



August 2, 2023

Teresa Meadows  
Legal Counsel  
Nunavut Impact Review Board  
Cambridge Bay, NU  
X0B 0C0

Via email: [info@nirb.com](mailto:info@nirb.com)

Baffinland Iron Mines Corporation's Sustaining Operations Proposal: Update on the Status of  
Government of Canada's Technical Review Comments/ Final Written Statements

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Dear Teresa Meadows,

As requested, the Government of Canada is writing to provide an update on the status of our Technical Review Comments/Final Written Statements before the close of the record for the Sustaining Operations Proposal assessment. The Northern Projects Management Office is submitting a table on behalf of Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC); Environment and Climate Change Canada (ECCC); Fisheries and Oceans Canada (DFO); and Transport Canada (TC) to confirm the status of their Technical Review Comments. Health Canada and Parks Canada also submitted Technical Review Comments with guidance, but no action is required at this time. The Government of Canada requests the below resolved commitments be added to Appendix B of Project Certificate No. 005, should the Sustaining Operations Proposal be approved.

The Government of Canada looks forward to continued participation in the Board's process. Please don't hesitate to contact me at 867-765-8057 or [Kaitlyn.bakker2@cannor.gc.ca](mailto:Kaitlyn.bakker2@cannor.gc.ca) if you have any questions.

Thank you,

Katie Bakker

A/Senior Project Manager  
Northern Project Management Office  
Canadian Northern Economic Development Agency  
Government of Canada

## Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)

<b>TC #</b>	<b>Baffinland Commitment</b>	<b>Status</b>
CIRNAC-TRC-01	<ul style="list-style-type: none"> <li>Baffinland shall develop reliable criteria for the identification of PAG rock that clearly accounts for uncertainty in the 0.2% total sulphur threshold and the presence of acidic soluble sulphates upon the projected life of mine tonnages of PAG and NAG rock. A report shall be submitted to the Nunavut Water Board, for review, no later than December 31, 2023.</li> <li>Baffinland shall incorporate these criteria, clearly stating ranges in projected life of mine PAG and NAG rock tonnages, and the resultant necessary contingencies and methods of validation that need to be incorporated into engineering design, environmental monitoring, and management strategies for the Waste Rock Management Plan and Interim Closure and Reclamation Plan. A memo summarizing the plan for updates to the respective management plans will be submitted to the Nunavut Water Board and CIRNAC, no later than April 15, 2024</li> <li>Baffinland shall review the performance of these plans and provide evidence of the effectiveness of these plans by demonstrating compliance with the management measures and that the desired outcomes of mitigation are achieved. The plan performance reviews shall be submitted on an annual basis as part of the Annual Report to NWB.</li> </ul>	Resolved
CIRNAC-TRC-02	<ul style="list-style-type: none"> <li>Baffinland shall provide updates on Waste Rock Facility thermal modeling based on monitored deposition sequences and measured on site conditions. The update shall also include commentary on performance of instrumentation. The WRF thermal modelling updates shall be submitted in the Phase 1 Waste Rock Management Plan, for review, no later than December 31, 2023. As new information is made available to inform updated thermal modelling, Baffinland will update the model.</li> </ul>	Resolved
CIRNAC-TRC-03	<ul style="list-style-type: none"> <li>Baffinland will include leachability studies as a response option in the Terrestrial Environment Mitigation and Monitoring Plans adaptive management action toolkit if soil metal concentrations are higher than baseline or CCME guideline values over two consecutive years.</li> </ul>	Resolved

	<ul style="list-style-type: none"> <li>Note - The CCME soil guideline for agricultural land uses is for soils and not applicable to construction rock. As per the Quarry Management Plans approved for the current Project the screening criteria applied is consistent for all construction rock. Baffinland will include data in the 2023 NWB QIA Annual Report for operations to confirm only construction rock with low metal content and non-acid generating is used for road construction.</li> </ul>	
CIRNAC-TRC-04	<ul style="list-style-type: none"> <li>Baffinland will provide the long-term plans for the Mary River Project, at least on a conceptual level, prior to submitting any subsequent amendments to the Project.</li> </ul>	Resolved
CIRNAC-TRC-05	<ul style="list-style-type: none"> <li>Baffinland will provide a consolidated list of management plans and their current status (e.g., updated, pending revision, in review, finalized etc.), the stated target date for the next revision, and specific trigger for the revision in the 2023 Annual Report to NIRB</li> </ul>	Resolved
CIRNAC-TRC-06	<ul style="list-style-type: none"> <li>n/a – No Appendix B commitment required</li> <li>(per Technical comment Response, Baffinland confirms that it has reviewed NBCC 2020 and future construction planning will adhere to NBCC 2020, where applicable)</li> </ul>	Resolved
CIRNAC-TRC-07	<ul style="list-style-type: none"> <li>Baffinland will continue to confirm through annual monitoring and reporting if dust deposition is negatively affecting surface water quality and confirm that the adaptive management components of the Surface Water and Aquatic Effects Ecosystems Management Plan (SWAEMP) and Air Quality and Noise Abatement Management Plan (AQNAMP) will be implemented, if necessary, to adaptively manage impacts on surface water and sediment quality.</li> </ul>	Resolved

## Environment and Climate Change Canada (ECCC)

<b>TC #</b>	<b><i>Baffinland Commitment</i></b>	<b><i>Status</i></b>
ECCC-TRC-01	<ul style="list-style-type: none"> <li>Baffinland will confirm for ECCC in November 2023 the actual dates the Capesize vessels were in the Milne Port vicinity (at berth and at anchor) in 2023; and</li> <li>Baffinland will conduct an internal review of the continuous air quality monitoring data from July 1 to October 31 to identify potential hourly and daily</li> </ul>	Resolved

	concentrations greater than the 2025 Canadian Ambient Air Quality Standards and Nunavut Ambient Air Quality Standards. Concentrations greater than the threshold will be investigated to determine potential cause. Baffinland will provide results of the review of the continuous air quality monitoring data to ECCC by December 15th, 2023. All data for the season will continue to be reported on the standard annual report timeline.	
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## Fisheries and Oceans Canada (DFO)

