



**NIRB File No.: 08MN053**

**NPC File No.: 149829**

July 19, 2022

To: The Honourable Dan Vandal, P.C., M.P.  
Minister of Northern Affairs  
House of Commons  
Government of Canada  
Ottawa, ON K1A 0A6

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**Re: Notice and Procedural Guidance Regarding the Nunavut Impact Review Board's Assessment of Baffinland Iron Mines Corporation's "Production Increase Proposal Renewal" Project Proposal**

Dear Honourable Dan Vandal, Megan Lord-Hoyle and Lou Kamermans:

The purpose of this correspondence is to provide notice to you as required under s. 112(3) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*) that the Nunavut Impact Review Board (NIRB or Board) is initiating a formal reconsideration of the terms and conditions of Project Certificate No. 005 in light of Baffinland Iron Mines Corporation's (Baffinland or Proponent) submission of the "Production Increase Proposal Renewal" project proposal (PIP Renewal or Proposal), a proposed short-term amendment (to December 31, 2022) to the approved Mary River Project (NIRB File No.: 08MN053). In addition to providing the formal notice of the Board's reconsideration, recognizing the priority and time sensitivity of the Board's assessment of the Proposal, the Board is also taking this opportunity to issue important procedural guidance to all parties wishing to participate in the Board's reconsideration process for the PIP Renewal.

The Board highlights the following key dates of interest to participants (more details of the process steps follow under the heading Procedural Guidance):

- On or before **noon (12:00 pm) MST on Tuesday, August 9, 2022** the Board invites Designated Inuit Organizations, interested parties (including Intervenor who participated in the Board's previous assessments of the Mary River Project (and subsequent modifications)), members of the public, and those regulatory authorities with jurisdiction over components of the Mary River Project to provide any additional technical comments in respect of the PIP Renewal;
- On **Tuesday, August 16, 2022** between **9:00 – 5:00 pm** and **6:30 – 9:00 pm**, the Board will conduct a Community Roundtable in Pond Inlet with opportunities for designated Community Representatives from Pond Inlet and members of the public, with teleconference and/or videoconference links being made available for designated Community Representatives from Arctic Bay, Clyde River, Grise Fiord, Igloolik, Resolute and Sanirajak to participate; and
- On or before **noon (12:00 pm) MST on Friday, August 19, 2022** the Board invites Baffinland to file its final reply submission.

#### PROCEDURAL HISTORY OF THE PRODUCTION INCREASE PROPOSAL RENEWAL

On June 7, 2022, the Nunavut Impact Review Board (NIRB or Board) received a positive conformity determination from the Nunavut Planning Commission (the Commission) for Baffinland's PIP Renewal, which is a proposed short-term modification to the approved Mary River Project (as subsequently amended by the Early Revenue Phase Proposal in 2014, the Production Increase Proposal in 2018 and the Production Increase Proposal Extension in 2020). The Commission indicated that the Proposal was not considered to be a "significant modification" to the Board's previous assessments and referred the Proposal to the NIRB for modifications to Project Certificate No. 005.

As set out in the project description filed with the NIRB, the "Production Increase Proposal Renewal" (PIP Renewal) reflects Baffinland's request to reconsider Term and Condition 179(a) and (b) of Project Certificate No. 005, which expired on December 31, 2021.<sup>1</sup>

##### *179(a)*

*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.*

##### *179(b)*

*Until December 31, 2021, the total volume of ore transported by truck on the Milne Inlet Tote Road may exceed 4.2 million tonnes per year, but must not exceed 6.0 million tonnes in any calendar*

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<sup>1</sup> NIRB Doc ID: 330475

*year. After December 31, 2021, 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 section 112 of Nunavut Planning and Project Assessment Act, S.C. 2013, c. 14, s. 2.*

After December 31, 2021 these components of Term and Condition 179 currently authorize Baffinland to transport up to 4.2 million tonnes of iron ore each year (Mt/a) from the Mary River Mine along the Tote Road to be shipped via Milne Inlet.

