



NUNAVUT WATER BOARD

**WATER LICENCE NO:
2AM-MRY1325 – AMENDMENT NO. 1**

**REASONS FOR DECISION
INCLUDING RECORD OF PROCEEDINGS**

NUNAVUT WATER BOARD

In the Matter of:

Applicant: Baffinland Iron Mines Corporation

Subject: Application for Amendment (No. 1) to Type “A”
Water Licence 2AM-MRY1325

Date: July 31, 2015

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.

RECORD OF PROCEEDINGS

Applicant: Baffinland Iron Mines Corporation

Address: 300 – 2275 UPPER MIDDLE ROAD EAST
OAKVILLE, ONTARIO L6H 0C3

Purpose: Application for Amendment to Type “A”
Water Licence No. 2AM-MRY1325

Application Received on: July 16, 2014

Application Received from: Baffinland Iron Mines Corporation

Address: 300 – 2275 UPPER MIDDLE ROAD EAST
OAKVILLE, ONTARIO L6H 0C3

Date of Public Hearing: May 6 and 7, 2015

Date Public Hearing Record Closed: May 29, 2015

ATTENDEES:**NWB****Representatives:**

Nunavut Water Board	Chairman	T. Kabloona
Panel Members	Member	D. Aglukark, Sr.
(P4):	Member	R. Mrazek

Nunavut Water Board Staff:	Acting Executive Director/ Director Technical Services	D. Hohnstein
	Board Secretary/Interpreter	B. Kogvik
	Technical Advisor	S. Joseph
	Licensing Administrator	R. Ikkutisluk
	Legal Counsel (Shores Jardine LLP)	T. Meadows

Interpreters:	Inuktitut/English	B. Kogvik
	Inuktitut/English	T. Arnakallak
	Inuktitut/English	M. Arnakallak

Court Reporter:	Dicta Court Reporting, Inc.	J. Macdonald
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Sound Technician	PIDO Productions	C. Francis
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Applicant:

Baffinland Iron Mines Corporation	Vice President Sustainable Development, Health, Safety, Environment	E. Madsen
	Director Sustainable Development	O. Curran
	Environmental Manager	J. Millard
	Environmental Specialist	S. Potter
	Legal Counsel	C. Kowbel

Parties:

Qikiqtani Inuit Association	Community Director, Pond Inlet	E. Inuaraq
	Director, Department of Major Projects	S. Williamson Bathory
	Arktis Solutions Inc.	J. VanGulck
	Community Coordinator	B. Ootoova
Aboriginal Affairs and Northern Development Canada	Senior Project Engineer	A. Morgan
	Water Management Coordinator	S. Forte
	Project Manager, Mary River Team	S. Burgess
	Water Management Specialist	J. Allen
	Legal Counsel	S. Muscati
Environment Canada	Environmental Assessment Coordinator	M. Dahl
	Water Quality Specialist	A. Wilson
Hamlet of Pond Inlet	Representative	J. Aareak
	Representative	J. Atagootak
Mittimatalik Hunters and Trappers Organization	Representative	N. Mablick
	Representative	G. Koonark
	Representative	M. Kaunak

Written Record of
Submissions:

Available on the Board's public registry using the
following:

<ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MRY1325%20BIMC/2%20ADMIN/4%20HEARINGS/2%20HEARING/2014%20Amendment%201/>

Hearing Record
(including Hearing
Transcript):

<ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MRY1325%20BIMC/2%20ADMIN/4%20HEARINGS/2%20HEARING/>

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ABBREVIATIONS

Short Form	Full Name
AANDC	Aboriginal Affairs and Northern Development Canada
BIMC	Baffinland Iron Mines Corporation
DFO	Fisheries and Oceans Canada
DIO	Designated Inuit Organization
EC	Environment Canada
GN	Government of Nunavut
NIRB	Nunavut Impact Review Board
NLCA	Nunavut Land Claims Agreement
NPC	Nunavut Planning Commission
NWNSRTA	<i>Nunavut Waters and Nunavut Surface Rights Tribunal Act</i>
NWB	Nunavut Water Board
PHC	Pre-Hearing Conference
PH	Public Hearing
QIA	Qikiqtani Inuit Association
RIO	Regional Inuit Association
TM	Technical Meeting

REASONS FOR DECISION

Executive Summary

This decision is in relation to an application before the Nunavut Water Board (NWB or Board), filed by Baffinland Iron Mines Corporation (the Applicant, Licensee or BIMC), for an amendment to a Type “A” Water Licence No. 2AM-MRY1325 (the Existing Licence) that authorizes the use of water and deposit of waste for a Mining undertaking at the Mary River Project, located approximately 160 kilometres south of the Hamlet of Pond Inlet, in the Qikiqtani Region of Nunavut. The application to amend the Existing Licence was received by the NWB on July 16, 2014 (the Application or Amendment No. 1) and sought authorization to amend various components of BIMC’s Existing Licence primarily at the Milne Port Site, the Tote Road and Mine site to reflect changes to the project associated with activities described by the Applicant as the “Early Revenue Phase”. Under the Early Revenue Phase of the project, the Application requests changes to the Existing Licence to allow for increased use of the Tote Road and shipping and ore stockpiling at the Milne Port site.

The NWB review of the Application included a completeness check, technical review and a technical meeting and pre-hearing conference held by way of teleconference on January 28 and 29, 2015, by the NWB staff with the participation of representatives of the Applicant, the Hamlet of Pond Inlet and Intervening Parties. On May 6 and 7, 2015, the Board held an in-person Public Hearing in Pond Inlet, Nunavut, to consider the Application. A Community Session was hosted by the NWB on the evening of May 6 that was attended by

residents and representatives from the Applicant, Hamlet of Pond Inlet, and Intervening Parties.¹

Before the conclusion of the Public Hearing, the Board granted a contested motion to receive updated information from the intervener, Aboriginal Affairs and Northern Development Canada (AANDC), with respect to changes to the amount of security required to be posted under the Existing Licence. The Board's receipt of this additional information resulted in the Board also determining that the Hearing Record should be kept open for the purposes of receiving additional submissions from the Applicant and the Qikiqtani Inuit Association with respect to AANDC's submissions on security on or before May 25, 2015. Following the Board's receipt and review of the additional submissions and upon making the determination that no further submissions were required, the Board closed the Public Hearing Record for the Application on May 29, 2015 and remitted the file to the Panel for decision-making.

On the basis of the information provided with the Application by BIMC, the technical review of the Application undertaken by the Board, intervening parties and representatives from the Hamlet of Pond Inlet, commitments and responses to information requests from the parties during the technical review of the Application, comment submissions received throughout the Board's consideration of the Application, the final written submissions filed with the Board in advance of and following the Public Hearing and the information provided during the Public Hearing and Community Session, the three-member panel of the Board, Panel P4, duly appointed by the Board to consider the Application has decided by Panel Motion No. 2015-14-P4-05, Panel Motion No. 2015-14-P4-06 and Panel Motion No. 2015-14-P4-07 the following:

- To grant BIMC's request to amend Water Licence No. 2AM-MRY1325 in accordance with the terms and conditions outlined in this Decision and the attached Amendment No. 1 to Licence No.: 2AM-MRY1325 (the Amended Licence);
- Specific terms and conditions of note in the Amended Licence include the following:
 - Incorporating the full scope of the water use and waste deposits authorized under the existing Type "B" Water Licence No. 8BC-MRY1416 in the Amended Licence;
 - Increasing the maximum quantity of water authorized for use during Construction Phase of the project and integration of water quantities withdrawn from water sources in the area of Milne Port to support the Construction and Operations Phases of the project;

¹ For a complete list of attendees at the Public Hearing and Community Session, see APPENDIX E: Sign-in Sheets – List of Participants in the Public Hearing.

- Authorizing the re-commissioning of an existing Sewage Treatment Facility, construction of an off-specs., polishing waste stabilization pond, and relocation of the treated sewage outfall line at the Milne Port site;
- Constructing of an ore stockpile pads or areas, ore stockpile drainage works, including settling or sedimentation ponds at Milne Port site;
- Constructing and operating of an ore dock and ore loading system, additional buildings and maintenance facilities required for the shipment of iron ore from Milne Port site;
- Installation of two 100,000-litre marine diesel fuel tanks within the existing tankfarm facility at Milne Port site;
- Upgrading and further development of the existing Tote Road to include realignment, changes to the road grade and works as identified in the Original Application and the Application to amend the Existing Licence;
- Authorizing up to 1,500 m³ of water to be withdrawals from several water bodies located along the Tote Road specifically for use in dust suppression;
- Extending the timeframe for use of some infrastructure and/or facilities established for the Project such as camps, buildings, fuel storage and transitional fuel storage facilities at the Mine site to reflect the additional operational life;
- Discharging treated sewage effluent generated at the Mine site in accordance with the Fresh Water Supply, Sewage and Wastewater Management Plan, dated March 31, 2014;
- Updating the closure cost estimates under the Amended Licence to reflect the inclusion of the scope of activities under the existing Type “B” licences for the project into the future closure cost estimates for the overall project; and
- Including various relevant consequential amendments linked to specific sections under Parts A, B, C, E, F, I and K; and Schedules A and I in the current Licence that are required to clarify, streamline and reflect the current state of development of the project.

SECTION I FILE BACKGROUND AND REGULATORY HISTORY

Current Application

The Application and supporting information (collectively the Application) was filed by Baffinland Iron Mines Corporation (BIMC or the Licensee or the Applicant) and seeks a proposed Amendment (Amendment No. 1) to the existing Type “A” Water Licence No. 2AM-MRY1325 (the Existing Licence), issued to the Mary River Project on June 10, 2013 and set to expire on June 10, 2025. The main objective of the proposed amendment is to allow the Applicant to incorporate into the Existing Licence the entire scope of Type “B” Water Licence No. 8BC-MRY1416 and specified activities and undertakings identified for

the Early Revenue Phase (ERP) of the Mary River Project. The ERP involves mining of up to 3.5 million tonnes of iron ore annually and transportation of the ore from the Mine site to Milne Port by way of the Tote Road for eventual shipment to markets in Europe.

The Application that the Licensee submitted to the Nunavut Water Board (the NWB or the Board) in support of Amendment No. 1 to the Existing Licence includes the following documents:

July 16, 2014 Submission

- Application form and required application processing fees;
- Executive summaries of the Amendment Application in English, Inuktitut and French;
- Attachment 1 – Supplementary technical information for Milne Port facilities based on the Amendment Application;
- Attachment 2 – Supplementary Technical Information for additional water withdrawal locations and water quantities along the Tote Road based on the proposed Amendment Application;
- Attachment 3 – Supplementary technical information for changes introduced at the Mine Site based on the Amendment Application;
- Attachment 4 – Interim Closure and Reclamation Plan for the Mary River Project and associated estimated security deposit;
- Attachment 5 – Company Financial Information and List of Directors; and
- Attachment 6 – Compliance Assessment and Status Report in Response to Inspector's Report.

August 29, 2014 Submission

- Document entitled Application for Amendment to the Type “A” Water Licence 2AM-MRY1325 Clarifications, received August 29, 2014.

In addition to the initial Application documents submitted by the Applicant, the NWB also received additional submissions or correspondence in respect of the Application from the Applicant and intervening parties, as indicated in the Procedural History for the Application and APPENDIX D: List of Submissions and Correspondence sections of this Decision.

The public can access all non-confidential documents related to the Application which have been placed in the NWB public registry through the following link:

<ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MRY1325%20BIMC/1%20APPLICATION>

Application Scope

The scope of the Application to amend Type “A” Water Licence No. 2AM-MRY1235 is as follows:

General

- Incorporation of the scope of the existing Type “B” Licence No. 8BC-MRY1416 into the scope of the amended Type “A” Licence No. 2AM-MRY1325;

Milne Port Site:

- Integration of Water quantities allowed under Licences No. 8BC-MRY1416 and 2AM-MRY1325 into the quantity of Water Use authorized under the amended Licence for industrial and domestic uses during the Construction and Operations Phases of the Project (68.5 m³/day allowed under Licence No. 2AM-MRY1325 and 299 m³/day allowed under Licence No. 8BC-MRY1416, with withdrawals from Philips Creek or Km 32 Lake during specific periods of the year);
- Operation of an existing Rotating Biological Contactor (RBC) type Sewage Treatment Plant located at Milne Port;
- Construction of an additional Polishing Waste Stabilization Pond (PWSP), similar in capacity and design specifications to the one constructed in 2013, to treat off-specification Effluent as authorized under existing Licence No. 8BC-MRY1416;
- Relocation of a treated Sewage Effluent discharge from a location north of the old airstrip to north of the Milne Tank Farm or Bulk Fuel Storage Facility;
- Installation of two 100,000-litre marine diesel tanks;
- Construction of a 4-million-tonne ore stockpile pad or area and associated drainage or sedimentation ponds;
- Construction and operation of an ore dock and ore loading system, additional ancillary buildings and maintenance facilities required for the shipment of iron ore;

Tote Road:

- “Development” of the Tote Road to include realignment, grade changes and works identified in the Application to amend the Existing Licence and in accordance with the original application in Final Environmental Impact Statement (FEIS);
- Withdrawal of additional Water quantities, 1,500 m³ / day – 2,788.5 m³ / day, from several Water bodies located along the Tote Road for use in dust suppression and allow for “operational flexibility.”²

² As summarized by BIMC during the Nunavut Impact Review Board (NIRB) Public Hearing during the assessment of the Early Revenue Phase, “operational flexibility” means with reference to annual variations in the amount of ore mined, the number of ship transits and the number of trips on the Tote Road, “...a degree of flexibility to account for potential delays caused by dock loading facilities, the availability of market vessels, and the variability of the open water season.” See the discussion of the concept in NIRB File No.:

Mine Site:

- Extending the timelines for using some infrastructure and/or facilities established for the project such as camps, buildings, fuel storage and transitional fuel storage facilities beyond the previously projected timeframes;
- Allowing for the use of an additional transitional fuel storage facility;
- Allowing for the discharge of treated sewage effluent on to land in accordance with the *Fresh Water Supply, Sewage and Wastewater Management Plan*, March 31, 2014; and
- Including the closure cost estimates for the Type “B” Water Licences into the future closure cost estimate for the project under the Type “A” Water Licence;

Additionally, the Applicant provided, as part of a submission received following the Technical Meeting and Pre-Hearing Conference (TM-PHC), several additional requested amendments to the Existing Licence for consideration which are either associated with the changes requested or that may assist in streamlining, integrating or otherwise improving the clarity and administration of the Existing Licence at this stage in the project’s development. Where appropriate, the Board has incorporated some of the requested amendments into the Amended Licence, as well as including consequential amendments that are required to fully integrate the scope of the Existing Licences (Licence No. 2AM-MRY1325 and Licence No. 8BC-MRY1416) into that of the Amended Licence (Licence No. 2AM-MRY1325 – Amendment No. 1).

Procedural History of this Application

The following listing summarizes key steps in the procedural history of the NWB’s processing of this Application:

July 16, 2014

- NWB received an application from Baffinland Iron Mines Corporation (BIMC) for an Amendment (Amendment No. 1) to Licence No. 2AM-MRY1325;

August 6, 2014

- NWB formally acknowledged receipt of the Application;

August 29, 2014

- NWB received correspondence from BIMC providing clarifications with respect to the specific items contained in the Application submitted on July 16, 2014;
- NWB distributed correspondence requesting that interested parties conduct their completeness check and preliminary technical assessment of the Application, with the deadline for submission set for September 19, 2014;

September 16 - 19, 2014

- NWB received comments on completeness and preliminary technical assessment for the Application from AANDC, EC and the QIA;

September 19, 2014

- NWB received comments from BIMC related to its Application;

September 29, 2014

- NWB issued notice of the Application and distributed it for a forty-five (45) day technical review/comment period, with the deadline for submission set for November 14, 2014;

October 2, 2014

- NWB received and acknowledged receipt of correspondence from BIMC that addressed the issues identified in interveners' comments on completeness;

November 14, 2014

- NWB received Technical Review comments from AANDC, EC and the QIA;

November 19, 2014

- NWB acknowledged receipt of Technical Review comments from interveners, which were distributed publicly;

December 5, 2014

- NWB received BIMC's response to interveners' Technical Review Comments;

December 15, 2014

- EC responded to the QIA technical review comments directed at EC;

December 19, 2014

- NWB issued correspondence that included a draft agenda for the teleconference Technical Meeting (TM) and Pre-Hearing Conference (PHC), scheduled for January 28 and 29, 2015;

January 6, 2015

- NWB arranged for English and Inuktitut versions of radio announcements to be aired on the community of Pond Inlet's radio station, informing the interested persons of the TM and PHC for the Amendment Application;
- NWB issued Public Notice for the TM and PHC associated with the Application;

January 9, 2015

- NWB received comments from EC on the draft agenda for the TM and PHC related to the Application;
- NWB arranged for advertisements in English and Inuktitut to be televised for the TM and PHC associated with the Application;

January 12, 2015

- NWB received additional comments from AANDC related to the Application;

January 23, 2015

- NWB received copies of the TM and PHC presentations from BIMC, AANDC and EC;
- NWB received comment from the QIA and AANDC related to the draft agenda for the Mary River Project;

January 26, 2015

- NWB distributed a copy of the Agenda and presentations for the Technical Meeting and Pre-hearing Conference;
- NWB received an Inuktitut version of EC's TM-PHC presentation;

January 27, 2015

- NWB received an Inuktitut version of BIMC's TM-PHC presentation;
- NWB distributed, publicly, the copies of the presentations received for the Technical Meeting and Pre-hearing Conference;

January 28 – 29, 2015

- NWB conducted, by way of teleconference, the Technical Meeting and Pre-hearing Conference for the Application, simultaneous Inuktitut interpretation is provided for participants attending at the Hamlet office in Pond Inlet;

January 28, 2015

- NWB distributed to the parties copies of the draft lists of commitments and issues generated during the TM and PHC for the Application;

February 6, 2015

- NWB received a submission from BIMC in response to relevant commitments generated during the TM and PHC for the Application;

February 9, 2015

- NWB received a revision of a submission from BIMC in response to relevant commitments generated during the TM and PHC for the Application;

February 11, 2015

- NWB received a second revised version of submission from BIMC in response to relevant commitments generated during the TM and PHC for the Application;

February 12, 2015

- NWB distributed, publicly, the February 11, 2015 revised version of the submission received in response to commitments from BIMC;

February 25, 2015

- NWB issues the PHC decision for the Application;

February 27, 2015

- NWB issued notice of the in-person Public Hearing scheduled to be held on May 6 and 7 in the closest community, Pond Inlet;
- AANDC requested an extension to the deadline contained in the PHC decision for the interveners' final written submissions provided in advance of the Public Hearing;

April 16, 2015

- AANDC requested and was granted an extension to April 22, 2015 to provide their final written submissions;

April 17, 2015

- NWB received the final written submissions in advance of the Public Hearing from Environment Canada (EC) and the Qikiqtani Inuit Association;

April 22, 2015

- NWB received the final written submission from AANDC;

April 23, 2015

- NWB received a written submission from the Mittimatalik HTO Committee Board Members;

April 24, 2014

- NWB provided radio announcements to the Hamlet of Pond Inlet to be aired in advance of the Public Hearing;

April 28, 2015

- NWB received and distributed a copy of BIMC's response to Intervenors' final written submissions;

April 29, 2015

- NWB issued correspondence that included updated information about the Public Hearing as well as copies of the draft agendas for the Public Hearing and Community Session;

April 30, 2015

- NWB received correspondence from Environment Canada indicating that EC had no outstanding concerns regarding the water licence amendment as proposed by BIMC and that EC would be available to participate in the Public Hearing via teleconference;

May 1, 2015

- NWB received and distributed copies of the presentation materials for the Public Hearing as received from AANDC, BIMC and the QIA;

May 6 and 7, 2015

- NWB held the Public Hearing and Community Session associated with the Application in Pond Inlet;
- During the Public Hearing, the NWB received a request by AANDC to allow updated submissions with respect to AANDC's position on an amendment to the quantum of security held under the Existing Type "A" Water Licence;
- NWB granted AANDC's request to provide additional oral submissions at the Public Hearing regarding their revised position with respect to the quantum of security held under the Existing Type "A" Water Licence;
- NWB also directed that the Public Hearing Record should remain open following the close of the Public Hearing in order to allow the Applicant and the Qikiqtani Inuit Association to respond to AANDC's revised position as presented at the Public Hearing; NWB also indicated that the QIA and BIMC would be permitted to file further written submissions regarding the quantum of reclamation security that should be held under an amended licence;

May 11, 2015

- NWB issued correspondence to the parties to provide further direction regarding keeping the Public Hearing Record open and establishing the date for filing further submissions as May 25 and specifying that submissions were sought only from the parties directly involved in this issue, BIMC and the QIA;

May 19, 2015

- NWB received the QIA's further written submissions in response to the AANDC oral submissions on the quantum of security provided at the Public Hearing;

May 25, 2015

- BIMC provided further written submissions in response to the AANDC oral submissions on the quantum of security provided at the Public Hearing; and

May 29, 2015

- Following the review of all submissions received to date, the NWB issued correspondence to the Mary River Distribution List to confirm that the Public Hearing Record in respect of the Amendment Application was closed and that the file had been remitted to the Mary River Panel (P4) for deliberations.

Project History and Project Overview

Project History

The Mary River Project (the Project) is located approximately 160 kilometres south of Pond Inlet and 1000 kilometres north of the City of Iqaluit, in the Qikiqtani Region of

Nunavut. The Project involves the construction, operation, closure and reclamation of an open-pit, iron ore mine at Deposit No. 1, which was discovered in the 1960s. Several other deposits within the vicinity of Deposit No. 1 have been discovered in the years subsequent to the discovery of Deposit No. 1; however, they are not considered or included under the scope of the Existing Licence or the Application to amend the Existing Licence.

BIMC acquired the mineral claims associated with the Mary River Project in 1986. In 2004, the Applicant commenced exploration and other activities under a Type “B” Water Licence issued by the NWB, with the aim of eventually advancing and developing the project. From 2008-2010, BIMC undertook a Bulk Sample Program in addition to an Exploration Program under one or more Type “B” Water Licences issued by the Board to the Project. Up to and following 2010, BIMC continued its Exploration Program as well as maintained and sustained the infrastructure and facilities established to support the program. During the aforementioned period, BIMC conducted geotechnical drilling and relevant scientific studies, including baseline studies in support of the Draft and Final Environmental Impact Statement (EIS) that were eventually submitted for the project.

In 2013, the NWB issued the first Type “A” Water Licence (Licence No. 2AM-MRY1325 or the Existing Licence) to the Project, allowing BIMC to commence full mine development activities. However, due to proposed changes in the way in which the Project is being executed, BIMC has requested that the Existing Licence be amended to address these changes to the Project’s development, including the addition of a phase of the Project referred to by BIMC as the “Early Revenue Phase” (ERP).

Project Overview

The Mary River Project consists of three (3) main sites, which include the Mine Site, Milne Port (Milne Inlet) Site, located north of the Mine Site; and the Steensby Port (Steensby Inlet) Site, located south of the Mine Site. Milne Port Site is currently linked to the Mine Site by an existing approximately 100-kilometre long road known as the Tote Road, while the Mine Site is expected to be eventually connected to the Steensby Port Site by a proposed 150-kilometre railway to be constructed in the future as part of the full scope of the Project as originally proposed and licensed under the Existing Licence.

As stated above, the Project as approved under the Existing Licence involves the construction, operation, closure and reclamation of an open-pit iron ore mine for the purposes of extracting and transporting high-grade ore from Deposit No. 1 and supplying markets in Europe or abroad. Deposit No. 1, which has an estimated reserve of 365 million tonnes of ore, is expected to be mined at a rate of 18 million tonnes annually during the full Operations Phase of the Project. Under the Early Revenue Phase, which will precede full development of the mine, proposed originally in the Final Environmental Impact Statement, 3.5 million tonnes of ore will be generated over the life of the Project. Combining the output from the Early Revenue Phase with that projected for the full Operations Phase will allow the Applicant to mine ore at a rate of approximately 21.5 million tonnes annually.

