



NIRB File No. 08MN053

May 11, 2012

Marc Grégoire, Commissioner
Fisheries and Oceans Canada
Office of the Commissioner, Canadian Coast Guard
200 Kent Street
Ottawa, ON K1A 0E6

Sent via Email: marc.gregoire@dfo-mpo.gc.ca and xca-sarsarnia@dfo-mpo.gc.ca

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

Dear Marc Grégoire:

On behalf of the Nunavut Impact Review Board (NIRB or Board) I am writing today to advise of public concerns that have been raised during the NIRB's ongoing assessment of a proposed iron mining project with a significant shipping and ice-breaking component, and to seek your assistance in identifying appropriate personnel within the Canadian Coast Guard Central and Arctic Region that may assist the Board with addressing these concerns and related key issues for this assessment.

Baffinland Iron Mines Corp.'s Mary River project proposal (NIRB File No. 08MN053) is an iron ore mining development proposal with an associated proposed railway, deep sea port and year round shipping with ice-breaking through the waters of the Nunavut Settlement Area. During recent technical meetings in Iqaluit (May 1-3) held as part of the NIRB's ongoing review of this project proposal, various parties and the NIRB identified emergency response associated with arctic marine shipping as a key issue that must be addressed at the upcoming Final Hearing for this environmental assessment.

Please note that all information pertaining to the NIRB's review of this project proposal can be accessed online from the Board's public registry at the following location: <http://ftp.nirb.ca/02-REVIEWS/ACTIVE%20REVIEWS/08MN053-BAFFINLAND%20MARY%20RIVER/>.

The NIRB has been advised by the project proponent, Baffinland Iron Mines Corp., that various spill contingency and emergency response plans associated with the marine shipping component of the project, such as a preliminary Shipboard Oil Pollution Emergency Plan (SOPEP), have been provided to Transport Canada and the Canadian Coast Guard for their review and comment. Accordingly, the NIRB requests that the appropriate personnel within the Canadian Coast Guard

Central and Arctic Region provide the NIRB with a copy of their written comments associated with the review of these plans so that the Board and the participants in the Review have the benefit of the Canadian Coast Guard's expertise and direction regarding the adequacy and acceptability of the plans as currently proposed. Please note that the deadline for written submissions to the Board in advance of the Final Hearing is **May 30, 2012**.

In addition to specific comments on any plans submitted by the Proponent and reviewed by the Canadian Coast Guard, the Board also requests that the Canadian Coast Guard provide its views with respect to the following areas within its mandate:

- a summary of the existing regulatory requirements over which the Canadian Coast Guard exercises jurisdiction associated with marine transport and storage of bulk fuel, including overwintering of fuel vessels and emergency response in the Nunavut Settlement Area;
- identification of areas of shared or related jurisdiction with other agencies that may also be responsible for this type of emergency response;
- an overview of the Canadian Coast Guard emergency response capabilities and capacity in the Nunavut Settlement Area at present and an indication of whether the Canadian Coast Guard anticipates changes to the same should the shipping proposed by the Mary River project be permitted to proceed; and,
- an overview of the Canadian Coast Guard's role in, and capacity for, monitoring of shipping activities north of 60 degrees latitude.

In addition, the Board invites the Canadian Coast Guard to include within its written submissions to the Board any other information that the NIRB should consider regarding emergency preparedness and response associated with marine shipping in the arctic and this project proposal.

Recognizing that the Canadian Coast Guard has jurisdictional responsibility in respect of the potential arctic shipping component of this project and specialist knowledge on this key issue, the NIRB looks forward to contributions of the Canadian Coast Guard to this aspect of the NIRB's Review. The Board wishes to emphasize that, due to the importance of the protection of the marine environment to the parties and the communities which may be potentially affected by the proposed project, it is also the NIRB's request that a representative of the Canadian Coast Guard who can speak directly to these issues 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: Larry Green, Canadian Coast Guard
Paul Topping, Transport Canada
Doug Soloway, Transport Canada
Erik Madsen, Baffinland Iron Mines Corporation
Mary River Distribution List

Enclosed: Notice of Hearing (May 8, 2012)