



October 18, 2013

Mr. Ryan Barry, Executive Director
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU, X0B 0C0

Dear Mr. Barry:

**Re: Preliminary Overview of Suggested Changes to Project Certificate No. 005
Triggered by Mary River Early Revenue Phase**

As per the Nunavut Impact Review Board ("NIRB")'s requests of August 15, 2013 and September 16, 2013, please find enclosed as Attachment A Baffinland's preliminary analysis of Project Certificate No. 005 (the "Project Certificate") which identifies changes that could be considered for an amendment of the Project Certificate for the proposed Early Revenue Phase ("ERP"). Baffinland may refine this analysis further following review of the technical comments on the ERP application as well as attendance at the upcoming technical meetings.

The analysis of Project Certificate conditions in Attachment A is structured as follows:

Not Applicable: Certain conditions have been identified as not applicable to the ERP, and so in Baffinland's view no changes are required to these conditions of the Project Certificate in order for the ERP to proceed.

Applicable/No Change Suggested: While the identified condition is considered applicable to the ERP, no wording changes have been identified by Baffinland in order to proceed with the ERP activities, other than to add "ERP" to the applicable project phase. However, it is noted that depending on technical comments received and discussions at the Technical Meeting and Final Hearing, Project Certificate conditions that have been designated as "Applicable/No Change Suggested" may require some future attention to ensure operability for the ERP.

Revision to Condition Triggered by ERP: Baffinland has identified certain applicable conditions that will require rewording in order to proceed with the ERP. However, it is noted that the current wording should remain applicable to the Mary River Project as previously permitted.

To date, Baffinland has not identified any new conditions that are required in order to proceed with the ERP.

As per your letter dated September 23, 2013, Baffinland confirms that a response to technical comments will be provided by November 15, 2013.

With regards to the timing of the proposed Technical Meeting and Final Hearing, Baffinland is agreeable to the dates identified by the NIRB in correspondence dated September 16, 2013. Given that Pond Inlet is the community in proximity to proposed activities of the ERP; we

suggest the Final Hearing be held in Pond Inlet, depending on meeting room and accommodation availability.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erik Madsen', with a stylized, cursive script.

Erik Madsen, Vice President
Sustainable Development, Health, Safety & Environment

Cc: Brian Aglukark, Nunavut Planning Commission
Damien Cote, 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
Mark Dahl, Environment Canada

Attachment A
Terms and Conditions

Project Certificate 005 Amendment Considerations for Early Revenue Phase

As set out in the enclosed cover letter, what follows is Baffinland Iron Mines Corporation (“Baffinland”)’s preliminary overview describing which conditions of Project Certificate No. 5 (the “Project Certificate”) may require revision before the Early Revenue Phase (“ERP”) may proceed. Baffinland may refine this analysis further following review of the technical comments on the ERP application as well as attendance at the upcoming technical meetings.

The analysis of Project Certificate conditions in Attachment A is structured as follows:

Not Applicable: Certain conditions have been identified as not applicable to the ERP, and so in Baffinland’s view no changes are required to these conditions of the Project Certificate in order for the ERP to proceed.

Applicable/No Change Suggested: While the identified condition is considered applicable to the ERP, no wording changes have been identified by Baffinland in order to proceed with the ERP activities, other than to add “ERP” to the applicable project phase. However, it is noted that depending on technical comments received and discussions at the Technical Meeting and Final Hearing, Project Certificate conditions that have been designated as “Applicable/No Change Suggested” may require some future attention to ensure operability for the ERP.

Revision to Condition Triggered by ERP: Baffinland has identified certain applicable conditions that will require rewording in order to proceed with the ERP. However, it is noted that the current wording should remain applicable to the Mary River Project as previously permitted.

