



NIRB File No.: 08MN053

August 27, 2019

To: Mary River Distribution List

Sent via email

Re: Updated Recommended Format for Final Written Submissions for the NIRB's Assessment of Baffinland Iron Mines Corp's "Phase 2 Development" Proposal

Dear Parties:

On August 21, 2019 the Nunavut Impact Review Board (NIRB or Board) issued the Notice of Public Hearing for the assessment of Baffinland Iron Mines Corporation's (Baffinland, or Proponent) "Phase 2 Development" Project Proposal (NIRB File 08MN053; "the Project"). The Public Hearing is being held as part of the Board's reconsideration of the terms and conditions of NIRB Project Certificate No. 005 in accordance with Section 12.8.2 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and with s. 112 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14 (NuPPAA).

As previously announced, all parties will have until **September 23, 2019** to file their final written submissions for the Public Hearing with the NIRB. This correspondence provides *updated* guidance regarding the recommended format for final written submissions to be submitted to the NIRB. [Appendix A](#) sets out the recommended format, with more explicit reference to encourage parties to bring forward any recommendation(s) with respect to the disposition of technical issues, including whether or not issues could be addressed through specific updates to the terms and conditions of Project Certificate No. 005 and/or other modifications to the existing monitoring and reporting requirements for the approved Mary River Project.

The NIRB appreciates the efforts of all parties to structure their respective submissions in accordance with the recommended format, which will assist greatly in their presentation and discussion at the Public Hearing. All forthcoming submissions should be sent directly to the NIRB to info@nirb.ca.

Should you have questions regarding the upcoming Public Hearing, including the NIRB's Rules of Procedure and intervenor status applications, please contact Tara Arko, Director of Technical Services at (867) 983-4611 or tarko@nirb.ca.

Questions regarding the ongoing monitoring program for the approved Mary River Project or the ongoing assessment of the Phase 2 Development Proposal can be directed to Solomon Amuno, Technical Advisor II at (867) 983-4603 or samuno@nirb.ca or to Cory Barker, Technical Advisor I at (867) 983-4607 or cbarker@nirb.ca.

Sincerely,

A handwritten signature in black ink that reads "Ryan Barry". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Ryan Barry
Executive Director
Nunavut Impact Review Board

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

Attachment (1): Appendix A – *Updated* Suggested Format for Parties' Final Written Submissions

APPENDIX A
UPDATED SUGGESTED FORMAT FOR PARTIES' FINAL WRITTEN SUBMISSIONS

For each issue raised, parties are asked to include a clear reference to the volume, document, section, and/or page number in the Final Environmental Impact Statement Addendum (FEIS Addendum) and/or documents provided by the Proponent (Additional Documents) following the Technical Meeting where relevant information may be found. Parties may find efficiencies in structuring submissions by issue, and are asked, where possible, to align their submission in accordance with the ordering of materials as presented within the FEIS Addendum. A tabular presentation as provided below is requested as a means of systematically organizing comment submissions and to assist with the compilation of submissions for the next steps of the NIRB's assessment process.

Format and File Size

Parties must provide submissions in a fully functional, electronically searchable Word, Excel or unlocked PDF format. Noting the current constraints with respect to internet bandwidth and speed, the NIRB requests that all submissions be submitted as electronic file(s) no larger than 10 to 25 MB.

Final written submissions must contain the following:

1. Executive Summary

Submissions must contain a non-technical executive summary of the major issues identified during the review of the FEIS Addendum and Additional Documents. The summary should not exceed two pages.

The NIRB requires executive summaries be provided in English and be translated into both **Inuktitut** and **French**. Please note that parties are responsible for sourcing this translation.

2. Table of Contents

Submissions must contain a table of contents with sections that relate to the main headings of the FEIS Addendum for the Phase 2 Development proposal which also identify the major issues under those headings the party intends to bring forward for discussion and intends to address at the Public Hearing. Submissions may also address any other matter that the party considers relevant to the NIRB's assessment of the FEIS Addendum and/or Additional Documents.

3. Introduction

All submissions should contain a statement of the party's mandate and relationship to the project. Parties that have regulatory jurisdiction over the Phase 2 Development proposal must also provide a description of the party's jurisdiction as well as a list of the legislation, regulations, policies and guidelines administered by the party that are applicable to the project.

4. Specific Comments

For each issue included in the submissions, parties should provide the following:

- a. A detailed description of the issue and, as appropriate, a reference to where within the FEIS Addendum (volume/document, section and page number) and/or Additional Documents the issue is discussed;

- b. If provided by the Proponent within the FEIS Addendum and/or Additional Documents, identify the Proponent's conclusion(s) related to the issue;
- c. A statement regarding the conclusion(s) of the commenting party related to the issue, including reference to the justification/data/rationale supporting that conclusion;
- d. A brief discussion assessing the issue's importance to the impact assessment process; and
- e. Any recommendation(s) to the NIRB with respect to the disposition of the issue, including whether or not the issue could be addressed through specific updates to the terms and conditions of Project Certificate No. 005 and/or other modifications to the existing monitoring and reporting requirements for the approved Mary River Project.

5. Summary of Recommendations

Finally, submissions to the NIRB must contain a *summary* of the recommendations to the Board with respect to:

- Whether Parties agree/disagree with the conclusions presented in the FEIS Addendum or Additional Documents provided by the Proponent regarding the alternatives assessment, environmental impacts, proposed mitigation, significance of impacts, and monitoring measures – and all evidence supporting the parties' position;
- Whether or not conclusions presented in the FEIS Addendum or Additional Documents provided by the Proponent are supported by the analysis – and all evidence supporting the parties' position;
- Whether appropriate methodology was utilized in the FEIS Addendum or Additional Documents to develop conclusions – and all evidence supporting the parties' position along with any proposed alternative methodologies which may be more appropriate if applicable;
- An assessment of the quality and the presentation of the information presented in the FEIS Addendum or Additional Documents;
- An assessment of the appropriateness of proposed monitoring measures – and evidence to support the determination, along with any proposed alternative monitoring measures which may be more appropriate (if applicable); and
- Any comments regarding additional information which would be useful in assessing impacts – and reasons to support any comments made.

6. Suggested submission format in Table Form

Review Comment Number	
Subject/Topic	
References to the FEIS Addendum (<i>i.e., volume/document, section/sub-section, page number, etc.</i>) or Additional Documents	
Summary (include Proponent's conclusion if relevant and conclusions of commenting party)	
Importance of issue to the impact assessment process	
Detailed Review Comments	1. Gap/Issue 2. Disagreement with FEIS Addendum conclusion

	3. Reasons for disagreement with FEIS Addendum conclusion 4. Disagreement and reasons for disagreement with conclusions within the Additional Documents
Recommendation/Request	