



February 13, 2015

Mr. Brian Aglukark  
Director, Implementation  
Nunavut Planning Commission  
P.O. Box 2101  
Cambridge Bay, NU X0B 0C0

Dear Mr. Aglukark:

**Re: Application to Determine Conformity with the North Baffin Regional Land Use Plan in connection with the Mary River Project Phase 2 Development Amendment Request 2AM MRY1325 – DFO 07-HCAA-CA7-0050 – NIRB**

We are writing in response to Nunavut Planning Commission (NPC)'s letter of February 10, 2015, which requested Baffinland Iron Mines Corporation (Baffinland) to clarify points that are related to the completed questionnaire form Baffinland submitted to NPC on February 2, 2015 (Information Request No. 2). Specifically, NPC requested that Baffinland provide the following information:

“Please provide further information and details on how the BIMC's proposal adheres to section 3.3.1, and how it plans to ensure the values and concerns in the area affected (Eclipse Sound, Pond Inlet and North Bay Inlet) are conserved in accordance with section 3.2.1 and Appendix G. Specifically, what measures will be undertaken to maintain winter hunting access to Eclipse Sound, Pond Inlet and Bylot Island and to prevent damage to community travel routes to these and other to surrounding areas for seasonal hunting and transportation.”

***Compliance with Section 3.3.1 and Section 3.2.1 of NBRLUP***

Baffinland confirms it has reviewed and will comply with section 3.3.1 of the NBRLUP, which states:

“All land uses shall be conducted in keeping with the policy of sustainable development in order to protect the opportunities for domestic harvesting. All land users shall avoid harm to wildlife and wildlife habitat and damage to community travel routes through the timing of their operations, through careful selection of the location of their main camps and travel routes, and through other mitigative measures. In order to achieve these ends, all land users shall follow the Code of Good Conduct contained in Appendix H.”

As per our submission of October 29, 2014 and February 2, 2014, Baffinland confirms it will follow the Code of Good Conduct in Appendix H of the NBRLUP. Further details as to measures Baffinland will undertake (subject to stakeholder consultation and the

Phase 2 review process) during Phase 2 operations to ensure the Code of Good Conduct is followed are attached to this letter at Appendix 1. As described in Appendix 1, Baffinland will base its compliance program on existing approved measures developed in respect of the Mary River Project and Early Revenue Phase and modify and or add to mitigation as required through stakeholder consultation and the NIRB review process.

In Information Request No. 2, NPC also references section 3.2.1 of the NBRLUP (set out in its entirety below):

“All land users shall refer to the land values and concerns in Appendix G, and to the Areas of Importance map, to determine important land values and concerns in areas where they plan to work, as well as to adjust their work plans to conserve these values. Those who regulate the areas shall ensure through the project approval process that these values are conserved.”

Baffinland is aware that Milne Inlet is identified as an “Essential Area” in Appendix G and will take the implications of this into account during Phase 2 planning, in particular with respect to the timing of operations, selection of travel routes, and adjustment of workplans. In order to further ensure conformity with section 3.2.1 of the NBRLUP, Baffinland will make the Nunavut Impact Review Board (NIRB), Nunavut Water Board, Fisheries and Oceans Canada aware of the land values and concerns (via this correspondence and also in the environmental impact statement addendum) with respect to Phase 2 activities and the Areas of Importance map in order to further ensure that these essential values will be considered and conserved through the project approval process.

### ***Mitigation Measures to Maintain Winter Hunting Access and Prevent Damage to Community Hunting Routes***

Vessel transits (shipping) through ice is a common activity in Canada and throughout Northern regions. Use of ice surface for other forms of transportation, such as by snow mobile, is also a common activity. In areas where winter shipping and snowmobile travel occur together, the issues to be addressed include public notification, safety marking and safe crossings if and where required. These safety considerations are discussed in more detail below.

- *Public Notification* - A system of notification is required to advise travellers of vessel travel schedules and the condition of the ships track associated with vessel transit. Interested parties are provided with timely information in an effective and accessible format. This information is useful for those planning to travel, in terms of deciding on timing and route selection.
- *Safety Marking* - In areas of concentrated traffic (both vessels and snowmobiles) measures can be required to place safety markings along the sides of the track

to alert snowmobile traffic. As well, signage can be employed to notify the location and condition of designated crossings.

