



NIRB File No. 08MN053

May 23, 2012

Gregor Gilbert
Makivik Corporation
3rd floor, 1111 Dr. Frederik-Philips Blvd.
Saint-Laurent, QC H4M 2X6

Sent via email: g_gilbert@makivik.org

Re: Notice of NIRB Acceptance of Makivik Corporation's Request for Intervenor Status at the Upcoming Final Hearing for Baffinland's Mary River Project Proposal

Dear Gregor Gilbert:

The Nunavut Impact Review Board (NIRB or Board) has now reviewed the Application Form for Intervenor Status submitted to the Board on May 14, 2012 on behalf of Makivik Corporation (the Applicant). On the basis of the completed application form, the Board has determined that the Applicant has met the technical requirements for an intervention as set out in s. 22.2 of the Board's Rules of Procedure¹ and the Notice of Final Hearing for Baffinland's Mary River Project Proposal posted on May 8, 2012.

With respect to the Board's substantive review of the Applicant's intervention request, the Board recognizes granting intervention status to the Applicant is in keeping with both the spirit and intent of Article 40 of the Nunavut Land Claim Agreement (NLCA). Accordingly, on the basis of the NLCA and pursuant to the Board's Rules of Procedure under s. 22.3(d), the NIRB has granted the Applicant's request to be an Intervenor at the upcoming Final Hearing for Baffinland's Mary River Project Proposal.

As indicated in the Notice of Final Hearing, the next step for parties granted intervention status is the filing of final written submissions with the Board on or before **June 8, 2012**. Appendix A provides guidance regarding the format for written submissions to be filed by intervenors in this matter, originally set out in correspondence to the Mary River Distribution List dated April 27, 2012. The Board expects that the Applicant's final written submissions will comply with the requirements set out in Appendix A.

¹ NIRB Rules of Procedure (September, 2009), available from the NIRB's online registry from the following link:
<http://ftp.nirb.ca/06-RULES>

As indicated previously to the parties, the Final Hearings will be conducted in accordance with the NIRB's Rules Of Procedure and in accordance with the Board's Pre-Hearing Conference Decision in this matter. Proceedings will be conducted by the NIRB's Board Members at each hearing venue, with support from NIRB staff and legal counsel as required.

Should you have questions regarding the Applicant's 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,

A handwritten signature in black ink, reading "Ryan Barry", followed by a long horizontal line extending to the right.

Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Erik Madsen, Baffinland Iron Mines Corporation
Mary River Distribution List

Attached: Appendix A: Format for Parties' Final Written Submissions

Written submissions must contain the following:

1. Executive Summary

Submissions must contain a non-technical executive summary of the major issues identified during the review of the Final Environmental Impact Statement (FEIS). The summary should not exceed two pages.

2. Table of Contents

Submissions must contain a table of contents with sections related to the main headings of the NIRB's EIS Guidelines for the Project and identifying the major issues under those headings the party intends to address at the Final Hearing. In addition to addressing the major issues they have identified for the Final Hearing, submissions may also address any other matter the party considers relevant to the NIRB's review of the FEIS and the Project.

3. Introduction

Submissions should contain a statement of the party's mandate and relationship to the project, and for parties with regulatory jurisdiction over the Mary River Project a description of the jurisdiction of that party and list of the legislation, regulations, policies and guidelines administered by the party that is applicable to the Mary River project.

4. Specific Comments

For each issue included in the submissions, parties should provide the following:

- a) A detailed description of the issue and, where appropriate, a reference to where within the FEIS (document, section and page number) that issue is discussed;
- b) If provided by the Proponent, identify the Proponent's conclusion(s) related to the issue;
- c) A statement regarding the conclusion(s) of the commenting party related to the issue, including reference to the justification/data/rationale supporting that conclusion;
- d) A brief discussion assessing the issue's importance to the impact assessment process; and
- e) Any recommendation(s) to the Board with respect to the disposition of the issue.

5. Summary of Recommendations

Finally, submissions must contain a bulleted summary of the recommendations to the Board with respect to:

- whether Parties agree/disagree with the conclusions presented in the FEIS regarding the alternatives assessment, environmental impacts, proposed mitigation, significance of impacts, and monitoring measures – and all evidence supporting the parties' position;
- whether or not conclusions presented in the FEIS are supported by the analysis – and all evidence supporting the parties' position;

- whether appropriate methodology was utilized in the FEIS to develop conclusions – and all evidence supporting the parties’ position;
- an assessment of the quality of the information presented in the FEIS; and
- an assessment of the appropriateness of proposed monitoring measures – and evidence to support the determination, along with any proposed alternative monitoring measures which may be more appropriate (if applicable).

Translation/Interpretation Requirements

The NIRB requires executive summaries be provided in English and be translated into both **Inuktitut** and **French**. Please note that parties are responsible for sourcing this translation.

The Final Hearing will be conducted in Inuktitut and English, using simultaneous interpretation. The NIRB will also ensure that simultaneous interpretation in French is made available upon request.

Deadline for filing submissions

The NIRB reminds parties that the deadline for final written submissions is **May 30, 2012**. The deadline for submissions from registered intervenors is **June 8, 2012**.