

Appendix A



FEB 11 2009

Mr. Lucassie Arragutainaq
Acting Chair
Nunavut Impact Review Board
PO Box 1360
CAMBRIDGE BAY NU X0B 0C0

Dear Mr. Arragutainaq:

Thank you for your Screening Decision Report of June 27, 2008, indicating that Baffinland Iron Mines Corporation's Mary River Project proposal (Proposal) requires review under Part 5 or 6 of Article 12 of the Nunavut Land Claims Agreement (Agreement).

I have reviewed the Nunavut Impact Review Board's Screening Decision Report and pursuant to section 12.4.7(b), I am referring the Proposal to the Board for a review under Part 5 of Article 12 of the Agreement. The federal departments of Fisheries and Oceans Canada, Natural Resources Canada, and Transport Canada also have jurisdictional responsibility for authorizing the Proposal to proceed, and concur that a Part 5 review is appropriate.

In its Report, the Board highlighted outstanding issues relating to the land use planning process. Upon receipt of the Proposal and accompanying positive conformity determination from the Nunavut Planning Commission, the Board was advised by the Commission of additional requirements under sections 3.5.11 and 3.5.12 of the North Baffin Regional Land Use Plan (Plan) for a review of the proposed transportation corridor. The Board also outlined concerns raised by some parties, including officials in Indian and Northern Affairs Canada, regarding the Commission's positive conformity determination given the apparent requirement for an amendment to the Plan to permit the construction and operation of the rail line. I appreciate the Board bringing its views on these issues to my attention and would ask the Board to keep me apprised of updates as necessary.

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In order to limit the delays to the overall review of the Proposal, I would encourage the Board and the Commission to develop an arrangement that will satisfy the outstanding requirements of the land use planning process, while not unduly encumbering the Board's Part 5 review process. Once finalized, I would encourage the Commission and Board to communicate the agreed upon processes to all parties involved in the review.

Pursuant to section 12.5.1 of the Agreement, I would like to identify a particular issue of concern for the Board to consider. Year-round shipping involving seasonal ice breaking at the rate proposed by the proponent is unprecedented in the North. As a result, I will be looking to the Board to carry out a very thorough assessment of the impacts related to this component of the Proposal, which as a starting point, will involve obtaining a clear description of the location of the shipping route for the project within the Nunavut Settlement Area. Since the parties in adjacent jurisdictions might potentially be affected by the Proposal, I request the Board to encourage the participation of these groups in the review.

I appreciate the work the Board has done in screening the Proposal and look forward to receiving your final report upon completion of the review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chuck Strahl', with a stylized, flowing script.

Chuck Strahl

c.c.: The Honourable John Baird, PC, MP
The Honourable Lisa Raitt, PC, MP
The Honourable Gail Shea, PC, MP
Mr. Ron Roach

Appendix B

Baffinland Mary River Project Distribution List

February 11, 2009

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