- *Safe Crossing* - Track refreeze can occur over varying time frames, mainly dependent on air temperature. Inspections can determine the suitability of a refrozen track for snowmobile passage. Measures to facilitate passage can include grooming of the ice surface (removal of ridges and protruding ice pieces) and deployment of crossing structures (pontoon bridges) across the track to ensure safe passage.

The following brief summary provides illustrations of successful mitigation from northern projects involving transportation through and over ice.

- *Raglan Mine – Deception Bay, Nunavik* - As described in the Shipping and Marine Wildlife Management Plan (SMWMP), shipping occurs through all seasons for the Raglan Mine, via Deception Bay on the south side of Hudson Strait. Vessels transit approximately 25km of landfast ice in Deception Bay, crossing travel routes used by Inuit for hunting parties and inter-community visits. Provisions for ship track crossings include a contract arrangement with residents of Salluit who select a safely refrozen section of the track, groom the ice surface and place signage at the designated crossing location. The measures taken appear to be adequate to support travel volumes and routing employed by Nunavik residents.
- *Anaktalak Bay – Nunatsiavut* - As described in the SMWMP, shipping occurs through all seasons for the Voiseys Bay Mine on the north coast of Labrador, approximately 35km south of the community of Nain. Vessels transit approximately 70km of landfast ice in Anaktalak Bay to Edwards Cove, crossing travel routes used by Inuit for hunting, access to cabins and inter-community visits. An ongoing program of community consultation is used to inform people about each year's shipping plans and to receive feedback on past operations. Detailed information is provided to each community and travellers to advise on shipping movements, the placement of safety markings and the condition of safe crossing locations. A local contractor, operating from Nain provides services to place reflective markers along sections of the ship track, to patrol the track, and to establish safe crossings along travel routes. Track crossing locations include areas where natural conditions (ice thickness) are monitored as safe for snowmobile traffic. Crossings are groomed to facilitate traffic. At selected locations, and as needed where track re-freeze rates are slow, a pontoon bridge system is placed across the track to provide a safe running surface for snowmobiles and komatiks. The measures taken appear to be adequate to support travel volumes and routing employed by North Coast residents. Additionally, the community of Nain benefits from the local employment associated with the contract for track maintenance services.

- *Ice Roads* - Ice roads have been used throughout Northern Canada for years to supply communities and mining developments in the Northwest Territories have developed “ice” roads for resupply operations during winter conditions. They have operated safely the world’s largest industrial haul ice road for over 30 years. These roads transit freshwater bodies and are designed to support heavy loads. Ice profiling using modern equipment is used to ensure the ice is thick enough to handle the required weight to both construct and operate the road. Mobile equipment has been developed and modified to provide for ice thickening, to monitor ice thickness and bearing capacity, and to groom ice surfaces. A key consideration has been the imperative to ensure safe operations. The proven procedures and equipment developed in recent years for ice road construction and maintenance have application to the issue of establishing safe track crossings in northern marine environments.

The NIRB has issued Project Certificate No. 5 (NIRB Certificate) to permit Baffinland to proceed with the Mary River Project, with a subsequent amendment to account for activities associated with the Early Revenue Phase. The NIRB Certificate addresses requirements to address concerns, monitoring and mitigation associated with shipping through ice and open water, and includes specific conditions to address the issue of winter ship traffic and snowmobile travel. NIRB Certificate conditions relevant to the issue of winter shipping which Baffinland anticipates would continue to apply (updated to reflect specific Phase 2 activities) are set out in the attached table at Appendix 2.

Additionally, current plans required by the NIRB Certificate include relevant mitigation measures applicable to travelling through ice. The Shipping and Marine Wildlife Management Plan (SMWMP), developed in compliance with requirements established by NIRB for the preparation of the Mary River Project EIS, address specific issues related to shipping, including the issue of shipping through ice. The SMWMP, as per NIRB Guidelines provides background information on two mining projects considered relevant to the Mary River Project and the issue of shipping through ice – the Raglan Mine in Nunavik, and the Voiseys Bay Mine in Nunatsiavut. The results of that consideration were employed to inform the identification of mitigation and monitoring measures for Mary River Project shipping during periods of ice cover. The SMWMP was submitted with the Final Environmental Impact Statement (FEIS), the Early Revenue Phase Addendum to the FEIS, and most recently in Baffinland’s annual report to the NIRB. The SMWMP can be found on the NIRB’s public directory under the Mary River Project at the following link: [NIRB Public Registry- Mary River Project](#). The SMWMP will be reviewed with a submission of an environmental impact statement for Phase 2, and be updated to address outcomes of the Phase 2 review.

