



NIRB File No.: 08MN053

June 26, 2012

To: Mary River Distribution List

Sent via email

Re: Format and Draft Agenda for Final Hearing

Dear Parties,

As you are aware, the Nunavut Impact Review Board (NIRB or Board) previously advised this distribution list that the Final Hearing for its Review of Baffinland Iron Mines Corporation's (BIMC; the Proponent) Mary River project proposal will be held in Iqaluit July 16-20, 2012, Igloolik July 23-25, 2012, and Pond Inlet July 26-28. The upcoming Final Hearing will provide a public forum for discussion of those technical issues that have been identified and which remain unresolved, as well as issues for which there is public concern and other matters considered relevant to the NIRB's Review of this project proposal. The NIRB previously developed a listing of key issues for consideration at the Final Hearing¹ based on items identified during the Technical Meeting held in May and supported further by final written submissions as submitted to the NIRB by parties in May 2012. The NIRB anticipates that discussion of these matters during the Hearing will result in an identification of those issues which the Board will need to address in its Final Report to the Minister for this Review.

As was communicated previously through the Preliminary Hearing Conference Decision issued on December 9, 2012, the Board has structured the Final Hearing with the primary technical sessions to be held in Iqaluit, with the understanding that sufficient time will be required by Intervenors to present their submissions to the Board in full. The attached Draft Agenda reflects this, as well as the expectation that each Intervenor will prepare a more concise "summary presentation" for the technical sessions in Igloolik and Pond Inlet, as the Board will have already formally heard the information and the available time is more limited. The summary presentations are expected to briefly describe the evidence that has already been presented to the Board in Iqaluit as well as to identify those issues that may remain outstanding or which have been addressed through evidence presented during the technical and community roundtable sessions. The draft agenda has further been structured in such a way that at each venue, members of the public are given specific time to provide the Board with their questions and concerns regarding the proposal. Further details regarding the structure and format of each Hearing venue are provided below.

¹NIRB Ltr Distribution Re Identification of Key Issues, May 11, 2012. Available at: <http://ftp.nirb.ca/02-REVIEWS/ACTIVE%20REVIEWS/08MN053-BAFFINLAND%20MARY%20RIVER/2-REVIEW/09-HEARING/01-CORRESPONDENCE/>

NOTE: All attendees at the Final Hearing are advised that any times given in the attached Draft Final Hearing Agenda are approximate and the order of presenters and time given for presentations are subject to change at the Moderator's discretion during the Hearing. Consequently, the participants are advised to ensure their travel and other logistical arrangements are sufficiently flexible to accommodate modifications to the proposed timing and order of presenters throughout the Final Hearing.

Technical Sessions: July 16-18, 2012

Parties will note from the attached Draft Agenda that the Proponent is scheduled to present its project proposal in detail prior to the technical presentations by Intervenors. Each of the Proponent's project component presentations will be followed by an opportunity for Intervenors and the Board Members to ask questions.

In considering the format of presentations to be given by Intervenors during the technical sessions in Iqaluit, parties are advised that each Intervenor with status at the Hearing will be granted 20 minutes with which to present evidence to the Board. Additional time will be allotted for the questioning of each Intervenor at the conclusion of each presentation. The Board recognizes that certain Intervenors may require additional time to present evidence during the Hearing owing to the number of outstanding issues and/or complexities regarding areas of jurisdiction and expertise. As such, the Board requests that any Intervenors requiring additional time to present evidence to the Board during the Iqaluit session advise the NIRB as soon as possible at info@nirb.ca, and no later than **Tuesday July 3, 2012**.

With respect to the format for parties' technical presentations, the NIRB requests that parties organize presentations as follows:

1. Provide a brief description of Intervenor mandate and relevant legislation, policies, guidelines, etc.;
2. Address the major project components:
 - a. Milne Inlet port, tote road and the Mary River mine site
 - b. Railway
 - c. Steensby Inlet port and shipping;
3. Present issues in a manner that parallels the written submissions and is in keeping with the intent and general format of the NIRB's September 2009 EIS Guidelines (noting that where no issue exists, that specific component and/or Guideline need not be included in the presentation):
 - a. Baseline
 - b. Methodologies
 - c. Ecosystemic & Socio-Economic Effects
 - d. Monitoring & Mitigation;
4. Discuss the specific key issues (outlined by the Board in its May 11, 2012 correspondence) that pertain to the Intervenor; and
5. Provide a listing of summary recommendations for the Board's consideration.