Term and Condition 179(a) and 179(b) were originally added to Project Certificate No. 005 in October 2018 by the Minister of Intergovernmental, Northern Affairs and Internal to authorize the increase to the limit of iron ore trucked on the Tote Road and shipped through Milne Inlet from 4.2 million tonnes per year (as approved previously under the Early Revenue Phase project proposal in 2014) to 6.0 million tonnes per year (as assessed by the Board under the Production Increase Proposal project proposal and issued under Amendment No. 2 to Project Certificate No. 005). Amendment No. 2 set the increased ore transportation and shipping limit of 6 million (Mt/a) until December 31, 2019. In late 2019 when the November 2019 Public Hearing associated with the Board's assessment of Baffinland's Phase 2 Development Proposal was suspended, Baffinland sought to extend the increased 6 million tonnes per year transportation and shipping limit for an additional year while the NIRB's assessment of the Phase 2 Development Proposal was completed (this proposal is referenced as the Extension Request to the Production Increase Proposal or PIP Extension). In June 2020, based on the NIRB's recommendation and the Minister of Northern Affairs' and Responsible Ministers' approval, the 6 million tonnes per year limit was extended until December 31, 2021 (Project Certificate No. 005 Amendment No. 3). On December 31, 2021, the changes to Term and Condition 179(a) and (b) that allowed for the transportation and shipping of 6.0 million tonnes per year via Milne Inlet expired, and the limit returned to 4.2 million tonnes per year.

On June 13, 2022, Baffinland completed its online application to the NIRB for the PIP Renewal. By way of the PIP Renewal, Baffinland is seeking to continue the transportation and shipping of up to 6 million tonnes through Milne Inlet for one additional season to December 31, 2022 while the decision-making process completes for the Phase 2 Development Proposal. The scope of activities proposed under the PIP Renewal include: the continuation of mining, trucking and shipping of up to 6 million tonnes per year of iron ore using the existing Tote Road and the Northern Shipping Route from Milne Inlet until December 31, 2022. The project description and associated documentation can be accessed directly via the NIRB's online public registry system at [www.nirb.ca/project/125710](http://www.nirb.ca/project/125710).

On June 13, 2022, the NIRB circulated the PIP Renewal application to interested parties and requested comments on:

- Whether or not, from an impact assessment perspective, the activities proposed within the PIP Renewal were included within the scope of the previously assessed Mary River Project (including as modified by the Early Revenue Phase Project Proposal, the Production Increase Proposal, and the Extension Request to the Production Increase Proposal);
- Whether or not, from an impact assessment perspective, the proposed modifications constitute a significant modification to the original Mary River Project as previously assessed (and subsequently modified under the Early Revenue Phase, the Production

Increase Proposal, and the Extension Request to the Production Increase Proposal) by the NIRB;

- Whether the proposed modifications are consistent and in compliance with the current terms and conditions of the existing Project Certificate No. 005 or whether changes to the Project Certificate are necessary to reflect the modifications;
- If a reconsideration is determined to be warranted, providing feedback to the NIRB regarding any preferences for the format (in writing, teleconference/videoconference, in-person proceedings) and timing of the reconsideration process; and
- Any other matter of importance to the commenting party related to the Board's processing of the PIP Renewal.

On June 15, 2022, Baffinland filed a Supplemental Information Package<sup>1</sup> in relation to the PIP Renewal with the Board and the Board circulated the Package on June 17, 2022 for the information of parties for comment on or before June 28, 2022. This deadline was later extended to July 5<sup>th</sup> following a request the Board deemed reasonable.

On or before July 5, 2022, the following parties provided comments:

- Nunavut Tunngavik Inc. (NTI) (Doc ID: 340633 & 340632)
- Qikiqtani Inuit Association (QIA) (Doc ID: 340635)
- Government of Nunavut (GN) (Doc ID: 340629)
- Government of Canada (GoC) (Doc ID: 340630)
- Mittimatalik Hunters & Trappers Organization (MHTO) (Doc ID: 340632)
- Ikajutit Hunters & Trappers Organization (Ikajutit HTO) (Doc ID: 340631)
- Hamlet of Sanirajak (Sanirajak) (Doc ID: 340628)
- Oceans North (ON) (Doc ID: 340634)
- Baffinland Iron Mines Corporation (Baffinland) (Doc ID : 340636)

For the convenience of reviewers, the Board has attached a summary by topic of the comments received in Appendix A, but parties are advised the summary table is not exhaustive and has been provided in this format for the convenience of reviewers. The full documents are available in their entirety as posted on the NIRB's Public Registry from the following link: [www.nirb.ca/project/125710](http://www.nirb.ca/project/125710) and searching the NIRB Document ID numbers provided.

