

# Nunavut Impact Reivew Board Commitment List - November 26-28, 2013

## Technical Meeting for Baffinland Iron Mines Corp.'s Mary River Project Early Revenue Phase proposal

Commitment #	Related TRC	Intervenor	Commitment	Timeline / Notes
Day 1				
Conclusions/Alternatives etc.				
N/A				
Physical Environment				
1	EC-1	EC	Baffinland commits to a minimum of 3 years of continuous monitoring for SO <sub>2</sub> and NO <sub>x</sub> at the port sites following the start of shipment of ore and will review the continuation of this program based on the results of the monitoring and through consultation with EC. Baffinland commits to re-visit this monitoring program should the Project change significantly.	
Marine Environment				
2	6	GN	For environmental effects monitoring, Baffinland commits to conduct aerial surveys for a sufficient length of time (as determined by the MEWG) to monitor for marine mammal presence including for polar bears during shipping of ore from Milne Port. Baffinland commits to not ship through ice such that it would create a ship track.	
Day 2				
Marine Environment				
3	1	Hamlet	Baffinland commits to update its Popular and Executive Summaries within the Final Environmental Impact Statement Addendum to include wording that makes clear, its intention to continue the Early Revenue Phase activities as proposed for the life of the project. Baffinland commits to return to Pond Inlet and to present this information to the community prior to the NIRB's Public Hearing for the 12.8.2 reconsideration of the Mary River Project Certificate.	
4	EC-1	EC	Baffinland commits to collaborate with EC on seabird related research along the Northern route, noting that EC's seabird team will develop a proposal to track seabirds to confirm their foraging areas.	EC will develop a 3-year seabird research proposal in December 2013 for Baffinland's review in January 2014.
5	2.5	DFO	Baffinland confirms that aerial marine mammal baseline studies were conducted in Milne Inlet, Navy Board Inlet, and Western Eclipse Sound during 2013; it will provide an overview of those studies, including methodologies employed to DFO before December 25, 2013. Baffinland commits to providing a draft report on the Bruce Head monitoring to the NIRB in mid-January 2014. The NIRB will provide this to all parties.	

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6	FM-05	QIA	<p>Baffinland will be building the dock at Milne Inlet in 2014. Shipping of ore will occur in 2015. QIA believes that 2015 will be a critical year to collect data in the area.</p> <p>Baffinland agrees that the narwhal monitoring program can be conducted for a minimum of 3 years.</p> <p>Term and Condition 101 should be amended to read as follows:</p> <p>The Proponent shall incorporate into the appropriate monitoring plans the following items:</p> <p>.....</p> <p>g. Shore-based observations of narwhal behavior in <b>Milne Inlet that continues at an appropriate frequency throughout the proposed ERP (and not for less than 3 years);</b></p>	
7	FM-06	QIA	<p>Amend Condition 109 to read as follows:</p> <p>109. 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 the shipping season and include locations in Hudson Strait, Foxe Basin, <b>Milne Inlet and Eclipse Sound. Surveys and other monitoring tools (such as passive acoustics) shall continue over a sufficiently lengthy period (as determined by the MEWG)</b> to determine the extent to which habituation occurs for narwhal, beluga, bowhead and walrus.</p>	
8	FM-04	QIA	<p>Rewording for Conditions 97 and 176:</p> <p>For the Northern and Southern shipping routes, prior to the shipment of iron ore, the Proponent shall conduct additional fuel spill modelling along the shipping route in order to inform spill response preparedness.</p> <p>The Proponent shall engage with EC, CCG and TC for the development of its spill response plan.</p> <p>Fuel spill modelling locations along the shipping routes shall be validated by Environment Canada Science Table.</p>	
<b>Day 3</b>				
<b>Marine Environment</b>				
9	DFO	DFO 2.2, 2.12, 2.13, 2.14, 2.15 and 2.18	Baffinland will provide the framework for the proposed monitoring program which is being developed to monitor the impacts of shipping on narwhal. Baffinland commits to provide this framework to DFO in early January 2014 prior to the deadline for the final written submissions.	
10	PC	PCA-1	Baffinland commits to provide Parks Canada with shipping schedules on a daily basis as needed and with air traffic information on an annual basis and to provide updates as required.	
<b>Freshwater Environment</b>				
11	EC	EC-9	Baffinland commits to incorporating eutrophication monitoring into its aquatic effects monitoring program.	
<b>Terrestrial Wildlife</b>				

