



NIRB File No.: 08MN053

NWB File No.: 2AM-MRY1325

October 12, 2018

To: *NIRB*: Mary River Project Distribution List
NWB: Mary River Distribution List

Sent via email

Re: Next steps in the NIRB's Reconsideration and NWB Consideration of Baffinland Iron Mines Corporation's "Phase 2 Development" Project Proposal and associated Water Licence Application

Dear Parties:

On October 5, 2018 the Nunavut Impact Review Board (NIRB) distributed correspondence noting that the revised Final Environmental Impact Statement (FEIS) Addendum had been received by Baffinland Iron Mines Corporation (BIMC or Proponent) for the "Phase 2 Development" proposal (the Project) and was being checked for conformity to the October 6, 2015 EIS Guidelines issued to the Proponent by the Board. The NIRB has now determined that the FEIS Addendum conforms to the guidelines to the level which would enable the assessment to proceed. The NIRB is formally initiating the public technical review of the FEIS Addendum which can be accessed online from the NIRB's public registry at www.nirb.ca/projects/123910.

The Nunavut Water Board (NWB) acknowledged receipt on August 22, 2018 of an application for the amendment of the existing Type "A" Water Licence 2AM-MRY1325 (the Application). The Application was submitted by Baffinland Iron Mines Corporation (BIMC or the Applicant) in compliance with the general Water Licence submission requirements. With this notice, the NWB advises the Applicant, intervening parties and the public that the NWB is commencing the initial processing of the Application, by requesting comment on the completeness of the Application and submission of information requests. The submissions have been placed in the Board's public registry and are available through the NWB's ftp site at the following link:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MRY1325%20BIMC/1%20APPLICATION/2018%20Phase%202%20Expansion%20Project/>

NIRB-NWB Coordination

The NIRB and the NWB note that BIMC has previously requested that a coordinated process be undertaken by the Boards for consideration of the Phase 2 Development proposal and associated water licence application, including joint technical meetings and consecutive public hearings. As such, the NIRB and NWB recently met to develop the enclosed process map for the information of all parties. As per the enclosed process map, the Boards are intending to coordinate a joint Technical Meeting and NWB Pre-Hearing Conference, followed by consecutive Public Hearings.

NIRB Technical Review Process

As part of the NIRB's Reconsideration of Project Certificate 005 to assess the Phase 2 Development proposal, the technical review process is meant to provide a detailed review of the FEIS Addendum to analyze the quality of the information presented by the Proponent. Parties are invited to review the FEIS Addendum and develop technical review comments which address:

- Determination of whether Parties agree/disagree with the conclusions in the FEIS Addendum regarding the alternatives assessment, environmental impacts, proposed mitigation, significance of impacts, and monitoring measures – and reasons to support the determination;
- Determination of whether or not conclusions in the FEIS Addendum are supported by the analysis – and reasons to support the determination;
- Determination of whether appropriate methodology was utilized in the FEIS Addendum to develop conclusions – and reasons to support the determination, along with any proposed alternative methodologies which may be more appropriate (if applicable);
- Assessment of the quality and presentation of the information in the FEIS Addendum; and
- Any comments regarding additional information which would be useful in assessing impacts – and reasons to support any comments made.

Recent discussions between the NIRB and CIRNAC have indicated that funding may become available to support the participation of interested parties in this assessment; further details regarding the availability of participant funding and the associated application process will be shared as soon as possible.

NIRB Call for Information Requests

To facilitate the development of technical review comments by parties, the NIRB invites interested parties to provide the NIRB with Information Requests (IRs) directed to the Proponent and/or other parties involved in the assessment of the Phase 2 Development proposal. It should be noted that IRs are not meant to serve as technical review comments, but rather should identify information gaps within the FEIS Addendum that need to be addressed so that parties can develop their respective technical review comments. Please note that parties are encouraged to review [Appendix A](#) of this letter, which provides the NIRB's suggested format for the development of IRs and additional clarification regarding the information that must be included with submissions:

- Reference to the volume, document, section, and/or page number in the FEIS Addendum where relevant information may be found, if applicable;
- To whom the IR is directed;
- Identify the issue and the specific information being requested;
- The concern associated with the issue and need for information; and
- Rationale of the issue and information's importance to the impact assessment of the proposed project.

The next steps in the NIRB's assessment of the Phase 2 Development have been outlined as follows for the information of parties:

- Submission of Information Requests (IRs) directly to the NIRB by interested parties on or before **November 13, 2018**.
- After considering all IRs and making decisions regarding their suitability, the NIRB will forward all appropriate requests to the Proponent (and other parties if applicable) on or before **November 14, 2018**.
- Upon forwarding IRs to the appropriate parties, the NIRB may set a timeframe for the Proponent and other parties if applicable, to respond with an IR response package.
- Upon receipt of the IR response package, all parties will be given **60 days** for submission of technical review comments.

The NIRB requests that all interested parties submit their Information Requests to the NIRB at info@nirb.ca or by fax to (867) 983-2594 on or before **November 13, 2018**.