Condition No.	N/A	Applicable /No Change Suggested	Revision to Condition Triggered by ERP	Comments
1. Background			Proposed revised text Add paragraph to acknowledge that the NIRB has completed a reconsideration hearing for the Project Certificate to consider the ERP and has issued a Reconsideration Hearing Report. Alternatively, modify several of the existing paragraphs to include the ERP Proposal and the Reconsideration Hearing Report	
2. Project Description			Proposed revised text The Mary River Project (the Project) consists of mining iron ore from the reserve at Deposit No. 1 at a nominal production rate of 21.5 Million tons per year (Mt/a). The Project includes the extended exploration, construction, operation, closure, and reclamation of an open-pit mine and associated infrastructure for	

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			<p>extraction, transportation and shipment of iron ore. There are 3 main project locations – the mine site, Milne Port north of the mine site, and Steensby Port south of the mine site. Milne Port is connected to the mine site by the Milne Inlet Tote road, approximately 100 kilometers (km) in length. A Railway of approximately 150 kilometers (km) will be constructed to connect the Mine Site to Steensby Port.</p> <p>For the construction period, supplies and equipment required for construction at Milne Port, the Mine Site and the northern portion of the Railway will be received through Milne Port during the open water season. Likewise, construction equipment and supplies for Steensby Port and the southern portion of the Railway will be received at Steensby Port during the open water season.</p> <p>The Early Revenue Phase of the project consists of the production of up to 3.5 Mt/a of iron ore, to be transported from the Mine Site to Milne Port via the Tote Road, stockpiled at Milne Port, and then loaded onto ore carriers at an ore dock and shipped during the open water season from Milne Port. The main destination for the iron ore shipped out of Milne Port is European steel makers.</p> <p>It is expected that construction of the Steensby Port facilities and the Railway will take approximately four years, and that production from the Early Revenue Phase will occur during that time. Once the Railway is operational, 18 Mt/a of iron ore will be transported by Railway and shipped from Steensby Port. Shipping of iron ore from Steensby Port will occur year round and will require vessels with icebreaking capabilities. The main destination for the iron ore shipped out of Steensby Port is European steel makers.</p>	
3. Implementation		X		
3.1. Overview of NIRB Monitoring Program		X		
3.2. General Principles of Interpretation Applicable to Terms and Conditions		X	<p>Proposed revised text Modify item a. to include the NIRB's Article 12.8.2 Reconsideration Hearing Report, as follows:</p> <p>a. The NIRB's Final Hearing Report</p>	

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			(namely NIRB File No.: 08MN053, Final Hearing Report for the Mary River Project Proposal, September 14, 2012 available from the NIRB's registry) and the NIRB's Article 12.8.2 Reconsideration Hearing Report (namely NIRB File No.: 08MN053, Reconsideration Hearing Report for the Early Revenue Phase of the Mary River Project, <date> available from the NIRB's registry);	
3.3. Format of Terms and Conditions			Proposed revised text Add ERP within description of Project phases.	
3.4. Flexibility		X		
3.5. Enforcement		X		
3.6. Proponent Commitments			Proposed revised text May require revision to refer to Reconsideration Hearing Report	
4.0 Project-Specific Terms and Conditions				
1 Meteorology and Climate – Climate Monitoring			Proposed revised text The Proponent shall use GPS monitoring or a similar means of monitoring at both port sites and will also use tide gauges at the Steensby Port site <u>and Milne Port Site</u> to monitor the relative sea levels and storm surges at these sites.	
2 Meteorology and Climate – Climate Change Validation and Studies		X		
3 Meteorology and Climate – Green House Gas Emissions		X		
4 Climate Change – Consultation on Climate		X		
5 Meteorology and Climate – Weather Monitoring Data		X		
6 Meteorology and Climate – Emissions		X		
7 Air Quality Monitoring	X			Areas described are not applicable to the ERP
8 Air Quality –			Proposed revised text The Proponent	

