

APPENDIX E - FINAL RECOMMENDED PROJECT CERTIFICATE TERMS AND CONDITIONS

Final Baffinland Version Draft Revised Project Certificate No. 005 for Phase 2

Baffinland Iron Mines Corporation (Baffinland) is pleased to provide the Nunavut Impact Review Board (NIRB) with its updated comments and suggested revisions to Project Certificate No. 005 for the Mary River Project (the Project). Baffinland respects that the final wording of Project Certificate No. 005 will be determined by the NIRB. This document replaces the previous version of this document which was shared with NIRB in April 2021. However, in some instances the NIRB is referred back to the original wording presented in the April 2021 copy.

Generally, the following approach was taken to outline suggested revisions to current terms and conditions where Baffinland has identified an opportunity to clarify the requirements of Project Certificate No. 005 or where the objectives of the term and condition have previously been met:

1. If a suggested revision to an existing term and conditions is proposed, a description of the associated revision has been provided.
2. Where any suggested revisions to remove a term and condition has been made, a rationale to support the recommended change has been provided.
3. Where appropriate, the proposed edits and or new terms and conditions also reflect commitments that were made by Baffinland to interveners to resolve or address certain technical issues during the NIRB Phase 2 reconsideration process.

The April 2021 version of this document has been updated with two columns to summarize and respond to comments from the Government of Nunavut, Government of Canada and the QIA in their Final Written Statements. Baffinland has responded to comments from these other Parties in the far right column in *red italicized text*.

In their comments on the Project Certificate, and at other times throughout this review, some participants have suggested that even if Phase 2 does not proceed, the Board should take this opportunity to institute amendments to the current Project Certificate to the Minister in relation to the Approved Project. The NIRB should reject this suggestion on grounds of procedural fairness. If Phase 2 is not approved, NIRB should not revise the Project Certificate for the Approved Project. This was not the focus of the Phase 2 process. Baffinland's commitments were made in the context and associated risks of the Phase 2 reconsideration and the vast majority are contingent on Phase 2 approval. Revising the current Project Certificate in relation to the current project without Phase 2 approval would require a separate new process with proper notice to all parties.

Baffinland also notes that QIA suggested several new terms and conditions in their submission, not all of which relate to previously agreed commitments to NIRB or provisions in the Inuit Certainty Agreement (ICA). Baffinland has addressed all new terms and conditions, including those recommended by Baffinland, at the end of the document.



Baffinland has the following general comments for NIRB's consideration:

- While parties might present slightly different wording with the same meaning, Baffinland is generally in alignment with the majority of suggestions of GC and QIA, with some exceptions which Baffinland has provided commentary on.
- As set out in the attached, for those items Baffinland has concerns about the clarity, enforceability or impact on viability arising from proposed language and Baffinland suggests Baffinland's wording in those cases should be preferred.
- Baffinland encourages the NIRB to give careful consideration to the development of overly prescriptive Terms and Conditions. Baffinland notes the final wording of the TC must be clear and enforceable, and allow for adaptability within the Project (e.g. based on monitoring results, new technologies, etc.) over time.
- Baffinland also notes that the Project Certificate need not instruct what adaptive management measures be taken, or the process for implementing these. In light of Baffinland's extensive commitments, it is suggested that all that is required is a Term and Condition which ensures that Baffinland has a robust adaptive management plan in place, and that consultation with regulators, the Inuit Committee and relevant Working Groups on this Plan will occur.
- Baffinland also notes that as the Inuit Stewardship Plan should be the product and driven by the Inuit Committee it is not appropriate for Terms and Conditions to identify what ought to be a priority for them. This would disempower Inuit from establishing their own priorities with respect to environment and social oversight of the Project.
- The Board should be cautious in making amendments to conditions that may have the effect of creating additional and unnecessary processes that can be used to result in delays.
- The Board must also draft terms and conditions that are entirely within Baffinland's control. Otherwise, it is possible for Baffinland to be deemed "out of compliance" based on the actions or inactions of third parties.
- Baffinland suggests the NIRB defer to revisions by Parties with expertise (including Baffinland) and regulatory oversight on the subject matter.
- Baffinland also notes that the Terms and Conditions should in no way result in Baffinland assuming responsibilities of government. For example, stock assessment and management is and remains the responsibility of relevant departments such as DFO and GN. Although Baffinland will continue to work with these Parties to share information that may support their efforts to fulfill their mandate, Terms and Conditions should not suggest Baffinland ought to absorb that responsibility as well.
- Baffinland believes there is benefit to consolidating obligations on related topics into less overall TCs, this will make the PC much more operational and accessible. Baffinland encourages NIRB to take this into consideration in its drafting.



- The QIA has made suggestions that all raw data collected for the Project should be distributed, and it should be recognized that all data collected by Baffinland is the property of Inuit. Baffinland cannot agree that all data collected through its programs is owned by a third party. The results are shared in accordance with NIRB requirements. Baffinland's reporting is extensive and provides transparent and detailed information on all data collected for the Project. However, the requirement to make publicly available all raw data would not only result in a massive cost/effort for Baffinland, in some cases, Baffinland may be prohibited from sharing it due to other commercial or legal obligations. For the reasons set out above, provision of all raw data is not practical nor useful. Baffinland is open to case-by-case requests.
- The QIA has suggested in several areas that Baffinland is to provide funding, which is not appropriate for inclusion in the Project Certificate. Rest assured there is ample funding for QIA to carry out their obligations related to environmental monitoring and management through a fixed annual implementation budget of \$8 million per year (\$9 million for first three years following project approval) for the life of the Project, as negotiated in the Inuit Certainty Agreement.

Baffinland appreciated the time and effort put forward by Interveners in reviewing and responding to Baffinland's previous iterations of this document. Baffinland has carried out its own meaningful review of submissions from Interveners and is confident in the NIRB's ability to consider the information presented as appropriate for integration into a final amended Project Certificate 005 that considers the Phase 2 Proposal.

PREFORMANCE ON ECOSYSTEMIC CONDITIONS
Meteorology and Climate (PC Conditions 1 through 6)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comments
PC No 1				
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.	<u>Summary of QIA Final Written Statement:</u> QIA Rationale: QIA does not object to deleting this condition provided the suggested revisions to PC Condition 83 to include feedback and reporting are accepted. <u>Summary of GC Final Written Statement:</u> DFO Agree that this is duplicative. Check T+C 83 for further comments.	Baffinland is in agreement with both QIA and GC
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)			
PC No 2				
Category	Meteorology and Climate - Climate Change Validation and Studies	Proposed Revision: The Proponent shall develop a climate change strategy that may include the following: conducting studies that identify Project risks as a result of climate change data collection or research that will assist in defining long-term climate trends, such as: 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 may be undertaken to reduce greenhouse gas emissions Rationale:	<u>Summary of QIA Final Written Statement:</u> QIA Rationale: Baffinland has proposed edits to consolidate PC Conditions 2-4. QIA supports this proposal provided that the wording of this Condition be that the Proponent “shall” rather than “may”. <u>Summary of GC Final Written Statement:</u> CIRNAC - The Proposed revision to Project Certificate Condition (PC) No. 2 includes the amalgamation of PC No. 3, related to confirmation of measures implemented in reducing greenhouse gases that is to be reported annually, and PC No. 4, related to promotion of public awareness and involving Inuit from Nunavut in Climate change related research. Although PC Nos. 2-4 address the common theme of meteorology and climate, CIRNAC notes that the proposed revisions to PC No. 2 do not fully encompass the objectives of PC No. 3 and PC No. 4. CIRNAC recommends that, should the revision occur, any revisions to the proposed Terms and Condition clearly include the provisions of providing interested parties information on greenhouse gas emissions reduction initiatives, as well as a clear statement that the Proponent shall endeavor	Baffinland does not object to the QIA’s suggested changes. With respect to CIRNAC’s comment Baffinland would address (c) through reporting to the NIRB on compliance with this condition. This is an important function of the NIRB process and registry. The word “continued” is unclear and it is suggested that more enforceable wording would be “In annual reports, providing NIRB with evidence of policies in place to address greenhouse gas emissions”. It will not always be possible on a year to year basis to further reduce greenhouse gas emissions. Baffinland suggests that compliance
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring			
Objective	To provide feedback on the impacts that climate change might be having on the Project.			
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.			
Reporting Requirement	The Proponent shall provide new or revised assessments and studies to the NIRB, the affected communities, relevant regulatory authorities, and interested parties.			
Stakeholder Review	Nunavut Impact Review Board (NIRB)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comments
		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>to include participation of Inuit from affected communities and other communities in Nunavut when undertaking climate-change related studies and research.</p> <p>Proposed Revisions: to Project Certificate Term and Condition (should a revision occur): CIRNAC recommends that the 'Objective' section be updated to reflect the intent of PC Nos. 2-4 (e.g., To provide feedback on the impacts that climate change may have on the Project, measures taken to reduce greenhouse gas emissions, and actions to engage with affected groups on climate change related studies and research).</p> <p>CIRNAC recommends that the Term and Condition section be updated to incorporate and prioritize the text included in PC Nos. 3 and 4. The following revision is provided for the NIRB's consideration:</p> <p><i>The Proponent shall develop a climate change strategy that includes the following:</i></p> <p><i>a. Conducting studies that identify Project risks as a result of climate change.</i></p> <p><i>b. Data collection or research that will assist in defining long-term climate trends, such as: i. Monitoring sea levels at Port. ii. Weather and temperature changes iii. Permafrost stability.</i></p> <p><i>c. Providing interested parties with evidence of continued initiatives to reduce greenhouse gas emissions.</i></p> <p><i>d. Including the participation of Inuit from affected communities and other communities in Nunavut when undertaking climate-change related studies and research.</i></p> <p>DFO Outside of DFO's scope, but suggest the following wording: "The Proponent shall develop a climate change strategy that includes the following: .."</p> <p>ECCC: As the project is emitting greenhouse gases, the Proponent should be actively engaging in greenhouse gas reductions. As such, ECCC agrees that the proposed climate change strategy contain a bullet point related to the development of a greenhouse gas emission management plan, including investigation of initiatives that may be undertaken to reduce Greenhouse Gas emissions. However, ECCC believes these investigations should be undertaken annually and reported to the Nunavut Impact Review Board. Proposed Edits: ECCC recommends the reporting requirement be updated to provide Inuit communities and stakeholders</p>	<p><i>with (d) could occur through Inuit Committees or direct consultation and engagement opportunities.</i></p> <p><i>Baffinland suggests that where regulatory authorities comment on topics outside their scope, such comments should be given less weight by NIRB.</i></p> <p><i>Should Phase 2 be approved, Baffinland notes that there will be a significant reduction of Greenhouse Gas emissions per tonne of ore, given the efficiencies of railway over hauling ore. While it is making efforts to reduce greenhouse gas emissions where practicable and feasible, at some point it would not be possible to further minimize greenhouse gas emissions. In drafting this condition, NIRB should take this reality into account. Baffinland suggests reporting on initiatives to NIRB and to the Inuit Committee, when they occur, rather than annually, is appropriate.</i></p>

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comments
			<p>with annual updates to the climate change strategy, including emissions of GHGs and investigations of GHG reductions. ECCC agrees with CIRNAC’s comments that the revisions do not fully encompass the objectives of PC No. 3 and PC No. 4 and DFO’s comment regarding suggested wording.</p> <p>Parks Canada: Parks Canada agrees with CIRNAC’s proposed language for the Term and Condition. In addition, Parks Canada suggest that a timeline be associated with the development and reporting of the climate change strategy (e.g.: annual climate change assessments to be reported to the NIRB), and an additional bullet be included that reads “results of investigations/assessments will be incorporated into the Adaptive Management Plan as appropriate”</p> <p>Transport Canada: TC supports the comments made by CIRNAC, in that the revisions do not appear to fully encompass the objectives of PC 3 and PC 4.</p>	
PC No 3				
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>	<p>Summary of QIA Final Written Statement:</p> <p>QIA Rationale: Baffinland has proposed edits to consolidate PC Conditions 2-4. QIA has no objection to this proposal provided that the wording of PC Condition 2 be that the Proponent “shall” rather than “may”.</p> <p>Summary of GC Final Written Statement:</p> <p>CIRNAC: Please see CIRNAC’s comment regarding PC No. 2</p> <p>ECCC Revisions proposed to term and condition 2 capture the intent of this term and condition. However, as noted above in the comments for PC 2 the revisions do not meet fully encompass the objective of PC No. 3</p>	<p><i>Baffinland does not object to the QIA’s suggested changes.</i></p> <p><i>See Baffinland’s responses on PC 2 above.</i></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)			
PC No 4				
Category	Climate Change - Consultation on Climate	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 4.</p> <p>Rationale:</p>	<p>Summary of QIA Final Written Statement:</p> <p>QIA Rationale: Baffinland has proposed edits to consolidate PC Conditions 2-4. QIA has no objection to this proposal provided that the wording of PC Condition 2 be that the Proponent “shall” rather than “may”.</p>	<p><i>Baffinland does not object to the QIA’s suggested changes.</i></p> <p><i>See Baffinland’s responses on PC 2 above.</i></p>
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comments
Objective	To promote public awareness and engagement of affected groups.	See proposed revisions to PC Condition No. 2.	. <u>Summary of GC Final Written Statement:</u> CIRNAC: Please see CIRNAC’s comment regarding PC No. 2	
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)			
PC No 5				
Category	Meteorology and Climate - Weather Monitoring Data	No Change.	<u>Summary of QIA Final Written Statement:</u> No change. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the term and condition and currently have no comments to provide.	N/A
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			
PC No. 6				
Category	Meteorology and Climate – Emissions	Proposed Revision: The Proponent shall provide the results of any emissions calculations conducted to determine the level of sulphur dioxide (SO2) emissions, nitrogen oxide (NOX) 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	<u>Summary of QIA Final Written Statement:</u> <u>QIA Term and Condition:</u> The Proponent shall provide the results of any emissions calculations conducted to determine the level of sulphur dioxide (SO2) emissions, nitrogen oxide (NOX) 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	Baffinland asks NIRB to give consideration in its drafting to ensuring that emission calculations must only include site based activities (for example, flights or vessels in and out of site would be out of scope, consistent with federal regulatory GHG emissions calculations and reporting guidelines). Aircraft emissions would be reported separately by those
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring			
Objective	To provide feedback on the Project’s emissions.			
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 (NOX) emissions and greenhouse gases generated by the Project using fuel consumption or other relevant criteria as a basis.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comments
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.	management plan outlined in the Air Quality and Noise Abatement Management Plan.	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.	<i>contractors, and is not within Baffinland's scope of reporting requirements based on ECCC guidance.</i>
Stakeholder Review	N/A	Rationale: 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.	<u>QIA Rationale</u> Baffinland has proposed deleting PC Conditions No. 8 and 9. QIA believes that the Project Certificate should provide the appropriate level of detail with respect to air quality and greenhouse gas emission monitoring. With the proposed edits accepted, QIA supports deleting PC Conditions No. 8 and 9. <u>Summary of GC Final Written Statement:</u> ECCC Exceedances of air quality criteria cannot be determined when looking at emissions from the Project. Comparisons to air quality criteria require concentration data (modelled or measured), emission rates are not concentrations and therefore cannot be used. Concentrations measured at monitoring stations must be used in order to determine if there are exceedances of air quality criteria. ECCC suggests that this Term and Condition only focus on reporting of emissions and another Term and Condition focus on concentration data that would be used to compare exceedances (See ECCC comments for T&C #10). The rationale provided for the revision of this Term and Condition should be revised as emissions calculated from fuel consumption are not the same as concentrations measured from the air quality monitoring described in the Air Quality and Noise Abatement Management Plan. ECCC recommends alternate wording in order to accurately reflect the differences between emissions and concentration reporting. ECCC proposes that revisions to condition number 6 as proposed by Baffinland not be implemented. HC Support ECCC comments related to this Parks Support ECCC comments related to this	

Air Quality (PC Conditions 7 through 12)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 7				
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>	<p>Summary of QIA Final Written Statement:</p> <p>QIA Rationale: Baffinland has proposed removing this PC Condition as an updated plan was submitted as part of the FEIS and included continuous monitoring of SO₂, NO₂ and particulates. QIA supports this deletion as long as Baffinland maintains continuous monitoring for of SO₂, NO₂ and particulates.</p> <p>Summary of GC Final Written Statement:</p> <p>ECCC: ECCC recommends that a condition requiring monitoring of SO₂, NO₂, PM_{2.5} and TSP be retained.</p> <p>ECCC recommends that this condition be revised to match Term and Condition No 10 which outlines dust monitoring and reporting. The same requirement for dust monitoring and reporting should also stand for SO₂, NO₂, PM_{2.5}, and TSP. This is consistent with comments provided in ECCC Final Written Submission (2019) Comment ECCC-FC-3.</p> <p>ECCC proposes the following revised wording:</p> <p>In collaboration with interested interveners, the Proponent shall update, and implement its Air Quality and Noise Abatement Management Plan. The Plan shall include, at a minimum:</p> <p>Continuous monitoring at land-based monitoring stations designed to capture operations phase ship-generated SO₂ and NO₂ emissions at Steensby Port and Milne Port. Continuous monitoring is to be carried out at each port for the duration of operations</p> <p>Continuous monitoring of PM_{2.5} and TSP in the following locations</p> <p>At the existing NO₂ and SO₂ monitoring locations at both Milne Port and Mine Site</p> <p>Additional monitoring stations at both the Milne Port and Mine Site.</p> <p>The Proponent shall locate these additional monitoring stations close to the project boundary, and ensure some monitoring stations are installed close to existing passive dustfall monitoring stations and in areas of high predicted dustfall. The Proponent shall consider the prevailing wind direction in identifying the optimal location for the additional monitoring stations</p> <p>HC Support ECCC comments related to this</p> <p>Parks Support ECCC comments related to this</p>	<p><i>Baffinland agrees with QIA</i></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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 8				
Category	Air Quality - Greenhouse Gas Emissions	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 8.</p> <p>Rationale:</p> <p>See proposed revisions to PC Condition No. 6.</p>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Rationale:</u> Baffinland has proposed deleting this PC Condition. QIA supports deleting this condition provided the suggested revisions to PC Condition 6 are accepted.</p> <p>Summary of GC Final Written Statement:</p> <p>ECCC: ECCC recommends that this Term and Condition be updated. This is consistent with our Final Written Submission (2019) Comment ECCC-FC-1.</p> <p>ECCC recommends the name of this condition category be changed to, 'Monitoring and Reporting'</p> <p>ECCC proposes the following revised wording:</p> <p>The Proponent shall demonstrate that through monitoring of air quality at the mine site and at Steensby Inlet and Mine Inlet port sites that SO₂, NO₂, PM_{2.5}, and TSP concentrations, measured and presented as a range of absolute concentrations, remain within predicted levels and, where applicable, within limits established by all applicable guidelines and regulations. Comparison to standards, such as the CAAQS should also be included. At a minimum the Proponent shall monitor and report on air quality and meteorological monitoring by using the following indicators:</p> <ul style="list-style-type: none"> Time Series of data Hour, daily, and annual averages Wind roses Graph and tables indicating seasonal variability Comparisons to other years of data Photographs taken of dust on snow <p>HC Support ECCC comments related to this.</p> <p>Parks Support ECCC comments related to this.</p>	<p><i>Baffinland agrees with QIA.</i></p> <p><i>Baffinland Response to ECCC: Limits are not established by guidelines or predictions. Any applicable legal limits applicable in Nunavut, would apply to the Project. If this condition remains, Baffinland suggests wording based on ECCC as follows:</i></p> <p><i>The Proponent shall demonstrate that through monitoring of air quality at the mine site and at Steensby Inlet and Mine Inlet port sites that SO₂, NO₂, PM_{2.5}, and TSP concentrations, measured and presented as a range of absolute concentrations, remain within and present comparisons against predicted levels and, where applicable, within limits established by all applicable guidelines and regulations. Comparison to standards, such as the CAAQS should also be included. At a minimum the Proponent shall monitor and report on air quality and meteorological monitoring by using the following indicators:</i></p> <ul style="list-style-type: none"> <i>Time Series of data</i> <i>Hour, daily, and annual averages</i> <i>Wind roses</i> <i>Graph and tables indicating seasonal variability</i>
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
				<ul style="list-style-type: none">• Comparisons to other years of data• Photographs taken of dust on snow or other visual aids to capture visual effects of dust on snow and other features around the Project area
PC No. 9				
Category	Air Quality - Greenhouse Gas Emissions	Proposed Revision:	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Rationale:</u> Baffinland has proposed deleting this PC Condition. QIA supports deleting this condition provided the suggested revisions to PC Condition 6 are accepted</p> <p>Summary of GC Final Written Statement:</p> <p>ECCC: Revisions proposed to term and conditions 7 and 8 made by ECCC capture the intent of this term and condition.</p> <p>Parks Support ECCC comments related to this</p>	Baffinland agrees with QIA and refers NIRB to its comments on TC 6
Responsible Parties	The Proponent	Suggest to remove PC Condition No. 9.		
Project Phase(s)	Construction and Operations	Rationale:		
Objective	To provide feedback on the Project’s emissions.	This essentially duplicates PC Condition No. 6. As such, Baffinland suggests this condition be removed.		
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			
PC No. 10				
Category	Air Quality - Dust Management and Monitoring Plan	Proposed Revision:	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Term and Condition:</u></p> <p>The Proponent shall update Air Quality and Noise Abatement Management Plan to address and/or include the following additional items:</p> <p>The proponent will monitor for dust to accurately capture impacts in the 14km zone of influence around the length of the railway. (14km radius from all points of railway.</p>	Generally, Baffinland is in agreement with QIA’s suggested wording with the following notes/exceptions:
Responsible Parties	The Proponent	Construction, Operations		
Project Phase(s)	Construction	Rationale:		
Objective	To prevent impacts to air quality form dust dispersion.	Updated to reflect that dust fall monitoring will occur throughout the life of the Project.		
Term or Condition	The Proponent shall update its Dust Management and Monitoring Plan to address and/or include the following additional items: Outline the specific plans for monitoring dust along the first few kilometres of the rail corridor leaving the Mary River mine site.	Proposed Revision:		

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	<p>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.</p> <p>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.</p> <p>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> <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>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:</p> <p>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> <p>Proposed Revision:</p>	<p>Identify the predicted dust deposition (amount and composition) from trains, using acceptable thresholds as defined in the adaptive management plan and sub-plans and in consideration of the full suite of values that may be impacted by dustfall.</p> <p>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 acceptable thresholds.</p> <p>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.</p> <p>Identify predicted dust deposition (amount and composition) from the road, using acceptable thresholds as in the adaptive management plan and sub-plans and in consideration of the full suite of values that may be impacted by dustfall.</p> <p>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 acceptable thresholds.</p> <p>Outline specific plans for monitoring dustfall at the mine site and the loading facilities (at Milne Port and Steensby Port).</p> <p>Identify predicted dustfall deposition (amount and composition) from these dust sources within acceptable thresholds as defined in the adaptive management plan and sub-plans and in consideration of the full suite of values that may be impacted by dustfall.</p> <p>Identify the specific adaptive management measures to be considered if monitoring indicates that dust from these sources is greater than acceptable thresholds.</p> <p>Add to this list any other dust sources identified through IQ dustfall studies and/or the audit of dustfall sources being undertaken by Baffinland, and treat them identically (i.e., identify how monitoring will take place, identify predicted dust deposition (amount and composition) using acceptable thresholds, and identify specific adaptive management measures to address exceedances).</p> <p>Outline specific plans for monitoring dustfall on a regional scale (i.e., within the RSA and beyond).</p> <p>Identify predicted regional dustfall levels within acceptable thresholds as defined in the adaptive management plan and sub-</p>	<p><i>given that the majority of these items are already covered in the draft AQNAMP.</i></p> <p><i>With respect to (a) NIRB should give consideration to clarify that a reasonable number of monitoring stations would satisfy compliance with this condition. “From all points of railway” is not clear enforceable language. Currently Baffinland has two reference point samples at 14 km from the Tote Road, monitoring will occur similarly for the railway in addition to Inuit monitoring under the ISP.</i></p> <p><i>With respect to (b) NIRB should give consideration to clarify that Baffinland should present monitoring data and compare against predicted dust deposition as well as thresholds defined in the Adaptive Management Plan (i.e. thresholds do not change predictions)</i></p> <p><i>With respect to (e) Again, wording should be revised for clarity to reflect that predictions for dust deposition are separate from thresholds.</i></p> <p><i>With respect to (h) Again, wording should be revised for clarity to reflect that predictions for dust deposition are separate from thresholds.</i></p> <p><i>With respect to (k) and (l), it is not clear what is meant by “regional”. Baffinland notes there is no atmospheric RSA</i></p>
Reporting Requirement	To be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities.	<p>Annual.</p> <p>Rationale:</p>		
Stakeholder Review	Nunavut Water Board, Nunavut Impact Review Board, Qikiqtani Inuit Association, Indigenous and Northern Affairs Canada, Environment and Climate Change Canada	<p>Updated to reflect that dust fall monitoring and management will occur throughout the life of the Project.</p> <p>No Change.</p>		

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>plans and in consideration of the full suite of values that may be impacted by dustfall.</p> <p>Identify specific adaptive management measures to be considered if monitoring indicates that dust from these sources is greater than acceptable thresholds.</p> <p>Describe how dustfall monitoring is coordinated with monitoring deposition on vegetation.</p> <p>Describe how dustfall monitoring is coordinated with estimating impacts to caribou from dustfall on lichen, including re-estimating the Zone of Influence (ZOI) around the mine, road and port facilities.</p> <p>Describe how dustfall monitoring is coordinated with monitoring impacts on the freshwater and marine ecosystems.</p> <p>The Air Quality and Noise Abatement Management Plan shall include the following information:</p> <ul style="list-style-type: none"> Procedures for triggering changes to practices to reduce dustfall Communication protocols to drivers Enforcement methods of changes (e.g., monitoring speeds) Strengthened linkage between dustfall monitoring and the amount of dust on vegetation, including effort that considers monitoring dustfall at ground level. Regional monitoring of dustfall conducted each year Adaptive management procedures if dustfall exceedances occur Process for addressing community-based monitoring concerns about dustfall Testing and approval requirements for the use of new dust suppressants Considerations for potential impact pathways to terrestrial values (plants, animals) and aquatic values (freshwater and marine ecosystems) in the suppressant approval process <p>The Proponent shall implement its AQNAMP, report all monitoring data (including raw data) to the NIRB, the Inuit Committee, the TEWG, and other bodies as requested by these groups on an annual basis (at a minimum), and take all adaptive management measures described in its AQNAMP. If monitoring indicates that dust from activities associated with the project is greater than thresholds adopted into the Project's Adaptive Management Plan, the Proponent will further take any additional adaptive management measures identified by the Inuit Committee and the TEWG.</p>	<p><i>(volume 5 from the original FEIS makes mention of a 50km radius where there is no industrial activity) but our modelling would apply to our 3km LSA and beyond. Baffinland believes the 14km reference sites would capture potential regional dispersion and this is the appropriate area to reference for this TC.</i></p> <p><i>Re "Air Quality and Noise Abatement Management Plan":</i></p> <p><i>Re reference to "Regional monitoring of dustfall conducted each year", it is unclear what is meant by "regional", we believe what is intended is a reference to monitoring carried out by Baffinland in the Project Area. With respect to the reference to "raw data", Baffinland is concerned that this would be an onerous requirement and that the information provided would be overwhelming and not useful to the recipients. We suggest this be revised to provide raw data where specifically requested.</i></p> <p><i>Re reference to process for addressing community-based concerns. Community engagement and outcomes implementation is covered in other management plans for the program.</i></p>

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p><u>QIA Rationale:</u> Dust and its management is a primary concern of Inuit in relation to the Project. QIA believes that NIRB should consider adding detail that describes the required content of the Air Quality and Noise Abatement Management Plan. In particular, the critical bullets/points contained in the above “Term or Condition” section.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>ECCC: Revisions proposed to term and conditions 7 and 8 made by ECCC capture the intent of this term and condition.</p> <p>HC Support HC comments related to this</p> <p>Parks Support ECCC comments related to this</p>	<p><i>Adaptive management measures will be as set out in the Adaptive Management Plan, the Inuit Committee and TEWG will provide information that will help develop the AMP.</i></p> <p><i>As a general comment, Baffinland does not agree with the suggestion that TEWG should have the power to “direct”. This is particularly relevant given that the membership of the TEWG is not designed to ensure expertise on Air Quality matters. Baffinland encourages NIRB to adopt the following alternative wording where relevant on all Terms and Conditions:</i></p> <p><i>the Proponent will implement recommendations from the TEWG and/or IC consistent with the outcomes of decision making processes established in the MEWG terms of reference or other processes outlined in the applicable management plans (ISP and AMP)’</i></p>
PC No. 11				
Category	Air Quality - Incineration Management Plan	Proposed Revision:	<u>Summary of QIA Final Written Statement:</u>	n/a
Responsible Parties	The Proponent	Suggest to remove PC Condition No. 11.	<u>QIA Rationale:</u> Baffinland has proposed removing this PC Condition as its addressed in the Waste Management Plan. QIA supports removal of this condition if NIRB agrees this commitment is fulfilled by the Proponent.	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	Rationale:	<u>Summary of GC Final Written Statement:</u>	
Objective	To mitigate impacts to air quality from incineration activities.	Operation of the incinerator is addressed in the Waste Management Plan for the Project. A		

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
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).	separate Incineration Management Plan is not required.	All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	
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			
PC No. 12				
Category	Air Quality – Incineration	Proposed Revision: Construction, Operations Rationale: See proposed revisions to term and description below. 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.	<u>Summary of QIA Final Written Statement:</u> <u>QIA Rationale:</u> QIA defers to Environment and Climate Change Canada and the World Wildlife Fund in considering any proposed revisions to this PC Condition. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	N/A
Responsible Parties	The Proponent			
Project Phase(s)	Construction			
Objective	To mitigate impacts to air quality from incineration activities.			
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.			
Reporting Requirement	Stack test results to be reported to the NIRB and Environment Canada annually as required.			
Stakeholder Review	Environment and Climate Change Canada, Nunavut Impact Review Board			

Noise & Vibrations (PC Conditions 13 through 15)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 13				
Category	Noise and Vibration - Use of Explosives	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Rationale:</u> No change</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>DFO: DFO has a regulatory mechanism to manage and mitigate impacts from explosives. Therefore, this T&C could be removed as it overlaps with</p>	<p><i>Ultimately, DFO will select the overpressure threshold – current wording should remain or remove altogether as suggested by DFO.</i></p>
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
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.		existing regulatory and enforceable mechanism. However, if T&C is retained, ‘Encouraged’ should be changed to ‘shall’. Parks Support DFO’s comments	
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			
PC No. 14				
Category	Noise and Vibration - Noise and Vibration Monitoring	No Change.	<u>Summary of QIA Final Written Statement</u> <u>QIA Term or Condition:</u> The Proponent shall include measures related to acceptable thresholds, monitoring measures and adaptive management responses related to noise and vibration generated by the Project in its Air Quality and Noise Abatement Management Plan (AQNAMP). The Proponent shall conduct noise and vibration monitoring at Project accommodations sites and other key sensitive areas located at the Mary River mine site, Steensby Inlet Port site, the Milne Inlet Port site, along the transportation corridor, and along helicopter flight routes. Sampling shall be undertaken during the summer and winter months during all phases of Project development. The Proponent shall also implement its AQNAMP, report all noise and vibration monitoring data, including raw data, to the NIRB, the TEWG, and other bodies as requested by these groups on an annual basis (at a minimum), and take all adaptive management measures described in its AQNAMP. If monitoring indicates that noise and vibration from activities associated with the Project are greater than the approved triggers and thresholds the Proponent will further take any additional adaptive management measures identified by QIA, the Inuit Committee and the TEWG. <u>QIA: Rationale:</u> Proposed revisions to link noise and vibration monitoring and reporting to commitments with respect to adaptive management commitments described in the Inuit Certainty Agreement. Expanded to include all	<i>With respect to QIA comments Baffinland suggests the NIRB should generally review the suggested wording for enforceability.</i> <i>The reference to “acceptable thresholds” is too vague. Similarly, the reference to “key sensitive areas” is ambiguous, it is not clear what would the key sensitive areas would be outside of accommodations.</i> <i>As a general suggestion, the Adaptive Management Plan will identify the adaptive management measures and the Terms and Conditions should not give additional powers to QIA, the Inuit Committee and the TEWG to “direct” Baffinland.</i> <i>As noted above, requiring raw data is an onerous requirement which will not provide enhanced understanding. Baffinland suggests raw data could be required on request with adequate justification.</i>
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		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			impacts from noise and vibration in the terrestrial environment (including wildlife and human) <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	<i>As noted elsewhere, the TEWGs current membership is such that they do not have the expertise to advise on occupational health and safety monitoring programs – which is the intent of this current Term and Condition.</i>
PC No. 14(a)				
Category	Noise and Vibration - Noise and Vibration Adaptive Management	Proposed Revision: Suggest to remove PC Condition No. 14(a). 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.	<u>Summary of QIA Final Written Statement:</u> <u>QIA Rationale:</u> Baffinland proposes deleting this PC Condition as work would be conducted in accordance with the Department of Fisheries and Oceans and with the requirements of the Fisheries Act Authorizations. QIA disagrees with deleting this PC Condition. Regulatory requirements may not be sufficient to address Inuit concerns, and MEWG coordination can help address any issues. QIA has revised the language to include the Inuit Committee and other bodies as may be appropriate for reporting. <u>Summary of GC Final Written Statement:</u> DFO: DFO confirms that the statement by BIM is correct, and can confirm such measures are in place for existing Fisheries Act authorization. DFO thus considers these concerns are addressed within our regulatory framework which has mechanisms to manage impacts/adaptive management.	<i>As a general comment, Baffinland does not agree with the suggestion that MEWG should have the power to “direct”. Baffinland encourages NIRB to adopt the following alternative wording: The Proponent will implement recommendations from the TEWG and/or IC consistent with the outcomes of decision making processes established in the MEWG terms of reference or other processes outlined in the applicable management plans (ISP and AMP).</i>
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)			
PC No. 14(b)				
Category	Noise and Vibration- Noise and Vibration Adaptive Management	No Change.	<u>Summary of QIA Final Written Statement:</u> <u>QIA Term and Condition:</u> 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. The Proponent shall take all adaptive management measures identified by the or otherwise through the Adaptive Management Plan if monitoring	<i>As a general comment, Baffinland does not agree with the suggestion that TEWG should have the power to “direct”. Baffinland encourages NIRB to adopt the following alternative wording: The Proponent will implement recommendations from the TEWG and/or IC consistent with the</i>
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	produce noise and sensory disturbance to wildlife and other users of project areas.		<p>indicates that noise and vibration from activities associated with the project are greater than thresholds adopted into the Project's Adaptive Management Plan.</p> <p><i>QIA Rationale:</i></p> <p>IQ holders have noted that vibrations and noise from explosives are causing caribou to avoid areas near the mine. QIA believes that this PC Condition can be strengthened to reflect the commitments to adaptive management from the Inuit Certainty Agreement.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide</p>	<p><i>outcomes of decision making processes established in the MEWG terms of reference or other processes outlined in the applicable management plans (ISP and AMP).</i></p> <p><i>Baffinland suggests the NIRB should revise the QIA's suggested wording. There will be a number of potential mitigations identified in the Adaptive Management Plan, not every measure will be required in every scenario. The adaptive management measures in the Air Quality and Noise Abatement Management Plan will be set under the Adaptive Management Plan. Suggest NIRB give consideration to the following clarification:</i></p> <p><i>"The Proponent, through coordination with the TEWG and Inuit Committee, 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. <u>The Proponent will be responsible for implementing adaptive management measure, as needed, s as set out in the Air Quality and Noise Abatement Management Plan</u>"</i></p>
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.			
Stakeholder Review	Terrestrial Environment Working Group (TEWG)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Category	Noise and Vibration - Noise and Vibration Monitoring	<p>Proposed Revisions:</p> <p>Suggest to remove PC Condition No. 15.</p> <p>Rationale:</p> <p>Proposed revisions to PC Condition No. 163 incorporate the recommendations outlined in PC Condition 15.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition</u></p> <p>The Proponent shall collaborate to the extent possible with the Qikiqtani Inuit Association and impacted communities 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.</p> <p><u>QIA Rationale</u></p> <p>Baffinland has proposed deleting this condition following an amalgamation of content with PCC 163. QIA does not support deleting this PC Condition. QIA believes it is important to include the impacted communities, as well as specific requirements for consultation to include concerns for the northern railway, Tote Road, and marine shipping and port facility operations.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide</p>	<p><i>Baffinland does not agree with this rationale, but nonetheless withdraws its request to remove this term and condition.</i></p>
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			

Hydrology and Hydrogeology (PC Conditions 16 through 19)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 16				
Category	Hydrology and Hydrogeology - Water Infrastructure	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 16.</p> <p>Rationale:</p> <p>PC Condition No. 16 duplicates regulatory requirements included within the Type 'A' Water License for the Project, specifically:</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition</u></p> <p>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 Tote Road, and other areas of the Project site, are consistent with those</p>	<p><i>Baffinland does not agree with this rationale, but nonetheless withdraws its request to remove this term and condition.</i></p>
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.			
Term or Condition	The Proponent shall ensure that the water related infrastructure or facilities that are designed and constructed, including the			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	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.	Part D, Item 1 and 2; Part E, Item 23; and Part G. Additional regulatory licenses that mandate established requirements for the management of water related infrastructure for the Project also include:	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. <u>QIA Rationale</u> Baffinland has proposed deleting this PC Condition on the basis that it is duplicative of the Type 'A' Water License. QIA disagrees with deleting this PC Condition, as it 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.	
Reporting Requirement	To be developed following approval of the Project by the Minister.	DFO Authorizations and Letters of Advice.		
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)		<u>Summary of GC Final Written Statement:</u> CIRNAC: CIRNAC is of the view that duplication with regulatory instruments does not justify the removal of a term and condition from the NIRB Project Certificate. At the impact assessment stage, the Board has jurisdiction to impose water related terms and conditions even though the Water Board has the ultimate authority to authorize the use of waters and the discharge of waste. Those terms and conditions will become minimal standards that the Water Board will have to incorporate into its water licence under subsection 137 (1) of NuPPAA. This subsection requires that regulatory authorities (including the Water Board) to the extent of their jurisdiction and authority to do so, incorporate project certificate terms and conditions into their regulatory authorizations. Given how subsection 137 (1) operates, removing a water related term and condition from the project certificate would open the door to removal of the same from the water licence. To the extent that the Board views a term and condition as integral to the impact mitigation scheme of the project, the Board would be justified not to remove such term and condition from the project certificate. The same applies to terms and conditions that are incorporated in other regulatory authorizations. Furthermore, a term and condition generally comes with reporting obligations. There may be value in ensuring that the proponent remains under an obligation to report to the Board on terms and conditions falling within the jurisdiction of another regulatory authority to facilitate tracking of reporting and compliance by interested parties.	