The Construction Phase of the Project is estimated to last four (4) years, the Operations Phase twenty-one (21) years, the Early Revenue Phase is expected to last over the Life of the mine, and the Closure and Reclamation Phase five (5) years, which could potentially be extended if reclamation objectives are not achieved within the projected timeframe. During the Early Revenue Phase and the Operations Phase of the Project, the ore generated will be crushed and screened prior to being shipped to foreign markets. No processing of the ore will be required or carried out on site.

Mary River Project Current Water Licences

The NWB has issued several new or renewed Type “B” Water Licences to the Mary River Project in the past. However, currently there are only two active Type “B” Water Licences and one active Type “A” Water Licence issued to the Project. The active Type “B” Water Licence No. 2BE-MRY1421 (previously issued as Licence No. 2BB-MRY1114) was issued to the Project in support of exploration activities, while the active Type “B” Water Licence No. 8BC-MRY1416 was issued to the Project in support of construction-related activities. The Type “A” Water Licence No. 2AM-MRY1325 was issued to the Project for the use of Water and deposit of Waste for a Mining undertaking at Deposit No. 1 as stated above.

The scope of the Application to amend the Existing Licence (Type “A” Water Licence No. 2AM-MRY1325) is determined to have only marginal impact on the renewed Type “B” Water Licence No. 2BE-MRY1421 given that the support facilities, infrastructure and activities common to both licences are limited, and the aspects of the renewed Type “B” licence most impacted by the Existing Licence have already been incorporated into the Existing Licence. With respect to the renewed Type “B” Water Licence No. 8BC-MRY1416, the Applicant requested that the entire scope of this licence be included in the Application to amend the Existing Licence. The Applicant stated that it intends to cancel Type “B” Water Licence No. 8BC-MRY1416 if and when the requested Amendment (Amendment No. 1) to the Existing Licence is granted.

Regulatory History of the Amendment Application

As noted above, the Application to amend the Existing Licence (the Application) was received on July 17, 2014, and following the internal and external preliminary review and comment period conducted with respect to the scope and completeness of the Application, the NWB issued a formal notice of the Application on September 29, 2014³ and distributed the Application for a detailed forty-five (45) day technical review period. The notice also invited interveners and interested persons to make submissions to the NWB regarding the Application on or before November 14, 2014.⁴

³ As required under s. 55(1) of the *Nunavut Waters and Surface Rights Tribunal Act*.

⁴ Letter from D. Côté, NWB to E. Madsen, BIMC, Re: Type “A” Notice of Amendment Application and Commencement of Technical Review Period for Mary River Project, September 29, 2014.

Pursuant to Article 13, Clause 13.3.6 of the NLCA and s. 29⁵ of the NWNSRTA, the full Board has delegated its power to dispose of all matters relating to this Application, including the conduct of the in-person Public Hearing in Pond Inlet, to a three-member panel (P4 or the Mary River Panel) of the NWB.

In accordance with Article 11, s. 11.5.10 of the Nunavut Land Claims Agreement (NLCA), the Application was reviewed by the Nunavut Planning Commission (NPC) to determine whether further review was required by the NPC under the North Baffin Regional Land Use Plan. The NPC issued confirmation on October 6, 2014, indicating that the NPC had previously issued a positive conformity determination for the activities associated with the proposed amendment of the water licence on May 16, 2014 and therefore, the Application did not require further review by the NPC to assess conformity.⁶

With respect to the impact assessment requirements of the NLCA, the NWB also required confirmation of any screening, exemption, or review decisions issued by the Nunavut Impact Review Board (NIRB) in accordance with the NLCA development assessment provisions of Article 13, s. 13.5.1 and as required under s. 39(1) of the NWNSRTA.⁷ Specifically, the NWB sought direction from the NIRB regarding whether, in light of the amendments sought under the Application, there was a change from the scope of the amendments to Project Certificate 005 for the Mary River Project that was considered by the NIRB in 2014.

On September 11, 2014, the NIRB issued its Screening Exemption Decision for the Application, in accordance with Article 12, s. 12.4.3 of the NLCA noting that:

After a thorough assessment of all materials provided to the Board, the NIRB is of the understanding that Baffinland's amendment application with the NWB does not change the general scope of the original Mary River Project or its Early Revenue Phase as previously reviewed by the NIRB, and the exceptions noted in NLCA 12.4.3 (a) and (b) do not apply. Therefore, this application is exempt from the requirements for screening pursuant to Section 12.4.3 of the NLCA and the amendment activities proposed therein remain subject to the terms and conditions of the NIRB Project Certificate [005] Amendment 01 as issued on May 28, 2014.⁸

⁵ Section 29 of the NWNSRTA states:

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

⁶ E-mail from B. Aglukark, NPC to M. Porter, NWB Re: 140929 2AM-MRY1325 Notice of Amendment Application and Commencement of Technical Review for Mary River Project, received on October 6, 2014.

⁷ Section 39(1) prescribes that the NWB may not issue, renew, or amend a Type "A" Licence until the NIRB has completed the screening, reconsideration, or where a review is required, issued a project certificate.

⁸ Letter from R. Barry, Executive Director, NIRB to T. Kabloona, Chairperson, NWB, Re: Application Exempt from the Requirement for Screening pursuant to Section 12.4.3 of the NLCA: Baffinland Iron Mine

With the completion of the land use and assessment requirements, the NWB's technical review of the file continued and by mid-December 2014, technical review submissions had been received in respect of the Application from AANDC, EC and QIA. The Mary River Panel then directed the NWB staff to hold a Technical Meeting (TM) and Pre-hearing Conference (PHC) for the file via teleconference, with logistical support arrangements (teleconference and simultaneous interpretation) being made to ensure that community members and representatives from the Hamlet of Pond Inlet and the Mittimatalik Hunters and Trappers Organization can participate. The TM/PHC and Community Session for the Application were held on January 28 and 29, 2015. As is the NWB's normal practice with the TM/PHC, the Board's Panel Members associated with the file did not participate in these teleconferences, and the teleconference meetings were conducted by the NWB staff.

The TM/PHC was chaired by the NWB's Director of Technical Services and Acting Executive Director, David Hohnstein. The focus of the TM/PHC was to support discussion amongst the Applicant, intervening parties, representatives from the Hamlet of Pond Inlet and the Mittimatalik Hunters and Trappers Organization and interested members of the public and the NWB's technical staff to discuss the outstanding issues arising from the parties' technical review of the Application. The TM also involved a discussion of information requests and commitments of the parties to provide additional information required to fully consider the Application in advance of the next steps in the licensing process for the Application, which was determined to be, in this case, a Public Hearing.

At the Pre-hearing Conference (PHC) which followed the TM on January 29, 2015, the participants included representatives from the Applicant, the Qikiqtani Inuit Association (QIA) and Environment Canada (EC) and Aboriginal Affairs and Northern Development Canada (AANDC). Unfortunately, due to an emergency situation in the Hamlet of Pond Inlet, the representatives from the Hamlet of Pond Inlet and the Mittimatalik Hunters and Trappers Organization were unable to attend the PHC. However, the Board and parties followed up with the community members to seek their guidance on whether there were remaining issues that the community wished to see discussed at the Public Hearing, as well as to solicit their views on the most appropriate form of the Public Hearing.

As it was confirmed at the PHC that there were no outstanding issues that would prevent the file from proceeding to a Public Hearing, the NWB staff then polled the participants with respect to the possible form (in person, in writing or teleconference), timing and venue for a Public Hearing.

Following the close of the Pre-Hearing Conference, the NWB issued the Pre-Hearing Conference Decision Report⁹ to provide further direction to the parties, set the timelines for the exchange of information required to be filed in advance of the Public Hearing and

Corporation's Application to Amend its Type A Water Licence for the Mary River Project, Qikiqtani Region, September 11, 2014 at p. 3.

⁹ Nunavut Water Board, Pre-Hearing Conference Decision 2AM-MRY1325 Type "A" – Application for Amendment No. 1, February 25, 2015.

identified some 13 commitments made by the parties that were required to advance the processing of the Application. The PHC Decision Report also indicated that the form of Public Hearing chosen as most appropriate in these circumstances would be an in-person Public Hearing to be held in the nearest community, Pond Inlet, during the first week of May 2015. In the PHC Report, the Board also identified the following as issues that remained to be discussed further at the Public Hearing:

- General communication of Inspection and Annual Reports (including monitoring results)
- Confirmation of Water User Compensation
- Consequential Amendments to Licence terms and conditions (to reflect Amendment Request)
- Scope of potential Licence Amendment
- Annual Security Review
 - Timing and Changes to Process
- Water Use and Management
 - Water Use Volumes
 - Water Sources
- Waste Deposit
 - Changes to discharge point(s)
- Review and comments on updated, revised and approved Plans (including)
 - The Aquatic Effects Monitoring Plan
 - The Interim Abandonment and Reclamation Plan
 - Update to Overall Reclamation Security
- Monitoring (including)
 - Effluent Quality Criteria at Milne Inlet
 - Additions/changes to monitoring requirements (stations, locations, etc.)
- Other Issues
 - Status of 8BC-MRY1416

Disposition of Oral Motion to Provide Updated Information from AANDC on Security

Prior to providing their presentation at the Public Hearing, Aboriginal Affairs and Northern Development Canada (AANDC) sought to introduce an updated position regarding the quantum of security that should be held by the parties. As described by AANDC's legal counsel:

This is information that's material to the amendments and to whether the department will recommend to the Minister whether

the amendment should be approved, so we understand that this is coming in at the -- at the last minute. We had these instructions sent to us today, and we appreciate that there are concerns among the parties and that there may be a need for more time for them to be able to consider this information and to provide the response to it.¹⁰

The Applicant stated opposition to the Board's receipt of additional information at the Public Hearing on the following basis:

I think Baffinland opposes the introduction of any new evidence at this stage of these proceedings on the issue of quantum of security. The issue of quantum of security has not been an issue in these proceedings that anyone, I think, has presented any evidence on other than to say that the reclamation and closure plan will be updated and subject to the usual processes completed during the annual security review at the end of this year. It's, in our view, completely inappropriate to bring up issues about quantum at this stage, given that they have a technical aspect to them, given that we've prepared for the hearing on the basis of the submissions made so far in these proceedings, and given the fact that the Board has established a very thoughtful and thorough process to consider on an annual basis at this time, the matter of quantum of security and the appropriate quantum of security that should be posted under this license, and I think for all these reasons, we would oppose the introduction of this kind of evidence at this stage.¹¹

The Qikiqtani Inuit Association's position on the receipt of this additional information and updated position of Aboriginal Affairs and Northern Development Canada at the Public Hearing was as follows:

We would like to support the statements made by Baffinland's counsel. We feel that at this stage in the hearing process, given the amount of time and opportunity afforded to parties to already present positions on security, given the fact there is an annual security process within the license that was completed for two years already, that we don't feel it's appropriate to introduce new evidence at this point in time. If the Board chooses to entertain such a discussion during this hearing, then QIA would like to request the time to review and respond to such material. We're not certain that we'd be in a position to do that today or necessarily at

¹⁰ S. Muscati, AANDC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, May 6, 2015, p. 129, lines 14-23.

¹¹ C. Kowbel, BIMC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, May 6, 2015, p. 126, lines 4-24.

these hearings, given that until today, we had not heard that discussion of the security figure was going to be introduced.¹²

The Panel adjourned the Public Hearing for brief deliberations regarding AANDC's motion to provide additional information regarding the change to their position with respect to the quantum of security held under the Existing Licence. Upon their return on May 6, the Panel indicated the following:

Having considered the submissions of the parties, recognizing the stage of the review of the Amendment Application that we're at, at the public hearing, the Panel has decided to firstly allow Aboriginal Affairs and Northern Development Canada to present the additional evidence that they wish to with respect to their position on quantum of security to be held under a potentially amended license.¹³

The Panel deferred the decision regarding keeping the Public Hearing Record open until after AANDC had presented the additional information and the parties could provide further oral submissions regarding the record on the following day. Subsequently on May 7, following the consideration of these further oral submissions with respect to keeping the Public Hearing Record open to allow the Applicant, BIMC and the Qikiqtani Inuit Association the opportunity to reply to AANDC's presentation regarding the quantum of security to be held under an amended Licence, the Panel provided the following direction:

The Panel directs that the hearing record for the application to amend License 2AM-MRY1325 shall remain open until Monday, May 25, 2015, at 3 PM Mountain Daylight Time solely for the purpose of receiving the reply submission of the Applicant, Baffinland Iron Mines Corporation, and the intervenor Qikiqtani Inuit Association with respect to the issue of the quantum of security to be held under the license as raised by Aboriginal Affairs and Northern Development Canada.¹⁴

Consequently, following the close of the in-person portion of the Public Hearing on May 7, 2015, the Board awaited the filing of the additional information by the parties with a direct interest in AANDC's suggested revision to the quantum of security to be held under an amended licence, BIMC and the QIA. These further written submissions were provided to

¹² S. Williamson Bathory, QIA, NWB Public Hearing File No. 2AM-MRY1325, Transcript, May 6, 2015, pp.127-128, lines 4-24.

¹³ T. Meadows, NWB, NWB Public Hearing File No. 2AM-MRY1325, Transcript, May 6, 2015, pp. 136-137, lines 20-16 and line 1.

¹⁴ T. Kabloona, NWB, NWB Public Hearing File No. 2AM-MRY1325, Transcript, May 7, 2015, p. 204, lines 3-12.

the Board by May 25, 2015. It should be noted that on May 25, 2015 Aboriginal Affairs and Northern Development Canada provided a submission in reply to the further written submission of the QIA, but as these submissions were outside the scope of the materials the Board had indicated the parties would be permitted to file after the close of the Public Hearing but while the Public Hearing Record remained open, the submissions were posted on the NWB's Public Registry but were not considered by the Board in respect of this Application.

After reviewing the record before the Board, including the additional written submissions, on May 29, 2015 the NWB concluded that all the information required by the Board to fully consider the Application had now been received. Consequently, the NWB issued correspondence to the parties and the Mary River Distribution List to confirm that the Public Hearing Record in respect of the Amendment Application was closed as of May 29, 2015, and the file was then remitted to the Mary River Panel for deliberations.

A complete list of all submissions and correspondence in support of the Application and that comprised the record before the Board has been provided in APPENDIX D: List of Submissions and Correspondence.

All listed submissions and correspondence associated with the Application have also been placed on the NWB's public registry and are available from the NWB's ftp site at the link below:

<ftp://ftp.nwb-open.ca/1%20PRUC%20PUBLIC%20REGISTRY/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MRY1325%20BIMC/2%20ADMIN/4%20HEARINGS/2%20HEARING/2014%20Amendment%201/>

SECTION II SUMMARY OF FINAL HEARING SUBMISSIONS OF THE PARTIES

Aboriginal Affairs and Northern Development Canada (AANDC)

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*;¹⁵
- the *Nunavut Land Claims Agreement* and the *Nunavut Land Claims Agreement Act*;¹⁶
- the *Territorial Lands Act*¹⁷ applicable Regulations;¹⁸

¹⁵ R.S.C. 1985, c. I-6.

¹⁶ S.C. 1993, c. 29.

- the *Nunavut Waters and Surface Rights Tribunal Act*,¹⁹
- the *Nunavut Waters Regulations*;²⁰
- the *Canadian Environmental Assessment Act*,²¹ and
- the Mine Site Reclamation Policy for Nunavut.²²

AANDC administers Crown land and resources and enforces regulatory permits affecting land and water resources in Nunavut and acts as an intervener in the NWB water licensing process. AANDC participated throughout the review process for the Application to amend the Existing Licence and provided several comments and recommendations for the Board's consideration.

In its final written submission and during the Public Hearing, AANDC confirmed its support for the Application to amend the Existing Licence and indicated that BIMC has adequately addressed AANDC's concerns during the review process. The following highlights AANDC comments and/or recommendations in its final submission prior to and/or during the Public Hearing.

AANDC's Final Written Submission

AANDC made the following comments and recommendations in the final written submission with respect to the Application:

- Identifying issues related to design and monitoring of the Milne Port stockpile run-off ponds have been addressed by the Licensee;
- Recommending that the maximum daily volume of water used for dust suppression be limited to 1,500 m³/day unless Baffinland provides more site-specific discharge data and sound justification for using more than 1,500 m³ of water per day;
- Indicating that the most recent mine closure and reclamation plan issued on June 27, 2014 and the security cost estimates issued on March 25, 2015 for the ultimate project should be referenced in any amended licence issued to the project;

¹⁷ R.S.C. 1985, c. T-7.

¹⁸ 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.

¹⁹ S.C. 2002, c. 10.

²⁰ S.O.R./2013-69.

²¹ S.C. 1992, c. 37.

²² Minister of Indian Affairs and Northern Development, (Ottawa: Minister of Public Works and Government Services Canada, 2002) available online: http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/recpolnuna_1100100036043_eng.pdf.

- Suggesting that water monitoring stations representative of the catchments where water is being abstracted, and monitoring methods used to determine low flow years should be submitted for review;
- Recommending that the scope of work permitted under the Licence should be limited to an approved work plan, based on the project phases or project milestones;
- Indicating that the work plan assumptions should be in line with the security requirements;
- Indicating that 100% of the project's reclamation security should be held under the Water Licence if there is no privately held security and indicating that any discounting from the quantum of security held under the Water Licence should be supported by evidence;
- Recommending revisions to the wording of Part C of the Licence to clearly indicate the following:
 - The NWB's jurisdiction pertains only to fixing security held under the Water Licence and not security held by the private land owners;
 - To give the NWB more procedural flexibility by not inserting procedural requirements for security under the Licence; and
 - Combine the details of the security under Part C and Schedules C and J by integrating them into one section.

AANDC Public Hearing Representation

During the Public Hearing, AANDC reiterated the comments and/or recommendations provided in its final written submission, as well as providing the following additional comments and /or recommendations:

- AANDC stated that Baffinland confirmed in its response to the Interveners' final submissions that it does not propose to withdraw the maximum water quantity requested for dust suppression;
- AANDC recommended that the water licence expressly sets out limits to the daily water withdrawal rates for each of the water courses that may be used for dust suppression along the Tote Road;
- AANDC recommended that changes to the section of the Existing Licence governing water use, Part E, include the requirement for an environmental coordinator to visually inspect the water courses that will be used for dust suppression along the Tote Road and also review ongoing stream gauging information to confirm actual flows or that the additional information should be required to be included in management plans that would become part of the Licence;
- As indicated in the discussion with respect to AANDC's change to their position regarding the adequacy of reclamation security under the Existing Licence at the Public Hearing, in AANDC's view, when the Board discounts from the total

reclamation security amount to recognize security that has been posted with the Qikiqtani Inuit Association as landowner, the Board should ensure that the security fixed under the Water Licence must:

...cover Crown land, water-related issues, and on Crown land and water-related issues throughout the project scope. Anything short of that would leave the Crown significantly undersecured and would not be in the public's interest.²³ [underlining added for emphasis]

- On this basis, AANDC indicated that “the department's submission is that 6 percent of the consensus reclamation cost estimate, that is 2,861,000 is the minimum amount of security for the water license itself.”²⁴

In addition to the comments provided above, the Department of Justice – Canada (DOJ), on behalf of AANDC, provided a reply submission²⁵ regarding financial security for the project. This submission was provided in response to the further written submissions provided by the QIA²⁶ and the Applicant²⁷ regarding security that were submitted after the close of the in-person portion of the Public Hearing but while the Public Hearing Record for the Application remained open pursuant to the Board’s direction at the Public Hearing and follow-up direction issued on May 11.²⁸ It should be noted that although the NWB acknowledged receipt of the DOJ’s submission and posted it on the public registry, the Board indicated that because the submission was received after the Board had closed the Public Hearing Record for the Application, the Panel did not rely upon the submission during its deliberations.²⁹

²³ A. Morgan, AANDC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, May 6, 2015, p. 138, lines 12-15.

²⁴ A. Morgan, AANDC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, May 6, 2015, p. 139, lines 3-7.

²⁵ Letter from S. Muscati, DOJ (on behalf of AANDC) to P. Beaulieu, NWB Re: Reply to Submissions RE Licence #2AM-MRY1325 Amendment Application, May 29, 2015.

²⁶ Submission from the QIA to NWB, BIMC and AANDC Re: QIA Reply Submissions to AANDC “New” Evidence Submissions, dated May 15, 2015.

²⁷ Letter from E. Madsen, BIMC to P. Beaulieu, NWB Re: Type “A” Water Licence No. 2AM-MRY1325, Amendment No. 1 Application—Baffinland’s Reply Submission Regarding Quantum of Security, dated May 25, 2015.

²⁸ Letter from T. Kabloona, NWB to E. Madsen, BIMC, A. Morgan, AANDC and S. Williamson Bathory, QIA, Re: Licence 2Am-MRY 1325, Type “A” Water Licence; Baffinland Iron Minew Corporation Amendment No. 1 Application, Mary River Iron Mine – Nunavut; Water Board Written Direction Regarding Public Hearing Record Remaining Open, May 11, 2015.

²⁹ E-mail from R. Ikkutisluuk, NWB to E. Madsen and O. Curran, BIMC Re: 150605 2AM-MRY1325 Department of Justice Canada Submission With Respect to Quantum of Security – Mary River Project, June 5, 2015.

Environment Canada (EC)

EC's specialist advice was provided in respect of the Application pursuant to the *Canadian Environmental Protection Act, 1999*,³⁰ the pollution prevention provisions of the *Fisheries Act*,³¹ and the *Species at Risk Act*.³² EC's mandate or responsibilities include reviewing developmental proposals to determine potential environmental impacts, as well as providing scientific information and knowledge on issues related to its mandate. EC participated in the entire review process for the Application including the Public Hearing (via teleconference) and provided comments and recommendations consistent with its mandate.

EC Final Written Submission

In its final written submission, Environment Canada (EC) indicated that it had no outstanding issues regarding the Application to amend the Existing Licence and that it was not planning on providing a formal presentation to the Board at the Public Hearing. Further, EC stated that it was planning on attending the Public Hearing by way of teleconference instead of having in-person representation.

EC Public Hearing Representation

During the Public Hearing, Environment Canada (EC) indicated that it was EC's position that the *Metal Mining Effluent Regulations*³³ were being inappropriately applied to the Milne Port Site, and EC also indicated that monitoring of discharges and effects on the marine environment are required. EC further stated that through discussions occurring at the Technical Meeting held for the Application, EC was satisfied that issues related to effluent discharge at Milne Port have been resolved. However, EC indicated further discussions regarding the implementation of discharge and effects monitoring will be undertaken as part of the mandate of the project-specific Marine Environmental Working Group.

Following adjournment of the Public Hearing, EC provided further correspondence³⁴ considered necessary to ensure that the NWB clearly understood EC's position on effluent discharge associated with the Milne Port facility. Although normally the Board would not consider such written submissions following the close of the Public Hearing Record, as these submissions sought to correct an inaccurate summary of EC's position that was presented in summary fashion by BIMC in their closing submissions at the Public Hearing,

³⁰ S.C. 1999, c. 33.

³¹ R.S.C. 1985, c. F-14.

³² S.C. 2002, c. 29.

³³ SOR/2002-222.

³⁴ Letter from M. Dahl, EC to P. Beaulieu, NWB Re: Baffinland Mary River Project – Amendment #1 to 2AM-MRY 1325 Final Hearing – Discharges to Milne Inlet, May 14, 2015.

the NWB considers this an important correction of the Public Hearing Record. Consequently, the Board has considered EC's further submission in this light.

