

PROJECT CERTIFICATE WORKSHOP



Baffinland Iron Mines Corporation's

“Production Increase Proposal Renewal”

Project (PIP Renewal)

NIRB File No. 08MN053

Public Registry Application No. 125710

October 17, 2022

Teams Meeting

- NIRB Welcome and Opening Remarks
 - Introduction of Participants
 - Overview of Agenda
- Process Overview
- Meeting Objectives
- Project Certificate Terms and Conditions
 - Revised Terms and Conditions
 - Varied Terms and Conditions
 - New Terms and Conditions
- Closing Remarks

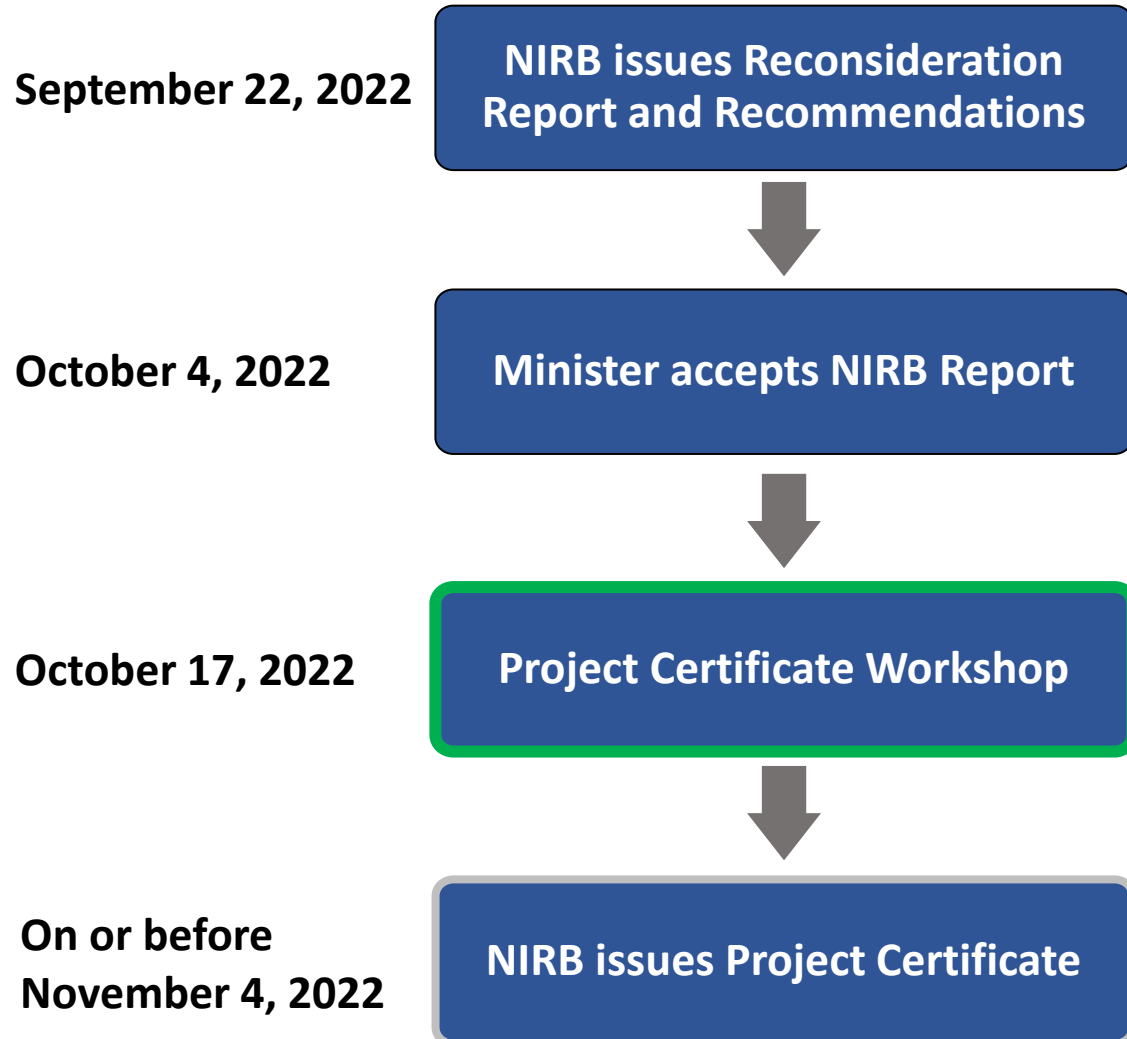


INTRODUCTION OF PARTICIPANTS

AGENDA

9:30am-10:30am ET; 8:30am-9:30am CT 7:30am-8:30pm MT	NIRB Opening Remarks Discussion of Terms and Conditions
10:30am-11am ET; 9:30am-10pm CT 8:30am-9am MT	Health Break
11am-1:30pm ET; 10am-11:30am CT; 9am-10:30am MT	Discussion of Terms and Conditions continued Wrap-up and NIRB Closing Remarks

PROCESS OVERVIEW



- The terms and conditions of NIRB project certificates must be implemented by all government departments and agencies in accordance with their authorities and jurisdictional responsibilities.
- The terms and conditions of NIRB project certificates must be incorporated into relevant permits, certificates, licences or other government approvals that the proponent may require.

PROCESS OVERVIEW

Where it has been determined that a project should proceed, the NIRB must issue an amended Project Certificate including any terms and conditions which have been accepted or varied by the Responsible Ministers.

- Terms and Conditions from the Reconsideration Report are carried forward into the Project Certificate
- Term and Condition wording as approved by the Responsible Ministers will not be modified
- Responsible parties and reporting requirements can be clarified *where not already specified by the Responsible Ministers*
- Non-binding commentary can be included where necessary to capture common understanding and provide an interpretive aid for a specific term and condition

A companion document is provided following issuance of the Project Certificate to help parties track the recent changes to the document.

PROCESS OVERVIEW

- The terms and conditions of NIRB Project Certificates must be:
 - Implemented by all government departments and other Authorizing Agencies in accordance with their authorities and jurisdictional responsibilities.
 - As landowners, permit issuers and negotiators of IIBAs, the Regional Inuit Associations also have a strong role in implementing Project Certificate terms and conditions.
 - Incorporated into relevant permits, certificates, licences or other government approvals that the Proponent may require.