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			ECCC: ECCC understands that there is overlap between this condition and the Type 'A' Water Licence. However, ECCC notes that there is no provision in the water licence to have the structures constructed and designed based on the type, location and scope presented FEIS or FEIS Addendum. ECCC recommends this Term and Condition remain in the Project certificate.	
PC No. 17				
Category	Hydrology and Hydrogeology - Effluent Management	Proposed Revision:	<p>Summary of QIA Final Written Statement:</p> <p>Baffinland has proposed deleting this PC Condition on the basis that it is duplicative of the Type 'A' Water Licence. QIA disagrees with deleting this PC Condition, as it 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.</p> <p>Summary of GC Final Written Statement:</p> <p>All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate.</p>	<p><i>Baffinland does not agree with this rationale, but nonetheless withdraws its request to remove this term and condition.</i></p>
Responsible Parties	The Proponent	Suggest to remove PC Condition No. 17.		
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	Rationale:		
Objective	To prevent impacts to water bodies from effluent.	PC Condition No. 17 duplicates regulatory requirements included within the Type 'A' Water License for the Project, specifically:		
Term or Condition	The Proponent shall develop and implement effective 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 requirements established by the relevant regulatory agencies prior to being discharged into the receiving environment.	Tables 4 – 15; Part D, item 15; and Part F, Item 17, 18, 20, 21, 22, 23, 24, 25, 26.		
Reporting Requirement	To be developed following approval of the Project by the Minister.	Additional regulatory licenses that mandate established requirements for the management of water related infrastructure for the Project also include:		
Stakeholder Review	Nunavut Water Board, Indigenous and Northern Affairs Canada, Qikiqtani Inuit Association, Nunavut Impact Review Board, Environment and Climate Change Canada	MDMER. Note – if this Condition remains, consider rewording to allow for occasional spills that are effectively addressed.		
PC No. 18				
Category	Hydrology and Hydrogeology - Pit Lake Monitoring	Proposed Revision:	<p>Summary of QIA Final Written Statement:</p> <p>Baffinland has proposed deleting this PC Condition on the basis that it is duplicative of the Type 'A' Water Licence. QIA disagrees with deleting this PC Condition, as it 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</p>	<p><i>Baffinland does not agree with this rationale, but nonetheless withdraws its request to remove this term and condition.</i></p>
Responsible Parties	The Proponent	Suggest to remove PC Condition No. 18.		
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	Rationale:		
Objective	To enhance predictions for mine site closure conditions.	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:		
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Reporting Requirement	To be developed following approval of the Project by the Minister.	Part J; and Schedule B.	for the Water Licence process that is already underway, this may not be feasible.	
Stakeholder Review	Indigenous and Northern Affairs Canada, Nunavut Water Board, Qikiqtani Inuit Association, Nunavut Impact Review Board	Additional licenses that mandate established requirements for the management of water related infrastructure for the Project also include: Commercial Lease No. Q13C301 See also proposed revisions to PC Condition No. 149, which includes a proposal for the establishment of a Mine Closure Working Group.	<u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate.	
PC No. 19				
Category	Hydrology and Hydrogeology - Water Infrastructure Monitoring	Proposed Revision:		
Responsible Parties	The Proponent	Suggest to remove current text of PC Condition No. 19 and replace with following:		
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	Category: Northern Transportation Corridor Water Quality Monitoring	<u>Summary of QIA Final Written Statement:</u>	
Objective	To mitigate impacts to natural water flow.	Responsible Parties: No change Project Phase: Construction, Operations, Temporary Closure /Care and Maintenance, Closure Objective: To monitor potential for Milne Inlet Tote Road and North Railway dustfall effects on water quality in the Northern Transportation Corridor.	Baffinland has proposed deleting this PC Condition on the basis that it is duplicative of the Type 'A' Water License. QIA disagrees with deleting this PC Condition, as it 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.	
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.	Term or Condition: The Proponent will expand the Milne Inlet Tote Road monitoring program to include water quality monitoring in specified locations, to assess potential effects of dustfall on waterbodies within the Northern Transportation Corridor. Should monitoring indicate that there is potential for dustfall from Project traffic to have an effect on water quality, the monitoring program may be expanded to include	<u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate.	<i>Baffinland does not agree with this rationale, but nonetheless withdraws its request to remove this term and condition.</i>
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
		<p>monitoring of sediment quality and biota in Phillips Creek.</p> <p>Should potential impacts to Arctic char populations be identified through the monitoring program (which shall include observations regarding physical condition of fish), the source of these effects will be evaluated through review of all potential variables including sedimentation. The Proponent shall work with QIA to further develop a metric for monitoring the physical condition of fish for implementation in 2022.</p> <p>The program shall be evaluated every three years to determine if monitoring locations may be reduced in the event there are negligible to no observations of Project effects.</p> <p>Reporting Requirement: Annually</p> <p>Stakeholder Review: Add Qikiqtani Inuit Association</p> <p>Rationale:</p> <p>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;</p> <p>Part 1, Item 21; Tables 2, 3, 2-3, 12, 13, 14 and 15; and Schedule B.</p> <p>Additional regulatory licenses that mandate established requirements for the management of water related infrastructure for the Project also include:</p> <p>DFO Authorizations and Letters of Advice.</p> <p>New proposed text to reflect resolution of QIA-41</p>		

Groundwater & Surface Water (PC Conditions 20 through 30)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 20				
Category	Groundwater/Surface Waters – Explosives	<p>Proposed Revision:</p> <p>Suggest to remove current text of PC Condition No. 20 and replace with following:</p> <p><u>Category:</u> North Railway Construction Monitoring</p> <p><u>Responsible Parties:</u> No change</p> <p><u>Project Phase(s):</u> Construction</p> <p><u>Objective:</u> To ensure that appropriate monitoring of surface water bodies along the North Railway is carried out during construction.</p> <p><u>Term or Condition:</u> The Proponent shall develop a North Railway construction plan that includes monitoring of specified waterbodies during the construction period. The construction plan shall also specify site-specific adaptive management thresholds which would trigger additional monitoring during operations.</p> <p><u>Reporting Requirement:</u> Annually during construction as part of NIRB Annual Report.</p> <p><u>Stakeholder Review:</u> No change</p> <p>Rationale:</p> <p>PC Condition No. 20 duplicates regulatory requirements included within the Type ‘A’ Water License for the Project, specifically:</p> <p>Part I, Item 23; Schedule D, Item 1g; and Schedule 1.</p> <p>Additional regulatory licenses that mandate established requirements for monitoring the effects of explosive residue and related by-products from blasting activities, including the</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Rationale:</u></p> <p>Baffinland has proposed deleting this PC Condition on the basis that it is duplicative of the Type ‘A’ Water License. QIA disagrees with deleting this PC Condition, as it 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.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate.</p> <p>ECCC MDMER will not be applicable as these are not Final Discharge Points. Dustfall will be extremely difficult to quantify during construction and the greater risk is from erosion and sedimentation effects on water quality. Blasting residues are adequately covered in the WL</p>	<p><i>Baffinland notes it has suggested revisions to this condition, not requested that it be entirely removed</i></p>
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
		manufacturing, storage, transportation and use of explosive also includes: MDMER. Reflects agreed resolution of QIA-31.		
PC No. 21				
Category	Groundwater/Surface Waters - Aquatic Effects Monitoring Plan and dustfall monitoring	No Change.	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Term and Condition:</u></p> <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; and</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 potentially with thresholds using studies of Arctic char egg survival and/or other studies recommended by the Terrestrial Environment Working Group (TEWG) and/or Freshwater Environment Working Group (FEWG);</p> <p>To assess and monitor inputs and aquatic effects of Project-generated dust and sediment on the water quality, sediment dispositions, and biota of a representative reach(s) of Phillips Creek that is crossed by the Tote Road and rail route and would also be crossed by the proposed railway;</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> <p>and</p> <p>To assess the presence and potential toxicity to aquatic biota of chemicals entering streams along the tote road from the residues of rubber tire wear. This provision will continue as long as the Tote Road is used to support Project operations.</p> <p><u>QIA Rationale:</u></p>	<p><i>Baffinland does not agree with expanding the AEMP to the transportation corridor.</i></p> <p><i>With respect to (b)(ii) Baffinland notes that thresholds using studies of Arctic Char may not be feasible, and so must remain “potential thresholds”.</i></p> <p><i>With respect to b(iii), Baffinland strongly disagrees with the addition of biota. The AEMP should not be extended to the transportation corridor. Baffinland already monitors water quality within the corridor and should a threshold set in the Adaptive Management Plan be met, Baffinland would take any required steps in response.</i></p> <p><i>With respect to (b)(v), this has never been brought up previously within the NIRB review and there is no evidence on the record that would support this request. Given that traffic will be dramatically reduced on the Tote Road once the railway is operational, there is no grounds for NIRB to include this in the Project Certificate.</i></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: 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 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 potentially with thresholds to be established 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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>Baffinland has not established a defensible sediment threshold for Arctic char egg survival using Project-generated sediment, and the TEWG has not been dealing with freshwater fisheries issues.</p> <p>Terrestrial dustfall is monitored but the amount of dust and sediment generated by Project activities that enters aquatic systems along the tote road is unknown, as are the aquatic effects. If Phase 2 is approved Project-generated dust could increase in the short term and sediment erosion in the longer term.</p> <p>Further, rubber tires contain chemicals (e.g., antioxidants) that can be acutely toxic to aquatic biota and have caused mass mortality of salmonid fishes in streams when mobilized by runoff (e.g., Tian et al 2021). This emerging issue is a concern due to the magnitude of Project truck traffic along the tote road and unexpectedly high rate of tire wear, both of which are expected to continue</p> <p>Summary of GC Final Written Statement:</p> <p>DFO Recommend that DFO is included in stakeholder review due to the provisions on arctic char productivity. Also note that there could be a FEWG. Further, DFO supports the recommendation by the QIA to have annual reporting and to revise the AEMP if Phase 2 WL Amendment is approved. Changes to the AEMP could be discussed at the water licensing phase.</p>	
PC No. 22				
Category	Groundwater/Surface Waters - Sediment and Erosion Management Plan	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 22.</p> <p>Rationale:</p> <p>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> <p>Part D, Item 4 and 25; and Part E, Item 2.</p>	<p>Summary of QIA Final Written Statement:</p> <p>Baffinland has proposed deleting this PC Condition on the basis that it is duplicative of the Type 'A' Water License. QIA disagrees with deleting this PC Condition, as it 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.</p> <p>Summary of GC Final Written Statement:</p>	<p><i>Baffinland does not agree with this rationale, but nonetheless withdraws its request to remove this term and condition.</i></p>
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Stakeholder Review	Nunavut Water Board, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board, Qikiqtani Inuit Association	Additional regulatory licenses that are relevant also include: DFO Authorizations and any subsequent Letters of Advice; and MDMER.	DFO: DFO confirms that a Sediment and Erosion Control plan and mitigation measures are required for all of BIMs current Fisheries Act Authorizations and would be for any future Fisheries Act Authorizations. ECCC: ECCC notes Part E, Item 2 is outdated and that updated and new management plans were provided in the Phase 2 Proposal review.	
PC No. 23				
Category	Groundwater / Surface Waters - Groundwater Monitoring	No Change.	<u>Summary of QIA Final Written Statement:</u> No change <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the term and condition and currently have no comments to provide.	N/A
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			
PC No. 24				
Category	Groundwater/Surface Waters - Effluent Management	Proposed Revision: Suggest to remove PC Condition No. 24. Rationale: Effluent discharge is managed under criteria established in Type 'A' Water License, namely sections: Part E, Item 1; Part B, Item 14; Tables 4 – 15; Part F, Item 17, 18, 20, 21, 22, 23, 24, 25 and 26; and Schedule 1.	<u>Summary of QIA Final Written Statement:</u> Baffinland has proposed deleting this PC Condition on the basis that it is duplicative of the Type 'A' Water License. QIA disagrees with deleting this PC Condition, as it 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. <u>Summary of GC Final Written Statement:</u>	<i>Baffinland does not agree with this rationale, but nonetheless withdraws its request to remove this term and condition.</i>
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Stakeholder Review	Nunavut Water Board, Indigenous and Northern Affairs Canada, Qikiqtani Inuit Association, Nunavut Impact Review Board	Additional regulatory licenses that are relevant also include: MDMER. Note – if this Condition remains, consider rewording to allow for occasional spills that are effectively addressed.	All participating departments have reviewed the term and condition and currently have no comments to provide.	
PC No. 25				
Category	Landforms - Additional Geotechnical Investigations	Proposed Revision: The Proponent shall develop a detailed site wide program to monitor the thaw consolidation and strain prediction under the structures/embankments constructed as part of the Phase 2 Project. The monitoring results shall be compared with the FEIS Addendum predictions and appropriate mitigation measures shall be identified and incorporated into the adaptive management approach. Rationale: 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: Part D, Item 10; Part D, Item 18; and Part I, Item 12 and 13.	<u>Summary of QIA Final Written Statement:</u> Baffinland has proposed deleting this PC Condition on the basis that it is duplicative of the Type ‘A’ Water License. QIA disagrees with deleting this PC Condition, as it 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. <u>Summary of GC Final Written Statement:</u> CIRNAC: CIRNAC recommends that the original Term and Condition be retained, and updated to incorporate the following: The Proponent shall develop a detailed site wide program to monitor the thaw consolidation and strain prediction under the structures/embankments constructed as part of the Phase 2 Project. The monitoring results shall be compared with the Final Environmental Impact Statement Addendum predictions and appropriate mitigation measures shall be identified and incorporated into the adaptive management approach. Project phase shall include Construction, Operation and Closure. Reporting Requirement shall include a Plan to be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities. The results of monitoring and mitigation measures shall be reported annually.	<i>Baffinland does not wish to remove this condition.</i> <i>Baffinland supports the modification to the Reporting Requirements proposed by CIRNAC.</i>
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 migration and monitoring measures to minimize the impacts of the Project’s activities and infrastructure on sensitive landforms.			
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			
PC No. 26				
Category	Landforms and Soils - Erosion Management Plan			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Responsible Parties	The Proponent	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 26.</p> <p>Rationale:</p> <p>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:</p> <p>Part D, Item 4, 10 and 25; and Part E, Item 2.</p> <p>Additional regulatory licenses that are relevant also include:</p> <p>Fisheries Act.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p>Baffinland has proposed deleting this PC Condition on the basis that it is duplicative of the Type ‘A’ Water License. QIA disagrees with deleting this PC Condition, as it 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.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>DFO: DFO confirms that these provisions are stipulated in Fisheries Act authorizations.</p> <p>ECCC: ECCC notes Part E, Item 2 is outdated and that updated and new management plans provided in the Phase 2 Proposal review.</p>	<p><i>Baffinland does not agree with the rationale provided by QIA, and notes that DFO is in agreement this is duplication to provisions in Fisheries Act Authorizations.</i></p>
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			
PC No. 27				
Category	Landforms, Geology and Geomorphology - Natural Aesthetics	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 27.</p> <p>Rationale:</p> <p>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.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Rationale</u></p> <p>Baffinland proposes to remove this PC Condition on the grounds that a public consultation report was submitted to NIRB as part of the Phase 2 FEIS addendum.</p> <p>QIA only agrees with removing this PC condition if QIA New E is added to the Project Certificate. .</p> <p>If this new condition is not added by NIRB, QIA believes this condition should remain. 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.</p>	<p><i>Baffinland believes QIA Term and Condition “E” addresses CIRNAC’s concern.</i></p> <p><i>Baffinland is in agreement with QIA on QIA Term and Condition “E” and so agrees this term and condition should be removed</i></p>
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>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.</p> <p>Summary of GC Final Written Statement:</p> <p>All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have comments to provide:</p> <p>CIRNAC This T&C should remain. Public consultation reporting applies to all project phases.</p>	
PC No. 28				
Category	Landforms, Geology and Geomorphology - Permafrost	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 28.</p> <p>Rationale:</p> <p>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:</p> <p>Part D, Item 10; Part D, Item 18; Part I, Item 12 and 13; and Schedule B, 1, e, ii.</p>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Term and Condition</u></p> <p>The Proponent shall monitor the effects of the Project on the permafrost along the railways, the Tote Road, and all other Project affected areas and must implement effective preventative measures to ensure that the integrity of the permafrost is maintained.</p> <p>Summary of GC Final Written Statement:</p> <p>All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have comments to provide:</p> <p>ECCC: Please remove ECCC from the "Stakeholder Review" row (if this row item is to be added in the PC) as the Department does not hold responsibilities in regards to permafrost integrity</p> <p>NRCAN: NRCan supports the monitoring of permafrost and terrain stability along any railways constructed in the project area and notes several commitments made by the Proponent to undertake this monitoring, including to NRCan. The data generated by this monitoring should be sufficient to satisfy the reporting requirements of this Project Certificate Condition and therefore would not make this Condition onerous. Given the importance of permafrost integrity and terrain stability to the proper functioning of the proposed railways, and that permafrost degradation</p>	<p><i>Baffinland recommends the NIRB give close consideration to NRCans comments in drafting the final Term and Condition given their expertise in this area.</i></p>
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.			
Stakeholder Review	Environment Climate Change Canada, Qikiqtani Inuit Association, Nunavut Water Board, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			was a concern raised by multiple intervenors, NRCan recommends keeping this Project Certificate Condition.	
PC No. 29				
Category	Landforms, Geology and Geomorphology - Design Plans	Proposed Revision:	<p>Summary of QIA Final Written Statement:</p> <p>Baffinland proposes to remove this PC Condition as monitoring and mitigation measures are covered by the Type A Water License. QIA disagrees with deleting this PC Condition, as it 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.</p> <p>Summary of GC Final Written Statement:</p> <p>All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate.</p>	<p><i>Baffinland does not agree with this rationale, but nonetheless withdraws its request to remove this term and condition.</i></p>
Responsible Parties	The Proponent	Suggest to remove PC Condition No. 29.		
Project Phase(s)	Construction, Operations	Rationale:		
Objective	To confirm constructed components meet design as assessed.	The requirement to provide as-built drawings to regulatory agencies is mandated under the Type 'A' Water License for the Project, namely sections:		
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.	Part B, Item 12; Part D, Item 1 and 2; Part E, Item 23; Part G; and Schedule D, 1 and c.		
Reporting Requirement	To be developed following approval of the Project by the Minister.	Additional licenses that mandate established requirements for the management of water related infrastructure for the Project also include:		
Stakeholder Review	Nunavut Water Board (NWB), Nunavut Impact Review Board (NIRB), Indigenous and Northern Affairs Canada (INAC), Qikiqtani Inuit Association (QIA)	Commercial Lease No. Q13C301		
PC No. 30				
Category	Landforms, Geology and Geomorphology - Quarries	Proposed Revision:	<p>Summary of QIA Final Written Statement:</p> <p>Baffinland proposes to remove this PC Condition as monitoring and mitigation measures are covered by the Type A Water License. QIA disagrees with deleting this PC Condition, as it 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.</p> <p>Summary of GC Final Written Statement:</p>	<p><i>Baffinland does not agree with this rationale, but nonetheless withdraws its request to remove this term and condition.</i></p>
Responsible Parties	The Proponent	Suggest to remove PC Condition No. 30.		
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	Rationale:		
Objective	To provide oversight on quarry design and management.	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.		
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)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate.	

Vegetation (PC Conditions 31 through 40)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 31				
Category	Vegetation - Construction and Operations	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p>No Change.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide</p>	N/A
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			
PC No. 32				
Category	Vegetation - Construction and Operations	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition</u></p> <p>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. All sub-contractors must be trained on this requirement.</p> <p>The Proponent shall submit the process and methodology used to meet these requirements to the NIRB, the, and the TEWG. The Proponent shall implement this plan, report all monitoring data (including raw data) to</p>	<p><i>As noted above, requiring raw data is an onerous requirement which will not provide enhanced understanding. Baffinland suggests raw data could be required on request.</i></p> <p><i>Baffinland suggests that rather than “trained” on this requirement all subcontractors that bring equipment and supplies to site be aware of this requirement, as</i></p>
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Reporting Requirement	To be developed following approval of the Project by the Minister.		the NIRB, the , the TEWG, and other bodies as requested by these groups on an annual basis (at a minimum), and take all adaptive management measures described in this plan.	<i>Baffinland staff carry out the required inspections. Again, requiring “raw data” is not a practicable requirement. Baffinland has thousands of pieces of equipment that comes to site, and this would mean providing copies of every form that is filled out, for example. Baffinland a sample of this information could reasonably made available upon request if needed for a particular purpose.</i>
Stakeholder Review	Qikiqtani Inuit Association, Nunavut Water Board, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board		<u>Rationale</u> In QIA’s experience, it has not been clear how Baffinland ensures that subcontractors adhere to this Project condition. QIA therefore 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). <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the term and condition and currently have no comments to provide	
PC No. 33				
Category	Vegetation - Monitoring	<div>Proposed Revision:</div> <div>Suggest to remove PC Condition No. 33.</div> <div>Rationale:</div> <div>This duplicates requirements of PC Condition No. 38.</div>	<u>Summary of QIA Final Written Statement:</u> No change to text <u>QIA Rationale:</u> Baffinland has proposed removing this PC Condition on the grounds that it duplicated PC Condition 38. 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. That noted, if QIA’s proposed revisions to PC Condition 38 are accepted, the proposal to remove this condition is supported. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the term and condition and currently have no comments to provide.	<i>Baffinland refers the NIRB to its response to intervenor submission on Term and Condition No. 38</i>
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)			
PC No. 34				
Category	Vegetation - Monitoring	<div>Proposed Revision:</div> <div>Construction, Operations, Closure</div> <div>Rationale:</div>	<u>Summary of QIA Final Written Statement:</u> <u>QIA Term and Condition</u> The Proponent shall establish appropriate thresholds for metal concentrations in vegetation, and conduct ongoing vegetation sampling to determine metal levels in culturally important plants near project	<i>Baffinland notes that QIA has commented on its January 2021 submission and not the April 2021 submission</i>
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations			
Objective	Monitor metals concentrations in both soils and vegetation, particularly caribou forage (i.e., lichen) at varying distances from			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	the PDA to compare metal concentrations in soil and vegetation between near (impacted) and far (control) sites. Determine if metal concentrations in soil and vegetation exceed CCME and relevant available threshold levels provided in the literature.	To account for potential environmental monitoring during the closure phase of the Project. Proposed Revision: To determine if metal concentrations in soil and vegetation exceed CCME and relevant available thresholds. Rationale: See revisions to Term and Condition.	development areas. The focus of this monitoring should be within Inuit preferred harvesting areas near any Project infrastructure or activities, at locations identified in the Inuit Stewardship Plan or by relevant Hunters and Trappers Organizations. Results of this monitoring shall be reported to the, the TEWG, and other bodies as identified in the Inuit Stewardship Plan. Alternatively, in some years this monitoring could be conducted by Inuit under the CRLU monitoring program. This information would be reviewed by the Proponent. The Proponent shall take all adaptive management measures identified by the or otherwise through the Inuit Stewardship Plan if monitoring indicates that metals in culturally important vegetation are higher than thresholds adopted into the Project's Adaptive Management Plan.	<i>Baffinland suggests that monitoring locations and frequency for monitoring efforts should be identified by the Inuit Stewardship Plan, as that plan will include information provided by the relevant Hunters and Trappers Organizations.</i>
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 metal monitoring, particularly for caribou forage (i.e. lichen) or other plants identified as culturally important for harvesting to Inuit to compare metal concentrations in soil and vegetation at varying distance classes from the PDA at an appropriate frequency for monitoring established in the TEMMP. 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 outside of the PDA at the same frequency as soil monitoring under the TEMMP.	<u>QIA Rationale</u> Baffinland has proposed revisions in their Jan. 2020 submission, which includes monitoring outside of the PDA at the same frequency as soil monitoring under the TEMP. Regarding this proposed addition, QIA requests that the wording of this condition reflect the requirement for monitoring frequency and location to be as directed by Inuit and not subject to these restrictions. In the interests of not repeating measures in PC 34, this PC is now focused on vegetation (rather than soil).	
Reporting Requirement	To be developed following approval of the Project by the Minister.	Rationale: All vegetation is considered to be impacted within the PDA. Baffinland suggests that vegetation monitoring to be conducted at the same frequency as soil monitoring under the TEMMP, given that increases in soil metal concentration are highly unlikely to be observed on an annual basis and correlation in this data set. Soil monitoring frequency is currently conducted every three years.	<u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the term and condition and currently have no comments to provide.	
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	Proposed Revision:		

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
		Annual Rationale: A summary of the results of the monitoring program will be provided in the Annual Report to the NIRB.		
PC No. 36				
Category	Vegetation - Monitoring	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition</u></p> <p>The Proponent shall review their existing vegetation monitoring program with the TEWG to determine whether it adequately detects impacts to vegetation species used as caribou forage (specific lichen) near the Project development areas. The Proponent shall adhere to input from the TEWG on revisions to this program and include the revised monitoring protocol in the TEMMP.</p> <p>The Proponent shall implement the monitoring program as described in the TEMMP, report all monitoring data (including raw data) to the NIRB, the , the TEWG, and other bodies as requested by these groups on an annual basis (at a minimum), and take all adaptive management measures described in its TEMMP to reduce project impacts on lichen. If monitoring programs suggest concerns about lichen growth relative to control areas, the Proponent shall take any additional adaptive management measures identified by the Inuit Committee and the TEWG.</p> <p>Results of this monitoring program shall be used to re-estimate the zone of influence for caribou associated with this project. The Proponent is required to adhere to input from the TEWG on the appropriate methodology for re-estimating the zone of influence for caribou associated with the Project.</p> <p><u>QIA Rationale</u></p> <p>QIA believes that 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</p>	<p><i>Baffinland suggests the reference to “adhering to input from the TEWG” should be replaced with the following: Baffinland will incorporate updates as recommended by DFO and the MEWG, consistent with the decision-making requirements as outlined in the forthcoming updated MEWG Terms of Reference. Baffinland also notes that it would be onerous to provide all data. It will report on raw data to the NIRB and TEWG but raw data should only be required to be made available upon a reasonable request for a specific purpose.</i></p>
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)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>Project effects on caribou, including impacts on energetics and avoidance of the Project area</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide.</p>	
PC No. 37				
Category	Vegetation - Monitoring	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p>No Change.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide.</p>	N/A
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	<p>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.</p> <p>Any introductions of non-indigenous plant species must be promptly reported to the Government of Nunavut Department of Environment.</p>			
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	Terrestrial Environment Working Group (TEWG)			
PC No. 38				
Category	Vegetation - Adaptive Management	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>Plans within its Terrestrial Environment Management and Monitoring Plan (TEMMP). These plans shall be reviewed, on an annual basis, along with all monitoring information and the vegetation mitigation and management plans developed under its Environmental Management System, Terrestrial Environment and Monitoring Plan (TEMMP), and adjusted as required to effectively prevent or reduce the potential for significant adverse Project effects on vegetation abundance, diversity and health.</p>	<p>As a general comment, Baffinland does not agree with the suggestion that MEWG or TEWG should have the power to “direct”. Baffinland encourages NIRB to adopt the following alternative wording:</p> <p>the Proponent will implement recommendations from the TEWG and/or IC consistent with the outcomes of decision making processes</p>
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	such plans as may be required to effectively prevent or reduce the potential for significant adverse project effects on vegetation abundance, diversity and health.		<p>The Proponent shall implement relevant plans within the TEMMP, report all relevant monitoring data (including raw data) to the NIRB, the , the TEWG, and other bodies as requested by these groups on an annual basis (at a minimum), and take all adaptive management measures described in its TEMMP relevant to this program. If monitoring indicates that impacts to vegetation abundance, diversity and health are higher than thresholds adopted into the Project’s Adaptive Management Plan, the Proponent will further take any additional adaptive management measures identified by the Inuit Committee and the TEWG.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide.</p>	<p><i>established in the MEWG terms of reference or other processes outlined in the applicable management plans (ISP and AMP)’</i></p>
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.			
Stakeholder Review	Nunavut Impact Review Board, Terrestrial Environment Working Group (TEWG)			
PC No. 39				
Category	Vegetation - Reclamation and Revegetation	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 39.</p> <p>Rationale:</p> <p>See suggested revisions to PC Condition No. 149., which includes a proposal for the establishment of a Mine Closure Working Group.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>The Proponent shall develop a progressive revegetation program for disturbed areas that are no longer required for operations. This program shall 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. The Proponent shall include revegetation strategies in its Site Reclamation Plan that support</p>	<p><i>Baffinland notes that “directly associated” is vague wording. Baffinland also suggests that in addition to IQ, this term and condition should also include reference to western science. Adaptive management measures will be as set out in the Adaptive Management Plan, the Inuit Committee and TEWG will provide information that will help develop</i></p>
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	recommended that this program be directly associated with the management plans		progressive reclamation and recovery of disturbed sites compatible with the surrounding natural environment.	<i>the AMP. Baffinland does not agree that the TEWG should be empowered to give direction. Baffinland also notes that lands are required to be reclaimed in accordance with the requirements of the Water Licence and the Commercial Lease. Reporting should be to NIRB.</i>
Reporting Requirement	To be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities		To incorporate Inuit Qaujimagatuqangit into the revegetation program and Site Reclamation Plan, the Proponent shall work with the Inuit Committee to establish revegetation standards based on IQ. These standards will be used for all ongoing revegetation conducted by the Proponent and will be incorporated in the final closure and reclamation plan.	
Stakeholder Review	Nunavut Impact Review Board		<p>The Proponent shall report the results of revegetation efforts annually to the NIRB, the, the TEWG, and other bodies, and as requested by these groups on an annual basis (at a minimum), to adjust revegetation efforts as required by the Adaptive Management Plan.</p> <p><u>QIA Rationale</u></p> <p>Baffinland proposes to remove PC Condition 39 pending revisions to PC Condition 149 to establish a Mine Closure Working Group. QIA does not support removal, 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 need to be clearly outlined and strengthened.</p> <p>Proposed revisions reflect a link to the commitments from the Inuit Certainty Agreement. In addition, QIA believes that Inuit communities must have the final say in how reclamation proceeds and what constitutes a reclaimed site, incorporating considerations of returning the area to cultural use over time. Monitoring of reclamation success and adaptive management must include Inuit oversight.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a</p>	

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide: CIRNAC: This T&C should remain. The suggested revision references the establishment of a Mine Closure Working Group which does not address the requirement for the Proponent to develop and implement a progressive revegetation program for disturbed areas as stated in the original Condition.	
PC No. 40				
Category	Vegetation - Reclamation and Revegetation	Proposed Revision:	<u>Summary of QIA Final Written Statement:</u> <u>QIA Term and Condition</u> 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. <u>QIA Rationale</u> Baffinland proposes to remove this PC Condition. QIA supports removal provide the revisions to PC Condition 39 are accepted. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	<i>See Baffinland comments on PC Condition 39 above.</i>
Responsible Parties	The Proponent	Objective: To ensure that IQ and cultural use are reflected in revegetation strategies		
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	Proposed Revision		
Objective	To prevent erosion and promote progressive revegetation of disturbed areas.	Term or Condition: The Proponent shall include revegetation strategies in its reclamation plan based on both IQ and western science that support progressive reclamation, promote natural revegetation and recovery of disturbed areas compatible with the surrounding natural environment, and that incorporate cultural use standards and re-establishment of critical areas as identified by the impacted communities.		
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	Proposed Revision Stakeholder Review: QIA Rationale: See suggested revisions to PC Condition No. 149, which includes a proposal for the establishment of a Mine Closure Working Group. Added language to reflect resolution of QIA-09.		

