



**NIRB File No.: 08MN053**

April 18, 2011

Salamonie Shoo  
A/Director, Lands and Resources  
Qikiqtani Inuit Association  
Iqaluit, NU

Via Email: [landsdirector@qia.ca](mailto:landsdirector@qia.ca)

**Re: NIRB/NWB Response to QIA Information Requests regarding NIRB's Review of BIMC's Mary River Project**

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Dear Salamonie Shoo:

On March 17, 2011 the Nunavut Impact Review Board (NIRB) received an Information Request (IR) submission from the Qikiqtani Inuit Association (QIA) to be considered in the NIRB's Review of Baffinland Iron Mines Corp.'s (Baffinland) Mary River project proposal (NIRB File No. 08MN053). While the majority of the IRs in QIA's submission were directed to Baffinland, several involved requests for information from the NIRB and the Nunavut Water Board (NWB). The NIRB has coordinated with the NWB in preparing the following responses to QIA's IRs:

**QIA IR No. 4**

**To:** Baffinland, Q-SEMC and NIRB

**Subject:** Monitoring and Intervention

**Request:**

1. It is requested that the Proponent specify at what stage and by what process it will develop a comprehensive and coordinated monitoring program and an initial set of indicators to monitor the effects of the Project and mitigation measures. Without this information at the Review stage, it is very difficult to 'get a handle' on the determination of significance and how affects will or even can be monitored.
2. It is requested that, as partners in the Q-SEMC, the Proponent and Committee members comment on the expertise and support that each can provide to ensure that the Committee has the capacity to perform effective monitoring.
3. Rapid intervention in regard to adverse socio-economic impacts is critical. It is requested that the Proponent describe what mechanisms it will include in the monitoring plan to ensure that information flows from all monitoring initiatives (Project, Q-SEMC, and perhaps others) in time to trigger and implement corrective actions.

4. It is requested that the Proponent comment on the extent and ways that monitoring associated with the IIBA could be coordinated with these other monitoring efforts in order to avoid redundancy in data

**NIRB Reply:** The above points do not appear to be requests for information from the NIRB.

#### **OIA IR No. 6**

**Source:** Qiqiktani Inuit Association

**To:** Baffinland, NIRB, DFO

**Subject:** Study Area Boundaries

**Request:**

1. It is requested that the Proponent clearly confirm their understanding of LSA and RSA boundaries for the marine environment. The use of maps is encouraged.
2. Given the significant increase in vessel traffic, it is requested that the Proponent and NIRB confirm whether other Canadian waters outside the Nunavut Settlement Region are considered as part of the LSAs and RSA.
3. It is requested that clarity be given as to how will concerns over impacts to marine habitats and biota outside the RSA and LSA be considered.
4. It is requested that the Proponent clearly indicate the entire length of all proposed shipping route(s), from point of ore loading, to point of ore off-loading, for the entire project lifespan. If delivery ports are uncertain they should be ranked in order of greatest likelihood and frequency of visits.

**NIRB Reply:** As directed by the NIRB in the EIS Guidelines issued for this project proposal, the spatial boundaries of the assessment of the project (and its components) are to be determined on the basis of the project's potential impacts on the particular biophysical or social phenomenon being addressed. The Local Study Areas and Regional Study Areas (LSAs and RSAs) may vary between disciplines and between Valued Ecosystemic/Socioeconomic Components (VECs/VSECs), as they represent the likely distribution of project effects on individual VECs/VSECs. These study areas can include lands, communities, and portions of Nunavut and other regions of Canada that are relevant to the assessment of the potential effects of the Project. If the potential for impacts outside of the LSA or RSA is identified, the study areas must be modified accordingly to address this.

The Proponent must provide a supporting rationale for its selection of both LSAs and RSAs within its EIS.

#### **OIA IR No. 12**

**Source:** Qiqiktani Inuit Association

**To:** Baffinland and NIRB

**Subject:** Project Expansion

**Request:**

1. It is requested that the Proponent confirm whether increasing project production rates, and therefore that shipping frequency, will be included as part of the DEIS.
2. It is requested that the Proponent state when and how plans to expand the project production rate will be formalized and made publically available. In providing details on this topic is the Proponent prepared to discuss the sensitivity of impact predictions in the DEIS relative to an increase in Project production.
3. It is requested that the Proponent present a list of all project infrastructure (e.g., DEIS Vol. 3, Table 3-2.1) and indicate whether or not each component is being designed to accommodate a higher production rate?
4. It is requested that NIRB describe how increasing project production rates, and therefore that shipping frequency, would be addressed for two scenarios; where the Proponent elects to modify the current Project Proposal during the current Part 5 Review, or, where the Proponent elects to modify the Project Plans following the conclusion of the current Part 5 Review.