PROCESS OVERVIEW

- Government department and other Authorizing Agencies shall discuss with the NIRB how best to implement the terms and conditions of the NIRB Project Certificates and may provide the NIRB with drafts of permits, certificates, licences and other government approvals.
- The Project Certificate Workshop is the beginning of this dialogue.
 - The NIRB will be tracking the various licencing processes as they progress.
 - The NIRB will seek to coordinate and provide advice on implementation.

PROCESS OVERVIEW

What is a Project Certificate? How is it different than the licences, permits and approvals required for the Project?

- A Project Certificate is a “post-decision” quality control mechanism.
- Allows regulators and the NIRB to revisit the impact predictions and proposed mitigation measures from the Original Assessment and any Impact Statement Addenda to answer whether the assessment of impacts really “got it right” and if not, to trigger revisiting how to “get it right” as the Project is implemented.
- Although it is recognized that there may be some overlap between the terms and conditions in a Project Certificate and the authorizations issued pursuant to licences or permits, the focus of the Project Certificate terms and conditions can be more global than is generally the case with licences and permits.

PROCESS OVERVIEW

- To achieve the goal of post-decision quality control, a Project Certificate needs to do the following:
 1. **Provide the basis for inspection and surveillance** to ensure that the Project is implemented as it was proposed, reflecting the Project scope as assessed and that mitigation measures and commitments from the assessments, to achieve intended outcomes;
 2. **Provide a mechanism for overall compliance and effects monitoring** to ensure impacts remain within predicted levels and/or thresholds;

PROCESS OVERVIEW

- To achieve the goal of post-decision quality control, a Project Certificate needs to do the following:
 3. **Support adaptive management**, or application of observations and lessons learned through monitoring, by requiring that unanticipated effects or changes to the magnitude of predicted impacts be identified and that mitigation measures and regulatory instruments be adapted to address these; and
 4. **Adopt audit and process evaluation measures** to examine and transparently report on the accuracy of predictions, the success or failure of mitigation measures, and overall level of environmental and socio-economic performance of the Project and effectiveness of the Impact Assessment and regulatory processes in supporting environmental performance.