In EC's correspondence, provided to correct the record, EC stated BIMC indicated at the Public Hearing (contrary to BIMC's previous position), that BIMC sought to remove the use of discharge criteria from the monitoring program and to limit the monitoring required for compliance with the *Fisheries Act* to a single annual sampling event. As expressed by EC, this revised position by BIMC conflicts with verbal and written commitments made by BIMC leading up to the water licensing hearing process. EC also stated that EC's understanding was that BIMC on numerous occasions had committed to conducting representative monitoring of the discharge to Milne Port in order to meet the *Fisheries Act* requirements. Therefore, contrary to the impression that may have been left at the Public Hearing following BIMC's closing statements, EC does not agree that the taking of a single sample of effluent at Milne Port will be representative of the discharge effluent quality over the course of an entire year.

Further, on the subject of discharge criteria, EC stated that it did not suggest that toxicity testing could replace the use of effluent criteria. Instead, EC confirmed that its position is that the Licensee's original commitment to meet minimum effluent quality limits in Table 10 of the Existing Licence is acceptable if the effluent remains non-deleterious. EC further mentioned that discharge monitoring should be required to meet compliance with the *Fisheries Act* and that discharge criteria are also necessary to effectively manage compounds that can potentially accumulate in the environment.

Qikiqtani Inuit Association (QIA)

The Qikiqtani Inuit Association's (the QIA) mandate includes the protection and promotion of the right and values of Inuit in the Qikiqtani Region; representing Inuit interests before Institutions of Public Government; negotiating Inuit Impact and Benefit Agreement; and managing Inuit Owned Lands.

Similar to other intervening parties mentioned above, the QIA participated in the entire review process for the Application to amend the Existing Licence and provided several comments and recommendations in its final written submission, at the Public Hearing and following the Public Hearing, which are summarized as follows:

- Confirmation that a water compensation agreement exists between the QIA and BIMC;
- Recommending that the Annual Security Review should be maintained as the basis for determining the financial security associated with reclamation of the undertaking and noted that flexibility should be provided in an amended Licence so that Annual Security Review will not necessarily be required on a yearly basis, subject to such a decision being informed by the NWB, BIMC and interested stakeholders;
- Indicating that Version 3 of the Interim Closure and Reclamation Plan (ICRP), submitted on March 31, 2015, should be subject to a 60-day review and approval of the ICRP within 60 days of issuance of the water licence;

- Indicating that the QIA has approved the ICRP as it applies to Inuit Owned Lands through the provision of the commercial production lease.
- Recommending that the Aquatic Effects Monitoring Program (AEMP) submitted for review and approval on July 27, 2014 be updated to account for stakeholders' comments provided to the NWB in November 2014. Also recommending that the updated AEMP should also address waste discharge from the Milne Port Ore Stockpile Facility and should be submitted for stakeholder review and NWB approval within 60 days of the issuance of an amended Licence.
- Recommending that a Surveillance Network Program (SNP) station(s) should be established for the Milne Port Ore Stockpile Effluent, and effluent discharge criteria should be set to ensure that the effluent complies with the *Fisheries Act*, at a minimum, and that the effluent is non-deleterious. In addition, the effluent should be subject to chemical analysis, and effluent criteria should be set to ensure the quality of effluent discharged from the ore stockpile does not adversely affect aquatic life.
- Suggesting that an assessment of the construction and post-construction water quality monitoring should be completed by BIMC as an indicator of whether each water course crossing is performing to a degree where potential impact to water is acceptable. If sufficient information is not available, then the necessary data should be collected to ensure the potential for impact can be determined;
- Stating the QIA's view that upgrades, adjustments and/or modification to the Tote Road from the plans provided in the 2013 issued-for-construction drawings should be considered outside the scope of the Existing Licence and should be treated as an amendment. Therefore all future upgrades, adjustments and/or modifications to the Tote Road should also require amendments to the Existing Licence.
- Monitoring of surface water and the elevation of potential impacts to water associated with the Tote Road infrastructure should be addressed in the AEMP or in other appropriate management plans.

Following adjournment of the Public Hearing, the QIA provided the following comments with respect to the topic of the quantum of security for reclamation of the project that should be secured under an amended licence, primarily in response to issues raised by AANDC on this issue at the Public Hearing:

- The NWB decision for the 2015 Security was based on procedures determined and ordered by the NWB under the Existing Licence and constitutes a final determination for 2015. The Board, having fulfilled its function in respect of fixing the security amount for 2015, may not re-open that decision. Revising the 2015 security quantum would have the effect of ignoring the Annual Security Review (ASR) process and offends the basic principles of procedural fairness that should be afforded to the parties participating in the ASR process;
- AANDC's motion should be denied since it lacks clarity and has no evidence to support or modify 2015 security;

- The different policy approach adopted by AANDC internally is not clear, nor is AANDC's policy position fully formulated;
- AANDC had a full and complete opportunity to review all submissions related to both 2014 and 2015 Work Plans as part of the ASR process under the Existing Licence, and had the opportunity in both 2014 and 2015 to determine its position following its review, yet AANDC did not provide substantive evidence in support of this position at that time nor in support of the motion at the Public Hearing;
- QIA views AANDC's motion as being inappropriate in the context of this Application as it seeks to re-open a fully adjudicated issue, and it lacks both details and evidentiary support;
- QIA believes that the ASR process is the venue where AANDC's issue should be further discussed;
- The QIA indicated through previous discussions on this point that it will not accept a solution to security overbonding that will require the QIA or other RIO to "step into the shoes" of the Licensee or otherwise become directly liable or responsible to the Crown for remediation on Inuit Owned Lands. The QIA stated that it cannot and does not believe that it can take on the legislative responsibilities of the Crown under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*.

Hamlet of Pond Inlet

The Hamlet of Pond Inlet (the Hamlet) provided the following comments and/or recommendations in the final written submission provided to the NWB prior to the Public Hearing:

- The water licence should be renewed every year rather than every few years due to concerns that water near to the hunter's cabin might become unsuitable for drinking;
- There are concerns that the water might be hazardous to drink and impact other species, such as birds, ducks and animals that use the lakes and rivers;
- Monitoring should continue to be conducted; and
- The Hamlet had concerns about the time allotted to review the file, the deadline for submission and the date for the Public Hearing;

Baffinland Iron Mines Corporation (BIMC)

Baffinland Iron Mines Corporation (BIMC) provided comments and/or recommendations in response to interveners' final written submissions as well as during and following the Public Hearing, which are summarized below.

BIMC Response to Intervenors' Submissions

The following summarizes BIMC's responses or comments on the main issues raised by intervening parties:

- BIMC confirmed that a water compensation agreement has been negotiated between the QIA and BIMC;
- BIMC agrees that the ASR process should be amended to allow for more flexibility so that security can be reviewed periodically on an as-needed rather than annual basis;
- BIMC agrees that Version 3 of the ICRP should be subject to a review and approval process within 60 days of the issuance of an amended water licence;
- Based on BIMC's view that the Early Revenue Phase activities at Milne Port will have no effect on the aquatic freshwater environment as the facility discharges into the marine environment, BIMC only intends to test effluent of the ore stockpile runoff as part of its own due diligence to ensure *Fisheries Act* compliance but does not agree that effluent criteria and additional testing of the effluent is warranted under an amended water licence;
- BIMC also noted that, as requested by the Marine Environment Working Group, the Marine Ecological Effect Monitoring Plan has been developed by BIMC and will be submitted to the MEWG for their review and comment;
- BIMC also indicated that they will respond to comments on the AEMP through the water licensing process;
- BIMC has proposed the addition of two separate monitoring stations for the Milne ore stockpile that corresponds to the outlet of the east and west settling ponds. The exact location of these monitoring stations will be discussed with AANDC's Water Resources Officers;
- BIMC identified that upgrades to the existing Tote Road will be required to transport equipment and ore and to support the ERP. The upgrades are primarily required for the purpose of safety and for ensuring compliance with applicable safety regulations;
- BIMC indicated that with respect to the monitoring of water crossings along the Tote Road, these requirements are included in the existing DFO authorizations, and BIMC also noted that DFO reviewed the updated August 2013 design for stream crossings and determined that the proposed work would not likely result in impact to fish and fish habitat if implemented as planned; BIMC also indicated that annual inspection of all fish-bearing streams and crossings will be undertaken each year under the directions of the fish biologist;
- BIMC indicated that other than more flexibility with respect to the frequency of the reclamation security review under the Existing Licence, the current wording for Part C and Schedule C of the Existing Licence is appropriate;
- BIMC confirmed that it does not intend to exceed the scope of work assessed in the 2015 Annual Security Review under an amended Licence;
- BIMC stated that although it is anticipated that the security review will likely be required annually in the near term, once active construction is completed, the annual review may not be necessary; BIMC provided suggested wording to amend

the Existing Licence to allow for more flexibility with respect to the frequency of security reviews;

- BIMC commented that the scenario presented by AANDC that all seven (7) water withdrawal locations in the Phillips Creek catchment area could experience maximum withdrawal rates is overly conservative;
- BIMC agrees that the Interim Closure and Reclamation Plan (ICRP) and updated closure cost estimates based on the ICRP should be included in any amendment to the Existing Licence;
- BIMC does not believe that an annual renewal of the Water Licence will address concerns raised by the Hamlet with respect to potential for impacts to water quality, but noted that the Aquatic Effects Monitoring Program (AEMP) is intended to address those concerns; and
- BIMC identified that the AEMP specifically requires BIMC to monitor water and sediment quality in areas potentially impacted by project discharges and noted that fish and aquatic organisms are also examined in these areas to ensure that there are no adverse project effects on fish or aquatic organisms.

BIMC Public Hearing Representation

During the Public Hearing BIMC raised the following issues, comments and/or recommendations:

- BIMC provided details related to the scope of the ERP and the Application, including rationale for the scope changes related to Milne Port, the Tote Road and the Mine site;
- BIMC summarized and addressed the key issues discussed at the Technical Meeting and Pre-Hearing Conference and the concerns raised by community representatives; issues identified during site inspection, and reiterated its responses to interveners' final written submissions.

In BIMC's written submission on security, provided following the close of the Public Hearing, BIMC indicated that it had the opportunity to review the QIA's submission and that the Applicant supports the statements made by the QIA in response to AANDC's oral submissions at the Public Hearing regarding the quantum of security that should be held under the Water Licence. Further, BIMC supported the existing arrangement for fixing security as set out in Part C and Schedule C of the Existing Licence, subject only to minor changes to allow for greater flexibility in terms of the frequency of the review. BIMC also mentioned that matters related to fixing the quantum of security required to be held under the Licence should be addressed in the 2016/2017 Annual Security Review (ASR) and in accordance with the schedule to be determined by the Board in subsequent years.

Specifically, BIMC urged the NWB to reject AANDC's motion to amend the quantum of security to be held under the Licence and should not vary the NWB's 2015/2016 ASR decision on security quantum for the following reasons:

- The current security arrangements with security held under the Existing Licence and under the production lease is protective of the public's interest;
- No evidence has been provided to the NWB by AANDC to support revisiting the February 2015 ASR determination prior to the scheduled 2016 ASR process, and given that AANDC has indicated that its policy and approach on this matter are still in development, there is no reason to consider these changes during the processing of this Application;
- The ASR process is the established and more appropriate forum for discussions on matters related to security, and the NWB has already set security applicable to the 2015 scope of work during the 2014/2015 ASR; and
- Any immediate risk that there is insufficient reclamation security held for the project is mitigated substantially due to current over bonding of the project, as BIMC will not be undertaking the full scope of work proposed in the 2015 workplan, and as such, if the NWB did decide to revisit the quantum of reclamation security, a reduction to the current bond (by approximately \$5.75 million) is appropriate to reflect the considerably reduced scope of work that is actually being carried out by BIMC in 2015.

SECTION III SUBMISSIONS BY OTHER INTERVENING PARTIES OR MEMBERS OF THE PUBLIC

There were no written submissions provided to the NWB by any other intervening party or members of the public. **TABLE 1** that follows provides a summary of key issues that were raised by members of the public and representatives from the Hamlet and the Mittimatalik Hunters and Trappers Organization during the Community and Technical Sessions of the Public Hearing in Pond Inlet held on May 6 and 7, 2015.

TABLE 1: KEY ISSUES RAISED BY COMMUNITY REPRESENTATIVES DURING THE PUBLIC HEARING

Topic	Issues/Concerns/Comments
Ballast Water	How much ballast water is discharged from the ships into Milne Inlet?
Dust Suppression	Water used for dust suppression; will it be salt water or freshwater—will you add anything to the water when you apply it to the road?
	How much water do you spray on the road to suppress dust—how many times per day?
Inspections	Are the inspections pre-planned or are they unannounced inspections?

Topic	Issues/Concerns/Comments
Monitoring	Will you be monitoring around the road to identify if there is run off generated by the application of water to the Tote Road?
	Will you be monitoring the runoff water from the Tote Road?
Sewage Discharge	How much sewage is discharged from the ships into Milne Inlet?
Tote Road	Is the tote road upgrading and widening completed?
Water quality	Will you be monitoring the effluent discharge at the point of discharge and then monitoring fish downstream and the quality of water downstream?

SECTION IV JURISDICTION OF THE NWB

Under Division 2 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*³⁵ (NWNSTRTA) the NWB has jurisdiction to issue a licence,³⁶ amend a licence,³⁷ or in certain circumstances, cancel a licence.³⁸ In exercising the Board's statutory functions under the Nunavut Land Claims Agreement (NLCA) and the statutory regime governing the Board (the NWNSTRTA and the *Nunavut Waters Regulations*), the NWB must be guided by the following objects:

... 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.³⁹

In setting the terms and conditions of a licence, the NWB is guided by these objects and the NWB's statutory duty to make *all* reasonable efforts to minimize *any* adverse effects on aquatic ecosystems. Reading several of the Articles of the NLCA together,⁴⁰ the NWB relies on the broad definition of "ecosystemic" found in Article 12, Section 12.1.1. of the

³⁵ Sections 42-81 of the NWNSTRTA.

³⁶ See ss. 42, 48, 55, 56 and 70 of the NWNSTRTA.

³⁷ See s. 43(1)(b) of the NWNSTRTA.

³⁸ See s. 43(1)(c) of the NWNSTRTA.

³⁹ See s. 35 of the NWNSTRTA.

⁴⁰ This approach is consistent with the direction provided in Article 2, section 2.9.1 of the NLCA.

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.

As with any applications considered by the NWB, the burden of proof rests with the Applicant, BIMC, to demonstrate that the request for an amended licence should be granted. In addition, the NWB Rules of Practice state: “[a]ny party offering evidence before the NWB shall have the burden of introducing sufficient and appropriate evidence to support its position.”⁴¹

SECTION V REQUIREMENTS OF THE NWNSRTA, NWR AND NLCA

Objects of the NWB and its Relationship to other Bodies

Land Use Planning

As noted in the section of this decision discussing the regulatory history of the file, the Application was reviewed by the Nunavut Planning Commission (NPC) to determine whether further review was required by the NPC under the North Baffin Regional Land Use Plan. The NPC issued confirmation on October 6, 2014 indicating that the Application did not require further review by the NPC to assess conformity, and the NWB has considered the requisite land use planning requirements of the Nunavut Land Claims Agreement (NLCA) Article 11 to be fulfilled.⁴²

Environmental Assessment

As outlined in more detail in the section of this decision discussing the regulatory history of the file, on September 11, 2014, the Nunavut Impact Review Board issued a Screening Exemption Decision for the Application, in accordance with Article 12, s. 12.4.3 of the Nunavut Land Claims Agreement.⁴³ In that decision it was confirmed by the NIRB that the Application did not constitute a change from the scope of the amendments to Project Certificate 005 for the Mary River Project that was considered by the NIRB. Therefore, further screening by the NIRB was not required before the NWB could process the Application.

⁴¹ Section 23.1 of the Nunavut Water Board “Rules of Practice and Procedure for Public Hearing” (May 11, 2005).

⁴² E-mail from B. Aglukark, NPC to M. Porter, NWB Re: 140929 2AM-MRY1325 Notice of Amendment Application and Commencement of Technical Review for Mary River Project, received on October 6, 2014.

⁴³ Letter from R. Barry, Executive Director, NIRB to T. Kabloona, Chairperson, NWB, Re: Application Exempt from the Requirement for Screening pursuant to Section 12.4.3 of the NLCA: Baffinland Iron Mine Corporation’s Application to Amend its Type A Water Licence for the Mary River Project, Qikiqtani Region, September 11, 2014.

Inuit Water Rights

It was confirmed at the Public Hearing that: "...Baffinland and QIA have signed a Water Compensation Agreement which applies to this amendment."⁴⁴ On this basis, the Board has determined that the compensation requirements of s. 63(1)(a)⁴⁵ of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTRA) have been met with respect to the Application.

SECTION VI DECISION TO ISSUE

In deciding whether to issue an amendment to Water Licence No. 2AM-MRY1325 (the Existing Licence) as requested in the Application submitted by Baffinland Iron Mines Corporation (BIMC or the Applicant), the Board considered the Application and associated materials, all relevant correspondence, comments and submissions⁴⁶ and questions posed and information presented at the Technical Meeting, Pre-hearing Conference and the Public Hearing. On this basis, by Motion #2015-14-P4-05 the Mary River Panel (P4) duly appointed by the Board to dispose of the Application, including conducting the Public Hearing, decided to grant BIMC's request for Amendment No. 1 to the existing Type "A" Water Licence 2AM-MRY1325 (the Amended Licence).

In addition, by Motion #2015-14-P4-06, the Panel also decided that the full scope of the existing Type "B" Water Licence No. 8BC-MRY1416 should be incorporated into the scope of the Amended Licence. Therefore if the Minister approves the issuance of Amendment No. 1 to Licence 2AM-MRY1325 as recommended by the Board, the Board will initiate the cancellation of Licence No. 8BC-MRY1416, as the scope and terms and conditions of the existing Type B Licence will be fully replaced by the Amended Licence.

Conditions for Issuance of a Licence

The *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSTRA) provides several key legislative requirements that must be satisfied before the NWB may issue a licence.⁴⁷

⁴⁴ O. Curran, BIMC, NWB Public Hearing File No. 2AM-MRY1324, Transcript, May 6, p. 49, lines 4-6.

⁴⁵ Section 63(1) states:

The Board shall not issue a licence in respect of a use of waters or a deposit of waste that may substantially affect the quality, quantity or flow of waters flowing through Inuit- owned land, unless

(a) the applicant has entered into an agreement with the designated Inuit organization to pay compensation for any loss or damage that may be caused by the change; or

⁴⁶ As listed in APPENDIX D: List of Submissions and Correspondence.

⁴⁷ See the requirements for maintaining water quality, financial responsibility and water user compensation requirements set out in ss. 57, 58 and 60 of the NWNSTRA.

Effluent Standards

With respect to the further waste deposits authorized under the Amended Licence, s. 57(a) of the NWNSRTA prescribes:

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

As discussed in greater detail in this Decision at Section VII, Part F: Conditions Applying to Waste Disposal and Management, the Board is satisfied that if the Applicant complies with the terms and conditions of the Amended Licence, the requirements of the NWNSRTA, s. 57(a) will be met.

Financial Responsibility of the Applicant

As outlined under the NWNSRTA, s. 57(b), the NWB considers three aspects of financial responsibility:

- the financial ability of the Applicant to complete the appurtenant undertaking;
- the ability of the Applicant to undertake measures to adequately monitor for impacts and implement measures to mitigate any impacts; and
- the Applicant's ability to maintain and restore the site during care and maintenance, closure and abandonment.

With respect to the Applicant's ability to complete the appurtenant undertaking, the Board notes that the financial information supplied to the Board with the Application as Attachment 5 and also as Appendix C and Attachment C filed with the Board on February 9 and 12, 2015 provided information, which was not challenged or disputed by any of the parties of the Applicant's financial ability to complete the undertaking authorized under Amendment No. 1 to the Existing Licence.

With project construction activities ongoing under the Existing Licence since 2013, the Board's assessment of the second element of financial responsibility of the Applicant, namely the ability to undertake measures to adequately monitor for impacts and implement measures to mitigate any impacts is based, to a large extent, on the information received by the NWB from AANDC's Field Operations Unit regarding their findings during

inspections of the existing camp infrastructure and construction activity at the Milne Camp and Mary River Camp sites that took place in 2013 and 2014.⁴⁸

In correspondence dated July 4, 2014,⁴⁹ BIMC outlined the areas of concern identified by AANDC during these inspections and provided BIMC's response to all of the areas identified, including the following at the Mine Site:

- implementing measures to better control open burning to ensure that non-authorized burning does not take place and that non-combustibles are not placed by staff in the combustion chamber;
- the installation of a lined berm to accommodate the storage of excess hazardous waste;
- reduction in the historical inventory of ash drums in the area near the incinerator site;
- the development and implementation of an action plan to address the potential for spills of fuel into the secondary containment at the bulk fuel storage facility to result in the discharge of fuel to freshwater;
- the construction of new lined berms for containment surrounding fuel stored in barrels;
- the treatment and discharge of contact water within hazardous waste containment berms, the construction of new lined berms to better handle the volumes of hazardous waste generated and packaging and manifesting of waste planned for September 2014;
- the repair of minor rips and tears noted in the Polishing Waste and Stabilization Ponds (PWSP) and responding to any additional repairs identified by the bi-annual geotechnical inspection of the facility;
- the preparation of plans to address surface water flows observed to be travelling through the yard swale to Camp Lake; and
- the continuation of ongoing efforts to clean up loose garbage and construction materials that become buried under snow during the winter.

With respect to the Tote Road, AANDC's inspectors had not identified any areas of concern during their inspections. With respect to the Milne Port site, BIMC responded to the following areas of concern:

- continued use of spill trays across the site in accordance with BIMC's Spill Tray Use Standard;

⁴⁸ These reports and BIMC's response to the Inspectors' findings with respect to compliance issues was provided to the Board in Attachment 6 to the Application.

⁴⁹ Letter from J. Millard, BIMC to J. Hack and R. Savard, AANDC RE: Follow-up to April and June 2014 Inspections Mary River Project – Water Licence No. 2AM-MRY1325, July 4, 2014, included in Attachment 6 to the Application.

- the treatment and discharge of contact water within hazardous waste containment berms, the construction of new lined berms to better handle the volumes of hazardous waste generated and packaging and manifesting of waste planned for September 2014;
- the continuation of ongoing efforts to clean up loose garbage and construction materials that become buried under snow during the winter; and
- reduction in the historical inventory of ash drums in the area near the incinerator site.

Specific action plans were developed by BIMC and submitted to AANDC to address the storage of waste ash in barrels at the Mary River and Milne Port Sites, and a specific water management technical memo was developed to develop water management options for the surface drainage across the yard swale to Camp Lake near the Mary River Camp. In follow-up correspondence,⁵⁰ AANDC acknowledged that BIMC had met the requirements of submitting both plans and indicated that AANDC would “continue to work with and monitor BIMC to ensure these plan [sic] are executed within the time lines as outlined in the Follow-up to April and June 2014 Inspections response submitted on July 04, 2014 by BIMC.”

Given BIMC’s substantive and immediate response to areas of concern identified by AANDC’s Inspectors under the Existing Licence, the Board finds that the Applicant has established that BIMC has the financial ability to undertake measures to adequately monitor for impacts and implement measures to mitigate any impacts as required under s. 57(b) of the NWNSRTA.

With respect to the last element of the inquiry into the Applicant’s financial responsibility, which considers BIMC’s ability to maintain and restore the site during care and maintenance, and closure and abandonment, the Board notes that as required under Part C, Schedule C and the associated Annual Security Review regime established under the Existing Licence, the Applicant currently has in place total reclamation security of **\$47,683,500**. This security amount was determined by the Board in consultation with stakeholders to be sufficient for the highest reclamation liability for land and water based on the scope of activities and undertakings proposed to be undertaken by BIMC in the 2015 Work Plan.⁵¹

This total global security amount is secured under the auspices of both the Commercial Lease between the landowner, the Qikiqtani Inuit Association and the Existing Licence by

⁵⁰ Letter from R. Savard, AANDC to J. Millard, BIMC RE: Plans required Submitted in Follow-up to April and June 2014 Inspections, July 7, 2014, included in Attachment 6 to the Application.