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Greenhouse Gas Emissions			shall demonstrate through monitoring of air quality at the mine site, <u>Milne Port</u> and at the Steensby Port site that SO ₂ and NO ₂ emissions remain within predicted levels and, where applicable, within limits established by all applicable guidelines and regulations. In cases where exceedances are manifested, the Proponent shall provide an explanation for the exceedance, a description of planned mitigation, and shall conduct additional monitoring to evaluate the effectiveness of mitigative measures.	
9 Air Quality – Greenhouse Gas Emissions			Proposed revised text The Proponent shall provide calculations of greenhouse gas emissions generated by activities at the Steensby Inlet port and other Project sources including aircraft associated with the Project. Calculations shall take into consideration, fuel consumption as measured by Baffinland's purchase and use as well as the fuel use of its contractors and sub-contractors.	
10 Air Quality –Dust Management and Monitoring Plan	X			Note reference to railway is n/a to ERP.
11 Air Quality – Incineration Management Plan		X		
12 Air Quality – Incineration		X		
13 Noise and Vibration- Use of Explosives		X		
14 Noise and Vibration- Noise and Vibration Monitoring		X		
15 Noise and Vibration- Noise and Vibration Monitoring			Proposed revised text The Proponent shall collaborate to the extent possible with the Qikiqtani Inuit Association and local Hamlet organizations when undertaking consultation with all affected communities regarding railway <u>and tote road</u> operations. During these consultations, it is recommended that the Proponent provide information including video, audio, and photographic representation as well as	

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			any other aids (i.e. models) that may enhance the general public's understanding of railway operations, as well as all safety considerations for members of the public who may be travelling around the project area.	
16 Hydrology and Hydrogeology – Water Infrastructure		X		Note reference to railway is n/a to ERP.
17 Hydrology and Hydrogeology – Effluent Management		X		
18 Hydrology and Hydrogeology – Pit Lake Monitoring		X		
19 Hydrology and Hydrogeology – Water Infrastructure Monitoring		X		
20 Groundwater/Surface Waters - Explosives		X		
21 Groundwater/Surface Waters – Aquatic Effects Monitoring Plan		X		
22 Groundwater/Surface Waters – Sediment and Erosion Management Plan		X		
23 Groundwater/Surface Waters – Groundwater Monitoring		X		
24 Groundwater/Surface Waters – Effluent Management		X		
25 Landforms – Additional Geotechnical Investigations		X		

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26 Landforms and Soils – Erosion Management Plan		X		
27 Landforms, Geology and Geomorphology – Natural Aesthetics		X		
28 Landforms, Geology and Geomorphology – Permafrost		X		
29 Landforms, Geology and Geomorphology – Design Plans		X		
30 Landforms, Geology and Geomorphology – Quarries		X		
31 Vegetation – Construction and Operations		X		
32 Vegetation – Construction and Operations		X		
33 Vegetation – Monitoring		X		
34 Vegetation – Monitoring		X		
35 Vegetation – Monitoring		X		
36 Vegetation – Monitoring		X		
37 Vegetation – Monitoring		X		
38 Vegetation – Adaptive Management		X		

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39 Vegetation – Reclamation and Revegetation		X		
40 Vegetation – Reclamation and Revegetation		X		
41 Freshwater Aquatic Environment – Setbacks		X		
42 Freshwater Aquatic Environment – Setbacks		X		
43 Freshwater Aquatic Environment – Drainage		X		
44 Freshwater Aquatic Environment – Explosives		X		
45 Freshwater Aquatic Environment – General		X		
46 Freshwater Aquatic Environment – Drainage		X		
47 Freshwater Aquatic Environment – Watercourses		X		
48 Freshwater Aquatic Environment – Explosives		X		
49 Terrestrial Wildlife and Wildlife Habitat – Terrestrial Environment Working Group		X		
50 Terrestrial Wildlife and Habitat - General		X		
51 Terrestrial Wildlife and Habitat - General		X		

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52 Terrestrial Wildlife and Habitat - Caribou			Proposed revised text Within 3 months of issuance of the Project Certificate, The Proponent shall initiate design, and develop the timeline to test and implement means of deterring caribou from pits and other hazardous areas. A review of best practices and techniques will be undertaken at other Northern mines where interactions with caribou occur. Considerations should include temporary ribbon placement, inuksuks, or fencing and subsequent monitoring for effectiveness. These activities shall be reported back to the Terrestrial Environment Working Group.	
53 Terrestrial Wildlife and Habitat - Caribou		X		
54 Terrestrial Wildlife and Habitat - Caribou		X		Note references to railway are not relevant to ERP
55 Terrestrial Wildlife and Habitat - Wolves		X		
56 Terrestrial Wildlife and Habitat – Wildlife Habitat		X		
57 Terrestrial Wildlife and Habitat - Reporting		X		
58 Terrestrial Wildlife and Habitat - Reporting		X		
59 Terrestrial Wildlife and Habitat – Aircraft Disturbances		X		
60 Terrestrial Wildlife and Habitat – Explosives		X		
61 Terrestrial Wildlife and Habitat – Operations (General)		X		
62 Terrestrial Wildlife and Habitat – Operations (General)		X		

