



July 4, 2019

EMAIL

Nunavut Impact Review Board  
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Nunavut Water Board  
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Stephanie Autut  
Executive Director, NWB

Dear Mr. Barry and Ms. Autut

**Re: NIRB File No. 08MN053: Proponent's Recommendations for a Revised Review Timeline for the "Phase 2 Proposal"**

Baffinland is writing to provide an update in follow-up to the last Technical Meeting held in Iqaluit from June 17, 2019 to June 19, 2019. Since that time, we have had the opportunity to have additional meetings with the Qikiqtani Inuit Association, the Mittimatalik Hunters and Trappers Organization, the Hamlet of Pond Inlet, the Igloodik Phase 2 Working Group and representatives from the Hamlet and HTO/HTAs from all 5 North Baffin Communities.

As emphasized during the last Technical Meeting, Baffinland is committed to undertaking a collaborative approach to the assessment of the Phase 2 Proposal within the Nunavut Impact Review Board (NIRB) environmental assessment process. During the Technical Meetings, as well as our additional meetings with interveners, Baffinland believes that significant progress has been made. Through these meetings we have heard that some interveners have continued to express concerns that a thoughtful and fulsome review of the proposal may not be possible by the current proposed public hearing dates (currently, September 23-27, 2019 in Pond Inlet and September 30 - October 4 in Iqaluit).

Considering this input from interveners and in particular the North Baffin community representatives and the Qikiqtani Inuit Association, Baffinland is writing to request that the NIRB give consideration to rescheduling the public hearings. This will provide all parties with additional time to collaborate in respect of the additional materials that Baffinland has committed to provide prior to the public hearings. The extended timeline will also provide the opportunity for further community engagement and assurance that the additional documentation to be submitted in this process incorporates Inuit perspectives. This includes the verification of the Community Risk Workshop Report, participation in the Crossing Selection Workshop to be held at the end of July, and revisions to the adaptive management and Inuit Qaujimajatuqangit plans.

Baffinland emphasizes that this request is made based on the understanding that moving the hearing dates would not jeopardize receiving the NIRB Reconsideration Report by Dec. 31, 2019. This remains of critical importance to Baffinland, and we are proposing a timeline herein (Table 1) that would allow for enhanced engagement with community representatives and the QIA as well as other interveners, while protecting the schedule. It is essential to receive the NIRB Reconsideration Report by **Dec. 31, 2019**.

### **Coordinated Review with the Nunavut Water Board**

Baffinland has undertaken a coordinated NIRB/NWB process to date and overall project timelines continue to be a significant priority. Accordingly, with respect to the Type A Water Licence amendment process, Baffinland requests that all parties work toward a NWB public hearing to be completed **by February 2020**. To achieve this timing, Baffinland requests that the NWB give consideration to holding a technical meeting on the NWB Type A Water Licence amendment application shortly after the completion of the NIRB public hearing. The proposed timing is consistent with the timeline provided by Baffinland in correspondence to the NWB on May 15, 2019 (See Appendix A). This approach was also undertaken by the NWB during TMAC's Phase 2 reconsideration process in 2018.

### **Proposed Process for NIRB/NWB Coordinated Review**

While Baffinland respects that the scheduling of the public hearing and technical meeting are at the discretion of the NIRB and NWB, respectively, the proposed timeline outlined below is reasonable and would provide additional time for all parties to prepare for the public hearings.

*Table 1: Proposed updated timeline for environmental assessment review of the Phase 2 Project*

<b>Milestone</b>	<b>Date</b>	<b>Duration</b>	<b>Rationale</b>
NIRB and Interveners receive Proponent responses to commitments from Technical Meeting	Aug 23, 2019	N/A	Additional time would provide all parties the opportunity to consider and respond to additional materials committed by Baffinland during the First and Second Technical Meeting. This timing will also provide an additional opportunity for collaboration in advance of filing.
Additional engagement with communities by Baffinland	July-October	N/A	Additional engagements would include a North Baffin community tour with an invite extended to the NIRB and other interveners as can be accommodated, and other community/topic specific sessions as necessary
Baffinland facilitates topic specific workshops with interveners, as required	September	N/A	Sessions would be face to face (in order to facilitate the use of interpreters) with a teleconference option and a location TBD. NIRB representatives would be invited and a record of meeting resolutions would be submitted for the record of review.
NIRB Site Visit	September	N/A	As identified at the Second Technical Meeting, the NIRB is interested in conducting a site tour with a preference for September. Baffinland is open to these dates should the NIRB wish to maintain the site visit in September as planned. Baffinland can