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12	GN	3	Baffinland commits to updating its TEMMP to include a section on mitigation measures suggested within its response to technical review comments based on best practices from other projects operating in similar conditions (including those specific to operating during periods of darkness). Baffinland commits to provide the GN with its revised interim TEMMP for comment by the end of 2013.	
13	NIRB	NIRB question on visual representation on the spacing of ore trucks	Baffinland commits to provide within its presentation materials for the NIRB's Public Hearing, a visual aid which portrays the spacing of ore trucks along the Tote Road.	
<b>Socio-Economic Environment</b>				
14	NIRB & QIA	NIRB request for detailed labour market analysis for ERP	Baffinland commits to provide the NIRB with a detailed labour market analysis as well as a listing of formal certificates and licences that may be acquired via on site training as pertaining to the Early Revenue Phase at the same time it provides similar information as required per Term and Conditions 137 and 139 by December 27, 2013.	
<b>Marine Environment</b>				
15	GN	5	Baffinland commits to provide the GN with its Polar Bear Deterrent Plan for review for the first week of January 2014.	
16	DFO	2.7	Baffinland commits to provide DFO with its prediction of the timing and extent of the albedo effects of dustfall at Milne Port and to incorporate a description of melt-out patterns in the Milne Inlet area by December 25, 2013.	
17	QIA	QIA FM-03	Baffinland and QIA agree to rewording of Project Certificate Term and Condition 99 item (a) to change "all seasons" to "shipping season" and to include monitoring at <b>"Milne Inlet Port"</b> . Item (c, ii.) shore based observations of narwhal behaviour - <b>addition of a 3 year program.</b>	
18	QIA	QIA C-02	Baffinland commits to characterize the quality and quantity of any sediment disposed of on land as a result of dredging activites, should such disposal be required.	
19	QIA	QIA C-06	Baffinland commits to remove all culverts from the tote road at project closure, subject to consultation with QIA and other parties as required.	
20	DFO	DFO 2.9	Baffinland commits to provide DFO with its assessment for dredging of Milne Port prior to December 25, 2013.	
21	QIA & DFO	QIA FM-06, DFO 2.16	Baffinland commits to revise its Ballast Water Risk Assessment and will provide this revised assessment to DFO and QIA by December 15, 2013.	

