

QIA Comments on Condition 1:7

QIA Comments on Condition 2:8

QIA Comments on Condition 3:8

QIA Comments on Condition .4:9

QIA Comments on Condition 5:9

QIA Comments on Condition 6:10

QIA Comments on Condition 7:11

QIA Comments on Condition 8:11

QIA Comments on Condition 9:12

QIA Comments on Condition 10:13

QIA Comments on Condition 13:14

QIA Comments on Condition 14(a):.....15

QIA Comments on Condition 14 (b):.....16

QIA Comments on Condition 15:16

NEW CONDITION – ALTERNATIVES ASSESSMENT OF RAIL ROUTING16

NEW CONDITION – THRESHOLDS FOR MODIFICATIONS TO RAIL CROSSINGS17

NEW CONDITION – TRANSPARENCY IN DESIGN OF ALTERNATIVE RAIL ROUTE.....17

QIA Comments on Condition 16:18

QIA Comments on Condition 17:18

QIA Comments on Condition 18:19

QIA Comments on Condition 19:19

QIA Comments on Condition 20:20

QIA Comments on Condition 21:21

QIA Comments on Condition 22:21

QIA Comments on Condition 23:22

QIA Comments on Condition 24:22

QIA Comments on Condition 25:23

NEW CONDITION – INUIT WATER QUALITY MONITORING23

QIA Comments on Condition 26:24

QIA Comments on Condition 27:24

QIA Comments on Condition 28:25

QIA Comments on Condition 29:25

QIA Comments on Condition 30:26

QIA Comments on Condition 31:26

QIA Comments on Condition 32:27

QIA Comments on Condition 33:27

QIA Comments on Condition 34:28

NEW CONDITION – METALS IN CULTURALLY IMPORTANT PLANTS:28

QIA Comments on Condition 35:29

QIA Comments on Condition 36:29

QIA Comments on Condition 37:30

QIA Comments On Condition 38:.....30

NEW CONDITION – CULTURALLY IMPORTANT PLANTS30

QIA Comments on Condition 39:31

NEW CONDITION – IQ AND REVEGETATION STANDARDS31

QIA Comments on Condition 40:32

QIA Comments on Condition 41:32

QIA Comments on Condition 42:33

QIA Comments on Condition 43:33

QIA Comments on Condition 44:34

QIA Comments on Condition 45:34

QIA Comments on Condition 46:35

QIA Comments on Condition 47:36

QIA Comments on Condition 48:36

QIA Comments on Condition 48(a):.....37

QIA Comments on Condition 49:37

QIA comment on Condition 50:38

NEW CONDITION – INUIT INVOLVEMENT IN TERRESTRIAL MONITORING38

QIA comment on Condition 51:39

NEW CONDITION – CARIBOU HARVESTER SURVEY (PENDING COMMUNITY SUPPORT)39

NEW CONDITION –REGIONAL CARIBOU MONITORING PROGRAM39

NEW CONDITION – IDENTIFCATION OF CARIBOU HABITAT PROTECTION AREAS.....40

QIA Comments on Condition 52:41

NEW CONDITION – MONITORING LOCAL EFFECTS OF THE RAILWAY ON CARIBOU.....41

QIA Comments on Condition 53:42

Revisions to Condition 53:42

NEW CONDITION – rail design to promote permeability to caribou.....42

QIA comments on Condition 54:.....43

QIA comments on Condition 55:.....44

QIA Comments on Condition 5644

QIA Comment on Condition 57:.....45

QIA Comments on Condition 58:46

QIA Comments on Condition 59:47

QIA Comments on Condition 60:47

QIA Comment on Condition 63.....48

QIA Comments on Condition 64:49

QIA Comments on Condition 65:49

QIA Comments on Condition 66:50

QIA Comments on Condition 67:50

QIA Comments on Condition 68:51

QIA Comments on Condition 69:51

QIA Comments on Condition 70:52

QIA Comments on Condition 71:52

QIA Comments on Condition 72:53

QIA comments on Condition 73:.....53

QIA Comments on Condition 74:54

QIA Comments on Condition 75:54

QIA Comments on Condition 76:55

QIA Comments on Condition 77:55

QIA Comments on Condition 78:56

QIA Comments on Condition 79:57

QIA Comments on Condition 80:57

QIA Comments on Condition 81:58

QIA Comments on Condition 82:58

QIA Comments on Condition 83:59

QIA Comments on Condition 83(a):59

QIA Comments on Condition 84:60

QIA Comments on Condition 85:60

QIA Comments on Condition 86:61

QIA Comments on Condition 87:62

QIA Comments on Condition 88:62

QIA Comments on Condition 89:63

QIA Comments on Condition 90:64

QIA Comments on Condition 91:65

QIA Comments on Condition 92:66

QIA Comments on Condition 93:67

QIA Comments on Condition 94:67

QIA Comments on Condition 95:67

QIA Comments on Condition 96:68

QIA Comments on Condition 97:69

QIA Comments on Condition 98:69

QIA Comments on Condition 99:70

QIA Comments on Condition 100:71

QIA CommentS on Condition 101:72

QIA Comments on Condition 102:72

QIA Comments on Condition 103:73

QIA Comments on Condition 104:73

QIA Comments on Condition 105:74

QIA Comments on Condition 106:75

QIA Comments on Condition 107:76

QIA Comments on Condition 108:76

QIA Comments on Condition 109:77

QIA Comments on condition 110.....77

NEW CONDITION – IQ and EARLY WARNING INDICATORS77

QIA Comments on condition 111:.....78

QIA Comments on condition 112:.....79

QIA Comments on condition 115:.....80

QIA Comments on condition 116:.....81

QIA Comments on condition 119:.....82

QIA Comments on condition 120:.....83

QIA Comments on condition 121:.....83

QIA Comments on condition 122:.....84

QIA Comments on condition 123:.....84

QIA Comments on condition 124:.....85

QIA Comments on Condition 125:85

QIA Comments on Condition 125 a):86

QIA Comments on Condition 126:86

QIA Comments on Condition 127:87

QIA Comments on Conditions 128:.....87

QIA Comments on Condition 131:89

QIA Comments on condition 132:.....90

QIA Comments on condition 133:.....90

QIA Comments on condition 134:.....91

QIA Comments on condition 135:.....92

QIA Comments on condition 136:.....92

QIA Comments on condition 137:.....93

QIA Comments on condition 138:.....93

QIA Comments on condition 139:.....94

QIA Comments on condition 140:.....94

QIA Comments on condition 141:.....95

QIA Comments on condition 142:.....95

QIA Comments on condition 144:.....96

QIA Comments on condition 145:.....96

QIA Comments on condition 146:.....97

QIA Comments on condition 147:.....97

QIA Comments on Condition 148:98

UPDATED CONDITION NO 148 – FOOD SECURITY.....98

NEW CONDITION – PROJECT-SPECIFIC RISK COMMUNICATION PROGRAM.....99

QIA Comments on condition 149:.....100

QIA Comments on condition 151:.....101

QIA Comments on condition 153:.....102

QIA Comments on condition 154:.....102

QIA Comments on Condition 155:103

QIA Comments on condition 157:.....104

QIA Comments on condition 158:.....104

QIA Comments on condition 159:.....105

QIA Comments on Condition 162:106

QIA Comments on condition 163:.....107

NEW CONDITION – CRLU DATA COLLECTION107

NEW CONDITION – CRLU MONITORING PROGRAM108

NEW CONDITION – INUIT COMMITTEE / INUIT PANEL.....108

NEW CONDITION – INUIT LAWS AND NORMS108

QIA Comments on condition 164:.....109

QIA Comments on condition 165:.....110

QIA Comments on Condition 166111

QIA Comments on condition 168:.....112

QIA Comments on condition 169:.....112

QIA Comments on Condition 170:113

QIA COMMENTS on Condition 171:.....113

QIA COMMENTS on Condition 172:.....113

QIA COMMENTS on Condition 173:.....114

QIA COMMENTS on Condition 174:.....114

QIA COMMENTS on Condition 175:.....115

QIA COMMENTS on Condition 176:.....116

QIA COMMENTS on Condition 177:.....116

QIA COMMENTS on Condition 178:.....117

QIA COMMENTS on Condition 179:.....117

QIA COMMENTS on Condition 179(a):.....119

QIA COMMENTS on Condition 179b:.....119

QIA COMMENTS on Condition 179c:120

QIA COMMENTS on Condition 180:.....120

QIA COMMENTS on Condition 181:.....121

QIA COMMENTS on Condition 182:.....121

QIA Comments On Condition 183:.....122

NEW CONDITION – INUIT MONITORING OF MARINE MAMMALS122

NEW CONDITION – RINGED SEALS.....123

QIA Comments On Condition 184:.....123

QIA New Numbered Conditions.....124

	Project Certificate Condition No. 1	Baffinland Comments
Category	Meteorology and Climate	Proposed Revision: Suggest to remove PC Condition No. 1. Rationale: PC Condition No. 1 is duplicative of the requirements for PC Condition No. 83. See also suggested revisions to PC Condition No. 2 that has been revised to address monitoring for effects of climate change on the Project and Project infrastructure.
Responsible Parties	The Proponent	
Project Phase(s)	All phases	
Objective	To provide feedback on the impacts that climate change might be having on the port facilities.	
Term or Condition	The Proponent shall use GPS monitoring or a similar means of monitoring at both Steensby Port and Milne Port, with tidal gauges to monitor the relative sea levels and storm surges at these sites.	
Reporting Requirement	The Proponent shall summarize and supply these monitoring results to NIRB in the annual project report.	
Stakeholder Review	Marine Environmental Working Group (MEWG)	

QIA COMMENTS ON CONDITION 1:

Disagree. QIA could agree with deletion of PCC 1 but only if requirements are added to PCC 83 which include the need to specifically mention the need for feedback and reporting.

	Project Certificate Condition No. 2	Baffinland Comments
Category	Meteorology and Climate - Climate Change Validation and Studies	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	No Change.

Objective	To provide feedback on the impacts that climate change might be having on the Project.	No Change.
Term or Condition	The Proponent shall provide the results of any new or revised assessments and studies done to validate and update climate change impact predictions for the Project and the effects of the Project on climate change in the Local Study Area and Regional Study Area as defined in the Proponent’s Final Environmental Impact Statement.	<p>Proposed Revision:</p> <p>The Proponent shall develop a climate change strategy that may include the following:</p> <p>conducting studies that identify Project risks as a result of climate change</p> <p>data collection or research that will assist in defining long-term climate trends, such as:</p> <ul style="list-style-type: none">• Monitoring sea levels at Port• Weather and temperature changes• Permafrost stability• Engagement with Inuit communities and other relevant stakeholders on climate change initiatives• Investigation of initiatives that will be undertaken to reduce greenhouse gas emissions <p>Rationale:</p> <p>Proposed revisions consolidate the requirements of PC Condition No. 2 -4 and provide a more comprehensive approach to climate change planning and monitoring and engagement with other stakeholders throughout the life of the Project.</p>
Reporting Requirement	The Proponent shall provide new or revised assessments and studies to the NIRB, the affected communities, relevant regulatory authorities, and interested parties.	No Change.
Stakeholder Review	Nunavut Impact Review Board (NIRB)	No Change.

QIA COMMENTS ON CONDITION 2:

Agree. QIA agrees with proposed revisions but “Investigation of initiatives that may be undertaken...” should be reworded to state “Investigation of initiatives that WILL be undertaken...”.

	Project Certificate Condition No. 3	Baffinland Comments
Category	Meteorology and Climate - Green House Gas Emissions	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 3.</p> <p>Rationale:</p> <p>See proposed revisions to PC Condition No. 2.</p>
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To confirm that the Proponent is exploring and implementing concrete steps to reduce greenhouse gases.	
Term or Condition	The Proponent shall provide interested parties with evidence of continued initiatives undertaken to reduce greenhouse gas emissions.	
Reporting Requirement	The Proponent shall include relevant information in the Annual Report submitted to the NIRB.	
Stakeholder Review	Nunavut Inuit Review Board (NIRB)	

QIA COMMENTS ON CONDITION 3:

Agree. QIA Agrees with the proposed deletion provided edits to PCC 2 are made as recommended above.

	Project Certificate Condition No. 4	Baffinland Comments
Category	Climate Change - Consultation on Climate	Proposed Revision: Suggest to remove PC Condition No. 4. Rationale: See proposed revisions to PC Condition No. 2.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To promote public awareness and engagement of affected groups.	
Term or Condition	The Proponent shall endeavour to include the participation of Inuit from affected communities and other communities in Nunavut when undertaking climate-change related studies and research.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Nunavut Impact Review Board (NIRB)	

QIA COMMENTS ON CONDITION .4:

Agree.

	Project Certificate Condition No. 5	Baffinland Comments
Category	Meteorology and Climate - Weather Monitoring Data	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To provide families of employees with up to date information.	
Term or Condition	The Proponent shall endeavour to explore and implement reasonable measures to ensure that weather-related information for the various Project sites is readily accessible to the public on a continual basis throughout the life of the Project.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	N/A	

QIA COMMENTS ON CONDITION 5:

Agree.

	Project Certificate Condition No. 6	Baffinland Comments
Category	Meteorology and Climate – Emissions	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	No Change.
Objective	To provide feedback on the Project’s emissions.	No Change.

Term or Condition	The Proponent shall provide the results of any emissions calculations conducted to determine the level of sulphur dioxide (SO ₂) emissions, nitrogen oxide (NO _x) emissions and greenhouse gases generated by the Project using fuel consumption or other relevant criteria as a basis.	<p>Proposed Revision:</p> <p>The Proponent shall provide the results of any emissions calculations conducted to determine the level of sulphur dioxide (SO₂) emissions, nitrogen oxide (NO_x) emissions and greenhouse gases generated by all aspects of the Project (including aircraft) using fuel consumption or other relevant criteria as a basis. The Proponent shall demonstrate through monitoring of air quality at the mine site and at the Steensby Inlet and Milne Inlet port sites that emissions remain within predicted levels and, where applicable, within limits established by all applicable guidelines and regulations. In cases where exceedances are manifested, the Proponent shall provide an explanation for the exceedance, implement the adaptive management plan outlined in the Air Quality and Noise Abatement Management Plan, and shall conduct additional monitoring to evaluate the effectiveness of mitigative measures..</p> <p>The Proponent shall provide the results of any emissions calculations conducted to determine the level of sulphur dioxide (SO₂) emissions, nitrogen oxide (NO_x) emissions and greenhouse gases generated by the Project using fuel consumption or other relevant criteria as a basis. In cases where exceedances are manifested, the Proponent shall implement the adaptive management plan outlined in the Air Quality and Noise Abatement Management Plan.</p> <p>Rationale:</p> <p>Revised to minimize duplication with PC Conditions No. 8 and 9 and reflect the inclusion of a detailed adaptive management approach to air quality monitoring in the Air Quality and Noise Abatement Management Plan.</p>
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.	No Change.
Stakeholder Review	N/A	No Change.

QIA COMMENTS ON CONDITION 6:

Disagree. QIA recommends additional information be included in this revision if it is to replace and remove PCC No. 8 and 9. If PCC 8 and 9 are removed QIA recommends the following wording for the Term or condition:

“The Proponent shall provide the results of any emissions calculations conducted to determine the level of sulphur dioxide (SO₂) emissions, nitrogen oxide (NO_x) emissions and greenhouse gases generated by all aspects of the Project (including aircraft) using fuel consumption or other relevant criteria as a basis. The Proponent shall demonstrate through monitoring of air quality at the mine site and at the Steensby Inlet and Milne Inlet port sites that emissions remain within predicted levels and, where applicable, within limits established by all applicable guidelines and regulations. In cases where exceedances are manifested, the Proponent shall provide an explanation for the exceedance, implement the adaptive management plan outlined in the Air Quality and Noise Abatement Management Plan, and shall conduct additional monitoring to evaluate the effectiveness of mitigative measures.”

	Project Certificate Condition No. 7	Baffinland Comments
Category	Air Quality – Monitoring	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 7.</p> <p>Rationale:</p> <p>An updated Air Quality and Noise Abatement Management Plan was submitted as part of the Phase 2 FEIS technical review process that includes continuous and active monitoring of SO₂, NO₂ and particulates.</p>
Responsible Parties	The Proponent	
Project Phase(s)	Construction and Operations	
Objective	To provide feedback on the Project’s emissions.	
Term or Condition	The Proponent shall update its Air Quality and Noise Abatement Management Plan to provide for continuous monitoring at land-based monitoring stations designed to capture operations phase ship-generated SO ₂ and NO ₂ emissions at	

	Steensby Port and Milne Port. Continuous monitoring is to be carried out through several shipping seasons at each port as required to determine that emissions are at acceptable levels.	
Reporting Requirement	The updated plan shall be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities.	
Stakeholder Review	N/A	

QIA COMMENTS ON CONDITION 7:

Uncertain as to whether this can be removed, Air Quality and Noise Abatement Management Plan needs to be reviewed

	Project Certificate Condition No. 8	Baffinland Comments
Category	Air Quality - Greenhouse Gas Emissions	Proposed Revision: Suggest to remove PC Condition No. 8. Rationale: See proposed revisions to PC Condition No. 6.
Responsible Parties	The Proponent	
Project Phase(s)	Construction and Operations	
Objective	To provide feedback on the Project’s emissions.	
Term or Condition	The Proponent shall demonstrate through monitoring of air quality at the mine site and at the Steensby Inlet and Milne Inlet port sites that SO ₂ and NO ₂ emissions remain within predicted levels and, where applicable, within limits established by all applicable guidelines and regulations. In cases where exceedances are manifested, the Proponent shall provide an explanation for the exceedance, a description of planned mitigation, and shall conduct additional monitoring to evaluate the effectiveness of mitigative measures.	
Reporting Requirement	To be included in the Proponent’s annual reporting to the NIRB.	
Stakeholder Review	None	

QIA COMMENTS ON CONDITION 8:

Agree. QIA agrees with the proposed removal but only if QIA recommended revisions to PCC 6 are adopted.

	Project Certificate Condition No. 9	Baffinland Comments
Category	Air Quality - Greenhouse Gas Emissions	Proposed Revision: Suggest to remove PC Condition No. 9. Rationale: This essentially duplicates PC Condition No. 6. As such, Baffinland suggests this condition be removed.
Responsible Parties	The Proponent	
Project Phase(s)	Construction and Operations	
Objective	To provide feedback on the Project’s emissions.	
Term or Condition	The Proponent shall provide calculations of greenhouse gas emissions generated by activities at the Steensby Inlet and Milne Inlet port sites and other Project sources including aircraft associated with the Project. Calculations shall take into	

	consideration, fuel consumption as measured by Baffinland’s purchase and use as well as the fuel use of its contractors and sub-contractors.	It is noted that all fuel used by Baffinland employees, and its contractors or sub-contractors on site, is included in calculation of greenhouse gas emissions and reported to ECCC under Section 46 of the Environmental Protection Act. Aircraft emissions would be reported separately by those contractors, and is not within Baffinland’s scope of reporting requirements based on ECCC guidance.
Reporting Requirement	To be included in the Proponent’s annual reporting to the NIRB.	
Stakeholder Review	N/A	

QIA COMMENTS ON CONDITION 9:

Agree. QIA agrees with the proposed removal but only if QIA recommended revisions to PCC 6 are adopted.

	Project Certificate Condition No. 10	Baffinland Comments
Category	Air Quality - Dust Management and Monitoring Plan	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction	Proposed Revision: Construction, Operations Rationale: Updated to reflect that dust fall monitoring will occur throughout the life of the Project.
Objective	To prevent impacts to air quality from dust dispersion.	No Change.
Term or Condition	<p>The Proponent shall update its Dust Management and Monitoring Plan to address and/or include the following additional items:</p> <ul style="list-style-type: none">• Outline the specific plans for monitoring dust along the first few kilometres of the rail corridor leaving the Mary River mine site.• Identify the specific adaptive management measures to be considered should monitoring indicate that dust deposition from trains transporting along the rail route is greater than initially predicted.• Outline specific plans for monitoring dustfall at intervals along and in the vicinity of the Milne Inlet Tote Road to determine the amount and extent of dustfall.• Identify the specific adaptive management measures to be considered if monitoring indicates that dust deposition from traffic on the Milne Inlet Tote Road is greater than initially predicted. <p>The Proponent shall implement its Dust Management and Monitoring Plan, report all monitoring data to the NIRB annually, and take all adaptive management measures described in its Dust Management and Monitoring Plan if monitoring indicates that dust in the ambient air or dust deposition from the increased traffic associated with the increased volume of ore being shipped is greater than initially predicted.</p>	<p>Proposed Revision: The Proponent shall implement its Air Quality and Noise Abatement Management Plan, report all monitoring data to the NIRB annually, and take adaptive management measures described in the Plan if monitoring indicates that dust in the ambient air or dust deposition is resulting in effects that exceed identified thresholds relative to air quality, water quality or vegetation outside the PDA.</p> <p>Rationale: Updated to reflect revisions that were made to the Air Quality and Noise Abatement Management Plan as part of the Phase 2 FEIS technical review, which address a more comprehensive approach to dust deposition mitigation, monitoring and adaptive management development.</p>
Reporting Requirement	To be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities.	<p>Proposed Revision: Annual.</p> <p>Rationale: Updated to reflect that dust fall monitoring and management will occur throughout the life of the Project.</p>

Stakeholder Review	Nunavut Water Board, Nunavut Impact Review Board, Qikiqtani Inuit Association, Indigenous and Northern Affairs Canada, Environment and Climate Change Canada	No Change.
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QIA COMMENTS ON CONDITION 10:

Disagree. Generally the proposed revisions to the condition are acceptable; however, NIRB should consider adding detail that describes the required content of the Air Quality and Noise Abatement Management Plan. In particular:

- What are the procedures in place for triggering changes to driving practices to reduce dustfall?
- How are those changes communicated to drivers?
- How are those changes enforced (e.g., monitoring speeds)?
- Strengthened linkage between dustfall monitoring and the amount of dust on vegetation, including effort that includes monitoring dustfall at ground level.
- What are the adaptive management procedures if dustfall exceedances occur?
- How are community-based monitoring concerns about dustfall on vegetation responded to?
- How are new dust suppressants tested and approved for use?
- How do potential impact pathways to terrestrial values (plants, animals) and aquatic values (freshwater ecosystems) get considered this approval process? I.e., the potential benefits in terms of meeting dustfall requirements need to be balanced against possible negative consequences to other values.

In addition, QIA recommends that this Condition be tied to new requirements for Baffinland reporting to, and implementing feedback from, a standing Inuit Committee/Inuit Panel [see QIA NEW PROPOSED CONDITION after 163], as dust and its management is a primary concern of Inuit in relation to the Project.

	Project Certificate Condition No.11	Baffinland Comments
Category	Air Quality - Incineration Management Plan	Proposed Revision: Suggest to remove PC Condition No. 11. Rationale: Operation of the incinerator is addressed in the Waste Management Plan for the Project. A separate Incineration Management Plan is not required.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To mitigate impacts to air quality from incineration activities.	
Term or Condition	The Proponent shall develop and implement an Incineration Management Plan that takes into consideration the recommendations provided in Environment Canada’s Technical Document for Batch Waste Incineration (2010).	
Reporting Requirement	Updated Incineration Management Plan to be provided to the NIRB at least 60 days prior to the commencement of construction activities.	
Stakeholder Review	Nunavut Impact Review Board	

	Project Certificate Condition No. 12	Baffinland Comments
Category	Air Quality - Incineration	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction	Proposed Revision:

		Construction, Operations Rationale: See proposed revisions to term and description below.
Objective	To mitigate impacts to air quality from incineration activities.	No Change.
Term or Condition	Prior to commencing any incineration of on-site Project wastes, the Proponent shall conduct at least one stack test immediately following the commissioning of each temporary and permanent incinerator.	Proposed Revision: The Proponent shall conduct at least one stack test immediately following the commissioning of each temporary and permanent incinerator and every five years following commissioning. Rationale: Updated to reflect previous commitments made to ECCC through the ERP of the Project.
Reporting Requirement	Stack test results to be reported to the NIRB and Environment Canada annually as required.	No Change.
Stakeholder Review	Environment and Climate Change Canada, Nunavut Impact Review Board	No Change.

	Project Certificate Condition No. 13	Baffinland Comments
Category	Noise and Vibration - Use of Explosives	No Change.
Responsible Parties	The Proponent, Fisheries and Oceans Canada	
Project Phase(s)	Construction	
Objective	To determine appropriate protection of fish and aquatic life in the Arctic.	
Term or Condition	The Proponent is encouraged to work with Fisheries and Oceans Canada at the regulatory phase and to take a precautionary approach when selecting the overpressure threshold to be applied to explosives use for the protection of fish and aquatic life.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Fisheries and Oceans Canada, Nunavut Water Board, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board, Qikiqtani Inuit Association	

QIA COMMENTS ON CONDITION 13:
Agree. QIA agrees with the proposed deletion only if PCC 44 and PCC 48 are kept.

	Project Certificate Condition No. 14	Baffinland Comments
Category	Noise and Vibration - Noise and Vibration Monitoring	No Change.
Responsible Parties	The Proponent	

Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To mitigate noise and vibration at Project sites, especially living areas.	
Term or Condition	The Proponent shall conduct noise and vibration monitoring at Project accommodations sites located at the Mary River mine site, Steensby Inlet Port site, and Milne Inlet Port site. Sampling shall be undertaken during the summer and winter months during all phases of Project development.	
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.	
Stakeholder Review	Nunavut Impact Review Board (NIRB)	

	Project Certificate Condition No. 14 (a)	Baffinland Comments
Category	Noise and Vibration - Noise and Vibration Adaptive Management	<p>Proposed Revision: Suggest to remove PC Condition No. 14(a).</p> <p>Rationale: Any in-water works required for the Project will be conducted in accordance with DFO with the requirements of a Fisheries Act Authorizations, including measures to protect marine mammals during construction.</p>
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To mitigate potential impacts of noise to marine wildlife during project construction.	
Term or Condition	The Proponent, through coordination with the MEWG as may be appropriate, shall demonstrate appropriate adaptive management for construction activities at Milne Inlet that have the potential to disrupt marine mammal species, including pile driving and ore dock construction, are undertaken.	
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.	
Stakeholder Review	Marine Environmental Working Group (MEWG)	

QIA COMMENTS ON CONDITION 14(A):

Disagree. QIA disagrees with the proposed removal as regulatory requirements may not be sufficient to address Inuit concerns, and MEWG coordination can help address any issues

	Project Certificate Condition No. 14 (b)	Baffinland Comments
Category	Noise and Vibration- Noise and Vibration Adaptive Management	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Operations	
Objective	To mitigate potential impacts of noise to wildlife and people during project operations.	
Term or Condition	The Proponent, through coordination with the TEWG as may be appropriate, shall demonstrate appropriate adaptive management for project activities during operations which have the potential to produce noise and sensory disturbance to wildlife and other users of project areas.	
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 14 (B):

Agree. QIA agrees that this condition should stay. However, it is unclear whether this condition has resulted in any changes to project operations. IQ holders have noted that vibrations and noise from explosives are causing caribou to avoid areas near the mine. Four things need to be strengthened regarding this PC:

- Ongoing efforts to reduce the effects of noise and vibration on wildlife and people (e.g., through continuous improvements based on new research)
- Reporting on vibrations and noise monitoring to the TEWG, including daily levels, to see if additional mitigations should be considered
- Improved research program to understand if existing noise and vibration is causing wildlife, particularly caribou, to avoid the mine site
- Improved approach to responding to concerns from IQ holders – may be captured within a PC related to the Inuit Committee/Inuit Panel [see QIA NEW PROPOSED CONDITION after 163]

For all monitoring efforts, the requirement for BIM to respond to consensus recommendations from the TEWG needs to either be embedded in all project conditions, or in an overarching project condition related to the relationship between BIM, the TEWG, the MEWG and the Inuit Committee/Inuit Panel

	Project Certificate Condition No. 15	Baffinland Comments
Category	Noise and Vibration – Noise and Vibration Monitoring	Proposed Revisions: Suggest to remove PC Condition No. 15. Rationale: Proposed revisions to PC Condition No. 163 incorporate the recommendations outlined in PC Condition 15.
Responsible Parties	The Proponent, Qikiqtani Inuit Association, local Hamlet organizations	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To enhance public safety when travelling around the Project area.	
Term or Condition	The Proponent shall collaborate to the extent possible with the Qikiqtani Inuit Association and local Hamlet organizations when undertaking consultation with all affected communities regarding railway, tote road and marine shipping operations. During these consultations, it is recommended that the Proponent provide information including video, audio, and photographic representation as well as any other aids (i.e. models) that may enhance the general public’s understanding of railway, tote road and marine shipping operations, as well as all safety considerations for members of the public who may be travelling around the project area.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	N/A	

QIA COMMENTS ON CONDITION 15:

Disagree. QIA is concerned with the proposed amalgamation of 15 and 163 as the revised 163 does not include the local Hamlet organizations nor specific requirements for consultation to include concerns for the northern railway, Tote Road, and marine shipping and port facility operations.

In addition to Condition 15, QIA recommends two new conditions (see below) to ensure Inuit Informed engagement in selecting the preferred route and crossing locations:

NEW CONDITION – ALTERNATIVES ASSESSMENT OF RAIL ROUTING

Responsible Parties: The Proponent

Project Phase(s): Construction

Objective: To ensure Inuit are fully informed and involved in rail routing discussions and to make sure that Inuit are in support of any final Northern Rail route.

Term or Condition: The Proponent to provide information on technical and economic feasibility of multiple alternative rail routes during any reconsideration of rail routing, including considerations of safety and Inuit land and water use.. All information, including assessment criteria, to be provided in plain language to communities when seeking confirmation of the preferred route. Selection of the preferred route to be based on environment and social criteria rather than construction timelines. The Proponent will provide evidence to NIRB that its final preferred alternative has community support.

Reporting Requirement: To be developed following approval of the Project by the Minister.

Stakeholder Review: QIA, MHTO, Hamlet of Pond Inlet.

NEW CONDITION – THRESHOLDS FOR MODIFICATIONS TO RAIL CROSSINGS

Responsible Parties: The Proponent

Project Phase(s): Construction and Operations

Objective: To ensure clear steps on triggers and thresholds are known for when a modification to rail will occur

Term or Condition: The Proponent to include discussions on the triggers for modifying rail crossings (e.g. HTO formal application, repeated observations, individual observations etc.) at any and all future rail routing meetings. The draft Additional Level Crossing Construction Decision Matrix to be finalized with input from QIA and North Baffin Communities at least 6 months prior to construction.

Reporting Requirement: To be developed following approval of the Project by the Minister.

Stakeholder Review: QIA, MHTO, Hamlet of Pond Inlet.

NEW CONDITION – TRANSPARENCY IN DESIGN OF ALTERNATIVE RAIL ROUTE

Responsible Parties: The Proponent

Project Phase(s): Construction and Operations

Objective: To ensure transparency in design and understanding of environmental risks if the alternative northern rail route is selected.

Term or Condition: At least 6 months prior to construction the Proponent to provide a description of the process and or decisions matrix for the new rail route construction to ensure that all environmental and engineering parameters are accounted for. Update and report on the Rail Deviation Alignment Decision Work Plan including any inputs from the CLRU Monitoring Program and feedback from the Inuit Committee/Inuit Panel. Include a description of trigger points that would require BIMC to modify or change the proposed alternative route, including discovery of archaeological sites and places of importance, and parameters around permafrost sensitivity and ice lenses etc.

Reporting Requirement: To be developed following approval of the Project by the Minister.

Stakeholder Review: QIA, MHTO, Hamlet of Pond Inlet.

	Project Certificate Condition No. 16	Baffinland Comments
Category	Hydrology and Hydrogeology – Water Infrastructure	Proposed Revision: Suggest to remove PC Condition No. 16.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	

Objective	To provide assurance that the potential impacts to flow and quantity of water in the Project area are minimized.	<div>Rationale: PC Condition No. 16 duplicates regulatory requirements included within the Type ‘A’ Water License for the Project, specifically:<ul style="list-style-type: none">Part D, Item 1 and 2;Part E, Item 23; andPart G. Additional regulatory licenses that mandate established requirements for the management of water related infrastructure for the Project also include:<ul style="list-style-type: none">DFO Authorizations and Letters of Advice.</div>
Term or Condition	The Proponent shall ensure that the water related infrastructure or facilities that are designed and constructed, including the modification of culverts, diversion of watercourses, and diversion of runoff into watercourses along the railway, access roads, port sites, the Milne Inlet Tote Road, and other areas of the Project site, are consistent with those proposed in the FEIS and FEIS Addendum in terms of type, location, and scope and that the requirements of all relevant regulatory authorities are satisfied advance of constructing those facilities.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Indigenous and Northern Affairs Canada (INAC), Qikiqtani Inuit Association (QIA), Environment and Climate Change Canada (ECCC), Fisheries and Oceans Canada (DFO), Nunavut Impact Review Board (NIRB), Nunavut Water Board (NWB)	

QIA COMMENTS ON CONDITION 16:

Disagree. This Project Term is a reason for the current Water Licence Terms and Conditions as indicated by Baffinland. This does not warrant the removal of the Project Term. Should this Project Term be removed, the Nunavut Water Board should be committed to being more prescriptive in the Water Licence Terms and Conditions. Considering the current timelines for the Water Licence process that is already underway, this may not be feasible.

	Project Certificate Condition No. 17	Baffinland Comments
Category	Hydrology and Hydrogeology – Effluent Management	<div>Proposed Revision: Suggest to remove PC Condition No. 17.</div> <div>Rationale: PC Condition No. 17 duplicates regulatory requirements included within the Type ‘A’ Water License for the Project, specifically:<ul style="list-style-type: none">Tables 4 – 15;Part D, item 15; andPart F, Item 17, 18, 20, 21, 22, 23, 24, 25, 26. Additional regulatory licenses that mandate established requirements for the management of water related infrastructure for the Project also include:<ul style="list-style-type: none">MDMER.</div>
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To prevent impacts to water bodies from effluent.	
Term or Condition	The Proponent shall develop and implement effectives measures to ensure that effluent from project-related facilities and/or activities, including sewage treatment plants, ore stockpiles, and mine pit, satisfies all discharge criteria requirement established by the relevant regulatory agencies prior to being discharged into the receiving environment.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Nunavut Water Board, Indigenous and Northern Affairs Canada, Qikiqtani Inuit Association, Nunavut Impact Review Board, Environment and Climate Change Canada	

QIA COMMENTS ON CONDITION 17:

Disagree. This Project Term is a reason for the current Water Licence Terms and Conditions as indicated by Baffinland. This does not warrant the removal of the Project Term. Should this Project Term be removed, the Nunavut Water Board should be committed to being more prescriptive in the Water Licence Terms and Conditions. Considering the current timelines for the Water Licence process that is already underway, this may not be feasible.