On July 11, 2022 the Minister of Northern Affairs sent correspondence<sup>2</sup> addressed to the NIRB's Chairperson, which was circulated by the NIRB on July 12, 2022. The Minister's correspondence was provided on behalf of the federal Responsible Ministers in accordance with s. 114 of the *NuPPAA*. The Minister advised that if the Board were to determine that the PIP Renewal warrants a reconsideration of Project Certificate No. 005, that:

*...given the time-limited nature of the proposal (i.e. until December 31, 2022), as well as Baffinland's recent June 3, 2022 notice to the Nunavut Labour Standards Compliance Office concerning the potential for mass layoffs at the Mary River Mine site and other economic considerations, this proposal should receive priority over other ongoing review processes under the Board's jurisdiction.*

<sup>1</sup> NIRB Doc. ID Nos.: 340177 & 340742.

<sup>2</sup> NIRB Doc. ID No: 340699.

*While I am aware of other ongoing assessments before the Board, given the time-sensitive nature of this process, it is imperative that the assessment of the Production Increase Proposal Renewal proposal is prioritized and conducted in an efficient and expeditious manner. I would thus appreciate receiving a recommendation from the Board by August 26, 2022.*

The comments received from regulatory authorities, Inuit organizations and other parties, and the Minister's direction provided under s. 114 of the *NuPPAA* were considered by the Board to decide whether a reconsideration is warranted and also to develop the procedural guidance that follows.

#### THE BOARD'S ANALYSIS OF WHETHER A RECONSIDERATION IS WARRANTED

In general, where an approved project is already governed by the terms and conditions of a NIRB Project Certificate, to determine the process and procedure guiding NIRB's assessment of any modification proposal the Board must consider the following questions:

- Was the proposed modification included within the scope of the original project (and subsequent modifications) as previously assessed by the NIRB?
- Is the proposed modification consistent with the terms and conditions of the existing NIRB Project Certificate, or are changes to the Project Certificate necessary to reflect the modification?
- Does the proposed modification constitute a significant modification to the original project that is integrally linked to the original project (including as subsequently modified under any modification proposals that have been assessed and approved by the NIRB)?
- Does the proposed modification constitute a significant modification to the original project that is not integrally linked to the original project, and that has sufficient scope to be assessed as an independent project proposal?

On the basis of the Board's review of the Proposal, and parties' comment submissions the Board has concluded the following:

- Term and Condition 179 (a) and (b) of Project Certificate No. 005 must be revised if the PIP Renewal activities were to be allowed to proceed;
- Other than a short-term renewal of the 6 Mt/a limit, there are no changes to the scope of the activities under the PIP Renewal from those previously authorized under the PIP and the PIP Extension;
- There has been a change in circumstances since the PIP and the PIP Extension were approved because the 6 million tonnes per year transportation and shipping limit expired before the decision-making associated with the Phase 2 Development Proposal has been completed; and
- From 2018-2021 Baffinland has been authorized to transport and ship 6 million tonnes per year, and as such the NIRB's assessment of the PIP Renewal should be informed by additional relevant information regarding changes to the potential for ecosystemic and socio-economic effects provided to the Board during the annual Monitoring Program applicable to the Mary River Project (as modified) and the relevant information, knowledge and experience shared by participants about potential effects of the existing Mary River Project during the Board's assessment of the Phase 2 Development Proposal.



On this basis, the Board has determined that based on the potential for ecosystemic and socio-economic effects that may differ from the effects previously assessed under the PIP and the PIP Extension, the PIP Renewal Proposal constitutes a **significant modification** to the Mary River Project as previously assessed (including as modified by the subsequent amendments). Although the Board acknowledges that some commenters identified that amendments beyond term and condition 179(a) and (b) are required to address concerns about existing Project effects, including issues such as project monitoring of cumulative effects, issues in respect of the functioning of existing Working Groups and to potentially incorporate recent commitments made by Baffinland in respect of marine shipping to mitigate the potential for effects, parties are advised that given the short-term nature of the PIP Renewal, and recognizing that a decision in respect of the Phase 2 Development Proposal is underway, the Board does not consider it appropriate to conduct a broad reconsideration of the Mary River Project's existing effects mitigation and monitoring program. Accordingly, parties are requested to focus on the reconsideration of term and condition 179(a) and (b) and the specific terms and conditions added to Project Certificate No. 005 under Amendment 2 and 3 associated with the Board's prior assessment of the Production Increase Proposal (2018) and the Production Increase Proposal Extension (2020).

Having determined that it is appropriate to assess the PIP Renewal as a formal reconsideration of specified terms and conditions of the Project Certificate, the Board provides the following formal notice of reconsideration to the Minister and Proponent, and the attached procedural guidance to interested parties.