⁵¹ Letter from T. Kabloona, NWB to the Hon. B. Valcourt, AANDC, P. J. Akeeagok, QIA and E. Madsen, BIMC, Re: Licence No. 2AM-MRY1325, Baffinland Iron Mines Corporation Type “A” Water Licence, Mary River Project; Part C, Schedule C, Annual Security Review Process: Direction from Nunavut Water Board, February 11, 2015.

Aboriginal Affairs and Northern Development Canada (AANDC) as set out in **TABLE 2** that follows.

It should be noted that although AANDC identified at the Public Hearing that the Department had concerns regarding the extent to which the amount of security held under the Existing Licence has been discounted to reflect the full amount of the security held by the QIA under the Commercial Lease (addressed by the Board in this Decision under the discussion in Part C: Conditions Applying to Security), AANDC did not provide evidence that challenged that the total reclamation security amount of **\$47,683,500** currently posted by BIMC would be insufficient for the highest reclamation liability for land and water based on the scope of activities and undertakings proposed to be undertaken by BIMC in the 2015 Work Plan. Consequently, the Board has, for the purposes of assessing the Applicant's ability to meet financial responsibility for reclamation of the undertaking authorized under the Amended Licence concluded that BIMC has posted sufficient security to meet the highest reclamation liability for land and water for the upcoming year.

**TABLE 2: TABLE SUMMARIZING FINANCIAL SECURITY
POSTED BY BIMC IN 2015 UNDER THE EXISTING LICENCE**

Basis for Security	Instrument	Security Amount
Reclamation of Inuit Owned Land and/or Water	Commercial Lease ⁵²	\$47,517,500.00
Reclamation of Crown Land and/or Water	Type "A" Water Licence 2AM-MRY1325 ⁵³	\$166,000.00
Total		\$47,683,500

The Board also notes that with respect to all elements of the Applicant's financial responsibility, none of the parties, community members, representatives from the Hamlet of Pond Inlet or the Mittimatalik Hunters and Trappers Organization provided the Board with evidence that would call into question the Applicant's financial responsibility as required by s. 57(b). The Board has therefore concluded that the Applicant has established

⁵² Irrevocable Standby Letter of Credit No. S18572/269319, issued by the Bank of Nova Scotia, Amendment no. 6, Dated February 27, 2015, Beneficiary: Qikiqtani Inuit Association and Applicant: Baffinland Iron Mines Corporation in the amount of \$47,517,500.00. This LOC filed with the Board by the Applicant on February 12, 2015 in Attachment C to the revised submission of the Application and also filed with the Board by the Qikiqtani Inuit Association following the Public Hearing.

⁵³ Irrevocable Standby Letter of Credit No. OSB4357TOR issued by the Bank of Nova Scotia, Date of Issue: January 31, 2014, Beneficiary: Her Majesty the Queen in Right of Canada as represented by the Minister of Indian Affairs and Northern Development Canada and Applicant: Baffinland Iron Mines Corporation in the amount of \$166,000.00. This LOC filed with the Board by the Applicant on February 12, 2015 in Attachment C to the revised submission of the Application.

that BIMC has the financial resources to meet the obligations imposed under an Amended Licence.

Compensation of Existing or Other Users

The NWNSRTA requires that the NWB be satisfied that compensation of existing or other water users affected by the Application has been or will be paid.⁵⁴ To ensure that all parties with the potential to bring a water compensation claim have been notified of their rights under the NWNSRTA, the NWB provided, in the Notice of Application, an invitation to parties with water user compensation issues to advise the NWB regarding such issues. Notice of the Application in accordance with s. 55 of the NWNSRTA was issued by the Board on September 29, 2014, and the NWB confirms that no representations regarding compensation were made to NWB in response to the Notice or in any other form during the Board's processing of the Application.

Issuance of a Licence

As stated above and pursuant to s. 42(1) of the NWNSRTA, the NWB has decided to issue Amendment No. 1 to Water Licence 2AM-MRY1325 (the Amended Licence) subject to the terms and conditions set out in this Decision. In issuing the Amended Licence, the NWB is satisfied that the Application contained the required information and is in the proper form having regard to the requirements of the NWNSRTA⁵⁵ and associated regulations.⁵⁶

Application in Relation to the Amended Licence

Overall, the NWB is satisfied that the requirements of s. 48 of the NWNSRTA have been met. BIMC filed an Application which complied with the NWB's Rules, accompanied by the fees required by regulation including the application fee⁵⁷ and water use fees. In addition, the Applicant has, throughout the Board's review of the Application, provided the necessary Application and all supplementary information required to evaluate whether the Amended Licence should be granted and is consistent with the objects of the Board as established under the NLCA and the NWNSRTA.

Application to Amend or Application for Future Modifications

In relation to future applications to amend or modify the uses of water and deposits of waste associated with the activities and undertakings authorized under the Amended Licence, the NWB reminds BIMC that the Applicant must comply with all requirements of

⁵⁴ See ss. 58-60 of the NWNSRTA.

⁵⁵ See s. 48 of the NWNSRTA.

⁵⁶ *Nunavut Waters Regulations*, SOR/2013-69.

⁵⁷ Letter from M. Porter, NWB to J. St. Paul Butler, BIMC, Re: Acknowledgement and Receipt of Application Fee – Amendment Water Licence – Mary River Project, August 6, 2014.

the NLCA⁵⁸ and NWNSRTA⁵⁹ where applicable. Specifically, the Board notes that the changes to the Amended Licence that may arise from changes to the development of the project as described by BIMC as “Phase 2” in their current request for reconsideration of the Nunavut Impact Review Board Project Certificate No. 005 for the Mary River Project may result in a subsequent application for amendment if the NIRB determines and the Minister agrees that the project proposal as amended by Phase 2 may proceed.

Assignment of a Licence

In future, should BIMC wish to assign the Licence, the Applicant should be aware that a water licence is only assignable if the requirements of s. 44 of the NWNSRTA have been met. This section states:

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.

All necessary forms for filing an application for assignment can be obtained from the NWB Licensing Department.

Cancellation or Expiry of the Licence

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

In addition, as set out in the NWB’s authority under s. 43(1)(c)(iii) of the NWNSRTA, the NWB may, on application by a licensee, or on its own motion, cancel a licence at any time when the NWB considers the cancellation to be in the public interest. As noted in the discussion of the scope of the Amended Licence, as the entire scope and terms and conditions associated with the existing Type “B” Water Licence No. 8BC-MRY1416 will be included in the Amended Licence, the NWB will initiate the cancellation of the Type B Licence if the Minister approves the issuance of the Amended Licence.

Term of Licence

Section 45 of the NWNSRTA provides that the term of a licence or any renewal shall not exceed twenty-five years. The Applicant has not sought to amend the term of the Existing Licence. Therefore, the expiry of the Amended Licence is unchanged and remains 12 years from the original issuance date, which is June 10, 2025.

⁵⁸ See Article 12, Clause 12.4.3 (b) of the NLCA.

⁵⁹ See s. 43 of the NWNSRTA.

SECTION VII WATER LICENCE NO. 2AM-MRY1325 AMENDED TERMS AND CONDITIONS

This Amended Licence takes effect following the express approval of the amendment to the Existing Licence by the Minister. Alternatively, if the Minister's approval is not expressly given, the Minister's approval of the amendment may be deemed to have been given pursuant to s. 56 of the NWNSRTA.⁶⁰ As indicated in section VI of the decision, the Panel has decided to issue the Amended Licence (Licence No. 2AM-MRY1325 – Amendment No. 1), subject to the specific amendments to the terms and conditions of the Existing Licence as outlined below. In this Decision, where the Board has determined that it may assist the Applicant and the parties to better understand the basis for and objectives of some of the amended terms and conditions included in the Amended Licence, the NWB has included additional discussions in the relevant sections of the Decision that follows. In addition and for the convenience of interested parties, the NWB has included a general summary of the amendments contained in this decision in .

Part A: Scope, Definitions and Enforcement

Scope

The Mary River Project, which is governed by the Amended Licence, is classified as a Mining undertaking in accordance with Schedule 1 of the *Nunavut Waters Regulations*.⁶¹

The Amended Licence associated with this Decision captures the scope of activities and undertakings under the following Licences and/or Application:

- Most of the scope of the Existing Licence (Type “A” Water Licence No. 2AM-MRY1325);
- Most of the scope of the Application to Amended Type “A” Water Licence No. 2AM-MRY1325;
- Entire scope of Type “B” Water Licence No. 8BC-MRY1314;
- Entire scope of Type “B” Water Licence No. 8BC-MRY1416;
- Specific aspects of the scope of Type “B” Water Licence No. 2BB-MRY1114

⁶⁰ 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.

⁶¹ SOR/2013-69.

However, none of the scope of the Type “B” Water Licence No. 2BE-MRY1421 is included in the scope of the Amended Licence.

The scope of activities and undertakings authorized under the Amended Licence from the perspective of Water use and Waste deposit is summarized below:

Water Use or Impact to Water Based on the Existing Licence

- 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. Any short-term or temporary sources to be used must 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;

Water Use or Impact Introduced by Amendment No. 1

- Water use for dust suppression or control along the Tote Road during the Early Revenue Phase (ERP) – Proposed withdrawal from Phillip’s Creek, Km32 Lake, CV128, CV099, CV087, CV078, Kitiktok Lake, BG50, BC32, CV217, Muriel Lake, David Lake, BG17, CV233 (Tom River) and Camp Lake;
- Integration of Water withdrawn from Phillips Creek and Km 32 Lake for domestic and industrial purposes as authorized under Type “A” Water Licence No. 2AM-MRY1325 and Type “B” Water Licence No. 8BC-MRY1416;

Waste Deposit based on the Existing Licence

- Discharge of site water, meeting criteria in the Licence, 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;
- Discharge of effluent, meeting criteria in the Licence, from the Sewage Treatment Facilities at the relevant project sites to the receiving freshwater environment;
- Discharge of effluent, meeting criteria in the Licence, from the Oily Water Treatment Facilities at the relevant project sites to the receiving freshwater environment;
- Discharge of effluent, meeting criteria in the Licence, from the surface water or runoff collected from the Landfarm Facility at the relevant project sites to the receiving freshwater environment;
- Discharge of surface water or runoff collected from the Non-Hazardous Waste Landfill Facilities, meeting criteria in the Licence, at the relevant project sites to the receiving freshwater environment;
- Discharge of effluent, meeting criteria in the Licence, from the secondary containment areas associated with the Bulk Fuel Storage Facility including fuel

dispensing areas, unloading areas and temporary fuel caches at the relevant project sites to the receiving freshwater environment;

- Discharge of effluent, meeting criteria in the Licence, from containment areas associated with non-hazardous waste storage and/or waste transfer facilities at the relevant project sites to the receiving freshwater environment;
- Discharge of effluent, meeting criteria in the Licence, from the Polishing Waste Stabilization Ponds (PWSP) at the relevant project sites to the receiving freshwater environment; and
- Discharge of effluent, meeting criteria in the Licence, from the Bladder Tank Farms at the relevant project sites to the receiving freshwater environment.

Waste Deposit Introduced by Amendment No. 1

- Discharge of Effluent for the Ore Stockpile Sedimentation Ponds at Milne Port;
- Discharge of treated Sewage Effluent from facilities at the Mine site onto land;
- Management including treatment, if required, of ore stockpile runoff at Milne Port
- Relocation of the treated sewage Effluent discharge from north of the old airstrip to the north of the Milne Tank Farm

A complete list of all activities and undertakings associated with the Project that combines the scope of the Existing and Amended Licences is included under Part A, Item 1(a) in the Amended Licence.

Previous Type “B” Licences Incorporated into the Existing Licence

At the time the Existing Licence was issued, aspects of or the entire scope of Type “B” Licences No. 2BB-MRY1114 and 8BC-MRY1314 were included. Since the Existing Licence has been issued to the Project, both Type “B” Licences Nos. 2BB-MRY1114 and 8BC-MRY1314 have either expired, been cancelled or replaced by other licences. However, the scope of activities and undertakings that had been incorporated into the Existing Licence prior to expiration, cancellation or replacement of the relevant Type “B” licences still persists.

With respect to Type “B” Licence No. 8BC-MRY1416 which replaced Licence No. 8BC-MRY1314 to include aspects of the scope of Licence No 8BC-MRY1314 that were not included in the Existing Licence, the Licensee indicated during the Public Hearing that if an Amended Licence is issued for the project, BIMC would apply to the Board to cancel Licence No. 8BC-MRY1416, as the entire scope of activities and undertakings included in Licence No. 8BC-MRY1416 will be incorporated into the Amended Licence. The Board has granted the Licensee’s request to include the entire scope of Type “B” Water Licence No. 8BC-MRY1416 as part of the Amended Licence and as included in Part A, Item 1(a) of the Amended Licence.

Upon approval of the Amended Licence by the Minister, the Board may cancel Licence No. 8BC-MRY1416 to eliminate the overlap between the scope of the Amended Licence and that of Licence No. 8BC-MRY1416.

Definitions

To ensure that the inter-relation and the scope of the Amended Licence are consistent with that of the Existing Licence, the Board has modified and included new entries or made changes to existing entries in Schedule A, the Terms and Definitions Section of the Amended Licence. A list of the definitions added or modified are included in APPENDIX F: General Summary of Amendments to Licence 2AM-MRY1325 Under Amendment No. 1.

Enforcement and Compliance

For the purpose of ensuring compliance with the Amended Licence, an Inspector designated by the Minister may inspect or examine works, Waters or Waste and exercise other powers according to the NWNSRTA.⁶²

The NWNSRTA includes provisions authorizing the NWB to require a Licensee to furnish and maintain security and prescribing serious penalties for breach of the Licence.⁶³ Investigations or inspections to support enforcement and compliance are carried out by persons designated and empowered by the Minister.⁶⁴

The Licensee should note that compliance with the terms and conditions of this Licence do not necessarily absolve the Licensee from responsibility for compliance with all other applicable legislation, guidelines and directives.

Part B: General Conditions

Water Use Fees

In accordance with applicable Regulations, the Licensee is required to furnish the appropriate amount in fees for the right to the use of Waters on, in or flowing through Crown lands. Fees for the right to the use of Waters must be calculated and paid on an annual basis in advance of the date on which the Licence is issued and in accordance with s. 12 of the *Nunavut Waters Regulations*. The Licensee is responsible for conducting the appropriate Water use fee calculations based on quantities authorized for use under the Licence and to remit those fees, made payable to the Receiver General for Canada, to the NWB's Manager of Licensing.

⁶² Sections 85-94 of the NWNSRTA.

⁶³ Section 90 of the NWNSRTA.

⁶⁴ Section 85-88 of the NWNSRTA.

Management Plans

With the issuance of the Amended Licence, the Board has approved for administrative, and in some cases, technical reasons, updated versions of several Management Plans previously approved under the Existing Licence. These Management Plans were either submitted as part of the Application to amend the Existing Licence or as part of the Annual Report(s) for the project. Details on Management Plans initially approved with the issuance of the Existing Licence in 2013 that are now replaced in their entirety by updated versions of the plans, or plans where changes in scope were considered significant enough to warrant the Board reviewing and issuing new approvals for such revised/replaced Plans, are referenced in the relevant section of the Amended Licence. In listing those plans that were expressly approved during the Board's consideration of the Amended Licence, the Board wants to ensure that the most up-to-date versions of relevant plans are included in the Amended Licence to reflect the updates to the phased approach to the development of the project. The Board recognizes that given the number of management plans associated with the Project, it is important to take the opportunity to ensure that stale-dated plans that are no longer applicable or that have been replaced by updated plans do not continue to be referenced as continuing to regulate the project going forward.

However, the Board also notes that there are many management plans that are continually updated throughout the life of a particular project without substantive revisions being undertaken or without the contents of the original plan being replaced in their entirety. Often, the minor updates to these plans will be provided on an annual basis in the Annual Report. For these types of plans, where only slight changes or updates are necessary to keep the plans current, the Board may not expressly issue a new "approval" of the updated plans received on an annual basis, but may rather approve the plan at the time of the issuance of the Licence or Amended Licence, and may thereafter simply accept the updates to the approved plans provided in the Annual Report. Where the Board accepts this type of minor update, the Applicant is required to keep the plans current, with accepted updates available for review. As with all plans, the Board does however preserve the right to decide that an annual update or other revision to an approved plan is sufficiently substantive to warrant the Board soliciting comments from the parties regarding the revisions and the Board issuing a new approval for a substantively revised or replaced plan.

The following Management Plans were approved by the Board under the relevant sections of the Existing Licence:

- Baffinland Iron Mines Corporation Mary River Project Emergency Response & Spill Contingency Plan, dated March 28, 2013;
- Baffinland Iron Mines Corporation Mary River Project Surface Water and Aquatic Ecosystems Management Plan, dated March 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;

- Baffinland Iron Mines Corporation Mary River Project Attachment 5: Waste Rock Management Plan, dated January 2012;
- Baffinland Iron Mines Corporation Mary River Project Attachment 5: Environmental Monitoring Plan (EMP) Appendix 10D-12, dated January 2012;
- Baffinland Iron Mines Corporation Mary River Project Attachment: 5 Environmental Protection Plan Appendix 10B, dated January 2012;
- Baffinland Iron Mines Corporation Mary River Project Borrow Pit and Quarry Management Plan Appendix 10D-6, dated February 2012;
- Baffinland Iron Mines Corporation Mary River Project Operations and Management Plan Milne Inlet Quarry (Q1), dated January 12, 2012;
- Baffinland Iron Mines Corporation Mary River Project Operations and Management Plan Mary River Mine Site Quarry (QMR2) dated January 12, 2012;
- Baffinland Iron Mines Corporation Mary River Project Operations and Management Plan Steensby Inlet Quarry (QS2), dated January 12, 2012;
- Baffinland Iron Mines Corporation Mary River Project Quarry Operations and Management Plan: Quarry Q7 + 500, dated January 11, 2012;
- Baffinland Iron Mines Corporation Mary River Project Quarry Operations and Management Plan: Quarry Q133 +500, dated January 11, 2012;
- Baffinland Iron Mines Corporation Mary River Project Quarry Operations and Management Plan: Quarry Q77 +200, dated February 2012;
- Preliminary Mine Closure and Reclamation Plan Appendix 10G, dated February 2012;
- Baffinland Iron Mines Corporation Mary River Project Hazardous Materials and Hazardous Waste Management Plan, dated April 22, 2013;
- Aquatic Effects Monitoring Program Framework, dated February 2013.

While many of the Plans referenced above and approved under the Existing Licence were carried forward with issuance of the Amended Licence, the following new or revised management plans, submitted as part of the 2014 Annual Report or filed in support of the Application, have been approved or reapproved with issuance of the Amended Licence, and as such supersede, where applicable, previous versions of the same plan approved under the Existing Licence:

- *Emergency Response Plan* (BAF-PH1-840-P16-0002, Rev 0), March 3, 2015;
- *Spill Contingency Plan* (BAF-PH1-840-P16-0036, Rev 1), March 16, 2015;
- *Surface Water and Aquatic Ecosystems Management Plan* (BAF-PH1-830-P16-0026, Rev 3);
- *Fresh Water Supply, Sewage and Wastewater Management Plan* (BAF-PH1-830-P16-0010, Rev 3), March 19, 2015;

- *Waste Management Plan (BAF-PH1-830-P16-0028, Rev 3), March 20, 2015;*
- *Life-of Mine Waste Rock Management Plan (BAF-PH1-830-P16-0031, Rev 0), April 30, 2014;*
- *Project Environmental Protection Plan (BAF-PH1-830-P16-0008, Rev 0), July 15, 2014;*
- *Borrow Pit and Quarry Management Plan (BAF-PH1-830-P16-0004, Rev 0), March 20, 2014;*
- *Hazardous Materials and Hazardous Waste Management Plan (BAF-PH1-830-P16-0011, Rev 3), March 20, 2015; and*
- *Phase 1 Waste Rock Management Plan (BAF-PH1-830-P16-0029, Rev 0), April 30, 2014.*

The approval or “re-approval” of the relevant plans referenced above has, by extension, enabled the Licensee to address the one-time requirements under Part B, Item 15 in the Existing Licence. As such, Part B, Item 15 has been removed with issuance of the Amended Licence. Therefore, future updates to the management plans listed above, as well as all other management plans linked to the project, will be handled under Part B, Item 17 of the Amended Licence.

The Applicant also submitted for the Board’s consideration and approval new or revised versions of two plans requiring approval under the Existing Licence once specific stage(s) or phase(s) of the Project is/are achieved: the *Aquatic Effects Management Plan* (BAF-PH1-830-P16-0039, Rev 0), and the *Interim Closure and Reclamation Plan* (BAF-PH1-830-P16-0012, Rev 3). The Board has conducted the required review process for the plans, separate from that of the Application, and based on the comments and recommendations provided by intervening parties during the review process, the Board has decided to defer approval of these two plans. Consequently, the Licensee is required to revise these two plans to reflect the comments provided by the parties and resubmit the revised plans to the Board for review and approval within sixty (60) days following approval of the Amended Licence by the Minister.

Part C: Conditions Applying to 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.⁶⁵ 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

⁶⁵ 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 and in an amount prescribed by, or determined in accordance with, the regulations or that is satisfactory to the Minister.

responsibility of the Applicant, including reviewing any costs associated with the closing or abandonment of the undertaking.⁶⁶

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.

Financial Security

Under the NWNSRTA, the NWB may also include conditions of a licence where it considers the review of security appropriate. Most specifically, s. 76(1) of the *Act* gives the NWB the authority to establish terms or conditions relating to the furnishing or maintaining of security.

As recognized by the courts, “...it is the Board’s responsibility to fix the amount of security, which means that, when that amount appears in the licence, it is not a mere suggestion.”⁶⁷

In addition, the *Nunavut Waters Regulations* (the Regulations) further specify the limits on the Board’s jurisdiction and state the following:

10. (1) For the purposes of subsection 76(1) of the Act, the Board may fix the amount of security required to be furnished by an applicant for a licence, a licensee or a prospective assignee in an amount not exceeding the aggregate of

(a) the costs of the abandonment of the undertaking;

(b) the costs of the restoration of the site of the undertaking;

(c) the costs of any ongoing measures that may remain to be taken after the abandonment of the undertaking; and

⁶⁶ As outlined under the NWNSRTA, s. 57(b)(iii)

⁶⁷ *CanZinco Ltd. v. Canada (Minister of Indian Affairs and Northern Development)*, [2005] 1 FCR 454, 2004 FC 1264 (CanLII) at para. 100, p. 21.

(d) the compensation that a person, including the designated Inuit organization, who is adversely affected by the use of waters or deposit of waste may be entitled to under section 13 of the Act.

As always, the NWB's authority must be exercised in light of its objects, stipulated under s. 35 of the NWNSRTA.⁶⁸

Estimated Total Financial Reclamation Security for the Project under the Amended Licence

Based on information provided by BIMC in the licensing process for the Existing Licence and provided with the Application the total amount of reclamation liability assuming all components, undertakings and activities as originally proposed are carried out was estimated to be \$518,711,287.⁶⁹ When BIMC subsequently submitted the Interim Closure and Reclamation Plan and Addendum,⁷⁰ BIMC revised the estimate for this total financial reclamation security to \$526,526,287, reflecting the additional scope of activities added to the project as a result of the Early Revenue Phase and that were not originally considered under the scope of the Existing Licence.