	Project Certificate Condition No. 18	Baffinland Comments
Category	Hydrology and Hydrogeology – Pit Lake Monitoring	<div>Proposed Revision: Suggest to remove PC Condition No. 18.</div>
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	

Objective	To enhance predictions for mine site closure conditions.	<div>Rationale: The Water License includes many conditions regarding closure and reclamation and the requirement to update the Project’s Closure and Reclamation Plan. Specific relevant sections of the Type ‘A’ Water License include:<ul style="list-style-type: none">Part J; andSchedule B.Additional licenses that mandate established requirements for the management of water related infrastructure for the Project also include:<ul style="list-style-type: none">Commercial Lease No. Q13C301See also proposed revisions to PC Condition No. 149, which includes a proposal for the establishment of a Mine Closure Working Group.</div>
Term or Condition	The Proponent shall carry out continued analyses over time to confirm and update, accordingly, the approximate fill time for the mine pit lake identified in the FEIS.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Indigenous and Northern Affairs Canada, Nunavut Water Board, Qikiqtani Inuit Association, Nunavut Impact Review Board	

QIA COMMENTS ON CONDITION 18:

Disagree. However, this study is included in the current draft of the Interim Reclamation and Closure Plan, Baffinland has yet to begin studies to confirm and update the approximate fill time for the mine pit lake identified in the FEIS given that a pit was observed during a QIA inspection in 2019. Furthermore, the requirement for this specific study is not specifically required in the Lease.

	Project Certificate Condition No. 19	Baffinland Comments
Category	Hydrology and Hydrogeology – Water Infrastructure Monitoring	<div>Proposed Revision: Suggest to remove PC Condition No. 19.</div> <div>Rationale: Part D, Item 22 and 23, of the Type ‘A’ Water License establishes requirements for the maintenance and operation of other conduits, while monitoring and management of water use volumes are captured under: Part F;<ul style="list-style-type: none">Part 1, Item 21;Tables 2, 3, 2-3, 12, 13, 14 and 15; andSchedule B.Additional regulatory licenses that mandate established requirements for the management of water related infrastructure for the Project also include:<ul style="list-style-type: none">DFO Authorizations and Letters of Advice.</div>
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To mitigate impacts to natural water flow.	
Term or Condition	The Proponent shall ensure that it develops and implements adequate monitoring and maintenance procedures to ensure that the culverts and other conduits that may be prone to blockage do not significantly hinder or alter the natural flow of water from areas associated with the proposed mine. In addition, the Proponent shall monitor, document and report the withdrawal rates for water removed and utilized for all domestic and industrial purposes.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Nunavut Water Board, Indigenous and Northern Affairs Canada, Fisheries and Oceans Canada	

QIA COMMENTS ON CONDITION 19:

Disagree. This Project Term is a reason for the current Water Licence Terms and Conditions as indicated by Baffinland. This does not warrant the removal of the Project Term. Should this Project Term be removed, the Nunavut Water Board should be committed to being more prescriptive in the Water Licence Terms and Conditions. Considering the current timelines for the Water Licence process that is already underway, this may not be feasible.

	Project Certificate Condition No. 20	Baffinland Comments
Category	Groundwater/Surface Waters – Explosives	<p>Proposed Revision: Suggest to remove PC Condition No. 20.</p> <p>Rationale: PC Condition No. 20 duplicates regulatory requirements included within the Type ‘A’ Water License for the Project, specifically:</p> <ul style="list-style-type: none">• Part I, Item 23;• Schedule D, Item 1g; and• Schedule 1. <p>Additional regulatory licenses that mandate established requirements for monitoring the effects of explosive residue and related by-products from blasting activities, including the manufacturing, storage, transportation and use of explosive also includes:</p> <ul style="list-style-type: none">• MDMER.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To ensure that the effects associated with the manufacturing, storage, transportation and use of explosives do not negatively impact the areas surrounding the Project.	
Term or Condition	The Proponent shall monitor the effects of explosives residue and related by-products from project-related blasting activities as well as develop and implement effective preventative and/or mitigation measures, including treatment, if necessary, to ensure that the effects associated with the manufacturing, storage, transportation and use of explosives do not negatively impact the Project and surrounding areas.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Nunavut Water Board, Qikiqtani Inuit Association, Indigenous and Northern Affairs Canada, Environment and Climate Change Canada	

QIA COMMENTS ON CONDITION 20:

Disagree. This Project Term is a reason for the current Water Licence Terms and Conditions as indicated by Baffinland. This does not warrant the removal of the Project Term. Should this Project Term be removed, the Nunavut Water Board should be committed to being more prescriptive in the Water Licence Terms and Conditions. Considering the current timelines for the Water Licence process that is already underway, this may not be feasible.

	Project Certificate Condition No. 21	Baffinland Comments
Category	Groundwater/Surface Waters – Aquatic Effects Monitoring Plan and dustfall monitoring	<p>No Change.</p>
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations	
Objective	To mitigate potential impacts to surface and ground waters.	
Term or Condition	<p>The Proponent shall ensure that the scope of the Aquatic Effects Monitoring Plan (AEMP) includes, at a minimum:</p> <p>Monitoring of non-point sources of discharge, selection of appropriate reference sites, measures to ensure the collection of adequate baseline data and the mechanisms proposed to monitor and treat runoff, and sample sediments</p> <p>Measures for dustfall monitoring designed as follows:</p> <p>To establish a pre-trucking baseline and collect data during Project operation for comparison</p> <p>To facilitate comparison with existing guidelines and with thresholds to be established by the Proponent using studies of Arctic char egg survival and/or other studies recommended by the Terrestrial Environment Working Group (TEWG)</p> <p>To assess the seasonal deposition (rates, quantities) and chemical composition of dust entering aquatic systems along representative distance transects at right angles to the Tote Road and radiating outward from Milne Port and the Mine Site.</p>	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Nunavut Impact Review Board, Indigenous and Northern Affairs Canada, Nunavut Water Board, Qikiqtani Inuit Association	

QIA COMMENTS ON CONDITION 21:

Disagree. QIA comment PCC 21: Still need to: 1) establish a defensible sediment threshold for Arctic char egg survival using project-generated sediment, and 2) assess the impacts of dust and sediment inputs from project activities on streams along the tote road and railway. QIA has requested BIMC commit to conducting these studies (QIA TC 41). See proposed revisions to the PCC above.

QIA also recommends a minor addition to ensure the Rail Route is included in effects monitoring: “and chemical composition of dust entering aquatic systems along representative distance transects at right angles to the Tote Road and Railway(s)”, and adding a requirement to “assess and monitor inputs and aquatic effects of Project-generated dust and sediment on the water quality, sediment deposition, and biota of a representative reach(s) of Phillips Creek that is crossed by the tote road and would also be crossed by the proposed railway.”

Reporting Requirement: Annually. Rationale: To inform adaptive management

	Project Certificate Condition No. 22	Baffinland Comments
Category	Groundwater/Surface Waters – Sediment and Erosion Management Plan	<p>Proposed Revision: Suggest to remove PC Condition No. 22.</p> <p>Rationale: Establishment of a sediment and erosion management plan to prevent and/or mitigate sediment loading into surface water is captured under the Type ‘A’ Water License, namely sections:</p> <ul style="list-style-type: none">Part D, Item 4 and 25; andPart E, Item 2. <p>Additional regulatory licenses that are relevant also include: DFO Authorizations and any subsequent Letters of Advice; and</p> <ul style="list-style-type: none">MDMER.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To develop appropriate sediment and erosion controls to prevent impacts to surface waters.	
Term or Condition	The Proponent shall develop a detailed Sediment and Erosion Management Plan to prevent and/or mitigate sediment loading into surface water within the Project area.	
Reporting Requirement	Plan to be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities.	
Stakeholder Review	Nunavut Water Board, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board, Qikiqtani Inuit Association	

QIA COMMENTS ON CONDITION 22:

Disagree. This Project Term is a reason for the current Water Licence Terms and Conditions as indicated by Baffinland. This does not warrant the removal of the Project Term. Should this Project Term be removed, the Nunavut Water Board should be committed to being more prescriptive in the Water Licence Terms and Conditions. Considering the current timelines for the Water Licence process that is already underway, this may not be feasible.

	Project Certificate Condition No. 23	Baffinland Comments
Category	Groundwater / Surface Waters – Groundwater Monitoring	No Change.
Responsible Parties	The Proponent	

Project Phase(s)	Construction	
Objective	To prevent impacts to groundwater quality.	
Term or Condition	The Proponent shall develop and implement a Groundwater Monitoring and Management Plan to monitor, prevent and/or mitigate the potential effects of the Project on groundwater within the Project area.	
Reporting Requirement	Plan to be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities.	
Stakeholder Review	Nunavut Water Board, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board	

QIA COMMENTS ON CONDITION 23:

Agree. QIA agrees to keeping the wording of this condition as is, however, it is recommended the requirements be further prescribed during the Water Licence process that is currently underway.

	Project Certificate Condition No. 24	Baffinland Comments
Category	Groundwater/Surface Waters – Effluent Management	<div>Proposed Revision: Suggest to remove PC Condition No. 24.</div> <div>Rationale: Effluent discharge is managed under criteria established in Type ‘A’ Water License, namely sections:<ul style="list-style-type: none">Part E, Item 1;Part B, Item 14;Tables 4 – 15;Part F, Item 17, 18, 20, 21, 22, 23, 24, 25 and 26; andSchedule 1.Additional regulatory licenses that are relevant also include:<ul style="list-style-type: none">MDMER.</div>
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To mitigate impacts to groundwater and surface waters from effluent discharge.	
Term or Condition	The Proponent shall monitor as required the relevant parameters of the effluent generated from Project activities and facilities and shall carry out treatment if necessary to ensure that discharge conditions are met at all times.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Nunavut Water Board, Indigenous and Northern Affairs Canada, Qikiqtani Inuit Association, Nunavut Impact Review Board	

QIA COMMENTS ON CONDITION 24:

Disagree. This Project Term is a reason for the current Water Licence Terms and Conditions as indicated by Baffinland. This does not warrant the removal of the Project Term. Should this Project Term be removed, the Nunavut Water Board should be committed to being more prescriptive in the Water Licence Terms and Conditions. Considering the current timelines for the Water Licence process that is already underway, this may not be feasible.

	Project Certificate Condition No. 25	Baffinland Comments
Category	Landforms – Additional Geotechnical Investigations	<div>Proposed Revision: Suggest to remove PC Condition No. 25.</div> <div>Rationale:</div>
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To mitigate impacts to sensitive landforms.	

Term or Condition	The Proponent shall undertake the additional geotechnical investigations to identify sensitive landforms, modify engineering design for Project infrastructure, develop and implement preventative and/or mitigation and monitoring measures to minimize the impacts of the Project’s activities and infrastructure on sensitive landforms.	Biannual geotechnical inspections to monitor for and minimize the impact of the Project’s activities and infrastructure on sensitive landforms is required by the Type ‘A’ Water License, namely sections: <ul style="list-style-type: none">Part D, Item 10;Part D, Item 18; andPart I, Item 12 and 13.
Reporting Requirement	Plan to be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities.	
Stakeholder Review	Nunavut Water Board, Indigenous and Northern Affairs Canada, Qikiqtani Inuit Association	

QIA COMMENTS ON CONDITION 25:

Disagree. This Project Term is a reason for the current Water Licence Terms and Conditions as indicated by Baffinland. This does not warrant the removal of the Project Term. QIA is also concerned that Water quality according to Inuit standards and experience will not be appropriately monitored as part of the Project. Ensuring Inuit involvement in monitoring is a responsibility of NIRB and therefore necessitates a condition in addition to any water licensing requirements. Should this Project Term be removed, the Nunavut Water Board should be committed to being more prescriptive in the Water Licence Terms and Conditions. Considering the current timelines for the Water Licence process that is already underway, this may not be feasible.

QIA proposes the following related new condition:

NEW CONDITION – INUIT WATER QUALITY MONITORING

Category: Ground Water/ Surface Waters – Inuit Monitoring

Responsible Parties: The Proponent, North Baffin Communities, QIA

Project Phase(s): Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring

Objective: To ensure Inuit are involved and IQ is considered in water quality monitoring.

Term or Condition: Proponent to work with QIA, and North Baffin Inuit Communities to develop Inuit-based water quality monitoring program including strong consideration and inclusion of Inuit use and IQ. Program to include baseline data collection for program and identification of IQ based Indicators and thresholds of acceptable change including adaptive management strategies and implementation processes

Reporting Requirement: Annual Reporting to NIRB

Stakeholder Review: Inuit Panel/ Inuit Committee, North Baffin Communities

	Project Certificate Condition No. 26	Baffinland Comments
Category	Landforms and Soils – Erosion Management Plan	Proposed Revision: Suggest to remove PC Condition No. 26. Rationale: Establishment of a comprehensive erosion management plan to minimize the effects of destabilization and erosion is captured under the Type ‘A’ Water License, namely sections: <ul style="list-style-type: none">Part D, Item 4, 10 and 25; andPart E, Item 2.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To develop appropriate measures for preventing destabilization and erosion.	
Term or Condition	The Proponent shall develop and implement a comprehensive erosion management plan to prevent or minimize the effects of destabilization and erosion that may occur due to the Project’s construction and operation.	
Reporting Requirement	Plan to be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities.	

Stakeholder Review	Nunavut Water Board, Indigenous and Northern Affairs Canada, Qikiqtani Inuit Association, Fisheries and Oceans Canada, Environment and Climate Change Canada	Additional regulatory licenses that are relevant also include: <ul style="list-style-type: none">Fisheries Act.
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QIA COMMENTS ON CONDITION 26:

Disagree. This Project Term is a reason for the current Water Licence Terms and Conditions as indicated by Baffinland. This does not warrant the removal of the Project Term. Should this Project Term be removed, the Nunavut Water Board should be committed to being more prescriptive in the Water Licence Terms and Conditions. Considering the current timelines for the Water Licence process that is already underway, this may not be feasible.

	Project Certificate Condition No. 27	Baffinland Comments
Category	Landforms, Geology and Geomorphology – Natural Aesthetics	Proposed Revision: Suggest to remove PC Condition No. 27. Rationale: A public consultation report has been completed and submitted to NIRB as part of the Phase 2 FEIS Addendum that identifies subjects of concern for the communities, including aesthetics of the landscape.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To mitigate impacts to natural aesthetics.	
Term or Condition	The Proponent shall include within its public consultation report information related to the sentiments expressed by affected communities about the impacts that changes to the topography and landscape have had on the aesthetic value of the Project area.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	The Communities of: Artic Bay, Clyde River, Hall Beach, Igloolik and Pond Inlet	

QIA COMMENTS ON CONDITION 27:

Disagree. QIA is concerned with the request for removal for this Condition. Construction of the North Rail will mean considerable changes to the topography of the landscape, sentiments and concerns expressed after this has been built need to be recorded as per the condition. Describing concerns prior to actual construction is not equivalent. In addition, the landscape around the mine site will continue to change over time, primarily but not exclusively due to earthmoving activities by the Proponent. The original Condition was meant to capture “sentiments” of Inuit through all phases of the Project, and QIA sees no reason why that should be changed, especially with newly proposed infrastructure associated with Phase 2 that was never previously contemplated. The information provided in this condition will also inform closure planning and should therefore not be removed as public consultation of closure of the Project is yet to be completed.

	Project Certificate Condition No. 28	Baffinland Comments
Category	Landforms, Geology and Geomorphology – Permafrost	Proposed Revision: Suggest to remove PC Condition No. 28. Rationale: Biannual geotechnical inspections to monitor for permafrost degradation and the implementation of mitigation measures to ensure integrity of the permafrost is maintained is managed through the Type ‘A’ Water License, namely in sections:
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To ensure that permafrost integrity is maintained.	
Term or Condition	The Proponent shall monitor the effects of the Project on the permafrost along the railway and all other Project affected areas and must implement effective preventative measures to ensure that the integrity of the permafrost is maintained.	

Reporting Requirement	To be developed following approval of the Project by the Minister.	<ul style="list-style-type: none">Part D, Item 10;Part D, Item 18;Part I, Item 12 and 13; andSchedule B, 1, e, ii.
Stakeholder Review	Environment Climate Change Canada, Qikiqtani Inuit Association, Nunavut Water Board, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board.	

QIA COMMENTS ON CONDITION 28:

Disagree. This Project Term is a reason for the current Water Licence Terms and Conditions as indicated by Baffinland. This does not warrant the removal of the Project Term. Should this Project Term be removed, the Nunavut Water Board should be committed to being more prescriptive in the Water Licence Terms and Conditions. Considering the current timelines for the Water Licence process that is already underway, this may not be feasible. Additionally, QIA recommends the following revised wording to ensure the Northern Transportation corridor is included in this condition:” The Proponent shall monitor the effects of the Project on the permafrost along the railways, Tote Road, and all other Project affected areas...”

	Project Certificate Condition No. 29	Baffinland Comments
Category	Landforms, Geology and Geomorphology – Design Plans	<p>Proposed Revision: Suggest to remove PC Condition No. 29.</p> <p>Rationale: The requirement to provide as-built drawings to regulatory agencies is mandated under the Type ‘A’ Water License for the Project, namely sections:</p> <ul style="list-style-type: none">Part B, Item 12;Part D, Item 1 and 2;Part E, Item 23;Part G; andSchedule D, 1 and c. <p>Additional licenses that mandate established requirements for the management of water related infrastructure for the Project also include:</p> <ul style="list-style-type: none">Commercial Lease No. Q13C301
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations	
Objective	To confirm constructed components meet design as assessed.	
Term or Condition	The Proponent shall provide to the respective regulatory authorities, for review and acceptance, for-construction engineering design and drawings, specifications and engineering analysis to support design in advance for constructing those facilities. Once project facilities are constructed, the Proponent shall provide copies of the as-built drawings and design to the appropriate regulatory authorities.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Nunavut Water Board (NWB), Nunavut Impact Review Board (NIRB), Indigenous and Northern Affairs Canada (INAC), Qikiqtani Inuit Association (QIA)	

QIA COMMENTS ON CONDITION 29:

Disagree. This Project Term is a reason for the current Water Licence Terms and Conditions as indicated by Baffinland. This does not warrant the removal of the Project Term. Should this Project Term be removed, the Nunavut Water Board should be committed to being more prescriptive in the Water Licence Terms and Conditions. Considering the current timelines for the Water Licence process that is already underway, this may not be feasible.

	Project Certificate Condition No. 30	Baffinland Comments
Category	Landforms, Geology and Geomorphology – Quarries	Proposed Revision:

Responsible Parties	The Proponent	Suggest to remove PC Condition No. 30. Rationale: The requirement to develop site-specific quarry operation and management plans in advance of the development of any potential quarry site or borrow pit is stipulated in the Type ‘A’ Water License under Part D, Item 6.
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To provide oversight on quarry design and management.	
Term or Condition	The Proponent shall develop site-specific quarry operation and management plans in advance of the development of any potential quarry site or borrow pit.	
Reporting Requirement	Plans to be provided to the NIRB for review and comment at least 30 days prior to commencement of construction activities.	
Stakeholder Review	Qikiqtani Inuit Association (QIA), Nunavut Water Board (NWB)	

QIA COMMENTS ON CONDITION 30:

Disagree. This Project Term is a reason for the current Water Licence Terms and Conditions as indicated by Baffinland. This does not warrant the removal of the Project Term. Should this Project Term be removed, the Nunavut Water Board should be committed to being more prescriptive in the Water Licence Terms and Conditions. Considering the current timelines for the Water Licence process that is already underway, this may not be feasible.

	Project Certificate Condition No. 31	Baffinland Comments
Category	Vegetation – Construction and Operations	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations	
Objective	To minimize impacts to vegetation.	
Term or Condition	The Proponent shall ensure that Project activities are planned and conducted in such a way as to minimize the Project footprint.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtani Inuit Association, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board	

QIA COMMENTS ON CONDITION 31:

Agree.

	Project Certificate Condition No. 32	Baffinland Comments
Category	Vegetation – Construction and Operations	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To prevent introduction of invasive species.	

Term or Condition	The Proponent shall ensure that equipment and supplies brought to the Project sites are clean and free of soils that could contain plant seeds not naturally occurring in the area. Vehicle tires and treads in particular must be inspected prior to initial use in Project areas.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtani Inuit Association, Nunavut Water Board, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board	

QIA COMMENTS ON CONDITION 32:

Disagree. QIA is supportive of the language in this condition; however, In QIA’s experience, it has not been clear how the proponent ensures that subcontractors adhere to this project condition. QIA recommends that requirements for sub-contractor adherence to this Condition be strengthened within the condition (including a requirement for information on how BIM employees are involved in inspections for subcontractors).

	Project Certificate Condition No. 33	Baffinland Comments
Category	Vegetation - Monitoring	Proposed Revision: Suggest to remove PC Condition No. 33. Rationale: This duplicates requirements of PC Condition No. 38.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To facilitate monitoring.	
Term or Condition	The Proponent shall include relevant Monitoring and Management Plans within its Environmental Management System, Terrestrial Environment Management and Monitoring Plan (TEMMP).	
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 33:

Disagree. QIA is concerned that if this condition is removed as proposed by the Proponent, there may be limited opportunities for updating or developing new plans incorporating IQ. QIA cannot support the removal of this condition unless our recommended new condition is put in place (See New QIA condition proposed below Condition 38).

	Project Certificate Condition No. 34	Baffinland Comments
Category	Vegetation – Monitoring	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction, Operations	Proposed Revision: Construction, Operations, Closure Rationale: To account for potential environmental monitoring during the closure phase of the Project.
Objective	1. Monitor metals concentrations in both soils and vegetation, particularly caribou forage (i.e., lichen) at varying distances from the PDA to compare metal concentrations in soil and vegetation between near (impacted) and far (control) sites.	Proposed Revision: To determine if metal concentrations in soil and vegetation exceed CCME and relevant available thresholds.

	2. Determine if metal concentrations in soil and vegetation exceed CCME and relevant available threshold levels provided in the literature.	Rationale: See revisions to Term and Condition.
Term or Condition	The Proponent shall conduct soil sampling to determine metal levels of soils in areas with berry-producing plants near any of the potential development areas, prior to commencing operations.	Proposed Revision: The Proponent shall conduct soil and vegetation monitoring, particularly for caribou forage (i.e. lichen) at varying distances from the PDA to compare metal concentrations in soil and vegetation between near (impacted) and far (control) sites. Rationale: Revisions provide clarity on program design and intent of condition.
Reporting Requirement	To be developed following approval of the Project by the Minister.	Proposed Revision: Annual Rationale: A summary of the results of the monitoring program will be provided in the Annual Report to the NIRB.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	No Change.

QIA COMMENTS ON CONDITION 34:

Agree. QIA agrees that monitoring of lichen should be specified for caribou forage conditions. QIA recommends a new condition to be developed for soil sampling of culturally important plants to account for this change (see below).

NEW CONDITION – METALS IN CULTURALLY IMPORTANT PLANTS:

Category: Vegetation – Monitoring

Responsible Parties: The Proponent

Project Phase(s): Construction, Operations, Closure, Post-Closure

Objective: To determine and monitor the metal concentrations in the soils and vegetation of culturally important plants

Term or Condition: The Proponent shall conduct soil sampling to determine metal levels of soils in areas with culturally important plants in Inuit preferred harvesting areas near any Project infrastructure or activities.

Reporting Requirement: To be included in the Annual Report submitted to the NIRB

Stakeholder Review: Nunavut Impact Review Board, Terrestrial Environment Working Group (TEWG)

	Project Certificate Condition No. 35	Baffinland Comments
Category	Vegetation – Monitoring	No Change.
Responsible Parties	The Proponent, local Hunters and Trappers Organizations	
Project Phase(s)	Construction and Operations	
Objective	To determine baseline metal levels in foraging caribou.	

Term or Condition	The Proponent shall undertake monitoring of baseline metal levels in organ tissue from caribou harvested within the local study area, prior to commencing operations. The Proponent is strongly encouraged to coordinate with local Hunters and Trappers Organizations regarding procurement of harvested caribou organs.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 35:

Disagree. QIA agrees that this condition should stay; however, given the lack of caribou encountered interacting with the area near the mine at the present time, it would be better to sample organ tissue of another animal. QIA recommends an addition to this condition for the Proponent to be required to coordinate with HTOs to determine an alternative to caribou (e.g., hare) until such a time as caribou are interacting with the project area.

	Project Certificate Condition No. 36	Baffinland Comments
Category	Vegetation - Monitoring	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	Measure percent plant cover and plant group composition of available caribou forage within the RSA to track potential changes at varying distances from the edge of the PDA through long-term monitoring.	
Term or Condition	The Proponent shall establish an ongoing monitoring program for vegetation species used as caribou forage (such as lichens) near Project development areas, prior to commencing operations.	
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 36:

Disagree. This is an important program and it is not clear whether the current methodology has been adequate. Lichen load is very low in the monitoring plots and the approach used by the proponent does not provide much data to look at whether the total load is varying over time. To address the current short coming, QIA requests that the PCC be revised to include a requirement to review and revise the program based on comments from the TEWG, and bring results into considerations of project effects on caribou, including impacts on energetics and avoidance of the project area.

	Project Certificate Condition No. 37	Baffinland Comments
Category	Vegetation - Monitoring	No Change.
Responsible Parties	The Proponent, Government of Nunavut Department of Environment	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To prevent establishment of invasive species.	

Term or Condition	The Proponent shall incorporate protocols for monitoring for the potential introduction of invasive vegetation species (e.g. surveys of plant populations in previously disturbed areas) into its Terrestrial Environment and Monitoring Plan. Any introductions of non-indigenous plant species must be promptly reported to the Government of Nunavut Department of Environment.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 37:

Agree.

	Project Certificate Condition No. 38	Baffinland Comments
Category	Vegetation - Adaptive Management	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To mitigate impacts to vegetation abundance, diversity, and health.	
Term or Condition	The Proponent shall review, on an annual basis, all monitoring information and the vegetation mitigation and management plans developed under its Environmental Management System, Terrestrial Environment and Monitoring Plan (TEMMP) and adjust such plans as may be required to effectively prevent or reduce the potential for significant adverse project effects on vegetation abundance, diversity and health.	
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.	
Stakeholder Review	Nunavut Impact Review Board, Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 38:

Disagree. If PC 33 is removed as proposed by the Proponent, QIA recommends including the original requirement from PC 33 in this (currently #38) condition: “The Proponent shall include relevant Monitoring and Management Plans within its Environmental Management System, Terrestrial Environment Management and Monitoring Plan (TEMMP). These plans shall be reviewed, on an annual basis, and adjusted as required...” As mentioned previously, an ongoing problem has been the lack of response by BIM to recommendations put forward by the TEWG to improve monitoring programs. For all monitoring efforts, the requirement for BIM to respond to consensus recommendations from the TEWG needs to either be embedded in all project conditions, or in an overarching project condition related to the relationship between BIM, the TEWG, the MEWG and the Inuit Committee/Inuit Panel.

In addition to condition 38, to address outstanding concerns regarding the assessment of impacts to culturally important plants from the proposed Project, QIA requests the following related new condition:

NEW CONDITION – CULTURALLY IMPORTANT PLANTS

Category: Vegetation – Monitoring

Responsible Parties: The Proponent

Project Phase(s): Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring

Objective: To monitor and mitigate impacts to Culturally Important Plants/Vegetation

Term or Condition: Proponent to develop and implement an (improved) approach for monitoring impacts on the quality and availability of culturally important vegetation, based on IQ and driven by a community-based monitoring program

Reporting Requirement: To be included in the Annual Report submitted to the NIRB

Stakeholder Review: Nunavut Impact Review Board, Terrestrial Environment Working Group (TEWG), Inuit Committee/Inuit Panel

	Project Certificate Condition No. 39	Baffinland Comments
Category	Vegetation - Reclamation and Revegetation	Proposed Revision: Suggest to remove PC Condition No. 39. Rationale: See suggested revisions to PC Condition No. 149., which includes a proposal for the establishment of a Mine Closure Working Group.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To prevent erosion and promote progressive revegetation of disturbed areas.	
Term or Condition	The Proponent shall develop a progressive revegetation program for disturbed areas that are no longer required for operations, such program to incorporate measures for the use of test plots, reseeding and replanting of native plants as necessary. It is further recommended that this program be directly associated with the management plans for erosion control established for the Project.	
Reporting Requirement	To be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities.	
Stakeholder Review	Nunavut Impact Review Board	

QIA COMMENTS ON CONDITION 39:

Disagree. QIA disagrees with the Proponent’s proposal to remove this condition, as condition 149 addresses economic and social impacts of closure for Inuit and does not specifically include requirements for revegetation. It is not clear how the proposed content of PC 149 will address this requirement to revegetate disturbed sites. Overall, the requirement for revegetating disturbed sites needs to be strengthened. QIA agrees with the establishment of a Mine Closure Working Group. The terms of reference for this working group need to include providing advice on the ongoing revegetation program. The membership of the Mine Closure Working Group, its relationship to existing and proposed new advisory groups, and the requirement for BIM to incorporate IQ into reclamation needs to be clearly outlined and strengthened. QIA does not agree with removing this PC until these issues are addressed in the proposed changes to PC 149.

QIA also recommends an additional related condition (see below)

NEW CONDITION – IQ AND REVEGETATION STANDARDS

Category: Vegetation – Reclamation and Revegetation

Responsible Parties: The Proponent

Project Phase(s): Operations, Closure and Post-Closure Monitoring

Objective: To ensure revegetation meets standards based on IQ

Term or Condition: Proponent to work with QIA and the North Baffin Communities to develop revegetation standards based on IQ for reclamation and revegetation including meeting standards for cultural use and addressing community concerns with respect to re-establishing use of critical areas.

Reporting Requirement: Report on standards to be provided to NIRB

Stakeholder Review: Nunavut Impact Review Board, Terrestrial Environment Working Group (TEWG), Inuit Committee/Inuit Panel

	Project Certificate Condition No. 40	Baffinland Comments
Category	Vegetation - Reclamation and Revegetation	Proposed Revision: Suggest to remove PC Condition No. 40. Rationale: See suggested revisions to PC Condition No. 149, which includes a proposal for the establishment of a Mine Closure Working Group.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To prevent erosion and promote progressive revegetation of disturbed areas.	
Term or Condition	The Proponent shall include revegetation strategies in its Site Reclamation Plan that support progressive reclamation and that promote natural revegetation and recovery of disturbed areas compatible with the surrounding natural environment.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	QIA	

QIA COMMENTS ON CONDITION 40:

Disagree. QIA disagrees with the Proponent’s proposal to remove condition 40, as condition 149 addresses economic and social impacts of closure for Inuit and does not specifically include requirements for revegetation. Please also see our comments for Condition 39.

	Project Certificate Condition No. 41	Baffinland Comments
Category	Freshwater Aquatic Environment – Setbacks	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To mitigate impacts of runoff into freshwater aquatic habitat.	
Term or Condition	Unless otherwise approved by regulatory authorities, the Proponent shall maintain a minimum 100-metre naturally-vegetated buffer between the high-water mark of any fish-bearing water bodies and any permanent quarries with potential for acid rock drainage or metal leaching.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtani Inuit Association, Nunavut Water Board, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board	

QIA COMMENTS ON CONDITION 41:

Agree.

	Project Certificate Condition No. 42	Baffinland Comments
Category	Freshwater Aquatic Environment – Setbacks	Proposed Revision: Suggest to remove PC Condition No. 42. Rationale: The Type ‘A’ Water License for the Project stipulates the requirement for a 31m buffer between the mining operation and adjacent water bodies, namely sections: <ul style="list-style-type: none">• Part D, Item 9, 13 and 25;• Part E, Item 17;• Part F, Item 5 and 12; and• Part H, Item 2 and 11.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To mitigate impacts of runoff into freshwater aquatic habitat.	
Term or Condition	The Proponent shall maintain minimum a -metre naturally-vegetated buffer between the mining operation and adjacent water bodies.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtani Inuit Association, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board	

QIA COMMENTS ON CONDITION 42:

Disagree. This Project Term is a reason for the current Water Licence Terms and Conditions as indicated by Baffinland. This does not warrant the removal of the Project Term. Should this Project Term be removed, the Nunavut Water Board should be committed to being more prescriptive in the Water Licence Terms and Conditions. Considering the current timelines for the Water Licence process that is already underway, this may not be feasible. QIA also recommends that compliance with buffer requirements should be provided in the annual reports to NIRB as this is not simply a water license concern. Overall, Removing this and other information (e.g., PCC 45) from reporting to NIRB risks fragmenting the monitoring information, making it more difficult for stakeholders to assess the overall Project effects and compliance rates. QIA also proposes a revision to the buffer distance (30 metre to 31 metre) to coincide with the current Water Licence Term Part D, Item 9.

	Project Certificate Condition No. 43	Baffinland Comments
Category	Freshwater Aquatic Environment – Drainage	Proposed Revision: Suggest to remove PC Condition No. 42. Rationale: This PC Condition is duplicative of requirements outlined in the Type ‘A’ Water License, namely sections: <ul style="list-style-type: none">• Part D, Item 4, 10 and 25; and• Part E, Item 2.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To mitigate impacts of runoff into freshwater aquatic habitat.	
Term or Condition	Prior to the start of construction, the Proponent must submit a Site Drainage and Silt Control Plan to the appropriate regulatory authorities for approval.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Nunavut Water Board, Indigenous and Northern Affairs Canada, Qikiqtani Inuit Association	

QIA COMMENTS ON CONDITION 43:

Disagree. This Project Term is a reason for the current Water Licence Terms and Conditions as indicated by Baffinland. This does not warrant the removal of the Project Term. Should this Project Term be removed, the Nunavut Water Board should be committed to being more prescriptive in the Water Licence Terms and Conditions. Considering the current timelines for the Water Licence process that is already underway, this may not be feasible.

