



NIRB File No. 08MN053

May 8, 2012

Mary River Distribution List

Sent via Email

Re: Notice of Final Hearing and Associated Details for Interventions in the NIRB's Review of BIMC's Mary River Project Proposal

Dear Parties:

Please find attached the Notice of Hearing for the Nunavut Impact Review Board's (NIRB or Board) Review of Baffinland Iron Mines Corp.'s Mary River project proposal (NIRB File No. 08MN053). Please be advised that both Inuktitut and French translations of the attached notice will be provided as soon as possible, and formal notice will also be appearing in local newspapers later this week in English, French and Inuktitut. A copy of the attached notice has also been posted online with the public registry for this file and can be accessed from the following link:

<http://ftp.nirb.ca/02-REVIEWS/ACTIVE%20REVIEWS/08MN053-BAFFINLAND%20MARY%20RIVER/2-REVIEW/09-HEARING/01-CORRESPONDENCE/>

As you will see from the attached Notice of Hearing, the Board has provided an indication of how participants who wish to apply for formal intervenor status in this Review can do so, as well as has established a different deadline for filing written submissions for these intervenors as well as members of the public. In order to avoid creating confusion for the existing intervenors in this Review and for the benefit of all the parties we are providing the following clarification:

1. Under the Board's Rules of Procedure¹ (September 2009) (the "Rules"), s. 22.1 authorizing agencies² have full standing throughout the Review and are NOT required to file a request to be granted intervenor status.
2. Accordingly, all authorizing agencies are required to file their final written submissions on or before **May 30, 2012**.

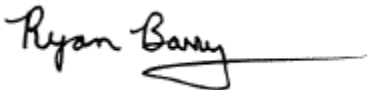
¹ Available online at the following location: <http://ftp.nirb.ca/06-RULES/>

² Defined under s. 2.1 of the Rules to include any Canadian or Nunavut government department or agency, Designated Inuit Organization (DIO) or any other body that has the authority to issue a permit, lease, licence or grant approval to a proponent to conduct some physical work or physical activity in relation to a project proposal.

3. Part 22 of the Rules also recognizes that there may be parties who have not been involved throughout the Review, but who may, upon receiving the formal Notice of Hearing determine that they wish to apply for intervenor status at the Hearing. For these potential intervenors, the Board requires the completion of an Application Form to request intervenor status (enclosed) to be filed with the Board on or before **May 18, 2012**.
4. The Board will review and consider completed Application Forms and may:
 - a. circulate the Application with a request for comments;
 - b. decide that more information is required or request that the Application be modified as directed by the Board;
 - c. decide that the intervention request is not granted because the submission is frivolous, vexatious or of little merit; or
 - d. grant the intervention request and notify all parties of that decision.
5. Given the approaching Final Hearing and the desire for all parties to have adequate notice and time to prepare for their participation, the Board will endeavour to take the steps outlined in Item 4 as promptly as possible and expects to make its determination and issue a letter accepting or rejecting any of the intervention requests received on or before **May 25, 2012**.
6. A party granted intervenor status on May 25 will have two weeks (until **June 8, 2012**) to file their written submissions for the Final Hearing.

Should you have questions regarding the attached Notice of Hearing, the NIRB's Rules of Procedure or proposed process with respect to this category of intervenors, or the Final Hearing for the Mary River project in general, please contact the undersigned at (867) 983-4608 or via email at rbarry@nirb.ca.

Sincerely,



Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Erik Madsen, Baffinland Iron Mines Corporation

Enclosed: Notice of Final Hearing
Application Form Requesting Intervenor Status