Freshwater Environment (PC Conditions 41 through 48a)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 41				

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Category	Freshwater Aquatic Environment - Setbacks	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p>No Change.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide</p>	N/A
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			
PC No. 42				
Category	Freshwater Aquatic Environment - Setbacks	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 42.</p> <p>Rationale:</p> <p>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:</p> <p>Part D, Item 9, 13 and 25;</p> <p>Part E, Item 17;</p> <p>Part F, Item 5 and 12; and</p> <p>Part H, Item 2 and 11.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p>Baffinland proposes to remove this PC Condition as monitoring and mitigation measures are covered by the Type A Water License. QIA disagrees with deleting this PC Condition, as it 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.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate.</p>	<p><i>Baffinland does not agree with this rationale, but nonetheless withdraws its request to remove this term and condition.</i></p>
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 30-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			
PC No. 43				
Category	Freshwater Aquatic Environment - Drainage			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Responsible Parties	The Proponent	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 43.</p> <p>Rationale:</p> <p>This PC Condition is duplicative of requirements outlined in the Type ‘A’ Water License, namely sections:</p> <p>Part D, Item 4, 10 and 25; and</p> <p>Part E, Item 2.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p>Baffinland proposes to remove this PC Condition as monitoring and mitigation measures are covered by the Type A Water License. QIA disagrees with deleting this PC Condition, as it 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.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:</p> <p>ECCC: ECCC notes Part E, Item 2 is outdated and that updated and new management plans provided in the Phase 2 Proposal review.</p>	<p><i>Baffinland does not agree with this rationale, but nonetheless withdraws its request to remove this term and condition.</i></p>
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			
PC No. 44				
Category	Freshwater Aquatic Environment - Explosives	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 44.</p> <p>Rationale:</p> <p>PC Condition No. 44 duplicates regulatory requirements included within the Type ‘A’ Water License for the Project, specifically:</p> <p>Part E, Item 24.</p> <p>Additional regulatory licenses that mandate established requirements for blasting activities, includes:</p> <p>Fisheries Act.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition</u></p> <p>The Proponent shall meet or exceed the guidelines set by Fisheries and Oceans Canada for blasting thresholds including implementation of an overpressure threshold of 50kPa and implement practical and effective measures to ensure that residue and by-products of blasting do not negatively affect fish and fish habitat.</p> <p><u>QIA Rationale</u></p> <p>Baffinland has proposed deleting this PC Condition on the basis that it is duplicative of the Type ‘A’ Water License. QIA disagrees with deleting this PC Condition, as it 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</p>	<p><i>Baffinland does not agree a specific threshold should be specified in the term and condition, the overpressure threshold must be determined by DFO in accordance with the Fisheries Act per DFOs comments on this submission.</i></p>
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>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.</p> <p>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 Baffinland 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. Baffinland agreed during the Phase 2 review with a request from DFO to apply a more stringent overpressure threshold of 50 kPa, instead of the published 100 kPa threshold identified by Wright and Hopky (1998).</p> <p>Summary of GC Final Written Statement:</p> <p>All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:</p> <p>DFO: Blasting threshold are based on guidelines and scientific research. Blasting thresholds may change based on site-specific conditions. Guidelines to follow will be contained in a Letter of Advice and/or Fisheries Act Authorization</p>	
PC No. 45				
Category	Freshwater Aquatic Environment - General	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 44.</p> <p>Rationale:</p> <p>PC Condition No. 45 duplicates regulatory requirements included within the Type 'A' Water License for the Project, specifically:</p> <p>Part E, Item 2.</p>	<p>Summary of QIA Final Written Statement:</p> <p>Baffinland proposes to remove this PC Condition as monitoring and mitigation measures are covered by the Type A Water License. QIA disagrees with deleting this PC Condition, as it 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.</p>	<p><i>Baffinland does not agree a specific threshold should be specified in the term and condition. Thresholds must be determined by DFO in accordance with the Fisheries Act and available guidelines per DFOs comments on this submission.</i></p>
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Stakeholder Review	Fisheries and Oceans Canada	Additional regulatory licenses that mandate established requirements for blasting activities, includes: DFO Authorizations.	<u>Summary of GC Final Written Statement:</u> DFO Blasting threshold are based on guidelines and scientific research. Blasting thresholds may change based on site-specific conditions. Guidelines to follow will be contained in a Letter of Advice and/or Fisheries Act Authorization	
PC No. 46				
Category	Freshwater Aquatic Environment - Drainage	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 46.</p> <p>Rationale:</p> <p>PC Condition No. 46 duplicates regulatory requirements included within the Type 'A' Water License for the Project, specifically:</p> <p>Tables 4 – 15; Part D, Item 15; and Part F, Item 17, 18, 20, 21, 22, 23, 24, 25, and 26.</p> <p>Additional regulatory licenses that mandate established discharge requirements for effluent from fuel storage and maintenance facility areas, sewage and wastewater facilities includes:</p> <p>MDMER.</p> <p>Note – if this Condition remains, consider rewording to allow for occasional spills that are effectively addressed.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p>Baffinland proposes to remove this PC Condition as monitoring and mitigation measures are covered by the Type A Water License. QIA disagrees with deleting this PC Condition, as it 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.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:</p> <p>ECCC: ECCC seeks clarification from Baffinland in regards to their rationale that MDMER applies to effluent from the fuel storage and maintenance facilities, sewage and wastewater facilities.</p>	<p><i>Baffinland does not agree with this rationale, but nonetheless withdraws its request to remove this term and condition.</i></p> <p><i>Baffinland agrees with ECCC that MDMER does not apply to these areas.</i></p>
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			
PC No. 47				
Category	Freshwater Aquatic Environment – Watercourses	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 47.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p>The Proponent shall ensure that all Project infrastructure in watercourses are designed and constructed, and maintained in such a manner that they</p>	<p><i>Baffinland is in agreement with QIA's edits. Nevertheless, Baffinland thanks DFO for confirmation that</i></p>
Responsible Parties	The Proponent			
Project Phase(s)	Construction			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Objective	To prevent blockages or restrictions to fish passage.	<p>Rationale:</p> <p>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> <p>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> <p>Additional regulatory licenses that mandate established requirements for blasting activities, includes:</p> <p>DFO Authorizations and Letters of Advice.</p>	<p>do not unduly prevent or limit the movement of water and natural movements of fish in fish bearing streams and rivers.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>DFO: If a FEWG is going to be developed, this may need to be included with T&C’s related to it. Fish passage will be assessed in our regulatory process and long-term provisions would be included in any Fisheries Act Authorization.</p>	<p><i>this Term and Condition is duplicative of relevant regulatory requirements under the Fisheries Act.</i></p>
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)			
PC No. 48				
Category	Freshwater Aquatic Environment – Explosives	<p>Rationale:</p> <p>PC Condition No. 48 duplicates regulatory requirements included within the Type ‘A’ Water License for the Project, specifically:</p> <p>Part E, Item 24.</p> <p>Additional regulatory licenses that mandate established requirements for blasting activities, includes:</p> <p>Fisheries Act.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p>Baffinland has proposed deleting this PC Condition on the basis that it is duplicative of the Type A Water License. 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.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:</p>	<p><i>Baffinland retains the position that a specific threshold should not be specified in the term and condition. Thresholds must be determined by DFO in accordance with the Fisheries Act and available guidelines per DFOs comments on this submission.</i></p> <p><i>Baffinland supports DFOs suggestion that the FEWG could be recognized as a Responsible Party within this Term and Condition.</i></p>
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>DFO: Blasting impacts to fish and fish habitat can be managed and mitigated through DFO’s regulatory mechanisms, and may require more site-specific advice than what is referenced here. DFO has no concerns with removal of this from the Project Certificate.</p> <p>It is unclear if the workshops referenced are intended to be held in the interim until the Freshwater Environment Working Group (FEWG) is developed, or if these workshops are separate from the FEWG. DFO recommends that these workshops/monitoring are more long-term given the chronic issues with the Tote Road, and the proposed railway will also contain a high number of crossings. Two years is insufficient time for long-term adaptive management of these linear developments. If these workshops are related to the FEWG, these revisions could be incorporated into Term and Condition 186, which clearly references the FEWG.</p>	
PC No. 48(a)				
Category	Freshwater Aquatic Environment - Arctic char	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition</u></p> <p>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 (Koluktoo and alternate spellings). The Proponent shall consult with the MHTO regarding the design, timing, and location of proposed surveys and ongoing monitoring.</p> <p>Metrics for assessing the health of juvenile Arctic char shall be developed in conjunction with the FEWG, and Inuit Committee 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.</p> <p><u>QIA Rationale</u></p> <p>QIA supports the requirements of this condition however additional requirements are needed to ensure the health of juvenile Arctic char using the tote road streams is monitored. 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). This PC Term and Condition is the primary way QIA can ensure</p>	<p><i>Baffinland can support this language but suggest that the reference to the word “juvenile” should be removed for consistency with Commitment 201, which reads as follows:</i></p> <p><i>201 - Baffinland collects and reports data on fish presence, catch per unit effort, and fork length from 30-60 crossing sites along the Tote Road annually. Baffinland commits to adding observations regarding physical condition of fish (e.g., lesions, injuries, activity level). Baffinland and QIA will determine an appropriate approach to analysis and development of a metric for monitoring fish health for the 2022 reporting period. The program will be evaluated every three (3) years to determine if monitoring locations may be reduced due to no</i></p>
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)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>compliance. Fish passage and Arctic char health information should be provided in the annual reports to NIRB as these are not simply a water license or DFO regulatory concern.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide.</p>	<p><i>observations of project related-impacts.</i></p>

Terrestrial Environment (PC Conditions 49 through 64)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 49				
Category	Terrestrial Wildlife and Wildlife Habitat - Terrestrial Environment Working Group	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>The Proponent shall establish A Terrestrial Environment Working Group (TEWG) shall be established as an oversight body to fulfill the intended objectives. The operation of the TEWG shall not duplicate or impede the exercise of regulatory authority of authorizing agencies or government. The TEWG shall have the following permanent members: The Proponent, the Qikiqtani Inuit Association, the Government of Nunavut, the Government of Canada, the Qikiqtaaluk Wildlife Board. A Terms of Reference shall be established that guides additional membership. The TEWG shall be chaired by a member appointed by the Inuit Committee (this chairperson shall be in addition to the Qikiqtani Inuit Association's membership).</p> <p><u>QIA Rationale</u></p> <p>Observations from TEWG members have been consistent that current TEWG structure is ineffective and inefficient. Meetings of the TEWG are currently chaired by the Proponent, creating a conflict of interest for responsible environmental effect oversight. The Proponent has committed to a jointly developed Adaptive Management Plan and associated development process with QIA. By forming a direct link between the Inuit Committee and the TEWG, Inuit perspectives and IQ will be brought forward in an integrated fashion and codified into specific monitoring and oversight</p>	<p><i>Baffinland does not object to referring to the TEWG as an "oversight" if the implication is that it is a group that monitors and makes recommendations to assist in ensuring we are meeting our terms and conditions.</i></p> <p><i>Baffinland also clarifies that the reference to the QWB would be a single representative from the QWB. Baffinland is open to not chairing these groups going forward, but suggests a chair should be selected among the TEWG members and the IC rather than mandated by a TC.</i></p>
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)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>recommendations for discussion and consideration of project changes. Discussion and consideration of western science remains unchanged, and linking the Inuit Committee will ensure that the TEWG also properly integrates IQ and Inuit perspectives into discussions, and will strengthen the working group's ability to affect change through adaptive management at the Project.</p> <p>As multiple HTOs are interested in joining the TEWG, it is suggested that QWB be the member and assign a participant to the TEWG. Many terrestrial wildlife are migratory or nomadic; having just one specific HTO sit on the TEWG may not be adequate. The QWB will represent all HTOs through their structure under the Nunavut Agreement.</p> <p>Summary of GC Final Written Statement:</p> <p>All participating departments have reviewed the term and condition and the following department(s) have comments to provide:</p> <p>ECCC Since the TEWG has already been established, ECCC proposes: "The Proponent shall maintain a Terrestrial Environment Working Group..."</p>	
PC No. 50				
Category	Terrestrial Wildlife and Habitat – General	No Change.	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Terms and Conditions</u></p> <p>The Proponent shall continue to develop and implement Project- specific monitoring for the terrestrial environment, and 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. The Proponent shall adhere to all thresholds through identified adaptive management measures or any other measures deemed appropriate by the Inuit Committee and the TEWG. 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).</p> <p>Key areas of focus are:</p>	<p><i>Baffinland suggests the following revised wording, "Baffinland will implement additional measures consistent with the TEWG terms of reference with respect to consensus based decision making, and any other applicable process as outlined in relevant management plans" QIA and the Inuit Committee maintain the power to agree to management plans under the revised Mary River IIBA.</i></p> <p><i>Baffinland further suggests that a Term and Condition need not outline key areas of focus for the monitoring plan as these should be flexible (i.e. responsive to key areas of concern) and appropriately refined over time. Moreover, it is</i></p>
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Stakeholder Review	Terrestrial Environment Working Group (TEWG)		<p>the terrestrial environment, including but not limited to methods and interpretations related to re-estimating the zone of influence for caribou around project components;</p> <p>design mitigations during construction to ensure permeability of the railway to caribou;</p> <p>monitoring, mitigations and adaptive management related to impacts of the transportation corridor on caribou;</p> <p>Project monitoring methods, interpretation, and adaptive management related to caribou avoidance of the project area;</p> <p>and caribou group sizes required to enact rail and road closures,</p> <p>The Proponent will fund the any and all meetings required to develop this input between the Inuit Committee and the TEWG.</p> <p><u>QIA Rationale</u></p> <p>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. Baffinland 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.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide.</p>	<p><i>expected these will be determined in cooperation with the TEWG and based on monitoring for potential effects of the Project as identified in the FEIS or through the adaptive management plan.</i></p> <p><i>Funding for these meetings has already been agreed between Baffinland and QIA under the ICA.</i></p>
PC No. 51				
Category	Terrestrial Wildlife and Habitat – General	No Change.	<u>Summary of QIA Final Written Statement:</u>	<i>As a general comment, Baffinland does not agree with the suggestion</i>
Responsible Parties	The Proponent and/or TWEG			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring		<u>QIA Term and Condition</u> The Proponent, either directly or as part of the TEWG shall consider and where appropriate cooperate with participate in and resource regional and/or, cooperate with relevant regional and/or community-based monitoring initiatives that raise issues or produce information pertinent to mitigating Project-induced impacts. As directed by the TEWG and the Inuit Committee, the Proponent shall support regional studies of population health and harvest programs for North Baffin caribou which help address areas of uncertainty for Project impact predictions. <u>QIA Rationale</u> 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, given the 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. Baffinland 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. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the term and condition and currently have no comments to provide	<i>that MEWG/TEWG should have the power to “direct”. Baffinland encourages NIRB to adopt the following alternative wording:</i> <i>the Proponent will implement recommendations from the MEWG and/or IC consistent with the outcomes of decision making processes established in the MEWG terms of reference or other processes outlined in the applicable management plans (ISP and AMP)’</i> <i>Baffinland notes that NIRB should not include a requirement for the Proponent to resource/finance any regional monitoring programs within the Project Certificate. Further, this is not necessary as GN has indicated that regional monitoring will be resourced by GN whether Baffinland contributes or not. GN also may wish to undertake this monitoring independently, and consults with HTOs, but not with Baffinland, in designing and carrying out its programs each year. Required adaptive management actions will be set out in the Adaptive Management Plan. As noted above, PC terms and conditions should not expand the jurisdiction of bodies such as the TEWG to issue “directions”.</i>
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)			
PC No. 52				

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Category	Terrestrial Wildlife and Habitat - Caribou	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 52.</p> <p>Rationale:</p> <p>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.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Rationale</u></p> <p>Baffinland has proposed removing this PC Condition as it is covered under other conditions. QIA supports removing this PC Condition only if proposed amendments to PC Conditions 50, 51 and 53 are accepted, in addition to QIA proposed new PC Condition related to caribou monitoring.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>CIRNAC See correct use of plural form for Inuksuk.</p>	<p><i>Baffinland has serious concerns with the proposed wording of the specified PC Conditions. As such it is acceptable to Baffinland to retain PC Condition No. 52.</i></p>
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)			
PC No. 53				
Category	Terrestrial Wildlife and Habitat - Caribou	<p>Proposed Revision:</p> <p>Suggest to add:</p> <p>With respect to the construction and operation of the North Railway, enhancement of existing mitigation measures in the appropriate monitoring plans to reduce potential interference with caribou, including incorporation as appropriate of the specific measures included in the Commitment List regarding the operation of the railway and design modifications to aid in caribou crossing:</p> <p>With respect to the construction and operation of the North Railway, the Proponent shall implement a multi-dimensional approach to monitoring involving Inuit staff and incorporating Inuit interests;</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition</u></p> <p>The Proponent shall develop a railway construction, operation and maintenance management plan and a roads management plan, which shall contain the following information at a minimum:</p> <p>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.</p> <p>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.</p> <p>Specific measures to reduce the impacts of snow on the ability of caribou to cross the rail and road must be included.</p>	<p><i>See elsewhere general comments from Baffinland encouraging the NIRB to give careful consideration to the development of overly prescriptive Terms and Conditions. Baffinland notes the final wording of the TC must be clear and enforceable, and allow for adaptability within the Project (e.g. based on monitoring results, new technologies, etc.) over time.</i></p> <p><i>The ISP covers independent Inuit led monitoring which by design Baffinland does not control. It is also noted that crossings need to be technically feasible, safe, and permitted from a regulatory</i></p>
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: 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. b) 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. c) 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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	<p>monitoring and mitigation measures shall be developed in conjunction with the Terrestrial Environment Working Group.</p> <p>d) Evaluation of the effectiveness of proposed caribou crossings over the railway, Milne Inlet Tote Road and access roads as well as the appropriate number.</p> <p>e) 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.</p> <p>f) 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.</p>	<p>With respect to the construction of the North Railway, the Proponent shall hold a workshop on wildlife crossing design with Inuit, organized in consultation with the Qikiqtani Inuit Association, the Hamlet of Pond Inlet and the MHTO, and demonstrate in a follow-up report to the NIRB how it has used Inuit input to finalize wildlife crossings, land user crossings, slope designs, and develop appropriate adaptive management measures as captured in relevant management plans. All members of the TEWG will be invited to attend the workshop, which will also consider identification of appropriate specific locations for steeper and gentler slope designs.</p>	<p>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, the and otherwise in accordance with the Inuit Stewardship Plan.</p> <p>Evaluation of the effectiveness of proposed caribou crossings over the railway, Milne Inlet tote road and access roads as well as the appropriate number. The evaluation shall be conducted with the Terrestrial Environment Working Group, the and/or as described in the Inuit Stewardship Plan. The Proponent shall adhere to decisions from the evaluation regarding the location and number of caribou crossings over the railway, the Tote Road and access roads.</p> <p>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</p> <p>Protocols for monitoring, documenting and reporting all caribou collisions and mortalities.</p> <p>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.</p> <p>The Proponent shall take all relevant adaptive management measures described in the TEMMP based on monitoring results. If monitoring indicates that an identified threshold has been exceeded and/or if additional adaptive management measures are requested by the Inuit Committee to address concerns arising from any related or independent monitoring programs, the Proponent shall further take any additional adaptive management measures identified through consultation with the Inuit Committee and the TEWG.</p> <p>The Proponent is required to adhere to input developed by the Inuit Committee and/or the Terrestrial Environment Working Group for design mitigations during construction to ensure permeability of the railway to caribou; monitoring, mitigations and adaptive management related to impacts of the transportation corridor on caribou; monitoring methods,</p>	<p><i>standpoint under the Railway Safety Act (crossings require TC approval).</i></p> <p><i>Baffinland suggests that as noted above, the term and condition should defer to the processes in the working group terms of reference for consensus based decision making. As noted above, PC terms and conditions should not expand the jurisdiction of bodies such as the TEWG or IC to issue “directions”. Baffinland also notes that the QIA has an approval role over the AMP in accordance with the ICA.</i></p> <p><i>Baffinland agrees with the comments provided by Transport Canada.</i></p>
Reporting Requirement	To be developed following approval of the Project by the Minister.	Rationale:		
Stakeholder Review	Terrestrial Environment Working Group (TEWG), QIA	<p>(g) is suggested to address resolution of QIA-02</p> <p>(h) is suggested to address resolution of QIA-01 and QIA-02</p> <p>(i) is suggested to address resolution of QIA-01 and QIA-02</p>		

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>interpretation, and adaptive management related to caribou avoidance of the project area; and caribou group sizes required to enact rail and road closures. The Proponent will fund the any and all meetings required to develop this input involving the Inuit Committee and the TEWG.</p> <p><u>QIA Rationale:</u></p> <p>QIA believes that revisions are required to ensure that priority consideration is given to adaptive management triggers and responses, and that monitoring of activity near the road and the railway is retained and appropriate standards for this monitoring are met (e.g., frequency of snow tracking surveys).</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>TC Suggest to add: Any deterrents established along the railway must be developed in accordance with the Railway Safety Act, and its associated Regulations and Rules, and take into consideration the operational safety of the railway.</p>	
PC No. 54				
Category	Terrestrial Wildlife and Habitat - Caribou	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 54.</p> <p>Rationale:</p> <p>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.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>The Proponent, within 6 months of the issuance of any revised Project certificate, shall provide an updated Terrestrial Environment Management and Monitoring Plan that reflects input from Inuit in accordance with the Inuit Stewardship Plan, and the, and shows how inputs from the Culture, Resources, and Land Use Monitoring Program will be integrated into management and monitoring.</p> <p>The revised TEMMP shall incorporate input from the Terrestrial Environment Working Group (TEWG) into all monitoring methods, thresholds, and adaptive management responses.</p> <p><u>QIA Rationale</u></p> <p>Baffinland proposes to remove this PC Condition, and capture further updates to the TEMMP as commitments. QIA's proposed revisions capture the relationship between the TEMMP and the commitments from the Inuit Certainty Agreement.</p>	<p><i>Baffinland suggests that as the updated TEMMP will be dependent on the QIA's completion of the ISP that the timeline should be 6 months from the completion of the ISP (see Commitment 223, Commitment List).</i></p>
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	<p>The Proponent shall provide an updated Terrestrial Environmental Management and Monitoring Plan which shall include, but not be limited to the following:</p> <ol style="list-style-type: none"> Details of the methods and rationale for conducting monitoring prior to the commencement of construction; Monitoring for caribou presence and behavior during railway and Tote Road construction; <p>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;</p>			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	<p>Details of monitoring and mitigation activities, which should be established in collaboration with the Terrestrial Environment Working Group and are expected to include:</p> <p>Dustfall (fugitive and Total Suspended Particulates), that addresses methods to reduce risk to caribou forage from dustfall;</p> <p>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.</p> <p>Details of monitoring thresholds related to level of mitigation and management; and</p> <p>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.</p>		<p><i>Baffinland suggests that as the updated TEMMP will be dependent on the QIA's completion of the ISP that the timeline should be 6 months from the completion of the ISP (see Commitment 223, Commitment List).</i></p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.</p>	
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			
PC No. 55				
Category	Terrestrial Wildlife and Habitat - Wolves	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p>No Change.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide</p>	N/A
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	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)			
PC No. 56				
Category	Terrestrial Wildlife and Habitat - Wildlife Habitat	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 56.</p> <p>Rationale:</p> <p>See suggested revisions to PC Condition No. 149, which includes a proposal for the establishment of a Mine Closure Working Group.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>The Proponent shall develop a strategy for the recovery of terrestrial wildlife habitat in a progressive manner that is consistent with the Nunavut Wildlife Act. 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.</p> <p><u>QIA Rationale</u></p> <p>Baffinland proposes removing this PC Condition based on proposed revisions to PC Condition 149 to create a Mine Closure Working Group. QIA does not support removing this PC Condition. QIA does not support removal, as condition 149 addresses economic and social impacts of closure for Inuit and does not specifically include requirements for habitat reclamation. It is not clear how the proposed content of PC 149 will address this requirement to reclaim disturbed wildlife habitat.</p> <p><u>Summary of GC Final Written Statement:</u></p>	<p><i>Baffinland notes that lands are required to be reclaimed in accordance with the requirements of the Water Licence and the Commercial Lease. This is in addition to opportunities to engage the Mine Closure Working Group to establish closure objectives.</i></p>
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.q			
Stakeholder Review	Qikiqtani Inuit Association, Nunavut Water Board, Indigenous and Northern Affairs Canada			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			CIRNAC This T&C should remain. The suggested revisions to PC Condition 149 does not address the development of a strategy for progressive recovery of terrestrial wildlife habitat.	
PC No. 57				
Category	Terrestrial Wildlife and Habitat - Reporting	<p>Proposed Revision:</p> <p>The Proponent shall report annually regarding its terrestrial environment monitoring efforts, with inclusion of the following information:</p> <ol style="list-style-type: none"> Description of all updates to terrestrial ecosystem baseline data; A description of the involvement of Inuit in the monitoring program; 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; 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; Results of the annual monitoring program, including field methodologies and statistical approaches used to support conclusions drawn; A summary of the chronology and level of mine activities (such as vehicle frequency and type); An assessment and presentation of annual environmental conditions including timing of snowmelt, green-up, as well as standard weather summaries; 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>An annual summary of traffic levels on the Milne Inlet Tote Road and rail transits);</p> <p>An assessment and presentation of annual environmental conditions relative to data collected.</p> <p>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> <p>An analysis of wildlife responses to operations with emphasis on calving and post-calving caribou behaviour and displacements (if</p>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Rationale</u></p> <p>QIA does not support Baffinland’s proposal to remove the requirement to monitor vehicle traffic and types along the Tote Road. QIA believes the original language of the PC Condition should be retained.</p> <p>Summary of GC Final Written Statement:</p> <p>TC: TC supports the addition of part (F) related to annual summary of traffic levels.</p>	<p><i>Baffinland notes for clarity that use of the Tote Road will be minimal during Phase 2, this level of monitoring is not appropriate relative to associated Project effects.</i></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>The Proponent shall report annually regarding its terrestrial environment monitoring efforts, with inclusion of the following information:</p> <p>Description of all updates to terrestrial ecosystem baseline data;</p> <p>A description of the involvement of Inuit in the monitoring program;</p> <p>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;</p> <p>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;</p> <p>Results of the annual monitoring program, including field methodologies and statistical approaches used to support conclusions drawn;</p> <p>A summary of the chronology and level of mine activities (such as vehicle frequency and type);</p> <p>An assessment and presentation of annual environmental conditions including timing of snowmelt, green-up, as well as standard weather summaries;</p> <p>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>			
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		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
		<p>any), and caribou responses to and crossing of the railway, the Milne Inlet Tote Road and associated access roads/trails (if any);</p> <p>A description of the extent of dustfall based on measured levels of dustfall (fugitive and finer particles such as TSP) on vegetation</p> <p>Commentary:</p> <p>Certain monitoring described above may not be undertaken in years where caribou are not observed in meaningful numbers in the Project area. In the event this occurs, in order to achieve compliance with this Term and Condition the Proponent shall clearly describe the reasons that such monitoring was not carried out in its Annual Report.</p> <p>Rationale:</p> <p>Proposed revisions provides a more focused scope for reporting on terrestrial environment monitoring activities and inter-annual trends.</p>		
PC No. 58				
Category	Terrestrial Wildlife and Habitat - Reporting	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 58 (note TC 58 b, c, d and f incorporated at revised No. 58 above).</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>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Rationale</u></p> <p>Baffinland proposes removing this PC Condition on the grounds that it is duplicative of other conditions. QIA does not support removing this PC 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.</p> <p>Summary of GC Final Written Statement:</p>	<p><i>Baffinland notes that GN is in agreement that this condition should be removed.</i></p> <p><i>Baffinland and GN will sign a data sharing agreement as part of the caribou research agreement. The data collected under this agreement cannot be shared publically.</i></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> <p>An examination for trends in the measured natural variability of Valued Ecosystem Components in the region relative to the baseline reporting;</p> <p>A detailed analysis of wildlife responses to operations with emphasis on calving and post-calving caribou behaviour and displacements (if any), and caribou</p>			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	<p>responses to and crossing of the railway, the Milne Inlet Tote Road and associated access roads/trails;</p> <p>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;</p> <p>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;</p> <p>Any proposed changes to the monitoring survey methodologies, statistical approaches or proposed adaptive management stemming from the results of the monitoring program;</p> <p>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.</p>		All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.			
Stakeholder Review	Nunavut Impact Review Board, Terrestrial Environment Working Group (TEWG)			
PC No. 59				
Category	Terrestrial Wildlife and Habitat – Aircraft Disturbances	<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 the Terrestrial Environment Working Group and relevant regulatory authorities such as Transport Canada to monitor adherence and to follow up on complaints.</p> <p>Subject to safety requirements or other appropriate pilot rationale for low altitudes, the</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></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> <p>650 m during point to point travel when in areas likely to have migratory birds and when within 1 horizontal km of calving / post calving areas for caribou;</p>	<p><i>As noted above, the ISP is for Inuit monitoring as per QIA NEW A. Baffinland suggests that the reference should be to special management zones, which may include no fly windows. This is not a request made during the review or supported by evidence submitted by QIA. Further discussions relating to need and feasibility should be left for the TEWG and Inuit Committee, but no fly mitigations and minimum short-distance flight altitudes should</i></p>
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring			
Objective	To mitigate aircraft disturbance to wildlife and Inuit harvesting.			
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	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.	Proponent shall require all project related aircraft to maintain a cruising altitude of at least: 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.	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. The Proponent shall, within 6 months Project Certificate issuance, work with the TEWG and aircraft pilots to identify a minimum short- distance flight altitude that provides a reasonable compromise between safety and avoiding disturbance to wildlife. The Proponent shall work in accordance with the Inuit Stewardship Plan to identify no-fly zones within the Project area, incorporating considerations of human use, wildlife use, and timing windows for wildlife. Summary of GC Final Written Statement: ECCC: ECCC supports eliminating duplication between condition No. 59, 71 and 72. The TC could be further simplified by merging the last 2 bullets: “1100 m vertical or 1500 m horizontal distance from observed concentrations of migratory birds, including the area identified as a key site for moulting snow geese from July to August.” TC: TC is supportive of the inclusion of references to pilot and aircraft safety.	<i>not be included in term and condition language.</i>
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	Terrestrial Environment Working Group (TEWG)	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. This includes the use of established flight corridors, when possible, to avoid areas of significant wildlife importance. Rationale: Revised to eliminate duplication that currently exists between PC Condition No. 59, 71 and 72 and to enhance enforceability. Proposed Revision: Construction, Operations, Closure Rationale: To reflect implementation of mitigation measures, subject to safety requirements, throughout the life of the Project.		
PC No. 60				
Category	Terrestrial Wildlife and Habitat – Explosives			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Responsible Parties	The Proponent	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 60 – see related revisions to TC 61 to reduce number of terms and conditions.</p> <p>Rationale:</p> <p>Restriction of blasting activities when migrating caribou, sensitive local carnivores or birds may be negatively affected is accounted for by PC Condition No. 61.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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 caribou, sensitive local carnivores or birds may be negatively affected.</p> <p>The Proponent shall work with the Inuit Committee and the TEWG to identify timing windows to avoid blasting, including seasonal and daily timing windows.</p> <p>The Proponent shall report out on compliance with these requirements annually, and take all adaptive management measures identified by the Inuit Committee or the TEWG if monitoring indicates that noise and disturbance associated with explosives is greater than thresholds adopted into the Project's Adaptive Management Plan.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide</p>	<p><i>Baffinland Response to QIA As a general comment, Baffinland does not agree with the suggestion that MEWG should have the power to “direct”. Baffinland encourages NIRB to adopt the following alternative wording:</i></p> <p><i>the Proponent will implement recommendations from the MEWG and/or IC consistent with the outcomes of decision making processes established in the MEWG terms of reference or other processes outlined in the applicable management plans (ISP and AMP)’</i></p> <p><i>Baffinland notes that the reference to “seasonal” is unclear as blasting is a critical year round activity. Adaptive management will occur in accordance with the approved Adaptive Management Plan. As noted above, PC terms and conditions should not expand the jurisdiction of bodies such as the TEWG or IC to issue “directions”. Baffinland also notes that the QIA has an approval role over the AMP in accordance with the ICA, and that PC 61 identified adaptive management strategies should interactions between wildlife and blasting activities be identified.</i></p>
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			
PC No. 61				
Category	Terrestrial Wildlife and Habitat - Operations (General)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Responsible Parties	The Proponent, TEWG	Proposed Revision: 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. The Proponent shall develop and implement as part of its operating procedures measures which minimize the effects of blasting on terrestrial wildlife that includes, but is not limited to the restriction of blasting when migrating caribou and other wildlife are in the blasting area. Note revision above is consistent with TEMMP, Section 3.3.1.	<u>Summary of QIA Final Written Statement:</u> <u>QIA Term and Condition</u> 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 and in accordance with the Inuit Stewardship Plan <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	<i>The definition should be consistent with any definition developed under the ISP.</i>
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)			
PC No. 62				
Category	Terrestrial Wildlife and Habitat - Operations (General)	Proposed Revision: Suggest to remove PC Condition No. 62 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. See also suggested revisions to PC Condition No. 124.	<u>Summary of QIA Final Written Statement:</u> QIA agrees with Baffinland’s proposed revision and rationale. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	<i>Baffinland recommend the NIRB remove this condition in light of the rationale provided and agreement noted by QIA.</i>
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			
PC No. 63				
Category	Terrestrial Wildlife and Habitat - Public Engagement	No Change.	<u>Summary of QIA Final Written Statement:</u>	N/A
Responsible Parties	The Proponent, local Hunters and Trappers Organizations			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring		No Change. QIA defers to local HTOs on this Term and Condition. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the term and condition and currently have no comments to provide	
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)			
PC No. 64				
Category	Terrestrial Wildlife and Habitat - Waste Management	No Change.	<u>Summary of QIA Final Written Statement:</u> Replace reference to EPP with Waste Management Plan. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the term and condition and currently have no comments to provide.	Baffinland agrees with QIAs edits.
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).			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
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.			

Birds (PC Conditions 65 through 75)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No.65				
Category	Birds - Awareness	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p>No Change.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide</p>	N/A
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)			
PC No. 66				
Category	Birds - Species at Risk	<p>Proposed Revision:</p> <p>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</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition</u></p> <p>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.</p>	<p>Baffinland suggests the NIRB defer to ECCC on proposed revisions given their expertise and regulatory oversight in this area.</p>
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	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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	basis of the species-specific nest setback distances outlined in the Terrestrial Environment Management and Monitoring Plan.	the Terrestrial Environment Management and Monitoring Plan. Rationale: Revisions allows for enhanced enforceability. Proposed Revision: Annual. Rationale: Reporting on implementation of PC Condition No. 66 would be included in the Annual Report to the NIRB as relevant.	The Proponent shall report out on compliance with these requirements in accordance with the Inuit Stewardship Plan, and take all adaptive management measures identified by the Inuit Committee and the if monitoring indicates unacceptable impacts to bird species. <u>Summary of GC Final Written Statement:</u> ECCC: ECCC recommends adding, “If it is determined that observance of these setbacks is not feasible, the Proponent will develop nest-specific guidelines and procedures to ensure birds’ nests and their young are protected.” for consistency with TC#70.	
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	Terrestrial Environment Working Group (TEWG)			
PC No. 67				
Category	Birds - Species at Risk	No Change.	<u>Summary of QIA Final Written Statement:</u> No change. <u>Summary of GC Final Written Statement:</u> ECCC: Reporting on implementation of Condition No. 67 could be included in the Annual Report to the NIRB as an annually updated table of species at risk potentially interacting with project components. This will ensure that mitigation and monitoring strategies developed for Species at Risk are adequate throughout the life of the project. Proposed reporting requirement revision: Annual.	<i>Baffinland agrees with proposed revisions by ECCC.</i>
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)			
PC No. 68				
Category	Birds - Project Infrastructure	Proposed Revision: The Proponent shall ensure appropriate deterrents are installed on communication	<u>Summary of QIA Final Written Statement:</u> QIA supports revisions proposed by Baffinland.	<i>It is noted that all Parties have agreed to revisions proposed by Baffinland.</i>
Responsible Parties	The Proponent			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring	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.	<u>Summary of GC Final Written Statement:</u> ECCC: ECCC supports the revision as it adds flexibility in the selection of deterrents to adjust to best available information, but notes that there has been bird collision mortalities at the project outside the “24 hours of light” period.	
Objective	To prevent potential injuries to birds.			
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.			
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.			
Stakeholder Review	Environment and Climate Change Canada (ECCC), Terrestrial Environment Working Group (TEWG)			
PC No. 69				
Category	Birds - Construction/Clearing Activities	No Change.	<u>Summary of QIA Final Written Statement:</u> No change. <u>Summary of GC Final Written Statement:</u> ECCC Proposed reporting requirement revision: Annual.	Baffinland agrees with ECCC proposed revisions.
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)			
PC No. 70				
Category	Birds - Construction/Clearing Activities	No Change.	<u>Summary of QIA Final Written Statement:</u> No change. <u>Summary of GC Final Written Statement:</u>	N/A
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Objective	To prevent impacts to birds and nesting areas.		All participating departments have reviewed the term and condition and currently have no comments to provide.	
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)			
PC No. 71				
Category	Birds - Flight Altitude Requirements	Proposed Revision: Suggest to remove PC Condition No. 71 following merge with PC Condition No. 59. Rationale: See proposed revisions to PC Condition No. 59, which has been updated to incorporate PC Condition No. 71 to reduce duplication.	<u>Summary of QIA Final Written Statement:</u> QIA agrees with Baffinland to remove this Term and Condition. <u>Summary of GC Final Written Statement:</u> ECCC: ECCC supports eliminating duplication between condition No. 59, 71 and 72.	<i>It is noted that all Parties have agreed to revisions proposed by Baffinland.</i>
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: 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.			
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	Terrestrial Environment Working Group (TEWG)			
PC No. 72				
Category	Birds - Flight Altitude Requirements			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment	
Responsible Parties	The Proponent, Transport Canada	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 72 following merge with PC Condition No. 59.</p> <p>Rationale:</p> <p>See proposed revisions to PC Condition No. 59, which has been updated to incorporate PC Condition No. 72 to reduce duplication.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p>QIA agrees with Baffinland.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>ECCC: ECCC supports eliminating duplication between condition No. 59, 71 and 72.</p>	<p><i>It is noted that all Parties have agreed to revisions proposed by Baffinland.</i></p>	
Project Phase(s)	Construction, Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring				
Objective	To mitigate aircraft disturbance to birds.				
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				
PC No. 73					(TEWG)
Category	Birds	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 73.</p> <p>Rationale:</p> <p>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.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p>QIA agrees with Baffinland.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>ECCC: ECCC supports the removal of 73 and revisions to 74.</p>	<p><i>It is noted that all Parties have agreed to revisions proposed by Baffinland.</i></p>	
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)				
PC No. 74					
Category	Birds – Monitoring				

(TEWG)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Responsible Parties	The Proponent	<p>Proposed Revision:</p> <p>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.</p> <p>Rationale:</p> <p>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.</p> <p>Proposed Revision:</p> <p>Annually</p> <p>Rationale:</p> <p>Summarized results of monitoring programs and mitigation measures to be included in the Annual Report to the NIRB.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition</u></p> <p>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.</p> <p>The Proponent shall report on compliance with these requirements annually, and take all adaptive management measures identified by the Inuit Committee (???) and in accordance with the Inuit Stewardship Plan if monitoring indicates unacceptable impacts to bird species.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>ECCC: ECCC supports the revision. Removed “migratory” to reflect broader bird category and management responsibilities (i.e. GN for Peregrine Falcon and Gyrfalcon). Recommend adding MEWG to stakeholder review.</p>	<p><i>Adaptive management measures will be as set out in the Adaptive Management Plan, the Inuit Committee and TEWG will provide information that will help develop the AMP.</i></p> <p><i>Baffinland also notes that as the ISP should be the product and driven by the Inuit Committee and should not be compelled to address the topic in precisely this way if the Inuit Committee does not identify it as a priority for them.</i></p> <p><i>Baffinland is in agreement with ECCCs suggested revisions.</i></p>
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring			
Objective	To develop appropriate mitigation and monitoring of impacts to birds.			
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.			
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	Terrestrial Environment Working Group (TEWG)			
PC No. 75				
Category	Birds – Monitoring	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p>No Change.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>ECCC recommends changing the Category, to “Terrestrial Wildlife and Habitat” as this is relevant to all terrestrial wildlife.</p>	<p><i>Baffinland is in agreement with ECCCs suggested revisions.</i></p>
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
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)			

