

**From:** Barker, Jackie (TC/TC) <Jackie.Barker@tc.gc.ca>  
**Sent:** Tuesday, July 11, 2023 11:24 AM  
**To:** nirb info  
**Subject:** [EXTERNAL] Transport Canada Comments - NIRB 125710/08MN053: Comment Request for Baffinland's 2022 Annual Monitoring Report

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Good Day,

Per the Nunavut Impact Review Board's request of May 26, 2023, Transport Canada (TC) reviewed Baffinland Iron Mine Corporation's (Baffinland) 2022 Annual Monitoring Report for the Mary River Project. Please note that TC's review was limited to those areas of the monitoring report that are relevant to the Department's mandate and jurisdiction/areas of expertise.

TC's comments on the Mary River Project 2022 Annual Monitoring Report cover three topic areas:

1. **Marine safety and security**
2. **Navigation protection**
3. **Transportation of Dangerous Goods**

#### 1. **Marine Safety and Security (MSS)**

- TC MSS inspected 7 vessels at the Milne Port in 2022, including ballast water compliance inspections; no deficiencies were noted.
- TC MSS inspected the Milne Port Oil Handling Facility in 2022 and confirm it is in compliance with regulatory requirements as per part 8 of the *Canada Shipping Act, 2001* (CSA 2001).
- TC MSS inspected the Baffinland/Milne Inlet Marine Facility in 2022 and confirm it is in compliance with the Marine Transport Security Regulations.
- TC would like to clarify that we do not approve Oil Pollution Emergency Plans (OPEP)/Oil Pollution Prevention Plans (OPPP). Rather, we review them for regulatory compliance and therefore request that this correction be made in future reporting.
- TC would like to provide the following information for consideration:
  - In fall 2022, Transport Canada published its [Voluntary Guidance for Relevant Authorities on In-Water Cleaning of Vessels \(canada.ca\)](#), which includes a biofouling management plan and biofouling record book templates that have been well regarded internationally. The guidance provides clarity to stakeholders (competent authorities, vessel owners and operators, and in-water clean-up service providers) on recommended best practices that can be used to manage the biosecurity and water quality risks associated with cleaning vessels underwater.
  - Recently the International Maritime Organization's (IMO) Marine Environment Protection Committee (MEPC) adopted the revised "Guidelines for the Control and Management of Ship's Biofouling to Minimize the Transfer of Invasive Aquatic Species" ([Marine](#)

[Environment Protection Committee \(MEPC 80\), 3-7 July 2023 – preview \(imo.org\)](#)). These guidelines provide recommendations on in-water inspections with a focus on the quantitative assessment of biofouling using a biofouling rating number, as well as on observations of the anti-fouling system condition, which will assist vessel owners and operators in minimizing the transfer of potentially harmful aquatic species, following globally agreed guidance.

## **2. Navigation Protection**

- TC confirms that Baffinland is compliant with all conditions within its regulatory approvals under the *Navigable Waters Protection Act* for the Mary River Project. TC did not conduct a physical inspection of these works in 2022.

## **3. Transportation of Dangerous Goods (TDG)**

- There were no TDG inspections conducted in person nor remotely by any TC TDG inspectors at the Mary River mine site in 2022.
- There were no complaints or enforcement activities related to TDG in 2022.

Based on the information available to date, the Project is in compliance with legislation administered by the Department and with the approvals issued to it by TC's Navigation Protection Program.

Please contact me if you have any questions about TC's review.

Sincerely,

**Jackie Barker**

Regional Environmental Advisor, Environmental Programs, Prairie and Northern Region  
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**From:** NIRB Enterprise Management System <[nirb@notificationsservice.ca](mailto:nirb@notificationsservice.ca)>

**Sent:** Friday, May 26, 2023 2:36 PM

**Subject:** [External/Externe]: NIRB 125710/08MN053: Comment Request for Baffinland's 2022 Annual Monitoring Report

May 26, 2023

Dear Parties,

Please see the attached correspondence from the Nunavut Impact Review Board (NIRB or Board) regarding Baffinland Iron Mines Corporation's (Baffinland) *2022 Annual Monitoring Report* for the Mary River Project requesting comments on the report.

Specifically, the NIRB is requesting parties to provide comments with respect to parties' jurisdiction and/or area of expertise along with the status of any terms and conditions from the Project Certificate that have been incorporated into any permits, certificates, licences, or other approvals issued for the Project by **July 11, 2023**.

This information is important to assist the NIRB assess whether the Project is carried out in accordance with the terms and conditions as set out in the amended Project Certificate.

The 2022 *Annual Report*, supplemental documents, and the revised draft plans are available for review from the NIRB's Public Registry at [www.nirb.ca/project/125710](http://www.nirb.ca/project/125710). Access to the documents can be made by:

- Selecting the "Documents Tab" of the Project Dashboard(s) then select the "Annual Report" category on the left pane;
- Selecting "Recent Documents" on the Project Dashboards; or
- Searching the Public Registry with the Document ID numbers identified in Appendix A of the attached letter.

Should you have any questions or require clarification regarding the NIRB's monitoring of the Mary River Project, please contact Cory Barker, Technical Advisor III [cbarker@nirb.ca](mailto:cbarker@nirb.ca) or contact Guillaume Daoust, Technical Advisor II at (867) 983-4609 or [gdaoust@nirb.ca](mailto:gdaoust@nirb.ca).

Best Regards,

Francis Emingak  
Acting, Manager, Technical Administration

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