



NIRB File No.: 08MN053  
NWB File No.: 2BB-MRY-1114  
QIA File No.: LUA-2008-008  
AANDC File No.: N2008T0014  
DFO File No.: 2008 MR  
NRCan File No.: NT-056  
TC File No.: 7184-17-5

September 22, 2011

Mary River Distribution List

*Sent via Email*

**Re: Acknowledgement of Baffinland's Application for NLCA 12.10.2(b) Exceptions and Request for Public Comment**

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Dear Parties,

On September 15, 2011 the Nunavut Impact Review Board (NIRB) received an application package from Baffinland Iron Mines Corp.'s (Baffinland or Proponent) in support of its Mary River project proposal (NIRB File No. 08MN053). This package has been submitted to the NIRB for consideration of the proposed activities as an allowable exception to the NIRB's review of the Mary River project, pursuant to Section 12.10.2(b) of the Nunavut Land Claims Agreement (NLCA).

In addition to the main proposal document which Baffinland has entitled "Application for Review and Approval of Pre-Development Work for Mary River Project", the following supporting applications have also been included within the submission:

- Appendix A.1: QIA – 2012 Work Plan – Work on Inuit Owned Land
- Appendix A.2: NWB – Application for Amendment to Water License
- Appendix A.3: AANDC – Crown Land Lease for Steensby Site
- Appendix A.4: AANDC – Quarry Lease for Steensby Site
- Appendix A.5: DFO – Request for Stream Crossing Authorization at Steensby

The complete submission can be accessed from the NIRB's online public registry by using the following link:

<http://ftp.nirb.ca/02-REVIEWS/ACTIVE%20REVIEWS/08MN053-BAFFINLAND%20MARY%20RIVER/2-REVIEW/14-12.10.2%20EXCEPTIONS/1-APPLICATION/>

The NIRB recognizes that Baffinland wishes to receive a final decision regarding the acceptability of its proposed activities by the end of January 2012 to take advantage of the 2012 sealift season, and the NIRB is committed to respecting its obligation to fairly consider all applications in a timely manner consistent with the requirements of the NLCA. As such, the process for consideration will run concurrently with the ongoing technical review of the Draft EIS as indicated in previous correspondence to this distribution list dated August 25, 2011.

Although the NIRB and the Nunavut Water Board (NWB) had given consideration to coordinating their respective public comment periods for the 12.10.2(b) application package and specific to the application to amend the Type B NWB Water Licence, at this time the NWB has yet to receive Baffinland's application and will require additional time upon receipt to assess its completeness. Therefore, at the present time the NIRB will proceed with its public comment period and consideration of the 12.10.2(b) application with the understanding that the NWB will commence its licensing consideration at a later date.

#### REQUEST FOR COMMENTS

Prior to determining whether the activities proposed within Baffinland's 12.10.2(b) application package should be permitted to proceed, the NIRB invites comment from the public and interested parties regarding:

- Determination of whether Parties agree/disagree with the conclusions in the 12.10.2(b) application package regarding the alternatives assessment, environmental impacts, proposed mitigation, significance of impacts, and monitoring measures – and reasons to support the determination;
- Determination of whether or not conclusions in the 12.10.2(b) application package are supported by the analysis – and reasons to support the determination;
- Determination of whether appropriate methodology was utilized in the 12.10.2(b) application package to develop conclusions – and reasons to support the determination, along with any proposed alternative methodologies which may be more appropriate (if applicable);
- Assessment of the quality and presentation of the information in the 12.10.2(b) application package; and
- Any comments regarding the expressed need for and required timing of the proposed exceptions as presented within the 12.10.2(b) application package – and reasons to support any comments made.

The NIRB also invites comment regarding the following: permanence of proposed infrastructure, the reversibility of potential impacts, the adequacy of proposed security bonding, and whether approval of the activities would have the effect or appearance of fettering any further or final decision by the Board relating to the larger project under review.

#### NEXT STEPS

The NIRB is proposing the following steps and associated timeline for consideration of Baffinland's most recent application package:

1. Time will be allotted in the schedule of the upcoming NIRB Technical Meeting in Iqaluit, October 18-20, 2011 to discuss the contents of the 12.10.2(b) exception application package prior to parties' comments being submitted.
2. Parties would submit their comments on the 12.10.2(b) exception application package by **October 28, 2011** following discussions at the NIRB Technical Meeting in Iqaluit.
3. The agenda of the NIRB's Pre-Hearing Conferences (PHC) and community roundtables in Igloolik and Pond Inlet (November 6-10, 2011) will include discussion of Baffinland's proposed 12.10.2(b) exceptions.
4. NIRB will provide relevant authorizing agencies with its determination regarding Baffinland's 12.10.2(b) exception applications concurrently with the release of its PHC Report by December 10, 2011.
5. If approval is recommended by the NIRB for the proposed activities, authorizing agencies would proceed to process the respective licences and permits at their discretion.

The NIRB appreciates the efforts to be made by all parties to ensure a timely and efficient review of this 12.10.2(b) exception application package, and the Board looks forward to further developing the process for consideration of future exceptions with the input of all affected parties.

All interested parties should submit their comments to the NIRB at [info@nirb.ca](mailto:info@nirb.ca) or by fax at (867) 983-2594, on or before **October 28, 2011**.

If you have any questions or require further clarification, please contact Li Wan, Technical Advisor, at (867) 983-4606 or [liwan@nirb.ca](mailto:liwan@nirb.ca).

Sincerely,



Ryan Barry  
Executive Director  
Nunavut Impact Review Board

cc: Erik Madsen, BIMC  
Dionne Filiatrault, NWB  
Robert St. Eloi, QIA  
Luc Fortin, CTA  
Margaux Brisco, AANDC  
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