



NIRB File No. 08MN053

May 8, 2014

To: Erik Madsen, Baffinland Iron Mines Corporation  
Stephen Williamson Bathory, Qikiqtani Inuit Association  
David Hohnstein, Nunavut Water Board  
Agnes Simonfalvy, Government of Nunavut  
Karen Costello, Aboriginal Affairs and Northern Development Canada  
Mark Dahl, Environment Canada  
Georgina Williston, Fisheries and Oceans Canada  
Rob Johnstone, Natural Resources Canada  
Meighan Andrews, Transport Canada

*Sent via email*

**Re: Scheduling of a Project Certificate Workshop for Baffinland Iron Mines Corp.'s Early Revenue Phase proposal for the Mary River Project, May 21, 2014**

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Dear Parties:

As you are aware, on April 28, 2014 the Nunavut Impact Review Board (NIRB) received notification from the Minister of Aboriginal Affairs and Northern Development that the Hearing Report for the NIRB's Reconsideration of the Mary River Project Certificate for Baffinland Iron Mines Corporation's Early Revenue Phase proposal (NIRB File No. 08MN053) had been accepted pursuant to section 12.5.7(a) of the Nunavut Land Claims Agreement, subject to variances to terms and conditions and one condition having been rejected.

Now that the proposed Early Revenue Phase for the Mary River Project has been approved to proceed, the NIRB is required to issue a Project Certificate which sets out the amended and new terms and conditions of approval, as included in the Board's March 17, 2014 Public Hearing Report. Prior to finalization and issuance of the amended Project Certificate for the Mary River Project, the Board must ensure that all terms and conditions are clearly understood by the responsible parties and are clarified where necessary to allow for full implementation and incorporation into applicable regulatory instruments, as required by NLCA sections 12.9.1 and 12.9.2:

*12.9.1 Subject to Section 12.9.3, the terms and conditions of NIRB project certificates shall be implemented by all government departments and agencies in accordance with their authorities and jurisdictional responsibilities.*

*12.9.2 Without limiting the generality of Section 12.9.1, the terms and conditions of NIRB project certificates shall, in accordance with the authorities and jurisdictional responsibilities of government departments and agencies, be incorporated in relevant permits, certificates, licences or other government approvals that the proponent may require. Government departments and agencies shall discuss with NIRB how best to implement the terms and conditions of NIRB project certificates and may provide NIRB with drafts of permits, certificates, licences and other government approvals.*

The Board is endeavouring to issue a fully updated Project Certificate No. 005 to Baffinland Iron Mines Corporation on or before May 28, 2014. To facilitate discussion with authorizing agencies and assist with the finalization of the amended Mary River Project Certificate, the NIRB is scheduling a project certificate workshop via teleconference for **May 21, 2014**.

The Project Certificate workshop will be structured to facilitate discussions on the implementation of *amended* and *new* terms and conditions contained within the Project Certificate. The NIRB asks that regulators be prepared to confirm which *amended* and *new* terms and conditions from the Final Hearing Report will be incorporated into their respective licences, certificates and permits, including whether and which permits may require amendment to reflect the amended and new terms and conditions. Note that the NIRB does not intend to provide opportunity for discussion on the justification for specific terms and conditions during the workshop as this has been provided in the Public Hearing Report.

The Proponent and the following authorizing agencies are asked to ensure appropriate representation for the workshop:

- |  |                               |
|--|-------------------------------|
| ▪ Qikiqtani Inuit Association                        | ▪ Environment Canada          |
| ▪ Government of Nunavut                              | ▪ Fisheries and Oceans Canada |
| ▪ Aboriginal Affairs and Northern Development Canada | ▪ Natural Resources Canada    |
|  | ▪ Transport Canada            |

To ensure the objectives of the workshop are met, each department, agency or organization is asked to select staff representatives who are directly involved in the development of their respective regulatory instruments for the Mary River Project. While necessarily focusing required attendance for this teleconference on applicable authorizing agencies, upon request the NIRB will consider allowing attendance by additional parties not directly involved in regulating components of the Mary River Project but wishing to attend the workshop as observers.

#### PUBLIC HEARING REPORT RECOMMENDATIONS

Wherever possible, within the Public Hearing Report the NIRB used the following format for its recommended project-specific terms and conditions so as to provide clear direction on the intended application, objectives and reporting requirements:

**Category:** Identifies the relevant environmental component or project activity to which the term and condition applies. Wherever possible, categories have been labelled so as to directly associate with the Final Environmental Impact Statement Addendum and Environmental Impact Statement Guidelines for the Project.

**Responsible Parties:** Identifies the parties responsible for implementation of the term and condition. While this is generally the Proponent, at times other agencies have been implicated as appropriate.

**Project Phase:** Identifies the phase(s) of Project development to which the term and condition is applicable. Project phase may include any one or more of the following:

- Construction – includes site preparation and staging of materials and equipment
- Operations
- Temporary Closure / Care and Maintenance
- Closure and Post-Closure Monitoring

**Objective:** Provides a short description of the impact or effect being mitigated. Where relevant, expectations regarding the timing for when terms and conditions will be deemed to be satisfied (i.e. sunset clause), who has discretion for determining it is satisfied has been provided.

**Term or Condition:** Provides specific direction on the required action or follow up. In most instances the NIRB has endeavoured to use generalized wording to allow for maximum flexibility in achieving the stated objective, however more explicit direction has been provided where deemed necessary.

**Reporting Requirements:** Sets out any specific reporting parameters required to measure achievement of objectives or to demonstrate compliance, as well as the required frequency of reporting.