MEETING OBJECTIVES

- Bring together the Proponent and relevant Regulatory Authorities to facilitate discussions on the implementation of terms and conditions contained within the Project Certificate into their respective licences, certificates, and permits.
- Provide an opportunity for Authorizing Agencies for Project activities, to confirm which terms and conditions will be implemented by each department or agency,
 - Focus on priority items requiring discussion and potential clarification in the Project Certificate,

MEETING OBJECTIVES


- Identify specific points of clarification required for terms and conditions prior to finalization and issuance of the Project Certificate by the Board.
 - Are the parameters of any terms and conditions incorrect?
 - Is it clear who implements and when?
 - Is additional commentary or specific clarification required to support implementation?
- Help clarify the roles and participation of those identified as “responsible parties” under various terms and conditions.

MEETING OBJECTIVES

During the Workshop, the following will NOT be discussed:

- The particular merits of, or justification for, the NIRB's revisions or the Ministers' decision to approve/vary specific terms and conditions; and
- Modifications to the wording of terms and conditions as approved/varied by the Ministers.

TERMS AND CONDITIONS

Term and Condition No.	<i>When term and condition was added or modified</i>
Category:	Defines which category the term and condition would apply as grouped in the NIRB's Decision Report
Responsible Parties:	Defines parties that have responsibility in meeting the requirements of the term and condition, regulators, and monitoring
Project Phase:	Defines which stage the term and condition applies: Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective:	Provides a short description of the impact or effect being mitigated. Where relevant, expectations regarding the timing for when terms and conditions will be deemed to be satisfied and who has discretion for determining it is satisfied has been provided.
Term or Condition: 	Specific wording of term and condition from the NIRB's Decision Report or Ministers' Decision
Reporting Requirements:	To be coordinated with other licensing processes to the extent possible

Commentary: *Added where required to reflect clarification of the term and condition, recording the common understanding and interpretation resulting from discussions and guidance provided at the Project Certificate workshop.*

TERMS AND CONDITIONS

***VARIED* TERM AND CONDITION**

Where the Ministers have varied the Board's recommendations for a term or condition.

REVISED TERM AND CONDITION

Where, upon reconsideration, the Board has recommended an amendment to the existing terms or conditions in the Project Certificate and the Ministers have accepted the Board's recommendation.

NEW TERM AND CONDITION

Where, upon reconsideration, the Board has recommended that the Project Certificate be amended by adding a new term and condition and the Ministers have accepted the Board's recommendation or the Ministers have considered it necessary to add a term and condition.

DISCUSSION OF AMENDMENTS TO THE PROJECT CERTIFICATE

CHANGES TO PROCEDURAL PORTION OF PROJECT CERTIFICATE

- Project Certificate must still reflect the entire project as approved, so additions to the procedural portion of the Project Certificate to reflect the reconsideration process associated with the Production Increase Proposal Renewal (PIP Renewal) and the approved modifications to project activities under the PIP Renewal
- Updated references to the *Nunavut Planning and Project Assessment Act* and *Nunavut Agreement* where applicable, as the original Project Certificate was issued prior to this legislation being brought into force.
- Inclusion of an updated description of “varied” terms and conditions to reflect the formatting of these terms and conditions set out in the Responsible Ministers’ October 4 Notice
- Grammatical edits where required

REVISED/VARIED TERMS AND CONDITIONS

- Revised by Board: 179 (a) and (b)
- Varied by the Responsible Ministers: 49, 77, 183

NEW TERMS AND CONDITIONS

- Production Increase Proposal Renewal: 185-189
- Appendix B: Commitments to be appended to the PC
- Note: the NIRB cannot modify the explicit wording of Terms and Conditions or other parameters which have been varied (directly provided) by the Responsible Ministers



CLOSING REMARKS

Next steps