However, while the Board recognizes the importance of the parties reviewing and coming to agreement with respect to this overall global amount as part of the review of the Interim Abandonment and Reclamation Plan (IARP) and has deferred the Board's approval of that Plan until BIMC has addressed parties' concerns, including providing any further updated estimate of overall reclamation security, it is important to remember that under the Existing Licence, BIMC was not required to secure this entire global amount immediately upon the Licence taking effect and that the Licence is structured to ensure on-going involvement by the Board and the parties to update this total financial reclamation security amount as the project progresses and updated reclamation plans are issued. When the Existing Licence was issued in 2013, with the recognition that there were several years of major construction ahead until the full project would be developed as proposed, the Board adopted a phased approach to posting financial reclamation security.

The phased approach adopted by the Board under Part C and Schedule C of the Existing Licence and brought forward under the Amended Licence ensures that the amount of reclamation security posted by BIMC at any given time over the course of the project life cycle will not only be adequate for the level of activities, risk, and scope of potential reclamation work required, but also ensures that the required amount does not exceed the

⁶⁸ 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.

⁶⁹ Attachment 4 to the Application, provided July 16, 2014 Nunavut Water Board, Reasons for Decision for 2AM-MRY1325, June 12, 2013 at p. 58.

⁷⁰ Memo from A. Grzegorzczuk, Hatch Consultants to E. Madsen, BIMC, Re: Final Environmental Impact Statement (FEIS) Closure and Reclamation – Financial Security Estimate Addendum, March 25, 2015, Section 13.1.1 Addendum to the Interim Abandonment and Reclamation Plan.

aggregate costs set out in s. 10(a)-(d) of the Regulations while a project is being developed and before the full scope of the undertaking and associated reclamation liability exists.

In the Board's view, this phased approach is entirely consistent with the Principles set out in the *Mine Site Reclamation Policy for Nunavut, 2002*⁷¹ and reflects, in particular, the requirement that the:

...total financial security for final reclamation required at any time during the life of the mine should be equal to the 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)

The Board's phased approach to fixing security has been operationalized under the provisions of Part C and Schedule C of the Existing Licence. These provisions establish that the amount of financial security is not fixed at the issuance of the Licence, but rather permits the Board to review and adjust the security to be held under the Licence on an annual basis, to reflect the outcome of a security setting process called the "Annual Security Review" (ASR). The ASR process involves the Board, BIMC, the Qikiqtani Inuit Association and Aboriginal Affairs and Northern Development Canada reviewing, in advance, an annual Work Plan prepared by BIMC that outlines the activities and undertakings that BIMC proposes to conduct in the year ahead, along with an updated reclamation cost estimate reflecting the Work Plan and any other changes, such as progressive reclamation or environmental impacts that could increase or decrease the overall reclamation liability associated with the project in the upcoming year.

Consistent with the security related terms and conditions in the Existing Licence, the Licensee was required to post a total of \$36,000,000 in financial reclamation security to both AANDC and the QIA within months following the issuance of the Existing Licence in 2013, and in the years following the issuance of the Licence two Annual Security Review processes were conducted for 2013-2014 and 2014-2015. Those two ASR processes resulted in increases to the reclamation security BIMC was required to post. **TABLE 3** that follows summarizes the amount of financial security held for the project from the time the Existing Licence was issued to present:

⁷¹ Minister of Indian Affairs and Northern Development, (Ottawa: Minister of Public Works and Government Services Canada, 2002) available online: http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/recpolnuna_1100100036043_eng.pdf.

**TABLE 3: SUMMARY OF RECLAMATION SECURITY POSTED BY BIMC IN 2013, 2014
AND 2015 UNDER THE EXISTING LICENCE**

	2013	2014	2015
Inuit Owned Land and/or Water	\$26,200,000	\$39,793,000	\$47,517,500
Crown Land and/or Water	\$9,800,000	\$166,000	\$166,000
Total	\$36,000,000	\$39,959,000	\$47,683,500

In addition to the security posted under the Existing Licence, BIMC has also posted financial security of \$146,826 under the Type “B” Licence No. 8BC-MRY1416. As noted previously, with the entire scope of this Licence now being included in the Amended Licence, once the Amended Licence is issued and Type “B” Licence No. 8BC-MRY1416 is cancelled, the Board anticipates that the Minister’s direction and updated information from BIMC will be provided regarding the extent to which the security required to be held under the Amended Licence should be adjusted to reflect the inclusion of the scope of the Type “B” Licence No. 8BC-MRY1416. In the Board’s view, the upcoming Annual Security Review that will commence in October/November will provide an appropriate venue for these discussions and mechanism for the required adjustments.

Given that the total financial security amount required to be posted for 2015 had been the subject of the rigorous Annual Security Review in late 2014 and early 2015, it is perhaps not surprising that interveners and the Applicant were largely silent with respect to the acceptability of the total security quantum of \$47,683,500 which was fixed by the Board in February 2015 as an estimate of the highest reclamation liability for land and water in the upcoming year (referred to by the Board in the ASR process as the “global security amount”).

The Board notes that the only evidence provided with respect to the adequacy of the global security amount was provided by the Applicant in closing remarks and in their response submissions to AANDC’s submissions with respect to an alternative approach to discounting from the global security amount that were provided at the Public Hearing. BIMC’s submissions on this point were that the global security amount fixed by the Board in February now exceeds the highest reclamation liability for land and water for the upcoming year as follows:

Furthermore, as mentioned in Baffinland’s closing remarks on May 7, 2015, regardless of the rights holder to the quantum of the security determined to be required for the Project, Baffinland is currently over-bonded relative to the 2015 Work Plan due to the significant reduction in the planned 2015 Scope of Work... Due to this change in the work planned for 2015, Baffinland submits the

position that the Project is currently significantly over-bonded by approximately \$5.75 million dollars. As shown in Attachment 1, the reduced 2015 Scope of Work results in an estimate closure and reclamation security of \$729,000 for 2015. This reduction represents an 89% decrease in security originally estimated to be required for the Project based on comparison to the '2015 Marginal Closure and Reclamation Financial Security Estimate Addendum' (H349000-1000-07-126-0020, Rev.0).⁷²

Although noting BIMC's submission on this point, as the other parties involved in the review and setting of the global security amount have not yet had the opportunity to consider this information and/or the acceptability of a change to the global security amount currently in place, nor did BIMC seek to have this amount reviewed as part of this Application, the Board has not approved any changes to the current global security amount required to be posted by BIMC for this year. The Board expects BIMC's concerns that the current global security amount exceeds the highest reclamation liability for land and water may be addressed in the context of the upcoming 2016 Annual Security Review commencing in October/November 2015.

AANDC's Requested Change to the Board's Approach to Overbonding and Discounting under the Existing Licence

In addition to adopting a phased approach to fixing the global security amount, when the Existing Licence was issued, the Board also included a mechanism for addressing "overbonding"⁷³ by allowing the Board to consider discounting from the security amount required to be posted under the water licence the amount that the Qikiqtani Inuit Association had secured under the commercial land lease related to the mine closure and reclamation costs (including cumulative and legacy liabilities) estimated for the upcoming year for the portion of the project located on Inuit owned lands.⁷⁴

It is undoubtedly this aspect of the Board's approach to fixing security under the Existing Licence that has been the subject of the most discussion, debate and perhaps, at times, controversy. At the outset, the Board notes that the issue of overbonding has been a particularly persistent and vexing problem for all participants in the water licensing process since the Board's inception. The Board is well aware that there are various alternative approaches to addressing this issue that are outside the Board's jurisdiction and remain exclusively within the purview of prospective licensees, Designated Inuit Organizations and the Minister. However, as noted by AANDC at the Public Hearing for this Application:

⁷² Letter from E. Madsen, BIMC to P. Beaulieu, NWB RE: Type "A" Water Licence No. 2AM-MRY1325, Amendment No. 1 Application – Baffinland's Reply Submission Regarding Quantum of Security at p.7.

⁷³ As stated in the Board's Reasons for Decision associated with the Existing Licence, "overbonding arises where the aggregate security posted across all instruments exceeds the aggregate liability." Nunavut Water Board, Reasons for Decision for 2AM-MRY1325, June 12, 2013 at p. 56.

⁷⁴ Type "A" Water Licence 2AM-MRY1325, Part C, Item 2.

The issue of security is challenging. We are still trying to find ways to minimize overbonding while respecting the interest of Inuit landowners and protecting the public interest. This problem has not been resolved.⁷⁵

Consequently, the Board is left to address this indeed challenging issue within its jurisdictional and legislative limits as set out above. In developing the Board's discounting approach under the Existing Licence the Board has not intended to, and indeed cannot, dictate the commercial lease agreement negotiated between the Qikiqtani Inuit Association and BIMC. However, although the Board's fixing of security under the water licence does not bind the private arrangements between the QIA and BIMC, it does not mean that those arrangements with respect to land and water reclamation security are irrelevant to the Board and should not be considered and factored into the Board's consideration of the extent to which the whole amount of the global reclamation security required to reclaim the undertaking has been secured by instruments applicable to the project and in addition to the water licence.

As expressed by the Board in the last Annual Security Review while citing the Board's Reasons for Decision associated with the Existing Licence:

As set out in the Board's previous decisions outlining how the Board may factor security held under land-based instruments into the Board's fixing of security under water licences:

... the Board's focus in assessing security is that the Applicant must have posted sufficient security, through all means, when taken together, to ensure that the overall reclamation of the site (land and water) has been adequately addressed.

Consequently, the Board's starting point to assess security remains considering the security requirements holistically and then deducting from the aggregate land and water reclamation totals any security held under other instruments, with the remainder being secured under the water licence.⁷⁶

Also as noted by the Board in the last ASR process, in considering the evidence of reclamation security held pursuant to the commercial land lease between the Qikiqtani Inuit Association and BIMC, the Board is not assessing whether the security held under land lease is the same as security held under the water licence:

⁷⁵ A. Morgan, AANDC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, May 6, 2015, pp. 137-138, lines 26 and 1-4.

⁷⁶ Letter from T. Kabloona, NWB to the Hon. B. Valcourt, AANDC, P. J. Akeeagok, QIA and E. Madsen, BIMC, Re: Licence No. 2AM-MRY1325, Baffinland Iron Mines Corporation Type "A" Water Licence, Mary River Project; Part C, Schedule C, Annual Security Review Process: Direction from Nunavut Water Board, February 11, 2015 at pp. 12-13.

The Board is well aware of the differences between security held under a private contractual arrangement between the QIA as landowner and BIMC as lessee versus held by the Minister with BIMC as a licensee. However, in the Board's view, these differences are factors to be considered in assessing the adequacy of the global security amount required to reclaim the land and water impacted by the licensed undertaking but are not determinative (i.e. the fact that there are these differences does not mean that this form of security is inadequate and should not be included in the Board's assessment of whether the costs of abandonment and restoration have been secured). In the Board's accounting for the QIA's security during the ASR process the fundamental question is whether the QIA's security is adequate and accessible to secure the costs of the abandonment of the undertaking, restoration of the site and implementation of required remedial measures such that it should reduce the part of the global security amount that is required to be filed under the water licence as the total security amount.⁷⁷[underlining added]

It is important to remember that throughout the Board's development and implementation of the discounting approach, the Board has consistently maintained that the basis for discounting is NOT a repudiation of the holistic approach to fixing security that considers, in an integrated way both the land- and water-based reclamation activities that must be undertaken to ensure that the undertaking can be reclaimed in its entirety. As the Board has clearly stated, the discounting approach is not based on a division of reclamation security into an amount to be secured for "water-based" reclamation versus "land-based" reclamation. In developing a discounting approach under the Existing Licence, the Board continues to reaffirm that the exercise of fixing the amount of security under a given licence is not about attempting to segregate land-related reclamation from water-related reclamation, and the foundation of this approach continues to be the holistic and practical approach of the Board first articulated in the Board's BHP Boston Licence renewal decision as follows:

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-

⁷⁷ Letter from T. Kabloona, NWB to the Hon. B. Valcourt, AANDC, P. J. Akeeagok, QIA and E. Madsen, BIMC, Re: Licence No. 2AM-MRY1325, Baffinland Iron Mines Corporation Type "A" Water Licence, Mary River Project; Part C, Schedule C, Annual Security Review Process: Direction from Nunavut Water Board, February 11, 2015 at p. 14.

*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.*⁷⁸

That this fundamental holistic and practical starting point continues to be the foundation to the Board's approach to fixing security in any water licence is unchanged by the approach to addressing overbonding that has been adopted under the Existing Licence and has been maintained by the Board during the ASR process conducted for the past two years. Although the Board has been aware that AANDC has, at various points, urged the Board to adopt different approaches to fixing security under water licences, until the Public Hearing of this Application, the Board and parties were not aware that AANDC would be urging a significant and fundamental change to the Board's approach to the way in which overbonding should be addressed in respect of the Existing Licence.

However, as stated by AANDC on the first day of the Public Hearing:

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

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

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

To be clear, the change in the department's approach is with respect to the water-related issues on private land.⁷⁹

⁷⁸ 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.

⁷⁹ A. Morgan, AANDC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, May 6, 2015, pp. 138-139, lines 19-26 and lines 1-22.

As the preceding discussion of the Board's approach under the Existing Licence indicates, the change in approach suggested by AANDC during their oral submissions at the Public Hearing for this Application would require a significant and fundamental shift in the Board's approach to fixing security that would repudiate the Board's fundamental view that fixing security must be approached in a holistic and pragmatic way. With respect, the Board does not agree that implementation of a discounting approach dictates the apportionment of reclamation costs between land and water, as suggested by AANDC in their statement at the Public Hearing.

Further, the Board recognizes the potential effect of AANDC's suggested change in approach beyond just this Application; this is a matter of significance to all Designated Inuit Organizations, including the Qikiqtani Inuit Association for the Existing Licence, as the change in approach recommended by AANDC is premised on the assumption that the minimum quantum of reclamation security held under a water licence must be sufficient to address all water-related reclamation including this type of reclamation on Inuit Owned Lands. The Board recognizes the interest of AANDC, all Designated Inuit Organizations and indeed all project developers in a much more thorough and reasoned discussion of this aspect of AANDC's newly stated position than could be permitted or would have been fair in the context of this Application and hopes that AANDC's position has been expressed in this context, broader discussions outside the context of a specific application can take place amongst these parties.

The Board was not alone in its assessment of the broader importance of this issue. As noted by BIMC in their written submissions on this point:

A fundamental policy shift of this nature has potential for significant and long-term financial implications for all proponents working with Inuit land-owner partners across Nunavut, as well as to Mary River Project stakeholders.⁸⁰

With respect to this Application specifically, the Board has reviewed the prior written submissions of AANDC on the issue of security provided with respect to both the ASR processes and this Application, as well as the oral submissions made at the Public Hearing, but has been unable to find evidence or information that supports AANDC's assertion that an amendment to the security provisions of the Existing Licence, including the quantum of security, is required for this Application. The Board also did not find evidence that indicated that deferring the discussions of AANDC's newly expressed position until the Annual Security Review (commencing in October/November) creates a pressing or substantial risk of inadequate reclamation security being in place for the activities and undertaking as approved under the Amended Licence.

⁸⁰ Letter from E. Madsen, BIMC to P. Beaulieu, NWB Re: Type "A" Water Licence No. 2AM-MRY1325, Amendment No. 1 Application—Baffinland's Reply Submission Regarding Quantum of Security, May 25, 2015 at p. 5.

As stated by BIMC in response to AANDC's changed position presented at the Public Hearing:

It is clear from the materials they have filed that AANDC does not have any factual evidence that the current process is not working or placing the public interest at risk. Instead, they have made a policy decision which is not relevant to the specific amendments that are subject of this application. In our view, it is completely inappropriate for Aboriginal Affairs and Northern Development Canada to take advantage of this amendment process to raise these very general policy issues which are clearly not triggered by the early revenue phase.⁸¹

AANDC suggested that the change in approach urged by the Department at the Public Hearing could be supported by the reclamation estimates originally provided by BIMC in 2012-2013 as part of the water licensing process and that reflected the development of the project as proposed at that time. However, the Board notes BIMC's reservations about the Board applying this evidence, which was generated at an earlier point in time, in a very different context and that was based on very different factual assumptions to the context of this Application and associated amendment. As stated by BIMC at the Public Hearing:

We wish to correct one of Aboriginal Affairs and Northern Development Canada's assertions at this time. In their statement, AANDC references the Board's decision of June 12th, 2013, in relation to the 2013 work plan as being the best information available for the apportionment between land and water and notes that the Baffinland estimate of water-related costs was approximately 6 percent of the then current reclamation cost estimate. This is an incorrect statement. As a considerable amount of procedural and technical effort went into the cost estimates in both 2014 and 2015, while Aboriginal Affairs and Northern Development Canada fully participated in those processes, they obviously have not made any efforts to review the information provided since the breakdown of costs for both water and land, as well as a differentiation between Inuit-owned lands and Crown lands have been provided. Baffinland can tell the Board and Aboriginal Affairs Canada today that the 6-percent estimated -- estimate for water in 2013 has come down considerably in the con -- subsequent 2014 and 2015 reviews.⁸²

The Board finds that there are significant limitations on bringing forward these earlier estimates and applying this information to develop a new approach to fixing the amount of security required to be filed under the water licence as urged by AANDC. Consequently,

⁸¹ E. Madsen, BIMC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, May 7, 2015, pp. 183-184, lines 18-26 and lines 1-3.

⁸² E. Madsen, BIMC, NWB Public Hearing File No. 2AM-MRY1325, Transcript, May 7, 2015, pp. 84-85, lines 4-26 and line 1.

the Board has concluded that AANDC has provided no evidence indicating there is a threat to the public interest that would warrant the Board making major amendments to the Board's approach to fixing security under the Existing Licence. The Board also finds that AANDC has failed to establish that there is a pressing need for the Board to amend the security held under the Existing Licence in advance of any adjustments that may result from the upcoming Annual Security Review. The Board also recognizes the sweeping nature of the change in approach recommended by AANDC at the eleventh hour of the Board's consideration of this Application, and the Board is not prepared at this time to amend the security provisions of the Existing Licence as suggested by AANDC at the Public Hearing.

In choosing not to make these changes at this time, the Board is not, however, commenting further on the substance of the change in approach urged by AANDC. The Board anticipates these issues will be much more thoroughly and substantively discussed during the upcoming ASR. In the interim, the Board encourages all relevant parties to engage in the discussion of these issues in the broader context outside of any specific licence application with a view to addressing, in a more comprehensive and consistent manner, the challenge of recognizing and reconciling the interests and respective jurisdiction of all parties and the public in ensuring robust and adequate reclamation security is in place for projects throughout Nunavut and at all stages of the project life cycle.

Amendments to Part C

Although the Board has not chosen to amend the global security amount fixed by the Board in February 2015, nor the general process for an Annual Security Review, the Board has however amended Part C, Item 1 to eliminate the reference in the Existing Licence to the original global security amount set at the time the Existing Licence was issued in 2013. This reference is no longer applicable, as the global security amount has been updated twice to reflect increases as a result of the ASR process.

Also, as requested by all parties during the Board's processing of the Application and also during the last ASR process, the Board has amended Part C, Item 1 to allow the Board to, upon providing notice and in consultation with the stakeholders and interested parties, waive the requirements to hold an Annual Security Review in appropriate circumstances. Although the Board anticipates that given the changes to the development of the project that may lie ahead in the next few years, there may be a need for annual reviews for the foreseeable future, the Board also recognizes that conducting a full ASR process may not be required once initial construction at some project sites has been completed and a stable level of operation is achieved. Therefore, in future, the Board may determine that an annual review is unnecessary and the Amended Licence provides a measure of flexibility not included in the Existing Licence.

Finally, the Board has, on the basis of submissions made by Aboriginal Affairs and Northern Development Canada both in the course of review of this Application and as part of the Annual Security Review and the commitment of BIMC expressed at the Public Hearing and final submissions on security, added a provision to Part C, Item 5 to require the Licensee to provide 60 days advance written notice to the Board and the Minister of

any material change in the security arrangements between the Qikiqtani Inuit Association and BIMC.

Part D: Conditions Applying to Construction and Operations

In addition to the facilities and infrastructure included under the Existing Licence, the Applicant has, in its Amendment Application, proposed to construct additional facilities and infrastructure as well as recommission and expand some existing facilities at the Milne Port site in support of the Early Revenue Phase including:

- Construction of an ore dock and ore loading system;
- Installation of two 100,000-litre marine diesel tanks;
- Construction of additional ancillary buildings;
- Construction of ore stockpile pads and associated drainage structures and earthworks;
- Construction of two ore stockpile sedimentation ponds;
- Expansion of the Matrix Camp;
- Recommissioning of the existing Rotating Biological Contactor (RBC) Type Sewage Treatment Plant at Milne Port;
- Construction of the Polishing Waste Stabilization Pond authorized under Licence No. 8BC-MRY1416, which has been incorporated into this Amended Licence;
- Relocation for the sewage effluent discharge line at Milne Port;
- Minor upgrades to the Tote Road as discussed in the Original Water Licence Application accompanying the FEIS;
- Discharge of treated sewage effluent from facilities at the Mine site on to land.

Consistent with the terms and conditions included in the Existing Licence, the Licensee is required under the Amended Licence to submit to the Board for review for-construction drawings, signed and stamped by an engineer, at least sixty (60) days in advance of constructing any structures designed to contain, withhold, divert or retain Waters or Waste; and a construction summary report including as-built drawings within ninety (90) days following construction of the same structures or facilities.

Terms and Conditions have also been retained with the issuance of the Existing Licence, which require the Licensee to undertake geotechnical inspections of all facilities or structures designed and constructed to contain, withhold, divert or retain Water or Waste in accordance with predetermined intervals and, where applicable, in adherence to the Canadian *Dam Association, Dam Safety Guidelines (2007)* or subsequent iterations thereof.

Further, the Board carried forward terms and conditions in the amended licence requiring the Licensee to submit to the Board for approval, operation and maintenance plans for the ore dock facility at least sixty (60) days prior to commissioning of the facility.

Part E: Conditions Applying to Water Use and 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.”

Under the Existing Licence, the Licensee is authorized to use 580,000 cubic metres of Water annually for the Construction Phase of the Project and 230,000 cubic metres of Water annually for the Operations Phase. The water quantity currently authorized under Water Licence No. 8BC-MRY1416 is 299 cubic metres per day (109,135 cubic metres annually). As part of the scope of the Amendment Application, the Licensee requested the following changes to Water requirements under the Licence:

- Integration of Water quantities already authorized under the Type “A” and Type “B” Water Licences mentioned above, with respect to withdrawn from Phillips Creek and Km 32 Lake for domestic and industrial purposes during both the Construction and Operations Phases of the Project
- Additional Water quantities, ranging between 1,500 cubic metres per day (547,500 cubic metres annually) and 2,700.5 cubic metres per day (985,683 cubic metres Annually), to be obtained from several Water courses or Water bodies along the Tote Road, for use in dust suppression/dust control during the Early Revenue Phase of the Project.

The following summarises the water quantities requested under the licence taking into consideration all proposed uses during the Construction, Operations and Early Revenue Phases:

Construction Phase

TABLE 4 that follows provides a breakdown of the Water Quantity already authorized and requested under the current Type “A” and Type “B” Licences referred to above for the Construction Phase of the Project as well as water use proposed under the early revenue Phase. Based on the information contained in the Table, the combined minimum Water quantity requested for the Construction and Early Revenue Phases of the Project is approximately 1,236,640 cubic metres annually, while the combined maximum Water requirement is approximately 1,674,820 cubic metres annually.

