



NIRB File No.: 08MN053

December 3, 2024

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: dan.vandal@parl.gc.ca

Re: Follow up with Responsible Ministers in relation to the Cumulative Effects Assessment Framework Workshop Report and Recommendations of the Nunavut Impact Review Board associated with the Baffinland Iron Mines Corporation's Mary River Project

Dear Honourable Dan Vandal:

As indicated in the Board's correspondence to the Minister on October 29, 2024, on October 3, 2024, the Nunavut Impact Review Board (NIRB or Board) received correspondence from Baffinland Iron Mines Corp. (Baffinland or Proponent) requesting to suspend the NIRB's assessment of the "Sustaining Operations Proposal 2" project proposal, a modification to the Mary River Project (NIRB File No. 08MN053; Project Certificate No. 005). Consequently, as required under s. 143(2) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*), the Board suspended the assessment of the "Sustaining Operations Proposal 2" project proposal as requested, effective Thursday, October 3, 2024, and provided notification of the suspension to parties and the Minister.

Since that time, the Board has reviewed and considered the recommendations provided in the Board's Cumulative Effects Assessment Framework (CEA Framework) Workshop Report¹ associated with the Mary River Project (the Project) and provided to the Responsible Ministers on April 8, 2024 (Report). As parties may recall, in the CEA Framework Report, the Board provided three categories of recommendations. The first category consisted of short-term recommendations involving improvements to the assessment of cumulative effects in the SOP2 amendment application.

¹ Nunavut Impact Review Board, Cumulative Effects Assessment Framework Workshop Report In relation to Baffinland Iron Mines Corporation's Mary River Project NIRB File No. 08MN053, April 8, 2024 (NIRB Doc ID: 349249).

The second category consisted of recommendations designed to identify improvements to the monitoring and assessment of cumulative effects for the approved Project. As summarized in the letter of transmittal to the Ministers, in the medium term, the Board proposed that the NIRB commence:

...an evaluation of the existing Mary River Project monitoring program (with the continued participation of the Workshop participants) to identify improvements and to consider whether updates to the existing Project Certificate terms and conditions or further direction on the effective implementation of the existing Project Certificate terms and conditions are needed to address concerns about potential cumulative effects associated with existing operations or for those project components that are approved under the current Project Certificate but that have yet to be constructed (e.g., the southern railroad and the port at Steensby Inlet).

The third category of Board recommendations provided in the CEA Framework Workshop Report focused on developing and implementing a CEA Framework to guide all future assessments and further improve monitoring of cumulative effects of the Project. To support this work, the Board proposed the establishment of a specific CEA-focused multi-party committee (or if a separate committee is not established for this work, the Board recommended that it should, at the very least, be informed by consultations with relevant stakeholders). The end goal of this work would be to develop an updated CEA Framework to support the consideration of future assessments and to further enhance the monitoring of cumulative effects for the Project. As noted in the Board's Report, the Board expected that this work for the Mary River Project would dovetail or parallel the Board's current work on the Standard Impact Statement Guidelines (Guidelines), this is no longer the case as the NIRB has progressed work on the Guidelines sufficiently with expected release date in early 2025. Any future work related to the development of a CEA Framework could be considered in subsequent revisions to the Guidelines as needed.

In light of the suspension of the Board's assessment of the SOP2, during the Board's General Board Meeting on November 19 and 20, the Board considered the medium and long-term recommendations from the CEA Framework Workshop Report to determine how best to advance this important initiative.

At the outset, the Board recognizes that the direction to pursue the development and implementation of the CEA Framework for the Project was directed by the Responsible Ministers in their October 17, 2023, letter approving Baffinland's Sustaining Operations Project proposal. Consequently, although the Board made several recommendations in terms of advancing the initiative in the Board's Report, the Board requests direction from the Minister on behalf of the Responsible Ministers regarding the following:

- Whether the Responsible Ministers accept, reject and/or require modifications to the Board's recommended approach (as set out in the CEA Framework Workshop Report) to fulfill the Ministers' direction;
- Advising the Board regarding whether any parties in addition to those who participated in the CEA Framework Workshop should also be involved as this initiative proceeds; and
- Advising the Board regarding the mechanisms and extent of funding support for this initiative, because, except for the Workshop and work associated with the SOP2

assessment, the Board has not secured funding for the on-going development and implementation work recommended by the Board in the CEA Framework Workshop Report. As this work was directed by the Responsible Ministers, the Board awaits the feedback and direction from the Responsible Ministers as to whether they are satisfied with the Board's recommended approach before seeking to secure funding and advancing the medium- and long-term recommendations.

CONCLUSION

The Board looks forward to receiving your directions and advancing this important initiative. If you have any questions regarding this matter please contact the Board's Executive Director, Dionne Filiatrault at dfiliatrault@nirb.ca or (867) 983-4608.

Sincerely,



Kaviq Kaluraq
Chairperson
Nunavut Impact Review Board

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