Following each technical presentation, the Proponent, other Intervenor(s), and the NIRB will be given an opportunity to question and cross-examine the presenter(s) and the evidence provided. Parties are advised to ensure that personnel with the necessary expertise to answer any questions arising during the technical sessions are readily available.

Community Roundtable Sessions: July 19-20, 2012

As previously noted, public input is essential to the Board's Review process. The NIRB has invited five (5) representatives from each of the eleven (11) potentially affected communities to participate in the community roundtable sessions at the Iqaluit portion of the Final Hearing.

During the community roundtable session, the Proponent is expected to present a summary version of each of the project-component presentations given during the technical sessions. Each of these presentations should be approximately 20 minutes in length. Following each summary presentation, community members (including members of the general public in attendance) will have an opportunity to question the Proponent and other Intervenor(s) based on the information and evidence presented. As indicated in its Preliminary Hearing Conference Decision, **the Board requires that each of the following Intervenor(s) ensure sufficient technical expertise is available for not only the technical sessions of the Final Hearing but also the community roundtable portions of the Final Hearing:**

- | | |
|--|-------------------------------|
| ▪ Nunavut Tunngavik Inc. | ▪ Fisheries and Oceans Canada |
| ▪ Qikiqtani Inuit Association | ▪ Canadian Coast Guard |
| ▪ Government of Nunavut | ▪ Natural Resources Canada |
| ▪ Aboriginal Affairs and Northern Development Canada | ▪ Parks Canada |
| ▪ Canadian Transportation Agency | ▪ Transport Canada |
| ▪ Environment Canada | |

FINAL HEARING – IGLOOLIK JULY 23-25 & POND INLET JULY 26-28

Technical Session: July 23rd (Igloolik) & July 26th (Pond Inlet)

The Proponent is required to present summary versions of its three (3) project component overviews during the technical sessions in each of these communities.² Each summary presentation should be no more than 30 minutes in length.

As a result of the shortened schedule for the Igloolik and Pond Inlet technical sessions, the NIRB requests that Intervenor(s)' presentations provide a very concise overview of the agency's mandate and jurisdiction. These presentations are expected to briefly describe the evidence that has already been presented to the Board in Iqaluit as well as to identify those issues that may remain outstanding or which have been addressed through evidence presented during the technical and community roundtable sessions. These summary presentations should be no more than 15 minutes in length.

² (1) Milne Inlet Port, Tote Road and Mary River Mine Site; (2) Railway, and; (3) Steensby Inlet Port and Shipping

Community Roundtable Session: July 24-25 & July 27-28

The community roundtable sessions in Igloolik and Pond Inlet will involve an invitation for members of the community to sit at the roundtable to offer questions and/or comments to the parties in attendance at the Hearing (i.e. the NIRB, Intervenors, and the Proponent).

Final closing remarks will follow the close of the community roundtable session in Pond Inlet on July 28th. All parties will be given an opportunity to provide closing remarks prior to the Board's conclusion of the Hearing.

GENERAL LOGISTICS

Igloolik & Pond Inlet – Accommodations & Air Travel

The NIRB requests that those parties who have not already done so, to please advise our office of planned attendance at the Iqaluit, Igloolik, and Pond Inlet venues. The NIRB has reserved a number of hotel beds in Igloolik and Pond Inlet in anticipation of the coming Hearing, and would appreciate hearing back from those agencies planning to attend and to utilize these beds to allow for finalization of the bookings. The NIRB respectfully asks that those parties who require hotel accommodations in Igloolik and Pond Inlet and have not already done so, to please advise our office via email at info@nirb.ca no later than **Friday June 29, 2012**.

Parties are advised that at this time, the NIRB is unable to coordinate chartered air travel between Igloolik and Pond Inlet for Hearing participants. We would encourage Intervenors to continue to work together to explore potential coordination of travel plans.