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63 Terrestrial Wildlife and Habitat – Public Engagement		X		
64 Terrestrial Wildlife and Habitat – Waste Management		X		
65 Birds – Awareness		X		
66 Birds – Species at Risk		X		
67 Birds – Species at Risk		X		
68 Birds – Project Infrastructure		X		
69 Birds – Construction/Clearing Activities		X		
70 Birds – Construction/Clearing Activities		X		
71 Birds – Flight Altitude Requirements		X		
72 Birds – Flight Altitude Requirements		X		
73 Birds – Monitoring		X		
74 Birds – Monitoring		X		
75 Birds – Monitoring		X		
76 Marine Environment – General		X		
77 Marine Environment – Working Group		X		
78 Marine Environment – Ice Breaking and Shipping	X			No icebreaking planned for ERP.

Condition No.	N/A	Applicable /No Change Suggested	Revision to Condition Triggered by ERP	Comments
79 Marine Environment – Ice Breaking and Shipping		X		
80 Marine Environment – Ice Breaking and Shipping		X		
81 Marine Environment – Shoreline Effects and Sediment Redistribution		X		
82 Marine Environment – Shoreline Effects and Sediment Redistribution		X		
83 Marine Environment – Shoreline Effects and Sediment Redistribution			Proposed revised text: The Proponent shall install tidal gauges at the Steensby Inlet Port site <u>and the Milne Port site</u> to monitor relative sea level and storm surges.	
84 Marine Environment – Shoreline Effects and Sediment Redistribution	X			No design of ore carriers is required for ERP.
85 Marine Environment – Shoreline Effects and Sediment Redistribution	X			Given lower potential prop wash and deeper port, Baffinland wishes to revisit this condition in relation to the ERP
86 Marine Environment – Ballast Water		X		
87 Marine Environment – Ballast Water			Proposed revised text: The Proponent shall develop a detailed monitoring program at a number of sites over the long term to evaluate changes to marine habitat and organisms and to monitor for non-native introductions resulting from Project-related shipping. This program needs to be able to detect changes that may have biological consequences and should be initiated several years prior to any ballast water discharge into Steensby Inlet to collect sufficient baseline data and should continue over the life of the Project	

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88 Marine Environment – Ballast Water		X		
89 Marine Environment – Ballast Water		X		
90 Marine Environment – Ballast Water		X		
91 Marine Environment – Ballast Water		X		
92 Marine Environment – Spill Prevention		X		
93 Marine Environment – Spill Prevention		X		
94 Marine Environment – Spill Prevention		X		
95 Marine Environment – Spill Prevention		X		
96 Marine Environment – Spill Prevention		X		
97 Marine Environment – Spill Prevention			<p>Proposed revised text Prior to the commercial shipping of iron ore, the Proponent shall conduct fuel spill dispersion modeling that will, at a minimum, consider:</p> <ul style="list-style-type: none"> a. Modeling of oil spills in the following areas: <ul style="list-style-type: none"> i. Pinch points, including: the mouth of Hudson Strait, the Resolution Island Area, the West End of Hudson Strait and Nottingham Island Area; ii. The approach into Steensby Inlet; iii. Shallow water and shorelines; and, iv. Areas that have been identified as having high flows and/or high concentrations of 	