#### NOTICE OF RECONSIDERATION

As indicated above, the Board has decided that as provided for under Article 12, Section 12.8.2 (a) of the *Nunavut Agreement* and s. 112(a) of the *NuPPAA* (changed circumstances) a reconsideration of specified terms and conditions of Project Certificate No. 005 is required in light of the continuation of activities proposed in the PIP Renewal Proposal. As required by s. 112(3) of the *NuPPAA*, the NIRB is providing notice of a formal reconsideration of the terms and conditions of Project Certificate No. 005 to the Proponent and the Minister.

#### RECONSIDERATION PROCESS: NEXT STEPS

As stated in s. 112(4) of the *NuPPAA* the NIRB has the discretion to determine the appropriate process for the conduct of a reconsideration of Project Certificate terms and conditions that is appropriate in the circumstances of the specific proposal before the Board. The Board considered the process and timing comments of the parties, including the Minister's direction under s. 114 as to priorities and timelines, seasonal and logistical constraints, and the Board's prior approach to the reconsiderations conducted by the Board for the Production Increase Proposal (PIP) and the Production Increase Proposal Extension Request (PIP Extension) to develop the procedural guidance to govern the Board's assessment of the PIP Renewal. The Board highlights the following considerations:

- The activities requested in the PIP Renewal do not represent any change from the scope of activities that have been carried out from 2018 to 2021;
- The Board's process for reconsidering the original PIP (Project Certificate No. 005, Amendment #2) and the PIP Extension (Project Certificate No. 005, Amendment #3) were largely conducted in writing; the PIP included a one-day Community Information session

hosted in Pond Inlet that enabled residents to provide feedback to the NIRB staff, which was conveyed to the Board;

- The Minister has directed that the Board consider the assessment of the PIP Renewal as a priority and requests the Board provide the Board's reconsideration report and recommendations by August 26, 2022;
- Several parties indicated a preference for the Board's assessment to be conducted entirely in writing;
- Designated Inuit Organizations, interested parties (including Intervenor who participated in the Board's previous assessments of the Mary River Project and subsequent modifications), members of the public, and those regulatory authorities with jurisdiction over components of the Mary River Project have previously provided the Board with thorough and extensive written submissions, some of which are likely relevant to the Board's assessment of the PIP Renewal, and parties wishing to rely on existing relevant filings may simply reference their prior submissions and are not expected to duplicate their efforts;
- Some parties identified that the Board's process should provide an opportunity for the collection of oral evidence from potentially impacted communities; and
- One party indicated that the reconsideration process should parallel the reconsideration process applicable to the Phase 2 Development Proposal (including the requirement for the Board to conduct a full Public Hearing).

While the Board recognizes and acknowledges the urgency of the situation as mentioned by parties in their comments and the priority and timelines urged by the Minister in his July 11, 2022 correspondence, the Board is also aware of the considerable interest of the potentially affected North Baffin communities in the Proposal and the need for the Board to conduct a thorough assessment of the Proposal that incorporates information provided to the Board since the Board's previous assessments of the PIP and the PIP Extension. Accordingly, the Board has determined that the following process will support the Board's decision-making in respect of the PIP Renewal.

1. The process for soliciting and responding to technical comments on the PIP Renewal will be confined to a **written process only** for Designated Inuit Organizations, Intervenor who participated in the Board's previous assessments of the Mary River Project (and subsequent modifications), and those regulatory authorities with jurisdiction over components of the Mary River Project. On or before **noon (12:00 pm) MST on Tuesday, August 9, 2022**, these parties are invited to file their written comment submissions about the PIP Renewal. Appendix B attached to this correspondence provides parties with guidance regarding the approach and format for these comment submissions.
2. Interested members of the public are also invited to submit written comments as noted above. However, recognizing the high level of community interest in the Proposal, and respecting Inuit oral traditions, the full Board also plans to conduct a "hybrid" one-day informal Community Roundtable session (CRT) (including an evening session) in Pond Inlet on **August 16, 2022**. This CRT will be an informal proceeding similar to the CRT conducted by the Board during a Pre-Hearing Conference and will be focused solely on collecting oral comments from the communities. The Agenda for the CRT will be issued on **August 12, 2022**. NOTE: unfortunately, due to logistical limits, the Board will not be able to fly designated Community Representatives to Pond Inlet to attend the CRT in-person, but the Board, with the support and guidance of local partners in the North Baffin

Communities, will make teleconference and/or videoconference links available to the designated Community Representatives in the potentially affected North Baffin Communities so that they can share their comments in oral form during the time allocated to their Community during the CRT. In the coming days, the Board will issue invitations to solicit designated Community Representatives in each community and will provide more details regarding their participation.

