



NIRB File No.: 08MN053

July 31, 2020

Daniel Vandal, P.C., M.P.  
Minister of Northern Affairs  
House of Commons  
Government of Canada  
Ottawa, ON K1A 0A6

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**Re: Acknowledgement of Minister's Direction in Relation to the Board's Reconsideration of the Mary River Project Phase 2 Development Proposal under s. 114 of the Nunavut Planning and Project Assessment Act**

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Dear Minister Vandal:

I am writing in response to the Minister's recent email correspondence dated July 10 (received on July 13) and addressed to Karen Costello, the Executive Director of the Nunavut Impact Review Board (the NIRB or Board).

In that correspondence, the Minister congratulated Ms. Costello on joining the Board as the new Executive Director. In the latter part of the correspondence, the Minister also indicated:

*I am writing to you today regarding the calls from the Qikiqtani Inuit Association and Baffinland Iron Mines Corporation to request resuming the public review process for the Baffinland Phase 2 reconsideration. The Qikiqtani Inuit Association and Baffinland Iron Mines Corporation have reached a significant milestone by successfully negotiating their "Inuit Certainty Agreement" (ICA) on June 16th, 2020, which reflects the resolution of many of the Qikiqtani Inuit Association's technical issues and other related matters to the project moving forward. Given this, and as per section 114 of the Nunavut Planning and Project Assessment Act, I propose that it is appropriate to recommence the formal reconsideration at this time.*

For the benefit of parties not familiar with the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (NuPPAA), s. 114 states:

*114. The responsible Minister may indicate to the Board that a review or a reconsideration of terms and conditions is a priority in relation to other*

*reviews or reconsiderations and may propose a reasonable period within which it must be completed.*

At the time Ms. Costello received the Minister's correspondence, it was not immediately posted on the NIRB Registry as the Board sought clarification whether the correspondence, which was not addressed to the Board's Chairperson (the Minister's practice for these types of directions in the past) was intended to constitute the Minister's formal direction of priority under s. 114 of *NuPPAA*. Having recently confirmed the correspondence was provided as the Minister's formal direction, the Board has posted the correspondence and provides this update.

On July 29, 2020, the NIRB released notification to parties about the resumption of the Board's reconsideration of the Mary River Phase 2 Development Proposal. The correspondence also provided guidance as to the next steps, tentative timelines and proposed modifications to the NIRB's normal practices that are required to reflect the public health measures in place in Nunavut to prevent the spread of COVID-19. The resumption and the modifications to existing Board processes reflect the Board's assessment of several factors, including:

- the central importance of ensuring the health and safety of all participants in the NIRB processes and Nunavummiut in general;
- the importance of the Board continuing to conduct thorough and timely assessments even during this unprecedented and challenging time;
- the rights of Inuit to meaningful participation in the Board's processes;
- the requirements to give due regard and weight to the tradition of Inuit oral communication and ensuring the participation of Elders and Inuit knowledge holders;
- the promotion of public awareness and public participation, with in-person components to be held in central locations /"hubs" in Nunavut, with Pond Inlet, Nunavut, the closest potentially affected community being the primary hub; and
- the recent submissions from Baffinland and the Qikiqtani Inuit Association about the Inuit Certainty Agreement and demonstrated progress in the reduction of outstanding technical issues.

The proposed timelines included within the Board's updated guidance represent the clear priority the Board is giving to the resumption of the Board's reconsideration of the Mary River Phase 2 Development Proposal and are in keeping with the Minister's direction under s. 114 of *NuPPAA*.

If the Minister has any questions, comments or requires follow up regarding this matter, please advise me directly.

Sincerely,



Marjorie Kaviq Kaluraq  
Chairperson  
Nunavut Impact Review Board

cc: Mary River Distribution List