

September 21, 2009

Ms. Leslie Payette  
Manager of Environmental Administration  
Nunavut Impact Review Board  
P.O. Box 1360  
Cambridge Bay, Nunavut X0B 0C0  
info@nirb.ca

Ms. Payette:

**Re: NIRB File No. 08MN053**  
**Baffinland Comments on the Revised Draft EIS Guidelines for the Mary River Project**

Baffinland appreciates the opportunity to present its comments on the Revised Draft Guidelines for the Preparation of an Environmental Impact Statement (EIS) for the Mary River Project (revised draft guidelines), prepared by the Nunavut Impact Review Board (NIRB) and dated September 4, 2009.

We would like to acknowledge the work NIRB has undertaken to improve the guidelines from the initial draft by incorporating many of the comments and suggestions from Baffinland as well as the interveners. However, Baffinland requests that additional changes are made. Our comments on the revised guidelines are summarized in the attached Table 1.

Highlighted below are key issues/topics that we request NIRB consider for discussion at the upcoming guidelines workshop in Iqaluit on September 29-30, 2009.

- Exhaustive list of issues identified for impact assessment (Sections 8.1 and 8.2 of the guidelines)
- Cumulative impact assessment – Projects to be considered (Sections 6.1 and 7.8)
- Required detail and number of management plans (Section 9.0)

These are discussed below.

#### **Issues for Impact Assessment**

In our letter dated July 31, 2009, Baffinland highlighted concern with the initial draft guidelines by inclusion of exhaustive list of issues identified for impact assessment. We emphasize that although we agree that each of the issues identified in the final guidelines need to be considered, the level of detail in the impact assessment needs to be commensurate with potential for significance. In other words, the Environmental Impact Statement (EIS) must focus on the main issues of potential significance in order for the environmental review to be efficient and effective. This is consistent with standard practice for environmental assessments.

Changes to the draft guidelines made by the NIRB appear to largely respect the concern that we have raised. However, we request the following statement be added to Section 8.0 so that the guidelines are clear in their requirement for the issues to be considered in the impact assessment:

*The proponent will address all items listed in the guidelines, applying discretion to treat issues deemed minor (of less potential for significant effects) in an abbreviated manner with rationalization, and conversely increased emphasis will be placed on issues of increased potential for significant effects. The emphasis at all times should be on selected VECs and VSECs.*

### **Cumulative Effects Assessment**

We reiterate our concerns with the list of projects and expansion scenarios provided in the draft guidelines for inclusion in the cumulative effects assessment (CEA). None of the scenarios: an expanded Mary River Project, a naval base at Nanisivik, or an iron ore mine at Roche Bay qualify as “reasonably foreseeable projects” by NIRB’s own definition (NIRB Guide 2: Terminology and Definitions, August 2007). An expanded Mary River Project, if it was to be proposed, would require an environmental screening at minimum. The naval base is undergoing a feasibility study. Roche Bay has completed a scoping level study (Preliminary Economic Assessment) but has not started a feasibility study, nor has the proponent of that project started the regulatory process.

For reference, we note the guidance provided by NIRB in the Final EIS Guidelines for the Meadowbank Gold Project:

*The term "probable future development" is defined to mean: projects or activities that are currently under regulatory review, and those that will be submitted for regulatory review in the near future, as determined by the existence of a project description in the possession of a government department or agency. Nevertheless, where less precise information about a possible development exists, the Proponent shall refer to it and shall offer its opinion on whether it might need to be taken into account at a later date. (NIRB, 2004)*

### **Management Plans**

We appreciate that NIRB has removed wording such as detailed and comprehensive from throughout Section 9. We also acknowledge the addition of the following statement:

*The Proponent shall strive to delineate and deliver those items contained in the EMP at a level of detail, which is appropriate and practical with its project planning and design, so that the NIRB is able to have a meaningful impact assessment.*

Nevertheless, we remain concerned about the fact that two management plans have been added to the revised draft guidelines, and that there has been essentially no reduction in the scope of issues that are to be addressed by each of the required plans.


Consistent with the requirement of the guidelines, Baffinland intends to provide management plans at a level of detail appropriate at the current stage of development planning and as required for impact assessment purposes. Some of the management plans will be developed at a conceptual level, whereas others will be provided in more detail. The Environmental Management Plan described in the EIS will include an implementation plan and schedule for continued development of specific management plans as appropriate.

## **Closure**

Baffinland looks forward to participating in the upcoming workshop and in the final development of EIS guidelines that are both protective of the environment and reasonable for the proponent to meet.

Should you have any questions regarding our review and comments, please contact the undersigned at 416-814-3171 or [derek.chubb@baffinland.com](mailto:derek.chubb@baffinland.com).

Best Regards,  
Baffinland Iron Mines Corporation

A handwritten signature in blue ink, consisting of a series of loops and a trailing line, representing the signature of Derek Chubb.

Derek Chubb  
VP, Sustainable Development

### Attachments:

- Table 1 – Baffinland Comments on Revised Draft Guidelines

### References:

NIRB, 2009. Draft Guidelines for the Preparation of an Environmental Impact Statement for Baffinland Iron Mine Corporation's Mary River Project (NIRB File No. 08MN053). Revision 1, September 4, 2009.

NIRB, 2007. Guide 2: Terminology and Definitions. Updated August 2007.

NIRB, 2004. Environmental Impact Statement (EIS) Guidelines for the Meadowbank Project. February 2004.