3. As Baffinland bears the onus of proof in respect of the PIP Renewal, Baffinland will have an opportunity to file a final reply to the comment and CRT submissions in writing on or before **noon (12:00 pm) MST on Friday, August 19, 2022.**
4. Following the receipt of Baffinland's reply submission, the Board will consider the PIP Renewal and upon completion of decision-making, will, as required under s. 112(5) of the *NuPPAA*, provide a reconsideration report and recommendations to the Minister of Northern Affairs, (on behalf of the Responsible Minister(s)) for consideration.
5. As directed by the Minister under s. 114, the Board is undertaking the reconsideration of Project Certificate No. 005 associated with the PIP Renewal as a priority, however, due to logistical constraints and existing Board commitments that cannot be modified, the Board is unable to meet the Minister's requested August 26, 2022 timeline for decision-making. However, the Board remains committed to completing the reconsideration as expeditiously as possible and following the receipt of Baffinland's reply submission on August 19, 2022, the Board will advise the Minister and interested parties regarding the Board's timeline to provide the Board's Reconsideration Report and Recommendations.

In setting the process and timelines, the Board acknowledges the urgency and priority to be afforded to the reconsideration and has made its best efforts to undertake the reconsideration in an expeditious but thorough manner. While the Board recognizes that community members throughout the North Baffin may be busy pursuing traditional activities in August at the time of the Board's proposed CRT, due to significant logistical constraints in Pond Inlet, August 16, 2022 is the only feasible date for the CRT in the next 4-6 weeks, and the Board has no flexibility to modify this timing. The Board greatly appreciates the flexibility and commitment of designated Community Representatives and interested members of the public to providing their comments to the Board in the Board's previous assessments associated with the Mary River Project and in respect of the PIP Renewal.

#### PARTICIPANT FUNDING

The Board notes that several community-based and non-governmental organizations who previously participated as registered Interveners in the Board's previous assessments associated with the Mary River Project (including the recent Phase 2 Development Proposal) have provided comments in respect of the Proposal and expressed interest in participating in the Board's reconsideration process. As noted in the Board's Reconsideration Report and Recommendations associated with the Phase 2 Development Proposal, the Board's assessments have benefitted from the considerable interest and fulsome participation of a variety of Registered Intervenor, including organizations whose participation was supported, in part, by the provision of participant funding. Accordingly, the Board requests that the Minister consider providing participant funding to enable these parties to continue their participation in the Board's assessment of the Proposal in accordance with the process and expedited timeline set out in this correspondence.



## CONCLUSION

In addition to providing notice of the reconsideration to the Minister and the Proponent under s. 112(3) of the *NuPPAA*, and providing procedural guidance regarding the process and timing of the Board's reconsideration associated with the PIP Renewal, the Board is inviting the Minister to advise the Board and interested parties regarding the availability of participant funding in respect of the reconsideration.

The Board looks forward to conducting the reconsideration and attending the CRT in Pond Inlet on August 16, 2022. In the interim, should you have any questions regarding this notice and procedural guidance, please contact the NIRB's Executive Director, Karen Costello at [kcostello@nirb.ca](mailto:kcostello@nirb.ca).

Sincerely,



Kaviq Kaluraq  
Chairperson  
Nunavut Impact Review Board

cc:

- Mary River Distribution List – Production Increase Proposal
- Mary River Distribution List – Extension Request to Production Increase Proposal
- Mary River Distribution List – Phase 2 Development Proposal
- Sharon Ehloak, Nunavut Planning Commission
- Goump Djalogue, Nunavut Planning Commission
- Stephanie Autut, Nunavut Water Board
- Karén Kharatyan, Nunavut Water Board
- Carson Gillis, Nunavut Tunngavik Incorporated
- Jared Ottenhof, Qikiqtani Inuit Association
- Olayuk Akesuk, Qikiqtani Inuit Association
- Agnes Simonfalvy, Government of Nunavut
- Adrian Paradis, Canadian Northern Economic Development Agency
- Tracey McCaie, Crown-Indigenous Relations and Northern Affairs Canada
- Jody Small, Environment and Climate Change Canada
- Jane Chisholm, Parks Canada
- Alasdair Beattie, Fisheries and Oceans Canada
- Rob Johnstone, Natural Resources Canada
- Jaideep Johar, Transport Canada
- Joshua Arreak, Hamlet of Pond Inlet
- David Qamaniq, Mittimatalik Hunters and Trappers Organization
- Erasmus Ivvalu, Hamlet of Igloolik
- David Irngaut, Igloolik Hunters and Trappers Association
- Peter Ivalu, Igloolik Working Group
- Moses Oyukuluk, Hamlet of Arctic Bay
- Qaumayuq Oyukuluk, Ikajutit Hunters and Trappers Association
- Jaypetee Audlakiak, Hamlet of Sanirajak
- Paul Nagmalik, Hall Beach Hunters and Trappers Association
- Alan Cormack, Hamlet of Clyde River
- Apiusie Apak, Nangmoutaq Hunters and Trappers Association

