



NIRB File No.: 08MN053
NPC File No.: 148841

September 22, 2022

The Honourable Dan Vandal, P.C., M.P.
Minister of Northern Affairs
Government of Canada
House of Commons
Ottawa, ON K1A 0A6

Sent via email and courier: dan.vandal@parl.gc.ca

Re: Reconsideration Report and Recommendations of the Nunavut Impact Review Board Regarding a Significant Modification to the Mary River Project as Proposed by Baffinland Iron Mines Corporation under the “Production Increase Proposal Renewal”

Dear Honourable Dan Vandal:

As outlined in the Notice and Procedural Direction provided to the Responsible Minister(s) and Baffinland Iron Mines Corporation (Baffinland or Proponent), on July 19, 2022, the NIRB has initiated a formal reconsideration of the terms and conditions of Project Certificate No. 005 to reflect the submission of Baffinland’s “Production Increase Proposal Renewal” project proposal (PIP Renewal or Proposal), a short-term amendment (to December 31, 2022) of the approved Mary River Project (NIRB File No.: 08MN053).

As set out in the project description filed with the NIRB,¹ the PIP Renewal reflects Baffinland’s request to reconsider Term and Condition 179(a) and (b) of Project Certificate No. 005 (as provided below), which expired on December 31, 2021:

179(a)

Until December 31, 2021, the total volume of ore shipped via Milne Inlet may exceed 4.2 million tonnes per year, but must not exceed 6.0 million tonnes in any calendar year. After December 31, 2021,

¹ NIRB Doc ID: 330475.

the maximum total volume of ore shipped via Milne Inlet in a calendar year returns to 4.2 million tonnes per year, unless this condition has been further modified under section 112 of Nunavut Planning and Project Assessment Act, S.C. 2013, c. 14, s. 2.

179(b)

Until December 31, 2021, the total volume of ore transported by truck on the Milne Inlet Tote Road may exceed 4.2 million tonnes per year, but must not exceed 6.0 million tonnes in any calendar year. After December 31, 2021, the maximum total volume of ore transported by truck on the Milne Inlet Tote Road in a calendar year returns to 4.2 million tonnes per year, unless this condition has been further modified under section 112 of Nunavut Planning and Project Assessment Act, S.C. 2013, c. 14, s. 2.

On June 7, 2022, the Nunavut Planning Commission issued a positive conformity determination for the PIP Renewal and on June 13, 2022 Baffinland completed its online application to the NIRB for the PIP Renewal. The scope of activities proposed under the PIP Renewal include: the continuation of mining, trucking and shipping of up to 6 million tonnes per year of iron ore using the existing Tote Road and the Northern Shipping Route from Milne Inlet until December 31, 2022, while the decision-making process of the NIRB and Responsible Minister(s) is completed for the Phase 2 Development Proposal. The project description and associated documentation can be accessed directly via the NIRB's online public registry system at www.nirb.ca/project/125710.

Due to the limited scope and short-term duration of the PIP Renewal, and recognizing the direction of the Minister received by the Board on July 11, 2022² noting that “*it is imperative that the assessment of the Production Increase Proposal Renewal proposal is prioritized and conducted in an efficient and expeditious manner*”, and requesting the Board's recommendation be received by August 26, 2022, the Board determined that a Public Hearing would not be required for this reconsideration. To support the Board's decision-making in respect of the PIP Renewal, the Board engaged in two written commenting periods and conducted a Community Roundtable on August 16, 2022, in Pond Inlet, Nunavut. More details regarding the Procedural History associated with the Board's assessment of the PIP Renewal is provided in Appendix A of the attached Reconsideration Report and Recommendations (Report).

The enclosed Report summarizes the NIRB's assessment of the potential ecosystemic and socio-economic effects of the PIP Renewal, a proposed modification to the previously approved Mary River Project (as amended by the Early Revenue Phase Proposal in 2014, the Production Increase Proposal in 2018 and the Extension Request to the Production Increase Proposal in 2020). After due consideration of the relevant written and oral submissions received by the Board, the Board has concluded that the potential significant adverse ecosystemic and socio-economic effects

² NIRB Doc. ID No: 340699.

associated with the PIP Renewal can be adequately prevented, mitigated, or adaptively managed if the Proposal is conducted in accordance with:

- recommended revisions to Terms and Conditions 179(a) and (b) of NIRB Project Certificate No. 005;
- proposed improvements to the mitigation, adaptive management, and monitoring programs for the Proposal; and
- the commitments provided by Baffinland to interested parties during the Board's PIP Renewal reconsideration process.

Consequently, the Board recommends to the Responsible Minister(s) that the Mary River Production Increase Proposal Renewal project proposal should be allowed to proceed at this time, and recommends revisions to the expiry date in Term and Condition 179(a) and (b) and additions to the monitoring and reporting programs applicable to the modified Mary River Project as outlined in Section 6 and Section 7 of the attached Report.

Translated versions of this Reconsideration Report and Recommendations are being prepared in Inuktitut and will be available as soon as possible.

Should you have questions or require clarification regarding this matter, please contact the NIRB's Executive Director, Karen Costello at (867) 983-4608 or kcostello@nirb.ca.

Sincerely,



Kaviq Kaluraq
Chairperson
Nunavut Impact Review Board

cc: The Honourable Steven Guilbeault, P.C., Minister of Environment and Climate Change
The Honourable Joyce Murray, P.C., Minister of Fisheries and Oceans and the Canadian Coast Guard
The Honourable Omar Alghabra, P.C., Minister of Transport
The Honourable Jonathan Wilkinson, Minister of Natural Resources Canada
The Honourable Lori Idlout, MP for Nunavut
The Honourable P.J. Akeagok, Premier of Nunavut
Aluki Kotierk, President, Nunavut Tunngavik Incorporated
Olayuk Akesuk, President, Qikiqtani Inuit Association
Andrew Nakashuk, Chairperson, Nunavut Planning Commission
Lootie Toomasie, Chairperson, Nunavut Water Board
Megan Lord-Hoyle, Baffinland Iron Mines Corporation
Lou Kamermans, Baffinland Iron Mines Corporation
Mary River Distribution List