	Project Certificate Condition No. 44	Baffinland Comments
Category	Freshwater Aquatic Environment – Explosives	Proposed Revision: Suggest to remove PC Condition No. 44. Rationale: PC Condition No. 44 duplicates regulatory requirements included within the Type ‘A’ Water License for the Project, specifically: <ul style="list-style-type: none">Part E, Item 24. Additional regulatory licenses that mandate established requirements for blasting activities, includes: <ul style="list-style-type: none">Fisheries Act.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To mitigate impacts of explosives on freshwater aquatic habitat.	
Term or Condition	The Proponent shall meet or exceed the guidelines set by Fisheries and Oceans Canada for blasting thresholds and implement practical and effective measures to ensure that residue and by-products of blasting do not negatively affect fish and fish habitat.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	N/A	

QIA COMMENTS ON CONDITION 44:

Disagree. This Project Term is a reason for the current Water Licence Terms and Conditions as indicated by Baffinland. This does not warrant the removal of the Project Term. Should this Project Term be removed, the Nunavut Water Board should be committed to being more prescriptive in the Water Licence Terms and Conditions. Considering the current timelines for the Water Licence process that is already underway, this may not be feasible.

In addition, PCC 44 and PCC 48 are not duplicative. PCC 44 requires the Proponent to meet or exceed guidelines, PCC 48 requires the Proponent to engage with DFO to ensure blasting thresholds are appropriate. Research by DFO and others has shown that the 1998 guidelines are not sufficiently precautionary and their use could lead to unnecessary mortality of fish and fish eggs. If BIMC plans to conduct blasting near water, as it may do during railway construction (south and/or north), the more precautionary recommendations of the recent studies should be followed. DFO has been slow to revise its guidelines so this may be up to NIRB.

	Project Certificate Condition No. 45	Baffinland Comments
Category	Freshwater Aquatic Environment – General	Proposed Revision: Suggest to remove PC Condition No. 44. Rationale: PC Condition No. 45 duplicates regulatory requirements included within the Type ‘A’ Water License for the Project, specifically: <ul style="list-style-type: none">Part E, Item 2. Additional regulatory licenses that mandate established requirements for blasting activities, includes: <ul style="list-style-type: none">DFO Authorizations.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To mitigate impacts to freshwater aquatic habitat.	
Term or Condition	The Proponent shall adhere to the No-Net-Loss principle at all phases of the project to prevent or mitigate direct or indirect fish and fish habitat losses.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Fisheries and Oceans Canada	

QIA COMMENTS ON CONDITION 45:

Disagree. QIA has very limited ability to influence Fisheries and Oceans Canada and compliance and this Term and Condition is the primary way QIA can ensure compliance. No net loss information for fish and fish habitat monitoring programs should be provided in the annual reports to NIRB as it is not simply a water license or DFO regulatory concern.

	Project Certificate Condition No. 46	Baffinland Comments
Category	Freshwater Aquatic Environment – Drainage	<p>Proposed Revision: Suggest to remove PC Condition No. 46.</p> <p>Rationale: PC Condition No. 46 duplicates regulatory requirements included within the Type ‘A’ Water License for the Project, specifically:</p> <ul style="list-style-type: none">• Tables 4 – 15;• Part D, Item 15; and• Part F, Item 17, 18, 20, 21, 22, 23, 24, 25, and 26. <p>Additional regulatory licenses that mandate established discharge requirements for effluent from fuel storage and maintenance facility areas, sewage and wastewater facilities includes:</p> <ul style="list-style-type: none">• MDMER.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To mitigate impacts to freshwater aquatic habitat.	
Term or Condition	The Proponent shall ensure that runoff from fuel storage and maintenance facility areas, sewage and wastewater other facilities responsible for generating liquid effluent and runoff meet discharge requirements.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Nunavut Water Board, Indigenous and Northern Affairs Canada, Qikiqtani Inuit Association	

QIA COMMENTS ON CONDITION 46:

Disagree. This Project Term is a reason for the current Water Licence Terms and Conditions as indicated by Baffinland. This does not warrant the removal of the Project Term. Should this Project Term be removed, the Nunavut Water Board should be committed to being more prescriptive in the Water Licence Terms and Conditions. Considering the current timelines for the Water Licence process that is already underway, this may not be feasible.

	Project Certificate Condition No. 47	Baffinland Comments
Category	Freshwater Aquatic Environment – Watercourses	<p>Proposed Revision: Suggest to remove PC Condition No. 47.</p> <p>Rationale: PC Condition No. 47 duplicates regulatory requirements regarding the design and construction of Project infrastructure in watercourses included within the Type ‘A’ Water License, specifically:</p> <ul style="list-style-type: none">• Part D, Item 1 and 2;• Part E, Item 23;• Part G; and• Part B, Item 14 & Part E, Item 2 (discusses maintenance and monitoring procedures for culverts and conduits). <p>Additional regulatory licenses that mandate established requirements for blasting activities, includes:</p> <ul style="list-style-type: none">• DFO Authorizations any Letters of Advice.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To prevent blockages or restrictions to fish passage.	
Term or Condition	The Proponent shall ensure that all Project infrastructure in watercourses are designed and constructed in such a manner that they do not unduly prevent and limit the movement of water in fish bearing streams and rivers.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Nunavut Water Board (NWB), Indigenous and Northern Affairs Canada (INAC), Qikiqtani Inuit Association (QIA), Fisheries and Oceans Canada (DFO)	

QIA COMMENTS ON CONDITION 47:

Disagree. This Project Term is a reason for the current Water Licence Terms and Conditions as indicated by Baffinland. This does not warrant the removal of the Project Term. Should this Project Term be removed, the Nunavut Water Board should be committed to being more prescriptive in the Water Licence Terms and Conditions. Considering the current timelines for the Water Licence process that is already underway, this may not be feasible. QIA also recommends the following revisions:

Project Phase(s): change to: Construction and Operations. **Rationale:** blockages and restrictions are also a likely to occur during operations

Term or Condition: suggested wording “The Proponent shall ensure that all Project infrastructure in watercourses is designed, constructed, and maintained in such a manner that it does not unduly prevent or limit the movement of water and natural movements of fish in fish bearing streams and rivers.” **Rationale:** need to change the focus on both “movement of water” and “maintenance of fish passage”. Too much water passing through a culvert can be as limiting to fish passage as too little, so it is important to design stream crossings to maintain fish passage under a range of flows.

Reporting Requirement: Annual report to NIRB and stakeholders that details crossing remediations completed or required, the results of annual monitoring of fish passage and Arctic char health at Project water crossings, and archives all related fish and stream monitoring data for future comparison. **Rationale:** monitoring data should be provided to ensure they are reviewed and archived for long-term comparison.

	Project Certificate Condition No. 48	Baffinland Comments
Category	Freshwater Aquatic Environment – Explosives	Proposed Revision: Suggest to remove PC Condition No. 48. Rationale: PC Condition No. 48 duplicates regulatory requirements included within the Type ‘A’ Water License for the Project, specifically: <ul style="list-style-type: none">Part E, Item 24. Additional regulatory licenses that mandate established requirements for blasting activities, includes: <ul style="list-style-type: none">Fisheries Act.
Responsible Parties	The Proponent, Qikiqtani Inuit Association, Fisheries and Oceans Canada	
Project Phase(s)	Construction, Operations	
Objective	To mitigate impacts to freshwater aquatic habitat.	
Term or Condition	The Proponent shall engage with Fisheries and Oceans Canada and the Qikiqtani Inuit Association in exploring possible Project specific thresholds for blasting that would exceed the requirements of Fisheries and Oceans Canada’s Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters (D.G. Wright and G.E. Hopky, 1998).	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	N/A	

QIA COMMENTS ON CONDITION 48:

Disagree. QIA is concerned with the proposed removal of condition 48. While the Type A Water license may require following DFO guidance it does not support the spirit of this condition which requires the establishment of thresholds with QIA, better and beyond the minimum regulatory requirements. In addition, PCC 44 and PCC 48 are not duplicative. Research by DFO and others has shown that the 1998 guidelines are not sufficiently precautionary and their use could lead to unnecessary mortality of fish and fish eggs. If BIMC plans to conduct blasting near water, as it may do during railway construction (south and/or north), the more precautionary recommendations of the recent studies should be followed. DFO has been slow to revise its guidelines so this may be up to NIRB.

	Project Certificate Condition No. 48(a)	Baffinland Comments
Category	Freshwater Aquatic Environment – Arctic char	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations	
Objective	To determine presence and health of arctic char in freshwater aquatic habitat.	

Term or Condition	The Proponent shall develop plans to conduct additional surveys for the presence of arctic char in freshwater bodies and ongoing monitoring of arctic char health where applicable, within watersheds proximal to the mine, tote road and Milne Inlet Port project development areas, including but not limited to, Phillips Creek, Tugaat and Qurluktuk. The Proponent shall consult with the MHTO regarding the design, timing, and location of proposed surveys and ongoing monitoring.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Nunavut Water Board (NWB), Qikiqtani Inuit Association (QIA), Indigenous and Northern Affairs Canada (INAC), Nunavut Impact Review Board (NIRB), Fisheries and Oceans Canada (DFO)	

QIA COMMENTS ON CONDITION 48(A):

Disagree. QIA supports the requirements of this condition however additional requirements need to be added.

Rationale: QIA has requested BIMC commit to developing and implementing metrics for monitoring Arctic char health at stream crossings along the tote road (e.g., Phillips Creek) (QIA TC 42).QIA therefore recommends the following revisions:

Term or Condition: add: “Metrics for assessing the health of juvenile Arctic char shall be developed and used over the life of the Project to monitor the health of juvenile Arctic char at stream crossings along the tote road and proposed railway route.”

Reporting Requirement: Annual report to NIRB and stakeholders that details crossing remediations completed or required, the results of annual monitoring of fish passage and Arctic char health at Project water crossings, and archives all related fish and stream monitoring data for future comparison.

	Project Certificate Condition No. 49	Baffinland Comments
Category	Terrestrial Wildlife and Wildlife Habitat – Terrestrial Environment Working Group	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	All phases	
Objective	To provide environmental oversight.	
Term or Condition	The Proponent shall establish a Terrestrial Environment Working Group (“TEWG”) which will act as an advisory group in connection with mitigation measures for the protection of the terrestrial environment and in connection with its Environmental Effects Monitoring Program, as it pertains to the terrestrial environment. Members may consider the draft terms of reference for the TEWG filed in the Final Hearing, but they are not bound by them. The role of the TEWG is not intended to either duplicate or to affect the exercise of regulatory authority by appropriate government agencies and departments.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 49:

Disagree. QIA supports this conditions, however, QIA requests this condition be strengthened to confirm the role of the TEWG in adaptive management. Neither the TEWG nor the MEWG has been reviewing issues related to freshwater fish and fish habitat. This is a gap in stakeholder review that should be addressed either by changing the focus of one of these working groups or by establishing a separate working group related to freshwater issues. In addition, as mentioned previously, an ongoing problem has been the lack of response by BIM to recommendations put forward by the TEWG to improve monitoring programs. For all monitoring efforts, the requirement for BIM to respond to consensus

recommendations from the TEWG needs to either be embedded in all project conditions, or in an overarching project condition related to the relationship between BIM, the TEWG, the MEWG and the Inuit Committee/Inuit Panel. It is QIA’s understanding that the Government of Nunavut (GN) has proposed changes to the TEWG terms of reference; integration of those recommended changes into a new PCC that establishes the requirement for consensus recommendations from the TEWG to be acted upon by BIMC should address this concern. The recommended improvements to the TEWG terms of reference should be crosswalked to all working groups, including the MEWG and the Inuit Committee / Inuit Panel. A strengthened understanding of the parallel role of IQ in informing mitigations and adaptive management should also be included.

	Project Certificate Condition No. 50	Baffinland Comments
Category	Terrestrial Wildlife and Habitat – General	No Change.
Responsible Parties	The Proponent and other Parties as appropriate	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To ensure appropriate and responsive adaptive management.	
Term or Condition	The Proponent shall continue to develop and implement Project-specific monitoring for the terrestrial environment, and will demonstrate appropriate refinements to design, incorporation of analytical methods and elaboration of methodologies. The monitoring plan shall contain clear thresholds to allow for the assessment of long-term trends and cumulative effects where project interactions are identified. Coordination and cooperation will be required where data collection, analysis and interpretation, or responsibility for mitigation and management requires the efforts of multiple parties (e.g., government, Qikiqtani Inuit Association, communities).	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	

QIA COMMENT ON CONDITION 50:

Disagree. QIA supports this condition, however, QIA requests that this condition be strengthened to include a requirement to identify predicted changes in key values due to the project (e.g., caribou movement patterns and avoidance of the project area), monitoring to see if predicted changes are accurate, and the introduction of additional mitigations if impacts are beyond what was predicted. QIA has identified concerns regarding the current approach for establishing thresholds (e.g., what constitutes a significant effect to caribou), and how the predicted changes due to the project have been calculated. The proponent must be required to revise these predictions based on scientific information and IQ, and develop appropriate monitoring programs to test these predictions. A clear, strong PC related to this need, specific to caribou, must be developed. In reference to this requirement, QIA has proposed two new conditions under PCC No. 51 related to establishing regional IQ-based and science-based monitoring programs and a harvester program.

QIA also recommends a related new condition concerning Inuit involvement in terrestrial monitoring (see below).

NEW CONDITION – INUIT INVOLVEMENT IN TERRESTRIAL MONITORING

Category: Terrestrial Wildlife and Habitat - Monitoring

Responsible Parties: The Proponent, North Baffin Communities, QIA

Project Phase(s): Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring

Objective: To ensure Inuit are involved and IQ is considered in all terrestrial monitoring.

Term or Condition: Proponent to work with TEWG, QIA, and North Baffin Inuit Communities to review adequacy of existing, and develop enhanced and independent, Inuit community-based terrestrial monitoring programs.

Reporting Requirement: Annual Reporting to NIRB

Stakeholder Review: Terrestrial Environment Working Group (TEWG)

	Project Certificate Condition No. 51	Baffinland Comments
Category	Terrestrial Wildlife and Habitat – General	No Change.
Responsible Parties	The Proponent and/or TWEG	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To promote coordination of monitoring efforts.	
Term or Condition	The Proponent, either directly or as part of the TEWG, shall consider and, where appropriate, cooperate with relevant regional and/or community-based monitoring initiatives that raise issues or produce information pertinent to mitigating project-induced impacts. The Proponent shall give special consideration for supporting regional studies of population health and harvest programs for North Baffin caribou which help address areas of uncertainty for Project impact predictions.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	

QIA COMMENT ON CONDITION 51:

Disagree. QIA supports this condition, however, PCC 51 must be strengthened to include a requirement to participate in and support GN and HTO monitoring efforts to determine regional effects to caribou. The proponent must be required to collaboratively revise predicted regional impacts to North Baffin caribou, and respond to the results of monitoring programs if they are beyond the predicted impacts through the introduction of additional mitigations, based on advice from the TEWG and the Inuit Committee/Inuit Panel. The relationship between predicted project effects, regional monitoring (GN and community-based), the monitoring groups, Inuit Committee/Inuit Panel, and BIM’s required response, must be clearly laid out in project condition(s). QIA recognizes the existence of the Mary River Caribou Protection Measures development in January 2014; as these measures were developed prior to the Phase 2 proposal, reviewing these protection measures and strengthening them is critical at this time. Given these outstanding issues related to the impacts of the railway on caribou, and the greatly increased likelihood of future cumulative effects to caribou from the construction of the railway, QIA is requesting the following three new conditions:

NEW CONDITION – CARIBOU HARVESTER SURVEY (PENDING COMMUNITY SUPPORT)

Category: Terrestrial Wildlife and Habitat - Monitoring

Responsible Parties: The Proponent, North Baffin Communities, QIA, and other relevant parties

Project Phase(s): Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring

Objective: To gather information each year from hunters about caribou populations, locations, behavior and health.

Term or Condition: Proponent to work with QIA and HTOs to support the implementation of a harvesters survey for North Baffin caribou. At a minimum, this project must include annual interviews with up to 20 hunters, to be identified by HTOs, to determine the behavior, health, population and condition of caribou. The proponent must commit to developing additional mitigations and/or protection measures for caribou based on the results of these interviews. Every three years, this program will include a survey more broadly of other harvesting practices and impacts, as part of the CRLU.

Reporting Requirement: Annual Reporting to NIRB

Stakeholder Review: TEWG, QIA

NEW CONDITION –REGIONAL CARIBOU MONITORING PROGRAM

Category: Terrestrial Wildlife and Habitat - Monitoring

Responsible Parties: The Proponent, North Baffin Communities, QIA, and other relevant parties

Project Phase(s): Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring

Objective: To determine how caribou habitat and movement are being affected by the railway, including developing predictions based on scientific information and IQ, developing appropriate monitoring programs to whether caribou movement is being restricted by the railway, and determining whether habitat loss or restricted movement is affecting caribou population viability.

Term or Condition: Proponent to work with GN, QIA and HTOs to develop and support a regional monitoring program for caribou, to monitor caribou use of habitat, avoidance of the railway, and changes in gene flow over time. The monitoring program must be based on clear science and IQ-based predictions of impacts to caribou from the proposed Phase 2 project. Pending community agreement, the regional monitoring program must include a community-driven, IQ-based monitoring component, and a science-based program involving an appropriate minimum number of collars for monitoring movement and habitat use, as well as a genetic component to look at changes in gene flow over time. This program will be designed to inform impacts to caribou from the Phase 2 components of the project, including caribou use of habitat, changes in movement patterns, changes in gene flow, and changes in caribou health and condition.

Reporting Requirement: Annual Reporting to NIRB

Stakeholder Review: TEWG, QIA

NEW CONDITION – IDENTIFCATION OF CARIBOU HABITAT PROTECTION AREAS

Category: Terrestrial Wildlife and Habitat – Wildlife Habitat

Responsible Parties: The Proponent, North Baffin Communities, QIA, and other relevant parties

Project Phase(s): Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring

Objective: To protect caribou habitat in the North Baffin range from further impacts.

Term or Condition: The Proponent will support the strengthening and enactment of additional protection measures for North Baffin caribou. This condition must include full implementation of the existing protection measures, including the development of a Caribou Protection Map and project protection zones, in collaboration with the TEWG and Inuit Advisors.

Activities to support this project include:

- Conducting an IQ study of caribou use with HTOs and QIA;
- Reviewing existing protection measures to identify gaps;
- Fully implement existing protection measures;
- Working with GN, QIA, HTOs to identify new protection measures in relation to the Project, including the identification of habitat protection areas and project protection zones..

Reporting Requirement: Annually to NIRB

Stakeholder Review: TEWG, GN, QIA, HTO members

	Project Certificate Condition No. 52	Baffinland Comments
Category	Terrestrial Wildlife and Habitat – Caribou	Proposed Revision: Suggest to remove PC Condition No. 52. Rationale: Should Project monitoring identify a need for caribou deterrents from hazardous areas, appropriate mitigation measures will be discussed with the TEWG and implemented to minimize potential effects in accordance with requirements of PC Condition No. 50, 51 and 53.
Responsible Parties	The Proponent, TEWG	
Project Phase(s)	Construction	
Objective	To ensure best practices are used for caribou protection.	
Term or Condition	Within 3 months of issuance of the Project Certificate, the Proponent shall initiate design, and develop the timeline to test and implement means of deterring caribou from pits and other hazardous areas. A review of best practices and	

	techniques will be undertaken at other Northern mines where interactions with caribou occur. Considerations should include temporary ribbon placement, Inuksuks, or fencing and subsequent monitoring for effectiveness. These activities shall be reported back to the Terrestrial Environment Working Group.	
Reporting Requirement	To be developed following approval of the Project by the Minister; results to be reported back to the Terrestrial Environment Working Group.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 52:

Disagree. QIA requests that these changes be made to PCCs 50, 51 and 53 before the decision is made to remove PCC 52.

In addition, to address concerns outlined in QIA’s Final Written Submission for TC-01, QIA requests the following related new condition (see below).

NEW CONDITION – MONITORING LOCAL EFFECTS OF THE RAILWAY ON CARIBOU

Category: Terrestrial Wildlife and Habitat – Caribou Monitoring

Responsible Parties: The Proponent

Project Phase(s): Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring

Objective: To monitor and mitigate impacts to caribou movement and mortality risk in the immediate vicinity of the rail.

Term or Condition: Proponent to develop a local monitoring program in vicinity of the railway, to identify high collision locations and trigger additional mitigations when caribou are in the area. The Program to be developed in collaboration with QIA, GN, HTO members, TEWG and other relevant parties. A review of best practices and techniques will be undertaken at other Northern mines where interactions with caribou occur to inform development of the plan. The monitoring program must address IQ-based concerns regarding the potential for the rail embankment to attract caribou and result in an increased risk of direct mortality.

Reporting Requirement: Annually to NIRB

Stakeholder Review: TEWG, GN, QIA, HTO members, TEWG

	Project Certificate Condition No. 53	Baffinland Comments
Category	Terrestrial Wildlife and Habitat – Caribou	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To mitigate impacts to caribou from Project-related traffic.	
Term or Condition	The Proponent shall demonstrate consideration for the following: <div>a) Steps taken to prevent caribou mortality and injury as a result of train and vehicular traffic, including operational measures meant to maximize the potential for safe traffic relative to operations on the railway, Milne Inlet Tote Road and associated access roads.<div>i. Specific measures intended to address the reduced effectiveness of visual protocols for the Milne Inlet Tote Road and access roads/trails during times of darkness and low visibility must be included.</div></div>	

	<div>b) Monitoring and mitigation measures at points where the railway, roads, trails and flight paths pass through caribou calving areas, particularly during caribou calving times. The details of these monitoring and mitigation measures shall be developed in conjunction with the Terrestrial Environment Working Group.</div> <div>c) Evaluation of the effectiveness of proposed caribou crossings over the railway, Milne Inlet Tote Road and access roads as well as the appropriate number.</div> <div>d) Development of a surveillance system along the railway corridor to identify the presence of caribou in proximity to the train tracks and operational protocols for the train to avoid collisions and enable caribou to cross the train tracks unimpeded.</div> <div>e) Protocols for documentation and reporting of all caribou collisions and mortalities, as well as mechanisms for adaptive management responses designed to prevent further such interactions.</div>	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 53:

Disagree. QIA supports this condition, however, QIA requests that term e) be split into two terms to ensure that priority consideration is given to adaptive management triggers and responses:

REVISIONS TO CONDITION 53:

Term or condition: e) Protocols for documentation and reporting of all caribou collisions and mortalities.

f) Thresholds and clear triggers, based on science and IQ knowledge of north Baffin caribou movement patterns and typical group sizes, as well as mechanisms for adaptive management responses designed to address those triggers and prevent detrimental north corridor interactions, including requirements for construction of additional crossing locations if needed.

In addition, to address ongoing concerns about the proposed engineering of the railway, QIA recommends the following related new condition

NEW CONDITION – RAIL DESIGN TO PROMOTE PERMEABILITY TO CARIBOU

Category: Accidents and Malfunctions – Terrestrial Wildlife Management and Monitoring Plan

Responsible Parties: The Proponent

Project Phase(s): Pre-construction, construction

Objective: To ensure project design minimizes impacts to caribou.

Term or Condition: The Proponent to follow best practice and consideration of both science and IQ in all future rail design to limit harm to caribou including but not limited to:

- a. Where possible, ensure all embankments that are lower than 1.5 m and within areas of high usage are built at 1:2 or lower.
- b. Use computer modelling and Inuit IQ to identify areas of high importance for wildlife travel
- c. Ensure Type 8 material is used for embankment fill throughout, with finer materials used in key areas of caribou movement as identified through engagement with IQ holders
- d. Complete a robust science and IQ-based process for identifying high crossing locations, including additional workshops with IQ holders
- e. Avoid all caribou crossing locations identified by North Baffin Community members and through modelling efforts
- f. Employ viaducts at key locations to maintain valley bottom travel corridors

Reporting Requirement: Report results to NIRB

Stakeholder Review: QIA, HTO, TEWG, Other Relevant Parties

	Project Certificate Condition No. 54	Baffinland Comments
Category	Terrestrial Wildlife and Habitat – Caribou	Proposed Revision: Suggest to remove PC Condition No. 54. Rationale: Any necessary updates to the TEMMP not already captured in the updated draft version submitted during the current review process can be captured as commitments.
Responsible Parties	The Proponent	
Project Phase(s)	Construction – within six (6) months of issuance of Project Certificate	
Objective	To Update the Terrestrial Environmental Management and Monitoring Plan	
Term or Condition	The Proponent shall provide an updated Terrestrial Environmental Management and Monitoring Plan which shall include, but not be limited to the following: <ul style="list-style-type: none">a) Details of the methods and rationale for conducting monitoring prior to the commencement of construction;b) Monitoring for caribou presence and behavior during railway and Tote Road construction;c) Description and justification of statistical design or other means of determining effect and proposed analyses to support the conclusions drawn from monitoring impacts of the mine and related infrastructure on wildlife;d) Details of monitoring and mitigation activities, which should be established in collaboration with the Terrestrial Environment Working Group and are expected to include:e) Dustfall (fugitive and Total Suspended Particulates), that addresses methods to reduce risk to caribou forage from dustfall;f) Snow track surveys during construction and the use of video-surveillance to improve the predictability of caribou exposure to the railway and Tote Road. Using the result of this information, an early warning system for caribou on the railway and Tote Road shall be developed for operation.g) Details of monitoring thresholds related to level of mitigation and management; andh) Details of a comprehensive hunter harvest survey to determine the effect on caribou populations and potential effects on caribou behaviour resulting from increased human access caused by upgrades to the Milne Inlet tote road (and any other roads if they are shifted from private to public use) and increase local knowledge of the mine site, including establishing pre-construction baseline harvesting data.	
Reporting Requirement	Plan to be submitted to the NIRB and the TEWG within 6 months of issuance of a Project Certificate.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG), Nunavut Impact Review Board	

QIA COMMENTS ON CONDITION 54:

Disagree. QIA is concerned about the proposed removal of this condition. Some of the elements are included in the existing TEMMP, while others remain important gaps. QIA requests that this PCC remain until all new PCCs are developed, at which point it may be reviewed to determine whether all elements of this PCC are captured elsewhere. Gaps currently include: a) requests for improvements to the dustfall monitoring program; b) concerns regarding the efficacy of the snow track surveys (they are conducted only rarely, and only from the truck); c) identification of predictions and clear thresholds for caribou impacts from the project components; d) hunter harvester surveys (which have not been implemented).

	Project Certificate Condition No. 55	Baffinland Comments
Category	Terrestrial Wildlife and Habitat – Wolves	No Change.
Responsible Parties	The Proponent, Government of Nunavut Department of Environment	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To mitigate potential impacts to wolves.	

Term or Condition	The Proponent shall develop an adaptive management plan applicable to wolves and wolf habitat in collaboration with the Government of Nunavut- Department of Environment (GN-DOE) to ensure compliance with the <i>Nunavut Wildlife Act</i> . Consideration must be given to the following: Monitoring for active wolf dens within a 10 km radius from the mine site, under the direction and prior approval of the GN DOE, and reporting the results through NIRB’s Annual Reports on terrestrial wildlife in the Potential Development Area (PDA); Estimating the available (glacio-fluvial materials) esker habitat within the Regional Study Area/PDA and identifying such habitat as ecologically sensitive; Developing “wolf indices” for presence/abundance of wolves (by conducting studies) to set a baseline pre-construction baseline; and Ensuring that wolf monitoring is capable of determining the relative abundance and distribution of wolves in the Project Development Area over time.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 55:

Agree.

	Project Certificate Condition No. 56	Baffinland Comments
Category	Terrestrial Wildlife and Habitat – Wildlife Habitat	Proposed Revision: Suggest to remove PC Condition No. 56. Rationale: See suggested revisions to PC Condition No. 149, which includes a proposal for the establishment of a Mine Closure Working Group.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To ensure progressive reclamation of disturbed wildlife habitat.	
Term or Condition	The Proponent shall develop a strategy for the recovery of terrestrial wildlife habitat in a progressive manner that is consistent with the <i>Nunavut Wildlife Act</i> . Overall, this will require the integration of a decision-making process and the identification of mitigation responses to cumulative impacts on caribou survival, breeding propensity, and population dynamics.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtani Inuit Association, Nunavut Water Board, Indigenous and Northern Affairs Canada	

QIA COMMENTS ON CONDITION 56

Disagree. QIA disagrees with the Proponent on the removal of this condition. A vague commitment to a future working group is not a mitigation for habitat loss.

	Project Certificate Condition No. 57	Baffinland Comments
Category	Terrestrial Wildlife and Habitat – Reporting	No Change.
Responsible Parties	The Proponent	No Change.

Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	No Change.
Objective	To mitigate and monitor for impacts to wildlife.	No Change.
Term or Condition	<p>The Proponent shall report annually regarding its terrestrial environment monitoring efforts, with inclusion of the following information:</p> <ul style="list-style-type: none">a) Description of all updates to terrestrial ecosystem baseline data;b) A description of the involvement of Inuit in the monitoring program;c) An explanation of the annual results relative to the scale of the natural variability of Valued Ecosystem Components in the region, as described in the baseline report;d) A detailed presentation and analysis of the distribution relative to mine structures and activities for caribou and other terrestrial mammals observed during the surveys and incidental sightings;e) Results of the annual monitoring program, including field methodologies and statistical approaches used to support conclusions drawn;f) A summary of the chronology and level of mine activities (such as vehicle frequency and type);g) An assessment and presentation of annual environmental conditions including timing of snowmelt, green-up, as well as standard weather summaries;h) A discussion of any proposed changes to the monitoring survey methodologies, statistical approaches or proposed adaptive management stemming from the results of the monitoring program.	<p>Proposed Revision:</p> <p>The Proponent shall report annually regarding its terrestrial environment monitoring efforts, with inclusion of the following information:</p> <ul style="list-style-type: none">a) Description of all updates to terrestrial ecosystem baseline data;b) A description of the involvement of Inuit in the monitoring program;c) An explanation of the annual results relative to the scale of the natural variability of Valued Ecosystem Components in the region, as described in the baseline report;d) A detailed presentation and analysis of the distribution relative to mine structures and activities for caribou and other terrestrial mammals observed during the surveys and incidental sightings;e) Results of the annual monitoring program, including field methodologies and statistical approaches used to support conclusions drawn;f) An assessment and presentation of annual environmental conditions relative to data collected.g) A discussion of any proposed changes to the monitoring survey methodologies, statistical approaches or proposed adaptive management stemming from the results of the monitoring program. <p>Rationale:</p> <p>Proposed revisions provides a more focused scope for reporting on terrestrial environment monitoring activities and inter-annual trends.</p>
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.	No Change.
Stakeholder Review	Nunavut Impact Review Board, Terrestrial Environment Working Group (TEWG)	No Change.

QIA COMMENT ON CONDITION 57:

Disagree. QIA disagrees with removing the requirement to monitor vehicle traffic and types along the Tote Road.

	Project Certificate Condition No. 58	Baffinland Comments
Category	Terrestrial Wildlife and Habitat – Reporting	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 58.</p> <p>Rationale:</p> <p>Reporting requirements are duplicative to several other PC Conditions, including PC Condition No. 10, 34, 36, 37, 50, 51, 53 (b, c, d and d), 55, 57, 67, 74 and 75.</p>
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To mitigate and monitor for impacts to wildlife.	
Term or Condition	<p>Within its annual report to the NIRB, the Proponent shall incorporate a review section which includes:</p> <ul style="list-style-type: none">a) An examination for trends in the measured natural variability of Valued Ecosystem Components in the region relative to the baseline reporting;b) A detailed analysis of wildlife responses to operations with emphasis on calving and post-calving caribou behaviour and displacements (if any), and caribou responses to and crossing of the railway, the Milne Inlet Tote Road and associated access roads/trails;c) A description of the extent of dustfall based on measured levels of dustfall (fugitive and finer particles such as TSP) on lichens and blueberries, and ash content of caribou fecal pellets;d) A demonstration and description of how the monitoring results, including the railway, road traffic, air traffic and dustfall contribute to cumulative effects of the project;e) Any proposed changes to the monitoring survey methodologies, statistical approaches or proposed adaptive management stemming from the results of the monitoring program;	

	f) Any updates to information regarding caribou migration trails. Maps of caribou migration trails, primarily obtained through any new collar and snow tracking data, shall be updated (at least annually) in consultation with the Qikiqtani Inuit Association and affected communities, and shall be circulated as new information becomes available.	
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.	
Stakeholder Review	Nunavut Impact Review Board, Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 58:

Disagree. QIA disagrees with the proposed removal of this condition. Reporting requirements may be informed by the PC Conditions cited by the Proponent, but QIA does not believe them to be duplicative as this condition requires a review section. 58 f in particular is not duplicated in any other Condition – given likely caribou impacts it will be important to record and share with communities any changes to caribou migration patterns.

	Project Certificate Condition No. 59	Baffinland Comments
Category	Terrestrial Wildlife and Habitat – Aircraft Disturbances	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction, Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	No Change.
Objective	To mitigate aircraft disturbance to wildlife and Inuit harvesting.	No Change.
Term or Condition	The Proponent shall ensure that aircraft maintain, whenever possible(except for specified operational purposes such as drill moves, take offs and landings), and subject to pilot discretion regarding aircraft and human safety, a cruising altitude of at least 610 metres during point to point travel when in areas likely to have migratory birds, and 1,000 metres vertical and 1,500 metres horizontal distance from observed concentrations of migratory birds (or as otherwise prescribed by the Terrestrial Environment Working Group) and use flight corridors to avoid areas of significant wildlife importance. The Proponent, in collaboration with the Terrestrial Environment Working Group shall develop a program or specific measures to ensure that employees and subcontractors providing aircraft services to the Project are respectful of wildlife and Inuit harvesting that may occur in and around project areas.	<p>Proposed Revision:</p> <p>The Proponent shall ensure that pilots are informed of minimum cruising altitude guidelines and that a daily log or record of flight paths and cruising altitudes of aircraft within all Project Areas is maintained and made available for regulatory authorities such as Transport Canada to monitor adherence and to follow up on complaints.</p> <p>Subject to safety requirements, the Proponent shall require all project related aircraft to maintain a cruising altitude of at least:</p> <ul style="list-style-type: none">• 650 m during point to point travel when in areas likely to have migratory birds;• 1100 m vertical and 1500 m horizontal distance from observed concentrations of migratory birds; and• 1100 m over the area identified as a key site for moulting snow geese during the moulting period (July-August), and if maintaining this altitude is not possible, maintain a lateral distance of at least at least 1500 m from the boundary of this site. <p>Rationale:</p> <p>Revised to eliminate duplication that currently exists between PC Condition No. 59, 71 and 72 and to enhance enforceability.</p>
Reporting Requirement	To be developed following approval of the Project by the Minister.	<p>Proposed Revision:</p> <p>Construction, Operations, Closure</p> <p>Rationale:</p> <p>To reflect implementation of mitigation measures, subject to safety requirements, throughout the life of the Project.</p>

Stakeholder Review	Terrestrial Environment Working Group (TEWG)	No Change.
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QIA COMMENTS ON CONDITION 59:

Disagree. QIA requests that this proposed revision be changed to include avoidance of areas of significant wildlife importance, based on input from the TEWG and IQ holders. QIA requests a review of how compliance is being determined for this PC.