Within the Public Hearing Report it was noted that for a number of the recommended terms and conditions, some of the above parameters would be developed following approval of the Project by the Minister through discourse at a meeting with regulators and prior to issuance of the Project Certificate (i.e. project certificate workshop). It is expected that a number of terms and conditions will require clarification for some of the parameters. For example, it may become apparent that there are additional parties responsible for implementing certain terms and conditions, or it may be that the objective of the term and condition could be rephrased slightly to be clearer for all parties. Through the project certificate workshop the NIRB will provide opportunity to discuss where clarification to the terms and conditions is to be incorporated into the Project Certificate.

## NEXT STEPS

Prior to the project certificate workshop, the NIRB will distribute a *draft* Project Certificate containing the recommended terms and conditions as set out in the Public Hearing Report for the Project and as varied by the Minister's April 28, 2014 response. The draft document will form the basis of discussions for the workshop, as set out in the draft workshop agenda in **Appendix A**.


In advance of the project certificate workshop, parties are encouraged to prepare a listing of those *amended* and *new* terms and conditions from the Public Hearing Report which they expect to implement through their respective current, new, or amended licences, permits or approvals and, any terms and conditions which in their view, might require clarification prior to issuance of

a Project Certificate. The NIRB also asks that the Proponent and all relevant regulatory authorities noted above confirm their planned attendance at the workshop with the NIRB.

The NIRB respectfully requests that parties provide the Board with a confirmation of attendance via email at [info@nirb.ca](mailto:info@nirb.ca) on or before Wednesday **May 14, 2014**. Any parties not directly involved in regulating components of the Mary River Project but wishing to attend the workshop as observers should advise the NIRB accordingly by **May 14, 2014**. Should any of the required authorizing agencies be unable to attend, the Board would appreciate being notified with as much advance notice as possible so as to permit potential re-scheduling.

Should you have questions or require additional clarification, please contact the undersigned at (867) 983-4615 or [ahanson@nirb.ca](mailto:ahanson@nirb.ca).

Sincerely,



Amanda Hanson  
Director, Technical Services  
Nunavut Impact Review Board

cc:

Mike Rudkin, Hamlet of Pond Inlet  
Amy Aglak, Mittimatalik Hunters' and Trappers' Organization  
Stas Olpinski, Makivik Corporation  
Jane Chisholm, Parks Canada  
Mary River Distribution List

Attachments: Appendix A: Project Certificate Workshop *Draft* Agenda (NIRB File No. 08MN053)

**APPENDIX A:  
PROJECT CERTIFICATE WORKSHOP *DRAFT* AGENDA**

**Dates:** Wednesday May 21, 2014

**Times:** 9:00 am – 3:00 pm MT (11:00 a.m. – 5:00 ET)

**Call-In:** Will be provided to confirmed attendees at a later date

**Objective:**

- Bring together the Proponent and relevant regulatory authorities to facilitate discussions on the implementation of terms and conditions contained within the amended Project Certificate into their respective licences, certificates and permits.
- Identify specific points of clarification required for *amended* and *new* terms and conditions prior to finalization and issuance of the Project Certificate by the Board.

**Notes:**

- The workshop will be moderated by Ryan Barry, NIRB Executive Director.
- Each party will be provided with an opportunity to speak to agenda items in an ordered fashion. Time limits will be implemented as necessary.
- Owing to the teleconference format, the session will be conducted in English only, with concurrent Inuktitut interpretation available if necessary.
- Short break times will be provided during the call at times to be determined by the moderator.
- All times listed below are in Mountain Time, and are subject to change at the discretion of the moderator.

**Agenda – Wednesday May 21, 2014**

- 9:00 am      Welcome and Introductions  
                 NIRB Opening Remarks
- 9:15 am      Meteorology and Climate: Terms and Conditions 1  
                 Air Quality: Terms and Conditions 7-10  
                 Noise and Vibration: Terms and Conditions 14(a), 14 (b), 15  
                 Hydrology and Hydrogeology: Terms and Conditions 16  
                 Groundwater/Surface Waters: Terms and Conditions 21
- 10:30 am      *Health Break*
- 10:45 am      Landforms, Geology and Geomorphology: all Terms and Conditions apply to  
                 ERP, no new or amended  
                 Vegetation: all Terms and Conditions apply to ERP, no new or amended  
                 Freshwater Aquatic Environment: Terms and Conditions 48(a)  
                 Terrestrial Wildlife: Terms and Conditions 51, 53, 54, 58, 59  
                 Birds: all Terms and Conditions apply to ERP, no new or amended  
                 Marine Environment, Marine Water/Ice, Sediments: Terms and Conditions 77,  
                 83, 83(a), 86, 87, 88, 89, 90, 91, 97

Marine Wildlife and Marine Habitat: Terms and Conditions 99, 101, 102, 103 (Ministerial amendment), 104, 105, 106-107 (Ministerial amendment), 108-110, 113-116, 118, 125, 125(a)

12:15 pm     *Health Break*

12:30 pm     Education and Training: Terms and Conditions 139  
Livelihood and Employment: all Terms and Conditions apply to ERP, no new or amended  
Economic Development and Self Reliance, and Contracting and Business Opportunities: Terms and Conditions 149, 150  
Human Health and Well-Being: all Terms and Conditions apply to ERP, no new or amended  
Culture, Resources and Land Use: Terms and Conditions 164

2:00 pm     Accidents and Malfunctions: Terms and Conditions 171 (Ministerial amendment), 173, 176, 177  
Operational Variability: Terms and Conditions 179(a), 179(b)  
Transboundary Effects: Terms and Conditions 180-182 (Ministerial amendment)

2:50 pm     NIRB Closing Remarks