



Eastern Arctic Area
P.O. Box 358
Iqaluit, Nunavut
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Your file
NB 102-181/10-A.01
Our file
NU-06-0084

NIRB File 07EN012
NWB File 2BB-MRY

September 24, 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 removal
of the perched culverts at BG01 and CV225 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, the Authorization amendment issued December 8, 2008 and the Authorization amendment issued September 22, 2009, for the above noted work. The conditions of the Authorization shall be amended as follows:

Conditions that relate to the Proponent Plan

- 2.3.14 Letter from Baffinland Iron Mines Corporation to DFO, Request for Letter of Advice, Milne Tote Road, Mary River Project Habitat Reconstruction Plan for Milne Inlet Tote Road Perched Culverts BG01, CV225, BG27, CV112, prepared by Jim Millard, Baffinland Iron Mines Corporation, dated September 10, 2009.*
- 2.3.15 E-mail to DFO from Baffinland Iron Mines Corporation, prepared by Jim Millard, dated September 18, 2009.*
- 2.3.16 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

- 3.9 At crossings BG01 and CV225, barrier seine nets shall be placed upstream of the culvert and downstream of the designated work area for each stream. Any remaining fish in the work area shall be removed and placed downstream of the barriers.*

Conditions that relate to Monitoring

- 5.4 *To ensure the effective of the rock ramps that have been constructed at crossings BG01 and CV225, water velocities and fish movement shall be monitored in the spring (during and following the freshet) and fall of 2010.*

The Nunavut Impact Review Board (NIRB) confirmed by letter to DFO, on September 22, 2009 that this change to the plan will not require a re-screening by the NIRB.

Therefore, the original Authorization and amendments #1 and #2 for the harmful alteration, disruption or destruction of fish habitat arising from the Milne Inlet Tote Road, respectively, are hereby amended according to the conditions outlined above.

All other conditions specified in the subsection 35(2) *Fisheries Act* Authorization and amendments #1 and #2, issued on August 3, 2007, December 8, 2008 and September 22, 2009, respectively remain unchanged and continue to apply.

A copy of this amendment letter, amendment letters #1 and #2 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