	Project Certificate Condition No. 60	Baffinland Comments
Category	Terrestrial Wildlife and Habitat – Explosives	Proposed Revision: Suggest to remove PC Condition No. 60. Rationale: Restriction of blasting activities when migrating caribou, sensitive local carnivores or birds may be negatively affected is accounted for by PC Condition No. 61.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To mitigate impacts to wildlife from explosives.	
Term or Condition	Prior to construction, the Proponent shall develop a detailed blasting program to minimize the effects of blasting on terrestrial wildlife that includes, but is not limited to the restriction of blasting when migrating caribou, sensitive local carnivores or birds may be negatively affected.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	N/A	

QIA COMMENTS ON CONDITION 60:

Disagree. QIA disagrees with the proposed removal of condition 60 as a stop-work plan does not include management of seasonal windows, timing and other measures that can prevent interactions before a stop work is required.

	Project Certificate Condition No. 61	Baffinland Comments
Category	Terrestrial Wildlife and Habitat – Operations (General)	No Change.
Responsible Parties	The Proponent, TEWG	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To mitigate Project impacts to wildlife.	
Term or Condition	Whenever practical and not causing a human safety issue, a stop work policy shall be implemented when wildlife in the area may be endangered by the work being carried out. An operational definition of ‘endangered’ shall be provided by the Terrestrial Environment Working Group.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	

	Project Certificate Condition No. 62	Baffinland Comments
Category	Terrestrial Wildlife and Habitat – Operations (General)	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 62</p> <p>Rationale:</p> <p>As described in Article 11.4 of the IIBA, “Inuit employees shall be permitted access during their leisure hours, subject to Company policies, to all Project Areas for the purpose of any form of harvesting...in conformity with Subsection 5.7.17 (b) of the NLCA...”. PC Condition No. 124 as currently written contradicts the Proponent’s ability to meet the requirements of the IIBA or the NLCA.</p> <p>See also suggested revisions to PC Condition No. 124.</p>
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To prevent increased harvesting pressure on wildlife.	
Term or Condition	The Proponent shall prohibit project employees from transporting firearms to site and from operating firearms in project areas for the purpose of wildlife harvesting.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	N/A	

	Project Certificate Condition No. 63	Baffinland Comments
Category	Terrestrial Wildlife and Habitat – Public Engagement	<p>No Change.</p>
Responsible Parties	The Proponent, local Hunters and Trappers Organizations	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To keep communities up to date with Project operations.	
Term or Condition	The Proponent shall liaise with local Hunters and Trappers Organizations in advance of carrying out terrestrial wildlife surveys. At a minimum, The Proponent shall also meet annually in person with Hunters and Trappers Organizations to discuss wildlife monitoring and mitigation plans and address community concerns regarding wildlife interactions. The Proponent may be required to facilitate these meetings through payment of honoraria and meeting costs.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG) and with local Hunter and Trappers Organizations (HTOs)	

QIA COMMENT ON CONDITION 63

QIA defers to the local Hunters and Trappers Organizations if they have any recommended revisions to improve this PC Condition.

	Project Certificate Condition No. 64	Baffinland Comments
Category	Terrestrial Wildlife and Habitat – Waste Management	<p>No Change.</p>
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To prevent human-carnivore interactions.	

Term or Condition	The Proponent shall ensure that its Environment Protection Plan incorporates waste management provisions to prevent carnivores from being attracted to the Project site(s). Consideration must be given to the following measures: Installation of an incinerator beside the kitchen that will help to keep the food waste management process simple and will minimize the opportunity for human error (i.e. storage of garbage outside, hauling in a truck (odours remain in truck), hauling some distance to a landfill site, incomplete combustion at landfill, fencing of landfill, etc.) Installation of solid carnivore-proof skirting on all kitchen and accommodation buildings (i.e., heavy-duty steel mesh that would drop down from the edge of the buildings/trailers and buried about a half meter into the ground to prevent animals from digging under the skirting).	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Environment Climate Change Canada, Qikiqtani Inuit Association, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board.	

QIA COMMENTS ON CONDITION 64:

Agree

	Project Certificate Condition No. 65	Baffinland Comments
Category	Birds – Awareness	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To prevent disturbance to birds and bird habitat.	
Term or Condition	The Proponent shall ensure all employees working at project sites receive awareness training regarding the importance of avoiding known nests and nesting areas and large concentrations of foraging and moulting birds.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtani Inuit Association, Nunavut Impact Review Board, Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 65:

Agree

	Project Certificate Condition No. 66	Baffinland Comments
Category	Birds – Species at Risk	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	No Change.
Objective	To prevent impacts to sensitive bird species.	No Change.

Term or Condition	If Species at Risk or their nests and eggs are encountered during Project activities or monitoring programs, the primary mitigation measure must be avoidance. The Proponent shall establish clear zones of avoidance on the basis of the species-specific nest setback distances outlined in the Terrestrial Environment Management and Monitoring Plan.	Proposed Revision: Is Species at Risk or their nests and eggs are encountered during Project activities or monitoring programs, the Proponent is strongly encouraged to consider avoidance as a primary mitigation measure. The Proponent shall establish clear zones of avoidance on the basis of the species-specific nest setback distances outlined in the Terrestrial Environment Management and Monitoring Plan. Rationale: Revisions allows for enhanced enforceability.
Reporting Requirement	To be developed following approval of the Project by the Minister.	Proposed Revision: Annual. Rationale: Reporting on implementation of PC Condition No. 66 would be included in the Annual Report to the NIRB as relevant.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	No Change.

QIA COMMENTS ON CONDITION 66:

Disagree. QIA disagrees with the proposed wording change. Requirement for primary mitigation measure to be avoidance must be maintained.

	Project Certificate Condition No. 67	Baffinland Comments
Category	Birds – Species at Risk	No change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To prevent impacts to sensitive bird species.	
Term or Condition	The Proponent shall ensure that the mitigation and monitoring strategies developed for Species at Risk are updated as necessary to maintain consistency with any applicable status reports, recovery strategies, action plans and management plans that may become available during the duration of the Project.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG), Environment and Climate Change Canada (ECCC)	

QIA COMMENTS ON CONDITION 67:

Agree.

	Project Certificate Condition No. 68	Baffinland Comments
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Category	Birds – Project Infrastructure	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	No Change.
Objective	To prevent potential injuries to birds.	No Change.
Term or Condition	The Proponent shall ensure flashing red, red strobe or white strobe lights and guy-wire deterrents are used on communications towers established for the Project. Consideration should also be given to reducing lighting when possible in areas where it may serve as an attractant to birds or other wildlife.	Proposed Revision: The Proponent shall ensure appropriate deterrents are installed on communication towers established for the Project. The Proponent should also consider reducing lighting where it may serve as a bird attractant and does not present risks to safe operations: Rationale: It was determined through consultation with ECCC that strobe lights were not a relevant mitigation measure as most birds are in the area during the summer when there is 24 hours of light.
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.	No change.
Stakeholder Review	Environment and Climate Change Canada (ECCC), Terrestrial Environment Working Group (TEWG)	No Change.

QIA COMMENTS ON CONDITION 68:

Agree.

	Project Certificate Condition No. 69	Baffinland Comments
Category	Birds – Construction/Clearing Activities	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To prevent nesting by birds in active Project areas.	
Term or Condition	Prior to bird migrations and commencement of nesting, the Proponent shall identify and install nesting deterrents (e.g. flagging) to discourage birds from nesting in areas likely to be disturbed by construction/clearing activities taking place during the nesting season.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 69:

Agree.

	Project Certificate Condition No. 70	Baffinland Comments
Category	Birds – Construction/Clearing Activities	No Change.
Responsible Parties	The Proponent	

Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To prevent impacts to birds and nesting areas.	
Term or Condition	The Proponent shall protect any nests found (or indicated nests) with a buffer zone determined by the setback distances outlined in its Terrestrial Environment Mitigation and Monitoring Plan, until the young have fledged. If it is determined that observance of these setbacks is not feasible, the Proponent will develop nest-specific guidelines and procedures to ensure bird’s nests and their young are protected.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 70:

Agree.

	Project Certificate Condition No. 71	Baffinland Comments
Category	Birds – Flight Altitude Requirements	Proposed Revision: Suggest to remove PC Condition No. 71. Rationale: See proposed revisions to PC Condition No. 59, which has been updated to incorporate PC Condition No. 71 to reduce duplication.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To mitigate aircraft disturbance to birds.	
Term or Condition	Subject to safety requirements, the Proponent shall require all project related aircraft to maintain a cruising altitude of at least: <ul style="list-style-type: none">650 m during point to point travel when in areas likely to have migratory birds;1100 m vertical and 1500 m horizontal distance from observed concentrations of migratory birds; and1100 m over the area identified as a key site for moulting snow geese during the moulting period (July-August), and if maintaining this altitude is not possible, maintain a lateral distance of at least at least 1500 m from the boundary of this site.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 71:

Agree. QIA agrees that the revised PCC No. 59 now addresses these requirements.

	Project Certificate Condition No. 72	Baffinland Comments
Category	Birds – Flight Altitude Requirements	Proposed Revision: Suggest to remove PC Condition No. 72. Rationale:
Responsible Parties	The Proponent, Transport Canada	
Project Phase(s)	Construction, Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	

Objective	To mitigate aircraft disturbance to birds.	See proposed revisions to PC Condition No. 59, which has been updated to incorporate PC Condition No. 72 to reduce duplication.
Term or Condition	The Proponent shall ensure that pilots are informed of minimum cruising altitude guidelines and that a daily log or record of flight paths and cruising altitudes of aircraft within all Project Areas is maintained and made available for regulatory authorities such as Transport Canada to monitor adherence and to follow up on complaints.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtani Inuit Association, Nunavut Impact Review Board, Transport Canada, Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 72:
Agree. QIA agrees with the removal of this condition, as PCC No. 59 now covers this requirement.

	Project Certificate Condition No. 73	Baffinland Comments
Category	Birds	Proposed Revision: Suggest to remove PC Condition No. 73. Rationale: See proposed revisions to PC Condition No. 74, which incorporate the need to seek feedback from relevant agencies and reduce duplication between the two conditions.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To monitor Project-related effects on migratory birds.	
Term or Condition	The Proponent shall develop detailed and robust mitigation and monitoring plans for migratory birds, reflecting input from relevant agencies, the Qikiqtani Inuit Organization and communities as part of the Terrestrial Environment Working Group and to the extent applicable the Marine Environment Working Group.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG), Marine Environment Working Group (MEWG)	

QIA COMMENTS ON CONDITION 73:
Agree.

	Project Certificate Condition No. 74	Baffinland Comments
Category	Birds – Monitoring	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	No Change.
Objective	To develop appropriate mitigation and monitoring of impacts to birds.	No Change.
Term or Condition	The Proponent shall continue to develop and update relevant monitoring and management plans for migratory birds under the Proponent’s Environmental Management System, Terrestrial Environment Mitigation and Monitoring Plan prior to construction. The key indicators for follow up monitoring under this plan will include peregrine falcon, gyrfalcon, common and king eider, red knot, seabird migration and wintering, and songbird and shorebird diversity.	Proposed Revision: The Proponent shall continue to develop and update relevant monitoring and management plans for migratory birds on an as-need basis throughout the life of the Project based on input provided by the MEWG and TEWG. The key indicators for follow up monitoring under the TEMMP will include peregrine falcon, gyrfalcon, common and king eider, red knot, seabird migration and wintering, and songbird and shorebird diversity.

		Rationale: Updated to reflect longer-term monitoring requirements, and incorporate need to ongoing input from TEWG on the effectiveness of monitoring and mitigations measures for migratory birds.
Reporting Requirement	To be developed following approval of the Project by the Minister.	Proposed Revision: Annually Rationale: Summarized results of monitoring programs and mitigation measures to be included in the Annual Report to the NIRB.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	No Change.

QIA COMMENTS ON CONDITION 74:

Disagree. QIA requests that the Proponent’s revisions include the word “robust” when referring to the development of monitoring and management plans and include a requirement that plans reflect input by QIA through the MEWG and TEWG.

	Project Certificate Condition No. 75	Baffinland Comments
Category	Birds – Monitoring	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To assess the extent of terrestrial habitat loss.	
Term or Condition	The Proponent’s monitoring program shall assess and report, on annual basis, the extent of terrestrial habitat loss due to the Project to verify impact predictions and provide updated estimates of the total project footprint.	
Reporting Requirement	To be provided within the Annual Report to the NIRB.	
Stakeholder Review	Qikiqtani Inuit Association, Nunavut Impact Review Board, Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 75:

Agree.

	Project Certificate Condition No. 76	Baffinland Comments
Category	Marine Environment – General	Proposed Revision: Suggest to remove PC Condition No. 54.
Responsible Parties	The Proponent	

Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	Rationale: Updates to the Marine Monitoring Plan (MMP) were completed and submitted as part of the Phase 2 FEIS technical review. The MMP will be updated as needed to incorporate results of monitoring and adaptive management measures already stipulated in PC Condition No. 85, 87, 99, 101, 103, 106, 110, 113, 119 and 121.
Objective	To mitigate potential impacts to the marine environment.	
Term or Condition	The Proponent shall develop a comprehensive Environmental Effects Monitoring Program to address concerns and identify potential impacts of the Project on the marine environment.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Marine Environmental Working Group (MEWG)	

QIA COMMENTS ON CONDITION 76:

Disagree. QIA disagrees with the proposed removal. Revisions to the Marine Monitoring Plan are ongoing. The BIMC suggestion here to remove PCC 54 does not fit. Condition should in fact be more prescriptive with respect to updates (e.g., triggers that require updates, including to address Inuit concerns). Proponent to confirm if this is a typo.

	Project Certificate Condition No. 77	Baffinland Comments
Category	Marine Environment – Working Group	No Change.
Responsible Parties	The Proponent, Environment Canada, Fisheries and Oceans Canada, the Government of Nunavut, the Qikiqtani Inuit Association and interested parties	
Project Phase(s)	All Phases	
Objective	The MEWG will consult with, and provide advice and recommendations to the Proponent in connection with mitigation measures for the protection of the marine environment, monitoring of effects on the marine environment and the consideration of adaptive management plans. The role of the MEWG is not intended to either duplicate or to affect the exercise of regulatory authority by appropriate government agencies and departments.	
Term or Condition	A Marine Environment Working Group (“MEWG”) shall be established to serve as an advisory group in connection with mitigation measures for the protection of the marine environment, and in connection with the Project Environmental Effects Monitoring program, as it pertains to the marine environment. Membership on the MEWG will include the Proponent, Environment Canada, Fisheries and Oceans Canada, Parks Canada, the Government of Nunavut, the Qikiqtani Inuit Association, the Mittimatalik Hunters and Trappers Organization, and other agencies or interested parties as determined to be appropriate by these key members. Makivik Corporation shall also be entitled to membership on the MEWG at its election. The MEWG members may consider the draft terms of reference for the MEWG filed in the Final Hearing, but they are not bound by them.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Marine Environment Working Group (MEWG)	

QIA COMMENTS ON CONDITION 77:

Disagree. QIA supports this condition however revisions need to be made (see also PCC 49 TEWG). Condition should be updated to reflect proposed intervenor changes to MEWG (less so an “advisory” group, more prescriptive as to having recommendations incorporated). Also, neither the TEWG nor the MEWG has been reviewing issues related to freshwater fish and fish habitat. This is a gap in stakeholder review that should be addressed either by changing the focus of one of these working groups or by establishing a separate working group related to freshwater issues.

	Project Certificate Condition No. 78	Baffinland Comments
Category	Marine Environment – Ice Breaking and Shipping	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	No Change
Objective	To obtain accurate and current ice information.	No Change.
Term or Condition	The Proponent shall update the baseline information for land fast ice using a long-term dataset (28 years), and with information on inter-annual variation. The analysis for pack and landfast ice shall be updated annually using annual sea ice data (floe size, cover, concentration) and synthesized and reported in the most appropriate management plan.	<p>Proposed Revision:</p> <p>The Proponent shall update the baseline information for land fast ice using a long-term dataset and with information on inter-annual variation. The analysis for pack and landfast ice shall be updated periodically using annual sea ice data (floe size, cover, concentration).</p> <p>Rationale:</p> <p>Annual tracking of ice decay and formation will continue to occur on an annual basis, however there is no reasonable or foreseeable need to re-analyze this data on an annual basis. Revisions have also addressed management plans that would be updated pending updated land fast ice decay and formation analysis that would result in an operational change.</p>
Reporting Requirement	To be developed following approval of the Project by the Minister	<p>Proposed Revision:</p> <p>As required.</p> <p>Rationale:</p> <p>Annual tracking of ice decay and formation will continue to occur on an annual basis, however there is no reasonable or foreseeable need to re-analyze this data on an annual basis.</p>
Stakeholder Review	N/A	No Change.

QIA COMMENTS ON CONDITION 78:

Disagree. Disagree with changes, annual updates should be required. In addition, it should be a 30-year data set, not 28. If not “annual”, then a timeline (bi-annually, every 3 years, etc.) should be required, not just “periodically”. This is even more important now with ice management and icebreaking activities. There is still a lack of clarity in regards to how much ice breaking, versus ice management is occurring.

	Project Certificate Condition No. 79	Baffinland Comments
Category	Marine Environment – Ice Breaking and Shipping	No Change.
Responsible Parties	The Proponent, Canadian Hydrographic Services	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To assist in the development of nautical charts for Canadian waters.	

Term or Condition	The Proponent shall provide the Canadian Hydrographic Services with bathymetric data and other relevant information collected in support of Project shipping where possible, to assist in the development of nautical charts for Canadian waters.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Canadian Hydrographic Service (CHS)	

QIA COMMENTS ON CONDITION 79:

Agree

	Project Certificate Condition No. 80	Baffinland Comments
Category	Marine Environment – Ice Breaking and Shipping	No Change.
Responsible Parties	The Proponent, Canadian Hydrographic Services	
Project Phase(s)	Construction	
Objective	To identify areas of risk along the shipping route.	
Term or Condition	Prior to commercial shipping of iron ore, the Proponent shall conduct a detailed risk assessment for Project-related shipping accidents, noting areas along the ship tracks where vessels may be particularly vulnerable to environmental conditions such as sea ice, and any seasonal differences in risk. This assessment shall inform mitigation and adaptive management plans.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Canadian Hydrographic Service (CHS)	

QIA COMMENTS ON CONDITION 80:

Agree. QIA supports this condition but it must be noted that the requirements within this condition remain outstanding.

	Project Certificate Condition No. 81	Baffinland Comments
Category	Marine Environment – Shoreline Effects and Sediment Redistribution	Proposed Revision: Suggest to remove PC Condition No. 81 Rationale: This PC Condition is duplicative to the requirements under PC Condition No. 84. See also suggested revisions to PC Condition No. 84.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To mitigate potential shoreline effects from shipping.	
Term or Condition	The Proponent shall reassess the potential for ship wake impacts to cause coastal change following any further changes to the proposed shipping routes.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	

Stakeholder Review	Marine Environmental Working Group (MEWG)	
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QIA COMMENTS ON CONDITION 81:

Disagree. QIA disagrees with the removal of BOTH 81 and 84. One could be removed and incorporated into the other, but both can't be deleted. PCC 81 covers wave effects while PCC 84 covers sediment redistribution by ships propellers. The wave effects are a concern to coastal nesting birds (e.g., eiders), whereas sediment redistribution is a concern to marine benthic organisms. Both are greater issues along the southern route.

	Project Certificate Condition No. 82	Baffinland Comments
Category	Marine Environment – Shoreline Effects and Sediment Redistribution	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction and Operations	No Change.
Objective	To mitigate potential shoreline effects from shipping.	No Change.
Term or Condition	The Proponent is strongly encouraged to have its ore carriers subjected to sea trials to measure wake characteristics at various vessel speeds and distances from the vessel.	Proposed Revision: If ore carriers are commissioned directly by the Proponent, they are strongly encouraged to have them subjected to sea trials to measure wake characteristics at various vessel speeds and distances from the vessel. Rationale: Baffinland does not yet own its own vessels and instead relies on market availability of existing ore carriers.
Reporting Requirement	To be developed following approval of the Project by the Minister.	No Change.
Stakeholder Review	Marine Environmental Working Group (MEWG)	No Change.

QIA COMMENTS ON CONDITION 82:

Disagree. This PCC should be revised to reflect that BIMC is using chartered vessels (i.e condition still needs to be met, despite BIMC changing their plans re: commissioned vessels vs. chartered).

	Project Certificate Condition No. 83	Baffinland Comments
Category	Marine Environment – Shoreline Effects and Sediment Redistribution	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	All phases	
Objective	To provide data on tide levels and storm surges.	
Term or Condition	The Proponent shall install tidal gauges at Steensby and Milne Port to monitor sea levels and storm surges.	
Reporting Requirement	The Proponent shall summarize and supply these monitoring results to NIRB in the annual Project report.	
Stakeholder Review	Nunavut Impact Review Board (NIRB)	

QIA COMMENTS ON CONDITION 83:
Agree.

	Project Certificate Condition No. 83(a)	Baffinland Comments
Category	Marine Environment – Shoreline Effects and Sediment Redistribution	Proposed Revision: Suggest to remove PC Condition No. 83 (a). Rationale: A hydrodynamic modelling report for Milne Port has been completed and the results were submitted as part of the Phase 2 FEIS Addendum.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations	
Objective	To identify potential for and conduct monitoring to identify effects of sediment redistribution associated with construction and operation of the Milne Port.	
Term or Condition	The Proponent shall conduct hydrodynamic modelling in the Milne Inlet Port area to determine the potential impacts arising from disturbance to sediments including re-suspension and subsequent transport and deposition of sediment. The modelling results shall be used to update the marine water and sediment quality monitoring and mitigation program to include activities associated with the construction and operation of the Milne Inlet Port. The monitoring program shall include an ongoing assessment of the potential introduction of metals that bio-accumulate in the marine food chain.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Marine Environmental Working Group (MEWG)	

QIA COMMENTS ON CONDITION 83(A):

QIA comment PCC 83a: Disagree. PCC could be revised to require periodic updates (at a schedule to be determined).

Rationale: The hydrodynamic modeling is just one aspect of this PCC and the modelling report has yet to be reviewed in detail by the MEWG to assess how well it will inform monitoring for Phase 2. Substantial improvements were made to the sediment monitoring program in 2019 but sampling targets for meeting Power analysis requirements were not met (increased from 5 to 10 sampling sites per transect but goal is 15). Desktop studies are ongoing to assess the contribution of alluvial transport of sediment from Phillips Creek into the Milne Inlet Port area. Need to revise Marine Monitoring Plan (MMP) to reflect changes to the monitoring program.

	Project Certificate Condition No. 84	Baffinland Comments
Category	Marine Environment – Shoreline Effects and Sediment Redistribution	Proposed Revision: Suggest to remove PC Condition No. 84. Rationale:
Responsible Parties	The Proponent	
Project Phase(s)	Construction and Operations	
Objective	To prevent sediment redistribution along the shipping route	
Term or Condition	The Proponent shall update its sediment redistribution modeling once ship design has been completed and sampling should be undertaken to validate the model and to inform sampling sites and the monitoring plan.	

Relevant BIM Commitments	N/A	A ship wake and propeller wash assessment for the Northern portion of the Project has been completed and results were submitted as part of the Phase 2 FEIS Addendum. It is noted that this condition would remain in place to account for the Southern portion of the Project
Reporting Requirement	To be developed following approval of the Project by the Minister	
Status	Not Applicable	
Stakeholder Review	None	

QIA COMMENTS ON CONDITION 84:

Disagree. QIA disagrees with the removal of this condition. Either keep as is or amalgamate with PCC 81. PCC 81 and 84 cannot BOTH be removed, as BIMC is suggesting. This PCC applies mainly to the southern shipping route, which tends to be shallower and have more coastal bird colonies. Purpose-built Cape Class ore carriers capable of year-round operation were to be built for use on the southern route and still need to be assessed, so the PCC should be kept.

	Project Certificate Condition No. 85	Baffinland Comments
Category	Marine Environment – Shoreline Effects and Sediment Redistribution	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction and Operations	
Objective	To prevent sediment redistribution along the shipping route	
Term or Condition	The Proponent shall develop a monitoring plan to verify its impact predictions associated with sediment redistribution resulting from propeller wash in shallow water locations along the shipping route. If monitoring detects negative impacts from sediment redistribution, additional mitigation measures will need to be developed and implemented.	
Reporting Requirement	To be developed following approval of the Project by the Minister	
Stakeholder Review	None	

QIA COMMENTS ON CONDITION 85:

Agree.

	Project Certificate Condition No. 86	Baffinland Comments
Category	Marine Environment – Ballast Water	Proposed Revision: No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To update ballast water discharge impact predictions.	Note: Ballast water dispersion modelling for the Northern portion of the Project has been completed and results were submitted as part of the FEIS for Phase 2 Project Proposal. It is noted that this condition would remain in place to account for the Southern portion of the Project.
Term or Condition	Prior to commercial shipping of iron ore, the Proponent shall use more detailed bathymetry collected from Steensby Inlet and Milne Inlet to model the anticipated ballast water discharges from ore carriers. The results from this modeling shall be used to update ballast water discharge impact predictions and should account for density dependent flow and	

	annual timescales over the project life. Additional sampling should also be undertaken to validate the model and to inform sampling sites and the monitoring plan.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Marine Environmental Working Group (MEWG)	

QIA COMMENTS ON CONDITION 86:

Agree. Please note, the ballast water dispersal modelling BIMC provided for the northern route required revisions and the revised version (received October 9, 2019) has not yet been reviewed by the MEWG. Discussions suggest there may be further work required due to limitations in the oceanographic data and in the data on incoming ballast water, so this condition should remain in place for both the northern and southern routes.

	Project Certificate Condition No. 87	Baffinland Comments
Category	Marine Environment – Ballast Water	Proposed Revision: Marine Environment – Aquatic Invasive Species Rationale: Updated to better reflect monitoring outlined in term and condition
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	No Change.
Objective	To prevent invasive species introductions resulting from Project shipping	No Change.
Term or Condition	The Proponent shall develop a detailed monitoring program at a number of sites over the long term to evaluate changes to marine habitat and organisms and to monitor for non-native introductions resulting from Project-related shipping. This program needs to be able to detect changes that may have biological consequences and should be initiated several years prior to any ballast water discharge into Steensby Inlet and Milne Inlet to collect sufficient baseline data and should continue over the life of the Project.	The Proponent shall develop a monitoring program at a number of sites over the long term to evaluate changes to marine habitat and organisms and to monitor for non-native introductions resulting from Project-related shipping. This program needs to be able to detect changes that may have biological consequences. The Proponent shall develop a monitoring program that aligns with Transport Canada regulations related to ballast on-board vessels that have originated from Ports outside of Canada’s Economic Exclusion Zone to ensure that ballast water requirements has accorded with applicable regulations prior to discharge. Rationale: Updated to reflect current phase of the Project (i.e. post-baseline data collection) and commitment to conduct on-board testing of ballast water prior to discharge. International and Domestic regulations may be subject to changes over the life of mine. Flexibility should be allowed for as changes occur.
Reporting Requirement	To be developed following approval of the Project by the Minister.	Proposed Revision: Annually Rationale: Results of the monitoring programs will be summarized in the Annual Report to the NIRB.
Stakeholder Review	Marine Environmental Working Group (MEWG)	No Change.

QIA COMMENTS ON CONDITION 87:

Disagree. QIA recommends the following revisions:

Objective: change from “To prevent invasive species...” to “To detect invasive species...

Rationale: The PCC is reactive, not preventative, so the change better reflects its purpose, namely to detect whether measures designed to prevent non-indigenous species introductions have failed and thereby inform risk assessment, response, and adaptive management.

Term or Condition: Do not agree with BIMC changes.

Rationale: BIMC is recommending that ballast water monitoring be limited to vessels originating from Ports outside Canada’s Economic Exclusion Zone (EEZ), but invasive species that may be released in ballast water by vessels travelling from within the Canadian EEZ are also a concern. On-board testing of ballast water should be conducted prior to discharge for all Project-vessels, regardless of their point of origin. These testing requirements are addressed in PCC 88, PCC 89, and PCC 91.

Reporting Requirement: Annually, with sufficient lead time for MEWG review and to inform mitigation requirements for the next shipping season.

	Project Certificate Condition No. 88	Baffinland Comments
Category	Marine Environment – Ballast Water	Proposed Revision: No Change. Note: A risk assessment for the Introduction of Aquatic Invasive Species from Ballast Water for the Norther portion of the Project has been completed and results were submitted as part of the FEIS and FEIS addendum for Phase 2 Project Proposal. It is noted that this condition would remain in place to account for the Southern portion of the Project.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To prevent invasive species introductions resulting from Project shipping.	
Term or Condition	Prior to commercial shipping of iron ore and in conjunction with the Marine Environment Working Group, the Proponent shall provide an updated risk analysis regarding ballast water discharge to assess the adequacy of treatment and implications on the receiving environment. This risk analysis shall consider, but not be limited to: Invasive species Seasonal oceanography Ballast water quality and quantity Receiving water quality; e. Residual physical, chemical, and/or biological effects Any risk assessment analysis regarding ballast water exchange and treatment efficacy in arctic waters	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Marine Environment Work Group (MEWG)	

QIA COMMENTS ON CONDITION 88:

Disagree. The risk assessment for the introduction of Aquatic Invasive Species from Ballast water for the northern portion of the Project did not consider the compliance rate of project vessels to ballast water exchange and treatment regulations or the efficacy of exchange and/or treatment for reducing the risk of species introductions. Sampling of the ballast water of approved shipping is needed to inform risk assessment of existing and proposed shipping, and to inform mitigation measures designed to reduce risk of invasive species introduction (e.g., selection of vessels using the most effective methods of treatment for Arctic waters). QIA recommends the following revisions:

Term or Condition: modify from “Prior to commercial shipping of iron ore and in conjunction with...” to “Prior to any increase in commercial shipping of iron ore from levels approved under the Early Revenue Plan (ERP) and in conjunction with...”

	Project Certificate Condition No. 89	Baffinland Comments
Category	Marine Environment – Ballast Water	Proposed Revisions: Marine Environment – Aquatic Invasive Species Rationale: To reflect incorporation of multiple PC Conditions (i.e. 90 and 91) into a singular term and condition.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	Proposed Revision: Construction, Operations and Closure. Rationale: Shipping activities are not expected to occur during temporary or post-closure phases of the Project.
Objective	To prevent impacts to marine water quality resulting from ballast water exchange.	Proposed Revision: To prevent impacts of the introduction of aquatic invasive species into the marine environment as a result of shipping activities Rationale: To reflect incorporation of multiple PC Conditions (i.e. 90 and 91) into a singular term and condition.
Term or Condition	The Proponent shall develop and implement an effective ballast water management program that may include the treatment and monitoring of ballast water discharges in a manner consistent with applicable regulations and/or exceed those regulations if they are determined to be ineffective for providing the desired and predicted results. The ballast water management program shall include, without limitation, a provision that requires ship owners to test their ballast water to confirm that it meets the salinity requirements of the applicable regulations prior to discharge at the Milne Port, and a requirement noting that the Proponent, in choosing shipping contractors will, whenever feasible, give preference to contractors that use ballast water treatment in addition to ballast water exchange.	Proposed Revision: The Proponent shall ensure that all shipping contractors meet the legal requirements of ballast water management, including the IMO International Convention for the Control and Management of Ships’ Ballast Water and Sediments, the IMOs Guidelines for the control and management of ships’ biofouling to minimize the transfer of invasive aquatic species and the Canadian Ballast Water Control Management Regulations under the Canada Shipping Act. Rationale: Revisions have been made to reference applicable regulations for managing the potential introduction of aquatic invasive species, and to minimize duplication that currently exists between PC Condition No. 89, 90 and 91. See also proposed revisions to PC Condition No. 87.
Reporting Requirement	To be developed following approval of the Project by the Minister.	No Change.
Stakeholder Review	Transport Canada, Marine Environmental Working Group (MEWG)	No Change.

QIA COMMENTS ON CONDITION 89:

Disagree. QIA disagrees with some of the proposed revisions and proposes some additional revisions.

Category: Marine Environment – Ballast water (Aquatic Invasive Species)

Rationale: Separate preventative PCCs have been recommended for Aquatic Invasive Species vectored by Ballast Water (PCC 89), Water Quality issues related to Ballast Water (PCC 90), and Aquatic Invasive Species vectored by Hull Fouling (PCC 91).

Project Phase(s): change to “Construction, Operations and Closure”

Rationale: Agree with BIMC proposed revision.

Objective: change to “To prevent impacts of the introduction of aquatic invasive species into the marine environment as a result of shipping activities”

Rationale: Agree with BIMC proposed revision but not incorporation of PCC90 and PCC91 into a single PCC.

Term and Condition: change from “...limitation, a provision that requires ship owners to test their ballast water to confirm that it meets the salinity requirements of the applicable regulations prior to discharge at the Milne Port, and...” to “...limitation, a provision that requires testing of a statistically meaningful sample of ballast water tanks from each Project vessel prior to discharge at Milne Port or Steensby Port to verify the compliance rate of Project vessels to ballast water exchange and treatment regulations and the efficacy of exchange and/or treatment options for reducing the risk of species introductions, and...”

Rationale: Regulatory requirements are not sufficient to provide the information needed to assess risk or prevent species introductions.

Reporting: Annual.

	Project Certificate Condition No. 90	Baffinland Comments
Category	Marine Environment – Ballast Water	Proposed Revision: Suggest to remove PC Condition No. 90. Rationale: See proposed revisions to PC Condition No. 89.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To prevent impacts to marine water quality resulting from ballast water exchange.	
Term or Condition	The Proponent shall incorporate into its Shipping and Marine Mammals Management Plan provisions to achieve compliance with the requirements under the International Convention for the Control and Management of Ship’s Ballast Water and Sediment (2004) or its replacement and as implemented by the Canadian Ballast Water and Control Regulations as may be amended from time to time.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Transport Canada, Marine Environment Working Group (MEWG)	

QIA COMMENTS ON CONDITION 90:

Disagree. QIA disagrees with some of the proposed revisions and proposes some additional revisions.

Category: change to “Marine Environment – Ballast Water (Water Quality)”

Rationale: See PCC 89

Project Phase(s): change “Construction” to “Operation and Closure”

Rationale: Nearly all ballast water will be transported to Project ports by unloaded Ore carriers during operation or by freight vessels arriving unloaded to remove equipment and/or materials during closure.

