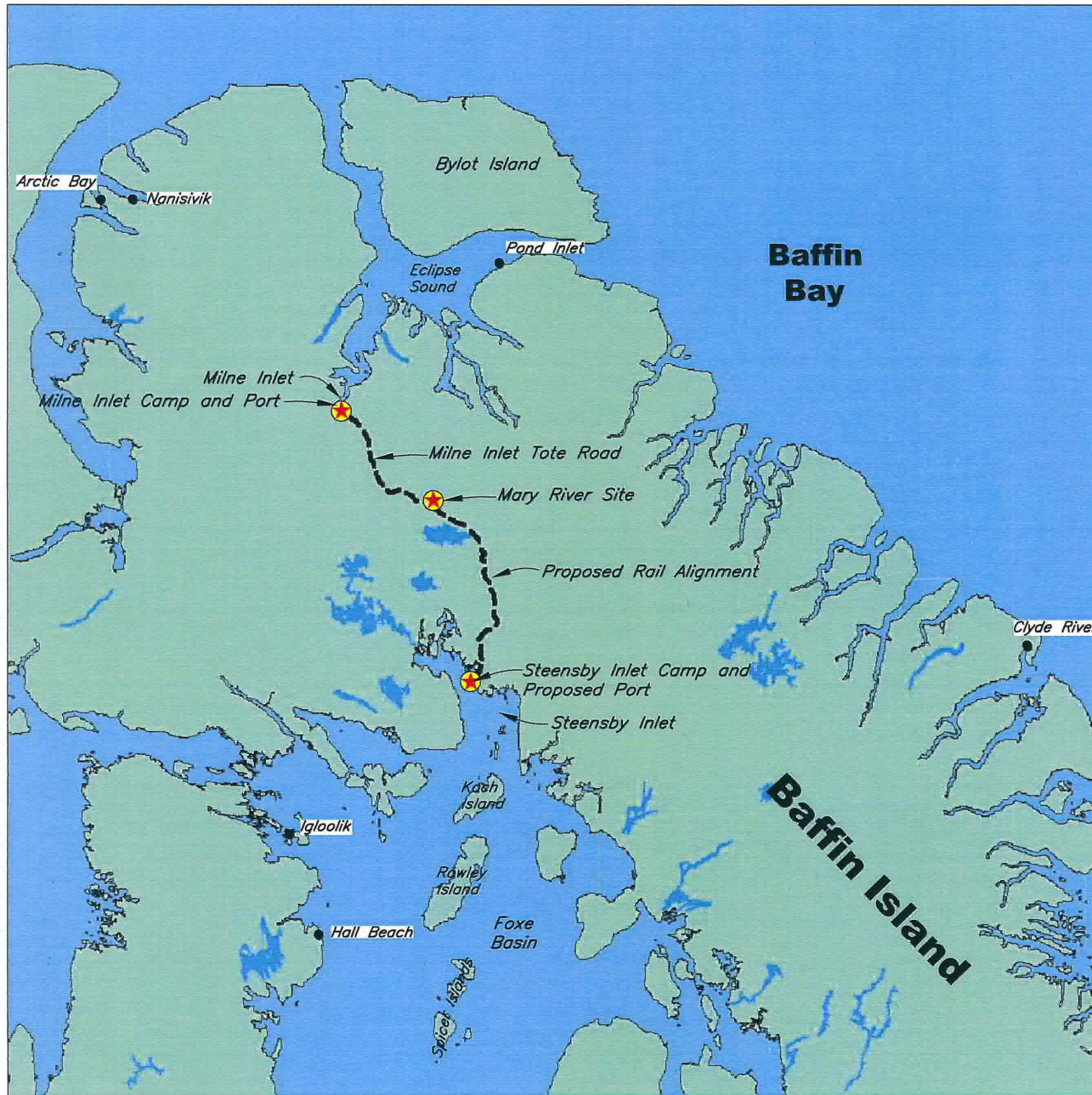
**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

Exhibit	Exhibit Description	Date	Filed By
11	Natural Resources Canada Comments on the Geochemical Characterization Program for the Mary River Project [English]	April 25	Natural Resources Canada
12	Natural Resources Canada Comments on the Geochemical Characterization Program for the Mary River Project [Inuktitut]	April 25	Natural Resources Canada
13	10 – year Review of the Metal Mining Effluent Regulations – Discussion Papery prepared by Environment Canada	April 25	Baffinland Iron Mines Corporation
14	Amendment to Irrevocable Letter of Credit, Applicant: Baffinland Iron Mines Corporation Total Amount: \$26.2 million	April 25	Qikiqtani Inuit Association
15	Table of Concordance of the proposed water licence terms and conditions prepared by Baffinland Iron Mines Corporation and the NIRB Project Certificate terms and conditions	April 25	Baffinland Iron Mines Corporation
16	Proposed water licence terms and conditions prepared by Baffinland Iron Mines Corporation working document, dated April 25, 2013	April 25	Baffinland Iron Mines Corporation
17	Application for Irrevocable/Standby Letter of Credit/Letter of Guarantee Total Amount: \$6,738,216	April 25	Baffinland Iron Mines Corporation