As summarized above, there are proven technologies and available procedures which demonstrate that winter shipping is feasible and compatible with snowmobile travel and related resource uses in Milne Inlet, Eclipse Sound, Pond Inlet and Bylot Island. Baffinland considers all of the above to be potential measures to maintain winter hunting access and to prevent damage to community travel routes during Phase 2. However, is

noted that prior to the commencement of Phase 2, mitigation measures will be finalized though the completion of the NIRB Project Certificate reconsideration process as well as extensive stakeholder consultations including discussions with the community of Pond Inlet and other North Baffin Communities and the Qikiqtani Inuit Association (QIA). During the Phase 2 approval process Baffinland will likely identify additional specific measures to assure safety of travellers and hunters related to proposed Phase 2 shipping schedules. Baffinland does not intend to limit potential mitigation measures to the above and will develop required mitigation in close consultation with communities, other stakeholders including the QIA. The details of design will be developed in a manner which incorporates local travel patterns and site specific knowledge of ice conditions, and, importantly, are implemented in a collaborative manner. Baffinland is committed to working with the community of Pond Inlet and other potentially impacted communities in the North Baffin region through processes outlined under the *Nunavut Land Claims Agreement* and in accordance with the requirements of the NBRLUP. Further mitigation measures may also be identified during the review of potential environmental effects that will be outlined in an environmental impact assessment as directed by the NIRB.

Should Phase 2 be permitted to proceed, Baffinland will continue to consult with communities and QIA on these matters during Phase 2 construction and operation.

We hope this information is fully responsive to the NPC's information request. Should you have any questions about this letter or its attachments, please do not hesitate to contact me or Oliver Curran directly. Baffinland wishes to reiterate its request that NPC issue its conformity determination with respect to Phase 2 as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erik Madsen', with a stylized, cursive script.

Erik Madsen, Vice President  
Sustainable Development, Health, Safety & Environment

cc: Tara Arko, Nunavut Impact Review Board  
Phyllis Beaulieu, Nunavut Water Board  
Georgina Williston, Department, Fisheries & Oceans Canada  
Stephen Williamson Bathory, Qikiqtani Inuit Association  
Salamonie Shoo, Qikiqtani Inuit Association  
Tracey McCaie, Aboriginal Affairs & Northern Development Canada  
Stephen Traynor, Aboriginal Affairs & Northern Development Canada

## Appendix 1 – Confirmation of Baffinland Measures to Conform with Code of Good Conduct

<b><i>Appendix H – Code of Good Conduct for Land Users</i></b>	<b><i>Baffinland Measures</i></b>
1. The landscape of each camp and other land use sites will be restored to its original condition to the greatest degree possible. Water quality will be preserved, and no substances that will impair water quality will be dumped in water bodies. When possible and feasible, old sites will be restored to the natural state.	Baffinland will fully execute the approved Closure and Reclamation Plan and has secured these obligations by a letter of credit held by QIA and required under the Commercial Lease and Type A Water Licence. Once Phase 2 is approved, the Closure and Reclamation Plan and reclamation bonding will be updated accordingly.
2. All land users shall assist communities and government(s) in identifying and protecting archaeological sites and carving-stone sites, as required by law.	Baffinland has undertaken detailed archeological surveys of the Mary River site and has implemented site-wide procedures which ensure archeological sites and carving stone sites are protected.
3. Generally, low-level flights by aircraft at less than 300 metres should not occur where they will disturb wildlife or people. If such flights are necessary, they should only take place after consultation with the appropriate communities. All land users are responsible for reporting to the land managers any illegal or questionable low level flight.	Low level flights will be avoided to the extent possible and subject to safety considerations during poor weather/visibility challenged conditions.
4. All activities on the land will be conducted in such a fashion that the renewable resources of the area in question are conserved.	Baffinland undertakes all of its operations in a sustainable manner and in compliance with regulatory and Inuit (QIA) requirements.
5. Whenever practicable, and consistent with sound procurement management, landusers will follow the practice of local purchase of supplies and services.	The Impact Benefit Agreement addresses procurement matters described in this section and supports local purchase.