During the community round table held in Iqaluit and Pond Inlet, July 27 – August 2, 2023, Fisheries and Oceans Canada, through discussion with the proponent, resolved 3 of 4 of the technical comments submitted for the Sustaining Operations Proposal. We managed to resolve 2 issues related to marine mammal monitoring and survey methodologies, and 1 issue related to Aquatic Invasive/Non-indigenous species. The issue of the proponent proactively developing response plans for species identified by Fisheries and Oceans Canada as non-indigenous and with the potential to become invasive remains unresolved.

While we are pleased that these specific technical issues are considered resolved with the commitments made by the proponent, we are still working with the proponent to resolve other outstanding concerns that Fisheries and Oceans Canada has. These include the significant declines in the Eclipse Sound narwhal stock and the potential for non-indigenous species found at the port to become invasive, as observed at current levels of project activity. Regardless of the outcome of the current review process, Fisheries and Oceans Canada will continue to engage the proponent unilaterally and through the marine environmental working group to seek further resolution of our concerns.

<b>TC #</b>	<b>Baffinland Commitment</b>	<b>Status</b>
DFO-TRC-01(1)  DFO recommends the proponent clarifies when baseline conditions existed	<ul style="list-style-type: none"> <li>Baffinland will provide a data package and analysis of available project shipping data from prior to 2013 by August 31, 2023. Baffinland will include the following item on the next MEWG agenda: "Discussion regarding Baffinland's proposed baseline years.</li> <li>BIM will put into the meeting agenda, after discussion with DFO, a sufficient amount of time to ensure fulsome discussion of this topic can be had at the MEWG.</li> <li>BIM will prepare and distribute to MEWG 2 weeks prior to meeting a comparison table and figures showing the difference in outcomes of</li> </ul>	Resolved

	<p>the current vs DFO suggested baseline years and implications for the Eclipse Sound Stock.</p> <ul style="list-style-type: none"> <li>• BIM will provide a plain language summary of the issues including definitions and BIM will submit the plain language summary to DFO for review weeks prior to wider distribution to the MEWG members.</li> <li>• If adopted by Baffinland according to the MEWG Terms of Reference, changes to baseline years to be implemented for 2023 Annual Reporting.</li> </ul>	
<p>DFO-TRC-01(2)</p> <p>DFO recommends taking the average of the survey repeats and the Proponent discussing their data analysis practices with the Marine Environment Working Group</p>	<ul style="list-style-type: none"> <li>• Baffinland will include “Discussion regarding DFO proposed aerial survey repeats averaging” to the next MEWG meeting agenda, and is willing to produce reports averaging aerial surveys in one or more future years, provided certain survey conditions are met (i.e. based on standard scientific methodology).</li> <li>• BIM will put into the meeting agenda, after discussion with DFO, a sufficient amount of time to ensure fulsome discussion of this topic can be had at the MEWG.</li> <li>• BIM will prepare, for the MEWGs benefit, a comparison table showing the difference in outcomes of the current vs DFO suggested methods of survey analysis.</li> <li>• BIM will provide a plain language summary of the issues including definitions/descriptions of “certain survey conditions” at least 2 weeks prior to the next MEWG for all MEWG members.</li> <li>• BIM will submit the plain language summary to DFO for review and comment 2 weeks prior to wider distribution to the MEWG members.</li> <li>• If adopted by Baffinland according to the MEWG Terms of Reference, new analytical methodologies to be adopted by the 2024 shipping season or as recommended by the MEWG.</li> </ul>	Resolved
<p>DFO-TRC-02 (1)</p> <p>DFO recommends the Proponent update the</p>	<ul style="list-style-type: none"> <li>• Baffinland will update the Risk Assessment for Introductions of Aquatic Invasive Species from Ballast Water in collaboration with DFO after the Milne Port Biological Ballast Water Sampling Program is complete and the results are available.</li> </ul>	Resolved

<p>risk assessment methodology in collaboration with DFO subject matter experts.</p>	<ul style="list-style-type: none"> <li>• Baffinland will continue to support the collection of biological data to evaluate efficacy of ballast management measures and identify species of concern, in collaboration with DFO, through the Milne Port Biological Ballast Water Study Program initiated in 2023 (as outlined in 210324-08MN053-DFO Draft Ballast Study Plan-IT4E.pdf).</li> <li>• Baffinland will update the Project-specific Risk Assessment for Introductions of Aquatic Invasive Species from Ballast Water in collaboration with DFO within six months after the Milne Port Biological Ballast Water Sampling Program is complete and the results are available. Final drafts and plain language summaries will be shared with the MEWG for discussion the first meeting following.</li> </ul>	
<p>DFO-TRC-02 (2)</p> <p>DFO recommends the development of proactive measures and a response plan for <i>Marenzelleria</i> spp.</p>		Unresolved

## Transport Canada (TC)

<b>TC #</b>	<b>Baffinland Commitment</b>	<b>Status</b>
TC-TRC-01	<ul style="list-style-type: none"> <li>• n/a – No Appendix B commitments requested.</li> <li>• See Baffinland written response to technical comments for details of resolution.</li> </ul>	Resolved
TC-TRC-02	<ul style="list-style-type: none"> <li>• n/a – No Appendix B commitments requested.</li> <li>• See Baffinland written response to technical comments for details of resolution.</li> </ul>	Resolved