



**NIRB File No.: 08MN053**

January 13, 2014

To: Mary River Distribution List

*Sent via email*

**Re: Details and Direction regarding the upcoming Public Hearing for the NIRB's Reconsideration of the Mary River Project Certificate for Baffinland Iron Mines Corp.'s Early Revenue Phase Proposal**

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Dear Parties,

The Nunavut Impact Review Board (NIRB or Board) previously advised this distribution list that the Public Hearing for its assessment of Baffinland Iron Mines Corporation's (BIMC; the Proponent) proposed Early Revenue Phase for the Mary River Project (NIRB File No. 08MN053) will be held in Pond Inlet January 27 to 31, 2014. The upcoming Public 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 assessment of this proposed project amendment and reconsideration of the terms and conditions of the Mary River Project Certificate. The NIRB anticipates that discussions during the Hearing will result in an identification of issues which the Board will address in its Final Report to the Minister for this assessment.

As parties are aware, the NIRB will continue to accept final written submissions from all intervenors and interested parties until 5:00 p.m. today, January 13, 2014. Upon receipt, submissions will be made available via the NIRB's online public registry at the following link: <http://ftp.nirb.ca/03-MONITORING/08MN053-MARY%20RIVER%20IRON%20MINE/01-PROJECT%20CERTIFICATE/04-AMENDMENTS/ERP/07-HEARING/05-SUBMISSIONS/>.

The NIRB will provide a Draft Hearing Agenda to all parties on or before Friday January 17, 2014 and will invite comments from interested parties regarding the ordering and time allotted to agenda items prior to its being finalized. The NIRB will work to ensure that sufficient time is provided to all intervenors to present their submissions to the Board and to the community representatives to discuss their respective comments and concerns during the Community Roundtable session.

Additional details regarding the Hearing and requirements for presentations are provided below. The Board notes for the information of parties planning to attend the Public Hearing that the dates and times outlined for technical and community round table sessions remain subject to

change at the Moderator's discretion. All parties 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 Public Hearing.

PUBLIC HEARING – POND INLET JANUARY 27 TO 31, 2014

Technical Sessions: January 27-29, 2014

The NIRB will provide the Proponent with a scheduled time period of approximately 4 hours to present its proposed project amendment and associated impact assessment in detail, prior to the technical presentations by intervenors. It is anticipated that sections of the presentation will be followed by an opportunity for intervenors and the Board Members to ask questions of the Proponent. It is recommended that the Proponent's presentation align with the following or similar separation of topics:

- An introduction to the proposed Early Revenue Phase in the context of the approved Mary River Project. This introduction should include a brief overview of the main project components including the Milne Inlet Tote Road, Mary River mine site, railway, facilities at Steensby Inlet and Milne Inlet and associated shipping at each, highlighting proposed changes, upgrades or additions specific to the Early Revenue Phase proposal; and,
- A discussion of the potential environmental and socio-economic impacts identified and associated changes, upgrades or additions to monitoring and mitigation plans and the terms and conditions of the Mary River Project Certificate currently proposed. This discussion should be separated by topic area, with sections specific to shipping and the marine environment, terrestrial environment including wildlife and migratory birds, spill prevention and emergency response, and the socio-economic environment.

In considering the format of presentations to be given by intervenors during the technical sessions, 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.

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 Early Revenue Phase proposal components:
  - a. Milne Inlet Tote Road;
  - b. Milne Inlet shipping route and Milne Port;
  - c. Mary River mine site; and
3. Provide a listing of summary recommendations for the Board's consideration, including, where appropriate, recommended changes to existing, or the inclusion of additional, terms and conditions required within the Mary River Project Certificate.

Following each technical presentation, the Proponent, other intervenors, 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 that arise during the technical sessions are readily available.

#### Community Roundtable Sessions: January 29-31, 2014

Public input is essential to the Board's assessment processes. The NIRB has invited five (5) representatives from each of the eight (8) potentially affected communities to attend all proceedings and participate directly in the community roundtable sessions of the Public Hearing, and will provide opportunities for members of the general audience to raise comments and questions as well.