TABLE 4: MINIMUM AND MAXIMUM WATER USE AUTHORIZED AND REQUESTED FOR THE CONSTRUCTION AND EARLY REVENUE PHASES OF THE PROJECT

	Authorized Under Licence No. 2AM-MRY1325 (Construction)	Authorized for Licence No. 8BC-RY1416	Requested for the ERP	Total Requested
Minimum Water Use (m ³ /year)	580,000	109,135	547,500	~ 1,236,600
Maximum Water Use (m ³ /year)	580,000	109,135	985,683	~1,674,800

Operations Phase

TABLE 5 that follows provides a breakdown of the Water Quantity already authorized and requested under the current Type “A” and Type “B” Licences for the Operations Phase of the Project as well as Water use requested under the Early Revenue Phase or otherwise. Based on the information contained in the Table, the combined minimum Water quantity requested for the Operations and Early Revenue Phases of the Project is approximately 900,323 cubic metres annually, while the combined maximum Water requirement is 1,338,510 cubic metres annually.

TABLE 5: MINIMUM AND MAXIMUM WATER USE AUTHORIZED AND REQUESTED FOR THE OPERATIONS AND EARLY REVENUE PHASES OF THE PROJECT

	Authorized Under Licence No. 2AM-MRY1325 (Operations)	Authorized for Licence No. 8BC-MRY1416	Additional Water Requested	Requested for the ERP	Total Requested
Minimum Water Use (m3/year)	230,000	109,135	13,687.50	547,500	~ 900,300
Maximum Water Use (m3/year)	230,000	109,135	13,687.5	985,683	~1,338,500

To support the Water quantities requested above, the Licensee provided a Hydrological Assessment indicating that the Water bodies from which Water may be withdrawn are unlikely to be severely impacted by the withdrawal rates required for dust suppression/control and operational flexibility, during the Early Revenue Phase of the Project.

In its final written submission and during the Public Hearing, Aboriginal Affairs and Northern Development Canada (AANDC) commented that the maximum daily water consumption for dust suppression should be limited to 1,500 cubic metres per day, and not 2,700.5 cubic metres per day as proposed by the Applicant, unless the Licensee provides site-specific discharge data and sound justification for using more than 1,500 cubic metres per day of Water. In addition, AANDC recommended that water monitoring stations and monitoring methods used to determine low-flow years be submitted for review as they become available.

The Board has reviewed the information submitted by the Applicant in support of the additional water quantity requested as well as considered the comments and recommendations provided by intervening parties during the licensing process on this topic. The Board notes that the additional water quantity requested represents a significant increase in the overall quantity of water associated with the Project. The Board supports, in principle, the proposed objective for which the water will be used; however, the Board has significant concerns regarding the maximum quantity of water requested, in the context of rationale provided, for the reasons outlined below.

First, the assumptions included in the information⁸³ provided by the Applicant, which may be considered reasonably conservative, supports marginally less than the minimum quantity of water, 1,500 cubic metres per day, proposed by the Applicant; even if, dust suppression/control is undertaken approximately 24 hours/day irrespective of the time of year. However, given the prolong winter periods that generally prevail within the Project area, the quantity of water required for dust suppression/control may fluctuate to a notable extent at different times of the year, which contributes to added conservatism and less rationale for the maximum daily water quantity proposed by the Applicant..

Second, the water quantities already allocated under the Existing Licence and relevant Type “B” Licence No. 8BC-MRY1416, which are carried over to the Amended Licence, does allow for some flexibility in terms of reallocation of the industrial component of water use to conduct dust suppression on as-needed basis, which reduces requirement for the maximum quantity proposed by the Applicant specifically for dust suppression. Further, the information provided in the Applicant’s 2014 Annual Report for the Project suggests that water use is significantly less than that which is currently authorized under the Existing Licence.

Third, while the Board understands the approach being considered by the Applicant to manage potential increases in the level of dust generated by the Project due to the projected increase in road traffic, the Board is, at the same time, obliged to balance the Applicant’s request with that of the Board’s wider mandate of regulating and managing the use of water in the Nunavut Settlement Area, of which conservation is an integral element. Consequently, granting the maximum water quantity requested for dust suppression in the context of what is believed to be inadequate justification or rationale at this time would be contrary to the principles of conservation and responsible stewardship. Therefore, the Board has authorized, under Part E, Item 25 in the Amended Licence, up to 1,500 cubic metres per day of water, specifically for use in dust suppression/control. If the additional water quantities are required in the future for any purpose under the Licence, the Licensee will be required to submit a written request/application to the Board for consideration.

To ensure that the relevant water bodies impacted by withdrawals for dust suppression/control are capable of supporting such activity overtime, the licensee is required to include in the next iteration of the *Fresh Water Supply, Sewage, and Wastewater Management Plan* (BAF-PH1-830-P16-0010) or a similar plan, the location of monitoring stations that are representatives of the catchments involved as well as the method(s) to be used in determining low-flow years, as requested by AANDC. In addition, the Licence is required to include in the aforementioned plan, the procedures for undertaking visual inspection of the water bodies impacted by dust suppression activities and detail related to the collection and review of stream gauging information.

⁸³ Type 'A' Water Licence Amendment Attachment 2: Supplementary Technical Information for additional water withdrawal locations and water quantities along the Tote Road subject to this Amendment, Table 1, P 2 of 9.

Apart from the water use granted for dust suppression, the Board has granted the Licensee's request to integrate the water quantities allowed under Licence No. 8BC-MRY1416 and the Existing Licence, during the Construction and Operations Phases of the Project as well as the limited additional quantity of water requested during the Operations Phase of the Project. The water use currently authorized for Project's Construction Phase as included under Part E, Item 3 in the Amended Licence is 689,000 cubic per year, while the water use authorized under Part E, Item 4 in the Amended Licence for Operations Phase is 353, 000 cubic metres per year.

Part F: Conditions Applying to Waste Disposal and Management

Given that the types of Waste generated under the scope of the Application is consistent with that of the Existing Licence, only minor changes have been included in this section of the Amended Licence. The changes included are to reflect the added project sites where Waste will be generated and/or disposed of. Conditions have been included in the Amended Licence to allow the Licensee to appropriately manage the Waste generated by and/or associated with the ore dock, ore stockpile areas, sedimentation ponds and Water management structures situated at Milne Port. In addition, the Board has granted the requests by the Licensee to relocate the Sewage Effluent Discharge Line at Milne Port and to discharge treated sewage generated by the mine site onto land.

Part G: Conditions Applying to Modifications

No changes have been made to the terms and conditions-related modifications. Consistent with the Existing Licence and in accordance with Article 12 and Clause 12.4.3⁸⁴ of the NLCA, proposed modifications submitted under this Licence may require a screening determination by the NIRB. It is the Licensee's responsibility to notify and consult with the NIRB to ensure that Article 12 requirements are met prior to submission of any modification request to the NWB under the Licence.

Following confirmation from the NIRB, the Licensee is also required to obtain permission from the Board for any modification contemplated. Without written consent from the Board, the Licensee is not allowed to carry out modifications, and all modifications must be consistent with the terms of the Licence.

⁸⁴ 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]

Part H: Conditions Applying to Emergency Response and Spill Contingency Planning

The Board had approved an Emergency and Spill Contingency Plan when the Existing Licence was issued in 2013. The Licensee submitted as a part of its 2014 Annual Report the following two separate documents in support of emergency response and spill contingency planning: *Emergency Response Plan* (BAF-PH1-840-P16-0002, Rev 0), March 3, 2015; and *Spill Contingency Plan* (BAF-PH1-840-P16-0036, Rev 1), March 16, 2015. With issuance of the Amended Licence, the Board has approved both of the recently submitted plans, which now replace the previously approved combined plans.

Part I: Conditions Applying to General and Aquatic Effects Monitoring

As previously noted, s. 73 of the NWNSRTA requires the NWB to set conditions at least as stringent as conditions prescribed by regulation pursuant to ss. 36(5) and (5.2) of the *Fisheries Act*.⁸⁵ 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.⁸⁶ For the purpose of monitoring, the NWB may include conditions in the Licence regarding monitoring programs to be undertaken.⁸⁷

With the issuance of the Amended Licence, the Board has included minor changes to the monitoring requirement in the Existing Licence to account for infrastructure and/or facilities linked to the Early Revenue Phase or changes in operational requirements. Specifically, the Board has included the four (4) additional monitoring stations proposed by the Licensee, two of which are linked to monitoring effluent emanating and collected from the ore stockpile area at Milne Port before being discharged into the Receiving Environment. The other two monitoring stations are linked to surface runoff construction activities.

During the Public Hearing, the Applicant indicated that Environment Canada advised that effluent discharged at Milne Port must meet the requirements of section 36 of the *Fisheries Act* to ensure that the effluent is not acutely toxic to fish. Further, the Applicant mentioned that Environment Canada stated that applying effluent criteria under Part F, Item 25 – Table 10 of the Existing Licence to runoff from the ore stockpile area is not necessary given that the Receiving Environment is the ocean. Consequently, the Applicant has revised its position and agrees that discharge criteria in Table 10 of the Existing Licence should not apply to effluent from the ore stockpile area and that annual bioassay testing

⁸⁵ 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.

⁸⁶ See ss. 85-94 of the NWNSRTA.

⁸⁷ See s. 70(1)(c) of the NWNSRTA.

will be undertaken to ensure that the discharge is not acutely toxic, based on Schedule 1, Table 12, Group 3 Parameters.

Both the Qikiqtani Inuit Association (QIA) and Environment Canada (EC) expressed concerns with regards to the Licensee's proposed monitoring approach for effluent discharge from the ore stockpile area or sedimentation ponds. The QIA requested that a Surveillance Network Program (SNP) station be established to monitor the effluent from the Milne Port Ore Stockpile area, and that effluent discharge criteria be set to ensure compliance with the *Fisheries Act* at a minimum. The QIA also mentioned that the AEMP submitted by the applicant should be updated to address discharge from the ore stockpile and/or the sedimentation ponds into Milne Inlet.

Environment Canada mentioned during the Public Hearing that, while it believes the Metal Mining Effluent Regulations were inappropriately applied to the Milne Port site, it believes monitoring of discharge and effects on the marine environment are required. EC indicated that it looks forward to further discussions regarding the implementation of discharge and effects monitoring. In a follow-up correspondence submitted by EC subsequent to the Public Hearing, EC confirmed that it understands the Applicant has intentions to eliminate the use discharge criteria from the monitoring program, which is contrary to the Applicant's initial position, and to limit *Fisheries Act* compliance to monitoring a single annual sampling event, which EC views as being in conflict with verbal and writing commitments made by the Applicant leading up to the water licensing process.

EC stated that it does not agree that a single sample will be representative of the discharge effluent quality over the course of an entire year. Further, EC indicated that it did not suggest that toxicity testing could replace criteria. Instead, EC confirmed that its position is that the original commitment to meet the minimum effluent quality limits in Table 10 of the Existing Licence was acceptable if the effluent remains non-deleterious.

The Board has reviewed the Applicant's monitoring approach proposed initially, as well as the changes made to the approach while taking into consideration interveners' comments and recommendations. The Board advises that the Applicant revert to the originally proposed approach for monitoring the effluent collected from the ore stockpile area at Milne Port in accordance with effluent criteria under Part F, Item 25 - Table 10 of the Existing Licence and to meet the requirements of section 36 of the *Fisheries Act*, even though the effluent is expected to be discharged into a marine environment, which is outside of the Board's mandate. The Board also noted that a reversion to the originally proposed approach will allow for consistency with respect to similar-type monitoring already done within the Milne Port for similar type of effluent. The Board believes that the implementation of the original monitoring requirements will address the concerns expressed by intervening parties. To ensure that relevant monitoring is carried out, if its recommendations are not implementing for discharge to the marine environment, the Board has included non-regulated monitoring requirements under Part F, Item 30 in the Amended Licence.

With respect to the AEMP submitted by the Applicant, the Board has included requirements in the Amended Licence for the Licensee to revise and submit the Plan to the Board for review and approval within sixty (60) days following approval of the Amended Licence by the Minister. The revised plans should take into consideration comments and recommendations provided by intervening parties during the review process. Once the AEMP is revised, resubmitted and approved, it will supersede the Framework under Part I, Item 1 and the Environmental Monitoring Plan under Part I, Item 4 in the Amended Licence.

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*⁸⁸ (Guidelines) and consistent with the *Mine Site Reclamation Policy for Nunavut, 2002* (Policy).⁸⁹ As established in the Shear Diamonds Licence Renewal Decision:⁹⁰

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.
- 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.⁹¹

The Board approved in the Existing Licence a Preliminary Mine Closure and Reclamation Plan submitted in 2012 as part of the original water licence application. However, conditions were also included in the Existing Licence requiring the Licensee to submit to the Board for Approval, within sixty (60) days prior to commencement of the Operations

⁸⁸ Indian and Northern Affairs Canada, (Yellowknife: Indian and Northern Affairs Canada, 2007) available online: http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-NWT/STAGING/texte-text/msr_1320177195268_eng.pdf.

⁸⁹ Minister of Indian Affairs and Northern Development, (Ottawa: Minister of Public Works and Government Services Canada, 2002) available online: http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/recpolnuna_1100100036043_eng.pdf.

⁹⁰ Nunavut Water Board, Reasons for Decision: 2AM-JER1119 Type A – Licence Renewal at pp. 66-68.

⁹¹ Minister of Indian Affairs and Northern Development, (Ottawa: Minister of Public Works and Government Services Canada, 2002), p. 2.

Phase of the Project, an Interim Abandonment and Restoration Plan. As the Early Revenue Phase of the Project may be construed to some extent as a limited Operations Phase, the Licensee submitted an Interim Abandonment and Restoration Plan to the Board for consideration and approval.

The NWB has reviewed the Interim Abandonment and Restoration Plan in the context of the approved Preliminary Abandonment and Restoration Plan. The NWB determined that the Interim Abandonment and Restoration Plan requires revision to address issues raised by intervening parties during the review period. The revised plan must be submitted to the Board for review within sixty (60) days following approval of the Amended Licence by the Minister as required under Part J, Item 2 in the Amended Licence. Once the IARP is approved, it will supersede the Preliminary Mine Closure and Reclamation Plan approved under Part J, Item 1 in the Licence.

SCHEDULES A-J

The Schedules referenced under Part A, Item 2(a) and contained in Part K of the Existing and Amended Licences provide additional details and clarity with respect to requirements related to specific terms and conditions in the main body of the Licence. The Schedules also assist the Board in addressing administrative issues surrounding minor changes to the regulation of the project without making amendments to the Licence.

If, based on information provided to the Board by the Licensee or other parties, the Board determines that an element of a Schedule requires revision in order to better reflect the terms and conditions and intent of the Licence or on-site arrangements, the Board may, at its discretion and upon consultation with relevant stakeholders, 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 as set out under the NWNSRTA.

It should be noted that all of the Schedules contained in the Existing Licence have been carried forward to the Amended Licence. However, minor changes have been made to some of the Schedules, as indicated in APPENDIX F: General Summary of Amendments to Licence 2AM-MRY1325 Under Amendment No. 1, to capture relevant aspects of the scope of the Amendment Application. The following is a list of the Schedules included in the Amended Licence:

- Schedule A: Scope, Definitions and Enforcement
- Schedule B: General Conditions
- Schedule C: Conditions Applying to Security
- Schedule D: Conditions Applying to Construction
- Schedule E: Conditions Applying to Water Use and Management
- Schedule F: Conditions Applying to Waste Disposal and Management
- Schedule G: Conditions Applying to Modifications

- Schedule H: Conditions Applying to Emergency Response and Contingency Planning
- Schedule I: Conditions Applying to General and Aquatics Effects Monitoring
- Schedule J: Conditions Applying to Abandonment, Reclamation and Closure

APPENDICES A TO F:

Appendix A: Agendas for Public Hearing and Community Session

Appendix B: List of Exhibits from the Public Hearing

Appendix C: List of Acronyms

Appendix D: List of Submissions and Correspondence

Appendix E: Sign-In Sheets – List of Participants in the Public Hearing

Appendix F: General Summary of Amendments

APPENDIX A: AGENDAS FOR PUBLIC HEARING AND COMMUNITY SESSION

Public Hearing

Type “A” Water Licence No. 2AM-MRY1325, Amendment No. 1 Application

May 6 – 7, 2015 (9 a.m. – 5 p.m., ET)
Atakaalik Community Hall, Pond Inlet, Nunavut

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1. Opening Prayer
 2. Opening Remarks by the Chairperson, which shall include the purpose of the Hearing and the scope of matters which will be considered by the Board
 3. Introduction of Board’s Panel Members and staff
 4. Identification and introduction of the Parties
 5. Introduction of Elders and their role in the Hearing
 6. Introduction and Identification of persons, associations, agencies, etc., who have not submitted interventions but who have expressed a desire to speak at the Hearing;
 7. Identification of any Motions or any objections
 8. Presentation by the Applicant
 9. Questioning of the Applicant by Parties respecting the Applicant’s presentation
 10. Questioning by the Board’s staff and Panel Members
 11. Presentation by Interveners
 12. Questioning of Interveners by Parties
 13. Questioning by the Board’s staff and Panel Members
 14. Presentation by any other persons, associations, agencies, etc. who have advised the Chairperson that they wish to speak
 15. Questioning of other persons, associations, agencies, etc. by Parties
 16. Questioning by the Board’s staff and Panel Members
 17. Upon completion of presentations by all Parties, the Board will give the Applicant the opportunity to reply. Then all Parties will have the opportunity to make final closing statements taking into account matters raised at the Hearing
 18. Closing remarks by the Chairperson
 19. Closing Prayer

AGENDA

Community Session

Type “A” Water Licence No. 2AM-MRY1325, Amendment No. 1 Application

May 6, 2015 (7:00 p.m. – 10 p.m., ET)
Atakaalik Community Hall, Pond Inlet, Nunavut

-
1. Opening Prayer;
 2. Opening Remarks by the Chair
 3. Presentation by the Nunavut Water Board (NWB) on the Type “A” water licensing process (**15 Minutes**)
 4. Questions and/or comments from community members and other participants
 5. Presentation by Baffinland Iron Mines Corporation with respect to the amendment (No. 1) application filed for Type “A” Water Licence No. 2AM-MRY1325 (**20 Minutes**)
 6. Question and/or comments from community members and other participants
 7. Presentation from each intervening party pertaining to its mandate and role(s) in the water licensing process as well as an overview of their findings during their technical review of the application (**15 Minutes/Intervener**)
 8. Questions and/or comments from community members and other participants
 9. Closing Remarks
 10. Closing Prayer

APPENDIX B: LIST OF EXHIBITS FROM THE PUBLIC HEARING

Exhibit	Exhibit Description	Date	From
1	Hard Copy PowerPoint Presentation Mary River Project Type A Water Licence 2AM-MRY 1325 Amendment Application (Inuktitut)	May 6, 2015	Baffinland Iron Mines Corporation
2	Hard Copy PowerPoint Presentation Mary River Project Type A Water Licence 2AM-MRY 1325 Amendment Application (English)	May 6, 2015	Baffinland Iron Mines Corporation
3	Hard Copy PowerPoint Presentation Qikiqtani Inuit Association Baffinland Iron Mines Corporation's Type 'A' Amendment No. 1 Application for Licence 2AM-MRY1325 Public Hearing Presentation, May 2015 (Inuktitut)	May 6, 2015	Qikiqtani Inuit Association
4	Hard Copy PowerPoint Presentation Qikiqtani Inuit Association Baffinland Iron Mines Corporation's Type 'A' Amendment No. 1 Application for Licence 2AM-MRY1325 Public Hearing Presentation, May 2015 (English)	May 6, 2015	Qikiqtani Inuit Association
5	Hard Copy PowerPoint Presentation Aboriginal Affairs and Northern Development Canada Baffinland Iron Mines Corporation Mary River Project Type A Water Licence Amendment Application Nunavut Water Board Public Hearing, Pond Inlet, Nunavut, May 6-7, 2015 (English/Inuktitut)	May 6, 2015	Aboriginal Affairs and Northern Development Canada
6	Electronic Copy ONLY Mark Dahl, Environment Canada Speaking Notes (English only)	May 6, 2015	Environment Canada

Exhibit	Exhibit Description	Date	From
7 * *marked but not entered as part of formal record at the request of AANDC	Hard Copy AANDC Speaking Notes on Security Type "A" Water Licence No. 2AM-MRY1325 Amendment, May 6-7, 2015 (English only)	May 6, 2015	Aboriginal Affairs and Northern Development Canada
8	Hard Copy NWB Community Session Presentation For Type "A" Water Licence 2AM-MRY 1325 Amendment No. 1 Application Baffinland Iron Mines Corporation Mary River Project (English/Inuktitut)	May 6, 2015	Nunavut Water Board
9	Electronic Copy (Only) Certified True Copy Irrevocable Standby Letter of Credit Applicant: Baffinland Iron Mines Corporation, Beneficiary: Qikiqtani Inuit Association, Amount: CAD \$47,517,500.00	May 8, 2015	Qikiqtani Inuit Association

APPENDIX C: LIST OF ACRONYMS

AANDC	Aboriginal Affairs and Northern Development Canada	ᑲᐸᓕᒥ ᓄᐃᖅᑭᑯᑦᑐᓕᓚᓗᑦ ᐅᓱᐅᖅᓕᖅᑐᒥᑐ ᐱᓇᓕᓕᐳᓕᓚᓗᑦ
DFO	Fisheries and Oceans Canada	ᑲᐸᓕᒥ ᐃᖅᑭᓙᓕᓚᓗᑦ ᐃᓚᖅᔪᓕᓕᓚᓗᑦᑐ
EC	Environment Canada	ᑲᐸᓕᒥ ᐋᓇᑎᓕᓚᓗᑦ
GN	Government of Nunavut	ᓄᐃᓂᖅ ᓚᓇᓚᖅ
IR	Information Request	ᑐᕐᑭᑦᑎᓕᐅᒥᐳᑯᑦᑭᓴᓂᓱᓵᓚᓗᑦ
NIRB	Nunavut Impact Review Board	ᓄᐃᓂᖅᔪᒥ ᐋᓇᑎᓕᓚᓗᑯᓄᖅ ᑭᑎᓚᓱᖅᓚᓗᑦ
NLCA	Nunavut Land Claims Agreement	ᓄᐃᓂᖅᔪᒥ ᓄᐃᓛᖅᓂᖅᓴᑦ ᐋᖅᓚᓱᓶᑎᖅ
NPC	Nunavut Planning Commission	ᓄᐃᓂᖅᔪᒥ ᓈᖅᓚᐃᓗᑦ
NWB	Nunavut Water Board	ᓄᐃᓂᖅᔪᒥ ᐃᓚᓕᓚᓗᑦ ᑭᑎᓚᓱᖅᓚᓗᑦ
PHC	Pre Hearing Conference	ᐃᓄᒥᐳᑯᑦᑎᖅᑐᓴ ᐃᓄᐃᖅ ᑭᑎᓚᑎᓕᐅᓂᐳᑯᖅᓂᖅᓚᓱᖅᓂᑯ ᑭᑎᓚᓂᖅ
QIA	Qikiqtani Inuit Association	ᖅᓱᓱᖅᓕᓂ ᐃᓄᐃᖅ ᑭᑐᕐᕐᑭᑦᑎᓱᖅᓚᓗᑦ
TDS	Total Dissolved Solids	ᓶᑎᓺᓆᓂᖅ ᐋᐅᑯᖅᓴᓺᖅ ᑭᑎᖅᑐᒥᖅ

APPENDIX D: LIST OF SUBMISSIONS AND CORRESPONDENCE

Application:

1. Cover letter and initial submission of application for amendment water licence by Baffinland Iron Mines Corporation (“Baffinland”) dated **July 16, 2014**.