Objective: change “exchange” to “discharge”

Rationale: the water quality issues arise when vessels discharge ballast water in port, not when they exchange it in mid-ocean.

Term or Condition: change to: “The physical and chemical characteristics of ballast water, from a statistically meaningful sample of ballast water tanks from each vessel, will be tested prior to discharge to assess risk related to differences between the ballast water and receiving environment and the presence of contaminants and/or treatment residuals.”

Rationale: Regulatory requirements are not sufficient to provide the information needed to assess risk or prevent species introductions.

Reporting: Annual.

	Project Certificate Condition No. 91	Baffinland Comments
Category	Marine Environment – Ballast Water	Proposed Revision: Suggest to remove PC Condition No. 91. Rationale: See proposed revisions to PC Condition No. 89.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To prevent impacts to marine water quality in Steensby Inlet and Milne Inlet.	
Term or Condition	The Proponent shall develop a detailed monitoring plan for Steensby Inlet and Milne Inlet for fouling that complies with all applicable regulatory requirements and guidelines as issued by Transport Canada, and includes sampling areas on ships where antifouling treatment is not applied such as the areas where non-native species are most likely to occur.	
Reporting Requirement	To be developed following approval of the Project by the Minister	
Stakeholder Review	Transport Canada, Marine Environmental Working Group (MEWG)	

QIA COMMENTS ON CONDITION 91:

Disagree. QIA disagrees with proposed revisions and proposes some additional revisions.

QIA comment PCC 91: Keep (related to QIA TC 45) [RE: risk of introducing invasive species via hull fouling]

Category: change to “Marine Environment – Hull Fouling (Aquatic Invasive Species)”

Rationale: See PCC 89.

Project Phase(s): change “Construction” to “Construction, Operation and Closure”

Rationale: All vessels are subject to hull fouling, so it should be monitored before, during and after operation.

Objective: change to “To prevent impacts of the introduction of aquatic invasive species into the marine environment as a result of shipping activities”

Rationale: The presence of fouling species on ship hulls is not a water quality issue, it is related to invasive species introductions.

Term or Condition: suggested wording “The Proponent shall work with Regulators and the MEWG to develop a scientifically defensible monitoring program for assessing the presence, identity and abundance of non-indigenous species on the hulls of Project vessels, determining the efficacy of their antifouling measures, and informing adaptive management to prevent introduction of invasive fouling species at Project ports and anchorages. Section 5.2.2 of the Shipping and Marine Wildlife Management Plan (SMWMP) shall be revised accordingly.”

Rationale: Applicable regulations cited in the current wording do not require collection of the data on hull fouling needed to assess risk of invasive species introductions and to inform mitigation and adaptive management.

Reporting: Annual.

Stakeholder Review: add Fisheries and Oceans Canada and Qikiqtani Inuit Association

	Project Certificate Condition No. 92	Baffinland Comments
Category	Marine Environment – Spill Prevention	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	No Change.
Objective	To ensure adequate spill response capacity.	No Change.
Term or Condition	The Proponent shall ensure that it maintains the necessary equipment and trained personnel to respond to all sizes of potential spills associated with the Project in a self-sufficient manner.	Proposed Revision: Suggest to remove PC Condition No. 92. Rationale: Duplicates regulatory requirements under Canada Shipped Act, 2012 required OPEP-OPPP.
Reporting Requirement	To be developed following approval of the Project by the Minister.	No Change.
Stakeholder Review	Marine Environmental Working Group (MEWG)	Proposed Revision: Transport Canada and Canadian Coast Guard Rationale: TC and CCG are the appropriate regulatory authorities to provide guidance on spill response associated with the Project.

QIA COMMENTS ON CONDITION 92:

QIA comment PCC 92: Uncertain - depends on how regulatory requirements speak to trained personnel.

	Project Certificate Condition No. 93	Baffinland Comments
Category	Marine Environment – Spill Prevention	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To prevent impacts to the marine environment at Steensby Inlet.	
Term or Condition	Prior to construction, based on vessel selection and if so required, the Proponent shall reassess the risk analysis of using vessel-based fuel storage, including the potential environmental impacts of containment failure under a range of winter ice conditions, how a spill might spread and the impact of fuel if it does not volatilize to the atmosphere.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	N/A	

QIA COMMENTS ON CONDITION 93:
Agree.

	Project Certificate Condition No. 94	Baffinland Comments
Category	Marine Environment – Spill Prevention	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To promote public awareness of Project activities.	
Term or Condition	The Proponent shall consult directly with affected communities regarding its plans for over-wintering of fuel in Steensby Inlet, with discussion topics to include descriptions of the duration of proposed activities, vessel type, spill preparedness and emergency response protocols, environmental impact predictions and answers to community member questions.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Communities of Hall Beach and Igloolik	

QIA COMMENTS ON CONDITION 94:
Agree

	Project Certificate Condition No. 95	Baffinland Comments
Category	Marine Environment – Spill Prevention	No Change.
Responsible Parties	The Proponent, Transport Canada	
Project Phase(s)	Construction	
Objective	To prevent impacts to the marine environment at Steensby Inlet.	
Term or Condition	The Proponent shall meet or exceed all regulatory regulations and requirements as apply to the practice of overwintering a fuel vessel at Steensby Inlet, with reporting to the NIRB and Transport Canada.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	N/A	

QIA COMMENTS ON CONDITION 95:
Agree.

	Project Certificate Condition No. 96	Baffinland Comments
Category	Marine Environment – Spill Prevention	Proposed Revision: Suggest to remove PC Conditions No. 96. Rationale: This PC Condition duplicates the requirement to report results to NIRB and Transport Canada outlined in PC Condition No. 95.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To ensure adequate oversight of Project activities is occurring.	
Term or Condition	The Proponent will update the NIRB on the results of all compliance monitoring and site inspections undertaken by government agencies for the overwintering of a fuel vessel in Steensby Inlet.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	N/A	

QIA COMMENTS ON CONDITION 96:

Agree.

	Project Certificate Condition No. 97	Baffinland Comments
Category	Marine Environment – Spill Prevention	Proposed Revision: No Change Note: Oil spill modelling for the Northern portion of the Project was conducted and results were submitted as part of the FEIS and FEIS addendum for Phase 2 Project Proposal. It is noted that this condition would remain in place to account for the Southern portion of the Project.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To prevent impacts to the marine environment along the shipping route.	
Term or Condition	Prior to the commercial shipping of iron ore, the Proponent shall conduct fuel spill dispersion modeling that will, at a minimum, consider: a) Modeling of oil spills for both the Northern and Southern Shipping Routes, in representative locations, identified by the Proponent, in consultation with the Marine Environment Working Group along both Shipping Routes, and including: <ul style="list-style-type: none">Pinch points;The approaches into Steensby Inlet and Milne Inlet;Shallow water and shorelines; and,Areas that have been identified as having high flows and/or high concentrations of marine mammals, marine fish or seabirds. b) Open water and, where applicable, ice-covered conditions c) Spill volumes up to and including loss of a full tanker cargo d) Differences in the quantity and properties of each type of bulk fuel transported by vessels when they are at, or in transit to, the ports at Steensby Inlet and Milne Inlet	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Transport Canada Marine Safety. Canadian Coast Guard	

QIA COMMENTS ON CONDITION 97:

Disagree. Slight revisions required. PCC should be updated to require re-assessments as Project shopping changes (e.g., larger vessels, extended shoulder seasons, etc.), through a new line item (e) – “Spill models shall be reexamined and reassessed as required by changes to Project shipping (e.g., larger vessels, extended shipping seasons), as determined by the MEWG.”.

	Project Certificate Condition No. 98	Baffinland Comments
Category	Marine Environment – Spill Prevention	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To prevent impacts to the marine environment along the shipping route.	
Term or Condition	The Proponent shall incorporate the results of revised fuel spill dispersion modeling into its impact predictions for the marine environment and its spill response and emergency preparedness plans.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Transport Canada Marine Safety, Canadian Coast Guard	

QIA COMMENTS ON CONDITION 98:

Agree.

	Project Certificate Condition No. 99	Baffinland Comments
Category	Marine Environment – Supplemental Baseline Assessments	No Change.
Responsible Parties	The Proponent, Marine Environment Working Group	No Change.
Project Phase(s)	Construction	No Change.
Objective	To supplement baseline information and improve predictions for potential impacts to marine wildlife.	No Change.
Term or Condition	<p>The Proponent, working with the Marine Environment Working Group, shall consider and identify priorities for conducting the following supplemental baseline assessments:</p> <p>a) Establish shipping season, inter-annual baseline in Steensby Inlet and Milne Inlet that enables effective monitoring of physical and chemical effects of ballast water releases, sewage outfall, and bottom scour by ship props, particularly downslope and downstream from the docks. This shall include the selection and identification of physical, chemical, and biological community/indicator components. The biological indicators shall include both pelagic and benthic species but with emphasis on relatively sedentary benthic species (e.g., sculpins).</p> <p>b) The collection of additional baseline data:</p>	<p>Proposed Revision:</p> <p>The Proponent, working with the Marine Environment Working Group, shall consider and identify priorities for conducting the following supplemental baseline assessments prior to the commencement of ore carrier shipping for the Southern portion of the Project:</p> <p>a) Establish shipping season, inter-annual baseline in Steensby Inlet that enables effective monitoring of physical and chemical effects of ballast water releases, sewage outfall, and bottom scour by ship props, particularly downslope and downstream from the docks. This shall include the selection and identification of physical, chemical, and biological community/indicator components. The biological indicators shall include both pelagic and benthic species but with emphasis on relatively sedentary benthic species (e.g., sculpins).</p>

	<div><div>c) in Steensby Inlet on walrus, beluga, bearded seal anadromous Arctic Char abundance, distribution ecology and habitat use</div><div>d) In Milne Inlet on narwhal, bowhead and anadromous Arctic Char abundance, distribution ecology and habitat use</div><div>e) Enhance baseline data on marine wildlife (fish, invertebrates, birds, mammals, etc.) and to provide more details on species abundance and distribution found in the Project area. This shall include, but not be limited to the following:</div><div>f) Aerial surveys for basking ringed seals throughout the landfast ice of Steensby Inlet and at an appropriate control location</div><div>g) Shore-based observations of pre-Project narwhal and bowhead whale behavior in Milne Inlet that continues at an appropriate frequency throughout the Early Revenue Phase and for not less than three consecutive years</div><div>h) Enhance the baseline for affected freshwater systems, which includes control sites to detect Project-related changes before they cause significant harm.</div></div>	<div><div>b) The collection of additional baseline data:</div><div>c) in Steensby Inlet on walrus, beluga, bearded seal, and anadromous Arctic Char abundance, distribution ecology and habitat use</div><div>d) Enhance baseline data on marine wildlife (fish, invertebrates, birds, mammals, etc.) and to provide more details on species abundance and distribution found in the Project area. This shall include, but not be limited to the following:</div><div>e) Aerial surveys for basking ringed seals throughout the landfast ice of Steensby Inlet and at an appropriate control location</div><div>f) Enhance the baseline for affected freshwater systems, which includes control sites to detect Project-related changes.</div></div> <div><div>Rationale:</div><div>The requirements of collecting baseline data for the Northern Shipping Route have been completed. These have been submitted to NIRB and are also available on Baffinland’s Document Portal (website). Current effort for the Northern Shipping Route is focused on environmental effects monitoring (EEM) using a number of different EEM programs that focus on detection of potential Project effects on marine mammals and the marine environment. See also revisions to PC Condition 101. The method for collection of data is removed to allow for flexibility in the design and implementation of monitoring programs based on monitoring report results, input from government agencies and Inuit.</div></div>
Reporting Requirement	To be developed following approval of the Project by the Minister.	No Change.
Stakeholder Review	Marine Environment Working Group (MEWG)	No Change.

QIA COMMENTS ON CONDITION 99:

Disagree. Disagree with removal of requirement for basking seal surveys, this is of critical importance to development of monitoring and mitigation requirements for Southern Route. Requirement for shore-based narwhal monitoring throughout life of ERP should also be maintained (and updated as necessary for PI request, Phase 2). Further baseline data should be collected related to the approved south rail route and proposed north rail route and proposed adjustments to the tote road. See proposed revisions above.

	Project Certificate Condition No. 100	Baffinland Comments
Category	Marine Environment – Supplemental Baseline Assessments	No Change.
Responsible Parties	The Proponent, Marine Environment Working Group	
Project Phase(s)	Construction	
Objective	To supplement baseline information and improve predictions for potential impacts to marine wildlife.	
Term or Condition	The Proponent shall update its Shipping and Marine Wildlife Management Plan, to include avoidance of polynyas and mitigation measures designed for potential fuel spills along the shipping lane during the winter months, with consideration for the impact of spilled fuel on marine mammals when they might be less mobile or able to avoid contact with spilt fuel or fumes.	

Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Marine Environment Working Group (MEWG)	

QIA COMMENTS ON CONDITION 100:

Agree. However, please note that QIA is unsure to what extent this has been done; whether this PCC has been properly adhered to.

	Project Certificate Condition No. 101	Baffinland Comments
Category	Marine Environment – Monitoring	No Change.
Responsible Parties	The Proponent, Marine Environment Working Group	No Change.
Project Phase(s)	Construction and Operations	No Change.
Objective	To monitor for potential impacts to marine wildlife and marine habitat.	No Change.
Term or Condition	<p>The Proponent shall incorporate into the appropriate monitoring plans the following items:</p> <ul style="list-style-type: none">a) A monitoring program that focuses on walrus use of Steensby Inlet and their reaction to disturbance from construction activities, aircraft, and vessels;b) Efforts to involve Inuit in monitoring studies at all levels;c) Monitoring protocols that are responsive to Inuit concerns;d) Marine monitoring protocols are to consider the use of additional detecting devices to ensure adequate monitoring through changing seasonal conditions and daylight;e) Schedule for periodic aerial surveys as recommended by the Marine Environment Working Group;f) Periodic aerial surveys for basking ringed seals throughout the landfast ice of Steensby Inlet, and a suitable control location. Surveys shall be conducted at an appropriate frequency to detect change inter-annual variability;g) Shore-based observations of pre-Project narwhal behavior in Milne Inlet, that continues at an appropriate frequency throughout the Early Revenue Phase (not less than three years);h) Conduct landfast ice monitoring for the duration of the Project Operations phase, which will include:i) The number of ship transits that are able to use the same track; and,j) The area of landfast ice disrupted annually by ship traffic; andk) Monitoring strategy focused on assessing and mitigating interaction between humans and wildlife at the port site(s).	<p>Proposed Revision:</p> <p>The Proponent shall incorporate into the appropriate monitoring plans the following items:</p> <ul style="list-style-type: none">a) A monitoring program that focuses on walrus use of Steensby Inlet and their reaction to disturbance from construction activities, aircraft, and vessels;b) Efforts to involve Inuit in monitoring studies at all levels;c) Monitoring protocols that are responsive to Inuit concerns including the development of limits of acceptable change with Inuit and informed by IQ;d) Marine monitoring protocols are to consider the use of additional detecting devices to ensure adequate monitoring through changing seasonal conditions and daylight;e) Schedule for periodic aerial surveys as recommended by the Marine Environment Working Group;f) Periodic aerial surveys for basking ringed seals throughout the landfast ice of Steensby Inlet, and a suitable control location. Surveys shall be conducted at an appropriate frequency to detect change outside of inter-annual variability;g) Monitoring of ringed seal distribution, abundance and habitat use along the Northern Shipping Route;h) Conduct landfast ice monitoring for the duration of the Project Operations phase, which will include:i) The number of ship transits that are able to use the same track; and,j) The area of landfast ice disrupted annually by ship traffic; andk) Monitoring strategy focused on assessing and mitigating interaction between humans and wildlife at the port site(s). <p>Rationale: Revised to create a more focused Project scope and reduce duplication between PC Condition No. 78, 99 and 101. Specifics on monitoring program design removed to allow flexibility in the design and implementation of monitoring programs based on monitoring report results, input from government agencies and Inuit.</p>
Reporting Requirement	To be provided in the Annual Report to the NIRB.	No Change.
Stakeholder Review	Marine Environmental Working Group (MEWG), Nunavut Impact Review Board	No Change.

QIA comment PCC 101: Disagree with some removals, e.g., seal surveys and landfast ice monitoring. Both are specific to Steensby, but still relevant. PCC 99 and 101 could be streamlined to remove repetition, but this information needs to be captured in one of them. With increased icebreaking along the northern route, some ringed seal conditions should be included here as well.

Update – QIA recommends putting most of BIMC’s removals back in, and added one for ringed seal monitoring along the northern route (see recommended text above right).

	Project Certificate Condition No. 102	Baffinland Comments
Category	Marine Environment – Traffic Log and Shipping Information	Proposed Revision: Suggest to Remove PC Condition No. 102. Rationale: This is duplicative of requirements under PC Condition No.164.
Responsible Parties	The Proponent	
Project Phase(s)	Construction and Operations	
Objective	To promote public awareness of Project shipping activities for the general public.	
Term or Condition	The Proponent shall ensure that routing of Project vessels is tracked and recorded for both the southern and northern shipping routes, with data made accessible in real time to communities in Nunavut and Nunavik.	
Reporting Requirement	To be provided in the Annual Report to the NIRB.	
Stakeholder Review	N/A	

QIA COMMENTS ON CONDITION 102:

Agree.

	Project Certificate Condition No. 103	Baffinland Comments
Category	Marine Environment – Traffic Log and Shipping Information	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	Proposed Revision: Construction, Operations and Closure. Rationale: Shipping activities are not expected to occur during temporary or post-closure phases of the Project.
Objective	To monitor effectiveness of mitigation of shipping impacts to marine wildlife.	No Change.
Term or Condition	The Proponent shall report annually to the NIRB regarding project-related ship track and sea ice information, including: <div>a) A record of all ship tracks taken along both shipping routes covering the entire shipping season;</div> <div>b) When employing ice-breaking, an overlay of ship tracks onto ice imagery to determine whether ships are effectively avoiding shore leads and polynyas;</div> <div>c) A comparison of recorded ship tracks to the expected nominal shipping route, and probable (if any) extent of year-round shipping during periods of ice cover and open-water;</div> <div>d) An assessment of the level of adherence to the nominal shipping route and the spatial extent of the shipping zone of influence; and</div>	Proposed Revision: The Proponent shall report annually to the NIRB regarding project-related ship track and sea ice information, including: <div>a) A record of all ship tracks taken along both shipping routes covering the entire shipping season;</div> <div>b) When employing ice-breaking, an overlay of ship tracks onto ice imagery to determine whether ships are effectively avoiding shore leads and polynyas;</div> <div>c) A comparison of recorded ship tracks to the expected nominal shipping route, and probable (if any) extent of year-round shipping during periods of ice cover and open-water;</div>

	e) When employing ice-breaking, marine bird and mammal species and number of individuals attracted to ship tracks in ice.	d) An assessment of the level of adherence to the nominal shipping route and the spatial extent of the shipping zone of influence; and e) A summary all incidences of significant deviations from the nominal shipping routes for traffic to/from Milne Port and Steensby Port as presented in the FEIS and FEIS Addendum, with corresponding discussion regarding justification for deviations and any observed environmental impacts. Rationale: Combining PC Condition No. 104 and 103 reduces current duplicative reporting requirements between the two. Item II of PC Condition 103 is suggested to be removed given that relative numbers for marine mammals and seabirds attracted to sea ice would be captured in monitoring requirements for PC 106.
Reporting Requirement	To be provided in the Annual Report to the NIRB	
Stakeholder Review	Nunavut Impact Review Board	

QIA COMMENTS ON CONDITION 103:

Agree.

	Project Certificate Condition No. 104	Baffinland Comments
Category	Marine Environmen–t - Traffic Log and Shipping Information	Proposed Revisions: Suggest to remove PC Condition No. 104 Rationale: See proposed revisions to PC No. 103, which incorporates the terms and conditions for PC Condition No. 104, but reduces current duplicative reporting requirements.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations	
Objective	To prevent impacts to marine wildlife from Project shipping activities.	
Term or Condition	Subject to safety considerations and the potential for conditions as determined by the crew of transiting vessels, to result in route deviations: a) The Proponent shall require, for shipping to/from Steensby Port, project vessels to maintain a route to the south of Mill Island to prevent disturbance to walrus and walrus habitat on the northern shore of Mill Island. Where project vessels are required to transit to the north of Mill Island owing to environmental or other conditions, an incident report is to be provided to the Marine Environment Working Group and the NIRB within 30 days, noting all wildlife sightings and interactions as recorded by shipboard monitors. b) The Proponent shall summarize all incidences of significant deviations from the nominal shipping routes for traffic to/from Milne Port and Steensby Port as presented in the FEIS and FEIS Addendum to the NIRB annually, with corresponding discussion regarding justification for deviations and any observed environmental impacts.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	N/A	

QIA COMMENTS ON CONDITION 104:

Agree. QIA agrees with removal pending accepted wording for 103.

	Project Certificate Condition No. 105	Baffinland Comments
Category	Marine Environmen–t - Traffic Log and Shipping Information	No change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction and Operations	
Objective	To prevent impacts to marine wildlife from Project shipping activities.	
Term or Condition	<p>The Proponent shall ensure that measures to reduce the potential for interaction with marine mammals, particularly in Hudson Strait and Milne Inlet, are identified and implemented prior to commencement of shipping operations. These measures could include, but are not limited to:</p> <ul style="list-style-type: none">a) Changes in the frequency and timing (including periodic suspensions) of shipping during winter months in Hudson Strait and during the open water season in Milne Inlet, i.e., when interactions with marine mammals are likely to be the most problematicb) Reduced shipping speeds where ship-marine mammal interactions are most likelyc) Identification of alternate shipping routes through Hudson Strait for use when conflicts between the proposed routes and marine mammals could arise. Repeated winter aerial survey results showing marine mammal distribution and densities in Hudson Strait would greatly assist in this task.	
Reporting Requirement	To be developed following approval of the Project by the Minister	
Stakeholder Review	Marine Environmental Working Group (MEWG)	

QIA COMMENTS ON CONDITION 105:

Agree.

	Project Certificate Condition No. 106	Baffinland Comments
Category	Marine Environmen–t - Shipboard Observers	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	<p>Proposed Revision: Construction, Operations and Closure.</p> <p>Rationale: Shipping activities are not expected to occur during temporary or post-closure phases of the Project.</p>
Objective	To ensure that interactions with marine mammals and Project shipping activities are effectively monitored.	No Change.
Term or Condition	The Proponent shall ensure that shipboard observers are employed during seasons where shipping occurs and provided with the means to effectively carry out assigned duties. The role of shipboard observers in shipping operations should be	Proposed Revision:

	taken into consideration during the design of any ore carriers purpose-built for the Project, with climate controlled stations and shipboard lighting incorporated to permit visual sightings by shipboard observers during all seasons and conditions. Any shipboard lighting incorporated should be in accordance with the Canada Shipping Act, 2001’s Collision Regulations, and should not interfere with safe navigation of the vessel.	<p>The proponent will develop a comprehensive monitoring program to allow for observations between shipping activities and marine wildlife and seabirds. The design of the program should take into account seasons where shipping occurs and the means for observers to effectively carry out assigned duties.</p> <p>Rationale: The proposed modifications to the PC Condition has been updated to reflect feedback received by the MEWG during the ERP of the Project and allows flexibility in the methods to undertake observations based on information learned throughout the ERP and constraints related to contract vessels. Examples of these programs are ship-based and/or shore based observations.</p>
Reporting Requirement	As needed.	<p>Proposed Revision: Annually.</p> <p>Rationale: A summary of results will be provided in the Annual Report to the NIRB.</p>
Stakeholder Review	Marine Environment Working Group (MEWG)	No Change.

QIA COMMENTS ON CONDITION 106:

Disagree. Disagree with some edits - this was never meant to be at the surveillance level only. Needs to be effects-level monitoring, not surveillance.

	Project Certificate Condition No. 107	Baffinland Comments
Category	Marine Environmen–t - Shipboard Observers	<p>Proposed Revision: Suggest to remove PC Condition No. 107.</p> <p>Rationale: Unmanned aerial vehicle (UAV) field tests were conducted in 2014 using DJI Phantom 2 rotary-wing UAVs. Limiting environmental conditions such as cold temperatures and high winds restricted the ability to fly the UAV ahead of the ship during at-sea transits and pose unnecessary safety risks to the vessel and crew, other vessels or small boats in the area, and aircrafts operating in the area.</p>
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations	
Objective	To determine the presence of, and ensure that interactions with marine mammals, seabirds and seaducks are effectively monitored for, along the northern and southern shipping routes, as applicable.	
Term or Condition	The Proponent shall revise the proposed “surveillance monitoring” to improve the likelihood of detecting strong marine mammal, seabird or seaduck responses occurring too far ahead of the ship to be detectable by observers aboard the ore carriers. A baseline study early in the shipping operations could employ additional surveillance to detect potential changes in distribution patterns and behavior. At an ambitious scope, this might be achieved using unmanned aircraft flown ahead of ships, or over known areas of importance for seabirds or haul-out sites in the case of walruses, in accordance with the requirements of their Special Flight Operations Certificate.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Marine Environment Working Group (MEWG)	

QIA COMMENTS ON CONDITION 107:

Disagree. Disagree with removal. PCC requires consideration of alternate methods, which is still valid and necessary. Significant advances in drone technology since 2014 work. Proposed revision to PCC is “Additional surveillance techniques that can detect potential changes in distribution patterns and behavior shall be considered, with periodic re-assessment of options and opportunities and technology advances. This monitoring...”

	Project Certificate Condition No. 108	Baffinland Comments
Category	Marine Environment - Shipboard Observers	Proposed Revision: Suggest to remove PC Condition No. 108 Rationale: See suggested revisions to PC Condition No. 106.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations	
Objective	To ensure that interactions with marine mammals, seabirds, and seaducks are effectively monitored for along the southern and northern shipping routes, as applicable.	
Term or Condition	The Proponent shall ensure that data produced by the surveillance monitoring program is analysed rigorously by experienced analysts (in addition to being discussed as proposed in the FEIS) to maximize their effectiveness in providing baseline information, and for detecting potential effects of the project on marine mammals, seabirds and seaducks in the Regional Study Area. It is expected that data from the long-term monitoring program be treated with the same rigor.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Marine Environment Working Group (MEWG)	

QIA COMMENTS ON CONDITION 108:

Disagree. Disagree with removal, PCC 106 isn’t sufficient. Issues with analyses of existing data, e.g., “experienced analysts” would have questioned the unrealistic ringed seal group size estimates reported by the 2018 shipboard observer program. Remove term “surveillance” from condition and add “and thoroughly reviewed by the MEWG”.

	Project Certificate Condition No. 109	Baffinland Comments
Category	Marine Environment - Ship Noise	Proposed Revision: Suggest to remove PC Condition No. 109 Rationale: See proposed revisions to PC No. 110, which incorporate aspects of term and condition for PC No. 109, eliminating current duplication between these PC Conditions.
Responsible Parties	The Proponent	
Project Phase(s)	Construction and Operations	
Objective	To prevent impacts to marine mammals from Project shipping activities.	
Term or Condition	The Proponent shall conduct a monitoring program to confirm the predictions in the FEIS with respect to disturbance effects from ships noise on the distribution and occurrence of marine mammals. The survey shall be designed to address effects during the shipping seasons, and include locations in Hudson Strait and Foxe Basin, Milne Inlet, Eclipse Sound and Pond Inlet. The survey shall continue over a sufficiently lengthy period to determine the extent to which habituation occurs for narwhal, beluga, bowhead and walrus.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Marine Environmental Working Group (MEWG)	

QIA COMMENTS ON CONDITION 109:

QIA comment PCC 109: Disagree with removal as suggested edits to 110 do not capture all of this.

	Project Certificate Condition No. 110	Baffinland Comments
Category	Marine Environmen–t - Ship Noise	No Change.
Responsible Parties	The Proponent, Marine Environment Working Group	No Change.
Project Phase(s)	Construction and Operations	No Change.
Objective	To prevent impacts to marine mammals from Project shipping activities.	No Change.
Term or Condition	The Proponent shall immediately develop a monitoring protocol that includes, but is not limited to, acoustical monitoring, to facilitate assessment of the potential short term, long term, and cumulative effects of vessel noise on marine mammals and marine mammal populations. The Proponent is expected to work with the Marine Environment Working Group to determine appropriate early warning indicator(s) that will ensure rapid identification of negative impacts along the southern and northern shipping routes.	<p>Proposed Revision:</p> <p>The Proponent shall develop an acoustic monitoring program that allows for an assessment of the predictions in the FEIS and FEIS addendum (short and long term cumulative) of vessel noise on marine mammals. In consultation with the MEWG, the monitoring program shall be designed to assess against early warning indicators or thresholds that serve to determine if un-predicted impacts as a result of vessel noise are occurring. The monitoring program shall continue over a sufficiently lengthy period to determine the extent to which habituation occurs for narwhal, beluga, bowhead and walrus.</p> <p>Rationale:</p> <p>PC Condition has been modified to incorporate components of PC Conditions Nos. 109, 111 and 112, thereby eliminating duplicative reporting requirements.</p>
Reporting Requirement	To be developed following approval of the Project by the Minister.	<p>Proposed Revision:</p> <p>Annually.</p> <p>Rationale:</p> <p>The results of the acoustic monitoring program will be reported in the Annual Report to NIRB.</p>
Stakeholder Review	Marine Environmental Working Group (MEWG)	No Change.

QIA COMMENTS ON CONDITION 110

Disagree. Disagree with revised wording that eliminated need for monitoring to not be limited to acoustic monitoring. Recommended revised text: “The Proponent shall develop a monitoring program that includes but is not limited to acoustic monitoring and allows for an assessment of the predictions in the FEIS and FEIS addendum (short-term, long-term, and cumulative) of vessel noise on marine mammals and their populations. In consultation with the MEWG, the monitoring program shall develop clear thresholds for impact mitigation and early warning indicators that serve to provide rapid identification of un-predicted impacts as a result of vessel noise are occurring. The monitoring program shall continue over a sufficiently lengthy period to determine the extent to which habituation occurs for narwhal, beluga, bowhead and walrus, with direction from the MEWG and Inuit observations. Monitoring programs shall be designed to address effects during the shipping seasons, and include locations in Hudson Strait and Foxe Basin, Milne Inlet, Eclipse Sound and Pond Inlet. “

In addition, as the Proponent has not committed to such a measure and to ensure that IQ metrics are incorporated into Early Warning Indicators for the Project, QIA also proposes the following related new condition:

NEW CONDITION – IQ AND EARLY WARNING INDICATORS

Category: Marine Environment – Ship Noise

Responsible Parties: The Proponent, Marine Environment Working Group, North Baffin Communities, QIA

Project Phase(s): Construction and Operations

Objective: To ensure Inuit involvement in mitigating impacts to marine mammals from Project shipping activities

Term or Condition: The Proponent and MEWG to work with Inuit to develop IQ based metrics to be incorporated into Early Warning indicators for the Project.

Reporting Requirement: Annually

Stakeholder Review: MEWG, QIA, Inuit Committee/Inuit Panel

	Project Certificate Condition No. 111	Baffinland Comments
Category	Marine Environment - Ship Noise	Proposed Revision: Suggest to remove PC Condition No. 111 Rationale: See proposed revisions to PC No. 110, which incorporate aspects of term and condition for PC No. 111, eliminating current duplication between these PC Conditions.
Responsible Parties	The Proponent, Marine Environment Working Group	
Project Phase(s)	Construction and Operations	
Objective	To prevent impacts to marine mammals from Project shipping activities.	
Term or Condition	The Proponent shall develop clear thresholds for determining if negative impacts as a result of vessel noise are occurring. Mitigation and adaptive management practices shall be developed to restrict negative impacts as a result of vessel noise. This shall include, but not be limited to: <div>a) Identifications of zones where cumulative noise could be mitigated due to biophysical features (e.g., water depth, distance from migration routes, distance from overwintering areas etc.)</div>	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Marine Environmental Working Group (MEWG)	

QIA COMMENTS ON CONDITION 111:

Disagree. QIA disagrees with the removal of this condition and proposes the following additions:

“b) Vessel transit planning, for all seasons, to determine the degree to which cumulative sound impacts can be mitigated through the seasonal use of different zones.

The Proponent, in conjunction with the Marine Environment Working Group, shall develop a monitoring protocol that carefully considers the early warning indicator(s) that will be best examined to ensure rapid identification of negative impacts.”

	Project Certificate Condition No. 112	Baffinland Comments
Category	Marine Environment - Ship Noise	Proposed Revision: Suggest to remove PC Condition No. 112 Rationale:
Responsible Parties	The Proponent, Marine Environment Working Group	
Project Phase(s)	Construction and Operations	
Objective	To prevent impacts to marine mammals from Project shipping activities.	

Term or Condition	Prior to commercial shipping of iron ore, the Proponent, in conjunction with the Marine Environment Working Group, shall develop a monitoring protocol that includes, but is not limited to, acoustical monitoring that provides an assessment of the negative effects (short and long term cumulative) of vessel noise on marine mammals. Monitoring protocols will need to carefully consider the early warning indicator(s) that will be best examined to ensure rapid identification of negative impacts. Thresholds shall be developed to determine if negative impacts as a result of vessel noise are occurring. Mitigation and adaptive management practices shall be developed to restrict negative impacts as a result of vessel noise. This shall include, but not be limited to: <div><div>a) Identification of zones where noise could be mitigated due to biophysical features (e.g., water depth, distance from migration routes, distance from overwintering areas etc.)</div><div>b) Vessel transit planning, for all seasons</div><div>c) A monitoring and mitigation plan is to be developed, and approved by Fisheries and Oceans Canada prior to the commencement of blasting in marine areas</div></div>	See proposed revisions to PC No. 110, which incorporate aspects of term and condition for PC No. 112, eliminating current duplication between these PC Conditions.
Reporting Requirement	To be developed following approval of the Project by the Minister	
Stakeholder Review	Marine Environmental Working Group (MEWG)	

QIA COMMENTS ON CONDITION 112:

Disagree. Disagree with removal of this condition. BIMC’s suggested edits remove mention of cumulative noise zones, vessel transit planning, and need for early warning indicators that allow for rapid identification of problems. While both could be combined into 1 (PCC 111 and 112), QIA disagrees with deleting them both (see edits to 111).

