



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

January 28, 2020

To: Mary River Distribution List

Sent via email

Re: Draft Agendas for the Upcoming NIRB Technical Meeting and Pre-hearing Conference for Baffinland Iron Mines Corp.'s "Phase 2 Development" Proposal

Dear Parties:

On January 7, 2020 the Nunavut Impact Review Board (NIRB or Board) notified parties of the upcoming Technical Meeting, Pre-hearing Conference and associated Community Roundtable to be held as part of the Board's assessment of Baffinland Iron Mines Corporation's (Baffinland or Proponent) "Phase 2 Development" project, a proposed amendment to the approved Mary River Project (NIRB File No.: 08MN053). The NIRB is confirming the following dates for the meetings to be held in Iqaluit, at the Frobisher Inn's Koojesse Room:

March 16-20, 2020	Technical Meeting	9:00 am-5:00 pm
March 23-24, 2020	Community Roundtable	9:00 am-5:00 pm
March 25, 2020	Pre-Hearing Conference	9:00 am-3:00 pm

The *Draft Agendas* for the Technical Meeting ([Appendix A](#)) and the Pre-hearing Conference ([Appendix B](#)) are attached. By copy of this letter, the NIRB invites parties to provide feedback on the *Draft Agendas* and ordering of discussion items on or before **February 14, 2020**. Parties should be aware that although sessions are currently planned to occur during the day so that the evenings can be used to further discussions directly between parties, if progress of the agenda becomes delayed additional evening sessions may be used to ensure the agenda is completed.

TECHNICAL MEETING

The technical meeting will provide additional opportunity for the Proponent, Regulators and Intervenors to discuss outstanding technical issues raised by parties during the Public Hearing in November 2019, particularly items identified through parties' review of the Addendum to the Final Environmental Impact Statement (FEIS Addendum) and identified in Final Written Submissions, or those associated with the submission of additional information from Baffinland following the adjournment of the Public Hearing. The technical meetings will be facilitated by the

NIRB staff, with participation by the Proponent, responsible authorities, Registered Intervenors, and interested parties and will be kept as informal as possible with the objective of identifying, addressing and/or resolving outstanding technical issues prior to the Pre-hearing Conference.

As with the previous Technical Meetings, Baffinland will be expected to track any additional commitments made to address outstanding technical issues identified by parties. The Proponent is requested to maintain a comprehensive listing of commitments for circulation during the meetings and for submission as part of the Pre-hearing Conference. Regulators and Intervenors will be asked to confirm agreement with commitments made as appropriate.

Presentations

The NIRB has budgeted time at the beginning of the Technical Meeting for Baffinland to present its response to parties' final written submissions with a focus on topics of greatest significance to Intervenors or those where parties views differ the most. The Board requests that Baffinland provide enough printed copies of its presentation for parties in attendance at the meeting (50 copies), translated into Inuktitut, and French where possible. The Board further requests that hard copies of the Inuktitut version of the covering letter to its technical comments response package be provided at the meeting. The NIRB reminds the Proponent that the deadline for Baffinland to file any presentation materials they intend to present during the Technical Meeting/Pre-hearing Conference is **February 25, 2020**.

COMMUNITY ROUNDTABLE AND PRE-HEARING CONFERENCE

The Community Roundtable will provide time for representatives from communities identified as potentially impacted by the proposed Project amendment to be at the table to discuss the proposal and participate in the Board's assessment. The NIRB will be inviting up to three (3) representatives from each of the affected communities in the North Baffin Region to attend the Community Roundtable Sessions and Pre-hearing Conference in Iqaluit, asking community organizations to nominate individuals interested in representing their community; members of the public from Iqaluit are also welcome to attend the sessions. The NIRB is prepared to cover the costs of travel, accommodations and meals for these community representatives travelling to Iqaluit to allow for their attendance and participation in the Community Roundtable and Pre-hearing Conference in Iqaluit. The NIRB will be requesting the nomination of community representatives from Hamlet Councils, Hunters & Trappers Organizations, and other community groups to ensure as many parts of the community are represented, especially Elders, Inuit harvesters, women, and youth.