Outstanding Issues tracked: Technical Meeting November 26-28, 2013

Stakeholder / Technical Comment #		Request	Baffinland Response
Day 1			
Conclusions/Alternatives etc.			
AANDC	1	Initially asked to comment on the amendment to of the PC, did not know it was for the life of the project. Start of the project was justifiable but the ERP was proposed for the life of the Project, and do not feel that augmenting economics is justified at this time, in the context of a review under 12.8.2b. Many uncertainties with the effects assessment. AANDC would like Baffinland to commit to developing a plan to terminate the ERP activities after the railway is built, if it is found that measured environmental effects at that time are beyond what was predicted and proposed adaptive management strategies ineffective. Later on, if Baffinland wants to continue ERP activities they may justify this continuation at that time.  NIRB could develop a term and condition for a specific timeline for the ERP and provide a mechanism for the re-evaluation of the ERP with better effects monitoring - actual measured results and trend analysis (e. of cumulative effects in Mine). B	Baffinland provided an assessment for the ERP to go on for the life of the project. It is difficult for the company to commit to a shorter period of ERP operation.
Marine Environment			
DFO	2.9	DFO asked Baffinland to confirm if dredging will be done at Milne Port. Baffinland stated that they will follow the DFO Operational Statement for Maintenance Dredging. This Statement is for dredging work that has been assessed for impacts at some point. DFO needs information on the potential impacts of the dredging activities and its impacts on fish and fish habitat.  NIRB asked the timing for the assessment. DFO wants the assessment as part of the EIS.	Baffinland will work with DFO to provide the assessment for dredging of Milne Port - committed  Baffinland is going to be working on additional geotechnical investigations for the dredging work, and Baffinland thinks that there will be a fairly fast turnaround for the submission of the information.
PC	PCA-1	Will the information on the website be updated enough so that PC can check this schedule passing by National Parks?	Right now, the website is not updated enough, but Baffinland will make this information available.
QIA DFO	FM-06 2.16	With respect to term and condition related to ballast water discharges - there was a meeting between DFO and Baffinland on ballast discharge issues. Can we expect more material on ballast water discharge and what is the timeline for new material to be submitted?	Baffinland has consulted with DFO with regards to ballast water risk assessment calculations and conclusion was while there were some corrections to be made within the calculations, the outcome of the assessment was not different within the Addendum. Baffinland will be revising the Ballast Water Risk Assessment. The revisions to the assessment will be released within a matter of days. - COMMITTED  DFO communicated on the National Ballast Water Risk Assessment Protocol that will be made available to Baffinland. DFO expects that when the tool becomes available to Baffinland, that they will change a section of their assessment using the new tool. If not available before the Hearing, it will be brought forward to the MEWG.
DFO	2.7	DFO's concern relates to dust collection during the winter time. There is no information on the impact of dust on landfast ice. DFO would like to see a relevant analysis of dust on landfast ice at Milne due to the stockpiling of ore. Section 2.5.3 FEIS Addendum - there is no information provided for review.	Figure 8.3.11 is an incorrect one, the figure we should have used is Figure 5-2.12. Baffinland will make a note of this error. Baffinland will check the information presented in the correct figure and evaluate if it represents the assessment conducted in this section. - COMMITTED
Hamlet Pond Inlet		Not clear life of project intention for ERP - request assistance for Hamlet it reviewing technical info. Noting deadline looming for final written submissions, but that community not understand "phase" of "Early Review Phase" does not have a clear beginning and ending per translation of the word "phase"	
MMTO		HTO has concerns not only on ballast water but also on sonar. There are very few fish left, this is a concern for the hunters. There is also a reduced number of seals and narwhal. Is there any use of sonar by Baffinland in Milne Inlet?  What is Baffinland going to use to guide the ships? We heard that you were going to use sonar to guide them. Hunters have been complaining to HTO every year about this.  For any of the testing done in the past, has Baffinland used sonar?	Seabed characterization was done with sonar. Baffinland will provide a further discussion with impacts to fish.
NIRB	Response to Baffinland recommendation on amendment of Condition 173	Condition 173 - original text requires Baffinland to employ full containment booms. Baffinland's response and rationale on the amendment on the wording for full containment booms. NIRB is looking for further clarification or justification on why Baffinland is not able to employ full containment booms.  If there is a spill will Baffinland boom the spill?  TC - there are no requirements for pre-booming under Canadian regulations, there are specific regulatory requirements on the overall control of transfer operations, including performance and maintenance of hoses, standardized connections, training and qualification of crew, lighting, and protocols for communications	Not knowing where the booms go, the booms get tangled up, can cause rupture of the hose, and there is loss of ability to contain the spill. If you cannot anchor your boom, you've defeated the purpose to employ the boom.  In the OPEP, there is a measure to boom the pipe.  If it would be of assistance, Baffinland can provide the OPEP for staff review. This issue is still outstanding.
Day 2			
Marine Environment			
NRCan	2b	NRCan has had a discussion with Baffinland and is currently working through the issue. There is a potential path forward and will look to have a more definitive answer by the end of this meeting.	
GN	5	Without baseline or capacity to determine mortality risks of oil-fouled bears makes it difficult to identify mitigation measures or impact on polar bears; polar bear deterrent plan was reviewed by GN expert but a copy of the plan was not provided to the expert. Additionally, GN also requested for an update to the Shipping and Marine Wildlife Management Plan (SMWMP) to mitigate the impacts on oil-fouled polar bears.	The Polar Bear Deterrent Plan was designed for high-risk areas. Baffinland will send the plan to the GN for review.  Baffinland would like to discuss further with GN on the Shipping and Marine Wildlife Management Plan.
QIA	C1	The was an error in the QIA submission - 2 different values were provided for the variance in production level; 25 % and 10%. QIA confirms that the correct variance in production level recommended is 10%. QIA would like to confirm from Baffinland that their response, which was that Baffinland agrees with QIA's variance suggestion, that it relates to the 10% and not 25%?	Baffinland believes that the 25% of variance in production level is reasonable and not 10%.
Day 3			
GN	2	The GN would like Baffinland to collaborate in GN's population level monitoring of caribou.	Baffinland was presented with this proposal by GN yesterday and would like to take some time to consider it.
GN	7	GN is seeking a commitment that Baffinland would be able to provide the results of the hunter harvest study to the OSEMC.	Baffinland believes that this information would be provided as part of the NIRB's annual reporting and that is sufficient for the OSEMC.
Hamlet Pond Inlet		The Hamlet is in a reactionary position due to the timelines and lack of resources. The lack of time and resources to review the Addendum is a socio economic impact to the community. The community is stretched beyond its capacity. This process is impacting the community. The Hamlet would like a commitment on how this can be mitigated.  Hamlet would like to represent their own interests in a way that is thorough, thoughtful and effective to the process. The Hamlet would like consideration for capacity building strategies so that the Hamlet would be able to effectively represent themselves in future projects.	The NIRB would like to discuss options on how community consultation could be more effective and put less of a strain on time and resources of the communities.  QIA feels that the QIA process was very open to the communities. QIA would be able to make a further commitment to return to Pond Inlet to discuss the details on the ERP before the Hearing, sometime at the beginning of January.  GN - GN has visited the community in May June to discuss the FEIS of the Approved Project and has met with the Mayor and EDO. GN is committed to communicate with the Hamlets and want to continue that dialogue.
Hamlet Pond Inlet	20	Elders felt that anyone who needs IQ, will have access to IQ. Somewhere along the line, QIA gained access to the knowledge to do as they will. The Hamlet would like the information to be returned to the communities and provide assistance to maintain the information.  The storage and maintenance of IQ is to be stored in an archive environment for the long term and would like a commitment that there would be free and unrestricted access to IQ.	Baffinland is committed to return IQ to the community and will provide infrastructure and systems to protect, store and maintain the information is preserved by March 31, 2014. Baffinland is not sure if March 21st is a realistic deadline and would like to discuss timeline further.
NIRB		Question on the changes to hiring targets and sourcing of labour for the ERP.	Baffinland will review their submission and provide a response to the NIRB.
NIRB		Cumulative effects analysis did not include the look Corridor Project.	Baffinland did not include the look Project as it was understood that the proposed project was on hold, pending an amendment to the project scope.
GN	6	The design of the methodology for the monitoring of polar bears	Surveillance type of monitoring for polar bears is sufficient for the low level of polar bear interactions with the Project.