

NIRB File No.: 08MN053 DFO File No.: NU-08-0001 EC File No.: 4703 003 018

March 11, 2011

Beverley Ross
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Fisheries and Oceans Canada
Central Arctic Region and
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Carey Ogilvie
Head, Environmental Assessment North
Environment Canada
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P.O. Box 2310
Yellowknife, NT X1A 2P7

Sent via email: bev.ross@dfo-mpo.gc.ca and carey.ogilvie@ec.gc.ca

Re: <u>EC and DFO Request for Extension to the Deadline for Submission of Information</u> <u>Requests for the NIRB's Review of the Mary River Project Proposal</u>

Dear Beverley Ross and Carey Ogilvie:

On behalf of the Nunavut Impact Review Board (NIRB or Board), I would like to take this opportunity to respond to the enclosed correspondence received recently from Fisheries and Oceans Canada (DFO) and Environment Canada (EC) regarding the NIRB's ongoing review of Baffinland Iron Mines Corp.'s Mary River project proposal (the Project). DFO and EC have jointly requested that the NIRB consider extending the deadline for submission of information requests owing to the breadth and complexity of the *Draft* Environmental Impact Statement (*Draft* EIS) and a delayed shipment of digital copies and hard copies of the submission to reviewers.

During the NIRB review process, once the NIRB accepts a *Draft* Environmental Impact Statement (*Draft* EIS) submission from a Proponent and commences the technical review period, 30 days are allocated for the submission of information requests. These requests for information are meant to identify significant information gaps within the *Draft* EIS which need to be addressed so that parties can develop their respective technical review comments. While it is recognized that the breadth and complexity of a typical EIS is substantial, the time allotted in the NIRB review process for the development of information requests was set with this fact in mind and considered appropriate for the review of major development proposals. It is noted that further information deficiencies or additional information requirements may be identified through the following 60 day technical review and noted in parties' technical review comments to the Board.

As a point of clarification, the 30 days provided within the NIRB's review timeline for the provision of information requests by parties is *not* meant to include time taken by the Proponent to supply digital copies or hard copies of the *Draft* EIS to reviewers. Prior to issuing the Final EIS Guidelines for the review of this Project, the NIRB canvassed all parties on its distribution list to determine which reviewers would like to have copies of a future *Draft* EIS submission sent to them directly by the Proponent. Following acceptance of the *Draft* EIS by the NIRB and prior to commencing the 30 day information request period, the NIRB ensured that the full *Draft* EIS was made available to the public through the Board's online registry¹. Therefore, all parties have had access to this document since commencement of the technical review period, and any delay in the shipment of digital copies and hard copies of the submission to reviewers, while inconvenient, is not adequate justification for extending the current deadline.

While the Board recognizes the importance of the full participation of DFO and EC in the review of this Project and appreciates the concerns raised by both parties, at this time the NIRB is not prepared to extend the deadline for submission of information requests based upon the rationale provided. The NIRB has an obligation to adhere as closely as possible to its published review timeline² and expects that all parties will endeavour to structure their participation in the review process in accordance with the timelines set by the Board. The NIRB will continue to consider such requests for flexibility in its timelines on a case by case basis and looks forward to working with all parties to maintain an efficient and timely review process.

Once again, the NIRB requests that all interested parties submit their information requests to the NIRB at info@nirb.ca or by fax to (867) 983-2594 on or before **5:00 pm MST**, **Thursday**, **March 17, 2011**.

If you have any questions or require additional clarification, please contact Li Wan, Technical Advisor, at lawn@nirb.ca or (867) 983-4606.

Sincerely,

Ryan Barry

Director, Technical Services

cc: Mary River Distribution List

Enclosed: DFO and EC Letter to NIRB Re Extension Request (Received March 9, 2011)

¹Draft EIS Submission available at: http://ftp.nirb.ca/02-REVIEWS/02-REVI

² NIRB Guide 5: Guide to the NIRB Review Process, Appendix A