Hearing Agenda, Format & Attendance

The NIRB invites parties to review the attached Draft Agenda and to provide any comments or suggested revisions, as well as questions relating to presentation format, content, or time allotments to our office at info@nirb.ca by **Tuesday July 3, 2012**. The NIRB will endeavour to provide a finalized agenda on or before July 10, 2012.

Parties are advised that each Intervenor will be limited to one (1) seat at the table during the technical session of the Hearing in all venues. A separate table will be provided at the Hearing venue(s) for those individuals presenting evidence to the Board during technical presentations. Likewise, parties will be asked to be seated in the audience during the community roundtable sessions, with those agencies addressing questions from the public moving forward to speak at a table microphone as required.

The NIRB requests that all parties confirm attendance at each venue, and identify the name(s) of individuals to be presenting evidence to the Board (delivering technical presentation(s)). We request that this information be provided by **Tuesday July 10, 2012**.

Presentations

Parties are advised that all presentation materials must be provided in English and Inuktitut, and French if possible. Parties are further reminded that presentations will serve as formal exhibits to

the Hearing proceedings, and that filing of additional materials at the Final Hearing will be undertaken on an as-needed basis. The NIRB asks that all parties provide sufficient copies of all presentation materials, including translated versions, at each venue, noting that approximately 200 copies of each will be required at the Iqaluit venue and 150 of each at both the Igloolik and Pond Inlet venues. Notwithstanding this, the NIRB recognizes that Intervenor may modify presentations for successive community venues as the Hearing progresses and asks Intervenor to make their own arrangements for producing hardcopies of their presentations as necessary while on the road.

The NIRB requests that all parties submit technical and summary presentations for the Iqaluit venue to the NIRB staff electronically in Microsoft PowerPoint format on or before **Tuesday July 10, 2012**. We appreciate the efforts of parties to provide presentation materials as requested, as the NIRB requires these materials to prepare packages for community roundtable participants.

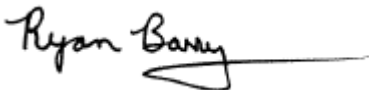
Summary of Important Dates

Friday June 29th	Confirm need for hotel accommodations in Igloolik and Pond Inlet (number and gender of guests)
Tuesday July 3rd	Comments regarding Agenda, timing, format of presentations to NIRB
Tuesday July 10th	Presentations (English, Inuktitut, French) provided electronically to NIRB Confirm attendance of representatives at each applicable Hearing venue Names of presenters provided to the NIRB

The NIRB appreciates the efforts by all parties to date in preparation for the upcoming Final Hearing and looks forward to continuing constructive discussions with all parties at the Final Hearing for the Mary River project.

Should you have any questions, please do not hesitate to contact Amanda Hanson, Director of Technical Services, at ahanson@nirb.ca or (867) 983-4615.

Sincerely,



Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Erik Madsen, Baffinland Iron Mines Ltd.

Attached: Appendix A – *Draft* Mary River Final Hearing Agenda

APPENDIX A: PUBLIC HEARING DRAFT AGENDA

NIRB File No.: 08MN053 – Mary River Project
Proponent: Baffinland Iron Mines Corporation (Baffinland)
Moderator: Elizabeth Copland, NIRB Acting Chairperson

Locations/Dates: Cadet Hall, Iqaluit, NU – July 16-20, 2012
Ataguttaaluk High School, Igloolik, NU – July 23-25, 2012
Atakaalik Community Hall, Pond Inlet, NU – July 26-28, 2012

Times (NOTE: all times given are approximate and the order of presenters and time given for presentations are subject to change at the Moderator's discretion during the Hearing):

Technical Sessions: 9:00 am – 5:00 pm
Community Roundtable Sessions: 9:00 am – 5:00 pm

Monday July 16, 2012 – Day 1, Iqaluit

General Opening

1. Opening Remarks by the Moderator with introductions, overview of procedural history, structure of proceedings, etc. (30 minutes)
2. Identification of motions or objections

