

Richard Dwyer

From: info@nirb.ca
Sent: Tuesday, October 19, 2010 2:55 PM
To: 'bill.napier@baffinland.com'
Cc: Dionne Filiatrault; Shari Gerheard; Matthew Pickard; 'Distribution List'
Subject: NIRB 08MN053: Updated ftp Link Regarding Consideration of a Road Haulage Option for the Mary River Project

Dear William Napier and interested parties,

The ftp link in the original letter contained an error. Please use the following link to access the files concerning Baffinland Iron Mines Corporation's "Mary River" project proposal: <http://ftp.nirb.ca/02-REVIEWS/ACTIVE%20REVIEWS/08MN053-BAFFINLAND%20MARY%20RIVER/2-REVIEW/03-SCOPING%20%26%20GUIDELINES/02-EIS%20GUIDELINES/4-FINAL/>.

Best regards,

Tara Arko – Assistant Technical Advisor
Nunavut Impact Review Board
29 Mitik, PO Box 1360
Cambridge Bay, NU
X0B 0C0
Tel: 867-983-4600
Toll-free: 1-866-233-3033
Fax: 1-867-983-2594
Email: info@nirb.ca
FTP site: <ftp.nirb.ca>

From: info@nirb.ca [<mailto:info@nirb.ca>]
Sent: October 19, 2010 2:12 PM
To: 'bill.napier@baffinland.com'
Cc: Dionne Filiatrault (dionne@nunavutwaterboard.org); Sharon Ehloak (sehaloak@nunavut.ca); Matthew Pickard (matthew.pickard@baffinland.com); 'Distribution List'
Subject: NIRB 08MN053: Consideration of a Road Haulage Option for the Mary River Project

Dear William Napier and interested parties,

Please see the attached correspondence from the Nunavut Impact Review Board (Board) regarding the road haulage option of Baffinland Iron Mines Corporation's "Mary River" project proposal. All correspondence and comments concerning the road haulage option can be found on the NIRB's ftp site at http://ftp.nirb.ca/REVIEWS/CURRENT_REVIEWS/08MN053-BAFFINLAND_MARY_RIVER/2-REVIEW/03-SCOPING%20%26%20GUIDELINES/02-EIS%20GUIDELINES/3-FINAL/. Translated copies will be posted and distributed as they become available.

Best regards,

Tara Arko – Assistant Technical Advisor
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NIRB File No.: 08MN053

INAC File No.: N2008T0014

QIA File No.: LUA-2008-008

DFO File No.: 2008 MR

NWB File No.: 2AM-MRY-xxxx

October 19, 2010

William A. Napier
Vice President, Sustainability
Baffinland Iron Mines Corporation
Suite 1016, 120 Adelaide Street West
Toronto, ON M5H 1T1

Via email: bill.napier@baffinland.com

Re: Consideration of a Road Haulage Option for the Mary River Project

Dear William Napier:

On September 7, 2010, the Nunavut Impact Review Board (NIRB or Board) received correspondence from Baffinland Iron Mines Corporation (Baffinland) which provided a description of a study being considered for inclusion within its Draft Environmental Impact Statement (Draft EIS) for the Mary River Project (the Project). Baffinland expressed its intention to study a new alternative means of carrying out the Project, the "Road Haulage Option" and incorporate the study results into its Draft EIS for review. It was requested that the NIRB review the supplied reference materials and provide any further guidance which might be relevant as Baffinland endeavours to adequately address the potential socio-economic and ecosystemic effects of this alternative means of carrying out the Project.

Prior to providing further guidance to Baffinland on this issue, on September 10, 2010 the Board requested that parties which would have jurisdictional authority and/or technical expertise over any aspect of the proposed "Road Haulage Option" provide their comments to the NIRB regarding:

- Any additional information to that which has been outlined in the EIS Guidelines for the Project which might be required by reviewers to ensure that the proposed "Road Haulage Option" can be adequately assessed as part of the technical review of the Draft EIS.
- Any other related comments or concerns regarding the inclusion of the proposed alternative in the Draft EIS.