	Project Certificate Condition No. 113	Baffinland Comments
Category	Marine Environment - Arctic Char	No Change.
Responsible Parties	The Proponent, Marine Environment Working Group	
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To prevent impacts to marine fish in Steensby Inlet and Milne Inlet	
Term or Condition	The Proponent shall conduct monitoring of marine fish and fish habitat, which includes but is not limited to, monitoring for Arctic Char stock size and health condition in Steensby Inlet and Milne Inlet, as recommended by the Marine Environment Working Group	
Reporting Requirement	To be developed following approval of the Project by the Minister	
Stakeholder Review	Marine Environmental Working Group (MEWG)	

	Project Certificate Condition No. 114	Baffinland Comments
Category	Marine Environment - Arctic Char	No Change.
Responsible Parties	The Proponent, Marine Environment Working Group	

Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To prevent impacts to marine fish in Steensby Inlet and Milne Inlet.	
Term or Condition	In the event of the development of a commercial fishery in the Steensby Inlet area or Milne Inlet-Eclipse Sound areas, the Proponent, in conjunction with the Marine Environment Working Group, shall update its monitoring program for marine fish and fish habitat to ensure that the ability to identify Arctic Char stock(s) potentially affected by Project activities and monitor for changes in stock size and structure of affected stocks and fish health (condition, taste) is maintained to address any additional monitoring issues identified by the MEWG relating to the commercial fishery.	
Reporting Requirement	To be developed following approval of the Project by the Minister	
Stakeholder Review	N/A	

	Project Certificate Condition No. 115	Baffinland Comments
Category	Marine Environment - Arctic Char	Proposed Revision: Suggest to remove PC Condition No. 115. Rationale: Any in-water works required for the Project would be conducted in accordance with DFO guidance and requirements established in Fisheries Act Authorizations necessitated by Project activities which includes determination of off-setting options and consultation with Inuit.
Responsible Parties	The Proponent	
Project Phase(s)	Construction and Operations	
Objective	To prevent impacts to marine fish in Steensby Inlet and Milne Inlet.	
Term or Condition	The Proponent is encouraged to continue to explore off-setting options in both the freshwater and marine environment to offset the serious harm to fish which will result from the construction and infrastructure associated with the Project.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Fisheries and Oceans Canada (DFO), Marine Environment Working Group (MEWG)	

QIA COMMENTS ON CONDITION 115:

Disagree. QIA disagrees with the removal of this condition as both PCC 115 and PCC 128 should be kept. PCC 115 requires BIMC to continue exploring offsetting options and PCC 28 requires BIMC consult RE: these options. The two PCCs could be amalgamated, provided the resultant PCC captures both requirements. While DFO does the permitting, both the offsetting options and consultations with Inuit are of interest to other parties, so they should be included in NIRB requirements to ensure annual reporting is available to stakeholders.

	Project Certificate Condition No. 116	Baffinland Comments
Category	Marine Environment - Blasting	Proposed Revision: The Proponent shall engage with Fisheries and Oceans Canada to develop project specific thresholds, mitigation and monitoring for any blasting activities that would exceed the requirements of Fisheries and Oceans Canada’s <i>Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters</i> . Rationale:
Responsible Parties	The Proponent, Fisheries and Oceans Canada	
Project Phase(s)	Construction	
Objective	To prevent impacts to marine fish and fish habitat from explosives.	
Term or Condition	Prior to construction, the Proponent shall develop mitigation measures to minimize the effects of blasting on marine fish and fish habitat, marine water quality and wildlife that includes, but is not limited to compliance with the Guidelines for	

	the Use of Explosives In or Near Canadian Fisheries Waters (Wright and Hopky 1998) as modified by Fisheries and Oceans Canada for use in the North and as revised from time to time.	Revision provides certainty that for all relevant activities, specific thresholds, mitigations and monitoring for any blasting activities would exceed regulatory guidance.
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	N/A	

QIA COMMENTS ON CONDITION 116:

Disagree. QIA recommends amalgamating with PCC 44 or PCC 48 or an amalgamation of the two (see also PCC 13) to avoid duplication. Reduce duplication but need to ensure both freshwater and marine are covered and that appropriate, precautionary thresholds are used.

	Project Certificate Condition No. 117	Baffinland Comments
Category	Marine Environmen–t - Blasting	Proposed Revision: Suggest to remove PC Condition No. 117. Rationale: See proposed Revision to PC Condition No. 116.
Responsible Parties	The Proponent, Fisheries and Oceans Canada	
Project Phase(s)	Construction	
Objective	To prevent impacts to marine fish and fish habitat from explosives.	
Term or Condition	The Proponent shall ensure that blasting in, and near, marine water shall only occur during periods of open water. Blasting in, and near, fish-bearing freshwaters shall, to the greatest degree possible, only occur in open water. If blasting is required during ice-covered periods, it must meet requirements established by Fisheries and Oceans Canada.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Fisheries and Oceans Canada (DFO), Marine Environment Working Group (MEWG)	

	Project Certificate Condition No. 118	Baffinland Comments
Category	Marine Environmen–t - Blasting	Proposed Revision: Suggest to remove PC Condition No. 118. Rationale: See Proposed Revision to PC Condition No. 166.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To prevent impacts to marine fish and fish habitat from explosives.	
Term or Condition	The Proponent shall incorporate into the appropriate mitigation plan prior to construction, thresholds for the use of specific mitigation measures meant to prevent or limit marine wildlife disturbance, such as bubble curtains for blasting, and nitrate removal.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	N/A	

	Project Certificate Condition No. 119	Baffinland Comments
Category	Marine Environmen–t - Ringed Seals	No Change.
Responsible Parties	The Proponent, Marine Environment Working Group	No Change.
Project Phase(s)	Construction	No Change.
Objective	To prevent impacts to ringed seals from icebreaking associated with Project shipping.	No Change.
Term or Condition	The Proponent shall, in conjunction with the Marine Environment Working Group, monitor ringed seal birth lair abundance and distribution for at least two years prior to the start of icebreaking to develop a baseline, with continued monitoring over the life of the project as necessary to test the accuracy of the impact predictions and determine if mitigation is needed. Monitoring shall also include a control site outside of the Project’s zone of influence.	Proposed Revision: The Proponent shall, in conjunction with the Marine Environment Working Group, monitor ringed seal birth lair abundance and distribution for at least two years prior to the start of winter shipping associated with the Southern portion of the Project, with continued monitoring over the life of the project as necessary to test the accuracy of the impact predictions and determine if mitigation is needed. Monitoring shall also include a control site outside of the Project’s zone of influence. Rationale: Seasonal shipping through the Northern Shipping Route does not overlap with seal parturition, pupping or nursing periods.
Reporting Requirement	To be developed following approval of the Project by the Minister.	No Change.
Stakeholder Review	Marine Environment Working Group (MEWG)	No Change.

QIA COMMENTS ON CONDITION 119:

Disagree. QIA agrees with changes re: Steenby but we disagree with the way BIMC is writing off impacts to ringed seals along the northern route, as shoulder season icebreaking may have effects on ringed seal moulting.

	Project Certificate Condition No. 120	Baffinland Comments
Category	Marine Environment - Marine Mammal Interactions	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To prevent impacts to marine mammals associated with Project shipping.	
Term or Condition	The Proponent shall ensure that, subject to vessel and human safety considerations, all project shipping adhere to the following mitigation procedures while in the vicinity of marine mammals: a) Wildlife will be given right of way b) Ships will when possible, maintain a straight course and constant speed, avoiding erratic behavior c) When marine mammals appear to be trapped or disturbed by vessel movements, the vessel will implement appropriate measures to mitigate disturbance, including stoppage of movement until wildlife have moved away from the immediate area.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Marine Environmental Working Group (MEWG)	

QIA COMMENTS ON CONDITION 120:

Agree.

	Project Certificate Condition No. 121	Baffinland Comments
Category	Marine Environment - Marine Mammal Interactions	No Change.
Responsible Parties	The Proponent, Fisheries and Oceans Canada, Environment Canada	No Change.
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	No Change.
Objective	To prevent impacts to marine mammals and seabird colonies associated with Project shipping.	No Change.
Term or Condition	<div>The Proponent shall immediately report any accidental contact by project vessels with marine mammals or seabird colonies to Fisheries and Oceans Canada and Environment Canada, respectively, by notifying the appropriate regional office of the:<ul style="list-style-type: none">Date, time and location of the incident;Species of marine mammal or seabird involved;Circumstances of the incident;Weather and sea conditions at the time;Observed state of the marine mammal or sea bird colony after the incident; and,Direction of travel of the marine mammal after the incident, to the extent that it can be determined.</div>	<div>Proposed Revision: The Proponent shall immediately report any accidental contact by project vessels with marine mammals or seabird colonies to regulatory authorities in accordance with legislation. The Proponent shall summarize and report annually to the NIRB regarding accidental contact by project vessels with marine mammals or seabird colonies in the Annual Report to NIRB.</div> <div>Rationale: Revisions serve to combine PC Condition No. 121 and 122 and reduce prescriptive reporting requirements already outlined in relevant legislation.</div>
Reporting Requirement	To be developed following approval of the Project by the Minister.	<div>Proposed Revision: Annually.</div> <div>Rationale: Any accidental contacts will be summarized and reported in the Annual Report to the NIRB.</div>
Stakeholder Review	Marine Environment Working Group (MEWG), Fisheries and Oceans Canada (DFO), Environment and Climate Change Canada (ECCC)	No Change.

QIA COMMENTS ON CONDITION 121:

Disagree. QIA agrees the provided regulatory requirements require all this information to be reported. QIA recommends that the text should be revised to reflect seabirds, not “seabird colonies”, which are on land.

	Project Certificate Condition No. 122	Baffinland Comments
Category	Marine Environme–t - Marine Mammal Interactions	<div>Proposed Revision: Suggest to remove PC Condition No. 122.</div> <div>Rationale:</div>
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To prevent impacts to marine mammals and seabird colonies associated with Project shipping.	

Term or Condition	The Proponent shall summarize and report annually to the NIRB regarding accidental contact by project vessels with marine mammals or seabird colonies through the applicable monitoring report.	See proposed changes to PC Condition No. 121.
Reporting Requirement	To be provided in the Annual Report to the NIRB.	
Stakeholder Review	Marine Environment Working Group (MEWG)	

QIA COMMENTS ON CONDITION 122:

Agree.

	Project Certificate Condition No. 123	Baffinland Comments
Category	Marine Environme–t - Marine Mammal Interactions	Proposed Revision: Suggest to remove PC Condition No. 123. Rationale: The intent of PC Condition 123 duplicates objectives and reporting requirements associated with PC Conditions 106 and 121. See proposed revisions to PC Condition No. 106 and 121.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To prevent impacts to marine mammals and seabird colonies associated with Project shipping.	
Term or Condition	The Proponent shall provide sufficient marine mammal observer coverage on project vessels to ensure that collisions with marine mammals and seabird colonies are observed and reported through the life of the Project. The marine wildlife observer protocol shall include, but not be limited to, protocols for marine mammals, seabirds, and environmental conditions and immediate reporting of significant observations to the ship masters of other vessels along the shipping route, as part of the adaptive management program to address any items that require immediate action.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Marine Environment Working Group (MEWG)	

QIA COMMENTS ON CONDITION 123:

Disagree. Disagree with removal - condition requires sufficient coverage to have monitoring be effective. BIMC is pushing to have this done at a surveillance level only.

	Project Certificate Condition No. 124	Baffinland Comments
Category	Marine Environment - Marine Mammal Interactions	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	No Change.
Objective	To prevent impacts to marine mammals and marine fish populations from increased harvesting pressures in Project areas.	No Change.
Term or Condition	The Proponent shall prohibit project employees from recreational boating, fishing, and harvesting of marine wildlife in project areas, including Steensby Inlet and Milne Inlet. The Proponent is not directed to interfere with harvesting by the	Proposed Revision:

	public in or near project areas, however, enforcement of a general prohibition on harvesting in project areas by project employees during periods of active employment (i.e. while on site and between work shifts) is required.	<p>The Proponent shall prohibit non-Inuit Project employees from recreational boating, fishing and harvesting of marine wildlife in Project areas, including Steensby Inlet and Milne Inlet.</p> <p>Rationale: As described in Article 11.4 of the IIBA, “Inuit employees shall be permitted access during their leisure hours, subject to Company policies, to all Project Areas for the purpose of any form of harvesting...in conformity with Subsection 5.7.17 (b) of the NLCA...”. PC Condition No. 124 as currently written contradicts the Proponent’s ability to meet the requirements of the IIBA or the NLCA.</p>
Reporting Requirement	To be developed following approval of the Project by the Minister.	<p>Proposed Revision: Annually</p> <p>Rationale: Baffinland will provide a summary of Inuit employee use of Project areas for the purpose of harvesting during their leisure hours in their Annual Report to the NIRB.</p>
Stakeholder Review	Fisheries and Oceans Canada (DFO), Indigenous and Northern Affairs Canada (INAC), Qikiqtani Inuit Association (QIA), Terrestrial Environment Working Group (TEWG)	No Change.

QIA COMMENTS ON CONDITION 124:

Agree.

	Project Certificate Condition No. 125	Baffinland Comments
Category	Marine Environment - Public Engagement	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To assess acceptability of acoustic deterrent devices for the general public.	
Term or Condition	Prior to use of acoustic deterrent devices, the Proponent shall carry out consultations with communities along the shipping routes and nearest to Steensby Inlet and Milne Inlet ports to assess the acceptability of these devices. Feedback received from community consultations shall be incorporated into the appropriate mitigation plan.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	N/A	

QIA COMMENTS ON CONDITION 125:

Agree

	Project Certificate Condition No. 125(a)	Baffinland Comments
Category	Marine Environmen–t - Public Engagement	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To ensure public acceptability of project vessel anchor sites and reduce potential conflicts between project marine shipping and local harvesting.	
Term or Condition	The Proponent shall consult with potentially-affected communities and groups, particularly Hunters’ and Trappers’ Organizations regarding the identification of project vessel anchor sites and potential areas of temporary refuge for project vessels along the shipping routes within the Nunavut Settlement Area. Feedback received from community consultations shall be incorporated into the most appropriate mitigation or management plans.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Marine Environment Working Group	

QIA COMMENTS ON CONDITION 125 A):

Agree.

	Project Certificate Condition No. 126	Baffinland Comments
Category	Marine Environmen–t - Public Engagement	Proposed Revision: Suggest to remove PC Condition No. 127. Rationale: This PC Condition is duplicative of both the objectives and reporting requirements for PC Condition No. 163 and 164.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To incorporate local input into monitoring data collection.	
Term or Condition	The Proponent shall design monitoring programs to ensure that local users of the marine area in communities along the shipping route have opportunity to be engaged throughout the life of the Project in assisting with monitoring and evaluating potential project-induced impacts and changes in marine mammal distributions.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Marine Environment Working Group (MEWG)	

QIA COMMENTS ON CONDITION 126:

QIA comment PCC 126: Agree as long as revised wording of 163 and 164 captures Inuit participation. “

	Project Certificate Condition No. 127	Baffinland Comments
Category	Marine Environmen–t - Public Engagement	Proposed Revision: Suggest to remove PC Condition No. 127. Rationale:
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To promote public awareness and engagement with Project shipping activities.	

Term or Condition	The Proponent shall ensure that communities and groups in Nunavik are kept informed of Project shipping activities and are provided with opportunity to participate in the continued development and refinement of shipping related monitoring and mitigation plans.	This PC Condition is duplicative of both the objectives and reporting requirements for PC Condition No. 163 and 164.
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Mittimatilik Hunter and Trappers Organization, Marine Environment Working Group (MEWG)	

QIA COMMENTS ON CONDITION 127:

QIA is concerned with the Proponent amalgamating commitments into an overarching generic condition. QIA requests either this condition remain or explicit requirements for engagement with Inuit on Project shipping activities be included in Condition 163.

	Project Certificate Condition No. 128	Baffinland Comments
Category	Marine Environment - Public Engagement	Proposed Revision: Suggest to remove PC Condition No. 128. Rationale: See revision to PC Condition No. 115
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To ensure habitat compensation is acceptable to local communities.	
Term or Condition	The Proponent shall consult with local communities as fish habitat off-setting options are being considered and demonstrate its incorporation of input received into the design of the Fish Habitat Off-Setting Plan required to offset the Harmful Alteration, Disruption or Destruction of Fish and Fish Habitat (HADD).	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Fisheries and Oceans Canada, Mittimatalik Hunter and Trapper Organization, Pisiksik Working Group	

QIA COMMENTS ON CONDITIONS 128:

QIA disagrees with the Proponent’s request to remove both condition 115 and 128 as minimum regulatory requirements will not ensure involvement of Inuit in offsetting planning, consideration of IQ in offset planning, or require evidence of how that input was considered as required by this condition.

	Project Certificate Condition No. 129	Baffinland Comments
Category	Population Demographics - Qikiqtaaluk Socio-Economic Monitoring Committee	No Change.
Responsible Parties	The Proponent, members of the QSEMC	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	Description of the general monitoring framework to be developed in consultation with the Qikiqtaaluk Socio-Economic Monitoring Committee.	
Term or Condition	The Proponent is strongly encouraged to engage in the work of the Qikiqtaaluk Socio-Economic Monitoring Committee along with other agencies and affected communities, and it should endeavour to identify areas of mutual interest and priorities for inclusion into a collaborative monitoring framework that includes socio-economic priorities related to the Project, communities, and the North Baffin region as a whole.	

Reporting Requirement	To be determined following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)	

	Project Certificate Condition No. 130	Baffinland Comments
Category	Population Demographics - Project-specific monitoring	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	Recognizing that some Project-specific socio-economic monitoring initiatives may be best addressed in smaller more focused working groups, this is encouraged where possible.	
Term or Condition	The Proponent should consider establishing and coordinating with smaller socio-economic working groups to meet Project specific monitoring requirements throughout the life of the Project.	
Reporting Requirement	To be determined following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)	

	Project Certificate Condition No. 131	Baffinland Comments
Category	Population Demographics - Monitoring demographic changes	Population Demographics – Monitoring of socio-economic indicators
Responsible Parties	The Proponent, members of the QSEMC	No Change
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	No Change
Objective	To monitor demographic changes affecting the North Baffin communities and the territory as a whole in order to understand changes and to evaluate the Proponent’s predictions as related to population demographics.	To monitor a broad range of socio-economic indicators that may be affected by the Project
Term or Condition	The Qikiqtaaluk Socio-Economic Monitoring Committee is encouraged to engage in the monitoring of demographic changes including the movement of people into and out of the North Baffin communities and the territory as a whole. This information may be used in conjunction with monitoring data obtained by the Proponent from recent hires and/or out-going employees in order to assess the potential effect the Project has on migration.	<p>The Proponent is encouraged to work with the Qikiqtaaluk Socio-Economic Monitoring Committee and the Mary River Socio-Economic Monitoring Working Group to monitor the following socio-economic indicators that may be affected by the Project:</p> <ul style="list-style-type: none">a) Demographic changes, including the movement of people into and out of the North Baffin communities and the territory as a whole to assess the potential effect the Project has on migration.b) The number of Inuit and non-Inuit employees hired from each of the Qikiqtaaluk North Baffin communities, the Kitikmeot and Kivalliq regions, and other provinces/territories, specifying the number from eachc) The number of non-Canadian foreign employees hired, specifying the locations and number from each foreign point of hire.

		<p>d) The level of education obtained by new employees and whether they resigned from a previous job placement or educational institution in order to take up employment with the Project.</p> <p>e) Barriers to employment for women, specifically with respect to childcare availability and costs.</p> <p>f) Project harvesting interactions and food security, which includes broad indicators of dietary habits.</p> <p>g) Subject to availability through the Nunavut Bureau of Statistics, the prevalence of substance abuse, gambling issues, family violence, marital problems, rates of sexually transmitted infections and other communicable diseases, rates of teenage pregnancy, high school completion rates, and others as deemed appropriate</p> <p>h) Pressures on existing services and costs to the health and social services provided by the Government of Nunavut as such may be impacted by Project-related in-migration of employees, to both the North Baffin region in general, and to the City of Iqaluit in particular.</p> <p>i) Increased Project- related pressures to community infrastructure in the Local Study Area communities, and to airport infrastructure in all point-of-hire communities and in Iqaluit.</p> <p>j) Regional direct, indirect and cumulative economic effects (positive and negative) associated with the Project and any proposed mitigation measures being considered necessary to mitigate the negative effects identified.</p> <p>Rationale: This merges together the suggested requirements of 10 separate socio-economic monitoring related Terms and Conditions, including 131, 134, 140, 145, 148, 154, 158, 159, 168, 169. The substance of each previous Term and Condition remains and the composition of the annual Socio-Economic Monitoring Report will not change, however, for compliance tracking purposes this is preferred.</p>
Reporting Requirement	To be determined following approval of the Project by the Minister.	Reported annually through the Socio-Economic Monitoring Report
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)	No Change

QIA COMMENTS ON CONDITION 131:

QIA strongly disagrees with the amalgamation of 10 different socio-economic conditions into one as it will minimize compliance responsibilities for the Proponent and complicate the monitoring of compliance.

	Project Certificate Condition No. 132	Baffinland Comments
Category	Population Demographics - Training programs	No Change.
Responsible Parties	The Proponent, North Baffin Hamlets, Municipal Training Organization, Government of Nunavut	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To develop training programs in ways which contribute to limiting the potential for migration to occur as North Baffin residents seek training and employment opportunities in the larger centre of Iqaluit.	
Term or Condition	The Proponent is encouraged to partner with other agencies such as Hamlet organizations in the North Baffin region, the Municipal Training Organization, and the Government of Nunavut in order to adapt pre-existing, or to develop new programs which encourage Inuit to continue living in their home communities while seeking ongoing and progressive	

	training and development. Programs may include driver training programs offered within Hamlets, providing upgraded equipment to communities for use in municipal works, providing incentives for small businesses to remain operating out of their community of origin, or supplementing existing recreational facilities and programming in North Baffin communities.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Mary River Socio-Economic Monitoring Working Group (SEMWG)	

QIA COMMENTS ON CONDITION 132:

Agree. The benefits of training programs for Inuit is further detailed and enforced in the IIBA.

	Project Certificate Condition No. 133	Baffinland Comments
Category	Population Demographics - Monitoring demographic changes	<p>Proposed Revision:</p> <p>The Proponent is encouraged to work with the Qikiqtaaluk Socio-Economic Monitoring Committee and in collaboration with the Government of Nunavut’s Department of Health, the Nunavut Housing Corporation and other relevant stakeholders, design and implement a voluntary survey to be completed by its employees on an annual basis in order to identify changes of address, housing status (i.e. public/social, privately owned/rented, government, etc.), and migration intentions while respecting confidentiality of all persons involved. The survey should be designed in collaboration with the Government of Nunavut’s Department of Health, the Nunavut Housing Corporation and other relevant stakeholders. Non-confidential results of the survey are to be reported to the Government of Nunavut and the NIRB.</p> <p>Rationale:</p> <p>The Department of Health and Social Services is now the Department of Health.</p>
Responsible Parties	The Proponent, members of QSEMC, Government of Nunavut, Nunavut Housing Corporation	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	Training programs may be developed with the goal of limiting the potential for migration to occur as North Baffin residents may choose to seek employment and therefore move from smaller North Baffin communities to the larger centre of Iqaluit	
Term or Condition	The Proponent is encouraged to work with the Qikiqtaaluk Socio-Economic Monitoring Committee and in collaboration with the Government of Nunavut’s Department of Health and Social Services, the Nunavut Housing Corporation and other relevant stakeholders, design and implement a voluntary survey to be completed by its employees on an annual basis in order to identify changes of address, housing status (i.e. public/social, privately owned/rented, government, etc.), and migration intentions while respecting confidentiality of all persons involved. The survey should be designed in collaboration with the Government of Nunavut’s Department of Health and Social Services, the Nunavut Housing Corporation and other relevant stakeholders. Non-confidential results of the survey are to be reported to the Government of Nunavut and the NIRB.	
Reporting Requirement	To be determined following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)	

QIA COMMENTS ON CONDITION 133:

Agree. The rationale from Baffinland is sound.

	Project Certificate Condition No. 134	Baffinland Comments
Category	Population Demographic–s - Employee origin	Proposed Revision: Suggest to remove PC Condition No. 134. Rationale: Substance of Term and Condition is added to Term and Condition No. 131
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	Project-specific information regarding employee origin is important to comparing predictions of labour availability and employment opportunities with actual levels of employment from various demographic segments over different geographic areas.	
Term or Condition	The Proponent shall include with its annual reporting to the NIRB a summation of employee origin information as follows: <ul style="list-style-type: none">a) The number of Inuit and non-Inuit employees hired from each of the North Baffin communities, specifying the number from eachb) The number of Inuit and non-Inuit employees hired from each of the Kitikmeot and Kivalliq regions, specifying the number from eachc) The number of Inuit and non-Inuit employees hired from a southern location or other province/territory outside of Nunavut, specifying the locations and the number from eachd) The number of non-Canadian foreign employees hired, specifying the locations and number from each foreign point of hire.	
Reporting Requirement	To be determined following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)	

QIA COMMENTS ON CONDITION 134:

Disagree. While the text of condition is included in the amalgamation the opportunity for non-compliance goes from possibly 10 PC Conditions to 1.

	Project Certificate Condition No. 135	Baffinland Comments
Category	Education and Trainin–g - Employee work/study programs	No Change.
Responsible Parties	The Proponent, Qikiqtani Inuit Association	
Project Phase(s)	Construction and Operations	
Objective	Recognizing the 12-hour work days inherent with work at the Project site, it is not clear how employees would successfully engage in a work/study program offered by the Proponent.	
Term or Condition	The Proponent is encouraged to consider offering additional options for work/study programs available to Project employees (in addition to study programs at project sites that would be offered to employees when off-shift).	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Mary River Socio-Economic Monitoring Working Group	

QIA COMMENTS ON CONDITION 135:
Agree. This condition is further enforced through the IIBA to benefit Inuit.

	Project Certificate Condition No. 136	Baffinland Comments
Category	Education and Trainin–g - Transferable skills and training	No Change.
Responsible Parties	The Proponent, Qikiqtani Inuit Association, Government of Nunavut, Municipal Training Organization	
Project Phase(s)	Construction and Operations	
Objective	Offering training which results in certifications that are valid for employment at more than one site or in different fields provides an investment in the long-term employability of Nunavummiut.	
Term or Condition	The Proponent is encouraged to work with training organizations and/or government departments offering mine-related or other training in order to provide additional opportunities for employees to gain meaningful and transferable skills, credentials and certifications especially where such training of employees offered by the Proponent remains valid only at the Mary River Project sites.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Mary River Socio-Economic Monitoring Working Group	

QIA COMMENTS ON CONDITION 136:
Agree. The Project Term is further detailed to benefit Inuit in the IIBA.

	Project Certificate Condition No. 137	Baffinland Comments
Category	Education and Trainin–g - Transferable skills and training	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	Offering training which results in certifications that are valid for employment at more than one site or in different fields provides an investment in the long-term employability of Nunavummiut.	
Term or Condition	Prior to construction, the Proponent shall develop an easily referenced listing of formal certificates and licences that may be acquired via on-site training or training during employment at Mary River, such listing to indicate which of these certifications and licences would be transferable to a similar job site within Nunavut. This listing should be updated on an annual basis, and is to be provided to the NIRB upon completion and whenever it is revised.	
Reporting Requirement	The initial listing should be provided to the NIRB at least 60 days prior to the start of construction, an annually thereafter or as may otherwise be required.	
Stakeholder Review	Mary River Socio-Economic Monitoring Working Group	

QIA COMMENTS ON CONDITION 137:

Agree. The Project Term is further detailed to benefit Inuit in the IIBA.

	Project Certificate Condition No. 138	Baffinland Comments
Category	Education and Traini–g - Inuit employee training	<div>1. This PC condition was updated based on BIMC’s commitments in its October 15 response to QIA TRC #33.</div> <div>2. The timeline for this training plan was changed based on the deadlines that already exist per the 2019-20 IIBA Work Plan and the sunseting of the Qikiqtani Skills and Training for Employment Partnership. BIMC has acknowledged there have already been missed opportunities with respect to contractor training for Phase 2 contracts. Furthermore, this training plan is an integral piece for an approval for Phase 2.</div>
Responsible Parties	The Proponent, Qikiqtani Inuit Association (QIA)	
Project Phase(s)	Construction	
Objective	Working together with the QIA to prepare effective training programs developed specifically for Inuit will assist in employee preparedness and may improve employee retention	
Term or Condition	<div>The Proponent is encouraged to work with the Qikiqtani Inuit Association to ensure the timely development of effective Inuit training and work-ready programs.</div> <div>The Proponent will work with the Qikiqtani Inuit Association to develop an updated Inuit Training Plan that covers the period between Phase 2 and the first three years of operations. This plan will provide updates on programs that will be offered and how Baffinland intends to maximize Inuit engagement with the Project. This updated plan will be developed within six months of issuance of the Project Certificate.</div>	
Reporting Requirement	To be developed following approval of the Project by the Minister	
Stakeholder Review	Mary River Socio-Economic Monitoring Working Group	

QIA COMMENTS ON CONDITION 138:

Agree. The Project Term has been updated based on Baffinland’s commitment in its Final Written Submission to QIA Technical Review Comment 33.

	Project Certificate Condition No. 139	Baffinland Comments
Category	Education and Traini–g - Hiring southern Canadians and foreign employees	<div>Proposed Revision:</div> <div>Suggest to remove PC No. 139 from the Project Certificate.</div> <div>Rationale:</div> <div>This labour market analysis was completed and submitted following approval of the ERP and an updated analysis was submitted with the Phase 2 FEIS Addendum. A secondary labour market analysis is not required, unless significant changes to Project operations are considered. If this is contemplated, Baffinland will conduct supplementary baseline data collection to update the labour market analysis and share this information with the QSEMC and SEMWG as relevant.</div>
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	With the unknown availability of labour from the North Baffin region and Nunavut as a whole to provide employment to the Project, the need to employ southern Canadians or foreign workers may implicate the Proponent’s on-site language, cross-cultural awareness, and other programming. Having information available regarding the sourcing of labour for the Project is important to ensuring the Proponent and others are prepared for any influx of southern or foreign employees.	
Term or Condition	Prior to commencing construction, the Proponent is requested to undertake and provide the results of a detailed labour market analysis which provides quantitative predictions of the number of employees that may reasonably need to be sourced from southern Canada and from foreign markets, identifying where applicable, the country of origin for the foreign labour. Within 90 days of the issuance of the Project Certificate, the Proponent is required to submit an updated	

	Labour Market Analysis which considers requirements of the ERP as well as hiring points within Nunavut and outside of the North Baffin region and RSA.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtani Inuit Association, Mary River Socio-Economic Monitoring Working Group	

QIA COMMENTS ON CONDITION 139:
Agree. A regular Labour Market Analysis is required per the IIBA and thus may be removed as a Project Term and Condition.

	Project Certificate Condition No. 140	Baffinland Comments
Category	Education and Trainin–g - Survey of Nunavummiut employees	Proposed Revision: Suggest to remove PC Condition No. 140. Rationale: Substance of Term and Condition is added to Term and Condition No. 131.
Responsible Parties	The Proponent	
Project Phase(s)	Construction and Operations	
Objective	Monitoring the number of employees who leave previous employment in their home communities or who leave some type of formal education in pursuit of employment with the Project is important to evaluate predictions made and the potential impacts to North Baffin communities and education rates.	
Term or Condition	The Proponent is encouraged to survey Nunavummiut employees as they are hired and specifically note the level of education obtained and whether the incoming employee resigned from a previous job placement or educational institution in order to take up employment with the Project.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)	

QIA COMMENTS ON CONDITION 140:
Disagree. While the proposed PC Condition amalgamation is enough in substance to cover PC Conditions 131, 134, 140, 145, 148, 158, 159, 168, and 169. With the change above the opportunity for non-compliance goes from possibly 10 PC Conditions to 1.

	Project Certificate Condition No. 141	Baffinland Comments
Category	Education and Trainin–g - Training of Inuit	Proposed Revision: Suggest to remove PC Condition No. 141. Rationale: This PC Condition is duplicative of both the objectives and reporting requirements for PC Condition 138.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To ensure that effective training is available in a timely manner.	
Term or Condition	The Proponent is encouraged to work with the Qikiqtani Inuit Association prior to construction in order to prioritize the provision of training of Inuit to serve as employees in monitoring or other such capacities.	

Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtani Inuit Association (QIA), Mary River Socio-Economic Monitoring Working Group (SEMWG)	

QIA COMMENTS ON CONDITION 141:

Agree. The Project Term is further detailed to benefit Inuit in the IIBA and is described on a higher level in PC Condition No. 138.

	Project Certificate Condition No. 142	Baffinland Comments
Category	Livelihood and Employmen–t - Employee Cohesion	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction and Operations	
Objective	To promote cohesion between employees on site, and between employees and their families.	
Term or Condition	The ProponentIt is encouraged to address the potential direct alnd indirect effects that may result from Project employees’ on-site use of various Inuktitut dialects as well as other spoken languages, specifically paying attention to the potential alienation of some employees that may occur as a result of language or other cultural barriers.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtani Inuit Association (QIA), Mary River Socio-Economic Monitoring Working Group (SEMWG)	

QIA COMMENTS ON CONDITION 142:

Agree. The Project Term is further detailed to benefit Inuit in the IIBA.

	Project Certificate Condition No. 143	Baffinland Comments
Category	Livelihood and Employm–ent - Employee family contact	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction and Operations	
Objective	To enable and foster connection and contact between employees and family members.	
Term or Condition	The Proponent is encouraged to consider the use of both existing and innovative technologies (e.g. community radio station call-in shows, cell phones, video-conferencing, Skype, etc.) as a way to ensure Project employees are able to keep in contact with family and friends and to ward off the potential for feelings of homesickness and distance to impact on employee retention and family stability.	
Reporting Requirement	As needed	
Stakeholder Review	N/A	

	Project Certificate Condition No. 144	Baffinland Comments
Category	Livelihood and Employm–ent - Requirements for employment	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction and Operations	
Objective	To ensure that the prerequisites and requirements for employment are clear and well known in work readiness programs.	
Term or Condition	The Proponent is encouraged to make requirements for employment clear in its work-readiness and other public information programs and documentation, including but not limited to: education levels, criminal records checks, policies relating to drug and alcohol use and testing, and language abilities.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	N/A	

QIA COMMENTS ON CONDITION 144:
Agree. The Project Term is further detailed to benefit Inuit in the IIBA.