Initial Submissions & Correspondence:

1. Submitted on **July 16, 2014** by Baffinland Iron Mines Corporation, Supplementary Technical Information for Milne Port part(s) 1-6.
2. Submitted on **July 16, 2014** by Baffinland Iron Mines Corporation, Supplementary Technical Information for additional water withdrawal locations and water quantities along the tote road.
3. Submitted on **July 16, 2014** by Baffinland Iron Mines Corporation, Supplementary Technical Information for changes at the Milne Site part(s) 1-5.
4. Submitted on **July 16, 2014** by Baffinland Iron Mines Corporation, Compliance Assessment and Status Report on Responses to Inspector’s Reports.
5. Submitted on **July 16, 2014** by Baffinland Iron Mines Corporation, Cover Page; Interim and Reclamation Plan for Mary River Project and Associated Estimated Security Deposit.
6. Submitted on **July 16, 2014** by Baffinland Iron Mines Corporation, Interim Closure and Reclamation Plan.
7. Submitted on **July 21, 2014** by Baffinland Iron Mines Corporation, Company Financial Information and List of Directors.
8. Submitted on **July 21, 2014** by Baffinland Iron Mines Corporation, Project Summaries – All Languages.
9. Acknowledgement of Baffinland’s Type “A” Amendment Water Licence Application for the Mary River Project dated **July 22, 2015** to Jennifer St. Paul Butler from Megan Porter, Licensing Administrator Assistant, Nunavut Water Board (“NWB”).
10. Cover Email: Acknowledgement and receipt of Application fee for Mary River Type “A” Amendment Application dated **August 6, 2014** to Baffinland from Megan Porter, Licensing Administrator Assistant, NWB.
11. Letter to Jennifer St. Paul Butler, Baffinland Iron Mines Corporation from Megan Porter, Licensing Administrator Assistant, NWB dated **August 6, 2014**; Re: Acknowledgement and Receipt of Application Fee – Amendment Water Licence – Mary River Project.
12. Submitted on **August 29, 2014** by Baffinland Iron Mines Corporation, Oliver Curran to Sean Joseph, Technical Advisor, NWB; Application for Amendment to the Type “A” Water Licence 2AM-MRY1325 clarifications.

13. Letter to Erik Madsen, Baffinland Iron Mines Corporation from Phyllis Beaulieu, Manager of Licensing, NWB; Re: Completeness and Initial Technical Review, Including any Information Request dated **August 29, 2014**.
14. Cover email: Request for review and Comments of Completeness check on the Amendment Application for the Mary River Project dated **August 29, 2014**.
15. Letter to Damien Cote, Executive Director, NWB from Oliver Curran, Director, Sustainable Development, Baffinland Iron Mines Corp; Re: Licence No. 2AM-MRY1325, Type “A” – Notice of Amendment Application and Commencement of Technical Review Period for Mary River Project dated **September 2, 2014**.
16. Letter to Thomas Kabloona, Chairperson, NWB from Ryan Berry, Executive Director, Nunavut Impact Review Board (NIRB); Application Exempt from the Requirement for Screening pursuant to Section 12.4.3 of NLCA: Baffinland Iron Mine Corporation’s Application to Amend its Type A Water Licence for the Mary River Project, Qikiqtani Region dated **September 11, 2014**.
17. Submission from Stephen Williamson Bathory, Director, Dept. of Major Project, Qikiqtani Inuit Association (QIA) to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Application for Renewal and Amendment to Type A Water Licence – 2AM-MRY1325, QIA Comments dated **September 16th, 2014**.
18. Submission from Jean Allen, Aboriginal Affairs and Northern Development Canada (AANDC) to Phyllis Beaulieu, Manager of Licensing, NWB; Re: 2AM-MRY1325 – Mary River Project – Baffinland Iron Mines Corporation – Amendment Application – Completeness Review dated **September 19, 2014**.
19. Submission from Mark Dahl, EA and Marine Programs Division, Environment Canada (EC) to Phyllis Beaulieu, Manager of Licensing, NWB; Re: 2AM-MRY1325 – Baffinland Iron Mines Corporation. – Application for Amendment of Type “A” Water Licence, EC Comments dated **September 19, 2014**.
20. Letter to Manager of Licensing, NWB from Erik Madsen, Sustainable Development, Health, Safety & Environment, Baffinland; Re: Application for Renewal and Amendment to Type “A” Water Licence 2AM-MRY1325 dated **September 19, 2014**.
21. Notice of Application and Commencement of Technical Review Period for Type “A” 2AM-MRY1325 Mary River Project dated **September 29, 2014** to Erik Madsen, Baffinland from Damien Cote, Executive Director, NWB.
22. Cover email: 2AM-MRY1325 Notice of Amendment Application and Commencement of Technical Review for Mary River Project dated **September 29, 2014** to Erik Madsen, Baffinland from Megan Porter, Licensing Administrator Assistant, NWB.
23. Public Notice of Amendment Application: 2AM-MRY1325 Type “A” Mary River Project to Erik Madsen, Vice President, Baffinland from Megan Porter, Licensing Administrator Assistant, NWB dated **September 29, 2014** (*English*).

24. Public Notice of Amendment Application: 2AM-MRY1325 Type “A” Mary River Project to Erik Madsen, Vice President, Baffinland from Megan Porter, Licensing Administrator Assistant, NWB dated **September 29, 2014** (*Inuktitut*).
25. Cover: Public Notice of Amendment Application: To Local Organizations and Erik Madsen, Vice President, Baffinland from Megan Porter, Licensing Administrator Assistant, NWB dated **September 29, 2014**.
26. Letter to Phyllis Beaulieu, Manager Licensing, NWB from Oliver Curran, Baffinland; Re: Baffinland Responses to Agency Comments on the Amendment to Type “A” Water Licence 2AM-MRY1325 dated **October 3, 2014**.
27. Cover email: Baffinland’s response to comments received for the Amendment application dated **October 3, 2014**.
28. Cover Email: Re: 2AM-MRY1325 Notice of Amendment Application and Commencement of Technical Review for Mary River, Nunavut Planning Commission (NPC) Conformity from Brian Aglukark, NPC to Megan Porter, Licensing Administrator Assistant, NWB dated **October 6, 2014**.
29. Submission from Jean Allen, Water Management Specialist, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: 2AM-MRY1325 – Mary River Project – Baffinland Iron Mine Corporation – Amendment Application – Technical Review dated **November 14, 2014**.
30. Submission from Mark Dahl, EA and Marine Programs Division, EC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: 2AM-MRY1325 – Baffinland Iron Mines Corporation. – Application for Amendment of Type “A” Water Licence, Technical Review Comments dated **November 14, 2014**.
31. Submission from Stephen Williamson Bathory, Director, Major Projects, QIA to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Application for Renewal and Amendment to Type “A” Water Licence 2AM-MRY1325 – Technical Assessment dated **November 14, 2014**.
32. Cover email: 2AM-MRY1325 Technical Review Comments Received for the Mary River Project dated November 19, 2014 to Erik Madsen, Baffinland from Megan Porter, Licensing Administrator Assistant, NWB.
33. Letter to Phyllis Beaulieu, Manager of Licensing, NWB from Oliver Curran, Baffinland; Re: Baffinland Response to Agency Technical Comments on the Amendment to the Type “A” Water Licence 2AM-MRY1325 date **December 5, 2014** part 1 of 11.
34. Submission from Mark Dahl, EA and Marine Programs Division, EC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Baffinland Mary River Project – Application of Metal Mining Effluent Regulations to ore stockpiles at Milne Port – EC Response to QIA comments dated **December 15, 2014**.
35. Letter to Erik Madsen, Baffinland from David Hohnstein, DTS/Acting Executive Director, NWB; Re: Licence 2AM-MRY1325, Type “A” – Amendment (No. 1) Application by Baffinland Iron Mines Corporation (BIMC) for the Mary River

Project - Technical Meeting and Pre-Hearing Conference Correspondence dated **December 19, 2014.**

36. Radio Announcement: To Hamlet of Pond Inlet from Phyllis Beaulieu, Manager of Licensing, NWB; Nunavut Water Board – Radio Announcement for Mary River Project Type “A” Water Licence Amendment (No. 1) Application dated **January 6, 2015.**
37. Public Notice: To Erik Madsen, VP Sustainable Development, Health Safety & Environment, Baffinland and Hamlet of Pond Inlet from Phyllis Beaulieu, Manager of Licensing, NWB; Nunavut Water Board Public Notice – Amendment (No. 1) Application to Type “A” Licence 2AM-MRY1325 Baffinland Iron Mine Corporation’s Mary River Project dated **January 6, 2015 (English).**
38. Public Notice: To Erik Madsen, VP Sustainable Development, Health Safety & Environment, Baffinland and Hamlet of Pond Inlet from Phyllis Beaulieu, Manager of Licensing, NWB; Nunavut Water Board Public Notice – Amendment (No. 1) Application to Type “A” Licence 2AM-MRY1325 Baffinland Iron Mine Corporation’s Mary River Project dated **January 6, 2015 (Inuktitut).**
39. Cover email: Mary River Project Amendment TM-PHC Correspondence to Megan Porter, Licensing Administrator Assistant, NWB from Mark Dahl, EC – EC Comments on proposed Agenda dated **January 9, 2015.**
40. Public Notice: To Hamlet of Pond Inlet from Phyllis Beaulieu, Manager of Licensing, NWB; Public Notice – Nunavut Water Board, Television Advertisement dated **January 9, 2015.**
41. Submission from Jean Allen, Water Management Specialist, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: 2AM-MRY1325 – Mary River Project – Baffinland Iron Mines Corporation – Amendment Application – Additional Information dated **January 12, 2015.**
42. Submission from Jean Allen, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Baffinland Iron Mines Corporation Mary River Project Type “A” Water Licence Amendment Application – TM-PHC Community Presentation received **January 12, 2015.**
43. Cover Email: Submission on Technical Review for Mary River Project to Mary River Distribution from Megan Porter, Licensing Administrator Assistant, NWB; Notice to All Parties, Submission received related to Mary River File dated **January 14, 2015.**
44. Cover Email: Mary River Project Amendment – TM-PHC Correspondence to Megan Porter, Licensing Administrator Assistant, NWB from Jean Allen, AANDC; Comments on Agenda and Confirmation of Participants dated **January 23, 2015.**
45. Submission from Jean Allen, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Baffinland Iron Mines Corporation Mary River Project Type “A” Amendment Application – Nunavut Water Board Technical Meeting & Pre-Hearing Conference Teleconference received **January 23, 2015 (English).**

46. Submission from Jean Allen, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Baffinland Iron Mines Corporation Mary River Project Type “A” Amendment Application – Nunavut Water Board Technical Meeting & Pre-Hearing Conference Teleconference received **January 23, 2015** (*Inuktitut*).
47. Submission from Baffinland Iron Mines Corporation to Phyllis Beaulieu, Manager of Licensing, NWB; Baffinland Mary River Project Type A Water Licence 2AM-MRY1325 Amendment Application – Presentation received on **January 23, 2015**.
48. Submission from Marc Dahl, Environment Canada to Nunavut Water Board; Environment Canada Presentation Regarding 2AM-MRY1325 Amendment No. 1 – Technical Meeting and Pre-Hearing Conference received on **January 23, 2015**.
49. Cover Email: List of Attendees for Mary River TM-PHC to Megan Porter, Licensing Administrator Assistant, NWB from Stephen Bathory, QIA; Comments on Agenda and Confirmation of Participants dated **January 25, 2015**.
50. Letter to Erik Madsen, Vice President, Sustainable Development, Health, Safety & Environment, Baffinland from David Hohnstein, Director of Technical Services, NWB; Re: 2AM-MRY1325, Type “A” – Amendment (No. 1) Application by Baffinland Iron Mines Corporation (BIMC) for the Mary River Project – Correspondence on TM-PHC dated **January 26, 2015**.
51. Submission from Environment Canada to Nunavut Water Board; Summary of EC submissions received **January 26, 2015** (*Inuktitut*).
52. Submission from Baffinland Iron Mines Corporation to Nunavut Water Board; Baffinland Type A Water Licence Amendment Application Presentation received **January 27, 2015** (*Inuktitut*).
53. Nunavut Water Board; Mary River Project – Type “A” Water Licence 2AM-MRY1325 Amendment No. 1 Application – Technical Meeting and Pre-Hearing Conference, Draft List of Submissions dated **January 28, 2015**.
54. Nunavut Water Board; Mary River Project – Type “A” Water Licence 2AM-MRY1325 Amendment No. 1 Application – Technical Meeting and Pre-Hearing Conference – Draft List of Issues dated **January 28, 2015**.
55. Submission from Erik Madsen, Vice President, Baffinland to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Baffinland Responses to Technical Hearing Commitments on the Amendment to the Type “A” Water Licence 2AM-MRY1325 dated **February 6, 2015**.
56. Submission from Erik Madsen, Vice President, Baffinland to Phyllis Beaulieu, Manager of Licensing, NWB; Technical Hearing and Pre-Hearing Conference Commitments and Baffinland Responses received **February 9, 2015**.
57. Submission from Erik Madsen, Vice President, Baffinland to Phyllis Beaulieu, Manager of Licensing, NWB; Appendix A: Technical Hearing and Pre-Hearing Conference Commitments and Baffinland Responses received **February 9, 2015**.

58. Submitted on **February 9, 2015** by Baffinland Iron Mines Corporation, Baffinland Financial Statements.
59. Submitted on **February 9, 2015** by Baffinland Iron Mines Corporation, Suggested revisions (track changes) to the existing Type “A” Water Licence.
60. Submitted on **February 9, 2015** by Baffinland Iron Mines Corporation, Erik Madsen to Nunavut Water Board, Phyllis Beaulieu; Baffinland Responses to Technical Hearing Commitments on the Amendment to the Type “A” Water Licence 2AM-MRY1325.
61. Submission from Baffinland Iron Mines Corporation to Nunavut Water Board; Attachments A: Technical Hearing and Pre Hearing Conference Commitments and Baffinland Responses received on **February 12, 2015**.
62. Submitted on **February 12, 2015** by Baffinland Iron Mines Corporation, Type “A” Amendment Application.
63. Submitted on **February 12, 2015** by Baffinland Iron Mines Corporation, Baffinland Financial Information.
64. Submitted on **February 12, 2015** by Baffinland Iron Mines Corporation, Consequential Amendments to Type “A” Water Licence 2AM-MRY1325 – February 2015.
65. Cover email: Letter to Nunavut Water Board, Phyllis Beaulieu from Baffinland Iron Mines Corporation, Oliver Curran; Type “A” submission distribution, no need to distribute information received on **February 6 and 9, 2015** dated **February 15, 2015**.
66. Submission from Mike Rudkin, SAO, Hamlet of Pond Inlet to Nunavut Water Board; Re: Baffinland Iron Mines Corporation Type “A” Water Licence – Comments and Confirmation of Participation received **February 20, 2015**.
67. Cover email: Letter to Nunavut Water Board, Phyllis Beaulieu from Baffinland Iron Mines Corporation, Oliver Curran; Box 25 of Baffinland’s Type A Amendment Application dated **February 25, 2015**.
68. Letter to Mary River Distribution from David Hohnstein, Director of Technical Services/Acting Executive Director, NWB; Re: Commitment No.2 – List of Commitments Generated during the Technical Meeting and Pre-Hearing Conference for the Mary River Project Amendment No. 1 Application to Licence 2AM-MRY1325 dated **February 25, 2015**.
69. Letter to Mary River Distribution List from David Hohnstein, Director of Technical Services/Acting Executive Director, NWB; Re: Type “A” Water Licence 2AM-MRY1325 – Pre-Hearing Conference Decision Regarding Amendment No. 1 Application, Submitted by Baffinland Iron Mines Corporation for Licence Issued to the Mary River Project dated **February 25, 2015**.
70. Cover Email: Final Pre-Hearing Conference Decision Report – Type “A” Amendment Application – Mary River Project to Oliver Curran, Baffinland from

Robin Ikkutisluk, Licensing Administrator Assistant, NWB; Final Pre-Hearing Conference Decision Report dated **February 26, 2015**

71. Cover Email: Pre-Hearing Conference Decision – Type “A” Water Licence Amendment Application – Mary Distribution to Phyllis Beaulieu, Manager of Licensing, NWB from Jean Allen, AANDC; Request for More time dated **February 27, 2015**.
72. Notice of Public Hearing; To Mary River Distribution and Local Organization from Phyllis Beaulieu, Manager of Licensing, NWB; Nunavut Water Board Notice of Public Hearing dated **February 27, 2015** (*English*).
73. Notice of Public Hearing; To Mary River Distribution and Local Organizations from Phyllis Beaulieu, Manager of Licensing, NWB; Nunavut Water Board Notice of Public Hearing dated **February 27, 2015** (*Inuktitut*).
74. Submission from Qikiqtani Inuit Association to Nunavut Water Board, Baffinland Iron Mines Corporation and Aboriginal Affairs and Northern Development Canada; Re: QIA Reply submissions to AANDC “New: Evidence Submissions dated **May 15, 2015**.
75. Cover Email: Pre-Hearing Conference Decision – Type “A” Water Licence Amendment Application – Mary River Distribution to Robin Ikkutisluk, Licensing Administrator Assistant, NWB and Phyllis Beaulieu, Manager of Licensing, NWB from Jennifer St. Paul Butler, Sustainability and Reporting Specialist, Baffinland; Baffinland’s response to Commitment No. 11 generated during the Technical Meeting and Pre-Hearing Conference dated **March 25, 2015**.
76. Submission from Baffinland Iron Mines Corporation to Nunavut Water Board; Baffinland Iron Mines Corporation Mary River Project – Final Environmental Impact Statement (FEIS) Closure and Reclamation – Financial Security Estimate Addendum received **March 25, 2015**.
77. Submission from Sarah Forte, Water Management, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Final Written Submission Extension Request – Aboriginal Affairs and Northern Development Canada Final Written Submission on Baffinland Iron Mines Corporation’s Application to Amend Water Licence #2AM-MRY1325 dated **April 16, 2015**.
78. Email Cover: Baffinland Iron Mines Corporation. – Application for Amendment of Type “A” Water Licence to Licensing Department from Mark Dahl, Environment Canada; Environment Canada’s response regarding the proposed amendment water licence dated **April 16, 2015**.
79. Submission from Stephen Bathory, QIA to Nunavut Water Board; Re: Qikiqtani Inuit Association Intervention regarding Baffinland Iron Mines Corporation Type “A” Amendment (No. 1) Application for Licence 2AM-MRY1325 dated **April 17, 2015**.
80. Submission from Susanne Forbrich, Regional Director, EC to Phyllis Beaulieu Manager of Licensing, NWB; Re: 2AM-MRY1325 – Baffinland Iron Mines

- Corporation. – Application for Amendment of Type “A” Water Licence dated **April 17, 2015**.
81. Submission from Karen Costello, Director, Resource Management, AANDC to Phyllis Beaulieu, Manager of Licensing, AANDC; Submission on Mary River Project Baffinland Iron Mines Corporation’s Application to Amend Water Licence #2AM-MRY1325 – AANDC Final Written Submission Cover Letter dated **April 22, 2015**.
 82. Submission from Karen Costello, Director, Resource Management, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Final Submissions Regarding Baffinland Iron Mines Corporation Type A Water Licence Renewal Application for the Mary River Project received **April 22, 2015**.
 83. Cover Email: Notice of Final Submissions to Oliver Curran, Erik Madsen, Jennifer St. Paul Butler and Mary River Distribution from Phyllis Beaulieu, Manager of Licensing, NWB dated **April 23, 2015**.
 84. Cover Email: Final Submissions to Hearing to Phyllis Beaulieu, Manager of Licensing, NWB from Natasha Mablick, Hunters and Trappers Organization (HTO) dated **April 23, 2015**.
 85. Cover Email: AANDC Translated Summaries Final Submission to Mary River Distribution from Phyllis Beaulieu, Manager of Licensing, NWB dated **April 24, 2015**.
 86. Notice of Public Hearing; To Mary River Distribution and Local Organizations from Phyllis Beaulieu, Manager of Licensing, NWB; Radio Announcement – Nunavut Water Board – Public Hearing for the Proposed Amendment No. 1 to Type “A” Water Licence 2AM-MRY1325 dated **April 24, 2015** (*English*).
 87. Notice of Public Hearing; To Mary River Distribution and Local Organizations from Phyllis Beaulieu, Manager of Licensing, NWB; Radio Announcement – Nunavut Water Board – Public Hearing for the Proposed Amendment No. 1 to Type “A” Water Licence 2AM-MRY1325 dated **April 24, 2015** (*Inuktitut*).
 88. Submission from Aboriginal Affairs and Northern Development Canada to Nunavut Water Board; Final Submission Regarding Baffinland Iron Mines Corporation Type “A” Water Licence Renewal Application for the Mary River Project received **April 24, 2015**.
 89. Nunavut Water Board; Newspaper Notices – Public Hearing Notice dated **April 29, 2015**.
 90. Letter to Phyllis Beaulieu, Manager of Licensing, NWB from Oliver Curran, Director, Sustainable Development, Baffinland; Re: Baffinland Responses to Agency Comments on the Amendment to the Type “A” Water Licence 2AM-MRY1325 dated **April 29, 2015**.
 91. Cover Email: Baffinland Responses to Agency Comments on Type “A” Amendment to Oliver Curran and Mary River Distribution from Phyllis Beaulieu, Manager of Licensing, NWB dated **April 29, 2015**.

92. Letter to Mary River Distribution List from David Hohnstein, Director of Technical Services/Acting Executive Director, NWB; Re: Licence No. 2AM-MRY1325, Type “A” Water Licence – Next Steps and Draft Agendas for the Mary River Project, Amendment No. 1 Application dated **April 28, 2015**.
93. Submission from Susanne Forbrich, Regional Director, EC to Phyllis Beaulieu, Manager of Licensing, Nunavut Water Board; Re: 2AM-MRY1325 – Baffinland Iron Mines Corporation. – Amendment #1 Response to Hearing Notice for Amendment of Type “A” Water Licence dated **April 30, 2015**.
94. Submission from Sarah Forte, AANDC to Licensing Department; Presentation to Final Hearing Baffinland Iron Mines Corporation Mary River Project Type “A” Water Licence Amendment Application – Final Hearing Community Presentation received on **May 1, 2015**.
95. Submission from Sarah Forte, AANDC to Licensing Department; Baffinland Iron Mines Corporation Mary River Project Type A Water Licence Amendment Application – Final Public Hearing Presentation received **May 1, 2015**.
96. Cover Email: 2AM-MRY1325 Water Licence Amendment Public Hearing to Licensing Department from Sarah Forte, AANDC; Comments on Agenda and Confirmation of Participants received on **May 1, 2015**.
97. Cover Email: Baffinland Iron Mines Presentation for Final Public Hearing (1 of 2 emails) to Phyllis Beaulieu, Manager of Licensing, NWB from Shelly Potter, Baffinland; Comments on Agenda and Confirmation of Participants received **May 1, 2015**.
98. Submission from Shelly Potter, Baffinland to Phyllis Beaulieu, Manager of Licensing, NWB; Baffinland Mary River Type “A” Water Licence 2AM-MRY1325 Amendment Application – English Presentation received **May 1, 2015**.
99. Submission from Shelly Potter, Baffinland to Phyllis Beaulieu, Manager of Licensing, NWB; Baffinland Mary River Type “A” Water Licence 2AM-MRY1325 Amendment Application – Inuktitut Presentation received **May 1, 2015**.
100. Cover Email: Mary River Correct to Submissions to Oliver Curran, Baffinland and Mary River Distribution; Correction to submissions dated: **May 1, 2015**.
101. Cover Email: 2AM-MRY1325 Final Amendment Hearing Submissions to Oliver Curran, Baffinland and Mary River Distribution from Phyllis Beaulieu, Manager of Licensing; Notice to all Parties – Submissions acknowledge dated **May 1, 2015**.
102. Submission from Qikiqtani Inuit Association to Licensing Department; Baffinland Iron Mines Corporation’s Type “A” Amendment No. 1 Application for Licence 2AM-MRY1325 Public Hearing Presentation May 2015 received **May 1, 2015** (*English*).
103. Submission from Qikiqtani Inuit Association to Licensing Department; Baffinland Iron Mines Corporation’s Type “A” Amendment No. 1 Application for Licence 2AM-MRY1325 Public Hearing Presentation May 2015 received **May 1, 2015** (*Inuktitut*).

