



NIRB File No.: 08MN053
DFO File No.: NU-07

September 16, 2013

To: Mary River Distribution List

Sent via email

RE: Next Steps in the NIRB's Reconsideration of the Project Certificate for Baffinland Iron Mine Corp.'s Mary River Early Revenue Phase proposal

Dear Parties:

On August 15, 2013 the Nunavut Impact Review Board (NIRB or Board) issued correspondence to this distribution list regarding the Board's reconsideration of the Project Certificate issued for Baffinland Iron Mines Corp.'s (Baffinland) Mary River Project (NIRB File No. 08MN053). The NIRB commenced the technical review of Baffinland's Addendum to the Final Environmental Impact Statement (FEIS Addendum) submitted for the proposed Early Revenue Phase (ERP) proposal (NIRB File No. 08MN053) and requested that parties submit technical review comments to the Board on or before October 15, 2013. On August 27, 2013 the NIRB received a request from the Qikiqtani Inuit Association for an extension to the submission deadline; the Board found this request reasonable and extended the deadline until October 18, 2013.

As previously indicated the NIRB has also provided parties with a suggested format and template for technical review comments, included as Appendix A.

NEXT STEPS

The next steps in the NIRB's NLCA Section 12.8.2 reconsideration of the Mary River Project Certificate No. 005 for Baffinland's ERP proposal are outlined in the enclosed process diagram and can be summarized as follows:

- Interested parties' submission of technical review comments and formal submission from the Proponent as requested to the NIRB on or before **12:00 pm MT, Friday October 18, 2013**
- The NIRB will post submissions received to its online public registry and will forward copies of technical review comments to the Proponent as soon as practicable following receipt

- NIRB staff will facilitate community information sessions in communities of the North Baffin region in order to present results from Baffinland's FEIS Addendum for the Early Revenue Phase proposal as follows:

Date	Community	Venue	Meeting
September 30	Igloolik	Community Hall	Open House & Information Session
October 1	Hall Beach	Community Hall	Open House & Information Session
October 2	Pond Inlet	Atakaalik Hall	Open House & Information Session
October 3	Arctic Bay	Westside Community Hall	Open House & Information Session
October 4	Resolute Bay	Hamlet Gym	Open House & Information Session
October 5	Grise Fiord	Community Hall	Open House & Information Session
October 7	Clyde River	Tuqayaak	Open House & Information Session

- Following receipt and the Board's initial review of technical review comment submissions, the NIRB may publish a Notice of Public Hearing (at least 60 days prior to the commencement of the hearing) identifying dates, timing, venue(s) and other relevant information
- Baffinland has indicated it will be prepared to provide a response to parties' submissions within 30 days receipt – *tentatively November 15, 2013*
- Following the receipt of Baffinland's response to technical review comments, the NIRB will hold an in-person meeting of technical experts to discuss salient issues that should be dealt with further prior to a Final Hearing – *tentatively November 25-29, 2013*
- Following the Technical Meeting, the NIRB will solicit final written submissions from parties and will hold a Final Hearing to hear evidence from the Proponent, parties to the review, intervenors¹ and members of the public - *dates and location(s) to be announced*

Please be advised the NIRB continues to work with the Nunavut Planning Commission (NPC) to develop the process for the NPC-NIRB joint review of the transportation corridor application associated with Baffinland's ERP proposal² and does not anticipate that the timeline for the Board's 12.8.2 NLCA reconsideration of the Mary River Project Certificate will be affected.

¹ Additional information regarding the process for parties interested in applying for intervenor status at the Final Hearing will be provided by the NIRB in the formal Notice of Public Hearing.

² Received pursuant to Section 3.5.11 of the North Baffin Regional Land Use Plan

The NIRB is committed to providing all parties with more information regarding the NPC-NIRB joint review process as it becomes available.

Once again, the NIRB requests that all interested parties provide their technical review comment submissions to the Board by email at info@nirb.ca or by fax to (867) 983-2594 on or before **12:00 pm MT, Friday October 18, 2013.**

Should you have any questions or require further information regarding the NIRB's assessment of Baffinland's ERP proposal, please contact Jaswir Dhillon, Technical Advisor, at (867) 983-4609 or via email at jdhillon@nirb.ca.