On or before October 15, 2010 the Board received submissions from the following parties:

- Nunavut Planning Commission (NPC)
- Environment Canada (EC)
- Fisheries and Oceans Canada (DFO)
- Indian and Northern Affairs Canada (INAC)
- Natural Resources Canada (NRCan)
- Parks Canada (PC)
- Government of Nunavut (GN)
 - Department of Culture Language, Elders and Youth (CLEY)
 - Department of Economic Development and Transportation (ED&T)
 - Department of Environment (DoE)
 - Nunavut Research Institute (NRI)
- Organizations and individuals from the community of Pond Inlet
 - Community Lands and Resources Committee (CLARC) in English and Inuktitut
 - Hamlet of Pond Inlet
 - Israel Mablick (community member)
 - Titus Arnakallak (community member)
- Qikiqtani Inuit Association (QIA)

Please note that all comment submissions can be accessed on the NIRB's ftp site using the following link:

http://ftp.nirb.ca/REVIEWS/CURRENT_REVIEWS/08MN053-BAFFINLAND_MARY_RIVER/2-REVIEW/03-SCOPING%20%26%20GUIDELINES/02-EIS%20GUIDELINES/3-FINAL/

As requested, in their submissions to the NIRB several parties outlined their concerns with the Road Haulage Option as outlined by Baffinland, particularly with regard to the current scope of the assessment. It is the NIRB's understanding that Baffinland intends to assess the Road Haulage Option as an alternative means of carrying out the Project and that no decision has been made at the present time to amend the project applications to allow for developing the Project in this way. However, there is clearly confusion amongst parties regarding this interpretation, particularly with Baffinland's reference to the Road Haulage Option as the "preferred option" for developing the proposal.

The intention of the alternatives assessment required by the EIS Guidelines for the Project is to provide an opportunity for Baffinland to justify selection of the Project as proposed as the preferred alternative, along with the reasons for rejection of other alternatives that were considered. Although the Road Haulage Option would make use of project components included within the current scope of the Board's assessment, the relative scale of associated infrastructure as well as the proposed frequency and duration of use appear to be such that it would constitute a significant change to the scope of the Project; the NIRB could not consider the Road Haulage Option as the preferred option for developing the Project without first providing opportunity for

the Nunavut Planning Commission (NPC) to revisit its conformity determination made in accordance with the North Baffin Regional Land Use Plan (NBRLUP).

A number of parties also outlined project-specific information which would be required by reviewers to ensure that the proposed "Road Haulage Option" could be adequately assessed as part of the technical review of the Draft EIS. The Board appreciates receiving this advice and is currently reviewing this information with the intention of releasing an addendum to the Final EIS Guidelines for the Mary River Project following its next scheduled board meeting on November 2, 2010. This addendum would allow the Road Haulage Option to be adequately assessed as an alternative to the Project through the course of the technical review period.

If, however, it is Baffinland's intention to pursue the Road Haulage Option as the preferred alternative for developing the Project, the Board recommends that the project applications be amended accordingly and the amended project proposal be submitted to the NPC for reconsideration for conformity with the NBRLUP. Should the NPC determine that the amended Project conforms to the NBRLUP, the NIRB would then be required to re-screen the amended proposal and report to the Minister of Indian and Northern Affairs Canada with its recommendations. The Board notes that Baffinland could conceivably submit a Draft EIS as its amended project proposal, thereby eliminating the need for issuance of further EIS Guidelines by the NIRB pursuant to Section 12.5.2 of the NLCA.

The NIRB requests clarification from Baffinland regarding its intentions for submitting the Road Haulage Option to the NIRB, either for consideration as an alternative within its Draft EIS or as the preferred alternative for an amended Mary River Project proposal. Please send any forthcoming correspondence directly to the NIRB at info@nirb.ca or via fax at (867) 983-2594 by **Friday, October 29, 2010**.

If you have any questions or require further clarification regarding this correspondence, please do not hesitate to contact Li Wan, Technical Advisor, at (867) 983-4606 or via email at liwan@nirb.ca.

Sincerely,



Stephanie Autut
Executive Director

cc: Dionne Filiatrault, NWB (dionne@nunavutwaterboard.org)
Sharon Ehloak, NPC (sehloak@nunavut.ca)
Matthew Pickard, BIMC (matthew.pickard@baffinland.com)
Mary River Distribution List