104. Public Hearing Agenda: Type “A” Water Licence No. 2AM-MRY1325, Amendment No. 1 Application dated **May 4, 2015** (*Inuktitut*).
105. Public Hearing Agenda: Type “A” Water Licence No. 2AM-MRY1325, Amendment No. 1 Application dated **May 4, 2015** (*English*).
106. Submission from QIA to NWB; Irrevocable Standby Letter of Credit received on **May 8, 2015**.
107. Cover Email: 2AM-MRY1325 Submission of QIA Letter of Credit – Mary River Project to Robin Ikkutisluk, Licensing Administrator Assistant, NWB; Request for Clarification on Letter of Credit received **May 9, 2015**.
108. Nunavut Water Board – Mary River Public Hearing Excerpt received **May 11, 2015**.
109. Cover Email: 2AM-MRY1325 Public Hearing Record – Type “A” Amendment Water Licence – Baffinland Irons Mine Corp. to Erik Madsen, Baffinland from Robin Ikkutisluk, Licensing Administrator Assistant, NWB dated **May 11, 2015**.
110. Cover Email: 2AM-MRY1325 Submission of QIA Letter of Credit – Mary River Project; Response to request for Clarification on Letter of Credit dated **May 11, 2015**.
111. Letter to Erik Madsen, Baffinland, Andrea Morgan, AANDC and Stephen Bathory, QIA from Thomas Kabloona, Chairperson, NWB; Licence 2AM-MRY1325, Type “A” Water Licence; Baffinland Iron Mines Corporation Amendment No. 1 Application, Mary River Iron Mine – Nunavut; Water Board Written Direction Regarding Public Hearing Record Remaining Open dated **May 11, 2015**.
112. Submission from Mark Dahl, EA and Marine Program, EC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Baffinland Mary River Project – Amendment #1 to 2AM-MRY1325 Final Hearing – Discharges to Milne Inlet received on **May 14, 2015**.
113. Cover Email: QIA response re: Public Hearing Record Remaining Open to Phyllis Beaulieu, Manager of Licensing, NWB from Justin Buller, A/Director, Department of Major Projects, QIA received on **May 19, 2015**.
114. Submission from Justin Buller, QIA to Nunavut Water Board; Re: QIA Reply Submission to AANDC “New” Evidence Submission received on **May 19, 2015**.
115. Submission from Erik Madsen, Baffinland to Phyllis Beaulieu, Nunavut Water Board; Re: Type “A” Water Licence No. 2AM-MRY1325, Amendment No. 1 Application – Baffinland’s Reply Submission Regarding Quantum of Security received on **May 25, 2015**.
116. Email Cover: 2AM-MRY1325 Notice of Recent PH Additional Information to Erik Madsen, Baffinland from Phyllis Beaulieu, Manager of Licensing; List of Submission received dated **May 25, 2015**.
117. NWB Letter to Mary River Distribution; Re: 2AM-MRY1325 – Close of the Public Hearing Record in Respect of the Type “A” Water Licence Amendment No. 1

Application by Baffinland Iron Mines Corporation for the Mary River Project dated **May 29, 2015**.

118. Submission from Sina Muscati, Legal Counsel, Department of Justice to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Reply to Submissions RE Licence #2AM-MRY1325 Amendment Application received on **May 29, 2015**.
119. Email Cover: 2AM-MRY1325 Department of Justice Canada submission with respect to Quantum of Security – Mary River Project to Erik Madsen, Baffinland, Oliver Curran, Baffinland and Sina Muscati, Department of Justice from Robin Ikkutisluk, Licensing Administrator Assistant dated **June 5, 2015**.

APPENDIX E: SIGN-IN SHEETS – LIST OF PARTICIPANTS IN THE PUBLIC HEARING

1 of 3

Public Hearing Mary River Project
Pond Inlet, Nunavut
Day 1

Registration Form

NO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	Shyla	Williams-Bell	AIIT	Pond Inlet	867-758-400		swb@bell.ca
2	Sina	Muscadi	AGENTS for QIA		867-758-400		vanyulch@artissolutions.com
3	Sina	Muscadi	GOE	Pond Inlet	867-758-400		sina.muscadi@justice.gc.ca
4	Sina	Muscadi	ANWC	Pond Inlet	867-758-400		sina.muscadi@justice.gc.ca
5	Sarah	Forke	ANWC	Pond Inlet	867-758-400		sarah.forke@anwc-arn.gc.ca
6	Titus	Annakalluk	Interpreter	Pond Inlet	N/A		tannakalluk@hotmail.ca
7	Beverly	Otonari	Communications QIA	"	867-758-400		Botoona@qia.ca
8	Tosima	Anneak	Hamlet	Pond Inlet	867-758-400		jtanneak@qia.ca
9	Andrea	Margon	ANWC	Pond Inlet	867-758-400		andrea.margon@anwc-arn.gc.ca
10	Irreaciv	Jamie Atagutaa	Public	Pond Inlet	-		-
11	Thomas	Mablonna	Chair NUB	Pond Inlet			
12	Ross	Urazek	Board Member	Edmonton			
13	David	Aglukark Sr	Arviat	Board Member			
14	David	Hohnstein	Edmonton	DTIS NUB			david.hohnstein@anwc-arn.gc.ca
15	Sean	Joseph	Technical Advisor NUB				sean.joseph@anwc-arn.gc.ca
16	Teresa	Meadows	NUB Legal	Edmonton			
17	Ben	Mogulik	Board Secretary	Gjoa Haven			ben.mogulik@anwc-arn.gc.ca
18	Cory	Francis	PIDO	Yellowknife			
19	Julia	Macdonald	Parita	Calgary			
20	Morgan	Annakalluk	Interpreter	Pond Inlet			
21	Anne	Wilson	SC				Via telecom
22	Mark	Pah I	Environment Canada				Via telecom
23	Jean	Allen	ANWC	Pond Inlet			Via telecom

Public Hearing Mary River Project
Pond Inlet, Nunavut
Day 1

Registration Form

First Name	Last Name	Organization Representing	Address	Phone	Fax	Email
24 Joe	KRIMMERDORF	BIM	Pond Inlet	899-8105	899-6101	joe.krimmerdorf@bim.ca
25 Sam	Onik	BIM	Pond Inlet	899-8105		
26 Sam	Nashua		Pond Inlet			
27 Christine	Kowbel	Legal Counsel				
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Registration Form

First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
49 Enookie	Tavarak	QIA Pond Inlet	Pond Inlet	899-8898		einuaraK@qia.ca
50 Lepold E	Koonane	HIO Pond Inlet	" "	899-889		
51 Mithuabeh	Alagoodar	LOCAL	" "	899-889		Mithuabeh@qia.ca
52 MATTINIAH	KALVIN	POWELL HIO		899-889		
53 Nabesha	Nablick	MHTO	Pond Inlet	899-889		mhtopond@qia.ca
54 JAMES	MILLARD	BAFFINLAND	HARFAX NS	902-403-1377		jmillard@gmail.com
55 Thomas	Rantunhuk		Pond Inlet			
56 JODITH	ATAGOOTAL	Pond Inlet	" "	NIL		ULUman@live.com
57 MC	POWELL	Mayor	Pond Inlet			
58 Mary	Simone	POND	POND TANKET	6130	0	
59 SPL	MCS	GSC	local	613-		
60 LKM	Ranta-Magaz	HARFAX staff	POND INLET	899-2272		

Public Hearing Mary River Project
Pond Inlet, Nunavut

Community Session
Registration Form

1 of 3

NO	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	Titus	Arnakallak	Interpreter	Box 322 Pond Inlet	N/A		for nakallak@hotmail.com
2	Mary	Simone	Headlet	Pond Inlet	6130		
3	Bruce	Ootova	Community Coordinator	" "	899 8736		Booteva@gic.ca
4	Norman	Simone					
5	Sandra	Enkloo	Stakeholder	PO Box 561			
6	Niko	Tamark					
7	Scott	Burke	ANRC	10th Unit	867-985-5175		
8	Paul	Mulla	Paul Mulla	Pond Inlet			Paulmulla@hotmail.com
9	Joni	Asenak	SO-OF	Pond Inlet	N/A	N/A	N/A
10	Rango	Sangoya	Public	Pond Inlet	899-6339		
11	Peter	Tavaga	Public	Pond Inlet			
12	Peter	Arnakallak	Public	N/A	N/A		piit.arnakallak@hotmail.com
13	Thomas	Arnakallak	Public	Pond Inlet			
14	Gisa	Inuarak	Public	Pond Inlet			
15	Diane	Kadloo	Public	Pond Inlet	899-2568		
16	WAKES	Mucklas		Pond Inlet	899-2568		gumengalik@hotmail.com
17	Thomas	Kabloon	NWB Chair	Paterlake			
18	Boss	Mazek	Board Member	Edmonton			
19	David	Aghwark	Board Member	Arviat			
20	David	Hahneten	DTS NWB	Edmonton	200-6339	300-6339	David.Hahneten@nwb.ca
21	Ben	Hogvik	BS NWB	Edmonton	300-6339	300-6339	ben.hogvik@nwb.ca
22	Kevin	Wendows	BS NWB	Edmonton			
23	Sean	Joseph	NWB Tech Ad	Vancouver	300-6339	300-6339	sean.joseph@nwb.ca

2 of 3

Public Hearing Mary River Project
Pond Inlet, Nunavut
Community Session

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Registration Form

First Name	Last Name	Organization/Representation	Address	Fax #	Phone #	Email
Bob	Kent	LA NAB	Gjoa Haven	3406365	3406338	schin.kent@nab.ca
Corey	Francis	Sand Tech PDC	Yellowknife	-	-	-
Julie	Macdonald	Porte Court	Belgum	-	-	-
Julia	Kyooapik	Public	Pond Inlet	-	-	-
JAYKA	Killikter	Public	Pond Inlet	-	-	-
Sam	Omrik	BIM	Pond Inlet	-	-	-
Pauline	Omrik	Public	Pond Inlet	-	-	-
Oliver	Curran	BIM	Pond Inlet	-	-	-
Frank	Madson	Baffin Land	-	-	-	-
James	Millard	Baffin Land	-	-	-	-
Shelley	Potter	Baffin Land	-	-	-	-
Andrea	Morgan	AAANDC	galant	-	-	andrea.morgan@aadnc.gc.ca

Public Hearing Mary River Project
Pond Inlet, Nunavut

Community *Session*

Registration Form

36	Annie	Pewabook	community	Pond Inlet			
37	Josie	Ptsgalok		Pond Inlet			
38	Mark	Pahel	Environment Canada	Iqaluit			Via tele.com
39	Anne	Wilson	Environment Canada	Iqaluit			Via tele.com
40	Christine	Karbo	BIM - Legal Counsel				
41	Stephen	Williamson	QA	Iqaluit	887-975-8400		subhary@qvia.ca
42	Sarah	Forte	AANDC	"	975-3876		Sarah.Forte@aandc-aandc.gc.ca
43	Morgan	Arnakallak	Interpeter	Pond Inlet			
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Registration Form

NO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	Titus	Amakallak	Interpreter				
2	Beverly	Oatona	Community Coordinator	Pond Inlet	819 8736		
3	Tamie	Vachich	AKTIS Co. G.A		416 4129		vachich@aktsolutions.com
4	Sina	Musicki	GOC	Legal	222-1077		
5	Scott	Burgess	ANRC	"	815-3875		
6	Andrea	Margon	AANDC	"	975-4675		
7	Sarah	Forte	AANDC	"	975-3876		sarah.forte@aandc.gc.ca
8	Erik	Hadsen	BIM				
9	Oliver	Curran	BIM				
10	Shelley	Potter	BIM				
11	Christine	Kanibel	Legal Counsel				
12	Tamir	Milner	BIM				
13	Toshion	Arreak	Hamlet	Pond Inlet	819-8183		
14	James	Atkinson	Hamlet	Pond Inlet	819-4027		
15	Joan	Quincy	Pond Inlet		819-6106		ucwman@quincy.com
16	Luc	Acad					
17	Charlie						
18	Melrose	Atagotak	LOCAL	PHILCO	2235424		@hotmail.com
19	CS de			PHILCO			
20	Thomas	Kablana	Chair	Baker Lake			
21	Boss	Mrazek	Board Member	Edmonton			
22	David	Aglukark SE	Board Member	Arviat			
23	David	Hohnstein	PTS	Edmonton			

Registration Form

24	Sean	Joseph	Tech	Vancouver			
25	Teress	Meadows	Legal	Edmonton			
26	Ben	Kagrik	Board Secretary	Gjoat Haven			
27	Grey	Francis	Pilot	Yellowknife			
28	Robin	Kikutluk	LA	Gjoat Haven			
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**APPENDIX F: GENERAL SUMMARY OF AMENDMENTS TO LICENCE
2AM-MRY1325 UNDER AMENDMENT NO. 1**

Part No., Item No. (Amended Licence)	Change to Term/Condition
N/A	<ul style="list-style-type: none"> Updated the Licensee's Address Updated Water use authorized under the Amendment Changed to date of issuance to capture the effective date of Amendment No. 1.
Part A, Item 2	<ul style="list-style-type: none"> Updated <i>Schedule A</i>, "Definition of Terms" to include new and amended/updated definitions that are relevant to the Amendment
Part B, Item 1	<ul style="list-style-type: none"> Updated to include undertakings authorized under the scope of Amendment No. 1 Application, including Early Revenue Phase activities and/or facilities
Part B, Item 2	<ul style="list-style-type: none"> Updated to capture undertakings authorized under the scope of Amendment No. 1 Application, including Early Revenue Phase activities and/or facilities
Part B, Item 6	<ul style="list-style-type: none"> Updated the email address for the NWB manager of licensing
Part B, Item 10	<ul style="list-style-type: none"> Updated to address all phases of the project and to include requirements for provision of relevant notification related to significant Project changes
Part B, Item 12	<ul style="list-style-type: none"> Updated to include minor edits to condition for the purpose of clarity
Part B, Item 13	<ul style="list-style-type: none"> Updated to eliminate potential conflict between the timelines embedded in the condition and timelines that the Board may specify in correspondence regarding resubmission of management plans
Part B, Item 14	<ul style="list-style-type: none"> Updated to include approval or acceptance, where appropriate, of revised/updated versions of management plans submitted as part of Annual Report(s) and/or with the amendment Application.
Part B, Items 15, 16, 17, 18, and 19	<ul style="list-style-type: none"> Removed Part B, Item 15 from the Existing Licence, as the requirement was based on one-time updates to management plans that have already been submitted, making the condition obsolete. In addition, Part B, Item 18 of the Existing Licence, which is now reflected as Part B, Item 17 of the Amended Licence addresses continual updates that may be carried out for management Plans, annually or from time to time over the term of the licence

Part No., Item No. (Amended Licence)	Change to Term/Condition
	<ul style="list-style-type: none"> Updated to reflect the fact that Item B, 15 was removed. Part B, Items 15,16, 17,18, and 19 were numbered Part B, Item 16, 17, 18, 19 and 20 previously under the Existing Licence
Part B, Item 16	<ul style="list-style-type: none"> Updated to for the purpose of enhancing clarity and effectiveness. This condition was numbered Part B, Item 17, under the Existing Licence
Part C, Item 1 (a)	<ul style="list-style-type: none"> Amended to exclude an actual dollar figure for the financial security given that the value in the Licence changes annually at this stage in the development of the project and will not necessarily reflect the value included in the licence
Part C, Item 1 (c)	<ul style="list-style-type: none"> Added condition to allow for flexibility should the Board decide to potentially waive the requirements to hold the ASR based on the Board discretion as well as other factors
Part C, Item 5	<ul style="list-style-type: none"> Added condition requiring that the Licensee provide sixty (60) days' advance notice of changes to security arrangements between QIA and the Licensee
Part C, Item 6	<ul style="list-style-type: none"> Part C, Item 6 was previously numbered as Part C, Item 5, under the Existing Licence
Part D, Item 2	<ul style="list-style-type: none"> Amended condition to make it more general and to capture facilities already constructed and to be constructed, given that the project is evolving
Part D, Items 3, 4, 5,..., 26	<ul style="list-style-type: none"> Removed Part D, Item 4 condition from the Existing Licence as the updated Fresh Water Supply, Sewage and Wastewater Management Plan generally address this requirement. Further there will be ongoing updates to the plan
	<ul style="list-style-type: none"> Decreased the numbers of successive terms under Part D in the Amended Licence by one (1), following removal of Part D, Item 3. Therefore, Part D, Item 3 in the Amended Licence would have been Part D, Item 4, under the Existing Licence
Part D, Item 5	<ul style="list-style-type: none"> Updated conditions to reflect the fact that new management plans were submitted and approved or carried over to the Amended licence. Previously

Part No., Item No. (Amended Licence)	Change to Term/Condition
	numbered as Part D, Item 6 in the existing Licence
Part D, Item 7	<ul style="list-style-type: none"> Updated to account for all phases of the project including the Early Revenue Phase
Part D, Item 10	
Part E, Item 1	<ul style="list-style-type: none"> Updated to reflect the most current version of the Fresh Water Supply, Sewage and Wastewater Management Plan
Part E, Item 2	<ul style="list-style-type: none"> Updated to reflect the most current version of plans submitted
Part E, Item 3	<ul style="list-style-type: none"> Amended to reflect the new water quantities authorized for domestic and industrial Purposes during the Construction Phase of the project.
Part E, Item 4	<ul style="list-style-type: none"> Amended to reflect new water quantities authorized for domestic and industrial Purposes during the Operations Phase of the project
Part E, Item 23	<ul style="list-style-type: none"> Amended to exclude referencing the DFO's Guidelines
Part E, Item 25	<ul style="list-style-type: none"> Added condition authorizing water use for dust suppression or control
Part E, Item 26	<ul style="list-style-type: none"> Added condition requiring the Licensee to seek authorization to use water allocated specifically for dust suppression for use related to other purposes
Part F, Item 1	<ul style="list-style-type: none"> Updated to include approval of the 2015 Waste Management Plan submitted for the Project.
Part F, Item 2	<ul style="list-style-type: none"> Updated to include approval for 2014 Phase 1 Waste Rock Management Plan and the Life of Mine Waste Rock Management Plan submitted for the Project
Part F, Item 3	<ul style="list-style-type: none"> Updated condition so that it will address continual updates to the plans in the future.
Part F, Item 4, 5, 6,..., 26	<ul style="list-style-type: none"> Removed Part F, Item 4 from the Existing Licence as the information required has been included in the latest version of the waste management Plan Decreased the numbers of successive terms under Part F in the Amended Licence by one (1), following removal of Part F, Item 4 for the Existing Licence

Part No., Item No. (Amended Licence)	Change to Term/Condition
Part F, Item 4	<ul style="list-style-type: none"> Updated to address the most recent version of the Hazardous Materials and Hazardous Waste Management Plan
Part F, Item 8	<ul style="list-style-type: none"> Updated conditions to allow for the Board to also request analytical results bottom ash test
Part F, Item 17	<ul style="list-style-type: none"> Amended conditions to capture monitoring stations that may be added from time to time
Part F, Item 18	
Part F, Item 20	
Part F, Item 21	
Part F, Item 22	
Part F, Item 23	
Part F, Item 24	
Part F, Item 25	
Part F, Item 27	<ul style="list-style-type: none"> Amended to include the Early Revenue Phase
Part F, Item 29	
Part F, Item 31	<ul style="list-style-type: none"> Added condition requiring the monitoring of effluent from the two ore stockpile sedimentation pond at Milne Inlet
Part H, Item 1	<ul style="list-style-type: none"> Updated condition to capture approval of the new management plans submitted
Part I, Item 2	<ul style="list-style-type: none"> Updated condition to reflect that the AEMP submitted will require revision and resubmission to address interveners' comments within sixty (60) days following approval of the Amended Licence. Further, the condition makes it possible for the AEMP to supersede the framework under Part I, Item 1, once approved
Part I, Item 3	<ul style="list-style-type: none"> Updated to reflect the latest version of the Plan submitted.
Part I, Item 4	<ul style="list-style-type: none"> Updated condition so that once the AEMP is approved;

Part No., Item No. (Amended Licence)	Change to Term/Condition
	the plan under this condition will become redundant.
Part I, Item 16	<ul style="list-style-type: none"> Amended so that the updated management plan will address the additional sampling requirements brought on by the ERP.
Part I, Item 22	<ul style="list-style-type: none"> Amended to allow the Licensee to establish additional monitoring stations with the assistance of an inspector
Part J, Item 2	<ul style="list-style-type: none"> Updated to reflect the fact that the interim abandonment and reclamation plan requires revisions and resubmission within 60 days following issuance of the amended licence to address interveners' comments and recommendations. Further, the Plan will supersede the preliminary Closure and Reclamation plan once approved.
Part J, Item 8	<ul style="list-style-type: none"> Updated to take into consideration the interim abandonment and restoration plan once approved
Schedule A	<ul style="list-style-type: none"> Updated the definitions for the following terms: <ul style="list-style-type: none"> Abandonment – Updated to reflect INAC Guidelines Aquatic Effect Monitoring Plan: Updated to for clarity Care and Maintenance – Updated to reflect INAC Guidelines Closure Phase – Updated to reflect INAC Guidelines Interim Closure and Reclamation Plan – Updated to reflect INAC Guidelines Licence – Updated to reflect the amendment Licensee – Updated to reflect the amendment Operations Phase –Updated to address the Early Revenue Phase Progressive Reclamation – Updated to reflect INAC Guidelines Reclamation – Updated to reflect INAC Guidelines Incinerator – Updated to include the latest version of the waste management plan. Landfarm – Updated in the definition for all sites to include the latest version of the waste management

Part No., Item No. (Amended Licence)	Change to Term/Condition
	<p>plan</p> <ul style="list-style-type: none"> ○ Oily Water/Wastewater Treatment Facility – Updated in the definition for all sites to include the latest version of the waste management plan ○ Portable Water Treatment Facility – Updated in the definition for all sites to include the latest version of the waste management plan ○ Sewage Treatment Facility – Updated in the definition for all sites to include the latest version of the waste management plan ○ Quarry – Updated in the definition for all sites to include the latest version of the Borrow Pit and Quarry Management Plan <ul style="list-style-type: none"> ● Added Definition for the following terms: <ul style="list-style-type: none"> ○ Amended Licence ○ Amendment No. 1 Application ○ Early Revenue Phase ○ Existing Licence ○ Milne Port Ore Dock Facility ○ Milne Port Ore Stockpile Areas ○ Milne Port Ore Stockpile Sedimentation Ponds ○ Original Type “A” Water Licence Application
Schedule B, Item 1a(i)	<ul style="list-style-type: none"> ● Amended conditions to include water use for the Early Revenue Phase.
Schedule B, Item 1(a) (ii)	<ul style="list-style-type: none"> ● Amended to include water use for the Early Revenue Phase.
Schedule B, Item 1(a)(iii)	<ul style="list-style-type: none"> ● Amended to include water use for the Early Revenue Phase.
Schedule B, Item 1(b)(xiii)	<ul style="list-style-type: none"> ● Added to include provision of effluent volume discharged from Milne Port Ore Stockpile Sedimentation Ponds.
Schedule B, Item 1(e)(i)	<ul style="list-style-type: none"> ● Amended condition to capture any potential future monitoring arrangement that may be approved by the

Part No., Item No. (Amended Licence)	Change to Term/Condition
	Board
Schedule I, Table 13	<ul style="list-style-type: none"> • Added monitoring stations MP-05 and MP-06 and parameters for the Ore stockpile sedimentation Ponds at Milne as originally proposed by the Licensee. • Added two monitoring stations MS-C-G and MS-C-H and requirement for surface discharge during construction activities at the Milne Site originally proposed by the Licensee