

NIRB File No. 08MN053 TC File No. 7184-17-5

March 15, 2011

Christopher Aguirre, Environmental Officer Environmental Affairs – Programs Transport Canada P.O. Box 8550 3rd Floor, 344 Edmonton Street Winnipeg, MB R3C 0P6

Sent via email: christopher.aguirre@tc.gc.ca

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

## Dear Christopher Aguirre:

On March 14, 2011 the Nunavut Impact Review Board (NIRB or Board) received the enclosed correspondence from Transport Canada (TC) regarding the NIRB's ongoing review of Baffinland Iron Mines Corp.'s (Baffinland) Mary River project proposal (the Project). TC has requested that the NIRB consider extending the deadline for submission of information requests owing to the extensiveness of the *Draft* Environmental Impact Statement (*Draft* EIS) provided by Baffinland for this review.

As explained in the Board's response to a similar request received from Fisheries and Oceans Canada and Environment Canada<sup>1</sup>, the NIRB has an obligation to adhere as closely as possible to its published timelines for the review of major development projects<sup>2</sup>. The Board expects that responsible federal authorities and other parties will endeavour to structure their participation in the review process in accordance with these timelines. The NIRB, in turn, must consider requests for flexibility and deadline extensions on a case by case basis, and relies on such requests being supported by a clear rationale for why deviations from the standard process are required.

Although the extensiveness of the *Draft* EIS for this Project may be substantial as suggested by Transport Canada, the time required to identify significant information gaps and formulate requests for additional information has previously been set at 30 days for the review of major development proposals, all of which require extensive EIS submissions. It must also be noted

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<sup>&</sup>lt;sup>1</sup> NIRB Letter to DFO and EC Re Extension Request (Issued March 11, 2011)

<sup>&</sup>lt;sup>2</sup> NIRB Guide 5: Guide to the NIRB Review Process, Appendix A

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.

While the NIRB recognizes the importance of ensuring the full participation of Transport Canada and other federal government departments in the review of this Project, at this time the Board is not prepared to extend the deadline for submission of information requests based upon the rationale provided by Transport Canada. Should Transport Canada wish to provide further justification for why it believes a deadline extension is necessary, the NIRB will give it due consideration.

The Board respectfully requests that all information requests be submitted to the NIRB at <u>info@nirb.ca</u> or by fax to (867) 983-2594 on or before **5:00 pm MST**, **Thursday**, **March 17**, **2011**.

Sincerely,

Ryan Barry

Ryan Barry

Director, Technical Services

cc: Mary River Distribution List

Enclosed: TC Letter to NIRB Re Extension Request (Received March 14, 2011)