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DFO file : NU-07-0050

NIRB file : 08MN053

September 21st, 2009

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

Via E-mail to :
info@nirb.ca

Dear Ms. Payette:

**Subject: Department of Fisheries and Oceans Comments on the Second Draft of the
Environmental Impact Statement Guidelines for the Review of the
Proposed Mary River Project**

The Department of Fisheries and Oceans (DFO) would like to thank the NIRB for considering and incorporating DFO's July 23rd, 2009 comments regarding the first draft of the EIS guidelines. DFO is pleased to provide the NIRB with these additional comments following its review of the second draft of the Environmental Impact Statement (EIS) guidelines for the Baffinland Iron Mines Corporation's Mary River Project.

List of Acronyms (page xiii)

DFO suggests including "DFO – Fisheries and Oceans Canada" as the acronym DFO is used several times throughout the document.

Section 8.1.9.1 Freshwater Aquatic Environment Including Biota and Habitat

In the first bullet, replace "strophic state" with "trophic state".

Section 9.4.1.13 Aquatic Ecosystem Management Plan

DFO recommends replacing the text in this section with the following paragraph:

The Aquatic Ecosystem Management Plan should address mitigation measures to be implemented to protect and minimize the impacts on aquatic ecosystems from project activities occurring in or near water bodies and watercourses during construction, operation, closure and reclamation phases. Monitoring and reporting protocols should be included in the plan.

Section 9.4.17 Fish Habitat No Net Loss Plan

As recommended in our July 23rd letter to the board, DFO suggest replacing the text under "9.4.1.7 Fish Habitat No Net Loss Plan" with the following:

The Proponent shall discuss measures to compensate for the loss of aquatic habitat, including habitat replacement. The principle of No Net Loss (Policy for the Management of Fish Habitat, Department of Fisheries & Oceans, 1986) for fish habitat shall be applied where appropriate. Compensation plans should be developed in consultation with DFO and QIA.

This will allow for continued discussion and consultation during the EA and regulatory phases with communities, regulators and interested parties of potential habitat compensation options. Development of the compensation program, including locations and conceptual design, would be initiated once an acceptable habitat compensation option(s) had been identified.

In closing, DFO would like to thank the NIRB for the opportunity to once again provide comments on the draft guidelines for the Mary River Project. Nicola Johnson and Jane Tymoshuk will be attending the September 29th – 30th, 2009 guideline workshop on behalf of DFO. If there are any questions or clarification needed regarding DFO's comments, please contact Nicola Johnson at (867) 669-4933.

Regards,



Beverley Ross
Regional Manager, Environmental Assessment for Major Projects
Fisheries and Oceans Canada

cc. Jim Elliot, Fisheries and Oceans Canada
Eric Kan, Fisheries and Oceans Canada
Julie Dahl, Fisheries and Oceans Canada
Jane Tymoshuk, Fisheries and Oceans Canada
Gary Cooper, Fisheries and Oceans Canada