Marine Environment (PC Conditions 76 through 98)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 76				
Category	Marine Environment – General	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 54.</p> <p>Rationale:</p> <p>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.</p>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Term and Condition</u></p> <p>The Proponent shall work with regulators, intervenors, the Inuit Committee, and the MEWG to determine when updates to the MMP are required.</p> <p>The Proponent shall update the marine monitoring plan (MMP) in consultation with MEWG members and this will be completed prior to the start of the first shipping season following issuance of an amended project certificate, and prior to any Phase 2 shipping. The updated MMP will detail, at minimum, the revised MEEMP sampling design which includes greater seasonal and spatial coverage and increased sampling effort and sample sizes to address DFO concerns related to achieving sufficient statistical power for detection of Project effects (≥0.8, as per recommendations in DFO 2020, pages 4-7). Further details and context are provided in BIMC Commitment 208 and associated intervenor comments (e.g., DFO 3.6.7 NEW).</p> <p>Summary of GC Final Written Statement:</p> <p>DFO: DFO supports ECCC’s comment, and suggest that this condition be retained given the importance of the MMP in the MEWG. Further updates to the MMP are needed and have been committed to (DFO 3.4.1 NEW, 3.6.7 NEW). The other T&C’s may be sufficient to address long-term updates to the plan. It is recommended that the wording to indicate that the MMP will be updated in consultation with MEWG and Inuit in advance of Phase 2 shipping.</p>	<p><i>Baffinland is in general agreement with revisions proposed by Parties.</i></p>
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring			
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)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>ECCC: acknowledges the submission of the Marine Monitoring Program and the monitoring and adaptive management measures stipulated in project conditions 85, 87, 99, 101, 103, 106, 110, 113, 119 and 121. ECCC suggests to retain this condition with the following wording: The Proponent shall update the Marine Monitoring Program to address concerns and identify potential impacts of the Project on the Marine Environment, when required as per advice provided by DFO Science and the MEWG</p> <p>PCA supports ECCC and DFO and recommends the T&C be updated to the new terminology used by Baffinland: “Marine Monitoring Plan” rather than “Environmental Effects Monitoring Program” used in the original T&C”</p>	
PC No. 77				
Category	Marine Environment - Working Group	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition</u></p> <p>A Marine Environment Working Group (MEWG) shall be established as an oversight body to fulfill the intended objectives. The operation of the TEWG shall not duplicate or impede the exercise of regulatory authority of authorizing agencies or government. The MEWG shall have the following permanent members: The Proponent, the Qikiqtani Inuit Association, the Government of Nunavut, the Government of Canada, the Qikiqtaaluk Wildlife Board, and the Mittimatalik Hunters and Trappers Association. A Terms of Reference shall be established that guides additional membership. The MEWG shall be chaired by a member appointed by the Inuit Committee (this chairperson shall be in addition to the Qikiqtani Inuit Association’s membership).</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>DFO No Comments, noting that wording could and should be updated to reflect current members of the MEWG, as well as address concerns with parties that wish to become members but have not yet been</p> <p>PCA suggest that “Responsible Parties” be updated to reflect all current members (addition of PCA, MHTO) and (2) Change “Environmental Effects Monitoring Program” to “Marine Monitoring Plan</p>	<p><i>Baffinland does not agree with removal of this sentence: Makivik Corporation shall also be entitled to membership on the MEWG at its election.</i></p> <p><i>Baffinland does not object to referring to the MEWG as an “oversight” group if the meaning of that term is applied per accounting terms, i.e. a group that monitors and makes recommendations to assist in ensuring we are meeting our terms and conditions. Baffinland also clarifies that the reference to the QWB would be a single representative from the QWB. Baffinland is open to not chairing these groups going forward, but suggests a chair should be selected among the MEWG members and the IC rather than mandated by a TC.</i></p> <p><i>BIM also recognizes that DFO and ECCC have regulatory oversight related to the marine environment, and therefore note they should be</i></p>
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	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.			<i>included as permanent members of the MEWG.</i>
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	Marine Environment Working Group (MEWG)			
PC No. 78				
Category	Marine Environment - Ice Breaking and Shipping	<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, 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> <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>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition</u></p> <p>The Proponent shall update the baseline information for landfast and pack ice using a long-term dataset (30 years), and with information on inter-annual variation. The analysis for pack and landfast ice shall be updated and reported annually using annual sea ice data (floe size, cover, concentration) and synthesized and reported in the most appropriate management plan.</p> <p><u>QIA Rationale</u></p> <p>Simple update to database requirements. Annual sea ice data analyses and reporting are needed for comparison with marine wildlife monitoring data, to assess Project impacts on sea ice habitat, interactions, etc. Given the lack of survey etc. data in 2018 and changes observed by harvesters in the distribution of narwhal, collection of ice data for comparison with future observations may be more important than ever for understanding why these changes occur (environmental cf. anthropogenic).</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>DFO recommends stipulating a clear timeframe for this (ie. every X years) as “Periodically” and ‘as required’ don’t provide any certainty on when/if analyses will be done.</p>	<p><i>Baffinland agrees with DFO that a set frequency could be stipulated within the Term and Condition, however suggests that the annual requirements proposed by QIA are not reasonable, and that analysis at this frequency is not effective for identifying trends in sea ice over time. It is also noted that operational decision making (i.e. when to start shipping each year) is influenced by real-time considerations of ice conditions.</i></p>
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring			
Objective	To obtain accurate and current ice information.			
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.			
Reporting Requirement	To be developed following approval of the Project by the Minister			
Stakeholder Review	N/A			
PC No. 79				
Category	Marine Environment - Ice Breaking and Shipping	No Change.	<u>Summary of QIA Final Written Statement:</u>	N/A
Responsible Parties	The Proponent, Canadian Hydrographic Services			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring		No Change. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the term and condition and currently have no comments to provide.	
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)			
PC No. 80				
Category	Marine Environment - Ice Breaking and Shipping	No Change.	<u>Summary of QIA Final Written Statement:</u> No Change. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the term and condition and currently have no comments to provide.	N/A
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)			
PC No. 81				
Category	Marine Environment - Shoreline Effects and Sediment Redistribution	Proposed Revision: Suggest to remove PC Condition No. 81 Rationale:	<u>Summary of QIA Final Written Statement:</u> <u>QIA Rationale:</u> Baffinland proposes to remove this PC Condition as it is duplicative of PC Condition 84. QIA does not support removal of this PC Condition. PCC 81 covers wave effects while PCC 84 covers sediment redistribution by ships	Baffinland has reviewed QIA’s comments and withdraws its request for removal. Note Baffinland has completed this task but
Responsible Parties	The Proponent			
Project Phase(s)	Construction			
Objective	To mitigate potential shoreline effects from shipping.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
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.	This PC Condition is duplicative to the requirements under PC Condition No. 84. See also suggested revisions to PC Condition No. 84.	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.	<i>acknowledges that this could apply in future if a route is modified.</i>
Reporting Requirement	To be developed following approval of the Project by the Minister.		Summary of GC Final Written Statement: DFO No concerns with removing this as long as T&C 84 is retained, and ‘changes to proposed shipping routes’ is carried over to T&C 84. T&C 84 as it is written now seems to pertain more to overall ship design and less to other factors that could influence ship wakes impacts Parks Suggest that 81 could be removed and incorporated into 84, but both can’t be deleted. PCC 81 covers wave effects while PCC 84 covers sediment redistribution by ships propellers.	
Stakeholder Review	Marine Environmental Working Group (MEWG)			
PC No. 82				
Category	Marine Environment - Shoreline Effects and Sediment Redistribution	<p>Proposed Revision:</p> <p>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.</p> <p>Rationale:</p> <p>Baffinland does not yet own its own vessels and instead relies on market availability of existing ore carriers.</p>	Summary of QIA Final Written Statement: <u>QIA Term and Condition</u> The Proponent shall provide observed and measured data for each mode/type of its ore carriers, or ore carriers it commissions on wake characteristics at various vessel speeds and distances from the vessel <u>QIA Rationale</u> Revisions to ensure that this PC Condition applies to commissioned and/or chartered vessels. Summary of GC Final Written Statement: DFO: DFO recommends that this be modified to indicate that if BIM commissions their own ore carriers, they need to monitor to verify that wake characteristics at variable vessel speeds and distances are consistent with what they anticipated. DFO is supportive of PCA’s revisions. Parks: Suggest Baffinland’s revised wording should read “If ore carriers are commissioned directly by the Proponent, they MUST have them subjected to sea trials to measure wake characteristics at various vessel speeds and distances from the vessel.”	<i>Baffinland does not support the suggested revisions. Suggested revisions from Parties ignore that there is relevant literature that can be pulled from to inform any remaining modelling that might be needed for the Southern Route. It is suggested the Board’s previous language should stand as modified by Baffinland to reflect the evidence that Baffinland currently procures vessels directly from the market vessels and does not build its own ships.</i>
Responsible Parties	The Proponent			
Project Phase(s)	Construction and Operations			
Objective	To mitigate potential shoreline effects from shipping.			
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.			
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	Marine Environmental Working Group (MEWG)			
PC No. 83				

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Category	Marine Environment - Shoreline Effects and Sediment Redistribution	<p>Proposed Revision:</p> <p>The Proponent shall install tidal gauges at Steensby and Milne Port to monitor sea levels and storm surges at an appropriate frequency to be determined in consultation with the MEWG, or at a minimum, once every 5 years.</p> <p>Add Commentary:</p> <p>The Proponent collected tidal gauge data in 2014 and 2017-2019 at Milne Port and no observable sea level rise was noted.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition</u></p> <p>The Proponent shall install tidal gauges at the Steensby Inlet Port and Milne Inlet Port sites to monitor relative sea level and storm surges at an appropriate frequency to be determined in consultation with the MEWG, or at a minimum once every 5 years. The Proponent shall provide annual reporting to NIRB, the MEWG and in accordance with the Inuit Stewardship Plan on the results of this monitoring and detailed analysis of how climate change may be impacting the port facilities. Any observed anomalous activity will be reported at the next MEWG meeting following the event.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.</p>	<p><i>Baffinland suggests that the annual requirements proposed by QIA are not reasonable, and that analysis at this frequency is not effective for identifying trends over time.</i></p> <p><i>Baffinland also notes that as the ISP should be the product and driven by the Inuit Committee and should not be compelled to address the topic in precisely this way if the Inuit Committee does not identify it as a priority for them.</i></p> <p><i>Baffinland also notes agreement by other Parties with Baffinland’s proposed changes.</i></p>
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)			
PC No. 83(a)				
Category	Marine Environment - Shoreline Effects and Sediment Redistribution	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 83 (a) (or alternatively, retain condition and add as Commentary the rationale set out below so that compliance with PC Condition No. 83(a) is confirmed going forward).</p> <p>Rationale:</p> <p>A hydrodynamic modelling report for Milne Port has been completed and the results were submitted as part of the Phase 2 FEIS Addendum.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition</u></p> <p>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. The Proponent shall provide annual reporting to NIRB and MEWG, and in accordance with the Inuit Stewardship Plan on the results of this monitoring and detailed analysis of the effects of sediment distribution on marine life.</p> <p><u>QIA Rationale</u></p> <p>Baffinland proposes to remove this PC Condition, citing a hydrodynamic modelling report for Milne Port submitted as part of the FEIS Addendum.</p>	<p><i>Baffinland disagrees with QIAs rationale. Modeling is meant to inform decision makers when no empirical data is available. As modelling was completed for the FEIS, and verified against monitoring, there is no justification for requiring periodic updates to the model. Baffinland also notes DFOs agreement with Baffinland’s proposed revisions.</i></p>
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Reporting Requirement	To be developed following approval of the Project by the Minister.		QIA does not support removal of this PC Condition. Rather, this PC Condition should be revised to require periodic updates (at a schedule to be determined). The hydrodynamic modeling is just one aspect of this PC Condition. It may require revisiting for the risk-based assessment of Project vessel’s ballast water and if there is interest in switching from both exchange and treatment of ballast water to just treatment. Use of larger cape-size vessels and a second ore dock will affect ballast water inputs and sediment redistribution. And, the Marine Monitoring Plan (MMP) requires substantial revisions to reflect changes to the monitoring program since it was last revised. <u>Summary of GC Final Written Statement:</u> DFO: DFO Support the alternative offered by BIM here for ease of keeping track and updating for any further expansions. DFO has no comments on the metal portion of the T&C.	
Stakeholder Review	Marine Environmental Working Group (MEWG)			
PC No. 84				
Category	Marine Environment - Shoreline Effects and Sediment Redistribution	Proposed Revision: Suggest to remove PC Condition No. 84 (or alternatively, retain condition and add as Commentary the rationale set out below so that compliance with PC Condition No. 84 is confirmed going forward). Rationale: 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	<u>Summary of QIA Final Written Statement:</u> <u>QIA Rationale</u> Baffinland proposes to remove this PC Condition, citing a ship wake and propeller wash assessment for the Northern portion of the Project submitted as part of the FEIS Addendum. QIA does not support removal of this PC Condition. This PC Condition 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 PC Condition should be kept. <u>Summary of GC Final Written Statement:</u> DFO Note comment for T+C 81 – support retaining this condition and including potential updates to shipping route.	<i>Baffinland withdraws its request but suggests that specific reference to the Southern Route should be added noting this requirement has been met for the Northern Shipping Route.</i>
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.			
Reporting Requirement	To be developed following approval of the Project by the Minister			
Stakeholder Review	None.			
PC No. 85				
Category	Marine Environment - Shoreline Effects and Sediment Redistribution	No Change.	<u>Summary of QIA Final Written Statement:</u> No Change <u>Summary of GC Final Written Statement:</u>	N/A
Responsible Parties	The Proponent			
Project Phase(s)	Construction and Operations			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Objective	To prevent sediment redistribution along the shipping route		All participating departments have reviewed the term and condition and currently have no comments to provide	
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			
PC No. 86				
Category	Marine Environment - Ballast Water	<p>Proposed Revision:</p> <p>No Change.</p> <p>Add Commentary:</p> <p>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. This condition remains in place to account for the Southern portion of the Project.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition</u></p> <p>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.</p> <p>To facilitate dispersion and risk modelling the Proponent shall:</p> <p>1 in its Standing Instructions to Masters (SITM) instruct all ship operators to not release ballast water within the Regional Study Area (RSA) prior to arrival at the Milne Port anchorages or ore dock(s) and completion of D-1 ballast water testing,</p> <p>2 report the duration and volume of ballast water discharge that occurs at each discharge point concurrent with biological testing that will be conducted to support the risk-based methodology under DFO 3.6.5 (see PCC 89), prior to Phase 2 shipping and for one additional year following commissioning of the second ore dock, if required, and</p> <p>3 provide MEWG members a dataset with discharge coordinates and the durations and volumes of discharges at each discharge point as part of annual reporting.</p>	<p><i>With respect to (3), dataset should only be provided for the years this is implemented per commitment made under DFO 3.6.4.</i></p>
Responsible Parties	The Proponent			
Project Phase(s)	Construction			
Objective	To update ballast water discharge impact predictions.			
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)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>Prior to any discontinuation of ballast water exchange the Proponent shall update ballast water dispersion modelling to more accurately reflect the spectrum of salinity, temperature, and discharge volumes that can be expected to be discharged at Milne Port under Phase 2 operations if exchange was to be discontinued.</p> <p>Summary of GC Final Written Statement:</p> <p>DFO T&C should be updated to account for commitment made under DFO 3.6.4 NEW, which states that re-modelling of ballast water will be undertaken if exchange plus treatment is discontinued. DFO agrees T&C should remain unchanged in regards to anything related to Steensby and the southern shipping route.</p> <p>Parks Supports DFO on this matter.</p>	
PC No. 87				
Category	Marine Environment - Ballast Water	Proposed Revision:	Summary of QIA Final Written Statement:	<p><i>Baffinland suggest the NIRB defer to edits proposed by Baffinland the GC as this T+C was modified to reflect specific commitment language agreed upon for the resolution of outstanding issues, and in acknowledgement of TC and DFOs expertise in this area. Further Baffinland questions how QIA would expect a monitoring program at Steensby to study whether AIS/NIS is being introduced at Steensby via shipping before operations commence.</i></p> <p><i>Baffinland also suggests the meaning of the phrase “monitoring program” includes “sampling plan”.</i></p>
Responsible Parties	The Proponent	Marine Environment – Aquatic Invasive Species	<u>QIA Term and Condition</u>	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	Rationale:	<p>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. It 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.</p> <p>The Proponent shall work with the MEWG and DFO to establish species-specific Rapid Response Plans. These plans will be developed for species identified as high risk through ongoing monitoring for non-indigenous species (NIS) in the receiving environment, the remotely operated vehicle (ROV) or any other future biofouling monitoring program, results from the risk-based study of Project vessel ballast water (and any other monitoring of Project ballast water), examination of existing invasive species databases and lists in key ecoregions where vessels calling originate from, and based on ranking of potential risk using the Canadian Marine Invasive Screening Tool.</p> <p>Summary of GC Final Written Statement:</p>	
Objective	To prevent invasive species introductions resulting from Project shipping	Updated to better reflect monitoring outlined in term and condition		
Term or Condition	<p>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.</p> <p>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.</p>	Proposed Revision:		
Reporting Requirement	To be developed following approval of the Project by the Minister.	2. The Proponent shall develop a long term monitoring program to evaluate changes to marine habitat and organisms and to monitor for invasive species introductions resulting from Project-related shipping.		
Stakeholder Review	Marine Environmental Working Group (MEWG)	The Proponent shall develop a monitoring program in collaboration with DFO and Transport Canada to ensure that ballast water will comply with all applicable regulations prior to discharge. This monitoring program shall include a component for the monitoring of contaminants of risk from the vessels Port of origin and treatment systems, as applicable, to assess potential risks to		

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
		<p>the marine environment associated with discharge.</p> <p>The Proponent shall use data collected through the monitoring program described at (b) to support the development and future refinement of a trigger list of high biological risk invasive species or groupings of invasive species of concern and associated response plans in collaboration with DFO starting in 2021.</p> <p>Rationale:</p> <p>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.</p> <p>Proposed Revision:</p> <p>Annually</p> <p>Rationale:</p> <p>Results of the monitoring programs will be summarized in the Annual Report to the NIRB.</p> <p>No Change.</p>	<p>DFO: DFO recommends modifying to ‘biological consequences’ to ‘biological or ecological consequences’. Monitoring related to hull biofouling could also be incorporated if there is no other T&C that addresses it. Support TC’s proposed revisions</p> <p>Parks Support DFO and TC’s comments</p> <p>TC: TC suggests that to stay consistent with the terminology in joint DFO/TC recommendation (DFO 3.6.5 NEW / TC-02 NEW), that “sampling plan” should replace “monitoring program” for parts (b) and (c) .</p>	
PC No. 88				
Category	Marine Environment - Ballast Water	<p>Proposed Revision:</p> <p>Add Commentary:</p> <p>A risk assessment for the Introduction of Aquatic Invasive Species from Ballast Water for the Northern portion of the Project has been completed and results were submitted as part of the FEIS and FEIS addendum for Phase 2 Project</p>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Term and Condition</u></p> <p>Prior to any increase in commercial shipping of iron ore from 6 Mt annually, 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:</p>	<p><i>Baffinland disagrees with the edits proposed by QIA. Firstly, as recognized by DFO, Baffinland already completed this modelling for the FEIS, and has further committed to update the modelling if there is a request to discontinue exchange + treatment of ballast (DFO 3.6.4 NEW) and that potential model</i></p>
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)		Baffinland Response to January 2022 Intervenor Comment
	<p>to assess the adequacy of treatment and implications on the receiving environment. This risk analysis shall consider, but not be limited to:</p> <div><div>4.</div><div>Invasive species</div></div> <div><div>5.</div><div>Seasonal oceanography</div></div> <div><div>6.</div><div>Ballast water quality and quantity</div></div> <div><div>7.</div><div>Receiving water quality; e. Residual physical, chemical, and/or biological effects</div></div> <p>Any risk assessment analysis regarding ballast water exchange and treatment efficacy in arctic waters</p>	Proposal. This condition remains in place to account for the Southern portion of the Project.	<div><div>1.</div><div>Invasive species;</div></div> <div><div>2.</div><div>Seasonal oceanography;</div></div> <div><div>3.</div><div>Ballast water quality and quantity;</div></div> <div><div>4.</div><div>Receiving water quality (e.g., residual physical, chemical, and/or biological effects); and</div></div> <div><div>5.</div><div>Any risk assessment analysis regarding ballast water exchange and treatment efficacy in Arctic waters.</div></div>	<p>The Proponent’s Commitment (109) related to DFO 3.6.5 (and QIA TC 45) addresses the need to better understand risk of invasive species introduction via ballast water discharges. In response, DFO has designed a risk-based assessment of Project shipping to identify which vessels present the greatest risk and why, to inform adaptive management (e.g., vessel selection). The study draft was provided for review on March 24, 2021 (210324-08MN053-DFO Draft Ballast Study Plan-IT4E.pdf). If it proceeds as outlined the study will advance understanding of ballast water/invasive species risk, mitigation, and monitoring. The intention is to conduct biological sampling of at least 30 vessels annually for two shipping seasons. Key objectives are to identify factors related to the risk of nonindigenous species introduction, and to develop a risk assessment tool specific to Milne Inlet. The latter will facilitate future targeting of higher risk ships for monitoring risk/compliance and support development of species- specific rapid response plans (see revised PCC 87), based on risk factors identified through results of biological sampling. Community involvement and capacity development have important roles in the DFO plan.</p> <p>The Proponent will:</p> <div><div>1.</div><div>support DFO revisions of the draft DFO study plan based on comments received from Transport Canada and the MEWG;</div></div> <div><div>2.</div><div>provide support required by DFO to complete the study with the number and mix of vessel required to properly identify factors related to the risk of nonindigenous species introduction, and to develop a scientifically defensible risk assessment tool specific to Milne Inlet; and</div></div> <div><div>3.</div><div>conduct additional live sampling analysis of vessels using “exchange only” to improve overall understanding of the relative efficacy of exchange only as compared to “treatment plus exchange” and possible future use of just treatment.</div></div>	<p><i>updates should include updated oceanographic parameters with proper instruments. Baffinland agrees with DFO that this wording could be integrated into the Term and Condition.</i></p> <p><i>Baffinland also suggests that edits from QIA are largely commentary and would lack the clarity required for enforceable language if adopted.</i></p>
Reporting Requirement	To be developed following approval of the Project by the Minister.				
Stakeholder Review	Marine Environment Work Group (MEWG)				

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>This condition will remain in place for the southern shipping route, where an updated risk analysis will be provided prior to Project shipping of iron ore.</p> <p><u>QIA Rationale</u></p> <p>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.</p> <p>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). Statistically and biologically meaningful sampling to inform risk assessment should have begun at the outset of shipping for the ERP but remains outstanding, despite 6 years of operation.</p> <p>Summary of GC Final Written Statement:</p> <p>DFO No Comments. Suggest adding commentary : BIM has committed to update the modelling if they discontinue exchange + treatment of ballast (DFO 3.6.4 NEW) and that potential model updates should include updated oceanographic parameters with proper instruments.</p> <p>Parks Support DFO’s comments</p>	
PC No. 89				
Category	Marine Environment - Ballast Water	Proposed Revisions:	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Terms and Conditions</u></p> <p>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</p>	<p><i>Baffinland Response to QIA: If Phase 2 is not approved, NIRB should not revise the Project Certificate for the approved project. This was not the focus of the Phase 2 process. Baffinland’s commitments were made in the context and associated risks of the Phase 2 reconsideration and the vast majority are contingent on Phase 2 approval. Baffinland strenuously disagrees that risk of invasive species introductions via</i></p>
Responsible Parties	The Proponent	Marine Environment – Aquatic Invasive Species		
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring	Rationale:		
Objective	To prevent impacts to marine water quality resulting from ballast water exchange.	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	Proposed Revision: To prevent impacts of the introduction of aquatic invasive species into the marine environment as a result of shipping activities Rationale:		

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	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.	<p>To reflect incorporation of multiple PC Conditions (i.e. 90 and 91) into a singular term and condition.</p> <p>Proposed Revision:</p> <p>The Proponent shall ensure that all shipping contractors meet the legal requirements of ballast water management, including all applicable regulations.</p>	<p>Proponent, in choosing shipping contractors will, whenever feasible, give preference to contractors that use ballast water treatment in addition to ballast water exchange.</p> <p>The Proponent shall apply risk-based methodology developed by DFO to evaluate the risk of all vessel ballast water management (D1, D2), with subsequent salinity and D-2 biological compliance sampling conducted on vessels identified as high or very high risk. The respective risk-based methodology and associated ballast water compliance sampling plan will be developed in consultation with DFO and Transport Canada (TC) following completion of DFO's Project-specific sampling conducted on a subset of vessels calling to Milne Port. The risk-based methodology and associated ballast water compliance sampling plan shall include a consideration of other compliance initiatives or research being undertaken elsewhere by TC relative to implementation of the D-2 standard.</p> <p>The Proponent will require all vessels calling on Milne Port that treat their ballast under the D2 Standard to also perform a ballast water exchange prior to treatment. By 2024, for ore carriers originating from Canadian waters (i.e., domestic trips), the Proponent will only charter vessels equipped with treatment systems, and will require those vessels to treat their ballast under the D2 Standard and to also perform a ballast water exchange prior to treatment.</p> <p>For ships unable to conduct exchange as specified in Canadian Ballast Water Regulations (e.g., ships on Canadian domestic trips), exchange is to be conducted as specified in revised ABWEZs for Eastern Arctic as per DFO CSAS advice. This requirement will be reflected in the 2022 Standing Instructions to Masters.</p> <p><u>QIA Rationale</u></p> <p>Significant Project-related shipping is ongoing and risk of invasive species introductions via ballast water remains unknown. Proposed revisions reflect Baffinland commitments associated with the need to better understand and mitigate the risk of invasive species introduction via ballast water discharges. This work should go ahead regardless of Phase 2 approval.</p> <p>Summary of GC Final Written Statement:</p> <p>DFO: DFO recommends the wording should also reflect that shipping contractors should meet the requirements as agreed to with Interveners through commitments. Some ballast water management</p>	<p><i>ballast water remains unknown. This risk is extremely low given Baffinland's additional mitigations committed on this topic exceed all applicable regulatory requirements.</i></p> <p><i>Baffinland suggests the NIRB defer to revisions by Parties with expertise and regulatory oversight on the subject matter.</i></p>
Reporting Requirement	To be developed following approval of the Project by the Minister.	The Proponent shall, in consultation with DFO, develop a ballast water compliance sampling plan that includes clear timelines, information requirements, and considerations for the risk-based methodology and associated ballast water compliance. The plan shall also specify the parameters of discontinuation of exchange plus treatment practices, including factors for consideration and updates to the ballast water dispersion modelling.		
Stakeholder Review	Transport Canada, Marine Environmental Working Group (MEWG)	<p>The Proponent shall update its Standing Instructions to Masters to require all vessels contracted by the Proponent calling on Milne Port that treat their ballast under the D2 Standard to also perform a ballast water exchange prior to treatment. For ships unable to conduct exchange as specified in Canadian Ballast Water Regulations (e.g. ships on Canadian domestic trips), exchange is to be conducted as specified in revised ABWEZs for Eastern Arctic as per DFO CSAS advice.</p> <p>The Proponent shall, in consultation with DFO, develop a biofouling sampling program which includes clear requirements for biofouling management guidelines and practices; timelines and parameters for biofouling monitoring, including biological sampling; and parameters for the biofouling risk assessment and risk-based sampling plan.</p> <p>Rationale:</p>		

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
		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. Specific regulations are not references as their names may change over time. See also proposed revisions to PC Condition No. 87.	<p>measures/biofouling management measures agreed to are not yet regulations. Overall, DFO is supportive of TC's revisions.</p> <p>Parks Support DFO and TC's comments</p> <p>TC notes that new ballast water regulations are in effect. "Ballast Water Regulations SOR 2021-120" https://laws-lois.justice.gc.ca/eng/regulations/SOR-2021-120/index.html and, "List of Canada's designated alternate ballast water exchange area and fresh waters - TP 13617" https://tc.canada.ca/en/marine-transportation/marine-safety/list-canada-s-designated-alternate-ballast-water-exchange</p> <p>Suggest, if accepted, that reference to domestic and international requirements be added: The Proponent shall ensure that all shipping contractors meet the legal requirements of ballast water management, including all applicable international and domestic regulations and requirements.</p> <p>TC would be supportive of combining PC Condition No. 89 and 90, with the following revisions The Proponent shall develop and implement an effective ballast water management program that includes the management and monitoring of ballast water discharges in a manner consistent with applicable regulations and/or exceed those regulations (International Convention for the Control and Management of Ship's Ballast Water and Sediment (2004) and as implemented by Ballast Regulations as may be amended from time to time if they are determined to be ineffective for providing the desired and predicted results. The ballast water management plan shall include 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.</p>	
PC No. 90				
Category	Marine Environment - Ballast Water	Proposed Revision: Suggest to remove PC Condition No. 90. Rationale: See proposed revisions to PC Condition No. 89.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition</u></p> <p>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</p>	<p><i>Baffinland suggests the NIRB defer to revisions by Parties with expertise and regulatory oversight on the subject matter.</i></p>
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	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.		replacement and as implemented by the <i>Canadian Ballast Water and Control Regulations</i> as may be amended from time to time. As part of the risk-based methodology and associated ballast water compliance sampling plan to be developed in relation to DFO 3.6.5 (see also BIM commitments 206 and 206) the Proponent will include monitoring of contaminants in ballast water from each port and treatment type to assess potential chemical risks (e.g., from foreign ports or treatment residuals). Further risk-based assessment of contaminants will be conducted, using methodology and approaches developed in relation to DFO 3.6.5, in the event Project vessels switch from exchange plus treatment to just treatment of ballast water to assess contaminants (e.g., from source ports and treatments) that could be released into Milne Inlet. Summary of GC Final Written Statement: DFO No issues if DFO revisions for T&C 89 are incorporated. Parks Support DFO and TC's comments TC See comment for No. 89 TC notes that new ballast water regulations are in effect. "Ballast Water Regulations SOR 2021-120" https://laws-lois.justice.gc.ca/eng/regulations/SOR-2021-120/index.html and, "List of Canada's designated alternate ballast water exchange area and fresh waters - TP 13617" https://tc.canada.ca/en/marine-transportation/marine-safety/list-canada-s-designated-alternate-ballast-water-exchangearea-fresh-waters-tp-13617e-2021#item2	
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	Transport Canada, Marine Environment Working Group (MEWG)			
PC No. 91				
Category	Marine Environment - Ballast Water	Proposed Revision: Suggest to remove PC Condition No. 91. Rationale: See proposed revisions to PC Condition No. 89.	Summary of QIA Final Written Statement: <u>QIA Term and Condition</u> The Proponent shall: 8. ensure that vessels arriving to Milne Port and Steensby Port are following IMO International Guidelines for Biofouling Management (and any associated updates to these Guidelines) by including adherence to these Guidelines as a requirement in vessel procurement contracts; 9. develop a robust monitoring program design with input from DFO and other relevant parties;	<u><i>Baffinland agrees with revisions proposed by QIA.</i></u>
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Reporting Requirement	To be developed following approval of the Project by the Minister		<div>10. develop a risk assessment and establish a risk-based sampling plan to guide future monitoring and management of high- risk vessels;</div> <div>11. revisit the state of technology and methods used to assess and conduct biological sampling of vessel biofouling;</div> <div>12. revise and update its risk assessment and risk-based sampling plan (see 3, above) once a robust set of biological data has been collected;</div> <div>13. apply at Steensby Port any feasible technology or method for biological sampling that has been applied at Milne Port; and,</div> <div>14. if modifications to biofouling management practices are proposed, consult with DFO and other relevant parties to determine if updates to the risk assessment and risk-based sampling plan are required.</div> <div>Summary of GC Final Written Statement:</div> <div>DFO No issues if DFO revisions for T&C 89 are incorporated. Overall, DFO is supportive of TC’s revisions</div> <div>Parks Support DFO and TC’s comments</div> <div>TC: TC supports removing PC Condition No. 91 if Baffinland’s proposed revisions to PC Condition No. 89 are accepted.</div>	
Stakeholder Review	Transport Canada, Marine Environmental Working Group (MEWG)			
PC No. 92				
Category	Marine Environment - Spill Prevention	<div>Proposed Revision:</div> <div>Suggest to remove PC Condition No. 92.</div> <div>Rationale:</div> <div>Duplicates regulatory requirements under Canada Shipping Act, 2012 required OPEP-OPPP.</div> <div>No Change.</div> <div>Proposed Revision:</div> <div>Transport Canada and Canadian Coast Guard</div> <div>Rationale:</div>	<div>Summary of QIA Final Written Statement:</div> <div>QIA Rationale</div> <div>Baffinland proposes to remove PC Condition 92 as it duplicates Canada Shipping Act, 2021 OPEP-OPPP. QIA believes that it is important that Baffinland be required to report on compliance with these regulatory requirements, given past performance with respect to spill reporting.</div> <div>Summary of GC Final Written Statement:</div> <div>DFO: DFO and CCG: Refer this to regulator (TC). CCG does not support removing this condition. The proposed wording by the proponent shifts perception of response ability to Coast Guard and Transport Canada, when the onus to respond lies with the proponent.</div>	<div>Baffinland is supportive of TCs wording but for the words “of any size” which may not be consistent with the CSA 2001 and regulations as amended from time to time.</div>
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring			
Objective	To ensure adequate spill response capacity.			
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.			
Reporting Requirement	To be developed following approval of the Project by the Minister.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Stakeholder Review	Marine Environmental Working Group (MEWG)	TC and CCG are the appropriate regulatory authorities to provide guidance on spill response associated with the Project.	Parks Support DFO and TC’s comments TC: TC does not agree that PC Condition 92 should be removed and instead suggests the following revision: In accordance with the CSA, 2001 and subtending regulations, the Proponent shall ensure that it maintains the necessary equipment and trained personnel to respond to an oil pollution incident (of any size) associated with the Project in a self-sufficient manner.	
PC No. 93				
Category	Marine Environment - Spill Prevention	No Change.	<u>Summary of QIA Final Written Statement:</u> No Change. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the term and condition and currently have no comments to provide.	N/A
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			
PC No. 94				
Category	Marine Environment - Spill Prevention	No Change.	<u>Summary of QIA Final Written Statement:</u> No Change. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the term and condition and currently have no comments to provide.	N/A
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	Communities of Hall Beach and Igloolik			
PC No. 95				
Category	Marine Environment - Spill Prevention	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>Include Government of Nunavut as a Responsible Party</u></p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide.</p>	<p><i>Baffinland has no comment on QIA’s suggested revision</i></p>
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			
PC No. 96				
Category	Marine Environment - Spill Prevention	<p>Proposed Revision:</p> <p>Suggest to remove PC Conditions No. 96.</p> <p>Rationale:</p> <p>This PC Condition duplicates the requirement to report results to NIRB and Transport Canada outlined in PC Condition No. 95.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Rationale</u></p> <p>QIA supports Baffinland proposal to remove this PC Condition as it duplicates PC Condition 95.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide.</p>	<p><i>Baffinland notes agreement from all Parties on Baffinland’s suggested revisions.</i></p>
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			
PC No. 97				
Category	Marine Environment - Spill Prevention	Proposed Revision:	<u>Summary of QIA Final Written Statement:</u>	<p><i>Baffinland does not agree the MEWG should be empowered to</i></p>
Responsible Parties	The Proponent			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Project Phase(s)	Construction	<p>(e) Spill models shall be re-examined and reassessed as required where changes to Project shipping are contemplated that have not been considered through previous assessments.</p> <p>Add Commentary:</p> <p>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. This condition remains in place to account for the Southern portion of the Project.</p>	<p><u>QIA Term and Condition</u></p> <p>Prior to the commercial shipping of iron ore, the Proponent shall conduct fuel spill dispersion modeling that will, at a minimum, consider:</p> <p>1. 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:</p> <p>Pinch points;</p> <p>The approaches into Steensby Inlet and Milne Inlet; iii. Shallow water and shorelines; and,</p> <p>Areas that have been identified as having high flows and/or high concentrations of marine mammals, marine fish or seabirds.</p> <p>Open water and, where applicable, ice-covered conditions;</p> <p>Spill volumes up to and including loss of a full tanker cargo; and</p> <p>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, and</p> <p>Spill models shall be re-examined and reassessed as required where changes to Project shipping are contemplated that have not been considered through previous assessments required following changes to Project shipping (e.g., larger vessels, extended shipping seasons).</p> <p>QIA Rationale</p> <p>QIA revision to require re-assessments as Project shipping changes (e.g., larger vessels, extended shoulder seasons, etc.).</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide.</p>	<p><i>make such determinations as fuel spill modelling is not within their area of expertise. Therefore, it would not be appropriate for NIRB to delegate its powers to the MEWG in the manner suggested. Rather, ayd updates to spill modelling or spill management should be determined based on direction, or in consultation with, Transport Canada If Baffinland modifies its activities it will be subject to the modification process set by NIRB and NIRB can direct what additional steps would be required in that scenario. Further Baffinland suggests that wording needs to be considered closely in order to ensure enforceability.</i></p>
Objective	To prevent impacts to the marine environment along the shipping route.			
Term or Condition	<p>Prior to the commercial shipping of iron ore, the Proponent shall conduct fuel spill dispersion modeling that will, at a minimum, consider:</p> <p>2. 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:</p> <p>Pinch points;</p> <p>The approaches into Steensby Inlet and Milne Inlet;</p> <p>Shallow water and shorelines; and,</p> <p>Areas that have been identified as having high flows and/or high concentrations of marine mammals, marine fish or seabirds.</p> <p>Open water and, where applicable, ice-covered conditions</p> <p>Spill volumes up to and including loss of a full tanker cargo</p> <p>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</p>			
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	Transport Canada Marine Safety. Canadian Coast Guard			
PC No. 98				
Category	Marine Environment - Spill Prevention	No Change.	<u>Summary of QIA Final Written Statement:</u>	<p><i>Baffinland notes that Parks Canada has misunderstood the relationship between accidents and malfunctions and the environmental assessment and what types of plans the Adaptive Management Plan can</i></p>
Responsible Parties	The Proponent		No Change.	
Project Phase(s)	Construction		<u>Summary of GC Final Written Statement:</u>	
Objective	To prevent impacts to the marine environment along the shipping route.		<p>Parks Suggest: The Proponent shall incorporate the results of revised fuel spill dispersion modeling into its impact predictions for the marine</p>	

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
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.		environment, its spill response and emergency preparedness plans, and adaptive management plan.	<i>apply to (environmental monitoring). It is also noted that these matters fall outside of Parks Canada's expertise.</i>
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	Transport Canada Marine Safety, Canadian Coast Guard			

