

nirb info

From: nirb info
Sent: January 5, 2022 4:46 PM
To: Michael Ferguson
Subject: RE: [EXTERNAL] Re: NIRB 124701/08MN053: Reminder of Deadline for Intervenor's to file Final Closing Statements for the Board's Assessment of Baffinland's "Phase 2 Development Proposal"

05-Jan-2022

Dear Michael,

Since the reminder to parties circulated yesterday, the Board has received inquiries about the possibility of an extension to the upcoming January 10, 2022 deadline for Intervenor's to file their Final Closing Statements with the Board, until such time as various public health restrictions put in place in Nunavut to limit the spread of COVID-19 have been eased or lifted. While the Board and parties may have been unexpectedly affected by the public health measures recently put into place to address the current COVID-19 situation in Nunavut, the Board also notes that since March 2020, the COVID-19 pandemic and associated public health orders have been a feature of the Board's assessment of the "Phase 2 Development Proposal". Since March 2020, all parties, including the Board, have had to adapt and modify practices to continue the Board's assessment while remaining safe, healthy and in compliance with public health guidance. Regrettably, the presence of COVID-19 in Nunavut and the adaptation to public health restrictions is no longer an exceptional circumstance. Further, it remains unclear to the Board when the current public health restrictions may be eased, and as such, the timeline for granting an extension until after restrictions ease in Nunavut is indeterminate and unpredictable.

With respect to the preparation and filing of Final Closing Statements, Intervenor's have been aware since February 2021 that they would have the opportunity to provide Final Closing Statements in writing with the Board, and this was restated by the Chair in her closing remarks on November 6, 2021 at the conclusion of the Extended Public Hearing. Intervenor's have been given several months notice of the opportunity to provide Final Closing Statements, and as outlined in the updated timelines provided in the Board's November 30, 2021 procedural guidance (provided below for reference), have been advised of the January 10, 2022 timeline. Parties are reminded that they are not obligated to file a Final Written Statement, and the Board's decision-making Panel for the file will still consider all the evidence provided by that party during the Board's proceedings and already filed on the Board's record. Taking into account these circumstances, the Board will not be extending the upcoming January 10, 2022 deadline and highlights the description of the deadlines and these submissions as stated in the Board's November 30, 2021 correspondence:

"In closing, all parties are reminded that the adjusted deadlines for filing their Final Closing Statements are as follows:

- *On or before 1:00 pm MST on Monday, January 10, 2022 - the Registered Intervenor's are required to file their Final Closing Statements; and*
- *On or before 1:00 pm MST on Monday, January 24, 2022 - the Proponent is required to file their Final Closing Statements.*

All parties are reminded that these deadlines must be respected, and extensions will not be considered by the Board unless a party is able to establish exceptional circumstances. As previously stated by the Board, Parties' Final Closing Statements should provide a brief synopsis of their intervention (for Registered Intervenor's) or Phase 2 Development Proposal (for the Proponent), and the status of resolved, unresolved, and partially resolved technical issues. Parties may rely on all materials filed on

the Public Hearing Record for the Phase 2 Development Proposal, but should not reference or rely on information or attach information that has not already been received and filed by the Board on the Board's Public Hearing Record for the Phase 2 Development Proposal."

Regards,

Karen D. Costello, P. Geo FGC
Executive Director

Nunavut Impact Review Board
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From: Michael Ferguson <mferguson@niws.ca>

Sent: January 4, 2022 3:48 PM

To: nirb info <info@nirb.ca>; Tara Arko <tarko@nirb.ca>

Cc: Sanirajak HTO <hbhta@baffinhto.ca>; Igloolik HTO <igloolik@baffinhto.ca>; 'Okalik Eegeesiak' <oeegeesiak@nvisiongroup.ca>; Amanda Hanson Main <amanda.main@hmc-services.ca>; 'Tester, Frank J.' <Frank.Tester@ubc.ca>; Merlyn Recinos <mrecinos@recinos.ca>; Warren Bernauer <warrenbernauer@gmail.com>; Qajaq Robinson <qrobinson@eqrlaw.com>

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Dear Cassel and/or Tara,

Given the current COVID-related lockdown and closure of all HTO offices in the affected communities, it will not be possible for me to finalize Closing Statements with the Boards of Directors for the Hall Beach HTO (Sanirajak) and the Igloolik HTO. I am the Technical Advisor for both HTOs.

It would be prudent for the Boards of these and other HTOs not to have to meet to discuss these important Baffinland issues during Nunavut's Public Health lockdown.

Therefore, I respectfully request that the NIRB extend the deadline for filing Final Closing Statements by 10-15 working days after Nunavut's Public Health Office ends the COVID lockdown, which is currently scheduled for January 17, 2022.

The NIRB's understanding and patience during these difficult public-health times in the pandemic will be greatly appreciated.

Most sincerely,

Mike

Michael Ferguson, Ph.D.
Technical Advisor on Baffinland's Phase 2 Proposal
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Igloolik HTA
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On 2022-01-04 4:16 p.m., NIRB Enterprise Management System wrote:

04-Jan-2022

Dear Parties:

On November 30, 2021, the Nunavut Impact Review Board (NIRB or Board) issued Procedural Guidance and upcoming timelines to Parties regarding its assessment of Baffinland Iron Mines Corporation's (Baffinland) "Phase 2 Development Proposal" (NIRB File No. 08MN053), including the process for filing Final Closing Statements.

This is a reminder to all Intervenors that the deadline for filing Final Closing Statements with the Board regarding the Extended Public Hearing is **Friday, January 10, 2022, at 1:00 PM Mountain time**. Submissions to the NIRB should be provided directly to info@nirb.ca.

Best regards,

Cassel Kapolak
Environmental Administrator

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