			<p>facilitate attendance of at least one representative from each of the interveners.</p> <p>It is requested that the NIRB confirm if they would like the site visit to proceed during this time.</p>
NIRB receives final written submissions	Sept 23, 2019	30 days	The duration of this period is similar to current process map.
NIRB receives Proponent response to final written submissions	Oct 14, 2019	21 days	The duration of this period is similar to current process map.
Intervener review of final written submission responses/Preparation for Public Hearing	N/A	21 days	The duration of this period is similar to current process map
NIRB Public Hearing (Pond Inlet)	Nov 4-9, 2019	6 days	<p>Baffinland would prefer a single set of public hearings in Pond Inlet (rather than hearings in both Pond Inlet and Iqaluit), in order to facilitate community participation.</p> <p>With the suggested revised public hearing timing, Baffinland believes that sufficient accommodation would be available at the Mary River Mine Site, and can provide further details as to costs and logistics for any interveners that have been challenged in securing accommodations in Pond Inlet.</p> <p>In light of the time that would be required to commute to Mary River, a slightly longer public hearing may be required and NIRB may wish to provide for this flexibility in the public hearing schedule.</p>
NWB Technical Meeting & Prehearing Conference	November	3 days	A technical meeting in November or early December would make a February public hearing possible.
NIRB Final Report to Minister	Dec 16, 2019	45 days	Baffinland understands this is NIRB's typical timing.
Minister Decision	TBD	Up to 90 days	

### **Schedule of Deliverables**

Under the proposed process above Baffinland would still meet the majority of its intended deliverable submission dates previously communicated at the last Technical Meeting, but would allow for the further engagement with all interveners on the development of certain key documents, including the Adaptive Management Plan and the Recommended Revised Project Certificate Terms and Conditions for Phase 2. A complete list of deliverables from the most recent version of the Disposition Table is included below with their revised target submission dates and related technical comment or commitment identifiers from the Disposition Table. These dates may be further revised to correspond to the final hearing dates that are selected by NIRB.

Deliverable	Original Target Submission	Revised Target Submission	TC#
Memo: Response to Health Canada Written Submission	7/10/2019	7/12/2019	TM2-HC
Memo: Analysis of Ice Coverage in RSA and Baffin Bay	7/10/2019	7/12/2019	TM2-GN
Memo: Rationale for Exclusion of Marine Fish from Icebreaking Assessment	7/10/2019	7/12/2019	TM2-DFO
Shipping Activity Animation	7/10/2019	7/12/2019	DFO 3.1.7, 3.1.9, GN 22
Draft Air Quality Monitoring Framework	7/10/2019	7/12/2019	ECCC 3.13, GN 07, 19-21
Report on Evaluation of 2018 Major Training Programs	7/10/2019	7/12/2019	QIA 32
Construction Training Plan	7/10/2019	7/12/2019	QIA 33-36
Draft Spill at Sea Response Plan	7/10/2019	7/12/2019	TC 27
Alternative Shipping Routes Baseline and Effects Characterization	7/10/2019	7/12/2019	DFO 3.1.4, GN 23
Updated Energy Protein Model	8/23/2019	7/12/2019	GN 18
Memo: Daily Ship Exposure Periods for Narwhal	N/A	7/15/2019	DFO 3.5.6
Revised Analysis of the North Railway Barrier Effect to Caribou	N/A	7/22/2019	GN 12; QIA 14 & 15
Food Security Assessment	7/10/2019	8/23/2019	QIA 08, TM2-TC
Statement on Approach to Consultation & Phase 2 Consultation Record for Pond Inlet	7/10/2019	8/23/2019	TM1-Pond Inlet
Draft Adaptive Management Plan	7/10/2019	8/23/2019	WWF 08
Draft Revised Project Certificate 005 for Phase 2	7/10/2019	8/23/2019	TM1
Regional Caribou Monitoring Memorandum of Understanding	7/10/2019	8/23/2019	GN-08
Borrow Source Investigation Factual Data Report (Second Phase)	8/28/2019	8/23/2019	CIRNAC 02, 07
Crossing Selection Workshop Report	8/28/2019	8/23/2019	GN-13
Shipping Communication Protocol for Pond Inlet	N/A	8/23/2019	TM2-ON
Icebreaking Management Protocol	N/A	8/23/2019	TM2-ON
Revised CEA Addendum	N/A	8/23/2019	TM-PC, DFO, GN, QIA, NTI
Revisited Effects Assessments in Relation to the Tusaqtavut Study	N/A	8/23/2019	TM2-QIA
IQ Collection Framework	N/A	8/23/2019	TM2-QIA

Please do not hesitate to contact the undersigned for further information.