Marine Wildlife (PC Conditions 99 through 128)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 99				
Category	Marine Environment - Supplemental Baseline Assessments	<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> <ol style="list-style-type: none"> 1. 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><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition 99</u></p> <p>The Proponent, working with the Marine Environment Working Group and the Inuit Committee, shall consider and identify priorities for conducting the following supplemental and trend-over-time assessments prior to the commencement of ore carrier shipping for the Southern portion of the Project:</p> <ol style="list-style-type: none"> 1. 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>The collection of additional baseline data:</p> <p>in Steensby Inlet on walrus, beluga, bearded seal, and anadromous Arctic Char abundance, distribution, ecology, and habitat use;</p> <p>and</p> <p>In Milne Inlet on narwhal, bowhead and anadromous Arctic Char abundance, distribution, ecology, and habitat use.</p>	<p><i>The ringed seal monitoring plan described at (g) may be better placed in the ISP/CRLU monitoring with development in collaboration with MEWG.</i></p> <p><i>Baffinland also notes that the Terms and Conditions should in no way result in Baffinland assuming responsibilities of government. Stock assessment and management is and remains the responsibility of DFO. Baffinland will continue to work with DFO to share information that may support their working in fulfilling their mandate. Accordingly, it is suggested that any references to the study of "abundance, distribution and ecology" for marine species be removed.</i></p> <p><i>Baffinland encouraging the NIRB to give careful consideration to the development of overly prescriptive</i></p>
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	<p>The Proponent, working with the Marine Environment Working Group, shall consider and identify priorities for conducting the following supplemental baseline assessments:</p> <ol style="list-style-type: none"> 1. 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>The collection of additional baseline data:</p> <p>in Steensby Inlet on walrus, beluga, bearded seal, anadromous Arctic Char abundance, distribution, ecology and habitat use</p>			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	<p>In Milne Inlet on narwhal, bowhead and anadromous Arctic Char abundance, distribution ecology and habitat use</p> <p>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:</p> <p>Aerial surveys for basking ringed seals throughout the landfast ice of Steensby Inlet and at an appropriate control location</p> <p>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</p> <p>Enhance the baseline for affected freshwater systems, which includes control sites to detect Project-related changes before they cause significant harm.</p>	<p>sedentary benthic species (e.g., sculpins).</p> <p>The collection of additional baseline data in Steensby Inlet on walrus, beluga, bearded seal anadromous Arctic Char abundance, distribution ecology and habitat use.</p> <p>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.</p> <p>Enhance the baseline for affected freshwater systems, which includes control sites to detect Project- related changes.</p> <p>Add Commentary:</p>	<p>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:</p> <ol style="list-style-type: none"> Aerial surveys for basking ringed seals throughout the landfast ice of Steensby Inlet and at an appropriate control location. Surveys shall be conducted at an appropriate frequency to detect change outside of Monitoring of ringed seal distribution, abundance and habitat use along the Northern Shipping Route; <p>Develop a ringed seal monitoring plan that incorporates Inuit perspectives into the design, planning and implementation phases, and includes Inuit-derived objectives, indicators, thresholds, and responses (OITRs) which include low, moderate and high risk thresholds.</p> <p>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;</p> <p>Conduct retrospective analysis, using all available monitoring data to date, of the behavioural responses of narwhal to vessels travelling both southbound and northbound, and integrate this analysis in future monitoring and reporting;</p> <p>Monitoring of narwhal body condition;</p> <p>Enhance the baseline for affected freshwater systems, which includes control sites to detect Project-related changes before they cause significant harm.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>DFO: DFO has no comments regarding the removal for the collection of baseline data along the Northern Shipping Route. DFO is of the opinion that the ERP phase is already occurring in the Northern Shipping Route Draft Revised Project Certificate No. 005 for Phase 2 therefore pre-project baseline data is no longer obtainable. However, DFO believes that monitoring and the collection of data in the RSA and the Northern Shipping route should still occur. These requirements can be expressed in other Terms and Conditions.</p>	<p><i>Terms and Conditions. Baffinland notes the final wording of the TC must be clear and enforceable, and allow for adaptability within the Project (e.g. based on monitoring results, new technologies, etc.) over time.</i></p> <p><i>Baffinland notes DFOs agreement with the rationale provided in our April 2021 submission.</i></p>
Reporting Requirement	To be developed following approval of the Project by the Minister.	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).		
Stakeholder Review	Marine Environment Working Group (MEWG)	<p>Rationale:</p> <p>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.</p> <p>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.</p>		
PC No. 100				
Category	Marine Environment - Supplemental Baseline Assessments			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Responsible Parties	The Proponent, Marine Environment Working Group	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p>No Change.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide.</p>	N/A
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)			
PC No. 101				
Category	Marine Environment - Monitoring	Proposed Revision:	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition</u></p> <p>1. The Proponent shall incorporate into the appropriate monitoring plans the following items:</p> <p>A monitoring program that focuses on walrus use of Steensby Inlet and their reaction to disturbance from construction activities, aircraft, and vessels;</p> <p>Efforts to involve Inuit in monitoring studies at all levels;</p> <p>Monitoring protocols that are responsive to Inuit concerns;</p> <p>Marine monitoring protocols are to consider the use of additional detecting devices to ensure adequate monitoring through changing seasonal conditions and daylight;</p> <p>Schedule for periodic aerial surveys as recommended by the Marine Environment Working Group;</p> <p>Periodic aerial surveys for basking ringed seals throughout the landfast ice of Steensby Inlet, and a suitable control location. Surveys shall be conducted</p> <p>Consistent use of terminology describing relevant ice conditions</p>	<p><i>With respect to (f) Baffinland is of the view that design and frequency of aerial surveys should be developed in consultation with MEWG, not as “recommended”. Wording should clarify that monitoring for landfast ice should apply only to Steensby, as no icebreaking for landfast ice is planned for Phase 2.</i></p> <p><i>Baffinland encouraging the NIRB to give careful consideration to the development of overly prescriptive Terms and Conditions. Baffinland notes the final wording of the TC must be clear and enforceable, and allow for adaptability within the Project (e.g. based on monitoring results, new technologies, etc.) over time.</i></p>
Responsible Parties	The Proponent, Marine Environment Working Group	Term or Condition:		
Project Phase(s)	Construction and Operations	The Proponent shall incorporate into the appropriate monitoring plans the following items:		
Objective	To monitor for potential impacts to marine wildlife and marine habitat.			
Term or Condition	The Proponent shall incorporate into the appropriate monitoring plans the following items:			
	1. A monitoring program that focuses on walrus use of Steensby Inlet and their reaction to disturbance from construction activities, aircraft, and vessels;			
	Efforts to involve Inuit in monitoring studies at all levels;			
	Monitoring protocols that are responsive to Inuit concerns;			
	Marine monitoring protocols are to consider the use of additional detecting devices to ensure adequate monitoring through changing seasonal conditions and daylight;			
	Schedule for periodic aerial surveys as recommended by the Marine Environment Working Group;			
	Periodic aerial surveys for basking ringed seals throughout the landfast ice of Steensby Inlet, and a suitable control location. Surveys shall be conducted			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	at an appropriate frequency to detect change inter-annual variability; 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); Conduct landfast ice monitoring for the duration of the Project Operations phase, which will include: The number of ship transits that are able to use the same track; and, The area of landfast ice disrupted annually by ship traffic; and Monitoring strategy focused on assessing and mitigating interaction between humans and wildlife at the port site(s).	in English and translated to Inuktitut. Clarification respecting timing of clearance surveys. A response plan to be followed in the event of narwhal ice entrapments, including reporting structures, action level triggers and response actions, and developed in discussions with DFO and the MEWG. Reporting Requirement: Add “The Proponent shall provide a summary of the following information as part of its Annual Report to NIRB and in preliminary field reports within 35 days of Spring shoulder season shipping activities commencing and 30 days of Fall shoulder season activities ending: planned and completed marine monitoring programs; the specific date on which the shipping season was opened and closed, within the nominal shipping window; determinants for opening and closing the shipping season; and ecological and cultural factors (or “Inuit use”) factors that influence the decision to commence or end shipping activities for the shipping season. GIS coordinates and a description of group size(s) of narwhal observed along end of season aerial clearance survey and associated ice conditions.; and Other information, as reasonably requested by DFO and other key stakeholders, relevant to the marine environment (it is note that additional information requested after submission of the preliminary field report is to be provided by Baffinland as a memo	The number of ship transits that are able to use the same track; and, The area of landfast ice disrupted annually by ship traffic; and Monitoring strategy focused on assessing and mitigating interaction between humans and wildlife at the port site(s), and Integration of inputs from the Culture, Resources, and Land Use Monitoring Program, the Inuit Committee for the Mary River Project, and Community Environmental Monitoring Programs <u>Summary of GC Final Written Statement:</u> DFO The reporting requirement for fall shoulder season reporting should be 30 days rather than 15, as per correspondence with BIM and DFO’s Updated FWS. Parks PCA supports DFO’s comments.	
Reporting Requirement	To be provided in the Annual Report to the NIRB.			
Stakeholder Review	Marine Environmental Working Group (MEWG), Nunavut Impact Review Board			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
		<p>within 35 days and will be included in the Annual Report).”</p> <p>Rationale:</p> <p>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> <p>To reflect resolution of QIA-04. QIA-47 and QIA-48.</p>		
PC No. 102				
Category	Marine Environment - Traffic Log and Shipping Information	<p>Proposed Revision:</p> <p>Suggest to Remove PC Condition No. 102.</p> <p>Rationale:</p> <p>This is duplicative of requirements under PC Condition No.164.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p>Agree to remove</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>TC No. 164 speaks only to “open water” season.</p>	N/A
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			
PC No. 103				
Category	Marine Environment - Traffic Log and Shipping Information	<p>Proposed Revision:</p> <p>Construction, Operations and Closure.</p> <p>Rationale: Shipping activities are not expected to occur during temporary or post-closure phases of the Project.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p>QIA agrees with Baffinland’s proposed revisions.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>TC Although BIM indicates that shipping activities will not occur during the temporary and post closure of the Project, TC notes that vessels</p>	<p>Baffinland QIA and Baffinland are in agreement on this item. Baffinland agrees with TC that some shipping may occur in temporary and post closure phase of the Project.</p>
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring			
Objective	To monitor effectiveness of mitigation of shipping impacts to marine wildlife.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Term or Condition	<p>The Proponent shall report annually to the NIRB regarding project-related ship track and sea ice information, including:</p> <ol style="list-style-type: none"> 1. A record of all ship tracks taken along both shipping routes covering the entire shipping season; <p>When employing ice-breaking, an overlay of ship tracks onto ice imagery to determine whether ships are effectively avoiding shore leads and polynyas;</p> <p>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;</p> <p>An assessment of the level of adherence to the nominal shipping route and the spatial extent of the shipping zone of influence; and</p> <p>When employing ice-breaking, marine bird and mammal species and number of individuals attracted to ship tracks in ice.</p>	<p>Proposed Revision:</p> <p>The Proponent shall report annually to the NIRB regarding project-related ship track and sea ice information, including:</p> <ol style="list-style-type: none"> 1. A record of all ship tracks taken along both shipping routes covering the entire shipping season; <p>When employing ice-breaking, an overlay of ship tracks onto ice imagery to determine whether ships are effectively avoiding shore leads and polynyas;</p> <p>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;</p> <p>An assessment of the level of adherence to the nominal shipping route and the spatial extent of the shipping zone of influence;</p> <p>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; and</p> <p>maps with its Annual Reports that illustrate tracks taken by each Project-related ship within the RSA and Baffin Bay, relative to recorded ice coverage.</p> <p>Every 3 years [from 2022] the Proponent will conduct an analysis of ship tracks through Baffin Bay in relation to sea-ice to assess the extent of Project shipping's interaction with sea-ice in Baffin Bay [and shall provide such analysis to NIRB].</p>	<p>providing fuel and resupply may be required in these two phases of the project</p>	
Reporting Requirement	To be provided in the Annual Report to the NIRB			
Stakeholder Review	Nunavut Impact Review Board			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
		<p>Rationale:</p> <p>Combining PC Condition No. 104 and 103 reduces current duplicative reporting requirements between the two. Item (e) 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.</p> <p>Additional wording to reflect commitment made by Baffinland to resolve GN-24.</p>		
PC No. 104				
Category	Marine Environment - Traffic Log and Shipping Information	<p>Proposed Revisions:</p> <p>The Proponent shall, in consultation with DFO and the MEWG, develop a pilot project using remote technology to monitor for potential ship strikes associated with Project shipping within one year of the issuance of the amended Project Certificate No. 05. The pilot program shall include parameters surrounding discontinuation of the program. The development and review of the pilot program shall take into consideration:</p> <ol style="list-style-type: none"> the number of hours and ships on which the program ran; the types and size of vessels on which the program ran; timing during the shipping season when the program was run; the number of vessels utilized; any near misses and distance from the ship; if there are other factors potentially influencing detection or influence the likelihood of encounters with marine mammals; if the program is collecting other valuable information related to 	<p><u>Summary of QIA Final Written Statement:</u></p> <p>QIA agrees with Baffinland's proposed revisions.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>TC No. 103 does not propose to include a description of the nominal shipping route(s).</p>	<p><i>Baffinland encourages NIRB to adopt wording in order to reflect the relevant DFO commitment.</i></p>
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations			
Objective	To prevent impacts to marine wildlife from Project shipping activities.			
Term or Condition	<p>Subject to safety considerations and the potential for conditions as determined by the crew of transiting vessels, to result in route deviations:</p> <ol style="list-style-type: none"> 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. <p>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.</p>			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Reporting Requirement	To be developed following approval of the Project by the Minister.	the marine environment not captured through other monitoring programs; and cost. 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.		
Stakeholder Review	N/A			
PC No. 105				
Category	Marine Environment - Traffic Log and Shipping Information	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Rationale</u></p> <p>Minor revision to include both shoulder and open water season as appropriate for considering changes to shipping frequency and timing.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>DFO Just the open water season for Milne Inlet? The shoulder seasons are of particular concern – recommend specifying them here for part A.</p> <p>Parks Supports DFO’s comments</p>	<p><i>Baffinland and QIA are in alignment</i></p> <p><i>Baffinland does not object to DFO’s suggestion.</i></p>
Responsible Parties	The Proponent			
Project Phase(s)	Construction and Operations			
Objective	To prevent impacts to marine wildlife from Project shipping activities.			
Term or Condition	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:			
Reporting Requirement	1. 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 problematic Reduced shipping speeds where ship-marine mammal interactions are most likely 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.			
Stakeholder Review	To be developed following approval of the Project by the Minister			
PC No.106				
Category	Marine Environment - Shipboard Observers			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Responsible Parties	The Proponent	<p>Proposed Revision:</p> <p>The proponent will develop a surveillance 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:</p> <p>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> <p>Proposed Revision:</p> <p>Annually.</p> <p>Rationale:</p> <p>A summary of results will be provided in the Annual Report to the NIRB.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Term and Condition</u></p> <p>The Proponent will develop a comprehensive surveillance-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. Monitoring will include the use of remote technology during ice breaking and shoulder season shipping activities, to detect and monitor ship strikes and sea ice conditions.</p> <p>The Ship Board Observer Program will monitor and clearly report on a suite of marine mammal and seabird behavioral indicators, initial distance from vessel for all observations, minimum distance from vessel (i.e., closest point of approach), and bearing from vessel and movement direction.</p> <p>Baffinland will also implement an incidental marine mammal monitoring program with vessel operators calling on Milne Port, which will request incidental observations of marine mammals to be recorded and relayed to Baffinland. In support of this program, Baffinland will develop educational materials for vessel crew to assist in marine mammal identification and data recording.</p> <p>Baffinland will provide a draft of the materials and program for review by the MEWG before they are finalized.</p> <p><u>QIA Rationale</u></p> <p>QIA revision to Baffinland’s proposed wording to emphasize effects- level monitoring over simple surveillance.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>DFO: The remote-tech pilot program for detecting ship strikes and near misses committed to for DFO 3.5 NEW could be incorporated in this T&C.</p> <p>ECCC: ECCC recommends that the objective be revised to include “marine birds”, similar to proposed revisions to the Term and Condition (i.e. “seabirds”).</p> <p>ECCC recommends that, if No. 108 is to be removed, that an element requiring data analysis be added to No. 106.</p>	<p><i>Baffinland Response to QIA: The first paragraph revision proposed does not accurately reflect Commitment 193 – the remote technology monitoring is only a 3 year pilot program – only if it is effective will it continue.</i></p> <p><i>Baffinland encourages NIRB to adopt wording in order to reflect the relevant DFO commitment.</i></p>
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring			
Objective	To ensure that interactions with marine mammals and Project shipping activities are effectively monitored.			
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 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.			
Reporting Requirement	As needed.			
Stakeholder Review	Marine Environment Working Group (MEWG)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>ECCC suggests wording of the first sentence be: “The proponent shall deliver a shipboard observer program to quantify possible interactions between ships and marine mammals and birds”.</p> <p>ECCC also suggests adding: “Onboard marine bird survey data collection will follow the established protocols of the Environment and Climate Change Canada at-sea sea bird monitoring program and data will be provided to the national ECCC marine database.” as Baffinland is doing this already.</p> <p>Parks Support DFO’s and ECCC’s comments</p>	
PC No. 107				
Category	Marine Environment - Shipboard Observers	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 107.</p> <p>Rationale:</p> <p>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>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Term and Condition</u>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. Additional surveillance techniques (e.g., remote technology) that can detect potential changes in distribution patterns and behavior shall be considered, with periodic re-assessment of options and opportunities and technology advances. 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 monitoring 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</p> <p>Since it is only feasible at the current time to have Marine Wildlife Observer’s present on the icebreaker MSV Botnica, during the shouder seasons only, Baffinland will develop a pilot project using remote technology to monitor for ship strikes along the shipping route within the Nunavut Settlement Area. The intent of this pilot project will be to determine the efficacy of mitigation to prevent ship strikes and of monitoring to detect ship strikes and any near misses. The monitoring program will run for three years, and will begin one year in advance of Phase 2 shipping operations, with annual reporting to DFO and the MEWG members. If the pilot program confirms ship strikes and/or near</p>	<p><i>Baffinland suggest as DFO has stated that investigation of new technologies could be undertaken at the MEWG. Baffinland remains of the opinion that retaining this Term and Condition is therefore unnecessary.</i></p> <p><i>Baffinland encouraging the NIRB to give careful consideration to the development of overly prescriptive Terms and Conditions. Baffinland notes the final wording of the TC must be clear and enforceable, and allow for adaptability within the Project (e.g. based on monitoring results, new technologies, etc.) over time.</i></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)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>misses are occurring the project will be extended and included as a component of the MMP, in consultation with the MEWG. Otherwise, the program will be discontinued as a permanent component of the MMP, though the program may be implemented again periodically based on advice from the MEWG or Inuit Committee.</p> <p>Summary of GC Final Written Statement:</p> <p>DFO: DFO agrees with QIA, that other surveillance should be periodically investigated. Wording on the timing of these re-investigations could be proposed by BIM, and the re-investigation should be discussed at the MEWG.</p>	
PC No. 108				
Category	Marine Environment - Shipboard Observers	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 108</p> <p>Rationale:</p> <p>See suggested revisions to PC Condition No. 106.</p>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Term and Condition</u></p> <p>The Proponent shall ensure that data produced by the monitoring program is analysed rigorously by experienced analysts (in addition to being discussed as proposed in the FEIS) and thoroughly reviewed by the MEWG to maximize their effectiveness in providing baseline information, and for detecting potential effects of the Project on marine mammals, including behavioural responses to vessels, seabirds and seaducks in the Regional Study Area, including behavioural responses to vessels. It is expected that data from the long-term monitoring program be treated with the same rigor.</p> <p>Summary of GC Final Written Statement:</p> <p>ECCC: ECCC supports removing condition No. 108 with the ECCC’s suggested additions to No. 106.</p>	<p><i>Baffinland encourages the NIRB to draft in a manner that is not dependent on third parties for compliance (ie on whether MEWG is “thoroughly reviewing”).</i></p> <p><i>Baffinland suggest caution with the inclusion of behavioural responses. They will be difficult to implement with an SBO program as there is “control” built into the design, That is the SBO program covered on exposure events – i.e. every observation you make is during an exposure event.</i></p>
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)			
PC No. 109				
Category	Marine Environment - Ship Noise	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 109</p>	<p>Summary of QIA Final Written Statement:</p> <p>QIA suggests retaining this condition and adding in reference to areas near the floe edge for monitoring</p>	<p><i>Baffinland has no comment on QIA’s revisions.</i></p>
Responsible Parties	The Proponent			
Project Phase(s)	Construction and Operations			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Objective	To prevent impacts to marine mammals from Project shipping activities.	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.	<u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	
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)			
PC No. 110				
Category	Marine Environment - Ship Noise	Proposed Revision: 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. A draft acoustic monitoring program shall be circulated to the MEWG within one year of the issuance of the amended Project Certificate No. 005which describes the frequency of monitoring with Acoustic Recorders. Rationale:	<u>Summary of QIA Final Written Statement:</u> <u>QIA Term and Condition</u> The Proponent shall develop and implement 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 and Inuit Committee, 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 Committee. 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. Passive acoustic monitoring data will be used to characterize the degree of conservatism in the sound propagation modelling, at an appropriate frequency for the duration of the Phase 2 construction and operation periods. These programs will be developed in conjunction with the MEWG and the Inuit Committee.	<i>Baffinland encourages the NIRB to draft in a manner that is not dependent on third parties for compliance (ie on whether MEWG is “participating in the selection of EWIs”).</i> <i>Baffinland Response to QIA As a general comment, Baffinland does not agree with the suggestion that MEWG should have the power to “direct”. Baffinland encourages NIRB to adopt the following alternative wording:</i> <i>the Proponent will implement recommendations from the MEWG and/or IC consistent with the outcomes of decision making processes established in the MEWG terms of reference or other processes outlined in the</i>
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 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.			
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	Marine Environmental Working Group (MEWG)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
		<p>PC Condition has been modified to incorporate components of PC Conditions Nos. 109, 111 and 112, thereby eliminating duplicative reporting requirements.</p> <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>	<p>Summary of GC Final Written Statement:</p> <p>DFO: DFO recommends this should specify that this is for both the Northern Shipping Route and Southern Shipping Route.</p> <p>Parks Supports DFO's comments</p>	<p><i>applicable management plans (ISP and AMP)'</i></p> <p><i>Baffinland also notes that commitments made in the ICA (i.e. the development of low, moderate and high indicator, triggers and responses) will essentially override existing language related to EWIs contained within current version of PC.</i></p>
PC No. 111				
Category	Marine Environment - Ship Noise	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 111</p> <p>Rationale:</p> <p>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.</p>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Terms and Conditions</u></p> <p>The Proponent shall develop clear thresholds for determining if negative impacts as a result of vessel noise are occurring.</p> <p>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:</p> <p>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.); and</p> <p>Individual vessels which may require additional mitigation due to their unique or anomalous sound signatures</p> <p>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.</p> <p>Passive acoustic monitoring data will be used to determine individual vessel noise signatures and identify vessels for which additional mitigation may be required (e.g., both the IMV <i>Botnica</i> and the <i>Sara Desgagnes</i> are particularly loud, in comparison to other Project vessels).</p> <p>The Proponent, in conjunction with the Marine Environment Working Group and the Inuit Committee, shall develop a monitoring protocol that</p>	<p><i>NIRB should avoid including specific vessels by name in the term and condition. The monitoring protocol described in the final paragraph would be incorporated as part of the adaptive management updates to the MMP.</i></p> <p><i>Baffinland also notes that there is still duplication between PC 110-112 and encourages the NIRB to consider reducing overlap in drafting the Terms and Conditions.</i></p>
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	<p>The Proponent shall develop clear thresholds for determining if negative impacts as a result of vessel noise are occurring.</p> <p>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:</p> <ol style="list-style-type: none"> 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.) <p>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.</p>			
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	Marine Environmental Working Group (MEWG)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>identifies and integrates Objectives, Indicators, Thresholds, and Responses to ensure rapid identification of negative impacts.”</p> <p>Summary of GC Final Written Statement:</p> <p>DFO: DFO recommends considering incorporating the adaptive management practices into T&C 110.</p> <p>Parks Supports DFO’s comments</p>	
PC No. 112				
Category	Marine Environment - Ship Noise	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 112</p> <p>Rationale:</p> <p>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.</p>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Terms and Conditions</u></p> <p>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 Objectives, Indicators, Thresholds, and Responses early warning indicators 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:</p> <ol style="list-style-type: none"> 1. 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.); <p>Vessel transit planning, for all seasons.</p> <p>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.</p> <p><u>QIA Rationale</u></p> <p>Baffinland proposes removing PC Condition 111 based on proposed revisions to PC Condition 110. QIA does not support removal of PC Condition 112. Baffinland’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.</p>	<p><i>Baffinland also notes that there is still duplication between PC 110-112 and encourages the NIRB to consider reducing overlap in drafting the Terms and Conditions.</i></p> <p><i>Baffinland notes that commitments made in the ICA (i.e. the development of low, moderate and high indicator, triggers and responses) will essentially override existing language related to EWIs contained within current version of PC.</i></p>
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	<p>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:</p> <ol style="list-style-type: none"> 1. 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.) <p>Vessel transit planning, for all seasons</p> <p>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</p>			
Reporting Requirement	To be developed following approval of the Project by the Minister			
Stakeholder Review	Marine Environmental Working Group (MEWG)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>Summary of GC Final Written Statement:</p> <p>DFO Reiterate comment for T+C 111.</p> <p>Parks Supports DFO's comments</p>	
PC No. 113				
Category	Marine Environment - Arctic Char	No Change.	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Terms and Conditions</u></p> <p>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 and the Inuit Committee.</p> <p><u>QIA Rationale</u></p> <p>This PCC should be updated to link to the commitments from the Inuit Certainty Agreement.</p> <p>QIA recommends additional consultation on this program be completed with the Inuit Committee.</p> <p>Summary of GC Final Written Statement:</p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide.</p>	<p><i>Baffinland and QIA are in agreement that consultation with the Inuit Committee on this component of the program is appropriate. However, Baffinland notes that conducting Arctic Char stock size assessments in the marine environment is not feasible given that Char sampled at Milne Port may be supported by multiple stocks. This type of program is more appropriate as a freshwater program.</i></p> <p><i>Baffinland also notes that the Terms and Conditions should in no way result in Baffinland assuming responsibilities of government. Stock assessment and management is and remains the responsibility of DFO. Baffinland will continue to work with DFO to share information that may support their working in fulfilling their mandate. Accordingly, it is suggested that any references to the study of "abundance, distribution and ecology" for marine species be removed.</i></p>
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		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 114				
Category	Marine Environment - Arctic Char	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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 Inuit Committee and, 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.</p> <p>QIA recommends additional consultation on this program be completed with the Inuit Committee.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide.</p>	<p><i>Baffinland and QIA are in agreement that consultation with the Inuit Committee on this component of the program is appropriate.</i></p>
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			
PC No. 115				
Category	Marine Environment - Arctic Char	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 115.</p> <p>Rationale:</p> <p>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.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>QIA Rationale</u></p> <p>Baffinland proposes removing PC Condition 115, as it is conducted in accordance with DFO guidance. QIA disagrees with removing this PC Condition. This condition requires BIMC to continue exploring offsetting options and PCC 128 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</p>	<p><i>Baffinland can support QIA request but suggests phrase “in the manner reflected in the Fisheries Act authorizations” be added to clarify this is not a perpetual obligation.</i></p> <p><i>Baffinland suggests the NIRB defer to revisions by Parties with expertise and regulatory oversight on the subject matter.</i></p>
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)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>should be included in NIRB requirements to ensure annual reporting is available to stakeholders</p> <p>Summary of GC Final Written Statement:</p> <p>DFO: DFO agrees with the rational for the removal of this condition and this is included in Fisheries Act authorizations.</p>	
PC No. 116				
Category	Marine Environment - Blasting	<p>Proposed Revision:</p> <p>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>.</p> <p>Rationale:</p> <p>Revision provides certainty that for all relevant activities, specific thresholds, mitigations and monitoring for any blasting activities would exceed regulatory guidance.</p>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Terms and Conditions</u></p> <p>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 include but are not limited to 1), 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, and 2) an overpressure threshold of 50kPa as agreed to by the Proponent.</p> <p><u>QIA Rationale</u></p> <p>Baffinland agreed during the Phase 2 review with a request from DFO to apply a more stringent overpressure threshold of 50 kPa, instead of the published 100 kPa threshold identified by Wright and Hopky (1998).</p> <p>QIA has suggested specific overpressure thresholds be included within this Term and Condition.</p> <p>Summary of GC Final Written Statement:</p> <p>DFO: DFO has no comments on the proposed wording by BIM. However, DFO notes that it is possible that the 1998 guidelines might not apply on various site, and that would be decided based on site-specific conditions at DFOs discretion. DFO also agrees that an amalgamation with freshwater T&C related to blasting could be useful to avoid duplication.</p>	<p><i>Baffinland is generally in agreement with QIA, but for including specifics on the overpressure threshold. That needs to be left to DFO to set in the Authorization. This ensures a minimum requirement for blasting near water would be exceeded by Baffinland, with the final guidelines determined by DFO. The Term and Condition as written by Baffinland would allow for flexibility as guidelines released by DFO evolve throughout the life of the Project.</i></p>
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.			
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	N/A			
PC No. 117				
Category	Marine Environment - Blasting	Proposed Revision:	Summary of QIA Final Written Statement:	<i>Baffinland is supportive of removing duplication in the PC to enhance</i>
Responsible Parties	The Proponent, Fisheries and Oceans Canada			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Project Phase(s)	Construction	Suggest to remove PC Condition No. 117. Rationale: See proposed Revision to PC Condition No. 116.	<u>QIA Terms and Conditions</u> 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. <u>QIA Rationale</u> Baffinland proposes removing PC Condition 117 based on proposed revisions to PC Condition 116. QIA does not support removal of this PC Condition. However, PC Conditions 116-118 could be amalgamated into a single marine PC Condition, provided they capture the intent of each existing PC Condition. QIA recommends this T+C be retained and amalgamated with other relevant T+Cs (i.e. 116). <u>Summary of GC Final Written Statement:</u> DFO: DFO agrees with the rational for the removal of this condition and this is included in Fisheries Act authorizations and can be included in any required Fisheries Act Authorizations	<i>compliance and streamline reporting. Baffinland suggests the NIRB defer to revisions by Parties with expertise and regulatory oversight on the subject matter.</i>
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)			
PC No. 118				
Category	Marine Environment - Blasting	Proposed Revision: Suggest to remove PC Condition No. 118 Rationale: See Proposed Revision to PC Condition No. 116.	<u>Summary of QIA Final Written Statement:</u> <u>QIA Terms and Conditions</u> 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. <u>QIA Rationale</u> Baffinland proposes removing PC Condition 118 based on proposed revisions to PC Condition 116. QIA does not support removal of this PC Condition. However, PC Conditions 116-118 could be amalgamated into a single marine PC Condition, provided they capture the intent of each existing PC Condition. QIA recommends this T+C be retained and amalgamated with other relevant T+Cs (i.e. 116).	<i>Baffinland is supportive of removing duplication in the PC to enhance compliance and streamline reporting</i>
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		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>Summary of GC Final Written Statement:</p> <p>DFO: DFO recommends clarification if the rationale refers to T&C 116 and not 166. Seems to be represented there. If represented in 116, could be removed</p> <p>Parks Supports DFO's comments</p>	
PC No. 119				
Category	Marine Environment - Ringed Seals	<p>Proposed Revision:</p> <p>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 shipping route, 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.</p> <p>The Proponent shall develop a ringed seal monitoring plan for the Northern shipping route that incorporates Inuit perspectives into the design, planning and implementation phases.</p> <p>The Proponent shall, in conjunction with the QIA and Impacted Communities, develop a ringed seal monitoring plan that incorporates Inuit perspectives into the design, planning and implementation phases. The plan shall include Inuit OITRs for ringed seal, which will include low, moderate and high risk thresholds and responses which will be incorporated into the adaptive management plan for the Marine Monitoring Plan.</p> <p>Rationale:</p> <p>Seasonal shipping through the Northern Shipping Route does not overlap with seal</p>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Terms and Conditions</u></p> <p>The Proponent shall develop a ringed seal monitoring plan that incorporates Inuit perspectives into the design, planning and implementation phases, and includes Inuit-derived objectives, indicators, thresholds, and responses (OITRs) which include low, moderate and high risk thresholds. 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 commencement of the shipping season, with continued monitoring over the life of the Project as necessary, and as determined by the MEWG and the Inuit Committee, 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.</p> <p><u>QIA Rationale</u></p> <p>Shoulder season icebreaking along the northern route may impact ringed seal territory formation in autumn and moulting in spring. QIA believes it is important to maintain monitoring for both northern and southern routes. QIA revisions also incorporate the role of the MEWG and Inuit Committee.</p> <p>QIA has suggested the monitoring should occur at a frequency determined by the MEWG and Inuit Committee. It is also suggested that monitoring a control site outside of the Project's zone of influence be required for both the Northern and Southern Shipping Routes.</p> <p>Summary of GC Final Written Statement:</p> <p>All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.</p>	<p><i>Baffinland agrees that two years of ringed seal monitoring should occur before an increase in shipping through the Northern Shipping Route occurs, and is amenable to retaining this requirement for the Southern Shipping Route. See Commitment No. 225. It is noted that seal birth lairs for the northern route were already monitored in the 2021 program and baseline.</i></p>
Responsible Parties	The Proponent, Marine Environment Working Group			
Project Phase(s)	Construction			
Objective	To prevent impacts to ringed seals from icebreaking associated with Project shipping.			
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.			
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	Marine Environment Working Group (MEWG)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
		parturition, pupping or nursing periods. However, this commitment was made by the Proponent to resolve QIA-04.		
PC No. 120				
Category	Marine Environment - Marine Mammal Interactions	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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:</p> <ul style="list-style-type: none">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; andd. When marine mammals are concentrated in sea ice leads, animals will be given the right of way and no vessels will enter the lead, to minimize disturbance to marine mammals when open-water habitat is limited. <p><u>QIA Rationale</u></p> <p>Project Condition revised to be more specific re: marine mammal right-of-way and marine mammals trapped or disturbed, to address what happened at the start of the 2020 shipping season when icebreaking occurred when narwhal were aggregated in sea ice leads.</p> <p>QIA suggested inclusion of a requirement to stop movement through the lead if marine mammals are observed to be concentrated.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>DFO: DFO recommends that Baffinland’s voluntary 9 knot speed restriction be referenced within this T&C.</p> <p>Parks Supports DFO.</p>	<p><i>Baffinland cautions that any TC relating to ship navigation must always be subject to the discretion of the vessel operator taking into account the safety of the vessel and crew. It may not be known in advance whether marine mammals have concentrated in a lead and it may or may not be possible to abandon if encountered. However, Baffinland agrees that reporting on any potential interactions is appropriate.</i></p>
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	<p>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:</p> <p>1. Wildlife will be given right of way</p> <p>Ships will when possible, maintain a straight course and constant speed, avoiding erratic behavior</p> <p>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.</p>			
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	Marine Environmental Working Group (MEWG)			
PC No. 121				
Category	Marine Environment - Marine Mammal Interactions	Proposed Revision:		

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Responsible Parties	The Proponent, Fisheries and Oceans Canada, Environment Canada	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. Rationale: Revisions serve to combine PC Condition No. 121 and 122 and reflect prescriptive reporting requirements already outlined in relevant legislation. Proposed Revision: Annually. Rationale: Any accidental contacts will be summarized and reported in the Annual Report to the NIRB. No Change.	<u>Summary of QIA Final Written Statement:</u> <u>QIA Terms and Conditions</u> The Proponent shall immediately report any accidental contact by Project vessels with marine mammals or seabirds to regulatory authorities in accordance with legislation. The Proponent shall summarize and report annually to the NIRB regarding contact by Project vessels with marine mammals or seabirds in the Annual Report to NIRB. The proponent will report all wildlife mortalities immediately to the MHTO and QIA. <u>QIA Rationale</u> QIA revisions for clarity and to ensure all contact with marine mammals and seabirds are appropriately reported. QIA recommended reporting of any wildlife mortalities associated with shipping operations should also be reported to the MHTO and QIA. <u>Summary of GC Final Written Statement:</u> DFO: DFO recommends that the specific information requirements carried into the revised T+C. ECCC: ECCC supports the revisions, but recommends changing the category to Marine Environment – Marine Mammal and Marine Bird Interactions to better reflect the scope of the term and condition. Parks: Parks supports ECCC and DFO .	<i>Baffinland agrees with the recommendations for revisions from all Parties</i>
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 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: 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.			
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	Marine Environment Working Group (MEWG), Fisheries and Oceans Canada (DFO), Environment and Climate Change Canada (ECCC)			
PC No. 122				
Category	Marine Environment - Marine Mammal Interactions	Proposed Revision: Suggest to remove PC Condition No. 122. Rationale: See proposed changes to PC Condition No. 121.	<u>Summary of QIA Final Written Statement:</u> <u>QIA Terms and Conditions</u> 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. <u>QIA Rationale</u> QIA does not object to Baffinland’s proposal to remove PC Condition 122 provided the revisions to PC Condition 121 are accepted. QIA supports this revision	<i>Baffinland agrees with QIA and refers NIRB to its comments on PC 121</i> <i>Baffinland notes that all Parties are supportive of eliminating this Term and Condition.</i>
Responsible Parties	The Proponent			
BaffiProject 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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Reporting Requirement	To be provided in the Annual Report to the NIRB.		<u>Summary of GC Final Written Statement:</u> DFO: DFO supports this revision ECCC: ECCC supports removal of No 122 with the proposed revisions to 121.	
Stakeholder Review	Marine Environment Working Group (MEWG)			
PC No. 123				
Category	Marine Environment - Marine Mammal Interactions	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 123.</p> <p>Rationale:</p> <p>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.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>The Proponent shall provide sufficient marine mammal observer coverage on Project vessels to ensure that collisions with marine mammals and seabirds colonies are observed and reported through the life of the Project. To ensure adequate coverage, monitoring will be conducted using remote technology during ice breaking and shoulder season shipping activities, to detect and monitor ship strikes and sea ice. 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.</p> <p>Baffinland will implement additional mitigation requirements to avoid vessel strikes with bowhead whales. Once advised of the presence and location of bowhead whales, Masters of project ships operating within the RSA will be instructed to exercise due caution in order to minimize the likelihood of interaction with the mammals. In such events, Masters will be authorized to adjust speed or alter course within safe and prudent navigational constraints to avoid to the extent possible interactions with bowhead whales.</p> <p>Baffinland will also implement an incidental marine mammal monitoring program with vessel operators calling on Milne Port, which will request incidental observations of marine mammals to be recorded and relayed to Baffinland. In support of this program, Baffinland will develop educational materials for vessel crew to assist in marine mammal identification and data recording. Baffinland will provide a draft of the materials and program for review by the MEWG before they are finalized.</p> <p><u>QIA Rationale</u></p> <p>Baffinland proposes removal of PC Condition 123 as it duplicates objectives and reporting requirements of PC Conditions 106 and</p>	<p><i>As a general comment, Baffinland supports consolidating TCs in order to enhance implementation and streamline reporting. NIRB should also avoid duplication of TCs.</i></p> <p><i>However, it is noted that most of QIA’s wording is consistent with Commitment No. 95 and 83 and this wording is acceptable to Baffinland.</i></p> <p><i>In order to ensure compliance with this condition in the event alternative methods are identified which reflect the intent of this condition, Baffinland suggests:</i></p> <p><i>To ensure adequate coverage, monitoring <u>may</u> be conducted using remote technology during ice breaking and shoulder season shipping activities, to detect and monitor ship strikes and sea ice, <u>during the trial period referenced in TC 107”</u>.</i></p> <p><i>It is also noted that additional mitigations for minimizing interactions with bowhead whales are not required at this time.</i></p>
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)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>111. QIA does not support reminding this PC Condition. It requires sufficient coverage to have monitoring be effective, whereas Baffinland is looking to have this done at a surveillance level only.</p> <p>Summary of GC Final Written Statement:</p> <p>DFO: DFO recommends that the first sentence of the original T&C be incorporated into T&C 106 or 121, to specifically mention that this needs to be done throughout the life of the project. This is not explicitly stated in T+C 106 or 121.</p> <p>ECCC: ECCC recommends changing the category to Marine Environment – Marine Mammal and Marine Bird Interactions to better reflect the scope of the term and condition.</p> <p>Parks Supports DFO’s and ECCC’s comments.</p>	
PC No. 124				
Category	Marine Environment - Marine Mammal Interactions	<p>Proposed Revision:</p> <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:</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...”.</p> <p>Proposed Revision:</p> <p>Annually</p> <p>Rationale:</p> <p>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>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Terms and Conditions</u></p> <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><u>QIA Rationale</u></p> <p>QIA supports Baffinland’s proposed edits to bring PC 124 into alignment with the Nunavut Agreement and IIBA.</p> <p>Summary of GC Final Written Statement:</p> <p>All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.</p>	<p><i>Baffinland is in agreement with QIA</i></p>
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 marine fish populations from increased harvesting pressures in Project areas.			
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 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.			
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	Fisheries and Oceans Canada (DFO), Indigenous and Northern Affairs Canada (INAC), Qikiqtani Inuit Association (QIA), Terrestrial Environment Working Group (TEWG)			
PC No. 125				

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Category	Marine Environment - Public Engagement	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide.</p>	N/A
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	<p>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.</p> <p>Feedback received from community consultations shall be incorporated into the appropriate mitigation plan.</p>			
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	N/A			
PC No. 125(a)				
Category	Marine Environment - Public Engagement	<p>Suggested Revision:</p> <p>Add “Where it is not practicable or feasible to implement community preferred anchorage sites, the Proponent shall identify such areas of disagreement to the NIRB and provide written rationale.”</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>QIA Rationale</u></p> <p>No change.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide.</p>	Baffinland encourages the NIRB to give consideration to its suggested addition from April 2021
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 126				
Category	Marine Environment - Public Engagement	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 126.</p> <p>Rationale:</p> <p>This PC Condition is duplicative of both the objectives and reporting requirements for PC Condition No. 163 and 164.</p>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>QIA Rationale</u></p> <p>Baffinland proposes removing PC Condition 126 as it is duplicative to PC conditions 163 and 164. QIA supports removing this PC Condition, provided revisions to PC Conditions 163 and 164 are accepted, along with QIA's new PC Conditions related to Culture, Resources and Land Use being adopted.</p> <p>Summary of GC Final Written Statement:</p> <p>DFO: DFO recommends that further change is required to house this under T&C 163 and 164 as currently these T&Cs don't address Inuit involvement in monitoring. With this inclusion, DFO supports the proposed removal.</p> <p>Parks Support DFO.</p>	<p><i>Baffinland is supportive of QIA's approach.</i></p>
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)			
PC No. 127				
Category	Marine Environment - Public Engagement	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 127.</p> <p>Rationale:</p> <p>This PC Condition is duplicative of both the objectives and reporting requirements for PC Condition No. 163 and 164.</p>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Terms and Conditions</u></p> <p>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 <i>development</i> and refinement of shipping related monitoring and mitigation plans.</p> <p><u>QIA Rationale</u></p> <p>Baffinland proposes removal of this PC Condition, as it is duplicative of requirements of PC Condition 163. QIA does not support removing this PC Condition. QIA is concerned with the Proponent amalgamating commitments into an overarching generic condition. QIA requests either</p>	<p><i>Baffinland can support QIA's wording.</i></p>
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Reporting Requirement	To be developed following approval of the Project by the Minister.		this condition remain or explicit requirements for engagement with Inuit on Project shipping activities be included in Condition 163.	
Stakeholder Review	Mittimatalik Hunter and Trappers Organization, Marine Environment Working Group (MEWG)		<u>Summary of GC Final Written Statement:</u> TC No. 163 speaks to communication with North Baffin Communities only	
PC No. 128				
Category	Marine Environment - Public Engagement	Proposed Revision: Suggest to remove PC Condition No. 128. Rationale: See revision to PC Condition No. 115	<u>Summary of QIA Final Written Statement:</u>	Baffinland can support QIA's wording.
Responsible Parties	The Proponent		<u>QIA Terms and Conditions</u>	
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring		The Proponent shall consult with local communities as fish habitat offsetting 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).	
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).		<u>QIA Rationale</u> Baffinland proposes removal of PC Condition 128, as it is duplicative of PC Condition 115 (for which removal is also proposed). QIA does not support removing this PC Condition. 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.	
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		<u>Summary of GC Final Written Statement:</u> DFO: DFO agrees with the rational for the removal of this condition and confirms this is required for any future Fisheries Act Authorization.	

