



NIRB File No.: 08MN053
NWB File No.: 2AM-MRY1325
QIA File No.: LUA-2008-008
DFO File No.: 2008 MR

August 25, 2022

To: Mary River Distribution List

Sent via email

Re: Updated Procedural Guidance Regarding the Nunavut Impact Review Board's Assessment of Baffinland Iron Mines Corporation's "Production Increase Proposal Renewal" Project Proposal

Dear Parties:

This updated procedural guidance is being provided by the Nunavut Impact Review Board (NIRB or Board) in respect of Baffinland Iron Mines Corporation's (Baffinland) "Production Increase Proposal Renewal" project proposal (the PIP Renewal or the Proposal) to advise interested parties regarding the completion of the oral and written comment process for the file and the remaining steps in the Board's decision-making.

As indicated in the Board's July 19, 2022 Notice of Reconsideration and procedural guidance, the Board's process for considering the PIP Renewal has consisted primarily of a written comment process supplemented by an opportunity for designated Community Representatives from the potentially affected North Baffin communities and members of the public in Pond Inlet to share their comments and questions about the PIP Renewal in oral form during a one-day Community Roundtable session held on August 16, 2022. In the week following the CRT, the Board received and circulated additional written comments from some parties addressing the following:

- Written comment submissions from members of the public who wished to speak at the CRT but were unable to due to time restrictions or unavailability on August 16;
- Written comment submissions from speakers during the CRT or other participants in the Board's reconsideration clarifying their role and who they were speaking on behalf of; and
- Written comments providing feedback with respect to the Board's process for conducting the reconsideration.

In addition, some of the comment submissions received after the CRT from parties also contained information intended to supplement, respond to, or otherwise address previously filed written

comment submissions or responding to comments heard during the CRT. As the Board recognizes, Baffinland bears the onus of proof with respect to the PIP Renewal. Accordingly, as set out in the Board's July 19, 2022 procedural guidance the final written comment submissions to be considered by the Board were Baffinland's reply submissions received by the Board on or before the August 19, 2022 deadline. As a result, any written comment submissions received after the CRT that address matters other than follow up from the CRT outlined in the three bullet points in the previous paragraph, will not be considered by the Board, as the Proponent did not have an opportunity to reply to such comments and these submissions were received outside the process established for the exchange of written comment submissions by the Board in the July 19, 2022 correspondence.

The comment period in respect of the Board's reconsideration of Project Certificate No. 005 associated with the PIP Renewal is **now closed, and no further comment submissions will be considered by the Board**. The Board is now in decision-making for the file and will not be providing any further comment until the Board's decision is conveyed in its Reconsideration Report and Recommendations which will be sent to the Minister of Northern Affairs on behalf of the Responsible Minister(s) and issued publicly. Based on the urgency and priority of the file as indicated by the Minister, Baffinland, employees of Baffinland and several commenting parties, the volume of written material associated with the assessment, the oral comment submissions received during the CRT, and the Board's deliberations, the Board intends to issue the Board's Reconsideration Report and Recommendations during the week of **September 19-23, 2022**. While the Board understands that this timeline is greater than what was requested by the Minister and urged by Baffinland and several parties, the Board has balanced the urgency of the decision, with the Board's obligation to conduct a thorough assessment in the circumstances of each proposal.

In closing, the Board expresses our appreciation to all who participated in the Board's reconsideration to date. The Board is grateful for your flexibility and important contributions to the Board's assessment of the PIP Renewal.

Should you have questions regarding this matter, please contact the Board's Acting, Executive Director, Mark Ings at (867) 983-4602 or mings@nirb.ca.

Sincerely,



Marjorie Kaviq Kaluraq
Chairperson
Nunavut Impact Review Board

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