Best Regards,



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Adrian Paradis, CanNor  
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Andrew Dumbrille, WWF

**Appendix A:**

**May 15, 2019 Baffinland Letter to NWB Re: Completeness of Application for Amendment to  
Water Licence No. 2AM-MRY1325; Baffinland Iron Mines Corporation**



Assol Kubeisinova  
Technical Advisor  
Nunavut Water Board

May 15, 2019

**Re: Completeness of Application for Amendment to Water Licence No. 2AM-MRY1325; Baffinland Iron Mines Corporation**

Dear Assol,

Baffinland would like to first thank those intervening parties that have submitted comments on the completeness of the Application for Amendment to Water Licence No. 2AM-MRY1325, including the Qikiqtani Inuit Association (QIA), Crown-Indigenous Relations and Northern Affairs (CIRNAC), and the Department of Fisheries and Oceans (DFO). This letter is being provided to address several of the comments provided by the interveners to aid in the Nunavut Water Board's (NWB) determination of next steps.

#### Application Completion

On the matter of Application completion, Baffinland would like to indicate that neither CIRNAC or DFO presented any opposition to moving into the technical review, although they did submit several information requests (IRs) which Baffinland will address in the near term. The QIA, however, presented several concerns regarding the completeness of the Application that Baffinland believes have already been addressed.

#### **QIA's Completeness Concerns**

1. *The updated management plans have been provided in a draft or "issued for review" state. These documents should be finalized prior to their submission for a licence application.*

The plans are draft for review and won't be considered final until approved by the NWB. Only then will they replace the current Board-approved operational plans.

2. *The reliance on linking documents between the NWB and Nunavut Impact Review Board (NIRB) processes, especially given that the NIRB process has not been completed. This creates unnecessary limits to review and participation by interested parties.*

This review began as a coordinated process, and though no longer in a coordinated process, several of the management plans are common to both processes (identified in the EIS Guidelines and in the Type A Water Licence).

3. *Absence of construction water quality and dustfall monitoring program associated with Tote Road upgrades in the application materials.*

This is presented in Section 5.1 of the Roads Management Plan, submitted to the NWB and NIRB on May 13, 2019.

4. *Absence of construction water quality and dustfall monitoring program associated with rail development in the application materials.*

This is presented in Section 10.2.3.1 of the Surface Water and Aquatic Ecosystem Management Plan, submitted to the NWB and NIRB on May 3, 2019.

5. *Absence of operations water quality and dustfall monitoring program for the Tote Road and Rail in the application materials.*

Operations water quality and dustfall monitoring program for the Tote Road is addressed in the Surface Water and Aquatic Ecosystem Management Plan, Section 10.2.2.3; There is no plan for operations water quality monitoring for the railway, as it shouldn't be required since the railway will be constructed with rockfill and crossings to a much longer return period.

6. *Absence of adaptive management principles applied within updated management plans in the application materials.*

Baffinland incorporated adaptive management in its plans as it seemed fit; the plans have been supplied in draft recognizing the intent of a technical review process is to critically review and potentially modify proposed plans

7. *Absence of Quarry Management Plans required for the work along the Transportation corridor in the application materials.*

The submitted Borrow Pit and Quarry Management Plan provides the generic mitigation and monitoring plans associated with quarries. Part D, Item 6 of the Licence provides the process by which Baffinland can submit and seek approval of individual quarry management plans as project planning and activities require this. The original and Amendment No. 1 water licence applications followed the same process and approach.

#### **QIA's May 14, 2019 Preliminary IRs**

1. *Other than changes to the Scope of the current Water Licence, what other changes in language or amendments are Baffinland seeking?*
  - i. *Can Baffinland provide draft language?*
  - ii. *Can Baffinland reference evidence in the application materials to support these changes?*
  - iii. *If supporting evidence has not been provided, when can intervenors expect its issuance?*

Baffinland could provide draft revisions to the actual Water Licence, though it is not a requirement to provide this with the Application. In addition to the licence scope changes identified in Table 1.1 of the



Application's main report, the report is laid out in accordance with the parts of the Licence so that new and changed project components are identified in relation to those parts. Section 1.3 of the Applications main report states the following:

*"The Phase 2 Proposal will involve an increase in the intensity of use of approved activities and an expansion of existing infrastructure. There are no new types of activities associated with the Phase 2 Proposal; for example, the Phase 2 Proposal includes a new North Railway, but the existing licence contemplates the South Railway. With respect to mining, while the annual production rate will increase, there is no change to the mine plan; the same orebody will be mined at a different rate and schedule. As such, the current Licence already contains the mechanisms and provisions to regulate the Phase 2 Proposal, with only modest modifications to the Licence required."*

Baffinland is proposing additions and updates to the Surveillance Network Program (SNP) monitoring stations identified in Section 6.

*2. Is Baffinland requesting to amend any Water Licence criteria?*

*i. Can Baffinland clarify what the changes are?*

*ii. Can Baffinland reference evidence in the application materials to support these changes?*

*iii. If supporting evidence has not been provided, when can intervenors expect its issuance?*

No change to water licence discharge limits in the current Licence has been requested.

