



**NIRB File No.: 08MN053**  
NWB File No.: 2AM-MRY1325  
QIA File No.: LUA-2008-008  
DFO File No.: 2008 MR

November 14, 2018

Megan Lord-Hoyle  
Director, Sustainable Development  
Baffinland Iron Mines Corporation  
2275 Upper Middle Road East  
Oakville, ON L6H 0C3

Sent via email: [megan.lord-hoyle@baffinland.com](mailto:megan.lord-hoyle@baffinland.com)

**Re: Nunavut Impact Review Board Request to Join the Mary River Project Marine Environmental Working Group**

---

Dear Megan Lord-Hoyle:

As a result of the direction given by the Responsible Federal Ministers in their Production Increase decision to address concerns over compliance and enforcement of terms and conditions in Project Certificate No. 005 relating to project-specific shipping activities and impacts around marine mammals, and the comments raised by parties over the last two (2) years regarding the functioning and expectations for the Mary River Project Marine Environment Working Group (MEWG), the NIRB is hereby releasing this correspondence to notify Baffinland Iron Mines Corporation's (Baffinland; the Proponent) and members of the MEWG of its intention to participate in the MEWG as an observer.

The Board specifically notes that in observing the functioning of any of the working groups established by a NIRB project certificate, if it is demonstrated that the working group is not informing the monitoring process or furthering the understanding of project specific impacts as intended, then the NIRB may determine that the requirements of *Nunavut Agreement* Section 12.7.2 are not being fulfilled and require reconsideration of these project certificate terms and conditions under *Nunavut Agreement* Section 12.8.2.

The NIRB further clarifies that while its involvement in the MEWG would likely be focused on working with parties to identify issues around non-compliance and observing how members are collaborating to address recurring problems affecting functionality of the MEWG, the Board does not expect to direct or mediate discussions for the working group. The NIRB expects that

the focus of such discussions would be from those with specific marine expertise and a role in decision making.

Finally, the NIRB notes that it is incumbent upon the Proponent and all parties involved in the MEWG to make every effort to ensure that the existing Project Certificate terms and conditions for the Mary River Project are implemented as intended, and that the Proponent continue to satisfy its obligation to work with the MEWG to identify priorities, enhance baseline data on marine wildlife, including shore-based observations of marine mammal behaviors in response to shipping activities for the Mary River Project.

The Board respectfully requests that Baffinland consider the NIRB's request to join the MEWG and provide relevant information regarding MEWG meeting schedules and procedures for participation and engagements.

Should you have any questions or require further clarification regarding the Board's request to join the MEWG or the NIRB's monitoring program for the Mary River project, please contact the undersigned directly at (867) 983-4603 or [samuno@nirb.ca](mailto:samuno@nirb.ca).

Sincerely,



Solomon Amuno, PhD  
Mary River Project Monitoring Officer  
Nunavut Impact Review Board

cc: Grant Goddard, Baffinland Iron Mine Corporation  
Lou Kamermans, Baffinland Iron Mine Corporation  
Joe Adla Kunuk, Qikiqtani Inuit Association  
Drikus Gissing, Government of Nunavut – Department of Environment  
Jane Chisolm, Parks Canada  
Georgina Williston, Environment and Climate Change Canada  
Veronique D'Amours-Gauthier, Fisheries and Oceans Canada  
Mark D' Aguiar, Fisheries and Oceans Canada  
Laura Watkinson, Fisheries and Oceans Canada  
Boyan Tracz, Fisheries and Oceans Canada  
Andrew Dumbrille, World Wildlife Fund  
Mittimatalik Hunters and Trappers Organization (MHTO)  
Makivik Corporation  
Oceans North  
Mary River Distribution List