



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

October 12, 2022

To: Mary River Distribution List

*Sent via email*

**Re: Updated Procedural Guidance Regarding Project Certificate Workshop for Baffinland Iron Mines Corporation's "Production Increase Proposal Renewal" Project Proposal a Modification of the Mary River Project**

Dear Parties:

The Nunavut Impact Review Board (NIRB or Board) is issuing this updated procedural guidance to outline the timing and process to support the Board's finalization and issuance of Project Certificate No. 005 (Amendment 4) for the Mary River Project. These amendments to Project Certificate No. 005 reflect the approval of changes to the Mary River Project by the Responsible Ministers as proposed by Baffinland Iron Mines Corporation (Baffinland, the Proponent) in the "Production Increase Proposal Renewal" project, NIRB File No. 08MN053 (PIP Renewal). In the October 4, 2022 correspondence provided under s. 112(9) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*), the Minister of Northern Affairs (the Minister) on behalf of the Responsible Ministers, provided notice (the Notice)<sup>1</sup> that the Responsible Ministers:

- approved the Board's recommendation that the PIP Renewal be allowed to proceed subject to the existing and amended Terms and Conditions in Project Certificate No. 005;
- approved the Board's recommended revision to Terms and Conditions 179(a) and (b) to authorize the continued trucking and shipping of 6 million tonnes of ore per year (Mtpa) until December 31, 2022;
- varied Terms and Conditions 49, 77 and 183; and
- added new Terms and Conditions 185 – 189 and Appendix B (listing of commitments).

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<sup>1</sup> Doc. ID No. (341879).

As prescribed by s. 112(10) of NuPPAA: “*Within 30 days after receiving the notice..., the Board must issue an amended project certificate that sets out the terms and conditions contained in that notice.*” The Board’s normal practice for finalizing an amended Project Certificate is to first host a Project Certificate Workshop with the Board’s staff, authorizing agencies and other parties that may have roles and responsibilities under the amended Project Certificate. The focus of the Workshop is to clarify the respective roles, responsibilities and expectations of these parties to ensure the successful implementation and monitoring under the amended Project Certificate. Following the Workshop, the Board may add interpretive aids to the text of the amended Project Certificate, such as including a non-binding commentary section that records the common understanding and interpretation resulting from discussions and guidance provided at the Project Certificate Workshop. However, consistent with the Board’s obligations under s. 112(10) of NuPPAA, the Board does not alter the wording of the terms and conditions as provided by the Ministers in the Notice during a Project Certificate Workshop.

In respect of the PIP Renewal, in the October 4 Notice the Minister stated:

*Given the timing constraints inherent to the project proposal, the other Responsible Ministers and I urge the Board to issue the amended Project Certificate as soon as possible. We would like to suggest that the Board could forgo a Project Certificate Workshop in the current circumstances to allow Baffinland to start shipping beyond the 4.2 million tonnes-per-year shipping limit expeditiously.*

The Board recognizes that certainty regarding the applicable transportation and shipping limits is urgently required as the shipping window for the year is rapidly approaching. Accordingly, the Board clarifies for parties that the amended terms and conditions as set out in the Ministers’ October 4, 2022 Notice approval of the modifications to the Mary River Project as proposed under the PIP Renewal, now govern the Mary River Project as amended by the PIP Renewal. As such, the 6 Mtpa transportation and shipping limits as set out in amendments to Terms and Conditions 179(a) and 179(b) are now applicable and will continue until December 31, 2022.

With respect to the other eight (8) varied and new Terms and Conditions provided in the Notice, the Board notes that these amended Terms and Conditions are expected to continue to apply to the Mary River Project even after the short-term PIP Renewal expires on December 31, 2022. In addition, these amendments resulted from Crown consultations with the Qikiqtani Inuit Association and Nunavut Tunngavik Incorporated that were carried out by the Responsible Ministers after the NIRB provided its Reconsideration Report and Recommendations on September 22, 2022. As such, in the Board’s view, there is considerable value in having a Project Certificate Workshop to facilitate the discussion and clarification of the roles, responsibilities, timelines and expectations of the Board, authorizing agencies and other affected parties, such as the Hunters and Trappers Organizations/Associations, to ensure the successful implementation and monitoring of these amended terms and conditions in respect of the short-term PIP Renewal and the Mary River Project (as previously modified).

Accordingly, the Board has scheduled a Project Certificate Workshop to discuss the amendments to Project Certificate No. 005 for the PIP Renewal to take place on **Monday, October 17, 2022** via videoconference (Microsoft Teams). The Workshop Agenda is attached as [Appendix A: Project Certificate Workshop Agenda](#).

The Project Certificate Workshop aims to bring parties together to discuss the following items prior to finalization and issuance of the amended Project Certificate by the Board:

- Implementation of the new, revised, and varied terms and conditions;
- Confirm which terms and conditions will be implemented by each department or agency or incorporated into respective licences, certificates and permits; and
- Provide an opportunity to identify specific points of clarification, common understanding and commentary or other interpretative aids to support implementation and monitoring of the amended terms and conditions.

The NIRB staff will provide the teleconference information directly to registered participants on **Friday, October 14, 2022**. All materials related to the NIRB's assessment of the PIP Renewal, including the Board's Reconsideration Report and Recommendations, the Ministers' Notice and Workshop Agenda can be accessed online from the NIRB's Public Registry at: [www.nirb.ca/project/125710](http://www.nirb.ca/project/125710).

Should you have questions or require additional clarification regarding the NIRB's assessment of the PIP Renewal, please contact the Board's Director of Technical Services, Tara Arko at (867) 983-4611 or [tarko@nirb.ca](mailto:tarko@nirb.ca) or Cory Barker at (867) 983-4607 or [cbarker@nirb.ca](mailto:cbarker@nirb.ca).

Sincerely,



Karen D. Costello  
Executive Director  
Nunavut Impact Review Board

Attachments (1): Appendix A: Project Certificate Workshop Agenda

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

## APPENDIX A: PROJECT CERTIFICATE WORKSHOP AGENDA

**NIRB File No.:** 08MN053 – Production Increase Proposal Renewal Proposal  
**Proponent:** Baffinland Iron Mines Corporation  
**Location:** Teams (link to be provided to registered participants only)  
**Date:** October 17, 2022  
**Time:** 9:30am-1:30 pm **EST**; 1/2-hour break provided during the Workshop

**Objective:**

- 1) To bring together the Proponent and relevant Authorizing Agencies to facilitate discussions on the implementation of terms and conditions contained within the Project Certificate into their respective licences, certificates and permits.
- 2) Identify specific points of clarification required for terms and conditions prior to finalization and issuance of the amended Project Certificate by the NIRB.

**Notes:**

- 1) The workshop will be chaired by NIRB staff.
- 2) Each Party will be provided with an opportunity to speak to each agenda item in an ordered fashion.

## WORKSHOP DISCUSSION

**9:30am EST**  
**(7:30am MST; 8:30am CST)**

### **NIRB Welcome and Opening Remarks**

- Introduction of Participants
- Overview of Agenda

### **Process Overview**

### **Meeting Objectives**

### **Project Certificate Terms and Conditions**

- Revised Terms and Conditions: 179(a) and (b)
- Varied Terms and Conditions: 49, 77 and 183
- New Terms and Conditions: 185 through 189

### **NIRB Closing Remarks**