**Nunavut Water Board - Record of Proceeding/Reasons for Decision:
2AM-MRY1325 Type A – Licence Application**

APPENDIX E – Project Maps

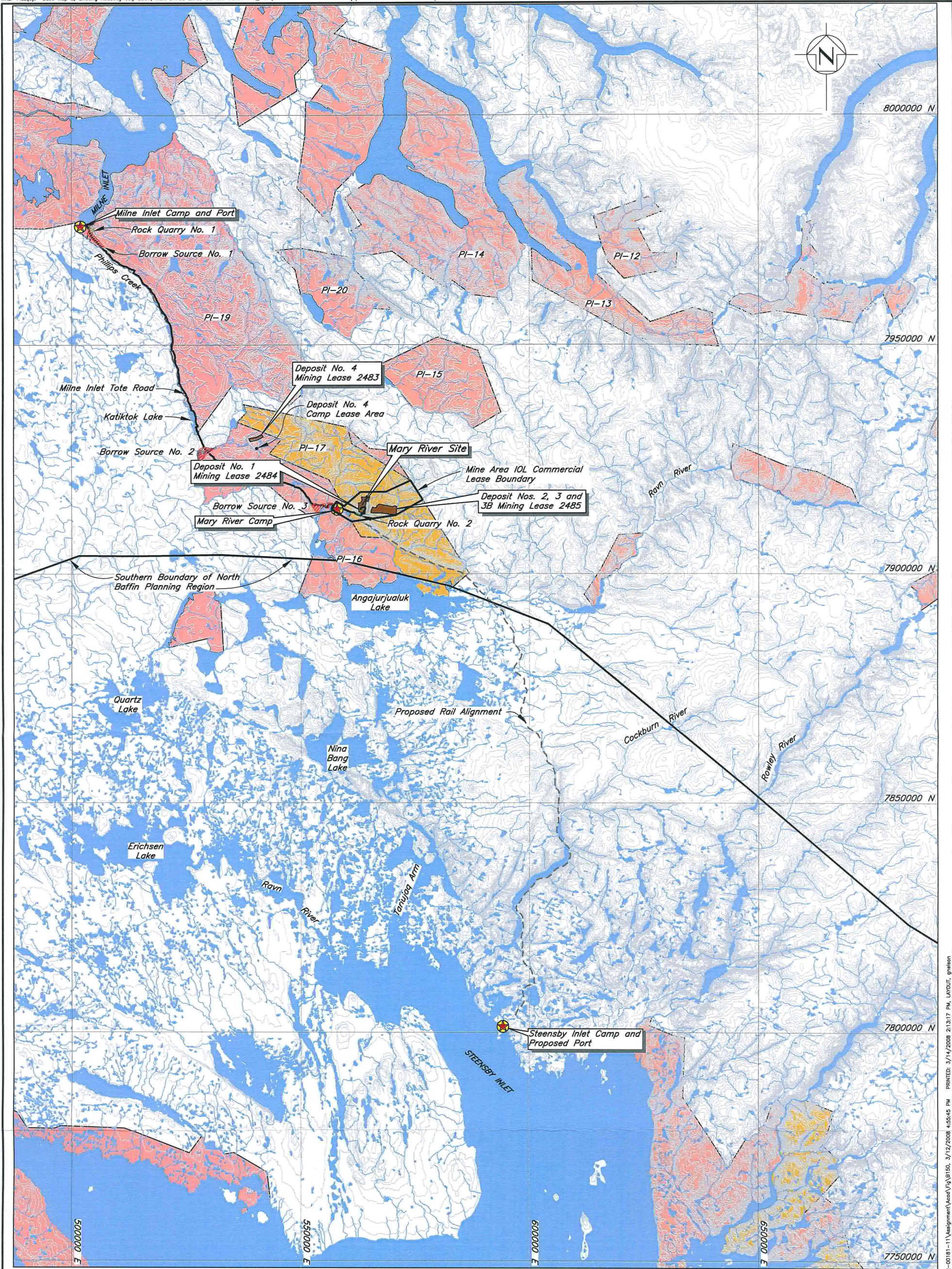


LEGEND:

- Water
- Camp Location
- Existing Community

Scale 40 20 0 40 80 120 160 200 Km
(Approx.)

MARY RIVER PROJECT			
PROJECT LOCATION MAP			
Knight Piésold CONSULTING		P/A NO. NB102-00181/11	REF. NB08-00149
		REV. 0	FIGURE 1.1



LEGEND:



- River/Stream/Drainage
- Milne Inlet Tote Road
- Proposed Rail Alignment
- Contour
- Water
- Inuit Owned Land—Surface Only Excluding Minerals
- Inuit Owned Land—Surface and Subsurface Including Minerals
- Mineral Lease Boundary
- Crown Land

- Existing Borrow Area (IOL Commercial Lease)
- Existing Rock Quarry (IOL Commercial Lease)

NOTES:

- Base Map: © Her Majesty the Queen in Rights of Canada, Department of Natural Resources (2004). All rights reserved.
- Coordinate grid is shown in UTM (NAD83) Zone 17 and is in metres.
- Contours are in metres. Contour interval varies.
- Proposed Rail Alignment provided by Canarail Consultants Inc.

Scale 10 5 0 10 20 30 40 Kilometres

 IRON MINES CORPORATION			
MARY RIVER PROJECT			
LOCATION OF PROJECT ACTIVITIES			
		P/A NO. NB102-00181/11	REF. NB08-00149
		REV. 0	FIGURE 1.2