Chris Debicki, Oceans North  
Mark Brooks, World Wildlife Fund  
Zacharias Kunuk, Nunavut Independent Television Network

Attachment (2): Appendix A: Summary of Comments Regarding the PIP Renewal Proposal  
Appendix B: Suggested Format for Parties' Final Written Submissions

## APPENDIX A: SUMMARY OF COMMENTS REGARDING THE PIP RENEWAL PROPOSAL

On or before July 5, 2022, the NIRB received comments from regulatory authorities and Inuit organizations and members of the public that provided input on the scope and significance of the PIP Renewal Proposal. Specifically, the NIRB invited comment on the following:

- a) *Was the proposed modification included within the scope of the original project (and subsequent modifications) as previously assessed by the NIRB?*
- b) *Is the proposed modification consistent with the terms and conditions of the existing NIRB Project Certificate, or are changes to the Project Certificate necessary to reflect the modification?*
- c) *Does the proposed modification constitute a significant modification to the original project that is integrally linked to the original project (including as subsequently modified under any modification proposals that have been assessed and approved by the NIRB)?*
- d) *Does the proposed modification constitute a significant modification to the original project that is not integrally linked to the original project, and that has sufficient scope to be assessed as an independent project proposal?*

Overall, parties agreed that the proposed activities would likely require reconsideration of the terms and conditions of the Project Certificate No. 005, especially terms and conditions 179(a) and (b) regarding the limit on trucking and shipping of iron ore.

For the convenience of reviewers, the Board has prepared Table 2 that follows to provide a high-level summary of the comments provided by parties in response to the Board's request for comments on the PIP Renewal Proposal. Reviewers should be aware, however, that the summaries are provided for reviewers' convenience only and are not exhaustive. Parties wishing to gain a full understanding of comment submissions are encouraged to review the materials provided in their entirety from the NIRB's Public Registry via the NIRB Document ID numbers provided in Table 1 that follows.

**Table 1. Listing of Comment Submissions Received**

Party	NIRB Document ID
Nunavut Tunngavik Incorporated (NTI)	340633 & 340637
Qikiqtani Inuit Association (QIA)	340635
Government of Nunavut (GN)	340629
Government of Canada (GoC)	340630
Mittimatalik Hunters and Trappers Organization (MHTO)	340632
Ikajutit Hunters and Trappers Association (Ikajutit HTA)	340632
Hamlet of Sanirajak (Sanirajak)	340628
Oceans North (ON)	340634
Baffinland Iron Mines Corporation (Baffinland)	340636 & 340745

**Table 2. Summary of Comments Received**

TOPIC	PARTY	COMMENT SUMMARY
IMPACTS ASSESSMENT	NTI	Noted concerns that ecosystemic and socio-economic impacts associated with the current activities (including under the original PIP and PIP Extension) are not adequately monitored, mitigated, and managed.
	QIA GN GoC Baffinland	Activities in the PIP Renewal are the same activities as those assessed in the 2018 PIP and 2020 PIP Extension applications.
	MHTO	Stated that the current activities have already had significant effects on Inuit harvesting, marine wildlife, caribou, land use, and food security, and noted that these effects were not accurately predicted and were not adequately assessed during previous assessments for the original PIP and the PIP Extension. The PIP Renewal must be assessed to ensure that the effects likely to continue under the PIP Renewal are assessed.
	Ikajutit HTO	The activities proposed in the new application were not assessed in the previous assessment.
	Sanirajak	No change to the operation as operated by Baffinland since 2018.
	ON	Some activities were not assessed in the previous assessments, such as vessels convoys, shared marine mammal population with Greenland, and new information on underwater noise disturbance.
SIGNIFICANCE	NTI MHTO Ikajutit HTO ON	The PIP Renewal represents a significant modification.
	GN GoC Sanirajak Baffinland	The PIP Renewal does not represent a significant modification.
	QIA	The PIP Renewals represents a modification to the Mary River Project (ERP).
TERMS AND CONDITIONS	NTI QIA	The existing terms and conditions are not fully achieving their purpose for the necessary level of monitoring and mitigation and in a manner that reflects known effects of the existing Project. Project Certificate amendments beyond term and condition 179(a) and (b) are required to address concerns about existing Project effects and the PIP Renewal.
	NTI GoC	List of improved mitigation measures should be reflected in new terms and conditions.