During the Community Roundtable Baffinland will be provided with up to 90 minutes to present an overview of its proposed project amendment to community representatives, including a brief discussion on each project component and associated impact assessment findings. Responsible authorities may be asked to speak to their role in the assessment, provide information regarding their interventions and respond to questions from community representatives regarding the technical assessment of the proposed project amendment. A significant portion of time will be made available to community representatives to ask questions and provide comments for the Board's consideration.

The Pre-hearing Conference will focus on determining the specific steps and processes required to reconvene the Public Hearing, matters such as: timelines for the exchange of documents and information required by parties prior to the Public Hearing; finalization of issues for the Public Hearing; and details such as venue, timing or other matters related to the logistics for the Public Hearing. The Pre-hearing Conference is meant to provide parties with an opportunity to formally identify those issues that were resolved during the technical meeting, and those issues which remain outstanding, which the Board will consider when issuing a Pre-hearing Conference decision and providing direction to the Proponent and parties on what steps are required to reconvene the Public Hearing for this assessment.

MEETING LOGISTICS

The NIRB has made the following logistical arrangements for the Technical Meeting, Community Roundtable and Pre-hearing Conference:

- Interpretation:** Simultaneous English and Inuktitut interpretation will be provided to the extent practicable (parties requiring French interpretation for the Technical Meeting and/or Pre-hearing Conference are to notify the NIRB by **February 21, 2020**).
- Seating** **Technical Meeting and Pre-hearing Conference:** Intervenors will be provided 2 seats per agency at the main table.
Community Roundtable: community representatives will be seated at the main table.
- Facilitator:** The Technical Meeting will be facilitated by the NIRB staff while the Pre-hearing Conference will be chaired by the Board's Acting Chairperson.
- Materials:** The NIRB will provide access to the digital copy of all materials contained within the Board's public registry for the Mary River project, including the FEIS Addendum, transcript and exhibits from the November 2019 Public Hearing, and any additional submissions received up to and throughout the meetings.
- Meeting times:** Meetings start at 9:00 a.m. and run until 5:00 p.m. daily, with an hour break for lunch and two 15-minute health breaks throughout the day. Light refreshments will be provided during health breaks; meals will not be provided for participants.

The NIRB will structure the proceedings to allow each party an opportunity to speak to outstanding issues/concerns/comments pertaining to each agenda item in an ordered fashion, with time limits enforced as necessary to ensure the Technical Meeting and Pre-hearing Conference proceed in a timely fashion. The Board has endeavored to allot more time for discussion of those items for which significant concerns were raised or where regulatory jurisdictions overlap.

Parties planning to attend the upcoming Technical Meeting and Pre-hearing Conference for the assessment of Baffinland's Phase 2 Development project proposal should provide the NIRB's office with details regarding the number of representatives to be in attendance, including names, positions and respective area of expertise or authority on or before **February 14, 2020**.

Media Access

The NIRB is supportive of any planned efforts by public media outlets to cover the Technical Meeting, Community Roundtable and Pre-hearing Conference proceedings and will ensure that media representatives are granted sufficient access to the proceedings to report accurately. However, the NIRB is also concerned with ensuring that the participants at the Pre-hearing Conference are not unduly limited in their willingness and ability to participate fully if recordings should become intrusive or disruptive. The NIRB has established rules for recording of Pre-hearing Conference and other proceedings that it asks all media outlets to observe to assist in minimizing all such disruptions.

As such, the NIRB would like to request that all media outlets that wish to record proceedings during the Technical Meeting, Community Roundtable and Pre-hearing Conference (film, photograph, audio) request media access from the Board on or before **February 21, 2020**.