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			<p>b. marine mammals, marine fish or seabirds. Open water and ice-covered conditions;</p> <p>c. Spill volumes up to and including loss of a full tanker cargo; and</p> <p>Differences in the quantity and properties of each type of bulk fuel transported by vessels when they are at, or in transit to, the <u>ports</u> at Steensby Inlet and Milne Inlet.</p>	
98 Marine Environment – Spill Prevention		X		
99 Marine Environment – Supplemental Baseline Assessments		X		
100 Marine Environment – Supplemental Baseline Assessments		X		
101 Marine Environment – Monitoring		X		
102 Marine Environment – Traffic Log and Shipping Information		X		
103 Marine Environment – Traffic Log and Shipping Information		X	.	Note no icebreaking planned as part of ERP.
104 Marine Environment – Traffic Log and Shipping Information			<p>Proposed revised text Subject to safety considerations and the potential for conditions as determined by the crew of transiting vessels, to result in route deviations, the Proponent shall require project vessels to maintain a route to the south of Mill Island to prevent disturbance to walrus and walrus habitat on the northern shore of Mill Island. Where project vessels are required to transit to the north of Mill Island owing to environmental or other conditions, an incident report is to be provided to the Marine Environment Working Group and the NIRB within 30 days, noting all wildlife sightings and interactions as recorded by shipboard monitors. The Proponent shall</p>	

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			summarize all incidences of deviations from the nominal shipping route as presented in the FEIS <u>and Addendum to FEIS</u> to the NIRB annually, with corresponding discussion regarding justification for deviations and any observed environmental impacts.	
105 Marine Environment – Traffic Log and Shipping Information		X		
106 Marine Environment – Shipboard Observers			Proposed revised text The Proponent shall ensure that shipboard observers are employed through all seasons and provided with the means to effectively carry out assigned duties. The role of shipboard observers in shipping operations should be taken into consideration during the design of ore carriers, with climate controlled stations and shipboard lighting incorporated to permit visual sightings by shipboard observers during all seasons and conditions.	
107 Marine Environment – Shipboard Observers		X		
108 Marine Environment – Shipboard Observers		X		
109 Marine Environment – Ship Noise		X	Proposed revised text The Proponent shall conduct a monitoring program to confirm the predictions in the FEIS with respect to disturbance effects from ships noise on the distribution and occurrence of marine mammals. The survey shall be designed to address effects during all seasons of the year <u>the shipping season</u> , and include locations in Hudson Strait and Foxe Basin. The survey shall continue over a sufficiently lengthy period to determine the extent to which acclimation occurs for narwhal, beluga, bowhead and walrus.	Note ore carriers will not be used during ERP, rather market ships will be used
110 Marine Environment – Ship Noise		X		
111 Marine Environment – Ship Noise		X		
112 Marine Environment – Ship Noise		X		

Condition No.	N/A	Applicable /No Change Suggested	Revision to Condition Triggered by ERP	Comments
113 Marine Environment – Arctic Char		X		
114 Marine Environment – Arctic Char	X			No activities applicable to Steensby Inlet will be undertaken as part of the ERP
115 Marine Environment – Arctic Char	X			No activities applicable to Steensby Inlet will be undertaken as part of the ERP
116 Marine Environment – Blasting		X		
117 Marine Environment – Blasting		X		
118 Marine Environment – Blasting		X		
119 Marine Environment – Ringed Seals	X			Note icebreaking is not planned as part of the ERP.
120 Marine Environment – Marine Mammal Interactions		X		
121 Marine Environment – Marine Mammal Interactions		X		
122 Marine Environment – Marine Mammal Interactions		X		
123 Marine Environment – Marine Mammal Interactions		X		
124 Marine Environment – Marine Mammal Interactions		X		

Condition No.	N/A	Applicable /No Change Suggested	Revision to Condition Triggered by ERP	Comments
125 Marine Environment – Public Engagement		X		
126 Marine Environment – Public Engagement		X		
127 Marine Environment – Public Engagement		X		
128 Marine Environment – Public Engagement		X		
129 Population Demographics – Qikiqtaaluk Socio- Economic Monitoring Committee		X		
130 Population Demographics – Project- specific monitoring		X		
131 Population Demographics – Monitoring demographic changes		X		
132 Population Demographics – Training programs		X		
133 Population Demographics – Monitoring demographic changes		X		
134 Population Demographics – Employee origin		X		
135 Education and Training – Employee work/study programs		X		
136 Education and Training – Transferable		X		