**NIRB Reply:** Although it is recognized that an increased production rate for the project would likely make use of project components included within the current scope of the Board's assessment, the relative scale of associated infrastructure (e.g. ore carriers) as well as the proposed frequency and duration of use would have to be assessed to determine whether they might constitute a significant change to the scope of the Project; if significant modifications were proposed during the NIRB's review of the project, the NIRB could not consider them within its assessment 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).

If significant modifications were proposed following issuance of a Project Certificate for the project, the NIRB could not begin its assessment without first providing opportunity for the NPC to determine conformity with any approved land use plans. If the NPC determined that the modified project conformed to the NBRLUP, the NIRB would then have to screen the modifications to determine whether further review was required. Ultimately, if a decision was made by the responsible minister to allow the project modifications to proceed, the NIRB would likely be required to reconsider the terms and conditions associated with its Project Certificate for the project, pursuant to Section 12.8.2 of the Nunavut Land Claims Agreement.

**QIA IR No. 13**

**Source:** Qiqiktani Inuit Association

**To:** Baffinland and NIRB

**Subject:** Document Requests

**Request:**

1. It is requested that the Proponent provide NIRB and all other parties with electronic copies of non-sensitive background documents that were not included in the DEIS.

**NIRB Reply:** Although this does not appear to be a request for information from the NIRB, the NIRB confirms that any information provided by the Proponent will be placed on NIRB's online registry for public access.

### **QIA IR No. 30**

**To:** NIRB/NWB

**Subject:** NIRB and NWB Coordinated Framework

**Request:**

1. It is requested that NWB complete a conformance check at this stage (i.e., prior to DEIS distributed for public technical review) of the Environmental Impact Assessment process so that any major deficiencies can be identified and addressed by the Proponent prior to distribution of the DEIS for public technical review.

**NWB Reply:** The NWB is currently conducting its conformance check of the Draft Water Licence Application and intends to use Baffinland's responses to Information Requests to further this process. As described in the Detailed Coordinated Process Framework<sup>1</sup> (DCPF), the NWB will issue a conformity determination applicable to the Draft Water Licence Application and Supplemental Information Requirements related to the water license application and pre-development activities as an Appendix to the NIRB Pre-Hearing Conference Decision. The NIRB's impact assessment process will proceed regardless of the conformity determination made by the NWB.

### **QIA IR No. 31**

**To:** NIRB/NWB and Baffinland Iron Mines Corporation

**Subject:** NIRB and NWB Coordinated Framework

**Request:**

1. It is requested that the Proponent take a proactive approach in ensuring that all water licence application materials are available for review by Interveners and Interested Parties prior to DEIS distribution for public technical review.
2. If there is incomplete submission, or submission of materials at a later date, of all NWB submission requirements by the Proponent, it is requested that NWB/NIRB provide commentary on how this should be considered by Interveners and Interested Parties during the technical review of the DEIS and subsequent environmental impact assessment stages. It is further requested that NWB/NIRB provide commentary on how the coordinated framework addresses this issue such that adequate review of submission materials are permissible.

**NIRB/NWB Reply:** The NIRB and NWB's DCPF is designed to provide a coordinated approach to impact assessment and water licensing. Baffinland's Draft EIS submission to the NIRB contained a Draft Water Licence Application for the project, as was directed through the

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<sup>1</sup> Available on NIRB's public registry here: <http://ftp.nirb.ca/02-REVIEWS/NIRB%20NWB%20COORDINATION/>

Final EIS Guidelines issued by NIRB and the NIRB/NWB DCPF document. Following acceptance of an IR Response package from Baffinland and prior to commencing the 60 day technical review period, the NIRB and NWB will be providing additional direction to parties regarding the requested format of parties' technical review comments to NIRB. It is anticipated that parties' technical review comments can be used to assist the NWB in identifying areas within the Draft Water Licence Application where supplemental information will need to be supplied prior to formal acceptance and consideration by the NWB.

As described previously, the NWB will issue a conformity determination applicable to the Draft Water Licence Application and supplemental information requirements related to the water licence application and pre-development activities as an Appendix to the NIRB Pre-Hearing Conference Decision. It is anticipated that Baffinland's Final EIS submission to the NIRB will also include its completed Type A Water Licence Application to the NWB, and will make possible continued coordination in the remainder of the NIRB and NWB processes.

The NIRB and NWB wish to thank the QIA for providing its input and comments regarding the review of this project proposal. If you have any questions or require further clarification, please contact:

- Li Wan, NIRB Technical Advisor  
(867) 983-4606, [lwan@nirb.ca](mailto:lwan@nirb.ca)
- Sean Joseph, NWB Technical Advisor  
(867) 360-6338 ext. 25, [sjoseph@nunavutwaterboard.org](mailto:sjoseph@nunavutwaterboard.org)

Sincerely,



Ryan Barry  
Director, Technical Services  
Nunavut Impact Review Board

*<original signed by>*

David Hohnstein,  
Director, Technical Services  
Nunavut Water Board

cc: Mary River Distribution List