PREFORMANCE ON SOCIO-ECONOMIC CONDITIONS

Population Demographics (PC Conditions 129 through 134)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 129				
Category	Population Demographics - Qikiqtaaluk Socio-Economic Monitoring Committee	No Change.	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Terms and Conditions</u></p>	<p><i>It is noted that the "Inuit Stewardship Plan" is to enhance Inuit-led monitoring of the Project,</i></p>
Responsible Parties	The Proponent, members of the QSEMC			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring		<p>The Proponent is strongly encouraged to engage in the work of the Qikiqtaaluk Socio-Economic Monitoring Committee and in work conducted through the Inuit Stewardship Plan, 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.</p> <p><u>QIA Rationale</u></p> <p>QIA revision to reflect commitments from the Inuit Certainty Agreement.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide.</p>	<p><i>and so the independence of that work should be respected – by “engage in” Baffinland assumes it is being asked to support and collaborate with Inuit Committees in relation to the ISP. With that clarification, Baffinland is supportive of QIA’s wording.</i></p>
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)			
PC No. 130				
Category	Population Demographics - Project-specific monitoring	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>QIA Rationale</u></p> <p>QIA proposes that this PC Condition can be removed, provided that the PC Conditions in the proposed new Inuit Governance and Participation section are accepted.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide.</p>	<p><i>Baffinland agrees this PC Condition can be removed and notes it has comments on QIA’s proposed new Inuit Governance and Participation section as set out below.</i></p>
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)			
PC No. 131				
Category	Population Demographics - Monitoring demographic changes			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Responsible Parties	The Proponent, members of the QSEMC	<p>Population Demographics – Monitoring of socio-economic indicators</p> <p>To monitor a broad range of socio-economic indicators that may be affected by the Project</p> <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> <ol style="list-style-type: none"> 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. <p>The number of Inuit and non-Inuit employees hired from each of the North Baffin communities, the Kitikmeot and Kivalliq regions, and other provinces/territories, specifying the number from each</p> <p>The number of non-Canadian foreign employees hired, specifying the locations and number from each foreign point of hire.</p> <p>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>Barriers to employment for women, specifically with respect to childcare availability and costs.</p> <p>Project harvesting interactions and food security, which includes broad indicators of dietary habits.</p> <p>Subject to availability through the Nunavut Bureau of Statistics, the prevalence of substance abuse, gambling issues, family violence,</p>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Terms and Conditions</u></p> <p>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 generated through work conducted under the Inuit Stewardship Plan, and obtained by the Proponent from recent hires and/or out-going employees in order to assess the potential effect the Project has on migration. The Proponent is expected to provide detailed analysis on the current and potential future impacts of the Project on migration against predictions in the Final Environmental Impact Statement, as well as on all measures taken to mitigate or address negative Project- related impacts.</p> <p><u>QIA Rationale</u></p> <p>Baffinland has proposed merging the requirements of 10 separate Socio-Economic PC Conditions, including 131, 134, 140, 145, 148, 154, 158, 159, 168, 169. QIA strongly disagrees with this proposed amalgamation, as it will minimize compliance responsibilities for the Proponent and complicate the monitoring of compliance.</p> <p>QIA revision to reflect commitments from the Inuit Certainty Agreement.</p> <p>Summary of GC Final Written Statement:</p> <p>CIRNAC: CIRNAC has reviewed the proposed changes to this term and condition and has not identified any concerns at the present time. It appears that the requirements associated with 10 applicable terms and conditions would continue to apply.</p> <p>For Item g), CIRNAC notes that the Nunavut Bureau of Statistics may not be the only source of public data for all of the presented socio-economic indicators. Baffinland may wish to consider other information sources such as the RCMP for criminal related matters and the Government of Nunavut’s Department of Health for available health and wellness information.</p>	<p><i>Baffinland is supportive of QIA wording</i></p>
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring			
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.			
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.			
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		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
		<p>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>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>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>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.</p> <p>Rationale:</p> <p>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</p> <p>change, however, for compliance tracking purposes this is preferred.</p> <p>Reported annually through the Socio-Economic Monitoring Report.</p>		
PC No. 132				

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Category	Population Demographics - Training programs	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>QIA Rationale</u></p> <p>Minor change to clarify reporting requirements.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide.</p>	<p><i>Baffinland is supportive of QIA wording</i></p>
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)			
PC No. 133				
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</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></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 and Social Services, the Nunavut Housing Corporation, with communities through the Inuit Stewardship Plan, and with other relevant stakeholders to design a voluntary survey of its Inuit employees and of Inuit employees of its contractors and subcontractors, and to conduct the survey on an annual</p>	<p><i>Baffinland notes department names change frequently, suggest the more general “Government of Nunavut” is all that is referred to here.</i></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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
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.	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. Rationale: The Department of Health and Social Services is now the Department of Health.	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. <u>QIA Rationale</u> QIA supports Baffinland’s proposed revisions. QIA revision to reflect commitments from the Inuit Certainty Agreement. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide	
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)			
PC No. 134				
Category	Population Demographics - 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	<u>Summary of QIA Final Written Statement:</u> <u>QIA Terms and Conditions</u> The Proponent shall include with its annual reporting to the NIRB a summation of employee origin information as follows, for the current year and each of the previous two years: a) The number of Inuit and non-Inuit employees currently employed, specifying the total number, the number hired during the current year, total hours worked, total wages earned, and the number of resignations or terminations. This information shall be broken out as follows: a) Each Impacted Community b) From each of the Qikiqtaaluk, Kivalliq and Kitikmeot Regions c) From provinces/territories outside of Nunavut d) Outside of Canada, specifying the locations and number from each foreign point of hire. <u>QIA Rationale</u>	Baffinland is supportive of QIA wording
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: 1. The number of Inuit and non-Inuit employees hired from each of the North Baffin communities, specifying the number from each The number of Inuit and non-Inuit employees hired from each of the Kitikmeot and Kivalliq regions, specifying the number from each The number of Inuit and non-Inuit employees hired from a southern location or other province/territory			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	outside of Nunavut, specifying the locations and the number from each The number of non-Canadian foreign employees hired, specifying the locations and number from each foreign point of hire.		<p>Baffinland has proposed merging the requirements of 10 separate Socio-Economic PC Conditions, including 131, 134, 140, 145, 148, 154, 158, 159, 168, 169. QIA strongly disagrees with this proposed amalgamation, as it will minimize compliance responsibilities for the Proponent and complicate the monitoring of compliance. QIA believes that monitoring and reporting on employment-related benefits received by geographical origin is important to maintain as a standalone PC Condition. QIA further believes that the proposed additions and revisions provide clarity over the current PC Condition. The additional level of detail will more effectively capture the delivery of these critical Project benefits to Inuit, contribute to ease of reviewing reports.</p> <p>Summary of GC Final Written Statement:</p> <p>CIRNAC: CIRNAC has reviewed the proposed changes to this term and condition and has not identified any concerns at the present time This T&C appears to be addressed in proposed revisions to T&C 131 b) and c).</p>	
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)			

Education and Training (PC Conditions 135 through 141)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 135				
Category	Education and Training - Employee work/study programs	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>The Proponent will support Inuit Project employees in pursuing education opportunities by providing options for work/study programs that can be completed while on-shift, or off-site with compensation in accordance with applicable labour standards. Such opportunities would be in addition to mandatory or position-based training.</p> <p><u>QIA Rationale</u></p> <p>QIA revision to strengthen language and to clarify that this is meant to provide Inuit with opportunities for education and training that are above and beyond what is required for a particular job at the Project.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed this term and condition and currently have no comments to provide.</p>	<p><i>Baffinland is concerned the proposed wording might be contrary to the prohibition in NuPPAA and the Nunavut Agreement against NIRB establishing benefits. In order to remove this legal issue suggest changing “will” to “is encouraged”</i></p>
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			
PC No. 136				

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Category	Education and Training - Transferable skills and training	No Change.	<u>Summary of QIA Final Written Statement:</u>	<i>Baffinland is in agreement with QIA’s wording, but notes that the additional wording provided by QIA is redundant to the conditions as written.</i>
Responsible Parties	The Proponent, Qikiqtani Inuit Association, Government of Nunavut, Municipal Training Organization		<u>QIA Terms and Conditions</u>	
Project Phase(s)	Construction and Operations		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. The Proponent will work with the Government of Nunavut and other relevant stakeholders to explore opportunities for certification or accreditations for training that are valid beyond the Mary River Project.	
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.		<u>QIA Rationale</u>	
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.		QIA revision reflects strong desire by Inuit to gain transferable and certifiable skills and extend the employment-related benefit opportunities beyond the Project. Inuit want the Project to also serve as an incubator for skills and capacity development that can benefit the local labour market in communities.	
Reporting Requirement	To be developed following approval of the Project by the Minister.		<u>Summary of GC Final Written Statement:</u>	
Stakeholder Review	Mary River Socio-Economic Monitoring Working Group	All participating departments have reviewed this term and condition and currently have no comments to provide.		
PC No. 137				
Category	Education and Training - Transferable skills and training	No Change.	<u>Summary of QIA Final Written Statement:</u>	N/A
Responsible Parties	The Proponent		No change.	
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.		<u>Summary of GC Final Written Statement:</u>	
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.		All participating departments have reviewed this term and condition and currently have no comments to provide	

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
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			
PC No. 138				
Category	Education and Training - Inuit employee training	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>Not later than 90 days prior to commencement of any construction activities under the Phase 2 proposal, the Proponent shall deliver and implement an Inuit Training Plan that covers the Phase 2 construction phase and the first three years of operations. This plan will provide a detailed description of labour demand, and of the training programs that will be delivered in order to maximize Inuit participation at the Project, including locations, expected enrolment and impacts on Inuit employment. This plan will be developed in collaboration with the Qikiqtani Inuit Association and other relevant stakeholders.</p> <p><u>QIA Rationale</u></p> <p>Building upon Baffinland’s proposed changes, QIA’s revisions to this PC Condition reflect the conclusion of the Qikiqtani Skills and Training for Employment Program (Q-STEP) as well as clear Inuit priorities to ensure training anticipates Phase 2 operations and that planning for this training occurs in advance so that Inuit do not miss out on important employment benefits.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>CIRNAC: CIRNAC recommends that this Term and Condition also be applicable to the project’s “Operations” phase.</p>	<p><i>QIA’s suggested timing is not reflective of Baffinland’s commitment, which was to provide this to NIRB within 6 months of PC issuance – Baffinland does not agree construction schedule should drive timing of this task:</i></p> <p><i>Commitment 21 - Baffinland will work with QIA to develop an updated Inuit Training Plan that covers the period between Phase 2 construction 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 amended Project Certificate.</i></p>
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	The Proponent is encouraged to work with the QIA to ensure the timely development of effective Inuit training and work-ready programs			
Reporting Requirement	To be developed following approval of the Project by the Minister			
Stakeholder Review	Mary River Socio-Economic Monitoring Working Group			
PC No. 139				
Category	Education and Training - Hiring southern Canadians and foreign employees	Proposed Revision:	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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</p>	<p><i>Baffinland notes all Parties are in agreement with Baffinland’s proposal to remove this Term and Condition</i></p>
Responsible Parties	The Proponent	Suggest to remove PC No. 139 from the Project Certificate.		
Project Phase(s)	Construction	Rationale:		
Objective	With the unknown availability of labour from the North Baffin region and Nunavut as a whole to provide employment to the			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	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.	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.	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. <u>QIA Rationale</u> QIA supports Baffinland’s proposal to remove this PC Condition. <u>Summary of GC Final Written Statement:</u> CIRNAC: CIRNAC has reviewed the proposed changes to this term and condition and has not identified any concerns at the present time. Baffinland is required to submit revised Labour Market Analyses with Final Environmental Impact Statement Addendum proposals pursuant to NIRB guidelines. The existing T&C appears to be specific to the project’s initial construction phase and may no longer be applicable.	
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			
PC No. 140				
Category	Education and Training - 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.	<u>Summary of QIA Final Written Statement:</u> <u>QIA Terms and Conditions</u> The Proponent shall 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. The Proponent shall use data obtained to isolate and describe trends with respect to the choices of Inuit employees regarding employment opportunities at the Project, and in the profile of educational attainment. <u>QIA Rationale</u> Baffinland has proposed merging the requirements of 10 separate Socio-Economic PC Conditions, including 131, 134, 140, 145, 148, 154, 158, 159, 168, 169. QIA strongly disagrees with this proposed	<i>Baffinland could support a requirement to ask these types of questions at hiring but we are concerned that we may not receive the information as that is entirely the employee’s discretion. So the type of analysis and reporting suggested by QIA may not be practically available to us without a sufficient data set. This is sensitive information and a small data set also raises grave confidentiality concerns and Baffinland may not be able to report details on the</i>
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Reporting Requirement	To be developed following approval of the Project by the Minister.		amalgamation, as it will minimize compliance responsibilities for the Proponent and complicate the monitoring of compliance. QIA believes that Baffinland's annual reports do not clearly isolate trends with respect to impact of Project employment on local job markets, or whether people are suspending education to work at the Project (or whether level of education is changing). QIA proposes revisions to more clearly capture the objective of the PC Condition. <u>Summary of GC Final Written Statement:</u> CIRNAC: CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 131 d).	<i>information provided at all. Accordingly the NIRB should draft the condition to ensure that Baffinland would be considered in compliance if it requested this information during interviews.</i>
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)			
PC No. 141				
Category	Education and Training - 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.	<u>Summary of QIA Final Written Statement:</u> <u>QIA Terms and Conditions</u> The Proponent will collaborate with QIA prior to construction in the design and delivery of training to Inuit who will serve in monitoring roles as defined by the Inuit Impact and Benefit Agreement and the Inuit Stewardship Plan. <u>QIA Rationale</u> Baffinland proposes removing PC Condition 141 as it is duplicative of PC Condition 138. QIA does not support removing this PC Condition, as it is specifically focused on supporting QIA in training Inuit for monitoring-related positions, reflecting commitments in the Inuit Certainty Agreement. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	<i>Baffinland suggests that this should be an ongoing obligation and not be tied to construction milestones, NIRB should give guidance on what will be considered evidence of compliance with this condition</i>
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)			

Livelihood & Employment (PC Conditions 142 through 147)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 142				
Category	Livelihood and Employment - Employee Cohesion			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Responsible Parties	The Proponent	No Change.	<u>Summary of QIA Final Written Statement:</u>	<i>Baffinland is supportive of QIA’s wording</i>
Project Phase(s)	Construction and Operations		<u>QIA Terms and Conditions</u>	
Objective	To promote cohesion between employees on site, and between employees and their families.		The Proponent is strongly encouraged to promote the use of Inuktitut on site in accordance with the Mine Health Safety Act and the Inuit Impact and Benefit Agreement, and to implement policies and procedures to minimize and mitigate conflicts due to language, including English and Inuktitut training, and by creating opportunities for cultural exchange among employees.	
Term or Condition	The Proponent is encouraged to address the potential direct and 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.		<u>QIA Rationale</u>	
Reporting Requirement	To be developed following approval of the Project by the Minister.		QIA revision to ensure actions and reporting that are practically applicable and meaningfully reported on.	
Stakeholder Review	Qikiqtani Inuit Association (QIA), Mary River Socio-Economic Monitoring Working Group (SEMWG)		<u>Summary of GC Final Written Statement:</u>	
		All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.		
PC No. 143				
Category	Livelihood and Employment - Employee family contact	No Change.	<u>Summary of QIA Final Written Statement:</u>	<i>Baffinland is supportive of QIA’s wording</i>
Responsible Parties	The Proponent		<u>QIA Terms and Conditions</u>	
Project Phase(s)	Construction and Operations		The Proponent shall 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.	
Objective	To enable and foster connection and contact between employees and family members.		<u>QIA Rationale</u>	
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.		QIA revision based on seemingly little attention dedicated by Baffinland (as reflected in reporting to NIRB) to achieving the objective of this PC Condition.	
Reporting Requirement	As needed		<u>Summary of GC Final Written Statement:</u>	
Stakeholder Review	N/A		All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	
PC No. 144				
Category	Livelihood and Employment - Requirements for employment			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Responsible Parties	The Proponent	No Change.	<u>Summary of QIA Final Written Statement:</u>	<i>Baffinland is supportive of QIA’s wording</i>
Project Phase(s)	Construction and Operations		<u>QIA Terms and Conditions</u>	
Objective	To ensure that the prerequisites and requirements for employment are clear and well known in work readiness programs.		The Proponent shall 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. The Proponent will also include information about skill equivalencies, training, career mobility and leadership opportunities.	
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.		<u>QIA Rationale</u>	
Reporting Requirement	To be developed following approval of the Project by the Minister.		QIA revisions to incorporate IIBA commitments, and to strengthen the requirement overall. QIA believes this revision is necessary based on past reporting and compliance.	
Stakeholder Review	N/A		<u>Summary of GC Final Written Statement:</u>	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.				
PC No. 145				
Category	Livelihood and Employment - 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.	<u>Summary of QIA Final Written Statement:</u>	<i>In drafting this condition note that the communities are members of the QSEMC as well, so implementation of this condition is not dependent on engagement with communities through the ISP.</i>
Responsible Parties	The Proponent, Government of Nunavut, members of QSEMC		<u>QIA Terms and Conditions</u>	
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring		The Proponent is encouraged to work with the Government of Nunavut, the Qikiqtaaluk Socio-Economic Monitoring Committee and with communities through the Inuit Stewardship Plan to monitor and help to address the barriers to employment for women, specifically with respect to childcare availability and costs.	
Objective	To monitor and understand the existence of barriers to employment for women specifically relating to childcare availability and costs.		<u>QIA Rationale</u>	
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.		Baffinland has proposed merging the requirements of 10 separate Socio-Economic PC Conditions, including 131, 134, 140, 145, 148, amalgamation, as it will minimize compliance responsibilities for the Proponent and complicate the monitoring of compliance. QIA revision to reflect commitments from the Inuit Certainty Agreement.	
Reporting Requirement	To be developed following approval of the Project by the Minister.		<u>Summary of GC Final Written Statement:</u>	
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)	CIRNAC: CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 131 e).		

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 146				
Category	Livelihood and Employment - Availability of childcare for Project Employees	No Change.	No Change	Baffinland notes all Parties agree with revisions proposed by Baffinland to remove this Term and Condition.
Responsible Parties	Government of Nunavut and Qikiqtani Inuit Association		<u>Summary of QIA Final Written Statement:</u>	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring		<u>QIA Terms and Conditions</u>	
Objective	To lessen the barriers to employment as relating to the availability of childcare.		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.	
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.		<u>QIA Rationale</u>	
Reporting Requirement	To be developed following approval of the Project by the Minister.		QIA proposes that this PC Condition may be removed, as it is covered by the Inuit Certainty Agreement, and QIA’s Revenue Policy.	
Stakeholder Review	Mary River Socio-Economic Monitoring Working Group (SEMWG)		<u>Summary of GC Final Written Statement:</u>	
PC No. 147				
Category	Livelihood and Employment - Affordability of housing	Proposed Revision: Suggest to remove PC Condition No. 151 from the Project Certificate. Rationale: 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.	<u>Summary of QIA Final Written Statement:</u>	Baffinland remains supportive of removing any TC considered duplicative but can support QIA wording
Responsible Parties	The Proponent, Government of Nunavut and Nunavut Housing Corporation		<u>QIA Terms and Conditions</u>	
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring		The Proponent is encouraged to work with the Government of Nunavut and the Nunavut Housing Corporation to investigate policy options which might provide incentives for employees living in social housing to maintain employment as well as to negotiate for and obtain manageable rental rates.	
Objective	To lessen the barriers to maintaining employment as relating to the availability and costs of housing.		<u>QIA Rationale</u>	
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.		Baffinland proposes to remove PC Condition 147 as it is covered in an MOU with the GN. QIA does not support removing this PC Condition. QIA believes retaining it will provide necessary incentive to complete and report on this work.	
Reporting Requirement	To be developed following approval of the Project by the Minister.		QIA revision for clarity.	
Stakeholder Review	Government of Nunavut (Nunavut Housing Corporation; Community and Government Services; Economic Development and Transportation); Mary River Socio-Economic Monitoring Working		<u>Summary of GC Final Written Statement:</u>	

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	Group (SEMWG); Qikiqtani Socio-economic Monitoring Committee (QSEMC)			

Economic Development, Self-Reliance, and, Contracting and Business Opportunities (PC Conditions 148 through 152)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 148				
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> <p>Rationale:</p> <p>Substance of Term and Condition is added to Term and Condition No. 131.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>The Proponent is encouraged to undertake collaborative monitoring in conjunction with the Qikiqtaaluk Socio-Economic Monitoring Committee's monitoring program and programs under the Inuit Stewardship Plan for the Mary River Project, which address Project harvesting interactions and food security and which includes broad indicators of dietary habits. Where community-level data may not be initially available, the Proponent is encouraged to support the development of indicators and methodologies that prioritize Inuit Qaujimanituqangit and Inuit-led monitoring.</p> <p><u>QIA Rationale</u></p> <p>Baffinland has proposed merging the requirements of 10 separate Socio-Economic PC Conditions, including 131, 134, 140, 145, 148, 154, 158, 159, 168, 169. QIA strongly disagrees with this proposed amalgamation, as it will minimize compliance responsibilities for the Proponent and complicate the monitoring of compliance. QIA revision to reflect commitments from the Inuit Certainty Agreement.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>CIRNAC: CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 131 f.</p>	<p><i>QIA’s wording is acceptable to Baffinland, but notes that that the Inuit Stewardship Plan should not be prescribed to necessarily address these topics in exactly this way, and rather than discretion should be left to the Inuit Committee to direct this work.</i></p>
Responsible Parties	The Proponent, Members of the QSEMC			
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 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 hich 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)			
PC No. 149				
Category	Economic Development and Self-Reliance, and Contracting and Business Opportunities – Impacts of temporary closure	<p>Proposed Revision:</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>No later than six months prior to the commencement of expanded operations as described in the Phase 2 Proposal, the Proponent is</p>	<p><i>QIA’s wording is acceptable to Baffinland.</i></p>
Responsible Parties	The Proponent	<p>Closure Planning</p>		
Project Phase(s)	Construction	<p>Rationale:</p>		

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
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.	Updated to reflect proposed changes for objective and term and condition of PC Condition No. 149	<p>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. The Proponent shall work with 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.</p> <p><u>QIA Rationale</u></p> <p>Updated to reflect Baffinland’s revisions and QIA’s prioritization of ongoing efforts to plan for the impacts of closure on communities. This is particularly pertinent given the experience of Nunavummiut with the COVID-19 pandemic, and appropriate for inclusion in a PC Condition.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>CIRNAC: Ongoing collaboration with the Qikiqtaaluk Socio-Economic Monitoring Committee, the Socio-Economic Monitoring Working Group, and other stakeholders will strengthen plans to manage the effects of temporary or permanent project closure on communities in the North Baffin region. The recommended Reporting Requirement text does not specify which working group is applicable for the provision of annual updates. CIRNAC recommends that the Socio-Economic Monitoring Working Group be identified until the establishment of a Mine Closure Working Group with the support of interested parties.</p>	
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.	<p>No Change.</p> <p>Proposed Revision:</p> <p>Construction and Operations</p> <p>Rationale:</p> <p>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.</p>		
Reporting Requirement	To be developed following approval of the Project by the Minister.	<p>No Change.</p> <p>Proposed Revision:</p> <p>The Proponent shall work with the 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.</p> <p>Rationale:</p> <p>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.</p>		
Stakeholder Review	Qikiqtani Inuit Association (QIA), Mary River Socio-Economic Monitoring Working Group (SEMWG)	<p>No Change.</p> <p>Proposed Revision:</p> <p>Annual updates on the efforts of the Working Group to be reported in the Annual Report to NIRB each year.</p> <p>Rationale:</p> <p>Updated to reflect proposed establishment of Mine Closure Working Group.</p> <p>No Change.</p>		

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 150				
Category	Economic Development and Self-Reliance, and Contracting and Business Opportunities – Impacts to visitors of Sirmilik National Park	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>The Proponent will ensure the following:</p> <ul style="list-style-type: none">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. <p><u>QIA Rationale</u></p> <p>No change.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the term and condition and currently have no comments to provide.</p>	N/A
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	<p>The Proponent will ensure the following:</p> <p>2. 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</p> <p>The Proponent will ensure that certification of noise compliance is current, where compliance is applicable</p> <p>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</p> <p>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.</p>			
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			
PC No. 151				
Category	Economic Development and Self-Reliance, and Contracting and Business Opportunities – Access to housing	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 151 from the Project Certificate.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p>	<p><i>Baffinland is obligated elsewhere to support this work. However, it can nonetheless support QIA’s request to maintain this Term and Condition. .</i></p>
Responsible Parties	The Proponent			
Project Phase(s)	Construction and Operations			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Objective	To investigate ways that economic development and self-reliance may improve access to housing by employees.	Rationale: Access to affordable housing in Nunavut is the responsibility of the Government of Nunavut and the Nunavut Housing Corporation.	The Proponent is encouraged to investigate measures and programs designed to assist Project employees with homeownership or access to affordable housing options. <u>QIA Rationale</u> Baffinland proposes to remove PC Condition 147 as it is covered in an MOU with the GN. QIA does not support removing this PC Condition. QIA believes retaining it will provide necessary incentive to complete and report on this work. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	
Term or Condition	The Proponent is encouraged to investigate measures and programs designed to assist Project employees with home ownership 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)			
PC No. 152				
Category	Economic Development and Self-Reliance, and Contracting and Business Opportunities – IIBA contract requirements	No Change.	<u>Summary of QIA Final Written Statement:</u> <u>QIA Terms and Conditions</u> The Proponent is encouraged to provide the Board, the Qikiqtani Inuit Association, 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. <u>QIA Rationale</u> QIA revision to reflect that IIBA provisions related to contract tailoring are primarily the responsibility of the Proponent. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	<i>Baffinland suggests that both the QIA and Baffinland should be obligated to produce a joint report on such topics and that it should be provided to the QSEMC</i>
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)			

Human Health & Wellbeing (PC Conditions 153 through 157)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 153				
Category	Human Health and Well-Being - Employee and family health and well-being	No Change.	<u>Summary of QIA Final Written Statement:</u> <u>QIA Terms and Conditions</u> The Proponent is encouraged to provide on-site and support off-site community programs that contribute to the mental health and well-being of all employees and their families. 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. <u>QIA Rationale</u> Baffinland has proposed revisions to this PC condition that provide for removal of PC Condition 157. QIA’s additions build upon Baffinland’s revisions to more completely capture the intent of both PC Condition 153 and 157. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	<i>Baffinland leaves final wording to NIRB but would be supportive of a condition that means that Baffinland may support established community programs that deal with the issues outlined in the following sentence “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”.</i> <i>Baffinland has a support program in place for counselling and believes the topics covered by counselling should not be prescribed but instead driven by participants.</i>
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:		
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.	To support programs that contribute to the mental health and well-being of all employees and their families, as needed.		
Reporting Requirement	To be developed following approval of the Project by the Minister.	Proposed Revision:		
Stakeholder Review	Nunavut Impact Review Board (NIRB)	The Proponent is encouraged to provide on-site and support off-site community programs that contribute to the mental health and well-being of all employees and their families as needed.		
		Rationale:		
		Combines PC Condition No. 153 and 157.		
		No Change.		
		No Change.		
PC No. 154				
Category	Human Health and Well-being - Indirect impacts to health and well-being	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 154.</p> <p>Rationale:</p> <p>Substance of Term and Condition is added to Term and Condition No. 131</p>	<u>Summary of QIA Final Written Statement:</u> <u>QIA Terms and Conditions</u> The Proponent shall work with the Government of Nunavut, the Qikiqtaaluk Socio-Economic Monitoring Committee, and communities in accordance with the Inuit Stewardship Plan 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. Where community-level data may not be initially available, the Proponent is will support the development of indicators and methodologies that prioritize Inuit Qaujimanituqangit, local knowledge and Inuit-led localized data collection/monitoring. <u>QIA Rationale</u>	<i>Rather than “in accordance with the Inuit Stewardship Plan”, “Taking into account any relevant advice included in the Inuit Stewardship Plan” (to give Inuit Committee the control to determine content of the plans that they are responsible). Baffinland would be cautious about prescriptive direction to the Inuit Committee about what the content of the Inuit Stewardship Plan must be and suggests this should be left to the discretion of the Inuit Committee.</i>
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Reporting Requirement	To be developed following approval of the Project by the Minister.		Baffinland has proposed merging the requirements of 10 separate Socio-Economic PC Conditions, including 131, 134, 140, 145, 148, 154, 158, 159, 168, 169. QIA strongly disagrees with this proposed amalgamation, as it will minimize compliance responsibilities for the Proponent and complicate the monitoring of compliance. QIA revision to reflect commitments from the Inuit Certainty Agreement. <u>Summary of GC Final Written Statement:</u> CIRNAC: CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 131 g).	
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)			
PC No. 155				
Category	Human Health and Well-being - Employee cohesion	No Change.	<u>Summary of QIA Final Written Statement:</u> <u>QIA Terms and Conditions</u> The Proponent will report to the NIRB annually on any identified cultural conflicts that occur at site, how these are measured, mitigation measures imposed, and how success of these measures will be recorded, evaluated, and reported in subsequent years <u>QIA Rationale</u> 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. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	<i>Baffinland cautions the NIRB in adopting overly prescriptive language on this item as suggested by QIA. Baffinland could provide reporting at a very high aggregate level on a summary of conflicts as reported to HR but it would not be possible to report detail as requested without conflicting with employee confidentiality. We would not want to have the unintended effect of discouraging reporting of any such conflict as a result of confidentiality concerns. Baffinland can provide its mitigation measures for this topic and give consideration to how it will follow up with employees to ensure any cultural conflicts at site are addressed. We continue to believe original TC wording is appropriate.</i>
Responsible Parties	The Proponent	No Change.		
Project Phase(s)	Construction	Proposed Revision:		
Objective	To encourage the on-site cohesion of employees through cultural-awareness and social programs.	Construction, Operations and Closure. Rationale:		
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	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	No Change.		
Stakeholder Review	Nunavut Impact Review Board (NIRB)	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. Proposed Revision:		

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
		Annually. Rationale: A discussions of these efforts will be reported on each year in the Annual Report to NIRB. No Change.		
PC No. 156				
Category	Human Health and Well-Being - Support Initiatives	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>QIA Rationale</u></p> <p>No change.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.</p>	<i>Agreed</i>
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)			
PC No. 157				
Category	Human Health and Well-Being - Counseling and treatment programs	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 157.</p> <p>Rationale:</p> <p>See Proposed Revisions to PC Condition No. 153.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>QIA Rationale</u></p> <p>QIA does not object to Baffinland’s proposal to remove PC Condition 157 provided revisions to PC 153 are accepted.</p> <p><u>Summary of GC Final Written Statement:</u></p>	<i>Baffinland notes that all Parties are in agreement to remove duplication of this Term and Condition with 153.</i>
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Reporting Requirement	To be developed following approval of the Project by the Minister.		CIRNAC: CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 153.	
Stakeholder Review	Nunavut Impact Review Board (NIRB)			