It is expected that the Proponent and each intervenor will prepare a concise, shortened presentation for the Community Roundtable session. As the Board will have formally heard the information during the technical sessions, and the available time during the Community Roundtable sessions is more limited, intervenor presentations should be no more than 10-15 minutes in length, and the Proponent's summary presentation no more than 45 minutes in length. Presentations are expected to briefly highlight the specific evidence that has been presented to the Board during the technical sessions as well as to identify issues that may remain outstanding.

Following each summary presentation, community members (including members of the general public in attendance) will have an opportunity to question the Proponent and intervenors based on the information and evidence presented. **The Board requires that each intervenor ensure sufficient technical expertise is available for not only the technical sessions of the Public Hearing but also the community roundtable portions of the Hearing which may include evening sessions.**

### GENERAL LOGISTICS

#### Pond Inlet – Accommodations & Air Travel

The NIRB requests that those parties which have not already done so, to please advise our office of planned attendance to the Hearing in Pond Inlet. The NIRB has reserved a number of hotel beds and arranged for home billets in Pond Inlet in anticipation of the Hearing and would appreciate hearing back from all agencies planning to attend and to utilize these beds to allow for finalization of the bookings.

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

#### Hearing Agenda, Format & Attendance

The NIRB will be distributing a detailed Draft Agenda for the Hearing on Friday, January 17, 2014 and will offer an opportunity for interested parties to provide comments or suggested revisions for consideration prior to its finalization.

Parties are advised that each intervenor will be limited to one (1) seat at the table during the technical session of the Hearing. A separate table will be provided at the Hearing venue 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 and agencies addressing questions from the public will be requested to move forward to speak at a table microphone as required.

### **Presentations**

Parties are advised that all presentation materials must be provided in English and Inuktitut, and French if possible. Parties are also reminded that presentations will serve as formal exhibits to the Hearing proceedings and that the filing of additional materials at the 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, noting that up to 150 attendees are anticipated. The NIRB recognizes however, that intervenors may modify presentations as the Hearing progresses and asks intervenors to make their own arrangements for producing hardcopies of their presentations as necessary while in Pond Inlet.

#### **Summary of Important Dates**

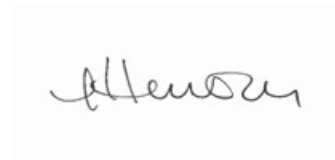
<b>Friday Jan 17</b>	Last day for parties to confirm request for accommodations (number and gender of guests) with the NIRB and provide the NIRB with any questions relating to presentation format, content or time allotments  NIRB to release Draft Agenda for comment
<b>Wednesday Jan 22</b>	Last day for parties to provide comments and suggested revisions to the Draft Agenda to NIRB  Last day for parties to provide hearing presentations (English, Inuktitut, French) electronically to NIRB  Last day for parties to confirm attendance of representatives at the Hearing with names of presenters highlighted
<b>Friday Jan 24</b>	NIRB to release final Hearing Agenda

The NIRB respectfully requests that all parties adhere to the above dates and, in particular, provide the Board with presentation materials as requested as these materials are necessary for the NIRB to prepare briefing packages for Community Roundtable participants. The NIRB appreciates the efforts of all parties in preparation for the upcoming Public Hearing and looks

forward to continuing constructive discussions with all parties at the Hearing for the Mary River Early Revenue Phase proposal.

Should you have any questions or require additional clarification, please do not hesitate to contact Jaswir Dhillon, Technical Advisor, at [jdhillon@nirb.ca](mailto:jdhillon@nirb.ca) or (867) 983-4609.

Sincerely,

A handwritten signature in black ink, appearing to read "Amanda Hanson", is centered within a light gray rectangular box.

Amanda Hanson  
Director, Technical Services  
Nunavut Impact Review Board

cc: Erik Madsen, Baffinland Iron Mines Ltd.