6. Land users will establish working relationships with local communities and respect the traditional users of the land.	The Impact Benefit Agreement addresses matters described in this section and supports local relationships. Baffinland also regularly consults with the communities regarding project matters.
7. During the caribou calving, post-calving and migrating seasons, land use activities should be restricted to avoid disturbing caribou, in general, and activities will be governed more specifically by caribou protection measures such as those contained in Appendix I.	The Mary River Caribou Protection Measures address these matters and will be applied during Phase 2.
8. Artifacts must be left where they are found. All land users are responsible for reporting the location of, or any removal or disturbance of artifacts, to CLEY.	As noted above, site specific policies have been developed which ensure compliance with this requirement.
9. The mining industry is encouraged to assist in identifying local carving-stone deposits and report any discoveries to the QIA. Industry is also encouraged to identify and report old waste sites that need to be cleaned up.	As noted above, site specific policies and agreements with QIA have been developed which ensure compliance with this requirement.
10. All land users shall obey the laws of general application applying to land use.	Baffinland has an extensive environmental management system in place which ensures compliance with all permits and approvals that are required in respect of the operation of the mine as well as laws of general application. This system will be updated to include Phase 2 components, once approved.

## Appendix 2 – Relevant Current Project Certificate Terms and Conditions

<b><i>Topic</i></b>	<b><i>Project Certificate Term and Condition</i></b>
Safety markers in ice	175. The Proponent shall, in coordination and consultation with the Qikiqtani Inuit Association and the Hunters and Trappers Organizations of the North Baffin communities and Coral Harbour, provide updates to its Shipping and Marine Mammals Management Plan to include adaptive management measures it proposes to take should the placement of reflective markers along the ship track in winter months not prove to be a feasible method of marking the track to ensure the safety of ice-based travelers.
Public notification of ship travel	166. The Proponent should ensure through its consultation efforts and public awareness campaigns that the public have access to shipping operations personnel for transits into and out of both Steensby Inlet port and Milne Inlet port either via telephone or internet contact, in order that any questions regarding ice conditions or ship movements that could assist ice users in preparing for travel may be answered by Project staff in a timely fashion.
	164. The Proponent is required to provide notification to communities regarding scheduled ship transits throughout the regional study area, real-time data regarding ships in transit and any changes to the proposed shipping schedule.
	127. The Proponent shall ensure that communities and groups in Nunavik are kept informed of project shipping activities and are provided with opportunity to participate in the continued development and refinement of shipping related monitoring and mitigation plans.
	78. The Proponent shall update the baseline information for landfast ice using a long-term dataset (28 years), and with information on inter-annual variation. The analysis for pack and landfast ice shall be updated annually using annual sea ice data (floe size, cover, concentration) and synthesized and reported in the most appropriate management plan.



Monitoring of ship tracks through ice	<p>101. The Proponent shall incorporate into the appropriate monitoring plans the following items:</p> <ul style="list-style-type: none"> <li>a. A monitoring program that focuses on walrus use of Steensby Inlet and their reaction to disturbance from construction activities, aircraft, and vessels;</li> <li>b. Efforts to involve Inuit in monitoring studies at all levels;</li> <li>c. Monitoring protocols that are responsive to Inuit concerns;</li> <li>d. Marine monitoring protocols are to consider the use of additional detecting devices to ensure adequate monitoring through changing seasonal conditions and daylight;</li> <li>e. Schedule for periodic aerial surveys as recommended by the Marine Environment Working Group;</li> <li>f. Periodic aerial surveys for basking ringed seals throughout the landfast ice of Steensby Inlet, and a suitable control location. Surveys shall be conducted at an appropriate frequency to detect change inter-annual variability;</li> <li>g. Shore-based observations of pre-Project narwhal behavior in Milne Inlet;</li> <li>h. Conduct landfast ice monitoring for the duration of the Project Operations phase, which will include: <ul style="list-style-type: none"> <li>i. The number of ship transits that are able to use the same track; and,</li> <li>ii. The area of landfast ice disrupted annually by ship traffic; and</li> </ul> </li> <li>i. Monitoring strategy focused on assessing and mitigating interaction</li> </ul> <p>102. The Proponent shall ensure that routing of project vessels is tracked and recorded, with data made accessible in real time to communities in Nunavut and Nunavik. A summary of all ship tracks shall be submitted annually to the NIRB.</p>
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