Community Infrastructure and Public Services (PC Conditions 158 through 161)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 158				
Category	Community Infrastructure and Public Services – Impacts to health services	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 158.</p> <p>Rationale:</p> <p>Substance of Term and Condition is added to Term and Condition No. 131</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>The Proponent is encouraged to work with the Government of Nunavut and other parties as deemed relevant, and in accordance with the Inuit Stewardship Plan 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.</p> <p><u>QIA Rationale</u></p> <p>Baffinland has proposed merging the requirements of 10 separate Socio-Economic PC Conditions, including 131, 134, 140, 145, 148, 154, 158, 159, 168, 169. QIA strongly disagrees with this proposed amalgamation, as it will minimize compliance responsibilities for the Proponent and complicate the monitoring of compliance. QIA revision to reflect commitments from the Inuit Certainty Agreement.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>CIRNAC: CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 131 h).</p>	<p><i>Baffinland is cautious about establishing a working group that does not appear to be needed at this time. Suggestion of alternative wording to allow for further engagement on this concept below. Baffinland also suggests that as the ISP should be the product and driven by the Inuit Committee and should not be compelled to address the topic in precisely this way if the Inuit Committee does not identify it as a priority for them.</i></p> <p><i>“The Proponent is encouraged to work with the Government of Nunavut and other parties as deemed relevant, including communities and QIA consistent with the Inuit Stewardship Plan, and in accordance with the Inuit Stewardship Plan to address and establish 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,</i></p>
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)			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
				<i>and to the City of Iqaluit in particular."</i>
PC No. 159				
Category	Community Infrastructure and Public Services – Impacts to infrastructure	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 159.</p> <p>Rationale:</p> <p>Substance of Term and Condition is added to Term and Condition No. 131</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>QIA Rationale</u></p> <p>Baffinland has proposed merging the requirements of 10 separate Socio-Economic PC Conditions, including 131, 134, 140, 145, 148, 154, 158, 159, 168, 169. QIA strongly disagrees with this proposed amalgamation, as it will minimize compliance responsibilities for the Proponent and complicate the monitoring of compliance.</p> <p>QIA revision to reflect commitments from the Inuit Certainty Agreement.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>CIRNAC: CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 131 i).</p>	<p><i>Baffinland would be supportive of removing any TC considered duplicative</i></p>
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)			
PC No. 160				
Category	Community Infrastructure and Public Services – Distribution of benefits	No Change.	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>QIA Rationale</u></p> <p>No change.</p>	N/A
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	various demographic groups within these communities in a manner that best offsets any Project-related impacts to infrastructure or services.		<u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the term and condition and currently have no comments to provide.	
Reporting Requirement	To be developed following approval of the Project by the Minister			
Stakeholder Review	Qikiqtani Inuit Association (QIA) and Government of Nunavut (GN)			
PC No. 161				
Category	Community Infrastructure and Public Services – Policing	No Change.	<u>Summary of QIA Final Written Statement:</u> <u>QIA Terms and Conditions</u> 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. <u>QIA Rationale</u> No change. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the term and condition and currently have no comments to provide.	N/A
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)			

Culture, Resources & Land Use (PC Conditions 162 through 166)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 162				
Category	Culture, Resources and Land Use - Public consultation	Proposed Revision: Suggest to remove PC Condition No. 162.	<u>Summary of QIA Final Written Statement:</u> <u>QIA Terms and Conditions</u>	<i>Baffinland would be supportive of removing any TC considered duplicative</i>
Responsible Parties	The Proponent, Elders and community members of the North Baffin communities			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring	Rationale: Remove duplication between PC Condition No. 162 and 163 through edits to PC No. 163.	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. <u>QIA Rationale</u> QIA proposes removing this PC Condition, as it should be covered by the PC Conditions in the proposed new Inuit Governance and Participation section. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the term and condition and currently have no comments to provide.	
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			
PC No. 163				
Category	Culture, Resources and Land Use - Public consultation	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 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. Rationale:	<u>Summary of QIA Final Written Statement:</u> <u>QIA Terms and Conditions</u> The Proponent shall engage and consult with community members and Elders in 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. This engagement shall be conducted within the broader framework of the Inuit Stewardship Plan. <u>QIA Rationale</u> QIA proposed removing this PC Condition, as it should be covered by the PC Conditions in the proposed new Inuit Governance and Participation section. <u>Summary of GC Final Written Statement:</u> DFO See comments for T+C 126 regarding monitoring – would/could be better incorporated here.	Baffinland would be supportive of removing any TC considered duplicative
Responsible Parties	The Proponent, North Baffin communities			
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring			
Objective	To involve communities in the development and evolution of management and monitoring plans.			
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.			
Reporting Requirement	To be developed following approval of the Project by the Minister.			
Stakeholder Review	North Baffin Communities			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
		<p>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> <p>Proposed Revision:</p> <p>North Baffin Communities and the QIA</p> <p>Rationale:</p> <p>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>		
PC No. 164				
Category	Socio-Economic Impacts – Shipping notification	<p>Proposed Revision:</p> <p>Add to Reporting Requirement: “The Proponent must report to NIRB any issues identified by North Baffin community members and/or community organizations with respect to potential inference of shipping activity with Inuit sea ice use, and any steps taken by the Proponent in response.”</p> <p>Rationale:</p> <p>To reflect resolution of QIA-47 and QIA-48.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.</p>	<p><i>Baffinland notes that weekly reporting requirements throughout the shipping season is overly onerous. A rolling shipping schedule is already made available to the MHTO and Hamlet of Pond Inlet throughout the shipping season, all members of the public have access to live tracking of vessels, and reporting on all vessel activities to the MEWG at the end of the shipping season.</i></p>
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	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)			
PC No. 165				
Category	Socio-Economic Impacts - Emergency shelters	<p>Proposed Revision:</p> <p>Construction, Operations, Closure.</p> <p>Rationale:</p> <p>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.</p> <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 should be placed</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></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. The number and location of shelters shall be coordinated through the Qikiqtani Inuit Association, with inputs from the Inuit Committee and HTOs., with ownership and maintenance obligations established in the Inuit Stewardship Plan.</p> <p><u>QIA Rationale</u></p> <p>QIA revisions to reflect commitments in the Inuit Certainty Agreement.</p> <p><u>Summary of GC Final Written Statement:</u></p>	<p><i>NIRB should draft this condition in a way that compliance of Baffinland is not dependent on the actions/inactions of third parties.</i></p> <p><i>Ownership and maintenance obligations are set out in the IIBA, suggest the TC should be silent on this aspect or reference the IIBA.</i></p>
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 provide for human safety precautions in the event of adverse weather or other emergency situations along segments of linear transportation infrastructure.			
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.			
Reporting Requirement	To be developed following approval of the Project by the Minister.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Stakeholder Review	Qikiqtani Inuit Association, Nunavut Water Board, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board	<p>along the Milne Inlet 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>	CIRNAC: CIRNAC recommends that Baffinland work with the MHTO and QIA to determine the locations where emergency shelters will be placed.	
PC No. 166(a) and (b)				
Category	Socio-Economic Impacts - Public Consultation	<p>Add “and to be more generally informed about potential human health and ecological risks relating to the Project.”</p> <p>Proposed Revision:</p> <p>The Proponent is strongly 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> <p>The Proponent is strongly encouraged to develop a risk communication strategy in consultation with the with QIA and the Inuit Committee focused on gathering from and dissemination of information to Inuit related to human health and ecological risk assessment topics. The strategy should focus on building</p>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Terms and Conditions</u></p> <p>The proponent shall establish a communications protocol with nearby land-users to ensure that questions regarding ice conditions or ship movements into and out of both Milne Inlet and Steensby Inlet ports may be answered by Project personnel in a timely fashion in order to assist users in preparing for travel</p> <p><u>QIA Rationale</u></p> <p>QIA offer revisions to Baffinland’s proposed changes to PC Condition 166 to ensure that both northern and southern shipping routes are captured in the requirements of the condition.</p> <p>Summary of GC Final Written Statement:</p> <p>DFO: DFO recommends that ‘Strongly encouraged’ be changed to ‘shall’.</p> <p>HC: Health Canada supports Department of Fisheries and Oceans on this.</p>	<p><i>Baffinland is agreeable to QIA and DFO’s suggestions.</i></p>
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring			
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.			
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.			
Reporting Requirement	To be developed following approval of the Project by the Minister.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Stakeholder Review	N/A	<p>capacity within community groups to understand the mining process, elements of the mining process and how substances produced from the mining process move in the environment.</p> <p>Rationale:</p> <p>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. Address and resolves QIA-08.</p>		

Benefits, Royalties and Taxation (PC Conditions 167)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 167				
Category	Benefits, Royalty and Taxation – Partnership Agreements	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 167 from the Project Certificate.</p> <p>Rationale:</p> <p>The Government of Nunavut’s Development Partnership Agreement Policy expired in 2016 and was not renewed.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>QIA Rationale</u></p> <p>QIA agrees with the recommendation to remove this condition.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.</p>	<p><i>Baffinland notes that all Parties are in agreement that this Term and Condition should be removed.</i></p>
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			

Governance & Leadership (PC Conditions 168 through 169)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 168				

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Category	Governance and Leadership - Monitoring program	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 168.</p> <p>Rationale:</p> <p>Substance of Term and Condition is added to Term and Condition No. 131.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>The specific socioeconomic variables as set out in Section 8 of the Board’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, and in social monitoring in accordance with the Inuit Stewardship Plan.</p> <p><u>QIA Rationale</u></p> <p>Baffinland has proposed merging the requirements of 10 separate Socio-Economic PC Conditions, including 131, 134, 140, 145, 148, 154, 158, 159, 168, 169. QIA strongly disagrees with this proposed amalgamation, as it will minimize compliance responsibilities for the Proponent and complicate the monitoring of compliance.</p> <p>QIA revision to reflect commitments from the Inuit Certainty Agreement.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>CIRNAC: CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 131 a, d, e, f, and g.</p>	<p><i>Baffinland believes there is benefit to consolidating obligations on related topics into less overall TCs, this will make the PC much more operational and accessible. Baffinland encourages NIRB to take this into consideration in its drafting.</i></p> <p><i>Baffinland is supportive of revising this TC to reflect commitments made to NIRB and under the ICA with respect to the ISP. Suggest that instead of “in accordance with the ISP” NIRB use wording to the effect of “carried out under” the ISP.</i></p>
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 Board'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)			
PC No. 169				
Category	Governance and Leadership – Monitoring economic effects	<p>Proposed Revision:</p> <p>Suggest to remove PC Condition No. 169.</p> <p>Rationale:</p> <p>Substance of Term and Condition is added to Term and Condition No. 131</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>QIA Rationale</u></p>	<p><i>Baffinland believes there is benefit to consolidating obligations on related topics into less overall TCs, this will make the PC much more operational and accessible. Baffinland encourages NIRB to take this into consideration in its drafting.</i></p>
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 Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	Project and any proposed mitigation measures being considered necessary to mitigate the negative effects identified.		<p>Baffinland has proposed merging the requirements of 10 separate Socio-Economic PC Conditions, including 131, 134, 140, 145, 148, 154, 158, 159, 168, 169. QIA strongly disagrees with this proposed amalgamation, as it will minimize compliance responsibilities for the Proponent and complicate the monitoring of compliance.</p> <p>Summary of GC Final Written Statement:</p> <p>CIRNAC: CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 131 j.</p>	
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)			

PREFORMANCE ON OTHER CONDITIONS

Accidents & Malfunctions (PC Conditions 170 through 177)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 170				
Category	Accidents and Malfunctions - 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.	<u>Summary of QIA Final Written Statement:</u> <u>QIA Terms and Conditions</u> 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. <u>QIA Rationale</u> QIA would support consolidation with other PCCs but not outright deletion. It is a specific defined task. <u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	<i>Baffinland believes there is benefit to consolidating obligations on related topics into less overall TCs, this will make the PC much more operational and accessible. Baffinland encourages NIRB to take this into consideration in its drafting.</i>
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			
PC No. 171				
Category	Accidents and Malfunctions - Terrestrial Wildlife Management and Monitoring Plan	Proposed Revision:	<u>Summary of QIA Final Written Statement:</u>	

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Responsible Parties	The Proponent	<p>Suggest to remove PC Condition No. 171.</p> <p>Rationale:</p> <p>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.</p>	<p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>QIA Rationale</u></p> <p>Baffinland proposes removing this PC Condition, on the grounds that that 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.QIA does not support removal of this PC Condition. Other PC Conditions deal with wildlife deterrents in general and are not specific requirements for deterrents along the rail line.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>TC Should this condition remain, suggest the following addition: Any deterrents established along the railway must be developed in accordance with the Railway Safety Act, and its associated Regulations and Rules, and take into consideration the operational safety of the railway.</p>	<p><i>Baffinland withdraws this request to remove TC 171. TC’s suggestion is acceptable to Baffinland.</i></p>
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)			
PC No. 172				
Category	Accidents and Malfunctions – Overwintered fuel vessel	<p>No Change. Proposed revision:</p> <p>Suggest to remove PC Condition No. 172.</p> <p>Rationale:</p> <p>This requirement is satisfied by PC Condition No. 95.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>QIA Rationale</u></p> <p>QIA disagrees with the removal of this condition, as this is a requirement for the full project not a specific component of the project.</p> <p><u>Summary of GC Final Written Statement:</u></p>	<p><i>Baffinland withdraws its request to remove TC 172.</i></p>
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Stakeholder Review	N/A		CIRNAC: CIRNAC recommends this T&C not be removed. Condition 95 does not address all requirements of Condition 172 in particular:1) it only applies to Steensby port and does not cover overwintering at Milne port; 2) It does not mention the requirement to provide copies of the vessel owners’ insurance policies; and 3) it does not require Baffinland to provide the requested information to the Government of Nunavut at a minimum, at least 60 days prior to the commencement of any construction related shipping.	
PC No. 173				
Category	Accidents and Malfunctions - Use of best practices	Proposed Revision: Annually Rationale: Baffinland provides a summary of best practices for oil spill prevention and management in the Annual Report to the NIRB.	<u>Summary of QIA Final Written Statement:</u>	<i>Baffinland cautions NIRB about including obligations for third parties in Baffinland’s PC. Baffinland should not receive a noncompliance determination because of the actions or inactions of third parties. Suggest adopting language like “strongly recommends”.</i>
Responsible Parties	The Proponent		<u>QIA Terms and Conditions</u>	
Project Phase(s)	Construction, Operations, Closure		The Proponent shall employ best practices and meet all regulatory requirements during all ship-to-shore and other marine-based fuel transfer events. The Canadian Coast Guard shall provide updates with respect to training and equipment provided to communities.	
Objective	To provide additional spill contingency measures for spills in marine areas.		<u>QIA Rationale</u>	
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.		QIA revision to add Coast Guard requirements and make it acceptable to accept removal of PCC 174 as proposed by Baffinland.	
Reporting Requirement	To be determined following approval of the Project by the Minister.			
Stakeholder Review	Environment and Climate Change Canada, Qikiqtani Inuit Association, Nunavut Water Board, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board.		<u>Summary of GC Final Written Statement:</u> All participating departments have reviewed the proposed changes to the term and condition and currently do not have any comments to provide.	
PC No. 174				
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	<u>Summary of QIA Final Written Statement:</u>	<i>Baffinland removes its request to withdraw this Term and Condition.</i>
Responsible Parties	The Proponent		<u>QIA Terms andConditions</u>	
Project Phase(s)	Construction, Operations, Closure		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.	
Objective	To improve community ability to assist in spill response.		<u>QIA Rationale</u>	
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Reporting Requirement	To be determined following approval of the Project by the Minister.	and training to communities was the responsibility of CCG.	Baffinland has proposed removing PC Condition 174. QIA supports removing this PC Condition pending revisions to PC Condition 173 being accepted.	
Stakeholder Review	Environment Climate Change Canada, Qikiqtani Inuit Association, Nunavut Water Board, Indigenous and Northern Affairs Canada, Nunavut Impact Review Board.		Summary of GC Final Written Statement: DFO: DFO & CCG: Do not support removing this condition. Ships are responsible for cleaning up any pollution that they cause. CG has capacity to respond to spills should the polluter be unwilling or unable to respond. This doesn’t absolve a requirement for Baffinland to invest in additional capacity along their shipping route.	
PC No. 175				
Category	Accidents and Malfunctions – Ship track markers in ice cover	Proposed Revision: Construction, Operations and Closure. Rationale: Shipping is not expected during the Post-Closure phase of the Project. 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.	Summary of QIA Final Written Statement: <u>QIA Terms and Conditions</u> The Proponent shall, in coordination and consultation with the Qikiqtani Inuit Association, the Inuit Committee 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. Summary of GC Final Written Statement: All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	N/A
Responsible Parties	The Proponent, Qikiqtani Inuit Association, Hunters and Trappers Organizations of the North Baffin region and Coral Harbour			
Project Phase(s)	Construction, Operations, Closure and Post-Closure Monitoring			
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.			
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.			
Reporting Requirement	To be determined following approval of the Project by the Minister.			
Stakeholder Review	N/A			
PC No. 176				
Category	Accidents and Malfunctions - Revised spill modeling			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Responsible Parties	The Proponent	<p>Proposed Revision:</p> <p>Suggest to remove PC No. 176 from the Project Certificate.</p> <p>Rationale:</p> <p>This PC is duplicative of PC Condition No. 97 (item b).</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>QIA Rationale</u></p> <p>QIA would conditionally support removal if amendments made to PCC97.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.</p>	<p><i>Baffinland has comments on PC97 and remains of the view this TC should be removed.</i></p>
Project Phase(s)	Pre-Construction, Construction Operations, Closure			
Objective	To improve community ability to assist in spill response.			
Term or Condition	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			
PC No. 176				
Category	Accidents and Malfunctions - Foreign flagged vessels	<p>Proposed Revision:</p> <p>Suggest to remove PC No. 177 from the Project Certificate.</p> <p>Rationale:</p> <p>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>	<p><u>Summary of QIA Final Written Statement:</u></p> <p>QIA is supportive of removing this term and condition.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.</p>	<p><i>Baffinland notes all Parties are in agreement with Baffinland’s suggestion to remove this Term and Condition.</i></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			
PC No. 177				
Category	Accidents and Malfunctions - Foreign flagged vessels	<p>Proposed Revision:</p> <p>Suggest to remove PC No. 177 from the Project Certificate.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p>QIA supports Baffinland’s proposal to remove PC Condition 177 on the grounds that ship owners / operators are responsible for enrolling their</p>	<p><i>Baffinland notes all Parties are in agreement with Baffinland’s</i></p>
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations, Closure and Post-Closure Monitoring			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
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.	<p>Rationale:</p> <p>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>	<p>foreign flagged vessel with the appropriate program, and that Baffinland manages compliance through its contract terms and conditions.</p> <p>Summary of GC Final Written Statement:</p> <p>All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.</p>	<p><i>suggestion to remove this Term and Condition.</i></p>
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			

Alternatives Analysis (PC Conditions 178 through 184)

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
PC No. 178				
Category	Alternatives Analysis - Mill Island shipping route consideration	No Change.	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>QIA Rationale</u></p> <p>No change.</p> <p>Summary of GC Final Written Statement:</p> <p>All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.</p>	Agreed
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	corresponding discussion regarding justification for deviations and any observed environmental impacts.			
Stakeholder Review	N/A			
PC No. 179				
Category	Operational Variability	Proposed Revision:		
Responsible Parties	The Proponent	Unless otherwise approved by the NIRB,	Summary of QIA Final Written Statement:	
Project Phase(s)	Operations	Baffinland shall not exceed 20 ore carrier	<u>QIA Terms and Conditions</u>	
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.	transits to Steensby Port per month during the open water season and 242 transits per year in total.	The Proponent shall not exceed 20 ore carrier transits to Steensby Port per month during the open water season and 242 transits per year in total.	<i>Baffinland suggests the approval would be based on whether the Board considered the request a “significant modification” or not. This is one issue with overly specific prescriptive language in a TC, it removes any discretion by NIRB to approve non-significant modifications. Even if QIA and GC supported a minimal change and there was consensus that the request was not a significant modification, a full amendment process would be required before it could proceed.</i>
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.	Rationale: To be consistent with the conditional wording suggested for PC Conditions 179a and 179b.	Summary of GC Final Written Statement:	
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 number of vessels calling on Steensby Port for the previous calendar year.	GOC: The Government of Canada recommends not to include the wording “unless otherwise approved by the Board”. This wording creates uncertainty and it is unclear how and based on what factors such an authorization would be granted. NuPPAA sets out a comprehensive framework for the approval of project proposals that modify an existing project and for the revision of a project certificate’s terms and condition. There is no need to create alternative approval mechanisms under the Project Certificate.	
Stakeholder Review	N/A	Rationale: For consistency with reporting requirements under PC Condition No. 179a and 179b.		
PC No. 179(a)				
Category	Operational Variability/Flexibility	Unless otherwise approved by the NIRB, the	Summary of QIA Final Written Statement:	
Responsible Parties	The Proponent	total number of ore carriers calling on Milne Port	<u>QIA Terms and Conditions</u>	
Project Phase(s)	Operations	in any calendar year, regardless of whether operational flexibility is exercised, should not exceed 168.	Until December 31, 2021, 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, 2021, 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 section 112 of Nunavut Planning and Project Assessment Act, S.C. 2013, c. 14, s. 2.	<i>Baffinland agrees that the number of ore carriers in our April wording should be 168 per our commitment 241, but otherwise continues to recommend its wording to the Board from April 2021. As set out in our comments on NTI’s Final Written Statement, there is not a linear relationship between environmental effects and tonnage. It is the</i>
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.	Rationale: 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	<u>QIA Rationale</u>	
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,			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	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.	immediate compliance issue, and b) not necessarily reflective of the environmental limits established through the relevant assessments (i.e. effects have been within predictions).	Baffinland has proposed that this PC Condition be revised to reflect a maximum of 176 ore carriers calling on Milne Port in any calendar year. QIA strongly disagrees with this proposal. Baffinland wishes to eliminate the cap on production of iron ore that would be transported to market via the northern shipping route, and to replace it with caps on the number of annual round trips by ore carriers (176 per year) and trains (20 per day). No limits have been proposed on the average size of the ore vessels or average length of the trains. If this is not specified based on the 12Mt per year production rate that formed the basis of the Phase 2 FEIS, Baffinland could increase ore production within these transportation limits, by increasing average vessel size and train length. The potential environmental effects of such increases were not assessed in the Phase 2 FEIS. QIA is concerned that the environmental effects of using larger ships and longer trains will be greater than predicted. QIA recommends that clear limits be placed on both ore production and transportation if Phase 2 is approved to prevent shipping of tonnages and traffic volumes via the northern route that are greater than were assessed in the Phase 2 FEIS.	<i>activities that translate to potential for impacts and should be the focus for the NIRB in a T&C. QIA's stated concerns about trains again could be addressed by managing the activity, per Baffinland's suggested wording. The assessments did specifically look at operational flexibility – see "Operational Flexibility" section of Final Written Statement for document references.</i>
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.	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":	[Note: Baffinland has committed (#241) to limit to 168 the number of ore carriers visiting Milne Port in a single year, but the risks related to removing the ore production limit remain. Baffinland has also committed #242 to a staged ramp up of shipping activities if Phase 2 is approved. Neither commitment wording has been confirmed.]	
Stakeholder Review	Nunavut Impact Review Board (NIRB)	<p>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>(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</p>	<p>Summary of GC Final Written Statement:</p> <p>GOC: Imposing a term and condition that limits the tonnage of ore that can be transported is fully consistent with NuPPAA. The Board has clear and broad authority to impose terms and conditions, including terms and conditions that impose strict limits on the intensity of project activities. It is within the Board's discretion to impose a limit on transits, on tonnage, or both. The Government of Canada recommends not to include the wording "unless otherwise approved by the Board". This wording creates uncertainty and it is unclear how and based on what factors such an authorization would be granted. NuPPAA sets out a comprehensive framework for the approval of projects that modify an existing project and for the revision of a project certificate's terms and condition. There is no need to create alternative approval mechanisms under the Project Certificate. The Government of Canada recommends that the words "should not" be replaced with "shall not" in Baffinland's proposed revision in order to create an obligation and ensure enforceability of this term and condition. The Government of Canada supports an additional term and condition limiting the number of transits. The Government of</p>	

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
		<p>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> <p>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.</p>	<p>Canada notes that the Proponent asks for operational flexibility and that it defines this flexibility in relation to a tonnage limit (14.4 MT). In the circumstances, the Project Certificate should retain a term and condition reflecting any applicable limits on tonnage to ensure it is readily enforceable. The GoC notes that Baffinland’s rationale for the revised Term and Condition references a limit of 176 ships, which is inconsistent with the proposed revision to the Term and Condition, which indicates that there will be a limit of 168 ships. The limit of 168 ships is in line with commitments that Baffinland has made to the Mittimatalik Hunters and Trappers Organization</p> <p>DFO: DFO notes that it may be beneficial to set limits for the number of ships/transits in addition to tonnage and the amount of ore. If incremental increases to production/shipment are required for Phase 2, conditions could be housed within this T&C.</p>	
PC No. 179(b)				
Category	Operational Variability/Flexibility	Unless otherwise approved by the NIRB, the average number of ore truck transits along the Milne Inlet Tote Road in a 24-hour period should not exceed 280 for the duration of the Phase 2 construction period. Following commencement of operation of the North Railway, unless otherwise approved by the NIRB, in any 24-hour	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>Unless otherwise approved by the NIRB, in any given day, the total number of truck transits along the Milne Inlet Tote Road may not exceed 180, nor can the Proponent transport more than 6Mtpa 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</p>	<p><i>QIA’s wording is too prescriptive and confusing. Rather than adopting it Baffinland suggests reverting to the version presented in April 2021, for the reasons described.</i></p>
Responsible Parties	The Proponent			
Project Phase(s)	Operations			
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.			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
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.	period, the total number of ore 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. Revision to address resolution of QIA TC 22.	may not exceed 20 and the number of truck transits along the Milne Inlet Tote Road is 0. For greater clarity, the Phase 2 construction period for the purpose of this term/condition will be the period between commencement of construction, and when the rail system is operational to transport mined ore materials. <u>QIA Rationale</u> Baffinland’s proposed revisions to PC Condition 179-b seek to eliminate the cap on production of iron ore that would be transported to market via the northern shipping route, and to replace it with caps on the number of annual round trips by ore carriers (176 per year) and trains (20 per day). No limits have been proposed on the average size of the ore vessels or average length of the trains. If this is not specified based on the 12Mt per year production rate that formed the basis of the Phase 2 FEIS, the Proponent could increase ore production within these transportation limits, by increasing average vessel size and train length. The potential environmental effects of such increases were not assessed in the Phase 2 FEIS. QIA is concerned that the environmental effects of using larger ships and longer trains will be greater than predicted. QIA recommends that clear limits be placed on both ore production and transportation if Phase 2 is approved to prevent shipping of tonnages and traffic volumes via the northern route that are greater than were assessed in the Phase 2 FEIS. <u>Summary of GC Final Written Statement:</u> GOC: The Government of Canada recommends not to include the wording “unless otherwise approved by the Board”. This wording creates uncertainty and it is unclear how and based on what factors such an authorization would be granted. NuPPAA sets out a comprehensive framework for the approval of projects that modify an existing project and for the revision of a project certificate’s terms and condition. There is no need to create alternative approval mechanisms under the Project Certificate. The Government of Canada supports an additional term and condition limiting the number of transits. The Government of Canada notes that the Proponent asks for operational flexibility and that it defines this flexibility in relation to a tonnage limit (14.4 MT). In the circumstances, the Project Certificate should retain a term and condition reflecting any applicable limits on tonnage to ensure it is readily enforceable. The Government of Canada recommends that the words “should not” be replaced with “shall not” in Baffinland’s proposed revision in order to create an obligation and ensure enforceability of this term and condition	
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.			
Stakeholder Review	Nunavut Impact Review Board (NIRB)	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.		

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
			<p>DFO: Same comment as for 179a.</p> <p>TC: Through the review process, BIMC indicated that once the railway was in full operation, ore would not be transported via the tote road. The proposed revisions do not address this aspect</p>	
PC No. 179(c)				
Category	Operational Variability/Flexibility	<p>Proposed Revision:</p> <p>Suggest to remove PC No. 179c from Project Certificate.</p> <p>Rationale:</p> <p>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.</p> <p>Baffinland has completed several 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.</p>	<p>Summary of QIA Final Written Statement:</p> <p><u>QIA Terms and Conditions</u></p> <p>The Proponent shall be required to resource and support a third party to conduct bi-annual performance audits of commitments made by the proponent in relation to both the IIBA and every proponent commitment and every term or condition of the Project Certificate relating to environmental management of the tote road component or environmental management related to shipping.</p> <p><u>QIA Rationale</u></p> <p>Baffinland proposes to remove PC Condition 179-c on the grounds that 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. QIA does not support removing this PC Condition. There are advantages of having a third party completing a compliance review.</p> <p>QIA further recommends that this PC Condition be implemented as a comprehensive audit rather than a checkmark exercise.</p> <p>Summary of GC Final Written Statement:</p> <p>CIRNAC: This condition should stay. The audit reporting has been criticized for lack of commitments to address the audit findings.</p> <p>DFO: DFO recommends retaining this T&C. Reporting frequency could be revised.</p>	<p><i>Baffinland can support leaving in PC 179c. as is</i></p>
Responsible Parties	The Proponent			
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. The Proponent shall file Performance Audit Reports with the NIRB on or before March 31 and September 30 of each calendar year.			
Reporting Requirement	On a bi-annual basis, the Proponent shall file a Performance Audit Report with the NIRB on or before March 31 and September 30 of each calendar year. 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			
PC No. 180				
Category	Transboundary Effects - Makivik Corporation involvement in the Marine Environment Working Group (MEWG)	No Change.	Summary of QIA Final Written Statement:	

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Responsible Parties	The Proponent, members of the Marine Environment Working Group		<u>QIA Terms and Conditions</u> The Marine Environment Working Group established for this Project shall invite a representative from Makivik Corporation to be a member of the Group. <u>QIA Rationale</u> QIA does not object to Baffinland’s proposal to remove this PC Condition. Summary of GC Final Written Statement: DFO: DFO recommends that, for this T&C, a comment could be added to be more inclusive of all Inuit communities/organizations impacted by the project to have a standing invitation to the MEWG.	<i>Baffinland does not wish to remove this PC condition and suggests it should remain in place as is.</i> <i>Baffinland refers DFO to edits proposed to Term and Condition 77 respecting including the QWB and representatives from the Inuit Committee as an adequate means for ensuring broader community representation at the MEWG.</i>
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)			
PC No. 181				
Category	Transboundary Effects - Marine Environment Working Group (MEWG) reporting	No Change.	Summary of QIA Final Written Statement: <u>QIA Terms and Conditions</u> 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. <u>QIA Rationale</u> QIA does not object to Baffinland’s proposal to remove this PC Condition. Summary of GC Final Written Statement: DFO: DFO recommends that, for this T&C, a comment could be added to be more inclusive of all Inuit communities/organizations impacted by the project to have a standing invitation to the MEWG.	<i>Baffinland does not wish to remove this PC condition and suggests it should remain in place as is.</i> <i>Baffinland refers DFO to edits proposed to Term and Condition 77 respecting including the QWB and representatives from the Inuit Committee as an adequate means for ensuring broader community representation at the MEWG.</i>
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)			
PC No. 182				

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
Category	Transboundary Effects - Reporting to Marine Environment Working Group (MEWG)	<p>Proposed Revision:</p> <p>Suggest to remove PC No. 182 from Project Certificate.</p> <p>Rationale:</p> <p>Annual reporting of any shipping route deviations in the Annual Report to the NIRB is already required under PC No. 103.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>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.</p> <p><u>QIA Rationale</u></p> <p>QIA does not object to Baffinland’s proposal to remove this PC Condition.</p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.</p>	<p><i>Baffinland does not wish to remove this PC condition and suggests it should remain in place as is.</i></p>
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)			
PC No. 183				
Category	Project monitoring of impacts to marine mammals	<p>Proposed Revision:</p> <p>The Proponent and Fisheries and Oceans Canada.</p> <p>Rationale:</p> <p>Implementation of this PC requires ongoing and meaningful participation of DFO in the Project.</p> <p>Proposed Revision:</p> <p>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.</p> <p>Rationale:</p> <p>See proposed revisions to the Term and Condition below.</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>QIA Terms and Conditions</u></p> <p>The Proponent shall collaborate with the Marine Environmental Working Group (MEWG) to develop impact avoidance or mitigation strategies for the protection of the marine environment, and shall implement these strategies.</p> <p>The Proponent shall implement any direction from the Department of Fisheries and Oceans (DFO), issued in furtherance of their mandate, for any avoidance or mitigation measures, including cessation of any activity, for the protection of the marine environment.</p> <p>The Proponent shall, every six months, provide to DFO a tracking table of (i) collective recommendation of the other members of the working group, and (ii) any directions from DFO. For each, the table must show the Proponent’s means of implementation. Where any direction or recommendations are not fully implemented, the Proponent shall include the rationale.</p> <p><u>QIA Rationale</u></p>	<p><i>Baffinland continues to be of the view that NIRB should not consider expanding the jurisdiction of a non-regulatory body within Terms and Conditions. Any direction from DFO should be in accordance with its jurisdiction granted under the legislation that Parliament has deemed DFO responsible for, including the Fisheries Act and Oceans Act etc.</i></p> <p><i>Baffinland does agree with QIA that MEWG should issue “recommendations” but not “directions”. DFO does have authority outside of the MEWG to issue “directions” in any event per the Fisheries Act.</i></p>
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring			
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.			
Term or Condition	<p>The Proponent shall collaborate with the Marine Environment Working Group to develop impact avoidance or mitigation strategies for the protection of the marine environment, and shall implement these strategies.</p> <p>The Proponent shall implement any direction from the Department of Fisheries and Oceans (DFO), issued in furtherance of their mandate, for any avoidance or mitigation measures, including</p>			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	cessation of any activity, for the protection of the marine environment. The Proponent shall every six months provide to DFO a tracking table of: (i) collective recommendation of the other members of the working group, and (ii) any directions from DFO. For each, the table must show the Proponent’s means of implementation. Where any direction or recommendations are not fully implemented, the Proponent shall include the rationale.	Proposed Revision: 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 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. No change proposed. This is already completed annually.	QIA revisions to clearly establish the role of the MEWG and DFO in monitoring and mitigation and to strengthen reporting requirements <u>Summary of GC Final Written Statement:</u> DFO: DFO does not support revisions to this condition as is. DFO would note that the criteria set out in section 112(1) of the Nunavut Project Assessment Act do not reference operational certainty. Since this condition has not been implemented, the proponent would need to demonstrate that the criteria set out in 112(1)(b) or (c) as set out have been satisfied. Parks Support DFO comments related to this	
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.			
Stakeholder Review	Marine Environment Working Group (MEWG), Department of Fisheries and Oceans (DFO)			
PC No. 184				
Category	Project monitoring of impacts to marine mammals	The Proponent and the MEWG Proposed Revision: 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. Rationale: In accordance with PC No. 77, the MEWG is intended to serve as an advisory body to support monitoring of potential Project effects on marine mammals and the development of adaptive management strategies as needed. It is not intended to have any Project Certificate enforcement function. The MEWG is made up of several different Parties, some of which have an enforcement mandate on marine-related topics	<u>Summary of QIA Final Written Statement:</u> <u>QIA Terms and Conditions</u> The proponent shall collaborate with the Marine Environmental 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. <u>Summary of GC Final Written Statement:</u> GOC: There is value in having the Marine Environment Working Group review compliance and implementation of relevant Terms and Conditions in the Project Certificate. It is recommended that the intent and wording of the original Term and Condition be kept. NIRB may wish to consider expanding this Term and Condition to the other working groups (Terrestrial Environment Working Group, Socio-Economic Monitoring Working Group, and the Freshwater Environment Working Group) review compliance and implementation of all Terms and Conditions relevant to	<i>Baffinland notes this is exactly the function of the audit at current TC 179(c). Baffinland suggests that the MEWG could be given an opportunity to provide comment on the audit to NIRB rather than carry out this task separately. This would help the MEWG focus on the key task at hand, helping Baffinland continue to carry out robust and effective relevant monitoring programs for the project.</i> <i>Baffinland also notes that is our understanding that the NIRB inviting comments from Interested Parties on Baffinland’s Annual Report to the NIRB is intended to fulfill this</i>
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring			
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.			
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.			
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			

Project Certificate Condition		Baffinland Revision (April 2021)	Intervenor Comment (January 2022)	Baffinland Response to January 2022 Intervenor Comment
	impacts it is required to implement pursuant to the Terms and Conditions of the Project Certificate.	<p>under their own regulations and statutes, or private agreements with the Proponent (i.e. QIA). It is Baffinland’s understanding that under NuPPAA, CiRNAC is tasked with Project Certificate enforcement</p> <p>The Marine Environment Working Group shall at least annually discuss the recommendations of the annual NIRB monitoring report relevant to marine topics and any actions proposed or taken by the Proponent in response.</p> <p>Proposed Revision:</p> <p>Baffinland shall confirm to NIRB as part of its Annual Report that this discussion has occurred, and shall provide annual summary reports on all data it generates from the implementation of monitoring of marine impacts required under its marine monitoring plans required by Project Certificate 005.</p> <p>Rationale:</p> <p>Removal of specifics and left to cover all monitoring programs conducted on an annual basis.</p>	each working group. Any compliance issues could then be flagged to agencies responsible for enforcement of the Project Certificate.	<p><i>function (i.e. to have Parties comment on whether they agree with Baffinland’s self-assessment of compliance and identify areas they believe need improvement).</i></p> <p><i>Further it is noted that many, many of the PC terms and conditions have no relevance to Marine and the MEWG would not have appropriate/relevant expertise re compliance to any topic outside of marine.</i></p>
Stakeholder Review	Marine Environment Working Group (MEWG), Department of Fisheries and Oceans (DFO)			

New (PC Conditions 185 through 192)

PC No. 185				
Category	Socioeconomic	<p>To reflect resolution of QIA-02, QIA-03, QIA-04, QIA-05, QIA-07, QIA_09, QIA-10, QIA-11, QIA-38, QIA-49 and QIA-49. See Commitment No. 130 (Commitment List dated 4/8/2021)</p>	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>Summary of GC Final Written Statement:</u></p> <p>CIRNAC Recommend that the wording “The Proponent is strongly encouraged...” be replaced with “The Proponent shall support QIA’s development of...”</p>	<p><i>Baffinland agrees with this revision, and as per commentary in the Final Written Statement, notes that another option is for Baffinland to ensure these committees are constituted, rather than QIA. The key point is the establishment of the committee, not whether QIA or</i></p>
Responsible Parties	The Proponent, QIA			
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring			
Objective	To address concerns associated with monitoring to ensure that Project monitoring captures the Inuit experience and Inuit monitoring is used to support further operational decision making by the Proponent if monitoring results trigger the need for adaptive management actions.			