Technical session

3. Swearing in/affirmation of Proponent's witnesses and marking exhibits
4. Presentations by the Proponent - Note: time for questions by Board Members and Intervenor will be provided following each presentation:
 - a. Introduction (30 minutes)
 - b. Milne Inlet Tote Road, Mary River Mine Site and Railway (40 min)
 - c. Shipping and the Marine Environment (80 min)
 - d. Terrestrial Wildlife and Migratory Birds (40 min)
 - e. Spill Prevention and Emergency Response (40 min)
 - f. Socio-Economics and Archaeology (40 min)
5. Close of day 1

Tuesday July 17, 2012 – Day 2, Iqaluit

Technical session (Continued from Day 1)

6. Opening Remarks by the Moderator
7. Presentations from registered Intervenor – Note: witnesses appearing on behalf of registered Intervenor will be sworn in/affirmed and exhibits will be marked in advance of testimony being given. Following each Intervenor's presentation there will be time for questions by Board Members, other Intervenor and the Proponent. Each Intervenor has been allotted a maximum of 20 minutes for their presentations, however Intervenor requiring additional time to present are advised to contact the NIRB as soon as possible to discuss their time requirements:
 - a. Nunavut Tunngavik Inc.
 - b. Qikiqtani Inuit Association

- c. Nunavut Planning Commission
 - d. Government of Nunavut
 - e. Aboriginal Affairs and Northern Development Canada
 - f. Canadian Transportation Agency
 - g. Environment Canada
8. Close of Day 2

Wednesday July 18, 2012 – Day 3, Iqaluit

Technical session (Continued from Day 2)

9. Opening Remarks by the Moderator
10. Presentation from registered Intervenors. Note: witnesses appearing on behalf of registered Intervenors will be sworn in/affirmed and exhibits will be marked in advance of testimony being given. Following each Intervenors' presentation there will be time for questions by Board Members, other Intervenors and the Proponent. Each Intervenors has been allotted a maximum of 20 minutes for their presentations, however Intervenors requiring additional time to present are advised to contact the NIRB as soon as possible to discuss their time requirements:
- a. Fisheries and Oceans Canada
 - b. Canadian Coast Guard
 - c. Natural Resources Canada
 - d. Parks Canada
 - e. Transport Canada
 - f. Makivik Corporation
 - g. Nunavik Marine Region Impact Review Board
 - h. Zacharias Kunuk
11. Close of Day 3

Thursday July 19, 2012 – Day 4, Iqaluit

General Opening

12. Opening Remarks by Moderator

Community Roundtable Session

13. Summary presentation by the Proponent – Milne Inlet Tote Road and Mary River Mine Site (20 min.)
14. Questioning of the Proponent or Intervenors by community members in respect of Milne Inlet Tote Road and Mary River Mine Site
15. Presentations by members of the public who have advised the Moderator that they wish to speak on this topic
16. Summary presentation by the Proponent – Railway (20 min.)
17. Questioning of the Proponent or Intervenors by community members in respect of the Railway
18. Presentations by members of the public who have advised the Moderator that they wish to speak on this topic
19. Close of day 4

Friday July 20, 2012 – Day 5, Iqaluit

Community Roundtable Session

20. Opening Remarks by Moderator
21. Summary presentation by the Proponent – Steensby Inlet Port Site and Shipping (20 min)
22. Questioning of the Proponent or Intervenors by community members on Steensby Inlet Port Site and Shipping
23. Presentations by members of the public who have advised the Moderator that they wish to speak on this topic
24. Closing Remarks (2 hours)

Monday July 23, 2012 – Day 6, Igloolik

General Opening

1. Opening Remarks by the Moderator with introductions, overview of procedural history, structure of proceedings, etc. (30 minutes)
2. Identification of motions or objections

Technical session

3. Swearing in/affirmation of witnesses and marking of any exhibits not previously entered
4. Summary Presentation by Proponent (90 minutes)
5. Summary Presentations by Intervenors. Note: witnesses appearing on behalf of registered Intervenors will be sworn in/affirmed and exhibits will be marked in advance of testimony being given. Following each Intervenor's presentation there will be time for questions by Board Members, other Intervenors and the Proponent. Each Intervenor has been allotted a maximum of 10 minutes for their presentations, however Intervenors requiring additional time to present are advised to contact the NIRB as soon as possible to discuss their time requirements:
 - a. Nunavut Tunngavik Inc.
 - b. Qikiqtani Inuit Association
 - c. Government of Nunavut
 - d. Aboriginal Affairs and Northern Development Canada
 - e. Canadian Transportation Agency
 - f. Environment Canada
 - g. Fisheries and Oceans Canada
 - h. Canadian Coast Guard
 - i. Natural Resources Canada
 - j. Parks Canada
 - k. Transport Canada
 - l. Zacharias Kunuk
6. Close of day 6

