



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Eastern Arctic Area
P.O. Box 358
Iqaluit, Nunavut
X0A 0H0

Your file
NB 102-181/10-A.01
Our file
NU-06-0084

NIRB File 07EN012
NWB File 2BB-MRY

September 22, 2009

Vice President, Sustainable Development
Baffinland Iron Mines Corporation
Suite 1016, 120 Adelaide Street West
Toronto, ON M5H 1T1

via email: derek.chubb@baffinland.com

Attention: Derek Chubb

Re: Amendment to the *Fisheries Act* ss. 35(2) Authorization for the repair of Box Culvert CV 217 at kilometre 80 on the Milne Inlet Access Tote Road

Dear Mr. Chubb:

Fisheries and Oceans Canada (DFO) is hereby amending the *Fisheries Act* subsection 35(2) Authorization, issued to Baffinland Iron Mines Corporation, on August 3, 2007, and the Authorization amendment issued December 8, 2008, for the above noted work. The conditions of the Authorization shall be amended as follows:

Conditions that relate to the Proponent Plan

- 2.3.11 *Copy of letter from GENIVAR to Baffinland Iron Mines Corporation; Repairs to Sea Container Crossing CV217, prepared by Barry Martin, GENIVAR, dated August 19, 2009.*
- 2.3.12 *E-mail to DFO from Baffinland Iron Mines Corporation, prepared by Jim Millard, dated September 15, 2009.*
- 2.3.13 *The above documents and drawings are hereafter referred to as the "Plan". Where contradictions exist, the most recent version shall apply.*

Conditions that relate to Mitigation

- 3.8 *At crossing CV217, excavated material shall be removed from the site and placed a minimum of 30 m from any watercourse.*
 - 3.8.1 *Repairs to crossing CV217 shall be completed during low flow.*
 - 3.8.2 *Any fish captured within the work area shall be released downstream.*
 - 3.8.3 *The work shall be carried out 24 hours/day, 7 days a week to minimize impact on the habitat.*
 - 3.8.4 *Clean blasted rock shall be used in the repair.*
 - 3.8.5 *The seacan containers shall be re-installed in such a way as to maintain fish passage through the crossing throughout the year.*

The following condition of the Authorization shall be changed to read:

Canada

Valid Authorization Period

The valid authorization period for the harmful alteration, disruption or destruction of fish habitat associated with the construction of watercourse crossings is:

From: **Date of Issuance**

To: **July 31, 2010**

Conditions that relate to Mitigation

- 3.1 *Following the mitigation measures provided below as well as the mitigation measures provided in the Plan, the in-water work is allowed to occur within the restricted timing window from **September 1, 2009 to June 30, 2010.***

Conditions that relate to Monitoring

- 5.2 *The approved Monitoring plan shall be implemented annually from the first year of upgrading the Milne Inlet Tote Road (i.e. 2007) to two years post construction (i.e. 2010 and 2011) and in the year of decommissioning (i.e. 2015) and one year after decommissioning (i.e. 2016).*

The Nunavut Impact Review Board (NIRB) confirmed by letter to DFO, on September 14, 2009 that this change to the plan will not require a re-screening by the NIRB.

Therefore, the original Authorization and amendment #1 for the harmful alteration, disruption or destruction of fish habitat arising from the Milne Inlet Tote Road, issued August 3, 2007 and December 8, 2008, respectively, are hereby amended according to the conditions outlined above.

All other conditions specified in the subsection 35(2) *Fisheries Act* Authorization and amendment #1, issued on August 3, 2007 and December 8, 2008, respectively remain unchanged and continue to apply.

A copy of this amendment letter, amendment letter #1 and the original S. 35(2) Authorization should be onsite at all times during this project.

If you require additional information or clarification, please contact Jane Tymoshuk at jane.tymoshuk@dfo-mpo.gc.ca or (705) 750-4054 or Gary Cooper at gary.cooper@dfo-mpo.gc.ca or (867) 979-8027.

Sincerely,



Eric Kan
Area Director
Fisheries and Oceans Canada
Eastern Arctic Area

Copy: Leslie Payette, NIRB
Phyllis Beaulieu, NWB
Julie Dahl, DFO
Tania Gordanier, DFO
Nicola Johnson, DFO