TOPIC	PARTY	COMMENT SUMMARY
	QIA GN GoC Baffinland	Amendments are required to Term and Conditions 179(a) and (b).
	GN	The proposed modifications are consistent with the current terms and conditions.
	MHTO	The terms and conditions are not achieving their purpose as the effects of the project are different from anticipated. Therefore, a broader reconsideration of the Project Certificate terms and conditions is required, not limited to terms and conditions 179(a) and (b) only.
	Ikajutit HTO	Recognizing the existing effects on Inuit harvesting rights, it cautioned that any further modification extending the timeline on terms and conditions 179(a) and (b) would require revisions to ensure these provisions comply with Inuit rights under the <i>Nunavut Agreement</i> and <i>NuPPAA</i> .
	ON	The NIRB should consider that the effects of the terms and conditions are significantly different from those anticipated.
	ON	Cumulative effects are not sufficiently addressed in current monitoring and reporting as term and condition 110.
	ON	The working groups are not functioning as the term and condition 77.
	ON	The proponent is not implementing the direction of DFO as per term and condition 183.
PROCESS	NTI MHTO Ikajutit HTO ON	PIP Renewal requires a reconsideration process.
	QIA	Supports a review process.
	NTI	The reconsideration process can proceed in writing with accommodation/support for community to assure their full participation.
	GoC Sanirajak Baffinland	The reconsideration process could proceed solely in writing.
	QIA	Collect written submissions from most Parties and collection of oral evidence from impacted communities as teleconference or video conference.
	QIA GoC Sanirajak	Asked for an accelerated review of the PIP Renewal given the urgency of the timeline.



TOPIC	PARTY	COMMENT SUMMARY
	Baffinland	
	GN	No suggestion, the GN respects the Nunavut Planning Commission and the Board to determine if a reconsideration is warranted.
	MHTO	A public hearing is warranted, and should include, at a minimum the following steps: <ul style="list-style-type: none"> <li>▪ Baffinland filing an updated Impact Assessment;</li> <li>▪ Baffinland filing any updated commitments;</li> <li>▪ Parties filing evidence and presentation materials;</li> <li>▪ Opportunity for participants to ask questions orally to Baffinland;</li> <li>▪ Community roundtables; and</li> <li>▪ Baffinland and Parties filing written submissions.</li> </ul>
	MHTO Ikajutit HTO	An accelerated timeline for the reconsideration is not appropriate.
	Ikajutit HTO	Use a combination of a written and teleconference/videoconference hearing process. A strictly written process would fail to incorporate a meaningful participation of community members.
	Sanirajak	No in-person meeting is necessary.
	ON	In-person or video conference proceedings are warranted and the proceedings should be televised and recorded.
MATTERS OF IMPORTANCE	QIA	Conclusions from the NIRB Phase 2 Reconsideration Report are relevant to the new PIP Renewal application.
	QIA	The PIP Renewal process would provide an opportunity for a 'check in' on the implementation status of the 2018 and 2020 Project Stabilization Approach commitments.
	QIA	Any proposal beyond 2022 should be subject to further review.
	QIA	The Board should consider how the process can ensure there is sufficient time for impacted communities to develop and propose their recommendation on what the current Project Terms and Conditions amendments should be.
	GoC	Recommend that the NIRB rely on existing public records from previously assessed reconsideration phases, including Phase 2 Development Proposal.