	Project Certificate Condition No. 145	Baffinland Comments
Category	Livelihood and Employm–ent - Barriers to employment for women	Proposed Revision: Suggest to remove PC Condition No. 145. Rationale: Substance of Term and Condition is added to Term and Condition No. 131.
Responsible Parties	The Proponent, Government of Nunavut, members of QSEMC	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To monitor and understand the existence of barriers to employment for women specifically relating to childcare availability and costs.	
Term or Condition	The Proponent is encouraged to work with the Government of Nunavut and the Qikiqtaaluk Socio-Economic Monitoring Committee to monitor the barriers to employment for women, specifically with respect to childcare availability and costs.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)	

QIA COMMENTS ON CONDITION 145:
Disagree. While the proposed PC Condition amalgamation is enough in substance to cover PC Conditions 131, 134, 140, 145, 148, 158, 159, 168, and 169. With the change above the opportunity for non-compliance goes from possibly 10 PC Conditions to 1.

	Project Certificate Condition No. 146	Baffinland Comments
Category	Livelihood and Employm–ent - Availability of childcare for Project Employees	No Change
Responsible Parties	Government of Nunavut and Qikiqtani Inuit Association	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To lessen the barriers to employment as relating to the availability of childcare.	
Term or Condition	The Government of Nunavut and the Qikiqtani Inuit Association are strongly encouraged to investigate the possibility for Project revenue streams to support initiatives or programs, which offset or subsidize childcare for Project employees.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Mary River Socio-Economic Monitoring Working Group (SEMWG)	

QIA COMMENTS ON CONDITION 146:

Agree.

	Project Certificate Condition No. 147	Baffinland Comments
Category	Livelihood and Employment - Affordability of housing	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 151 from the Project Certificate.</p> <p>Rationale:</p> <p>The Government of Nunavut revised its Public Housing Rent Scale since the Project Certificate was first issued to create more incentive for renters to find gainful employment. Baffinland will continue to investigate this subject with the Government of Nunavut through its Memorandum of Understanding, but this should not be a condition of the Project Certificate.</p>
Responsible Parties	The Proponent, Government of Nunavut and Nunavut Housing Corporation	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To lessen the barriers to maintaining employment as relating to the availability and costs of housing.	
Term or Condition	The Proponent is encouraged to work with the Government of Nunavut and the Nunavut Housing Corporation to investigate options and incentives which might enable and provide incentive for employees living in social housing to maintain employment as well as to negotiate for and obtain manageable rental rates.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Government of Nunavut (Nunavut Housing Corporation; Community and Government Services; Economic Development and Transportation); Mary River Socio-Economic Monitoring Working Group (SEMWG); Qikiqtani Socio-economic Monitoring Committee (QSEMC)	

QIA COMMENTS ON CONDITION 147:

Disagree. This incentivizes Baffinland to complete and report on this work.

	Project Certificate Condition No. 148	Baffinland Comments
Category	Economic Development and Self-Reliance, and Contracting and Business Opportunities – Food security	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 148.</p>
Responsible Parties	The Proponent, Members of the QSEMC	

Project Phase(s)	Construction and Operations	Rationale: Substance of Term and Condition is added to Term and Condition No. 131.
Objective	To improve understanding of the interactions between the Project and Inuit harvesting and how this relates to food security for residents of the North Baffin.	
Term or Condition	The Proponent is encouraged to undertake collaborative monitoring in conjunction with the Qikiqtaaluk Socio-Economic Monitoring Committee’s monitoring program which addresses Project harvesting interactions and food security and which includes broad indicators of dietary habits.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)	

QIA COMMENTS ON CONDITION 148:

Disagree. QIA disagrees with the Proponents amalgamation of this condition with 131.

In addition, QIA proposes the following update to the condition and a related new condition (see below)

UPDATED CONDITION NO 148 – FOOD SECURITY

Category: Economic Development and Self-Reliance, and Contracting and Business Opportunities – Food security

Responsible Parties: The Proponent, Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)

Project Phase(s): Construction and Operations

Objective: To improve understanding of the interactions between the Project and Inuit harvesting and how this relates to food security for residents of the North Baffin

Term or Condition: The Proponent to develop, with input from the Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and the Mary River Socio-Economic Working Group (SEMWG), a food security monitoring plan which outlines what food security data needs to be collected, analyzed (and by whom), reported, and tied to adaptive management triggers in relation to the Mary River Project.

Reporting Requirement: As part of annual reporting to NIRB

Stakeholder Review: Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)

Rationale for Update: A specific food security monitoring program is required to address data gaps and must fully include Inuit in the identification of relevant indicators. Given the critical importance of food security and viable impact pathways from the Project on Inuit food security, simply “encouraging” the Proponent to engage meaningfully in this work is not enough.

- Baffinland is required to work with QIA and the affected communities to support the establishment of an ongoing harvest survey conducted (by communities) to provide baseline data and ongoing monitoring of harvest patterns and harvested resource levels for impacted communities (see Appendix 1 on Harvest Study potential framework).
- This food security data must be integrated into the CRLU Monitoring Program, and used to inform and trigger management responses and compensation measures from the Proponent in the event of any short term recorded impacts on harvesting and food security. Meaningful compensatory measures to support community short-term harvest losses must be established. Given high community vulnerability to losses of country food access, compensatory supports will be mandatory in shortage scenarios - required notwithstanding whether it is established that Baffinland’s actions are the primary cause of the recorded impact.
- Baffinland is to work with QIA to establish a more appropriate financial compensation quantum for loss of access to country food and increased cost of successful harvesting to affected communities, and build that into a revised harvester compensation program. Ultimately, to assist in calculating costs, there should be consideration of matching financial costs to the economic value of producing country food.

NEW CONDITION – PROJECT-SPECIFIC RISK COMMUNICATION PROGRAM

Pre-amble issue identification: The Proponent’s commitment to a risk communication program is currently limited to focusing on describing the potential effects of mining from a technical perspective. Meaningful risk communication will likely need to be an Inuit-driven program in order to have credibility in the communities, and include a focus on reporting (and receiving reports from community members and acting on them) of the observable health and safety of water, wildlife and other resources Inuit rely upon for their survival on the land.

Category: Economic Development and Self-Reliance, and Contracting and Business Opportunities – Food security risk communication

Responsible Parties: The Proponent, Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG), North Baffin Communities

Project Phase(s): Construction and Operations

Objective: To protect and enhance Inuit food security by increasing understanding of, and public communication of, the health of the land and country.

Term or Condition: The Proponent to develop and implement with the North Baffin communities a Culture, Resources, and Land Use Risk Communication Strategy/Program, focused on gathering and dissemination of information to Inuit on the health of the land and country foods in the Project-affected area. The Proponent to recognize that each community may have different information needs, including method of delivery (i.e. workshops, pamphlets etc.) and concerns and will support the customization of the program where required.

Reporting Requirement: As part of annual reporting to NIRB

Stakeholder Review: Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)

	Project Certificate Condition No. 149	Baffinland Comments
Category	Economic Development and Self-Reliance, and Contracting and Business Opportunities – Impacts of temporary closure	Proposed Revision: Closure Planning Rationale: Updated to reflect proposed changes for objective and term and condition of PC Condition No. 149
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction	Proposed Revision: Construction and Operations Rationale: To ensure ongoing engagement regarding mitigations for managing effects of a temporary closure on Project employees and or businesses in the North Baffin region throughout the life of the Project.
Objective	To further the understanding of how a temporary closure may impact on the well-being of the residents and businesses of the North Baffin region.	No Change.
Term or Condition	Prior to the commencement of operations, the Proponent is required to undertake an analysis of the risk of temporary mine closure, giving consideration to how communities in the North Baffin region may be affected by temporary and permanent closure of the mine, including economic, social and cultural effects and taking into consideration the potential drop in employment between the construction and operations phases of the Project.	Proposed Revision: The Proponent shall work with the QIA, QSEMC and SEMWG throughout the life of the Project to determine best practices for managing effects of temporary or permanent closure of the Project on communities in the North Baffin region.

		Rationale: To ensure ongoing engagement regarding mitigations for managing effects of a temporary closure on Project employees and or businesses in the North Baffin region throughout the life of the Project.
Reporting Requirement	To be developed following approval of the Project by the Minister.	Proposed Revision: Annual updates on the efforts of the Working Group to be reported in the Annual Report to NIRB each year. Rationale: Updated to reflect proposed establishment of Mine Closure Working Group.
Stakeholder _	Qikiqtani Inuit Association (QIA), Mary River Socio-Economic Monitoring Working Group (SEMWG)	No Change.

QIA COMMENTS ON CONDITION 149:

Disagree. Any proposed revisions should include QIA.

	Project Certificate Condition No. 150	Baffinland Comments
Category	Economic Development and Self-Reliance, and Contracting and Business Opportunities – Impacts to visitors of Sirmilik National Park	No Change.
Responsible Parties	The Proponent, Parks Canada	
Project Phase(s)	Construction and Operations	
Objective	To limit potential of Project impacts upon visitors, researchers and/or beneficiary users of the Sirmilik National Park.	
Term or Condition	The Proponent will ensure the following: a. The Proponent will maintain, where possible, a minimum flying altitude of 2,000 feet over the park, except for approaches to land, take-off or for safety reasons b. The Proponent will ensure that certification of noise compliance is current, where compliance is applicable c. For the purpose of briefing Park visitors, the Proponent will provide Parks Canada (1) prior to commencing the shipping season, with planned daily shipping schedules, and (2) annually, with air traffic information, and (3) to provide updates when significant variations from these are expected d. The Proponent is strongly encouraged to provide due consideration to wilderness experience during its operations in the open water season, especially during the month of August which is typically a time of high use by sea kayakers.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Parks Canada, Environment Climate Change Canada, Qikiqtani Inuit Association, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board, Parks Canada	

	Project Certificate Condition No. 151	Baffinland Comments
Category	Economic Development and Self-Reliance, and Contracting and Business Opportunities – Access to housing	Proposed Revision: Suggest to remove PC Condition No. 151 from the Project Certificate. Rationale: Access to affordable housing in Nunavut is the responsibility of the Government of Nunavut and the Nunavut Housing Corporation.
Responsible Parties	The Proponent	
Project Phase(s)	Construction and Operations	
Objective	To investigate ways that economic development and self-reliance may improve access to housing by employees.	
Term or Condition	The Proponent is encouraged to investigate measures and programs designed to assist Project employees with homeownership or access to affordable housing options.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Nunavut Impact Review Board (NIRB)	

QIA COMMENTS ON CONDITION 151:
Disagree. This incentivizes Baffinland to complete and report on this work.

	Project Certificate Condition No. 152	Baffinland Comments
Category	Economic Development and Self-Reliance, and Contracting and Business Opportunities – IIBA contract requirements	No Change.
Responsible Parties	The Proponent, Qikiqtani Inuit Association	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To improve ability of small businesses to access Project contract and sub-contract opportunities.	
Term or Condition	The Qikiqtani Inuit Association is encouraged to provide the Board and the Qikiqtaaluk Socio-Economic Monitoring Committee with information regarding the effectiveness of any provisions within the Inuit Impact and Benefit Agreement which may require that larger contracts be broken down into smaller size in order that they are reasonably managed by smaller businesses in the North Baffin region, while respecting any confidential or privileged information.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtani Inuit Association, Mary River Socio-Economic Monitoring Working Group (SEMWG)	

	Project Certificate Condition No. 153	Baffinland Comments
Category	Human Health and Well-Being - Employee and family health and well-being	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction, Operations, Closure and Post-Closure Monitoring	No Change.
Objective	To provide adequate medical services on site, including those that contribute to the mental health and well-being of all employees.	Proposed Revision: To support programs that contribute to the mental health and well-being of all employees and their families, as needed.

Term or Condition	The Proponent is encouraged to employ a mental health professional to provide counselling to Inuit and non-Inuit employees in order to positively contribute toward employee health and well-being.	Proposed Revision: The Proponent is encouraged to provide on-site and support off-site community programs that contribute to the mental heal and well-being of all employees and their families as needed. Rationale: Combines PC Condition No. 153 and 157.
Reporting Requirement	To be developed following approval of the Project by the Minister.	No Change.
Stakeholder Review	Nunavut Impact Review Board (NIRB)	No Change.

QIA COMMENTS ON CONDITION 153:

Disagree. QIA recommends revisions provided to align with Baffinland’s rationale that makes the proposed revisions agreeable. Without the proposed changes, Baffinland’s revision does not include PC Condition 157. QIA’s addition is as follows:

“The Proponent is encouraged to provide on-site and support off-site community programs that contribute to the mental heal and well-being of all employees and their families as needed. . This includes but is not limited to providing counseling and access to treatment programs for substance and gambling addictions as well as which address domestic, parenting, and marital issues that affect employees and/or their families.

	Project Certificate Condition No. 154	Baffinland Comments
Category	Human Health and Well-be–ing - Indirect impacts to health and well-being	Proposed Revision: Suggest to remove PC Condition No. 154. Rationale: Substance of Term and Condition is added to Term and Condition No. 131
Responsible Parties	The Proponent, Government of Nunavut, members of the QSEMC	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To understand the indirect impacts of the Project upon health and well-being.	
Term or Condition	The Proponent shall work with the Government of Nunavut and the Qikiqtaaluk Socio-Economic Monitoring Committee to monitor potential indirect effects of the Project, including indicators such as the prevalence of substance abuse, gambling issues, family violence, marital problems, rates of sexually transmitted infections and other communicable diseases, rates of teenage pregnancy, high school completion rates, and others as deemed appropriate.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)	

QIA COMMENTS ON CONDITION 154:

Disagree. While the proposed PC Condition amalgamation is enough in substance to cover PC Conditions 131, 134, 140, 145, 148, 158, 159, 168, and 169. With the change above the opportunity for non-compliance goes from possibly 10 PC Conditions to 1.

	Project Certificate Condition No. 155	Baffinland Comments
Category	Human Health and Well-be–ing - Employee cohesion	No Change.

Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction	Proposed Revision: Construction, Operations and Closure. Rationale: Ongoing efforts to minimize potential cultural conflicts on site will remain throughout the life of the Project and will be updated as needed to reflect lessons learnt and implementation of enhanced efforts or practices.
Objective	To encourage the on-site cohesion of employees through cultural-awareness and social programs.	No Change.
Term or Condition	The Proponent is strongly encouraged to provide the NIRB with an updated report on its development of mitigation measures and plans to deal with potential cultural conflicts which may occur at site as these may become needed	Proposed Revision: The Proponent is encouraged to implement measures to minimize potential cultural conflicts on site. Rationale: Ongoing efforts to minimize potential cultural conflicts on site will remain throughout the life of the Project and will be updated as needed to reflect lessons learnt and implementation of enhanced efforts or practices.
Reporting Requirement	To be provided at least 60 days prior to the commencement of any construction activities	Proposed Revision: Annually. Rationale: A discussions of these efforts will be reported on each year in the Annual Report to NIRB.
Stakeholder Review	Nunavut Impact Review Board (NIRB)	No Change.

QIA COMMENTS ON CONDITION 155:

QIA agrees that measures should be in place for the life of the Project, however, given changes to Project design QIA recommends that the Proponent not only implement existing plans but also review and consider developing new plans.

	Project Certificate Condition No. 156	Baffinland Comments
Category	Human Health and Well-Be-ing - Support Initiatives	No Change.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To assist with fostering well-being within point-of-hire communities	
Term or Condition	The Proponent is encouraged to assist with the provision and/or support of recreation programs and opportunities within the potentially affected communities in order to mitigate potential impacts of employees’ absences from home and community life	
Reporting Requirement	To be developed following approval of the Project by the Minister	
Stakeholder Review	Nunavut Impact Review Board (NIRB)	

	Project Certificate Condition No. 157	Baffinland Comments
Category	Human Health and Well-Being - Counseling and treatment programs	Proposed Revision: Suggest to remove PC Condition No. 157. Rationale: See Proposed Revisions to PC Condition No. 153.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To make available, necessary treatment and counseling services for employee and family well-being.	
Term or Condition	The Proponent should consider providing counseling and access to treatment programs for substance and gambling addictions as well as which address domestic, parenting, and marital issues that affect employees and/or their families.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Nunavut Impact Review Board (NIRB)	

QIA COMMENTS ON CONDITION 157:
Disagree. See comments on PC Condition No. 153, if this is removed, additions to 153 need to be made.

	Project Certificate Condition No. 158	Baffinland Comments
Category	Community Infrastructure and Public Services – Impacts to health services	Proposed Revision: Suggest to remove PC Condition No. 158. Rationale: Substance of Term and Condition is added to Term and Condition No. 131
Responsible Parties	The Proponent, Government of Nunavut	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To monitor indirect Project impacts to health and social services provided by the Government of Nunavut.	
Term or Condition	The Proponent is encouraged to work with the Government of Nunavut and other parties as deemed relevant in order to develop a Human Health Working Group which addresses and establishes monitoring functions relating to pressures upon existing services and costs to the health and social services provided by the Government of Nunavut as such may be impacted by Project-related in-migration of employees, to both the North Baffin region in general, and to the City of Iqaluit in particular.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)	

QIA COMMENTS ON CONDITION 158:
Disagree. While the proposed PC Condition amalgamation is enough in substance to cover PC Conditions 131, 134, 140, 145, 148, 158, 159, 168, and 169. With the change above the opportunity for non-compliance goes from possibly 10 PC Conditions to 1.

	Project Certificate Condition No. 159	Baffinland Comments
Category	Community Infrastructure and Public Services – Impacts to infrastructure	Proposed Revision: Suggest to remove PC Condition No. 159. Rationale: Substance of Term and Condition is added to Term and Condition No. 131
Responsible Parties	The Proponent, Government of Nunavut	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To monitor Project-related impacts to infrastructure within the Local Study Area communities.	
Term or Condition	The Proponent is encouraged to work with the Government of Nunavut to develop an effects monitoring program that captures increased Project- related pressures to community infrastructure in the Local Study Area communities, and to airport infrastructure in all point-of-hire communities and in Iqaluit.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)	

QIA COMMENTS ON CONDITION 159:

Disagree. While the proposed PC Condition amalgamation is enough in substance to cover PC Conditions 131, 134, 140, 145, 148, 158, 159, 168, and 169. With the change above the opportunity for non-compliance goes from possibly 10 PC Conditions to 1.

	Project Certificate Condition No. 160	Baffinland Comments
Category	Community Infrastructure and Public Services – Distribution of benefits	No Change.
Responsible Parties	The Proponent, Qikiqtani Inuit Association, Government of Nunavut	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To ensure the distribution of benefits is done in a way that off-sets Project-related impacts to infrastructure or services.	
Term or Condition	The Government of Nunavut and the Qikiqtani Inuit Association are encouraged to cooperate to ensure in a broad sense, that Project benefits are distributed across impacted communities and across various demographic groups within these communities in a manner that best offsets any Project-related impacts to infrastructure or services.	
Reporting Requirement	To be developed following approval of the Project by the Minister	
Stakeholder Review	Qikiqtani Inuit Association (QIA) and Government of Nunavut (GN)	

	Project Certificate Condition No. 161	Baffinland Comments
Category	Community Infrastructure and Public Services – Policing	No Change.
Responsible Parties	The Proponent, Government of Nunavut, Royal Canadian Mounted Police	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	

Objective	To ensure the territorial government and its policing service are adequately prepared to handle any Project-related increases to the need for service and associated impacts.	
Term or Condition	The Government of Nunavut should be prepared for any potential increased need for policing, and ensure that the Royal Canadian Mounted Police is prepared to handle ongoing Project-related demographic changes and subsequent crime prevention that may be needed as a result of the development, operation, and closure of the Project.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Government of Nunavut (GN)	

	Project Certificate Condition No. 162	Baffinland Comments
Category	Culture, Resources and Land–Use - Public consultation	Proposed Revision: Suggest to remove PC Condition No. 162. Rationale: Remove duplication between PC Condition No. 162 and 163 through edits to PC No. 163.
Responsible Parties	The Proponent, Elders and community members of the North Baffin communities	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To ensure the ongoing and consistent involvement of Elders and community members in developing and revising monitoring and mitigation plans.	
Term or Condition	The Proponent should make all reasonable efforts to engage Elders and community members of the North Baffin communities in order to have community level input into its monitoring programs and mitigative measures, to ensure that these programs and measures have been informed by traditional activities, cultural resources, and land use as such may be implicated or impacted by ongoing Project activities.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtani Inuit Association (QIA), North Baffin Communities	

QIA COMMENTS ON CONDITION 162:

QIA disagrees with the Proponent suggestion to remove this condition, as proposed revisions to 163 do not provide guarantees for “consistent involvement of Elders and community members.” Either a separate condition is required to guarantee that community members are actively involved beyond community engagement, or the relevant wording from Condition 162 should be added to a revised 163 or vice versa.

	Project Certificate Condition No. 163	Baffinland Comments
Category	Culture, Resources and Land–Use - Public consultation	No Change.
Responsible Parties	The Proponent, North Baffin communities	No Change.
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	No Change.
Objective	To involve communities in the development and evolution of management and monitoring plans.	No Change.
Term or Condition	The Proponent shall continue to engage and consult with the communities of the North Baffin region in order to ensure that Nunavummiut are kept informed about the Project activities, and more importantly, in order that the Proponent’s management and monitoring plans continue to evolve in an informed manner.	Proposed Revision: The Proponent shall continue to engage and consult with the communities of the North Baffin region in order to ensure that Nunavummiut are kept informed about the Project activities and to ensure that these programs

		<p>and measures have been informed by traditional activities, cultural resources, and land use as such may be implicated or impacted by ongoing Project activities. During these consultations, it is recommended that the Proponent provide information including video, audio, and photographic representation as well as any other aids (e.g. models) that may enhance the general public’s understanding of operations, as well as all safety considerations for members of the public who may be travelling around the project area.</p> <p>Rationale: The intention of establishing ongoing engagement and consultation with the North Baffin communities is to ensure opportunities for two-way dialogue are maintained throughout the life of the Project, specifically with relation to the potential effects of the Project on traditional activities, cultural resources and land use. The term and condition description has also been updated to incorporate recommendations outlined in PC Condition No. 15 to minimize duplicative reporting requirements.</p>
Reporting Requirement	To be developed following approval of the Project by the Minister.	No Change.
Stakeholder Review	North Baffin Communities	<p>Proposed Revision: North Baffin Communities and the QIA</p> <p>Rationale: It is understood by the Proponent that consultation with the QIA on Project monitoring is representative of the interests and concerns of the Inuit communities it acts as the Designated Inuit Organization.</p>

QIA COMMENTS ON CONDITION 163:

Disagree. QIA disagrees with the amalgamation of conditions under a blanket engagement condition as it will not guarantee meaningful consideration of IQ or Inuit active involvement in both the development AND the implementation of monitoring and management plans.

As Proponent commitments do not adequately address QIA concerns for the meaningful consideration of IQ and active Inuit involvement in the development and implementation of monitoring and management plans, QIA also recommends the following additional conditions related to Culture, Resources and Land Use (see below). Strong follow-up and monitoring programs driven by Inuit laws,norms, and experience are required to address the gaps in the Proponents CRLU assessment and therefore yet unknown impacts to CRLU, especially as the Proponent has not been able to provide an updated assessment including Inuit determinations of significance.

NEW CONDITION – CRLU DATA COLLECTION

Category: Culture, Resources and Land Use – Data Collection

Responsible Parties: The Proponent, North Baffin Communities, QIA

Project Phase(s): Construction, Operations, Closure, Post-Closure

Objective: To support ongoing robust data collection for Inuit Culture, Resources and Land Use to better understand Project interactions, inform management programs, and formulate adaptive management strategies.

Term or Condition: Proponent to support and adequately fund for the life of the Project an ongoing robust collection and updating of IQ and culture, resources, land use data (including gathering of spatial data), as part of a strong, independent community-based monitoring system. Inuit spatial data collection interviews and on-territory mapping exercises with an appropriate cohort of the affected community will be updated at minimum every three years, and integrated into the overall CRLU Monitoring Program, and subject to review and potential actioning by the Inuit Committee/Inuit Panel.

Reporting Requirement: As part of annual reporting to NIRB

Stakeholder Review: Inuit Committee/Inuit Panel, QIA, North Baffin Communities.

NEW CONDITION – CRLU MONITORING PROGRAM

Category: Culture, Resources and Land Use – Monitoring

Responsible Parties: Proponent, North Baffin Communities, QIA

Project Phase(s): Construction, Operations, Closure, Post-Closure

Objective: To identify, prevent, minimize and as necessary offset impacts to Inuit culture, resources, and land use. (CRLU)

Term or Condition: Proponent to develop, with Inuit communities and QIA, and support a CRLU monitoring program, with full revisit of the Program on a maximum three-year interval basis, including updating of Inuit use and value mapping, revisiting of FEIS Addendum effects estimations, studies specific to understanding alienation effects and Inuit Future Use, and ties to the Adaptive Management Plan for any effects that exceed FEIS addendum estimations.

Reporting Requirement: Part of Annual Reporting to NIRB

Stakeholder Review: QIA, North Baffin Communities

NEW CONDITION – INUIT COMMITTEE / INUIT PANEL

Category: Culture, Resources and Land Use – Inuit Committee/Panel

Responsible Parties: Proponent

Project Phase(s): Construction, Operations, Closure, Post-Closure; Terms of Reference required within 6 months of Project approval.

Objective: To ensure Inuit involvement and IQ consideration for the life of the Project.

Term or Condition: Proponent to adequately fund and support for the life of the Project, an Inuit Committee/Inuit Panel that is demonstrably agreeable to Inuit Parties in scope and powers, with the development of a Terms of Reference for this body within 6 months of Project approval. Finalized terms of reference to be decided by Committee/Panel members. This Inuit Committee/Inuit Panel will have powers of investigation, direction of additional data gathering, and development and implementation of adaptive management and thresholds/triggers for effects on Inuit culture, resources and land use. A negotiated dispute resolution protocol or equivalent mechanism to be developed between the Inuit Committee/Inuit Panel and Proponent to address disagreement in approaches to management and or project design.

Reporting Requirement: Part of Annual Reporting to NIRB

Stakeholder Review: QIA, North Baffin Communities

NEW CONDITION – INUIT LAWS AND NORMS

Category: Culture, Resources and Land Use – Inuit Laws and Norms

Responsible Parties: Proponent

Project Phase(s): Construction, Operations, Closure, Post-Closure

Objective: To ensure that conformity with Inuit laws and norms related to wildlife is an objective is included in all terrestrial and marine environmental management plans (EMPs)

Term or Condition: To fully meet the commitment to include conformity with Inuit wildlife laws and norms as an objective in all terrestrial and marine EMPs, the Proponent to gather information from Inuit parties on relevant Inuit laws and norms related to wildlife, and report on Project conformity with Inuit wildlife laws and norms as an element of an enhanced IQ-enriched monitoring system.

Reporting Requirement: Part of Annual Reporting to NIRB

Stakeholder Review: QIA, North Baffin Communities, Terrestrial Environment Working Group (TEWG), Marine Environment Working Group (MEWG), Inuit Committee/Inuit Panel

	Project Certificate Condition No. 164	Baffinland Comments
Category	Socio-Economic Impacts – Shipping notification	No Change.
Responsible Parties	The Proponent, Elders and community members of the North Baffin communities	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	In order to inform members of North Baffin communities of planned Project shipping transits such that community members’ planned travel routing may be adjusted to avoid interaction with Project ships and/or ship tracks.	
Term or Condition	The Proponent is required to provide notification to communities regarding scheduled ship transits throughout the regional study area including Eclipse Sound and Milne Inlet, real-time data regarding ships in transit and any changes to the proposed shipping schedule to the MEWG and agencies within Pond Inlet on a weekly basis during open water shipping, and to the RSA communities on a monthly basis.	
Reporting Requirement	The information required shall be provided on a monthly basis at a minimum or more often as the Proponent determines necessary and is to be provided to the Proponent’s community liaison officers and those of the Qikiqtani Inuit Association as well as the Hunters and Trappers Organizations and Hamlet organizations of the North Baffin communities, Coral Harbour, and the NIRB’s Monitoring Officer. Where deviations from the proposed schedule or routing are required, this information shall be provided as soon as possible.	
Stakeholder Review	Marine Environment Working Group (MEWG)	

QIA COMMENTS ON CONDITION 164:

Agree. QIA agrees as long as the previous condition re: reporting is adequately captured in 163.

	Project Certificate Condition No. 165	Baffinland Comments
Category	Socio-Economic Impacts - Emergency shelters	No Change.
Responsible Parties	The Proponent, Elders and community members of the North Baffin communities	No Change.
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	Proposed Revision: Construction, Operations, Closure. Rationale:

		It is not reasonable to expect the Proponent to maintain emergency shelters if the Project site is not active. It would place an undue burden on resources where there is no Project effect this term and condition is intended to mitigate.
Objective	In order to provide for human safety precautions in the event of adverse weather or other emergency situations along segments of linear transportation infrastructure.	No Change.
Term or Condition	The Proponent is strongly encouraged to provide buildings along the rail line and Milne Inlet Tote Road for emergency shelter purposes, and shall make these available for all employees and any land users travelling through the Project area. In the event that these buildings cannot, for safety or other reasons be open to the public, the Proponent is encouraged to set up another form of emergency shelters (e.g. seacans outfitted for survival purposes) every 1 kilometre along the rail line and Milne Inlet Tote Road. These shelters must be placed along Tote Road and rail routing prior to operation of either piece of infrastructure, and must be maintained for the duration of project activities, including the closure phase.	<p>Proposed Revision:</p> <p>The Proponent is strongly encouraged to provide buildings along the rail line and Milne Inlet Tote Road for emergency shelter purposes, and shall make these available for all employees and any land users travelling through the Project area. In the event that these buildings cannot, for safety or other reasons be open to the public, the Proponent is encouraged to set up another form of emergency shelters (e.g. seacans outfitted for survival purposes) along the rail line and Milne Inlet Tote Road. These shelters must be placed along Tote Road and rail routing prior to operation of either piece of infrastructure, and must be maintained for the duration of project activities, including the closure phase.</p> <p>Rationale:</p> <p>During active phases of the Project (i.e. construction, operations and closure), the frequency of Project personnel travelling along the Tote Road or Rail Line is frequent enough (i.e. multiple transits per day, 24 hours per day) that access to emergency services for land users interacting with the Project site is mitigated through other avenues. Therefore, establishing refuge stations every 1 km is not needed and would result in unnecessary disturbance to the land surrounding Project infrastructure.</p>
Reporting Requirement	To be developed following approval of the Project by the Minister.	No Change.
Stakeholder Review	Qikiqtani Inuit Association, Nunavut Water Board, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board	No Change.

QIA COMMENTS ON CONDITION 165:

Disagree. The substance of this change should be considered in the context of Inuit use; a more appropriate requirement is to have shelters at rail and road crossings.

	Project Certificate Condition No. 166	Baffinland Comments
Category	Socio-Economic Impacts - Public Consultation	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	No Change.
Objective	To ensure members of the public are able to access shipping information on an as-required basis in order to inform potential users of the scheduled Project activities, which could require deviations to land users' schedules or routing.	No Change.
Term or Condition	The Proponent should ensure through its consultation efforts and public awareness campaigns that the public have access to shipping operations personnel for transits into and out of both Steensby Inlet port and Milne Inlet port either via telephone or internet contact, in order that any questions regarding ice conditions or ship movements that could assist ice users in preparing for travel may be answered by Project staff in a timely fashion.	<p>Proposed Revision:</p> <p>The proponent is encouraged to establish a communications protocol with nearby land-users to ensure that questions regarding ice conditions or ship movements to could assist users in preparing for travel may be answered by Project personnel in a timely fashion.</p>

		Rationale: This requirement supports the objective of PC Condition No. 166, but is more pragmatic for management of daily operations during the shipping season. See also requirements of PC Condition No. 164.
Reporting Requirement	To be developed following approval of the Project by the Minister.	No Change.
Stakeholder Review	N/A	No Change.

QIA COMMENTS ON CONDITION 166

Partially agree - PCC should specifically mention both ports/shipping routes.

	Project Certificate Condition No. 167	Baffinland Comments
Category	Benefits, Royalty and Taxation – Partnership Agreements	Proposed Revision: Suggest to remove PC Condition No. 167 from the Project Certificate. Rationale: The Government of Nunavut’s Development Partnership Agreement Policy expired in 2016 and was not renewed.
Responsible Parties	The Proponent, Government of Nunavut	
Project Phase(s)	Construction	
Objective	The Proponent and the Government of Nunavut develop a formalized partnership agreement.	
Term or Condition	The Proponent and the Government of Nunavut are strongly encouraged to, as soon as practical following the issuance of the Project Certificate, enter into discussions to negotiate a Development Partnership Agreement.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	N/A	

	Project Certificate Condition No. 168	Baffinland Comments
Category	Governance and Leaders–hip - Monitoring program	Proposed Revision: Suggest to remove PC Condition No. 168. Rationale: Substance of Term and Condition is added to Term and Condition No. 131.
Responsible Parties	The Proponent, members of the QSEMC	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	Outline variables that are relevant to the Project and which should be adopted by the QSEMC’s monitoring program	
Term or Condition	The specific socioeconomic variables as set out in Section 8 of the B’oard's Report, including data regarding population movement into and out of the North Baffin Communities and Nunavut as a whole, barriers to employment for women, project harvesting interactions and food security, and indirect Project effects such as substance abuse, gambling, rates of domestic violence, and education rates that are relevant to the Project, be included in the monitoring program adopted by the Qikiqtani Socio-Economic Monitoring Committee	
Reporting Requirement	To be developed following approval of the Project by the Minister	
Stakeholder Review	Socio-economic monitoring results are presented annually to the Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)	

QIA COMMENTS ON CONDITION 168:

Disagree. While the proposed PC Condition amalgamation is enough in substance to cover PC Conditions 131, 134, 140, 145, 148, 158, 159, 168, and 169. With the change above the opportunity for non-compliance goes from possibly 10 PC Conditions to 1.

	Project Certificate Condition No. 169	Baffinland Comments
Category	Governance and Leadership – Monitoring economic effects	Proposed Revision: Suggest to remove PC Condition No. 169. Rationale: Substance of Term and Condition is added to Term and Condition No. 131.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To maintain transparency inform communities in relation to economic benefits associated with the Project.	
Term or Condition	The Proponent provide an annual monitoring summary to the NIRB on the monitoring data related to the regional and cumulative economic effects (positive and negative) associated with the Project and any proposed mitigation measures being considered necessary to mitigate the negative effects identified.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)	

QIA COMMENTS ON CONDITION 169:

Disagree. While the proposed PC Condition amalgamation is enough in substance to cover PC Conditions 131, 134, 140, 145, 148, 158, 159, 168, and 169. With the change above the opportunity for non-compliance goes from possibly 10 PC Conditions to 1.