Term or Condition	<p>The Proponent is strongly encouraged to support QIA’s development of an Inuit Social Oversight Committee (ISOC), to be comprised of members nominated from the North Baffin communities. The ISOC is encouraged to help develop an enhanced, Inuit-driven, social monitoring program related to the Project focused on indicators related to community wellbeing.</p> <p>The Proponent is strongly encouraged to support QIA’s development of an Inuit Committee, to be comprised of members nominated from the North Baffin communities. The Inuit Committee is encouraged to help develop monitoring programs based on observations by Inuit of potential culture, resource and land use impacts from the Project and to help develop related adaptive management objectives, indicators, thresholds and responses.</p> <p>The above described Programs are intended to be in addition to and to complement other monitoring required by this Project Certificate. The Proponent is strongly encouraged to use the information gathered through these monitoring programs to help support operational decision making.</p>			<p><i>Baffinland is responsible for the task.</i></p> <p><i>Per Baffinland’s commitments, it is suggested the timing for establishment of the committee be prior to Phase 2 operations.</i></p>
Reporting Requirement	A summary of activities of the ISOC and Inuit Committee will be included in the Annual Report.			
Stakeholder Review	QIA			
PC No. 186				
Category	Freshwater	To reflect resolution of QIA-42	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>Summary of GC Final Written Statement:</u></p> <p>CIRNAC: CIRNAC supports the revision subject to discussion with other stakeholders.</p> <p>DFO: DFO recommend setting a clear timeframe for meeting (at minimum annually) and providing a clear outline to whom shall be invited to be a member of this group.</p> <p>ECCC: ECCC supports the establishment of the FEWG, noting that there may be some overlap with the MDMER Environmental Effects Monitoring Program for the Mary River Mine site.</p>	N/A
Responsible Parties	The Proponent, QIA, CIRNAC, ECCC, DFO			
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring			
Objective	To address concerns associated with the freshwater environment			
Term or Condition	<p>The Proponent shall establish a Fresh Environment Working Group (FEWG). Respecting the heightened regulatory oversight in relation to the freshwater oversight, which will be explicitly acknowledged in a corresponding Terms of Reference for the FEWG, the FEWG will meet on an as needed basis to discuss items to be agreed upon by members of the FEWG. In person meetings, if required, will be coordinated with the planning of Marine and Terrestrial Environment Working Group meetings, where possible.</p>			
Reporting Requirement	A summary of activities of the FEWG will be included in the Annual Report.			

Stakeholder Review	QIA			
PC No. 187				
Category	Public Consultation			
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring			
Objective	To support the maintenance of a public right of access to the Milne Inlet Tote Road Public Access Route for the purposes of use of all-terrain vehicles to carry out traditional Inuit activities, in a manner that does not conflict with the continued safe operation of the Mary River Project.			
Term or Condition	<p>In consultation with the Hamlet of Pond Inlet, the MHTO, and the QIA, the Proponent shall develop a Tote Road Public Access Route Management Program to ensure safe use of the Milne Inlet Tote Road Public Access Route by Inuit for the purpose of carrying out traditional Inuit activities. The Milne Inlet Tote Road Public Access Route may take the form of the existing Milne Inlet Tote Road, a parallel trail system or service road or a combination thereof.</p> <p>The Tote Road Public Access Route Management Program shall take into consideration the following, at minimum:</p> <p>1. safety for all users as highest priority;</p> <p>the need for the Proponent to regularly utilize the Milne Inlet Tote Road to support continued operation of the Mary River Mine;</p> <p>developing procedures which continue to support maintaining public access during the construction and operations periods;</p> <p>the need to limit interactions between mine and non-mine traffic in vicinity of and along the Milne Inlet Tote Road;</p> <p>Posting of safety signage at appropriate locations in English and Inuktitut;</p> <p>the need for annual community meetings in Pond Inlet to explain the procedures agreed with the Hamlet of Pond Inlet, MHTO and QIA to ensure use of the Milne Inlet Tote Road and/or Milne Inlet Public Access Route (if areas other than the Milne Inlet Tote Road are developed for this purpose) is limited to safe and controlled use by all-terrain vehicles for the purpose of carrying out traditional Inuit activities;</p>			
			<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the newly proposed term and condition and currently have no comments to provide.</p>	n/a

	applicable requirements set out in territorial and federal regulations, the Nunavut Agreement and agreements between the Proponent and QIA; A system to report any accidents or safety incidents to QIA, Hamlet of Pond Inlet and MHTO; and monitoring.			
Reporting Requirement	A Draft Tote Road Public Access Route Management Program shall be submitted to the NIRB no later than six months after the issuance of the amended Project Certificate. A Final Tote Road Public Access Route Management Program is to be submitted to NIRB no later than six months prior to the commencement of operation of the North Railway.			
Stakeholder Review	Hamlet of Pond Inlet, MHTO, QIA			
PC No. 188				
Category	Public Consultation	Per BIMC Response to Written Question QIA-30 and BIMC Commitment No. 229 (see Commitment List draft 4/8/2021)	<u>Summary of QIA Final Written Statement:</u> <	

	Baffinland will provide support to QIA in QIA’s development of an Inuit Stewardship Plan, which will support Inuit to conduct independent, proactive monitoring of the Project for the purpose of mitigating adverse impacts and enhancing beneficial outcomes in a manner that captures the direct experiences of Inuit.			
Reporting Requirement	Annual Report			
Stakeholder Review	QIA, Impacted Communities			
PC No. 190				
Category	Adaptive Management	Per BIMC Commitment No. 135 (see Commitment List draft 4/8/2021)	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>Summary of GC Final Written Statement:</u></p> <p>DFO It is unclear what ‘appropriate engagement with the working groups established under the Project Certificate’ means in the context of development of Inuit Objectives, Indicators, Thresholds, and Responses, and in the development of an Adaptive Management Plan and sub-plans for the Project. DFO is supportive of the intent of this condition, but notes that there should be a clear process that outlines the role of the working groups and the level of engagement that the working groups can expect in regards to development of Inuit Objectives, Indicators, Thresholds, and Responses, and in the development of an Adaptive Management Plan and sub-plans for the Project.</p>	<p><i>Baffinland suggests the following could be added to commentary:</i></p> <p><i>“Appropriate engagement” shall mean engagement as described in the working group ToR.</i></p> <p><i>Please see commentary on Working Groups and the ICA in Baffinalnd’s Final Written Statement for a detailed overview as to how it is anticipated Working Groups will have opportunity to provide feedback on OITRs before they are finalized. This information can also be found in Baffinland’s Written Comments filed with the Board Sept. 13, 2021.</i></p>
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring			
Objective	To support adaptive management of the Mary River Project. This process will ensure that both Inuit Qaujimajatuqangit and western science will be applied to project operations and management decisions			
Term or Condition	The Proponent will work with the QIA and Impacted Communities to jointly develop an Adaptive Management Plan and associated sub-plans for the Project. This process will also include the development of Inuit Objectives, Indicators, Thresholds, and Responses, which will involve the Impacted Communities through the Inuit Committee and Inuit Social Oversight Committee (once formed by QIA) and appropriate engagement with working groups established under the Project Certificate.			
Reporting Requirement	Annual Report			
Stakeholder Review	QIA, Impacted Communities			
PC No. 191				
Category	Adaptive Management	Per BIMC Commitment No. 133 (see Commitment List draft 4/8/2021)	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>Summary of GC Final Written Statement:</u></p> <p>All participating departments have reviewed the newly proposed term and condition and currently have no comments to provide.</p>	n/a
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring			
Objective	To support adaptive management of the Mary River Project. This process will ensure that both Inuit Qaujimajatuqangit and western			

	science will be applied to project operations and management decisions			
Term or Condition	The Proponent will work with the QIA and complete an additional CRLU Assessment in consultation with the impacted communities. This additional CRLU Assessment shall be incorporated in any subsequent updates to the Adaptive Management Plan and associated Environmental Management Plans, with particular consideration given to Objectives, Indicators, Thresholds and Responses used in Project monitoring and management.			
Reporting Requirement	Annual Report			
Stakeholder Review	QIA, Impacted Communities			
PC No. 192				
Category	Marine Environment – Shipping Through Ice	Per BIMC Response to DFO-3.4.4 and BIMC Commitment No. 213, 214 and 215 (see Commitment List draft 4/8/2021)	<p><u>Summary of QIA Final Written Statement:</u></p> <p><u>Summary of GC Final Written Statement:</u></p> <p>DFO: DFO recommends that any dates or ice concentrations referenced in Baffinland’s commitments 213, 214, and 215 be explicitly listed/incorporated into the Shipping and Marine Wildlife Management Plan.</p>	Baffinland agrees this information could be included in a plan.
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring			
Objective	To reduce disturbance to marine mammals while shipping through ice			
Term or Condition	Baffinland will apply transit restrictions when shipping through ice in the spring and fall period. Transit restrictions in the spring will be based on ice concentrations, while ice stages will be used in the fall. Baffinland shall plan to complete shipping by no later than October 31st of any given year. On an exceptional basis, Baffinland may ship up until November 15th, provided a complete and operational adaptive management plan is in place.			
Reporting Requirement	Annual Report			
Stakeholder Review	QIA, Impacted Communities, MEWG			
QIA Recommended Project Certificate Condition NEW A				
Category	Inuit Stewardship Plan		<p><u>QIA Rationale</u></p> <p>QIA believes Project Certificate Conditions should exist that link the Project Certificate to the commitments from the Inuit Certainty</p>	This appears to overlap with “New T” below.
Responsible Parties	The Proponent; Qikiqtani Inuit Association			
Project Phase(s)	Construction and Operations			

Objective	To establish independent, proactive, Inuit led Project monitoring and governance structures in the impacted communities.		Agreement, and that tie construction and production to having an Inuit Stewardship Plan finalized.	<i>In any event, per the comment on that TC, Baffinland is generally supportive of this wording but suggests the NIRB write in a flexible manner so that either the QIA or Baffinland support the communities. Baffinland anticipates that QIA will complete this task but in light of enforcement implications of a TC the wording should leave flexibility for Baffinland to assume this role should QIA be unable to do so for any reason.</i> <i>Baffinland also emphasises that the QIA is also referring to direct commitments to NIRB. The parties are not asking NIRB to enforce a private agreement, given that the commitments referenced have also been given directly to NIRB.</i> <i>It is also noted that this is only to be tied to Phase 2 not current operations.</i> <i>Suggested timing of one year from NIRB Project Certificate issuance.</i>
Term or Condition	Prior to the commencement of rail construction, and prior to increasing production beyond 6 Mtpa Baffinland shall finance and shall work with the Qikiqtani Inuit Association and Inuit in the impacted communities to finalize and facilitate the implementation of an Inuit Stewardship Plan. The Inuit Stewardship Plan will be authored by QIA and will detail the ways Inuit will monitor the Project over the life of the project. The ISP will be overseen by QIA and Inuit from the impacted communities that identify monitoring and management roles for Inuit in the culture, resources, and land use, and social, impact realms. Findings of the monitoring programs will be integrated into management decisions based on requirements built into the Project's Adaptive Management Plan. This term is in accordance with the Proponent commitments under the Inuit Certainty Agreement.			
Reporting Requirement	Approved Inuit Stewardship Plan to be provided to NIRB prior to rail construction and/or production increase.			
Stakeholder Review				
QIA Recommended Project Certificate Condition NEW B				
Category	Inuit Stewardship Plan – Inuit Nauttiguqtiit		<u>QIA Rationale</u> QIA believes Project Certificate Conditions should exist that link the Project Certificate to the commitments from the Inuit Certainty Agreement. It is important that Inuit-led monitoring be in place prior to the impacts of Phase 2 being experienced by Inuit.	<i>If NIRB agrees with QIA this is an appropriate TC than Baffinland is in support, however we are also of the view that this detail is appropriately addressed in the ICA and is binding as a legal agreement. Further these positions would be funded as part of the implementation funding Baffinland has agreed to provided to QIA in the amount of \$9 million for the first three years following approval and then proceeding to</i>
Responsible Parties	The Proponent, Qikiqtani Inuit Association			
Project Phase(s)	Construction and Operations			
Objective	To establish independent, proactive, Inuit led Project monitoring and governance structures in the impacted communities.			
Term or Condition	As detailed the Inuit Stewardship Plan, Baffinland shall fund Inuit Nauttiguqtiit in each of the point of hire communities. These positions will be employees of the Qikiqtani Inuit Association, and will be responsible for developing and executing Inuit-led monitoring of Project impacts on the Marine, Terrestrial and Socio-economic environments.			

Reporting Requirement	Approved Inuit Stewardship Plan to be provided to NIRB prior to rail construction and/or production increase.			<i>\$8million annually. NIRB may have concerns respecting its jurisdiction to confer a benefit and so may not wish to include this specific detail.</i>
Stakeholder Review				<i>Baffinland refers the NIRB to its comments above on TC A respecting construction milestone and timing. If NIRB decides to include this TC, it must be noted that the AMP is subject to joint agreement between BIM and QIA.</i>
QIA Recommended Project Certificate Condition NEW C				
Category	Adaptive Management			
Responsible Parties	The Proponent; Qikiqtani Inuit Association			
Project Phase(s)	Construction and Operations			
Objective	To establish Inuit led Project monitoring and governance structures in the impacted communities.			
Term or Condition	Prior to the commencement of rail construction, and prior to increasing production beyond 6 Mtpa Baffinland shall finance and shall work with the Qikiqtani Inuit Association to finalize and approve an Adaptive Management Plan for the life of the Project. The Adaptive Management Plan will set out the objectives, indicators, thresholds and response (OITR) requirements for all sub- plans, including Inuit OITRs for sub-plans subject to QIA approvals, and will detail how Inuit led monitoring under the Inuit Stewardship Plan will be utilized to inform Project operational and management decisions.		<u>QIA Rationale</u> QIA believes Project Certificate Conditions should exist that link the Project Certificate to the commitments from the Inuit Certainty Agreement, and that tie construction and production to having an Adaptive Management Plan finalized.	Baffinland refers the NIRB to its comments above on TC A respecting construction milestone and timing. If NIRB decides to include this TC, it must be noted that the AMP is subject to joint agreement between BIM and QIA.
Reporting Requirement	Approved Adaptive Management Plan to be provided to NIRB prior to rail construction and/or production increase.			
Stakeholder Review				
QIA Recommended Project Certificate Condition NEW D				
Category	Data Ownership and Access		<u>QIA Rationale</u>	<i>Again this appears to be detail that is better suited to agreement between the parties – IQ ownership is already addressed in the IIBA.</i>
Responsible Parties	The Proponent		The Inuit-led monitoring contemplated in the Inuit Certainty Agreement and more fully described through the Inuit Stewardship Plan will generate primary data that is unprecedented both in scope and in applicability. QIA believes that the Project Certificate should establish the principle of “Inuit	
Project Phase(s)	Construction and Operations			
Objective	To establish Inuit ownership of data generated through Project-related monitoring activities.			

Term or Condition	The Proponent shall recognize that all data and Inuit Qaujimanituqangit generated or collated through Project-related monitoring activities, including both Inuit-led monitoring and that undertaken in accordance with this Project Certificate and all other Agreements and regulatory obligations, is fully owned by Inuit. The Proponent shall ensure full and proper access to all information through the Qikiqtani Inuit Association, and through the relevant Working Groups. For clarity, this condition does not extend to proprietary or otherwise protected information except in accordance with legal requirements.		led, Inuit owned” with respect to this data, and confirm that Inuit access to information is tied to compliance.	<i>Baffinland cannot agree that all data collected through its programs is owned by a third party. The results are shared in accordance with NIRB requirements</i> <i>For the reasons set out above, provision of all raw data is not practical nor useful. Baffinland is open to case by case requests.</i>
Reporting Requirement	Delivery of data to QIA will be at a minimum on an annual basis.			
Stakeholder Review				
QIA Recommended Project Certificate Condition NEW E				
Category	Engagement and Communications			
Responsible Parties	The Proponent			
Project Phase(s)	Construction and Operations			
Objective	To ensure that Inuit engagement is transparent and aligned with the objectives of Inuit stewardship and respect for Inuit Societal values.			
Term or Condition	The Proponent shall maintain a publicly accessible online engagement ledger, including past and planned engagements with impacted communities. This shall be accessible via public-facing website hosted by the Proponent. Information to be posted publicly will be date, time, location, agenda, actual topics discussed, participants, and outcomes. The ledger is to be updated monthly			
Reporting Requirement	In Annual Report			
Stakeholder Review				
QIA Recommended Project Certificate Condition NEW F				
Category	Vegetation – Monitoring			
Responsible Parties	The Proponent			
Project Phase(s)	Construction, Operations, Closure, Post-Closure			
Objective	To determine and monitor the metal concentrations in culturally important plants			
			<p><u>QIA Rationale</u></p> <p>Transparency in engagement is of critical importance to Inuit. How the Proponent engages with Inuit will be set out in the Inuit Stewardship Plan, and QIA believes that the Project Certificate should echo and validate the expectation that Inuit are involved through the appropriate bodies in all Project-related Inuit engagement.</p>	<p><i>Baffinland is agreeable to this and reminds the QIA that all engagements are already provided to them through quarterly reporting which we suggest would be a more appropriate frequency of reporting/updating, should the NIRB choose to extend this TC. Baffinland would also like to emphasize that this type of reporting should only be required for public, formal engagements or those we would otherwise track, and participant names could/should only be released on agreement by those parties.</i></p>
			<p><u>QIA Rationale</u></p> <p>Baffinland has proposed revisions in their Jan. 2020 submission, which includes monitoring outside of the PDA at the same frequency as soil monitoring under the TEMP. Regarding this proposed addition, QIA requests that the wording of this condition reflect the requirement for</p>	<p>Baffinland suggests all locations should be vetted through the Inuit Stewardship Plan to ensure consistency.</p>

Term or Condition	The Proponent shall establish appropriate thresholds for metal concentrations in vegetation, and conduct ongoing vegetation sampling to determine metal levels in culturally important plants near project development areas. The focus of this monitoring should be within Inuit preferred harvesting areas near any Project infrastructure or activities, at locations identified in the Inuit Stewardship Plan or by relevant Hunters and Trappers Organizations. Results of this monitoring shall be reported to the , the TEWG, and other bodies as identified in the Inuit Stewardship Plan. The Proponent shall take all adaptive management measures identified by the or otherwise through the Inuit Stewardship Plan if monitoring indicates that metals in culturally important vegetation are higher than thresholds adopted into the Project's Adaptive Management Plan.		monitoring frequency and location to be as directed by Inuit and not subject to these restrictions. In the interests of not repeating measures in PC 34, this PC is now focused on vegetation (rather than soil).	The reference in the second paragraph should be replaced in its entirety and reflect that Baffinland must follow the approved AMP
Reporting Requirement	To be included in the Annual Report submitted to the NIRB			
Stakeholder Review				
QIA Recommended Project Certificate Condition NEW G				
Category	Freshwater Aquatic Environment – Drainage			
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				
			<p><u>QIA Rationale</u></p> <p>This new PC Condition provides the foundation and framework from which the Parties can negotiate the documents, such as the Water Licence, in the regulatory phase.</p> <p>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.</p>	<p><i>Baffinland cautions NIRB about including this level of prescription in a PC which could hinder the flexibility required for effective site environmental management including adaptive management.</i></p> <p><i>It is open for QIA to seek this item as part of the Water Licence process if it so desires, it is not necessary for this restriction to be included in the PC for them to do so.</i></p> <p><i>The deposit of waste, in this case Potentially Acid Generating (PAG) rock, is regulated under the water licence and the ongoing review to amend it is a better forum to address the QIA's recommendation. Baffinland believes a Term and Condition in the Project Certificate is unnecessary and duplicative. Should</i></p>

				<i>the NIRB determine a need to include a Term and Condition as proposed, Baffinland requests that the location of the Waste Rock Facility not be presented geographically in relation to Deposit No. 1, should the existing WRF shift course through subsequent updates to the Waste Rock Management Plan, or if additional WRF's are applied for.</i>
QIA Recommended Project Certificate Condition NEW H				
Category	Ground Water/ Surface Waters – Inuit Monitoring		<u>QIA Rationale</u> QIA believes this PC Condition is needed, as there is no current condition that requires IQ or Inuit to be meaningfully integrated into freshwater quality data collection and analysis.	<i>Baffinland believes that this should be tied to ISP not drafted as a stand alone TC. Acceptance of the ISP would be confirmation of Inuit acceptability. The ‘Inuit based water quality monitoring program’ is meant to be adopted into the CRLU monitoring program .</i>
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, the Inuit Committee and North Baffin Inuit Communities to develop an Inuit-based water quality monitoring program including strong consideration and inclusion of Inuit use and IQ, acceptable to Inuit, and build it into the overall Project monitoring system. Program to include baseline and trend-over-time data collection using IQ-based Indicators and thresholds of acceptable change, with results informing the implementation of the Project’s adaptive management system.			
Reporting Requirement	Annual Reporting to NIRB and dedicated engagement with impacted communities.			
Stakeholder Review				
QIA Recommended Project Certificate Condition NEW I				
Category	Freshwater Aquatic Environment – Freshwater Environment Working Group		<u>QIA Rationale</u> Observations from other Working Group members have been consistent that current structure is ineffective and inefficient and Freshwater is a gap in the reporting and discussions. Meetings of the TEWG are currently chaired by the Proponent, creating a conflict of interest for responsible	<i>Baffinland agrees with establishment of a FEWG, note comments above and in the Final Written Statement re role and functionality of working groups</i>
Responsible Parties	The Proponent, Qikiqtani Inuit Association, Government of Nunavut, Government of Canada, Qikiqtaaluk Wildlife Board, other parties as set out in the Terms of Reference			

Project Phase(s)	All Project Phases		environmental effect oversight. The Proponent has committed to a jointly developed Adaptive Management Plan and associated development process with QIA. By forming a direct link between the Inuit Committee and the FEWG, Inuit perspectives and IQ will be brought forward in an integrated fashion and codified into specific monitoring and oversight recommendations for discussion and consideration of project changes. Discussion and consideration of western science remains unchanged, and linking the Inuit Committee will ensure that the FEWG also properly integrates IQ and Inuit perspectives into discussions, and will strengthen the working group’s ability to affect change through adaptive management at the Project.	generally. . See also Baffinalnd suggested TC 186
Objective	To provide responsible environmental oversight of the freshwater environment and effects on aquatic life. To analyze results of project monitoring, and to provide expertise and input into the mitigation, management and monitoring plans associated with the Project. To ensure Inuit perspectives and values are properly integrated into mitigation, management, and monitoring plans.			
Term or Condition	A Freshwater Environment Working Group (FEWG) shall be established as an oversight body to fulfill the intended objectives. The operation of the FEWG shall not duplicate or impede the exercise of regulatory authority of authorizing agencies or government. The FEWG shall have the following permanent members: The Proponent, the Qikiqtani Inuit Association, the Government of Nunavut, the Government of Canada, the Qikiqtaaluk Wildlife Board. A Terms of Reference shall be established that guides additional membership. The FEWG shall be chaired by a member appointed by the Inuit Committee (this chairperson shall be in addition to the Qikiqtani Inuit Association’s membership).			
Reporting Requirement	Draft meeting minutes of the FEWG shall be filed on the NIRB registry and circulated to FEWG members not more than 60 days following a meeting. All final meeting minutes shall be included in the Annual Report to the NIRB. Project monitoring reports and relevant data to be considered by the FEWG will be provided to members not less than 2 weeks prior to a scheduled meeting.			
Stakeholder Review				
QIA Recommended Project Certificate Condition NEW J				
Category	Terrestrial Wildlife and Habitat – Monitoring		<u>QIA Rationale</u> While regional monitoring is the responsibility of the GN, QIA believes that Baffinland must acknowledge that the primary reason for this regional monitoring effort is because of the proposed Mary River Phase 2 Project and associated infrastructure. Baffinland must commit to strong financial support for this regional monitoring effort over a sustained period. The extent of monetary support from Baffinland for regional science-based monitoring must reflect that the primary reason for implementing this invasive and expensive program is to monitor the response of caribou to the railway.	Baffinland disagrees with this suggested TC. The GN already coordinates regional monitoring programs with the HTO’s, and Baffinland and the GN have already confirmed to the NIRB our intent to collaborate on this work through a funding agreement. The proposed Term and Condition attempts to provide direction to the Government of Nunavut in how to carry out it’s regional monitoring programs,
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	The Proponent shall 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 the zone of influence around project components. 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. This program will be designed to inform impacts to caribou from the Phase 2 components of the Project, including caribou use of habitat, caribou avoidance of the project area, changes in movement patterns, and changes in caribou health and condition.			<i>which are independent of the Mary River review and within the jurisdiction of GN.</i>
Reporting Requirement	Details of regional monitoring plans shall be provided to the NIRB, the and the TEWG for review and comment at least 90 days prior to commencement of construction activities. Results of monitoring programs, including raw data, shall be reported to the and the TEWG as required under the terms of reference for these groups, and reported annually to the NIRB.			
Stakeholder Review				
QIA Recommended Project Certificate Condition NEW K				
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 railway.			
Term or Condition	The Proponent shall develop a local monitoring program in the vicinity of the railway, to identify high collision locations and trigger additional mitigations when caribou are in the area. The Program shall be developed in collaboration with the Inuit Committee, the , and the TEWG. 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.		<u>QIA Rationale</u> QIA believes that the importance of this program warrants a standalone PC Condition, and that the role of the Inuit Committee is important to identify in the design of the program.	<i>Baffinland agrees with QIA wording</i>
Reporting Requirement	The local monitoring program shall be designed and included in the TEMMP at least 90 days before construction commences on Phase 2. Results of monitoring program, including raw data, shall be reported to the and the TEWG as required under the terms of reference for these groups, and reported annually to the NIRB.			

Stakeholder Review	QIA believes that the importance of this program warrants a standalone PC Condition, and that the role of the Inuit Committee is important to identify in the design of the program.			
QIA Recommended Project Certificate Condition NEW L				
Category	Terrestrial Wildlife and Habitat – Wildlife Habitat			
Responsible Parties	The Proponent, North Baffin Communities, QIA, and other relevant parties			<p><i>Baffinland developed mutually agreeable commitment wording in January 2021, which was reflected in the updated Commitment List. Baffinland suggests following that wording more closely. For the NIRB's consideration:</i></p> <p><i>Baffinland commits to working with the TEWG and the Inuit Committee to update the Caribou Protection Measures in the Terrestrial Environment Mitigation and Management Plan (TEMMP) for the Mary River Project within 6 months of the issuance of an amended Project Certificate 005. Baffinland commits to funding a caribou-focused IQ study with invite to the HTOs and supported by the QIA within 6 months of the issuance of an amended Project Certificate 005. These timelines are contingent on the QIA forming the Inuit Committee at least 6 months' prior the date of agreement.</i></p> <p><i>The IQ study will be scoped to ensure that it builds upon existing well-documented IQ, and includes verification of this information with Inuit knowledge holders. The results of this study will be used by QIA, the HTOs, the Inuit Committee and Baffinland to further update the Caribou Protection Measures, develop a Caribou Protection Map and project protection zones, and inform monitoring, mitigations and thresholds established through the Inuit Committee and the TEWG.</i></p>
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 Committee. 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	The revised plan, including locations of caribou protection areas and measures to be implemented within these areas immediately, will be provided to the NIRB, the and the TEWG within 6 months of the issuance of the Project certificate. Compliance monitoring to be included in annual reports to the NIRB.			
Stakeholder Review				

QIA Rationale

QIA is concerned that the existing caribou protection measures have not been enacted to date, despite the fact that the Project occurs within known calving habitat. Enacting these measures now is important to ensure caribou return. There is value to having this requirement as a PCC to make sure NIRB tracks its status over time.

QIA Recommended Project Certificate Condition NEW M				
Category	Marine Environment – Shipping Impacts		<u>QIA Rationale</u> This PC Condition is being proposed by QIA to ensure prioritization of IQ and to link to the commitments from the Inuit Certainty Agreement.	<i>Baffinland agrees with this wording, and notes the mechanism to do so is through the jointly approved Adaptive Management Plan.</i>
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 the Inuit Committee, to develop IQ-based metrics to be incorporated into Objectives, Indicators, Thresholds, and Responses for the Project.			
Reporting Requirement	Annually to NIRB.			
Stakeholder Review				
QIA Recommended Project Certificate Condition				
Category	Population Demographics – Project-specific monitoring		<u>QIA Rationale</u> <u>QIA proposes that this PC Condition can be removed, provided that the PC Conditions in the proposed new Inuit Governance and Participation section are accepted.</u>	<i>Baffinland agrees generally that the adaptive management TC should reflect the approach agreed for Phase 2.</i>
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	The Proponent shall develop an adaptive management plan which will include the following: 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				
QIA Recommended Project Certificate Condition NEW N				
Category	Assessment of alternative routes by Project shipping			<p><i>QIA’s suggested TC could fetter NIRB’s discretion with respect to considering significant modifications. Baffinland believes that the NIRB process as established by the Nunavut Agreement and NuPPAA already addresses the concern described in the QIA rationale.</i></p> <p><i>Note that Baffinland has already provided the added certainty required by the QIA on this subject in the ICA</i></p>
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 for public review 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				
QIA Recommended Project Certificate Condition NEW O				
Category	Transparency in Design of Alternative Rail Route		<p><u>QIA Rationale</u></p> <p>Given that the Proponent unilaterally revised its chosen northern rail route to Route 3, that a full and complete environmental assessment, including IQ inputs, has not been completed on Route 3 at this time, and that there are still concerns about Route 3 from Inuit parties, should Phase 2 proceed as proposed, it is critical that additional environmental assessment activities, including extensive Inuit inputs, are completed on this proposed alternative means, well in advance of construction</p>	<p><i>We assume that QIA is looking for verification that the construction proceeds in accordance with the design commitments.</i></p> <p><i>Baffinland can issue the desired reports on construction progress, it is expected QIA will support on CRLU monitoring.</i></p> <p><i>Suggested timing 1 year from issue of NIRB project certificate</i></p>
Responsible Parties	The Proponent			
Project Phase(s)	Construction and Operations			
Objective	To ensure transparency in design and understanding of environmental risks of the northern rail route.			
Term or Condition	At least 6 months prior to commencement of construction the Proponent will provide NIRB, QIA and the Inuit Committee?] 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. The Proponent will			

	update and report on the Rail Deviation Alignment Decision Work Plan including any inputs from the CRLU Monitoring Program and feedback from the Inuit Committee. This report will include a description of conditions and thresholds that would require the Proponent 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 Recommended Project Certificate Condition NEW P				
Category	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 shall identify triggers for modifying rail crossings in collaboration with the Inuit Committee and the TEWG. The draft Additional Level Crossing Construction Decision Matrix shall be finalized with input from the Inuit Committee and the TEWG at least 6 months prior to construction. The final Additional Level Crossing Construction Decision Matrix shall include an option to consider bridges with footings to ensure permeability of the railway if major concerns with caribou movement are raised by the Inuit Committee through the CRLU Monitoring Program, or by the TEWG based on results from the Proponent's monitoring programs.			
Reporting Requirement	The draft Additional Level Crossing Construction Decision Matrix shall be finalized with input from the Inuit Committee, and the TEWG at least 6 months prior to construction.			
Stakeholder Review				
QIA Recommended Project Certificate Condition NEW Q				
Category	Operational Variability/Flexibility			
Responsible Parties	The Proponent			
Project Phase(s)	Construction			

QIA Rationale

The proponent has committed to developing this plan; however, given the importance of ensuring compliance and reporting on this plan annually, QIA believes it should be included as a PCC. Furthermore, the option to include bridges as a mitigation measure to ensure permeability to the railway has not been included in the relevant commitment, and should be required as a mitigation measure if necessary.

The Additional Level Crossing Construction Decision Matrix outlines the process for adding crossings once the North Railway is operational. Finalization with the Inuit Committee and TEWG should be required 6 months prior to operation.

Baffinland does not agree that bridges would present any more permeability. In any event it is not practical to put in a bridge after the railway is constructed – lead time to design, build and install alone would take years and may be completely infeasible. Installation would also halt use of railway which would have a direct and significant negative benefit on Inuit benefits from the project.

QIA Rationale

QIA proposes this PC Condition to mitigate a concern that if construction of the North Railway is delayed BIMC could potentially operate the Milne

Baffinland cannot support the proposed wording. Arctic construction schedules and supply

Objective	To ensure design meets the specifications of a qualified engineer, should use of the Milne Port Tote Road be extended.		Inlet Tote Road without appropriate design and monitoring considerations.	<i>chains are variable, particularly in light of the ongoing pandemic – commission of the railway could take longer than expected. Baffinland suggests that QIA can rely on the NIRB reconsideration process and request that NIRB reopen this TC should they be of the view at a future date the project circumstances have changed or the TC's are not meeting their desired effect.</i>
Term or Condition	If commissioning of the North Railway has not occurred within three years of receipt of approval to proceed by means of issuance of a Project certificate, the Proponent must design and build 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, incorporating new techniques and methodologies, technologies, Inuit Qaujimanituqangit, results and observations from Project monitoring and adaptive management and other new information.			
Reporting Requirement	Each Annual Report until the Railway is operational, the Proponent provide an updated timeline for completion.			
Stakeholder Review				
QIA Recommended Project Certificate Condition NEW R				
Category	Assessment of cumulative and transboundary effects by Project shipping			
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 commencement 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				
QIA Recommended Project Certificate Condition NEW S				
Category	Project monitoring of impacts to marine mammals			
Responsible Parties	The Proponent			

Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring		N/A	<i>This term and condition already exists as TC-184 in the current PC005.</i>
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 measures that have the potential to further reduce potential impacts to marine mammals.			
Term or Condition	The proponent shall collaborate with the Marine Environmental 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.			
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.			
Stakeholder Review				
QIA Recommended Project Certificate Condition NEW T				
Category	Inuit Stewardship Plan - Monitoring and Management		<u>QIA Rationale</u> N/A	<i>Baffinland is generally supportive of this wording but suggests the NIRB write in a flexible manner so that either the QIA or Baffinland support the communities. Baffinland anticipates that QIA will complete this task but in light of enforcement implications of a TC the wording should leave flexibility for Baffinland to assume this role should QIA be unable to do so for any reason.</i>
Responsible Parties	The Proponent and QIA			
Project Phase(s)	Construction, Operations, Closure			
Objective	To ensure Inuit are fully engaged in Project monitoring of culture, resources and land use, and of social changes in the impacted communities.			
Term or Condition	The Proponent to support QIA and the impacted communities to develop an Inuit Stewardship Plan for the Mary River Project, funded for the life of the Project. The ISP will be a Project monitoring and management plan, overseen by the independent, Inuit-led Inuit Committee and Inuit Social Oversight Committee, that identifies monitoring and management roles for Inuit in the culture, resources, and land use, and social, impact realms. Findings of the monitoring programs will be integrated into management decisions based on requirements built into the Project's Adaptive Management Plan. The Terms of Reference for the IC and ISOC will be determined			

Reporting Requirement	To be developed following approval of the Project by the Minister. by QIA.			
Stakeholder Review				
QIA Recommended Project Certificate Condition NEW U				
Category	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				
QIA Recommended Project Certificate Condition No. NE0057				
Category	N/A			
Responsible Parties	The Proponent, Nunavut Impact Review Board, Government of Canada, parties implicated in Commitment List			
Project Phase(s)	All Project Phases			
Objective	To provide assurance of proper completion of proponent commitments and to provide an enforcement mechanism for performance and implementation of all commitments contained in the Proponent's commitment list, as detailed in the updated Commitment List which the Proponent has filed with NIRB as found on the Public Registry.			

QIA Rationale

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.

Baffinland agrees with QIA's wording and supports a program that includes Inuit led inputs as well as the best available western science. This is consistent with Commitment 157. This is an opportunity for Baffinland to learn from the communities and also for Baffinland to share more information about the mining process, elements of the mining process and how substances produced in the mining process move in the environment with the community.

QIA Rationale

The Proponent made considerable commitments both in quantity and quality throughout this extended review process. Many of these commitments are central to the viability of environmental mitigation and monitoring processes and address concerns regarding structures and processes not yet in place for environmental mitigation and monitoring. These commitments, which were made to garner support and resolve key issues related to the project, are currently neither binding nor enforceable and are currently not monitored. By adding a project condition that requires these commitments to be performed or

Baffinland appreciates and is encouraged by QIA's compliments with respect to Baffinland's approach to commitments in this assessment.

First, Baffinland wants to state unequivocally: Baffinland will keep the promises reflected in the Commitment List. These are commitments to NIRB and

Term or Condition	Parties which are named in the Commitment List as undertaking specific commitments shall perform or implement those commitments in accordance with timelines, goals, and objectives of the commitment. Where a timeline, goal, or objective is not clear, the named party shall perform/implement the commitment in a timely manner, and in keeping with the spirit and intent of the commitment.		implemented, the Proponent and other Parties named in the commitments list are bound by NuPPAA to complete these promises. This condition would also create a direct link to project monitoring by NIRB and GoC to ensure that the commitments are treated as undertakings which can be evaluated and, where needed, enforced if there are issues with performance or implementation of the commitments.	<i>Baffinland is treating them as binding.</i> <i>Baffinland and QIA are in agreement that where appropriate these commitments should also be added as TCs.</i> <i>Some commitments may not be within jurisdiction of NIRB to include as TCs (because that would be NIRB conferring a benefit) or otherwise not suited to the enforcement and penalty provisions of NuPPAA. We leave that point to NIRB's consideration and judgement. The wording was also drafted in a way targeted to resolving issues with parties, not necessarily as TC language. For all these reasons, the Commitment List should not be adopted wholesale as itself a TC.</i> <i>However, Baffinland wishes to assure QIA that its understanding is that the full Commitment List will be appended to the Project Certificate and Baffinland will be required by NIRB to report on each and every one as part of its annual report (until the obligations described therein are complete or spent). This should help support QIA's worthy goals about sharing information for monitoring reasons and in order to ensure all parties work together to ensure the Phase 2 proposal provides benefits and does not have significant negative effects.</i>
Reporting Requirement	Annual Reporting on completion of commitments from the Commitment List			
Stakeholder Review				