



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Eastern Arctic Area

P.O. Box 358
Iqaluit, NU X0A 0H0
Phone: (867) 979-8000
Fax : (867) 979-8039

Secteur de l'Arctique de l'est

Boîte postale 358
Iqaluit, NU X0A 0H0
Tél: (867) 979-8000
Télécopieur: (867) 979-8039

December 8, 2008

Our file:
NU-06-0084

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

Dear Mr. Chubb:

Subject: Fisheries Act Authorization Amendment #1 – Defer the removal of select culvert crossings

In reviewing the need for an amendment to the subsection 35(2) *Fisheries Act* Authorization, the proposed change to the original project was reviewed and it has been determined that the proposed changes do not represent a significant change in the project.

The following conditions in Authorization No: NU-06-0084, issued on August 3, 2007, shall be changed to:

Plan Documents

- 2.3.8 Baffinland Iron Mines Corporation Mary River Project – Bulk sampling Program Fish Habitat No Net Loss and Monitoring Plan, (Ref. No. NB102-00181/10-4), prepared by Maret Tae (Knight Piesold Consulting), dated August 30, 2007.*
- 2.3.9 Letter to DFO "Baffinland Iron Mines Corporation (BIM), Mary River Project, Milne Tote Road Upgrade Status Report and Request to Amend Department Fisheries and Oceans (DFO) HADD Authorization" prepared by James Millard, Baffinland Iron Mines Corporation, dated August 20, 2008*
- 2.3.10 Letter to DFO "Mary River Project, Request to Defer the Removal of Select Culvert Crossings" prepared by Derek Chubb, Baffinland Iron Mines Corporation, dated October 10, 2008.*
- 2.3.11 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 Compensation

- 4.4 Decommissioning of the following water crossings BG050, CV128, CV217, CV223, BG017, CV040, CV072, CV099, CV129, CV077, shall be completed by June 30, 2015.*
- 4.5 All compensation work shall be completed by June 30, 2009*

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. 2008 and 2009)*

and in the year of decommissioning (i.e. 2015) and one year after decommissioning (i.e. 2016).

The *Canadian Environmental Assessment Act* no longer applies in the Nunavut Settlement Area due to the amendment of the *Nunavut Land Claims Agreement* (NLCA) on May 29, 2008. The Nunavut Impact Review Board (NIRB) confirmed by letter to DFO, on September 29, 2008 that this change to the plan will not require a re-screening by the NIRB.

Therefore, the original Authorization for the harmful alteration, disruption or destruction of fish habitat arising from the Milne Inlet Tote Road, issued August 3, 2007, is hereby amended according to the conditions outlined above.

All other conditions specified in the subsection 35(2) *Fisheries Act* Authorization, issued on August 3, 2007 remain unchanged.

Please contact Gary Cooper at (867) 979-8011 or e-mail gary.cooper@dfo-mpo.gc.ca should you have any questions or require additional information.

Yours sincerely,



Keith Pelley
A/Area Director
Fisheries and Oceans Canada
Eastern Arctic Area

Copy: Leslie Payette, NIRB
Phyllis Beaulieu, NWB
Julie Dahl, DFO
Tania Gordanier, DFO
Julian Lim, DFO