*3. If the application is deemed complete and the Technical Review period begins, when will the Management Plans be reviewed for approval?*

*i. If this approval process is after the issuance of an Amended Water Licence, will Baffinland be authorized to proceed with Phase 2 activities?*

Presumably the management plans will be reviewed during the respective technical review periods, and the plans would be considered approved only with the issuance of an amended Project Certificate and amended Water Licence, as applicable. The NWB can confirm this.

*4. How will the NWB manage and ensure procedural fairness and take into consideration NIRB direction from an amended Phase 2 Project Certificate under the current timelines<sup>4</sup>?*

The NIRB is currently expected to release their Public Hearing Report on Phase 2 by November 5, 2019, which if positive would include an amended Project Certificate 005. This timing is well before the anticipated NWB Public Hearing in January 2020, and would provide ample opportunity to consider any direction provided.

#### **QIA's November 23, 2018 IRs**

All information requested by the QIA in their November 23, 2018 submission to the NWB in relation to the Application have been fulfilled, including the provision of:

- QIA WL 01 - Estimate of the total financial/reclamation security (*QIA WL 01*) – Attachment 29, Appendix I
- QIA WL 02 - Interim Closure and Reclamation Plan– Attachment 29
- QIA WL 03 - IFC drawings/designs for water and waste management facilities - Attachments 11 to 18
- QIA WL 04 - Updates to mitigation and monitoring plans– Attachments 14, 15 and 18
- QIA WL 05 – QIA acknowledged that the Water Compensation Agreement (WCA) and the Commercial Production Lease (CPL) do not directly affect the Water Licence Application at this stage of the review process

In summary, it is Baffinland's position that the updated Application submitted on May 3, 2019 satisfies all of the critical information required for the NWB to issue a Notice of Application.

#### Timing of Technical Meeting/Pre-Hearing Conference

In their correspondence, QIA cites several factors affecting their ability to complete a technical review in the prescribed period and provide two the following potential options to coordinate the NWB and NIRB processes, should the NWB deem the Application complete:

1. *One Technical Review period is granted and this Technical Review period ends after Baffinland provides all information it has committed or will commit to provide during the NIRB 2nd Technical Meeting to be held on June 17-19, 2019.*
2. *Two Technical Review periods are provided by the NWB. One that focuses on the current information, and a second Technical Review period to be granted after Baffinland provides all information it has committed or will commit to provide during the NIRB 2nd Technical Meeting to be held on June 17-19, 2019.*

Baffinland cannot advocate for any revised review process that would further delay the potential approval of the Phase 2 Proposal, or require additional resources within the currently proposed timeline (i.e. two technical reviews). For these reasons Baffinland can only conditionally support Option 1, which is a single technical review period, so long as the NWB can accommodate a subsequent review process that culminates in a Public Hearing by January 2020. For the NWB's consideration, Baffinland has prepared a modified version of the Anticipated Timeline for the NWB's Consideration of the Amendment Application. Should this proposal, or a close approximation, be acceptable to the NWB and intervening parties, Baffinland would be supportive as well.

**Table 1: Modified Anticipated Timeline for the NWB's Consideration of the Amendment Application**

Event	From	To
BIMC's submission of outstanding information to complete the Application	24-Jan-19	5-May-19
Comments from Interveners regarding completeness of Application	5-May-19	14-May-19
(If NWB determines that Amendment Application is complete) Notice of Amendment Application issued and 30-day Technical Review Period commences	May 2019	
Technical Review Period, culminating with Interveners filing written technical comments with the Board on October 15, 2019	May 2019	15-Oct-19
Notice of form, timing and venue for Pre- Hearing Conference issued by the NWB	4-Oct-19	

BIMC responds to Interveners	15-Oct-19	25-Oct-19
Interveners review BIMC's response. All parties prepare for the Technical Meeting, culminating in all parties filing TM presentation materials on or before Nov 5, 2019.	25-Oct-19	5-Nov-19
Nunavut Impact Review Board issues final report and recommendations to the Minister of Intergovernmental and Northern Affairs and Internal Trade		5-Nov-19
NWB Technical Meeting & PHC (note: format, venue and timing of the Technical Meeting to be confirmed by the NWB at the close of the Technical Review Period)	12-Nov-19	14-Nov-19
NWB Prepares Pre-Hearing Conference Decision and Issues PHC Decision Report	14-Nov-19	22-Nov-19
(If applicable) NWB Publishes 60-day Notice of Public Hearing	22-Nov-19	
BIMC responds to commitments made during the course of the Technical Meeting & PHC	22-Nov-19	22-Dec-19
NWB Public Hearing in Pond Inlet	22-Jan-20	23-Jan-20

Baffinland appreciates the continued dedication to this file by the NWB and intervening parties and looks forward to the next steps in the review process.

Best Regards,



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