	Project Certificate Condition No. 170	Baffinland Comments
Category	Accidents and Malfunct—ons - Terrestrial Wildlife Management and Monitoring Plan	Proposed Revision: Suggest to remove PC Condition No. 170. Rationale: Reduce duplication in reporting requirements that currently exists between PC Condition No. 53(d) and 170.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	Updates to plan in order to better understand the potential for, and to minimize possible caribou-railway interactions.	
Term or Condition	The Proponent shall include in an updated Terrestrial Wildlife Management and Monitoring Plan, plans for increased caribou monitoring efforts including weekly winter track surveying and summer and fall surveys undertaken on foot twice per month.	
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG), Nunavut Impact Review Board	

QIA COMMENTS ON CONDITION 170:

Disagree. QIA is concerned that condition 53 d) does not address the request for increasing winter track surveys and summer and fall surveys to be conducted on foot twice per month. This specific language must be incorporated into PCC 53 for this condition to be removed. Alternatively, this language can be incorporated into the proposed new PCC regarding community-based monitoring in close proximity to the railway.

	Project Certificate Condition No. 171	Baffinland Comments
Category	Accidents and Malfunctions - Terrestrial Wildlife Management and Monitoring Plan	Proposed Revision: Suggest to remove PC Condition No. 171. Rationale: Should Project monitoring identify a need for caribou deterrents along the embankments of transportation corridor, appropriate mitigation measures will be discussed with the TEWG and implemented to minimize potential effects in accordance with requirements of PC Condition No. 50, 51 and 53.
Responsible Parties	The Proponent	
Project Phase(s)	Pre-Construction	
Objective	Updates to plan in order to minimize potential for caribou-railway interactions.	
Term or Condition	The Proponent shall include within its updated Terrestrial Wildlife Management and Monitoring Plan, a commitment to establish deterrents along the railway and Tote Road embankments at any areas where it is determined that caribou are utilizing the embankments or transportation corridors to facilitate movement and where such movement presents a likelihood of caribou mortality to occur.	
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	

QIA COMMENTS ON CONDITION 171:

Disagree.QIA disagrees with the proposed removal of this condition as other conditions deal with wildlife deterrents in general and are not specific requirements for deterrents along the rail line. See QIA NEW PROPOSED CONDITION after PC 53.

	Project Certificate Condition No. 172	Baffinland Comments
Category	Accidents and Malfunctions – Overwintered fuel vessel	No Change. Proposed revision: Suggest to remove PC Condition No. 172. Rationale: This requirement is satisfied by PC Condition No. 95.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To provide evidence that vessel to be used is fit and insured for proposed use.	
Term or Condition	The Proponent is encouraged to provide the Government of Nunavut with evidence that the vessel that it intends to use for the overwintering of fuel has been designed and certified for use under the conditions which it is expected to operate, and that it be required to provide copies of the vessel owners’ insurance policies.	
Reporting Requirement	The required information is to be provided to the Government of Nunavut as soon as possible, and at a minimum, at least 60 days prior to the commencement of any construction related shipping.	
Stakeholder Review	N/A	

QIA COMMENTS ON CONDITION 172:

Disagree. The current wording of PCC 95 does not mention GN. Edits there could then allow this one to be removed.

	Project Certificate Condition No. 173	Baffinland Comments
Category	Accidents and Malfunctions - Use of best practices	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Construction, Operations, Closure	No Change.
Objective	To provide additional spill contingency measures for spills in marine areas.	No Change.
Term or Condition	The Proponent shall employ best practices and meet all regulatory requirements during all ship-to-shore and other marine-based fuel transfer events.	No Change.
Reporting Requirement	To be determined following approval of the Project by the Minister.	Proposed Revision: Annually Rationale: Baffinland provides a summary of best practices for oil spill prevention and management in the Annual Report to the NIRB.
Stakeholder Review	Environment and Climate Change Canada, Qikiqtani Inuit Association, Nunavut Water Board, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board.	No Change.

QIA COMMENTS ON CONDITION 173:
Agree.

	Project Certificate Condition No. 174	Baffinland Comments
Category	Accidents and Malfunctions - Community level spill response	Proposed Revision: Suggest to remove PC Condition No. 174 from the Project Certificate. Rationale: In a January 29, 2015 letter from the Canadian Coast Guard (CCG) to the NIRB, the CCG noted that the provision of spill response equipment and training to communities was the responsibility of CCG.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Closure	
Objective	To improve community ability to assist in spill response.	
Term or Condition	The Proponent and the Canadian Coast Guard are required to provide spill response equipment and annual training to Nunavut communities along the shipping route to potentially improve response times in the event of a spill.	
Reporting Requirement	To be determined following approval of the Project by the Minister.	
Stakeholder Review	Environment Climate Change Canada, Qikiqtani Inuit Association, Nunavut Water Board, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board.	

QIA COMMENTS ON CONDITION 174:
Agree.

	Project Certificate Condition No. 175	Baffinland Comments
Category	Accidents and Malfunctions – Ship track markers in ice cover	No Change.
Responsible Parties	The Proponent, Qikiqtani Inuit Association, Hunters and Trappers Organizations of the North Baffin region and Coral Harbour	No Change.
Project Phase(s)	Construction, Operations, Closure and Post-Closure Monitoring	Proposed Revision: Construction, Operations and Closure. Rationale: Shipping is not expected during the Post-Closure phase of the Project.
Objective	To ensure that measures taken to mark the shipping track(s) during periods of ice cover are effective in advising ice-based travelers, and that, where necessary, revisions to this practice can be made to ensure public safety.	No Change.
Term or Condition	The Proponent shall, in coordination and consultation with the Qikiqtani Inuit Association and the Hunters and Trappers Organizations of the North Baffin communities and Coral Harbour, provide updates to its Shipping and Marine Mammals Management Plan to include adaptive management measures it proposes to take should the placement of reflective markers along the ship track in winter months not prove to be a feasible method of marking the track to ensure the safety of ice-based travelers.	No Change.
Reporting Requirement	To be determined following approval of the Project by the Minister.	Proposed Revision: Following commencement of construction for the Steensby phase of the Project. Rationale: Reporting on updates to the SMWMP will occur as needed once winter shipping associated with the Steensby phase of the Project commences.
Stakeholder Review	N/A	No Change.

QIA COMMENTS ON CONDITION 175:

Agree

	Project Certificate Condition No. 176	Baffinland Comments
Category	Accidents and Malfunctions - Revised spill modeling	Proposed Revision: Suggest to remove PC No. 176 from the Project Certificate. Rationale: This PC is duplicative of PC Condition No. 97 (item b).
Responsible Parties	The Proponent	
Project Phase(s)	Pre-Construction, Construction Operations, Closure	
Objective	To improve community ability to assist in spill response.	
Term or Condition	The Proponent is required to revise its spill planning to include additional trajectory modeling for areas of Hudson Strait, such as Mill Island, where walrus concentrate, as well as for mid-Hudson Strait during winter conditions as well as for the northern shipping route, including Milne Inlet, Eclipse Sound and Pond Inlet.	

Reporting Requirement	The updated modeling shall be provided to the NIRB, Fisheries and Oceans Canada, and Environment Canada for review at least 3 months prior shipment of bulk fuel to Steensby Inlet or Milne Inlet.	
Stakeholder Review	Transport Canada, Canadian Coast Guard, Fisheries and Oceans Canada, Environment and Climate Change Canada	

QIA COMMENTS ON CONDITION 176:

Disagree, 97 b does not capture all of the requirements described in this condition. Either add requirements to PCC 97 concerning additional trajectory modelling for areas of walrus concentration or keep this condition.

	Project Certificate Condition No. 177	Baffinland Comments
Category	Accidents and Malfunctions - Foreign flagged vessels	<p>Proposed Revision: Suggest to remove PC No. 177 from the Project Certificate.</p> <p>Rationale: Ship owners / operators are responsible for enrolling their foreign flagged vessel with the appropriate program. Baffinland incorporates this requirement into contract terms and conditions with all vessels contracted directly by Baffinland.</p>
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Closure and Post-Closure Monitoring	
Objective	To ensure foreign flagged ships operating in Canadian waters are held to the same standard as domestic ships with regard to emergency response planning.	
Term or Condition	The Proponent shall enroll any foreign flagged vessels commissioned for Project-related shipping within Canadian waters into the relevant foreign program equivalent to Transport Canada's Marine Safety Delegated Statutory Inspection Program.	
Reporting Requirement	To be determined following approval of the Project by the Minister.	
Stakeholder Review	Transport Canada	

QIA COMMENTS ON CONDITION 177:

Agree.

	Project Certificate Condition No. 178	Baffinland Comments
Category	Alternatives Analysis - Mill Island shipping route consideration	<p>No Change.</p>
Responsible Parties	The Proponent, Qikiqtani Inuit Association, Nunavut Impact Review Board, Marine Environment Working Group	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance	
Objective	To prevent disturbance to walrus and walrus habitat on the northern shore of Mill Island.	
Term or Condition	Subject to safety considerations and the potential for conditions, as determined by the crew of transiting vessels, to result in route deviations, the Proponent shall require project vessels to maintain a route to the south of Mill Island to prevent disturbance to walrus and walrus habitat on the northern shore of Mill Island.	
Reporting Requirement	Where project vessels are required to transit to the north of Mill Island owing to environmental or other conditions, an incident report is to be provided to the Marine Environment Working Group and the NIRB within 30 days, noting all wildlife sightings and interactions as recorded by shipboard monitors. The Proponent shall summarize all incidences of deviations from the nominal shipping route as presented in the FEIS to the NIRB annually, with corresponding discussion regarding justification for deviations and any observed environmental impacts.	

Stakeholder Review	N/A	
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QIA COMMENTS ON CONDITION 178:
Agree.

	Project Certificate Condition No. 179	Baffinland Comments
Category	Operational Variability	No Change
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Operations	No Change.
Objective	To apply the precautionary principle in respect of potential effects on marine wildlife and marine habitat from changes to shipping frequency that may result from a significant increase in mine production for an extended period of time.	No Change.
Term or Condition	Baffinland shall not exceed 20 ore carrier transits to Steensby Port per month during the open water season and 242 transits per year in total.	Proposed Revision: Unless otherwise approved by the NIRB, Baffinland shall not exceed 20 ore carrier transits to Steensby Port per month during the open water season and 242 transits per year in total. Rationale: To be consistent with the conditional wording suggested for PC Conditions 179a and 179b.
Reporting Requirement	To be developed following approval by the Minister.	Proposed Revision: For each year after the Proponent commences shipping ore via Steensby Inlet under the Phase 2 Proposal, the Proponent shall include in the Annual Report to the NIRB, a summary of the total amount of vessels calling on Steensby Port for the previous calendar year. Rationale: For consistency with reporting requirements under PC Condition No. 179a and 179b.
Stakeholder Review	N/A	No Change.

QIA COMMENTS ON CONDITION 179:
Agree.

	Project Certificate Condition No. 179a	Baffinland Comments
Category	Operational Variability/Flexibility	No Change
Responsible Parties	The Proponent	No Change
Project Phase(s)	Operations	No Change
Objective	To ensure that there are appropriate limits on the Milne Inlet marine shipping component in order to limit and manage likely project effects, while balancing the need for operational flexibility.	No Change

Term or Condition	Until December 31, 2019, 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, 2019 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 s. 112 of <i>Nunavut Planning and Project Assessment Act</i> , S.C. 2013, c. 14, s.2.	<p>Proposed Revision:</p> <p>Unless otherwise approved by the NIRB, in any given calendar year, the total number of ore carriers calling on Milne Port should not exceed 176.</p> <p>Rationale:</p> <p>To date the quantity limits on transport in 179(a) and 179(b) have been a) difficult to comply with as any overage, however minimal, is an immediate compliance issue, and b) not necessarily reflective of the environmental limits established through the relevant assessments (i.e. effects have been within predictions).</p> <p>Further, the current approach (including specific tonnage limits as a condition) is not consistent with NuPPAA requirements regarding project modifications. Currently, any modification of the project which results in an increase in volumes shipped or transported, regardless of environmental significance, will automatically trigger the NIRB amendment environmental assessment process, which is not consistent with NuPPAA. NUPPAA states that additional environmental assessment should only be triggered where there is a “significant modification”:</p> <p>145 If the carrying out of a work or activity is a project within the meaning of subsection 2(1) and modifies a project that has been approved under this Part, that work or activity is, despite paragraphs 74(a) and (b), not subject to an assessment under this Part unless that work or activity is a significant modification to the original project.</p> <p>146 (1) For greater certainty, if the work or activity referred to in section 145 is a significant modification to the original project, it is subject to an assessment under this Part.</p> <p>(2) Any person or body exercising powers or performing duties or functions under this Part in relation to the assessment of the modifying project must consider, and may rely on, any assessment carried out under this Part in relation to the original project.</p> <p>At the time the ERP amendment was issued and section 179(a) and (b) was added to the Project Certificate, there was little available guidance as to how NIRB would interpret what a "significant modification" might be. However, since that time, NIRB has provided policy guidance as to what is considered a “significant modification”, and what approaches the NIRB will pursue based on the nature and scope of the proposed modification. Whether or not a modification of the project is deemed a "significant modification" should be considered by NIRB on a case by case basis consistent with NuPPAA and NIRB policy and with the way that other projects subject to the NIRB process in Nunavut are treated.</p> <p>The proposed changes would provide clarity that Baffinland may operate at a certain level without automatically requiring a project certificate reconsideration process. Baffinland believes a maximum of 176 ore carriers will provide the operational flexibility it requires. This limit is consistent with what was assessed through the Phase 2 FEIS Addendum.</p>
Reporting Requirement	For each year after the Proponent commences shipping ore via Milne Inlet under the Early Revenue Phase Proposal, the Proponent shall include in the Annual Report to the NIRB, a summary of the total amount of ore shipped via Milne Inlet for the previous calendar year.	For each year after the Proponent commences shipping ore via Milne Inlet under the Phase 2 Proposal, the Proponent shall include in the Annual Report to the NIRB, a summary of the total amount of vessels calling on Milne Port for the previous calendar year.
Stakeholder Review	Nunavut Impact Review Board (NIRB)	No Change

QIA COMMENTS ON CONDITION 179(A):

Disagree. QIA disagrees with the Proponent’s rationale for altering this condition. The assertion that “effects have been within predications” is unsubstantiated given the previous and existing gaps in monitoring.

	Project Certificate Condition No. 179b	Baffinland Comments
Category	Operational Variability/Flexibility	No Change.
Responsible Parties	The Proponent	No Change.
Project Phase(s)	Operations	No Change.
Objective	To ensure that there are appropriate limits on the Milne Inlet Tote Road land transportation component in order to limit and manage likely project effects, while balancing the need for operation flexibility.	No Change.
Term or Condition	Until December 31, 2019, the total volume of ore transported by truck on the Milne Inlet Tote Road may not exceed 4.2 million tonnes per year, but must not exceed 6.0 million tonnes in any calendar year. After December 31, 2019, 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 s. 112 of the Nunavut Planning and Project Assessment Act, S.C. 2013, c. 14, s. 2.	Proposed Revision: Unless otherwise approved by the NIRB, in any given day, the total number of truck transits along the Milne Inlet Tote Road should not exceed 560 for the duration of the Phase 2 construction period. Following commissioning of the North Railway, unless otherwise approved by the NIRB, in any given day, the total number of train transits along the North Railway should not exceed 20 Rationale: The proposed changes would provide clarity that Baffinland may operate at a certain level without automatically requiring a project certificate reconsideration process. Baffinland believes a maximum of 20 train transits per day will provide the operational flexibility it requires. This limit is consistent with what was assessed through the Phase 2 FEIS Addendum.
Reporting Requirement	For each year after the Proponent commences transportation of ore via the Tote Road under the Early Revenue Phase Proposal, the Proponent shall include in the Annual Report to the NIRB, a summary of the total amount of ore shipped via the Tote Road for the previous calendar year.	For each year after the Proponent commences transportation of ore via the North Rail under the Phase 2 Proposal, the Proponent shall include in the Annual Report to the NIRB, a summary of the total amount of ore shipped via the Tote Road for the previous calendar year.
Stakeholder Review	Nunavut Impact Review Board (NIRB)	No Change.

QIA COMMENTS ON CONDITION 179B:

Disagree. Revision above to be consistent with the ERP where the Tote Road was assessed based on a constructed design. Considering the Tote Road has not been constructed to design nor been assessed for the significant increase in traffic, QIA proposes the following revisions:

“Unless otherwise approved by the NIRB, in any given day, the total number of truck transits along the Milne Inlet Tote Road should not exceed 180 for the duration of the Phase 2 construction period. Following commissioning of the North Railway, unless otherwise approved by the NIRB, in any given day, the total number of train transits along the North Railway should not exceed 20 and the number of truck transits along the Milne Inlet Tote Road is 0. “

	Project Certificate Condition No. 179c	Baffinland Comments
Category	Operational Variability/Flexibility	Proposed Revision:

Responsible Parties	The Proponent	<div>Suggest to remove PC No. 179c from Project Certificate.</div> <div>Rationale: Should the Phase 2 Project be approved, any commitments related to the environmental management of the marine and terrestrial components of the Northern Transportation Corridor should be recorded and appended to the Public Hearing Report, and subsequently tracked through existing annual compliance monitoring.</div> <div>Baffinland has completed the first draft of the Performance Audit Reports required under PC Condition No. 179c. In completing this exercise it is apparent that it is duplicative in nature to compliance tracking and reporting already occurring via the Annual Report to the NIRB, the Annual Operations Report to the NWB/QIA, audit inspections and follow up conducted with other regulatory agencies and ongoing engagement and compliance tracking against the IIBA with the QIA.</div>
Project Phase(s)	Operations	
Objective	To ensure commitments made by the Proponent with respect to the 2018 production increase and delivery of benefits to Inuit are adhered to, and can be determined through a body of evidence.	
Term or Condition	The Proponent shall be required to resource and support a third party to conduct performance audits of commitments made by the Proponent in relation to both the IIBA and every Proponent commitment and every terms or condition of the Project Certificate relating to environmental management of the Tote Road component or environmental management related to shipping.	
Reporting Requirement	On a bi-annual basis, the Proponent shall file a Performance Audit Report with the NIRB. This report shall include the findings of the third-party auditor, and Baffinland’s commitment to addressing findings of the auditor. This term and condition will remain in force for the duration of the Mary River Project, unless it is modified under the <i>Nunavut Planning and Project Assessment Act</i> .	
Stakeholder Review	N/A	

QIA COMMENTS ON CONDITION 179C:

Disagree. There are advantages of having a third party completing a compliance review. Perhaps the duplication could be reduced should Baffinland not need to complete a self-assessment. QIA recommends that this condition in future to be implemented as a comprehensive audit rather than a checkmark exercise.

	Project Certificate Condition No. 180	Baffinland Comments
Category	Transboundary Effects - Makivik Corporation involvement in the Marine Environment Working Group (MEWG)	<div>Proposed Revision: Suggest to remove PC No. 180 from Project Certificate.</div> <div>Rationale: Makivik Corporation is listed as a Party to the MEWG in the Terms of Reference and privy to any requirements related to ongoing engagement with the MEWG outlined in PC Conditions No. 77 and 183.</div>
Responsible Parties	The Proponent, members of the Marine Environment Working Group	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To enable Makivik Corporation and Nunavik communities near shipping lanes to remain informed and involved in those shipping activities which could affect the marine environment and marine mammals.	
Term or Condition	The Marine Environment Working Group established for this Project shall invite a representative from Makivik Corporation to be a member of the Group.	
Reporting Requirement	To be developed following approval by the Minister	
Stakeholder Review	Marine Environment Working Group (MEWG)	

QIA COMMENTS ON CONDITION 180:

Agree.

	Project Certificate Condition No. 181	Baffinland Comments
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Category	Transboundary Effects - Marine Environment Working Group (MEWG) reporting	<div>Proposed Revision: Suggest to remove PC No. 181 from Project Certificate.</div> <div>Rationale: Makivik Corporation is already listed as a Party to the MEWG in the Terms of Reference and privy to any requirements related to ongoing engagement with the MEWG outlined in PC Conditions No. 77 and 183.</div>
Responsible Parties	The Proponent, members of Marine Environment Working Group	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To enable Makivik Corporation and Nunavik communities near shipping lanes to remain informed and involved in those shipping activities which could affect the marine environment and marine mammals.	
Term or Condition	Regardless of whether Makivik Corporation participates as a member of the Marine Environment Working Group, the Marine Environment Working Group will provide Makivik Corporation with regular updates regarding the activities of the Marine Environment Working Group throughout the Project life cycle.	
Reporting Requirement	To be developed following approval by the Minister	
Stakeholder Review	Marine Environment Working Group (MEWG)	

QIA COMMENTS ON CONDITION 181:

Agree.

	Project Certificate Condition No. 182	Baffinland Comments
Category	Transboundary Effects - Reporting to Marine Environment Working Group (MEWG)	<div>Proposed Revision: Suggest to remove PC No. 182 from Project Certificate.</div> <div>Rationale: Annual reporting of any shipping route deviations in the Annual Report to the NIRB is already required under PC No. 103.</div>
Responsible Parties	The Proponent, Makivik Corporation	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To enable Makivik Corporation and Nunavik communities near shipping lanes to remain informed and involved in those shipping activities which could affect the marine environment and marine mammals.	
Term or Condition	Baffinland shall make available to Makivik Corporation any ship route deviation reports provided to the NIRB in accordance with the terms and conditions set out in Section 4.12.4 of the Final Hearing Report.	
Reporting Requirement	To be developed following approval by the Minister	
Stakeholder Review	Marine Environment Working Group (MEWG)	

QIA COMMENTS ON CONDITION 182:

Agree.

	Project Certificate Condition No. 183	Baffinland Comments
Category	Project monitoring of impacts to marine mammals	No Change
Responsible Parties	The Proponent	<div>Proposed Revision: The Proponent and Fisheries and Oceans Canada.</div> <div>Rationale: Implementation of this PC requires ongoing and meaningful participation of DFO in the Project.</div>

Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	No change proposed.
Objective	To address concerns associated with the potential for impacts to marine mammals, and compliance and enforcement of terms and conditions in Project Certificate No. 005 relating to ship-based observer programs, noise exposure assessment, and the identification of other mitigation measures that have the potential to further reduce potential impacts to marine mammals.	Proposed Revision: To address concerns associated with the potential for impacts to marine mammals and the identification of other mitigation methods that have the potential to further reduce potential impacts to marine mammals. Rationale: See proposed revisions to the Term and Condition below.
Term or Condition	The Proponent shall collaborate with the Marine Environment Working Group to develop impact avoidance or mitigation strategies for the protection of the marine environment. The Proponent shall implement any direction from the Department of Fisheries and Oceans for any avoidance or mitigation measures, including cessation of any activity, for the protection of the marine environment.	Proposed Revision: The Proponent shall implement any substantiated direction from the Department of Fisheries and Oceans to mitigate impacts to marine wildlife, including cessation of any activity, consistent with their regulatory authority. Rationale: Revision suggested to provide a reasonable level of operational certainty.
Reporting Requirement	Results of the observer program shall be provided in the Annual Report to the Board. Further, Baffinland shall report all data it generates from the implementation of monitoring of marine impacts it is required to implement pursuant to the Terms and Conditions of the Project Certificate.	No change proposed. This is already completed annually.
Stakeholder Review	Marine Environment Working Group (MEWG), Department of Fisheries and Oceans (DFO)	No change proposed.

QIA COMMENTS ON CONDITION 183:

QIA disagrees with the Proponent’s revision to 183 as this revision removes powers from the MEWG for giving direction, removing Inuit from important decisions concerning mitigation strategies. In addition, .DFO guidance can and should go beyond “regulatory authority” if clear impacts are identified. They have the scientific authority, not just regulatory authority. QIA also recommends two related new conditions (see below). The new conditions proposed below will ensure that Inuit are actively involved in developing and implementing monitoring for marine mammals beyond merely having their “perspectives” considered in management plans.

NEW CONDITION – INUIT MONITORING OF MARINE MAMMALS

Category: Project monitoring of impacts to marine mammals – Inuit Community -Based Monitoring

Responsible Parties: The Proponent, North Baffin Communities, QIA

Project Phase(s): Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring

Objective: To ensure Inuit are involved and IQ is considered in the monitoring of marine mammals.

Term or Condition: Proponent to work with MEWG, QIA, and North Baffin Inuit Communities to review adequacy of existing and develop - enhanced and independent – Inuit community-based marine monitoring programs.

Reporting Requirement: Annual Reporting to NIRB

Stakeholder Review: Marine Environment Working Group (MEWG)

NEW CONDITION – RINGED SEALS

Category: Project monitoring of impacts to marine mammals – Ringed Seals

Responsible Parties: The Proponent, North Baffin Communities, QIA

Project Phase(s): Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring

Objective: To improve monitoring of ringed seals

Term or Condition: Proponent to work/develop, with North Baffin Inuit communities and QIA, and support an enhanced and efficient Inuit-based monitoring program strongly informed by IQ for ringed seals.

Reporting Requirement: Annual Reporting to NIRB

Stakeholder Review: Marine Environment Working Group (MEWG)

	Project Certificate Condition No. 184	Baffinland Comments
Category	Project monitoring of impacts to marine mammals	No Change
Responsible Parties	The Proponent	The Proponent and the MEWG
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	No change proposed.
Objective	To address concerns associated with the potential for impacts to marine mammals, and compliance and enforcement of terms and conditions in Project Certificate No. 005 relating to ship-based observer programs, noise exposure assessments, and the identification of other mitigation methods that have the potential to further reduce potential impacts to marine mammals.	<p>Proposed Revision:</p> <p>To address concerns associated with the potential for impacts to marine mammals and the identification of mitigation methods that have the potential to further reduce those impacts.</p> <p>Rationale:</p> <p>The MEWG is made up of several different Parties, most of which have a clear regulatory mandate to implement enforcement of terms and conditions in Project Certificate No. 005. In accordance with PC No. 77, they continue to serve as an effective advisory body to support monitoring of potential Project effects on marine mammals and the development of adaptive management strategies as needed.</p>
Term or Condition	The Proponent shall collaborate with the Marine Environment Working Group to review the status of compliance with, and implementation of, all of the Terms and Conditions in Project Certificate No. 005 related to marine environmental protection.	No Change.
Reporting Requirement	Results of the observer program shall be provided in the Annual Report to the Board. Further, Baffinland shall report annually all data it generates from the implementation of monitoring of marine impacts it is required to implement pursuant to the Terms and Conditions of the Project Certificate.	<p>Proposed Revision:</p> <p>Baffinland shall report annually all data it generates from the implementation of monitoring of marine impacts it is required to implement pursuant to the Terms and Conditions of the Project Certificate.</p> <p>Rationale:</p> <p>Removal of specifics and left to cover all monitoring programs conducted on an annual basis.</p>
Stakeholder Review	Marine Environment Working Group (MEWG), Department of Fisheries and Oceans (DFO)	No change proposed.

QIA COMMENTS ON CONDITION 184:

Disagree. QIA disagrees with the Proponent’s proposed revision as the MEWG can play an important role in assessing BIMC’s compliance.

QIA NEW NUMBERED CONDITIONS

	Project Certificate Condition No. QIA NEW - #1	Rationale
Category	Operational Variability/Flexibility	As BIMC has not provided a threshold for constructing the Milne Inlet Tote Road to design, QIA’s concern is that BIMC will operate the Milne Inlet Tote Road that has not been assessed for impacts without constructing the Rail.
Responsible Parties	The Proponent	
Project Phase(s)	Construction	
Objective	To ensure design meets the specifications of a qualified engineer, should use of the Milne Port Tote Road be extended.	
Term or Condition	Should the Proponent not commission the Railway in the first three years following Amendment 2 to the Project Certificate, BIMC shall construct the Tote Road to the design included in Amendment 1. Should this design no longer be valid, the Tote Road shall be designed for its intended uses.	
Reporting Requirement	Each Annual Report until the Railway is operational, the Proponent provide an updated timeline for completion.	
Stakeholder Review	QIA	

	Project Certificate Condition No. QIA NEW - #2	Rationale
Category	Freshwater Aquatic Environment - Drainage	<ul style="list-style-type: none">The PC provides the foundation and framework from which the Parties can negotiate the documents, such as the Water Licence, in the regulatory phase.The location of the waste rock pile has been specified in the FEIS and BIMC committed to this location during Technical Meetings. The purpose of this discussion was to ensure PAG is relegated to one location which has been designed for storage, minimizing potential impacts.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To mitigate impacts to freshwater aquatic habitat.	
Term or Condition	The Proponent shall ensure all potentially acid generating rock, as defined in the FEIS or as agreed to by the Landowner, shall be transported and stored in the Waste Rock Facility next to Deposit 1.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	
Stakeholder Review	Nunavut Water Board, Indigenous and Northern Affairs Canada, Qikiqtani Inuit Association	

	Project Certificate Condition No. QIA NEW - #3	Rationale
Category	Population Demographics – Project-specific monitoring	Per QIA Technical Comment #38, Baffinland committed to the development of socio-economic monitoring thresholds and actions, in consultation with the Mary River Socio-Economic Monitoring Working Group (SEMWG). Once finalized, these will be reflected in an updated Socio-Economic Monitoring Plan.
Responsible Parties	The Proponent	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	
Objective	To mitigate negative impacts and enhance positive Project opportunities and benefits for Inuit.	
Term or Condition	<p>The Proponent shall develop an adaptive management plan which will include the following:</p> <ul style="list-style-type: none">Outline the specific plans for monitoring Inuit employment, education and training, contracting and social and cultural impacts and benefits.Identify triggers associated with impacts and benefits.Identify the specific adaptive management measures or actions to be considered should benefits differ from benefits or impacts initially predicted.	

	The Proponent shall implement this plan and take all adaptive management measures when triggered.	
Reporting Requirement	To be determined following approval of the Project by the Minister.	
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)	

	Project Certificate Condition No. QIA NEW - #4	Rationale
Category	Assessment of alternative routes by Project shipping	The recent letter of clarification states that BIMC is not seeking approval for alternative shipping routes as part of Phase 2, whereas earlier documents indicated BIMC is considering the use of alternative shipping routes in the future, including Navy Board Inlet and the Northwest Passage. If these routes are not assessed as part of Phase 2, and Phase 2 is approved, a full public environmental impact assessment and review should be required prior to any future use by Project-related shipping. Otherwise the risks posed by Project shipping will not be properly understood and unnecessary impacts may occur. QIA requests NIRB address this concern in the Project Certificate, possibly as a new PCC—such as the one drafted by QIA. .
Responsible Parties	The Proponent	
Project Phase(s)	Operations	
Objective	To better understand the potential impacts of Project shipping using alternative shipping routes	
Term or Condition	Prior to Project shipping in Canadian waters via any alternative to the nominal routes identified in the FEIS (Southern Route: Steensby Inlet-Foxe Basin- Hudson Strait-Davis Strait-Labrador Sea) and ERP EIS (Northern Route: Milne Inlet-Eclipse Sound-Pond Inlet-Baffin Bay-Davis Strait-Labrador Sea) the Proponent shall complete, for public review, a comprehensive environmental effects assessment, including potential cumulative and transboundary effects, of proposed shipping along the alternative route(s). The Proponent shall report the routing and timing of all Project vessel transits in relation to sea ice conditions.	
Reporting Requirement	Comprehensive assessment report to NIRB prior to the use by Project shipping of any routes other than the approved northern and southern shipping routes. Annual reports on the routing and timing of all Project vessel transits in relation to sea ice, supported by maps of individual ship tracks overlain on sea ice with dated progress, are to be provided to the MEWG for review.	
Stakeholder Review	Full public review of the comprehensive report; review by the Marine Environmental Working Group (MEWG) of the annual reports on ship transits in relation to ice	

	Project Certificate Condition No. QIA NEW - #5	Rationale
Category	Assessment of cumulative and transboundary effects by Project shipping	The cumulative impact assessment was not adequate for assessing the potential impacts of Project-related shipping on marine mammals and seabirds. As noted in QIA TC 53, this was related to factors such as the methodology, limited extent of the Regional Study Area, limited understanding of current Project impacts, limited consideration of future approved Project shipping, and lack of consideration of alternative routes of interest for future shipping. QIA is particularly concerned by the lack of consideration of potential impacts of simultaneous large-scale increases in Project shipping along much of the Baffin coast from Steensby and Milne ports to and from iron ore markets. Effects outside the RSA are still Project impacts and deserve consideration and mitigation.
Responsible Parties	The Proponent	
Project Phase(s)	Operations	
Objective	To provide the quality of information required to adequately understand and mitigate potential cumulative and transboundary impacts of Project shipping.	
Term or Condition	Prior to the onset of ore shipments by Project vessels from Steensby Port, the Proponent shall complete a cumulative impact assessment of approved, existing, and reasonably foreseeable Project shipping that integrates the impacts of all shipping-related Project activities on all VECs and VSECs, in the context of other human activities, natural stressors such as climate change, and developments, and considering all interactions.	
Reporting Requirement	Comprehensive cumulative impact assessment report to NIRB prior to the onset of Project ore shipments via the southern shipping route.	
Stakeholder Review	Full public review of the comprehensive report	

	Project Certificate Condition No. QIA NEW - #6	Rationale
Category	Re-Assessment of Project Components	Through the assessment of many projects since the original PC005 was issued, there have been many lessons learned, precedents set, and predictions that have been assessed for accuracy. Major components originally approved for construction and operation have not been commenced as a project, and was assessed under now outdated information. To include new and updated information, the proponent must perform a full assessment of project components and activities not commenced within 5 years of approval. This is in line with the spirit and intent of the <i>Nunavut Planning and Project Assessment Act</i> s. 147 “Projects Not Carried Out”.
Responsible Parties	The Proponent	
Project Phase(s)	Impact Review	
Objective	To incorporate new techniques, technologies, information and lessons learned into project components previously assessed under dated information, where construction of the component has not commenced	
Term or Condition	If commencement of a major project component or infrastructure, or associated construction activities, has not occurred within 5 years of receipt of approval to proceed by means of issuance of a project certificate, a full environmental impact re-assessment must be performed to incorporate new techniques and methodologies, technologies, Inuit Qaujimanituqangit, results and observations from project monitoring and adaptive management and other new information. For the purpose of the southern rail route between the Mary River Project site and the proposed STEensby Inlet Port site, and Steensby Inlet port site infrastructure, this date would be 5 years from the issuance of the Amended Project Certificate 005 following the Production Increase amendment review.	
Reporting Requirement		
Stakeholder Review	Full public review	