SUMMARY OF KEY DATES

In closing, the following is a summary of the important deadlines associated the ongoing assessment of the Phase 2 Development Proposal, and Parties are asked to direct all enquiries including forthcoming submissions to the NIRB at info@nirb.ca regarding:

February 6, 2020	Intervenors and interested parties provide updated technical review submissions (if they so chose).
February 13, 2020	Baffinland provides a reply to updated technical review submissions (if they so chose).
February 14, 2020	1) Parties submit comments to the NIRB on the <i>Draft Agenda</i> for the Technical Meeting and Pre-hearing Conference. 2) Parties provide a list of representatives that will attend the meetings, including names, positions and respective area of expertise or authority.
February 21, 2020	1) Parties notify the NIRB of any requirements for French interpretations including specialized audio/visual equipment or specific logistical arrangements that may be required during the meetings. 2) Requests for access from media to record Pre-hearing Conference proceedings (film, photograph, audio).
February 25, 2020	Baffinland files presentation materials to the NIRB.
February 28, 2020	The NIRB release <i>Final Agenda</i>

Should you have questions regarding the upcoming Technical Meeting and Pre-hearing Conference for the NIRB's assessment of the Phase 2 Development proposal, please contact Solomon Amuno, Technical Advisor II at samuno@nirb.ca or (867) 983-4603 or Cory Barker, Technical Advisor I at (867) 983-4607 or cbarker@nirb.ca.

Sincerely,



Tara Arko
Director, Technical Services
Nunavut Impact Review Board

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

Attachment: Appendix A – *Draft* Technical Meeting Agenda
Appendix B – *Draft* Pre-hearing Conference Agenda

**APPENDIX A:
DRAFT TECHNICAL MEETING AGENDA**

NIRB File No.: 08MN053 – Phase 2 Development Project Proposal
Proponent: Baffinland Iron Mines Corporation
Location: Koojesse Room, Frobisher Inn, Iqaluit, NU
Dates: March 16-20, 2020
Times: **All times given are approximate and the order of discussion topics are subject to change at the NIRB's discretion. Additional evening sessions may be scheduled if deemed necessary to complete the agenda.**
Technical Sessions: 9:00 am – 5:00 pm
Evening Sessions: 6:30 pm – 9:00 pm (*only if required*)

Monday, March 16, 2020 - Day 1 of Technical Sessions

General Opening:

1. NIRB Welcome and Opening Remarks (*30 minutes*)
 - a. Introductions, overview of procedural history, structure of technical meeting, etc.
 - b. Introduction of Participants
 - c. Overview of Agenda
 - d. Housekeeping Items

Technical Meeting:

2. Baffinland Presentations
 - a. Introduction and overview (*60 minutes*)
 - i. Updated project scope and description of components;
 - ii. Updated commitment list and summary of materials provided since the Second Technical Meeting in June 2019 and following the November 2019 Public Hearings;
 - iii. Summary of items resolved through updated commitments and issues flagged in technical comments as unresolved;
 - iv. Update on community engagement and responses from communities.
 - b. Technical topics – time for questions by participants provided following each presentation:
 - i. Incorporation of Inuit Qaujimaningit (*45 minutes*)
 - ii. Operational flexibility (*20 minutes*)
 - iii. Alternative assessment and methodologies (*20 minutes*)
3. Proponent and Intervenors: responses to questions deferred during the Public Hearing
4. Questions by other interested parties or public

Close of Day 1

Tuesday, March 17, 2020 - Day 2 of Technical Sessions

Technical Meeting (continued from Day 1)

1. NIRB Opening Remarks
2. Technical topics – time for questions by participants provided following each presentation:
 - a. Marine shipping, icebreaking assessment, ballast water and fuel spill modeling, marine environment, marine wildlife and related monitoring and mitigation; including relevant management and/or mitigation plans (*120 minutes*)
 - b. Freshwater environment including surface water assessment and freshwater biota assessment; including relevant management and/or mitigation plans (*90 minutes*)
3. Questions by other interested parties or public

Close of Day 2

Wednesday, March 18, 2020 - Day 3 of Technical Sessions

Technical Meeting (continued from Day 2)

1. NIRB Opening Remarks
2. Technical topics – time for questions by participants provided following each presentation:
 - a. Physical environment including air quality, climate change assessment, atmospheric assessment, relevant management and/or mitigation plans (*90 minutes*)
 - a. Terrestrial environment including soils, landforms, vegetation and related management and mitigation plans and/or programs (*90 minutes*)
 - b. Terrestrial wildlife including caribou, birds and habitat and related management and mitigation plans and/or programs (*120 minutes*)
3. Questions by other interested parties or public