TOPIC	PARTY	COMMENT SUMMARY
	MHTO	The Board is required to give importance to the tradition of Inuit oral communication and decision-making.
	MHTO Ikajutit HTO	Concern with the timing of this application by Baffinland as the Proponent knew about its expiration on December 31, 2021.
	Ikajutit HTO	The timing of Baffinland's request leaves the impression that Baffinland has a dismissive attitude and approach towards community engagement, and the concerns and issues the HTOs have expressed to date. The request happens in prime time of harvesting season when many community members are out on the land.
	ON	Do not believe there is an emergency with this application for the health and safety of the public as mentioned by Baffinland.
	Baffinland	Confirmed its sustained implementation of the commitments regarding the Project Stabilization Approach as the third-party compliance audit.

## APPENDIX B: NIRB'S SUGGESTED FORMAT FOR PARTIES' WRITTEN COMMENT SUBMISSIONS

When developing written comment submissions for consideration by the Nunavut Impact Review Board (NIRB) in respect of the PIP Renewal, parties are respectfully requested to consider the following direction regarding suggested format.

For each issue raised, parties are asked to include a clear reference to the volume, document, section, and/or page number in Baffinland's PIP Renewal submission, or Supplemental Information Package where relevant information may be found. If a commenter wishes to reference information relevant to the PIP Renewal that has already been filed with the Board in the Board's previous assessments and monitoring of the Mary River Project (as amended), parties should either include the relevant excerpt providing the name of the document, date filed with the Board, party who provided the information, volume, section and/or relevant page. Please note that if the reference is too lengthy to be excerpted, provide a cross-reference to where the relevant information can be found and provide the reference information as requested in the previous sentence. Parties may find efficiencies in structuring submissions by issue. A tabular presentation as provided below is requested as a means of systematically organizing comment submissions and to assist with the compilation of submissions for the next steps of the NIRB's reconsideration.

### **Format and File Size**

Parties must provide submissions in a fully functional, electronically searchable Word, Excel or unlocked PDF format. Parties should endeavor to limit the size of digital files to no larger than 10 MB.

### **Comment submissions should contain the following:**

#### **1. Executive Summary**

Submissions must contain a non-technical executive summary of the major issues addressed in their comment submission. The summary should not exceed two pages.

The NIRB requires executive summaries to be provided in English and be translated into **Inuktitut**. Please note that parties are responsible for sourcing this translation.

#### **2. Table of Contents**

Submissions should contain a table of contents that identifies the main topics addressed in the submission.

#### **3. Introduction**

All submissions should contain a statement of the party's mandate and relationship to the project. Parties that have regulatory jurisdiction over the Mary River Iron Mine Project must also provide a description of the party's jurisdiction applicable to the PIP Renewal.

#### **4. Specific Comments**

For each issue included in the submissions, parties should provide the following:

- a. A description of the issue and references to relevant information;

- b. If the issue is addressed by the Proponent in the PIP Renewal or Supplemental Information Package, identify the Proponent's conclusion(s) related to the issue;
- c. A statement regarding the conclusion(s) of the commenting party related to the issue, including reference to the justification/data/rationale supporting that conclusion;
- d. A brief discussion assessing the issue's importance to the impact assessment process; and
- e. Any recommendation(s) to the NIRB with respect to the disposition of the issue, including whether or not the issue could be addressed through specific updates to the terms and conditions of Project Certificate No. 005 and/or other modifications to the existing monitoring and reporting requirements for the approved Mary River Iron Mine Project.

## 5. Summary of Recommendations

Finally, submissions to the NIRB should contain a *summary* of the recommendations to the Board with respect to:

- Whether Parties agree/disagree with the conclusions presented in the PIP Renewal or Supplemental Information Package provided by the Proponent regarding the alternatives assessment, environmental impacts, proposed mitigation, significance of impacts, and monitoring measures – and information supporting the parties' position;
- Whether or not conclusions presented by the Proponent are supported by the analysis – and information supporting the parties' position;
- An assessment of the appropriateness of proposed monitoring and mitigation measures – and information support the determination, along with any proposed alternative monitoring measures which may be more appropriate (if applicable); and
- Any comments regarding additional information which would be useful in assessing impacts – and reasons to support any comments made.

## 6. Suggested submission format in Table Form

<b>Review Comment Number</b>	
<b>Subject/Topic</b>	
<b>References</b> to the PIP Renewal, Supplemental Information Package or relevant excerpt from previously filed information in respect of the Mary River Project	
<b>Summary</b> (include Proponent's conclusion if relevant and conclusions of commenting party)	
<b>Importance of issue to the impact assessment process</b>	
<b>Detailed Review Comments</b>	1. Gap/Issue 2. Agreement/Disagreement with conclusion 3. Reasons for disagreement with conclusion
<b>Recommendation/Request</b>	