Tuesday July 24, 2012 – Day 7, Igloolik

General Opening

7. Opening Remarks by Moderator

Community Roundtable Session

8. Summary presentation by the Proponent – Milne Inlet Tote Road and Mary River Mine Site (20 min)
9. Questioning of the Proponent or Intervenors by community members with respect to Milne Inlet Tote Road and Mary River Site
10. Presentations by members of the public who have advised the Moderator that they wish to speak on this topic
11. Summary presentation by the Proponent – Railway (20 min)
12. Questioning of the Proponent or Intervenors by community members with respect to the Railway
13. Presentations by members of the public who have advised the Moderator that they wish to speak on this topic
14. Close of day 7

Wednesday July 25, 2012 – Day 8, Igloolik

Community Roundtable Session

15. Opening Remarks by Moderator
16. Summary presentation by the Proponent – Steensby Inlet Port Site and Shipping (20 min)
17. Questioning of the Proponent or Intervenors by community members with respect to Steensby Inlet Port Site and Shipping
18. Presentations by members of the public who have advised the Moderator that they wish to speak on this topic
19. Closing Remarks (2 hours)

Thursday July 26, 2012 – Day 9, Pond Inlet

General Opening

1. Opening Remarks by the Moderator with introductions, overview of procedural history, structure of proceedings, etc. (30 minutes)
2. Identification of motions or objections

Technical session

3. Swearing in/affirmation of witnesses and marking of any exhibits not previously entered
4. Summary Presentation by Proponent (90 minutes)
5. Summary Presentations by Intervenors. Note: witnesses appearing on behalf of registered Intervenors will be sworn in/affirmed and exhibits will be marked in advance of testimony being given. Following each Intervenor's presentation there will be time for questions by Board Members, other Intervenors and the Proponent. Each Intervenor has been allotted a maximum of 10 minutes for their presentations, however Intervenors requiring additional time to present are advised to contact the NIRB as soon as possible to discuss their time requirements:
 - a. Nunavut Tunngavik Inc.
 - b. Qikiqtani Inuit Association
 - c. Nunavut Planning Commission
 - d. Government of Nunavut
 - e. Aboriginal Affairs and Northern Development Canada
 - f. Canadian Transportation Agency
 - g. Environment Canada

- h. Fisheries and Oceans Canada
 - i. Canadian Coast Guard
 - j. Natural Resources Canada
 - k. Parks Canada
 - l. Transport Canada
 - m. Zacharias Kunuk
6. Close of day 9

Friday July 27, 2012 – Day 10, Pond Inlet

General Opening

7. Opening Remarks by Moderator

Community Roundtable Session

- 8. Summary presentation by the Proponent – Milne Inlet Tote Road and Mary River Mine Site (20 min)
- 9. Questioning of the Proponent or Intervenors by community members with respect to Milne Inlet Tote Road and Mary River Mine Site;
- 10. Presentations by members of the public who have advised the Moderator that they wish to speak on this topic
- 11. Summary presentation by the Proponent – Railway (20 min)
- 12. Questioning of the Proponent or Intervenors by community members with respect to the Railway
- 13. Presentations by members of the public who have advised the Moderator that they wish to speak on this topic
- 14. Close of day 10

Saturday July 28, 2012 – Day 11, Pond Inlet

Community Roundtable Session

- 15. Opening Remarks by Moderator
- 16. Summary presentation by the Proponent – Steensby Inlet Port Site and Shipping (20 min)
- 17. Questioning of the Proponent or Intervenors by community members with respect to Steensby Inlet Port Site and Shipping
- 18. Presentations by members of the public who have advised the Moderator that they wish to speak on this topic
- 19. Closing Remarks (2 hours)
- 20. Close of Proceedings