Sincerely,



Amanda Hanson
Director, Technical Services
Nunavut Impact Review Board

cc: Erik Madsen, Baffinland Iron Mines Corporation
Oliver Curran, Baffinland Iron Mines Corporation
Brian Aglukark, Nunavut Planning Commission
Dave Hohnstein, Nunavut Water Board
Stephen Williamson Bathory, Qikiqtani Inuit Association
Agnes Simonfalvy, Government of Nunavut
Karen Costello, Aboriginal Affairs and Northern Development Canada
Georgina Williston, Fisheries and Oceans Canada
Rob Johnstone, Natural Resources Canada
Meighan Andrews, Transport Canada

Attached: Appendix A – Format for Parties' Technical Review Comments

Enclosed: NIRB Process for the Reconsideration of the Mary River Project Certificate (*September 16, 2013*)

APPENDIX A – FORMAT FOR PARTIES' TECHNICAL REVIEW COMMENTS

The NIRB has requested that responsible authorities, interested parties and those with specialist advice provide their technical review comments to the NIRB on or before **12:00 pm MST, October 18, 2013**.

For each issue raised, parties are asked to include a clear reference to the volume, document, section, and/or page number in the FEIS Addendum and/or FEIS where relevant information may be found. Parties may find efficiencies in structuring submissions by issue, and are asked, where possible, to align their submission in accordance with the ordering of materials as presented within the NIRB's EIS Guidelines and the FEIS Addendum and/or FEIS. A tabular presentation as provided below is requested as a means of systematically organizing comment submissions and to assist with the compilation of submissions for the next steps of the Board's reconsideration process.

Technical review comment 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) Addendum. The summary should not exceed two pages.

2. Table of contents

Submissions must contain a table of contents with sections that relate to the main headings of the NIRB's EIS Guidelines and Addendum to the EIS Guidelines for the Mary River Project and also which identify the major issues under those headings the party intends to bring forward for discussion at the Technical Meeting and/or Final Hearing. Submissions may also address any other matter the party considers relevant to the NIRB's review of the FEIS Addendum, the ERP proposal, and the reconsideration of the Mary River Project Certificate as have been outlined in the Board's August 15, 2013 correspondence requesting technical review comments.

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 are applicable to the Mary River project, and specifically to the ERP proposal.

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 Addendum and/or FEIS (volume/document, section and page number) that issue is discussed;
- b. If provided by the Proponent within the FEIS Addendum and/or FEIS, 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;
- f. Identification of any terms and conditions contained within the Mary River Project Certificate which may require reconsideration or amendment in light of the issue identified;
- g. Identification of additional terms and conditions which would be required to address the issue identified.

Review Comment Number	
Subject/Topic	
References to NIRB EIS Guidelines (if applicable), FEIS Addendum and/or FEIS (i.e. volume/document, Section/sub-section, page number, etc.)	
Summary (include Baffinland's conclusion if relevant and conclusions of commenting party)	
Importance of issue to impact assessment	
Detailed Review Comment	1. Gap/Issue 2. Disagreement with FEIS/Addendum conclusion 3. Reasons for disagreement with FEIS/Addendum conclusion
Recommendation	
Existing Terms and Conditions requiring reconsideration or amendment in light of the issue identified	
New Terms and Conditions required in light of the issue identified	

5. Summary of recommendations

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

- Whether Parties agree/disagree with the conclusions presented in the FEIS Addendum 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 Addendum are supported by the analysis – and all evidence supporting the parties' position;
- Whether appropriate methodology was utilized in the FEIS Addendum to develop conclusions – and all evidence supporting the parties' position;
- An assessment of the quality of the information presented in the FEIS Addendum;
- 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);
- Summary of terms and conditions contained within the Mary River Project Certificate which may require reconsideration or amendment in light of the ERP proposal;
- Summary of additional terms and conditions which would be required to address the potential impacts of the ERP proposal; and
- Any comments, preferences or concerns regarding the location, timing and duration for the NIRB's Final Public Hearing, including identification of potentially-affected communities which should be represented.

6. Translation/interpretation requirements

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

7. Deadline for filing technical review comments

The NIRB reminds parties that the deadline for technical review comments is **12:00 p.m. MST October 18, 2013**.