



NIRB File No. 08MN053

May 10, 2012

Paul Topping
Manager, Environmental Protection
Transport Canada
Operations and Environmental Programs
330 Sparks Street
Ottawa, ON K1A 0N5

Sent via Email: paul.topping@tc.gc.ca

Re: NIRB Request to Transport Canada for Information and Representation at the Upcoming Final Hearing for Baffinland's Mary River Project Proposal

Dear Paul Topping:

As you are aware from the recent discussions that took place during the technical meetings in Iqaluit (May 1-3) for the Nunavut Impact Review Board's (NIRB or the Board) Review of Baffinland Iron Mines Corp.'s Mary River project (NIRB File No. 08MN053), various parties including the NIRB have identified the management of ballast water and the overwintering of fuel vessels as key issues that must be addressed at the upcoming Final Hearing. Reflecting the importance of these issues, the Board requests that the information you provided via teleconference during the recent technical meetings be filed in written form with the Board prior to the May 30, 2012 deadline for written submissions.

Specifically, in addition to other areas falling within Transport Canada's jurisdiction, the Board requests that the views of Transport Canada with respect to the following be provided:

- a summary of the existing regulatory requirements associated with ballast water management, including ballast water exchange, pollution prevention, preventing the release of potentially invasive species, and the related jurisdiction of the agencies responsible for this type of regulation;
- a summary of the anticipated amendments to the existing regulatory regime to better reflect international standards, including a reference to the anticipated timelines in terms of when amendments are likely to be brought forward and implemented in Canadian waters in general and Arctic waters specifically if these are different from those pertaining to the rest of Canada;

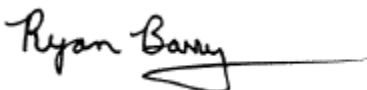
- a summary of the current regulatory enforcement regime that would apply in Nunavut and a description of any anticipated changes to the existing regime that could occur if the shipping proposed by the Mary River project were to commence; and
- references to and/or copies of the technical data referenced in the discussions of Transport Canada at the technical meetings regarding the effectiveness of ballast water treatment and other invasive species mitigation measures in other areas such as the Great Lakes, but also in environments similar to Nunavut;
- Transport Canada's assessment of the potential for cumulative effects on the marine ecosystem in Steensby Inlet (port area) over project life span, and an analysis of Baffinland's conclusions as presented within its Final Environmental Impact Statement regarding the potential impacts from ballast water discharge in Steensby Inlet; and,
- an update regarding Transport Canada's recent review of the practice of overwintering fuel barges/vessels within Arctic waters, including any regulations/guidelines/protocol that may be applicable to this activity, as well as a recommendation of best practices that the Board may consider in its assessment of Baffinland's proposed overwintering of fuel vessels in Steensby Inlet.

In addition, the Board invites Transport Canada to include within its written submissions any other information that Transport Canada wishes the Board to consider in relation to the Mary River project proposal, including but not limited to relevant information regarding overwintering of fuel vessels and ballast water exchange, treatment, monitoring and reporting, and overall regulation.

Recognizing that Transport Canada has jurisdictional responsibility for authorizing components of the Mary River project and specialist knowledge on a number of key issues associated with this project proposal, the NIRB appreciates Transport Canada's continued participation in this Review. The Board wishes to emphasize that, given the obvious importance of the protection of the marine environment to the parties and the communities, it is also the NIRB's expectation that a representative of Transport Canada who can speak directly to these issues will be made available for the upcoming Final Hearing for this file (July 16-28 in Iqaluit, Igloolik and Pond Inlet, Nunavut) in order to ensure that relevant information is before the Board and that the questions of parties and the public can be addressed at that time. The Notice of Hearing released on May 8 has been enclosed for your information.

Should you have questions regarding the filing of written submissions or the Final Hearing for the Mary River project, please contact Amanda Hanson, Director of Technical Services at (867) 983-4615 or via email at ahanson@nirb.ca.

Sincerely,



Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: John Cowan, Transport Canada
Erik Madsen, Baffinland Iron Mines Corporation
Mary River Distribution List

Enclosed: Notice of Hearing (May 8, 2012)