Condition No.	N/A	Applicable /No Change Suggested	Revision to Condition Triggered by ERP	Comments
skills and training				
137 Education and Training – Transferable skills and training		X		
138 Education and Training – Inuit employee training		X		
139 Education and Training – Hiring southern Canadians and foreign employees		X		
140 Education and Training – Survey of Nunavummiut employees		X		
141 Education and Training – Training of Inuit		X		
142 Livelihood and Employment – Employee cohesion		X		
143 Livelihood and Employment – Employee family contact		X		
144 Livelihood and Employment – Requirements for employment		X		
145 Livelihood and Employment – Barriers to employment for women		X		
146 Livelihood and Employment – Availability of childcare for Project employees		X		

Condition No.	N/A	Applicable /No Change Suggested	Revision to Condition Triggered by ERP	Comments
147 Livelihood and Employment – Affordability of housing		X		
148 Economic Development and Self-Reliance, and Contracting and Business Opportunities – Food security		X		
149 Economic Development and Self-Reliance, and Contracting and Business Opportunities – Impacts of temporary closure		X		
150 Economic Development and Self-Reliance, and Contracting and Business Opportunities – Impacts to visitors of Sirmilik National Park		X		
151 Economic Development and Self-Reliance, and Contracting and Business Opportunities – Access to housing		X		
152 Economic Development and Self-Reliance, and Contracting and Business Opportunities – IIBA contract requirements		X		
153 Human Health and Well-Being – Employee		X		

Condition No.	N/A	Applicable /No Change Suggested	Revision to Condition Triggered by ERP	Comments
and family health and well-being				
154 Human Health and Well-being – Indirect impacts to health and well-being		X		
155 Human Health and Well-being – Employee cohesion		X		
156 Human Health and Well-Being – Support initiatives		X		
157 Human Health and Well-Being – Counseling and treatment programs		X		
158 Community Infrastructure and Public Services – Impacts to health services		X		
159 Community Infrastructure and Public Services – Impacts to infrastructure		X		
160 Community Infrastructure and Public Services – Distribution of benefits		X		Note that while Baffinland supports the stated goal, it may not be appropriate to list the Proponent as a responsible authority for this task.
161 Community Infrastructure and Public Services – Policing		X		Note that while Baffinland supports the stated goal, it may not be appropriate to list the Proponent as a responsible

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				authority for this task.
162 Culture, Resources and Land Use – Public consultation		X		
163 Culture, Resources and Land Use – Public consultation		X		
164 Socio-Economic Impacts – Shipping notification		X		
165 Socio-Economic Impacts – Emergency shelters		X		
166 Socio-Economic Impacts – Public Consultation		X		
167 Benefits, Royalty and Taxation – Partnership Agreements		X		
168 Governance and Leadership – Monitoring program		X		
169 Governance and Leadership – Monitoring economic effects		X		
170 Accidents and Malfunctions – Terrestrial Wildlife Management and Monitoring Plan		X		
171 Accidents and Malfunctions – Terrestrial Wildlife Management and Monitoring Plan	X			Railway activities not planned as part of ERP.

Condition No.	N/A	Applicable /No Change Suggested	Revision to Condition Triggered by ERP	Comments
172 Accidents and Malfunctions – Overwintered fuel vessel		X		
173 Accidents and Malfunctions – Use of containment booms		X	Proposed revised text The Proponent shall employ <u>best practices and meet Transport Canada regulations</u> full containment booms during all ship-to-shore and other marine-based fuel transfer events.	
174 Accidents and Malfunctions – Community level spill response		X		
175 Accidents and Malfunctions – Ship track markers in ice cover	X			Note icebreaking is not planned during ERP.
176 Accidents and Malfunctions – Revised spill modeling	X			Note this route is not part of ERP.
177 Accidents and Malfunctions – Foreign flagged vessels		X		
178 Alternatives Analysis – Mill Island shipping route consideration	X			Note this route is not part of ERP.
179 Operational Variability	X			Note this route is not part of ERP.
180 Transboundary Effects – Makivik Corporation involvement in the Marine Environment Working Group		X		
181 Transboundary effects – Marine Environment Working Group reporting		X		

Condition No.	N/A	Applicable /No Change Suggested	Revision to Condition Triggered by ERP	Comments
182 Transboundary Effects – Reporting to Marine Environment Working Group (MEWG)		X		