Close of Day 3

Thursday, March 19, 2020 - Day 4 of Technical Sessions

Technical Meeting (continued from Day 3)

2. NIRB Opening Remarks
3. Technical topics – time for questions by participants provided following each presentation:
 - a. Human Health and Exposure Potential Assessment, potential project effects on Inuit Culture, Land use & Resource, and Food Security (*60 minutes*)
 - b. Socio-economic environment and related management and mitigation plans and/or programs (*60 minutes*)
4. Questions by other interested parties or public

Close of Day 4

Friday, March 20, 2020 - Day 5 of Technical Sessions

Technical Meeting (continued from Day 4)

1. NIRB Opening Remarks
2. Technical topics – time for questions by participants provided following each presentation:
 - a. Cumulative effects assessment, accidents and malfunction and related management and mitigation plans and/or programs (*60 minutes*)
 - b. Adaptive Management, Management Plans and Monitoring Programs (*45 minutes*)
3. Questions by other interested parties or public
4. Discussion and review of Proponent's list of commitments and other outstanding technical issues
5. Closing Remarks from Intervenors
6. NIRB closing remarks and discussion of next steps

Close of Day 5

APPENDIX B
DRAFT PRE-HEARING CONFERENCE AGENDA

NIRB File No.: 08MN053 – Phase 2 Development Project Proposal
Proponent: Baffinland Iron Mines Corporation
Location: Koojesse Room, Frobisher Inn, Iqaluit, NU
Date: March 23-25, 2020
Times: **All times given are approximate and the order of discussion topics are subject to change at the NIRB's discretion. Additional evening sessions may be scheduled if deemed necessary to complete the agenda.**
Community Roundtable Sessions: 9:00 am – 5:00 pm
Pre-hearing Conference: 9:00 am – 3:00 pm

March 23-24, 2020 - Community Roundtable Sessions

General Opening

1. Opening prayer
2. Welcoming Remarks by the Mayor of Iqaluit (*5 minutes*)
3. Opening Remarks by NIRB (*30 minutes*)
 - a. Objectives of Community Roundtable and Pre-hearing Conference
 - b. Overview of the NIRB process and status of the reconsideration
 - c. Introduction of Participants
 - d. Overview of Agenda
 - e. Housekeeping Items

Community Roundtable Session

4. Summary presentation by the Proponent – **Introduction and Overview of Proposal.** Presentation should be organized by project component and include findings of the assessment as well as issues identified/resolved to date for each component (*90 minutes*)
5. Questioning of the Proponent or Intervenors by community representatives
6. Questions or statements from the public to the Proponent or Intervenors

Close of Day 2 and Community Roundtable

Wednesday, March 25, 2020 - Pre-hearing Conference

General Opening (continued from Day 2):

1. Opening prayer
2. Remarks from NIRB, review of Agenda and housekeeping items

Pre-hearing Conference

3. Identification of any issues preventing reconvening of the Public Hearing (both NIRB and/or Intervenors)

4. Discussion and facilitation of the Public Hearing processes – parties and intervenors at the table will be given an opportunity to comment on the following:
 - i. Anticipated date, time, form, and location to reconvene the Public Hearing;
 - ii. Timetable for the exchange of documents and information requests prior to the Public Hearing;
 - iii. Confirmation of commitments list by Intervenors;
 - iv. Formulation of issues for the Hearing and identification of interested parties to attend the Hearing;
 - v. Procedures to be followed in the Hearing;
 - vi. Equipment, language, interpretation, translation and transcript requirements
 - vii. Other matters that may aid in the simplification of the Hearing.
5. Closing remarks from Parties
6. NIRB Closing Remarks and Next Steps
7. Closing Prayer

Close of Day 3*

*** Note:** the NIRB intends to close the Pre-hearing Conference by 3:00 pm to allow parties to make connections with outbound flights where practicable