

**NOTICE OF INDICATION FOR
12.10.2(b) DETERMINATION REPORT
NIRB FILE NO.: 08MN053**

Dear Sirs and Madam:

Enclosed is the Nunavut Impact Review Board's (NIRB) 12.10.2(b) Determination Report to the Honourable Ministers John Duncan, Denis Lebel, Joe Oliver, and Keith Ashfield, and to President Okalik Egeesiak and Chairperson Thomas Kabloona, for Baffinland Iron Mines Corporation's (Baffinland) "Mary River 2012 Work Plan" application for works to be undertaken in the Qikiqtani Region, Nunavut.

The NIRB has assessed Baffinland's application for the "Mary River 2012 Work Plan" to be allowed as an exception from the NIRB's Review of the Mary River project proposal (NIRB File No. 08MN053). In assessing the application, the NIRB considered potential ecosystemic and socio-economic impacts and further took into consideration the comments from relevant authorities and communities.

Based on this assessment, the NIRB's determination is in accordance with **12.10.2 (b)** of the Nunavut Land Claims Agreement (NLCA), to approve, subject to the exclusion of one activity as described below, the exception of Baffinland's "Mary River 2012 Work Plan" application from the NIRB's ongoing Review of Baffinland's "Mary River Project" (NIRB File No. 08MN053). The NLCA, Section 12.10.2 states the following:

12.10.2 "Notwithstanding Section 12.10.1, where a project proposal has been referred for review pursuant to Part 5 or 6, approvals or licences for exploration or development activities related to that project may be issued if

(a) the activity falls within Schedule 12-1; or

(b) the activity can, in the judgement of NIRB, proceed without such a review."

The enclosed NIRB 12.10.2(b) Determination Report for NIRB File No. 08MN053, signed on March 5, 2012 by Lucassie Arragutainaq at Sanikiluaq, NU has been issued to Aboriginal Affairs and Northern Development Canada, Fisheries and Oceans Canada, Natural Resources Canada, Transport Canada, and the Qikiqtani Inuit Association and is subject to the terms and conditions contained herein being imposed upon the Proponent through licences, authorizations and relevant legislation.

Although the NIRB has determined that all other proposed activities included in the application can proceed as exceptions to the NIRB's Review of the Mary River Project under NLCA Section 12.10.2(b), the NIRB has determined that the overwintering of a 10 Million Litre (ML) fuel barge at Steensby Inlet **cannot proceed as an exception** from the ongoing Review pursuant to NLCA Section 12.10.2(b).

The NIRB is aware of the authority of each of the aforementioned government departments and Inuit organization to regulate the terms and conditions attached to the enclosed 12.10.2(b) Determination Report. As such, the NIRB requests that those agencies responsible for issuing authorizations for the "Mary River 2012 Work Plan" application send a hardcopy of the permit

or licence with the NIRB's file number referenced on the document to the NIRB office in order to complete our files. In addition, the NIRB requests that copies of any subsequent inspection reports related to the project proposal be sent to the NIRB office.

Please be advised that other than the proposed activity of overwintering a 10 ML fuel barge at Steensby Inlet, which is **not** included in the activities approved for exception from Review, this determination applies to the exploration and/or development activities as described within the application and is subject to the implementation of the Board's recommendations as set out in the enclosed report.

Should you have any questions or require additional clarification, please contact me directly by telephone at (867) 983-4615 or by email at ahanson@nirb.ca.

Sincerely,



Amanda Hanson
Director, Technical Services
Nunavut Impact Review Board

cc: Erik Madsen, Baffinland Iron Mines Corporation
Mary River Distribution List

Enclosure: NIRB 12.10.2(b) Determination Report (NIRB File No.: 08MN053)