NWB Completeness Review of the Application and Subsequent Technical Review

The NWB has conducted an initial review of the submissions and has determined that the Application is for a Type "A" Water Licence amendment. The NWB can also confirm that this Application will require a public hearing in accordance with s. 52 of the Nunavut Waters and Nunavut Surface Rights Tribunal Act, S.C. 2002, c. 10 (NWNSRTA or Act).

The next step in the processing of the Application involves a completeness review and initial technical assessment to determine if all of the necessary information and studies to evaluate quantitative and qualitative effects of the proposed undertakings on the freshwater environment have been provided.

Accordingly, by copy of this letter, the Board requests that interested parties review BIMC's submission for completeness and identify any Information Requests (IRs) that the reviewing parties require to carry out their full technical review. All intervening parties should provide their submissions on the completeness of the Application and identifying any IRs to the NWB's Manager of Licensing at licensing@nwb-oen.ca on or before **November 13, 2018**.

Following the receipt of comments on completeness, the NWB will determine whether the Application is complete, and whether additional information and/or studies are required (IRs) to evaluate all quantitative and qualitative effects of the undertaking pursuant to s. 48(2) of the NWNSRTA and will advise BIMC accordingly. The NWB also retains the right to issue additional guidelines for the provision of information pursuant to s. 48(3) of the NWNSRTA if it becomes necessary.

Once all required information has been provided, the NWB will provide formal Notice of the complete Application as required by s. 55(1) of the NWNSRTA and will invite parties to complete a full technical review of the Application and any additional information that has been filed in support. As the NWB's technical review comment period is typically expected to be 30 days, the NWB will coordinate, to the extent practicable, the deadline for the NIRB's 60-day technical review with the deadline for the NWB's technical review. All parties are advised, however, that coordination of the technical review timing may not be possible, if comments on completeness and IRs result in BIMC or other parties having to provide substantive additions to the existing materials.

The NIRB and the NWB would like to remind BIMC and parties that all comment submissions on the Phase 2 Development proposal and on the Type “A” Licence Application should be submitted to each Board independently. Submissions to the NIRB should be provided directly to info@nirb.ca or through the online public registry at www.nirb.ca/projects/123910. Submissions to the NWB should be provided directly to licensing@nwb-oen.ca.

If you have any questions regarding the NIRB’s reconsideration of Project Certificate 005 for the Phase 2 Development proposal, please contact Keith Morrison, Technical Advisor II at kmorrison@nirb.ca or 867-983-4617. If you have any questions related to the water licence application, please contact Assol Kubeisionova, Technical Advisor at assol.kubeisionova@nwb-oen.ca or 867-360-6338.

Sincerely,



Tara Arko
Director, Technical Services
Nunavut Impact Review Board



Karén Kharatyan
Director, Technical Services
Nunavut Water Board

cc: William Napier, Baffinland Iron Mine Corporation
Megan Lord-Hoyle, Baffinland Iron Mines Corporation
Lou Kamermans, Baffinland Iron Mine Corporation

Attachment: Appendix A – Suggested Format for NIRB Information Requests

Enclosure (1): Anticipated process for the NIRB’s/NWB’s Coordination of Baffinland’s Phase 2 Development Proposal and Water Licence Application (October 12, 2018)

APPENDIX A: SUGGESTED FORMAT FOR NIRB INFORMATION REQUESTS

Format and File Size

Parties must provide submissions in a fully functional, electronically searchable Word or PDF file. Noting the current constraints with respect to internet bandwidth and speed, the NIRB requests that all documents be submitted as files no larger than 5 MB.

Information Requests

The purpose of Information Requests is to identify information gaps or areas of uncertainty within the FEIS Addendum that need to be addressed so that parties can develop their respective technical review comments. Information requests can originate from, and be directed to, any of the parties involved in the assessment. Submissions must identify what specific information is required and outline why the information required is necessary to facilitate the party's technical analysis of the FEIS Addendum or the potential impacts of the project. Upon receiving the Information Requests, the NIRB will consider each request, decide on its suitability, and then forward all appropriate requests to the Proponent and other parties as applicable. The NIRB will assess the suitability of each request in terms of what requirements are appropriate at this phase of the review process, and must balance these requirements with information that may be requested or issues raised as part of technical review comments or at a more advanced stage of the Reconsideration.

Parties are asked to ensure that Information Requests address the points set out below:

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| IR Source: | Identify the organization/department/intervenor proposing the request. |
| IR Number: | Each specific Information Request must be numbered to allow for effective cross-referencing of the submission. |
| IR Directed To: | Clearly identify the organizations/departments/agencies to which the IR is directed (e.g., the Proponent and/or specific organization(s) of whom the information is requested). |
| Subject: | Identify the issue; list the general subject or topic associated with the request (e.g., monitoring of sediment quality). |
| Reference: | Provide a clear reference to any applicable volume, document, section, and/or page number in the FEIS Addendum where information relevant to the request may be found. |
| Issue/Concern: | Provide background information and justification for the request. The issue/concern should identify any shortcomings of available information, concerns associated with the issue and how the requested information is relevant to the technical analysis of information within the FEIS Addendum. A clear rationale of the issue's importance to the formulation of technical review comments and the overall impact assessment of the proposed project is required. |
| Information Request: | Specifically state the question and/or outline the specific information being requested of the Proponent or organization. Separate items requested should be appropriately numbered in order to track the provision of responses. |