



2275 Upper Middle Road East, Suite 300  
Oakville, ON  
L6H 0C3



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Qikiqtani Inuit Association

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ᐃᕐᑲᐅᐅᐅᐅᐅᐅ Iqaluit, Nunavut  
X0A 0H0

May 16, 2023

Karen Costello, Executive Director  
Nunavut Impact Review Board  
P.O. Box 1360  
Cambridge Bay, NU X0B 0C0  
[kcostello@nirb.ca](mailto:kcostello@nirb.ca)

**Re: Notice of Proposed May 29-30, 2023 Audit Workshop for Baffinland Project Certificate No. 005 Amendment No. 004 NIRB File: 08MN053**

Dear Karen Costello:

Thank you for the opportunity to provide comments to the Nunavut Impact Review Board (“NIRB”) on availability for an Audit Workshop on May 29 and 30 2023. The workshop is meant to inform the requirements of Baffinland Iron Mine Corporation (“Baffinland”) audit which was added in 2020 as Term and Condition 179(c) of Project Certificate 005 Amendment No. 003.

The Qikiqtani Inuit Association (“QIA”) and Baffinland Iron Ore Mines Limited (“Baffinland”) are writing to request that NIRB postpone this audit workshop until additional work has advanced on the Terms of Reference for the Project Monitor position. The Project Monitor role was added in the subsequent Project Certificate Amendment as Term and Condition 189 of Project Certificate 005 Amendment No. 004, added in 2022, and the objective of both Terms and Conditions overlap significantly.

QIA and Baffinland appreciate the efforts which NIRB has been making to ensure that progress is made in implementing the Ministers direction.

As you are aware, the Government of Canada requested that NIRB postpone the audit workshop when it was originally scheduled for February 2023. At that time, the Government of Canada advised NIRB in a December 21, 2022 letter that Canada, QIA and Baffinland have been working together to meet the requirements of new Term and Condition 189 to appoint a Project Monitor for the Mary River Project. As relayed at the time, “clarification of the role of the Project Monitor (both as Interim Project Monitor, and in a permanent role) is foundational to and linked to scoping the appropriate requirements and expectations for bi-annual performance audits.”

NIRB’s willingness to postpone the audit workshop in February allowed that time to be used for an in-depth workshop with the impacted Inuit communities on the scope and role of the proposed Project Monitor. This included discussions about how the role of the Monitor will

address some of the underlying concerns which prompted the original request that a Term and Condition for project compliance audits be added to Project Certificate 005.

Since that time, the Government of Canada, QIA, and Baffinland have continued work on development of the scope of the role, and details regarding, the proposed Project Monitor. This continues to be a top priority for all three parties. QIA and Baffinland recognize that the permanent Project Monitor role will take some time (until at least the end of 2023) to finalize, however. In the meantime, QIA and Baffinland anticipate providing NIRB with an update confirming the appointment of an Interim Project Monitor with adequate time to allow the Interim Project Monitor to fulfill the obligations under TC 189.

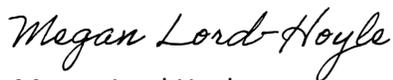
QIA and Baffinland believe that the same rationale for postponing the audit workshop in February continue to apply. The objective of TC 179(c) for the bi-annual performance audit of commitments, and the objective of TC 189 for an Interim Project Monitor to review and report bi-annually on performance of Project commitments, relate to the same goal: implementing and strengthening mechanisms for independent third party review and reporting on compliance with Project conditions.

Given the significant overlap of the anticipated project compliance audit anticipated under TC 179(c) and the anticipated role of the Interim Project Monitor under TC 189, QIA and Baffinland suggest that it would be appropriate to postpone the audit workshop at least until such time as the Terms of Reference for the Project Monitor are confirmed. This will allow the opportunity to assess the scope of what is required for a biannual third-party performance audit required by TC 179(c) that is not covered by the Project Monitor role.

QIA and Baffinland therefore respectfully request that, as requested by the Government of Canada in February 2023, the scheduling of the Audit Workshop be deferred until further recommendations are provided by Canada and QIA to NIRB at a later date, and until the Project Monitor concept has advanced further to a point where the parties can confirm the scope of any redundancy between the 179(c) audit requirements and the role of the Project Monitor.

We appreciate that the Board has numerous files in front of it and the challenges associated with booking venues in the north. We thank the Board for its consideration of this request. If the NIRB has any questions about this request, QIA and Baffinland would be happy to respond.

Sincerely,



Megan Lord Hoyle  
Vice-President, Sustainable Development  
Baffinland Iron Mines Corporation



Jeremiah Groves  
Executive Director  
Qikiqtani Inuit Association

cc. Terry Audla, Regional Director General, Crown-Indigenous Relations and Northern Affairs Canada  
Lisa Dyer, Director General, Canadian Northern Economic Development Agency