





## SIGNATURE PAGE



Photo 1: Board Members in attendance at the Community Roundtable Sessions (from left) Peter Kusugak, Henry Ohokannoak<sup>1</sup>, Phillip Omingmakyok (Kadlun), Marjorie (Kaviq) Kaluraq, Catherine Emrick, Albert Ehaloak and Guy Alikut.

THIS REPORT IS SUBMITTED TO THE HONOURABLE DANIEL VANDAL, MINISTER OF NORTHERN AFFAIRS BY THE  
NUNAVUT IMPACT REVIEW BOARD ON THIS 13 DAY OF SEPTEMBER, 2023.

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Marjorie (Kaviq) Kaluraq  
Chairperson

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Albert Ehaloak  
Vice-Chairperson

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Catherine Emrick  
Board Member

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Guy Alikut  
Board Member

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<sup>1</sup> Henry Ohokannoak's term expired on July 22, 2023, but as the Chairperson notified the Minister in correspondence on July 7, 2023, to ensure continuity and quorum Mr. Ohokannoak's term was continued for the purpose of completing the Board's decision-making associated with the assessment of Baffinland's "Sustaining Operations Proposal" (NIRB File No. 08MN053).



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Henry Ohokannoak  
Board Member



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Phillip Omingmakyok (Kadlun)  
Board Member



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Peter Kusugak  
Board Member



*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, 2022, 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 year. After December 31, 2022, 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.*

On February 2, 2023, the Board received a positive conformity determination from the Nunavut Planning Commission (the Commission or NPC) in respect of the SOP. In the Commission's correspondence, the Commission noted that the SOP represented a "significant modification" to the previously approved Mary River Project and forwarded Baffinland's request for modifications to Project Certificate No. 005 to the NIRB for further consideration.

After this conformity determination, Baffinland continued consultation with the Qikiqtani Inuit Association (QIA) and further modified the Proposal to include a shorter two-year timeframe for the SOP (to December 31, 2023) and submitted an online application to the Board on March 16, 2023. On March 21, 2022, the NIRB received correspondence from the NPC indicating that the current application remained within the parameters of their February 2, 2023, conformity determination and still constituted a significant modification.

The scope of activities assessed by the NIRB under the SOP consisted of the following:

- Transporting up to 6 Million tonnes per year (Mtpa) of iron ore along the Tote Road until December 31, 2024;
- Shipping up to 6Mtpa of iron ore from Milne Port using up to 84 ore carriers through the Northern Transportation Corridor until December 31, 2024; and
- Modifying the shipping rate to allow for greater "Operational flexibility". The modification of the shipping limit to include operational flexibility would allow Baffinland to surpass the 6 Mtpa shipping limits in a given year if there were extenuating circumstances in the previous year which resulted in the stranding of ore on the ore pad. (e.g., in 2022, heavy ice floes and a labour disruption reduced the shipping by several weeks, leaving 1.3 Million tonnes of ore stranded on the ore pad). Operational flexibility would not affect the ore transportation limits for the Tote Road, which remain at 6 Mtpa. During the Community Roundtable session in Pond Inlet, Baffinland committed to shipping no more than 6.9 Mtpa in each of 2023 and 2024 when addressing the shortfall of iron ore shipped in 2022 and Baffinland has committed to using no more than a total of 84 ore carriers in any given year.

The project description, Final Environmental Impact Statement Addendum (FEIS Addendum),<sup>3</sup> and associated documentation for the SOP can be accessed directly via the NIRB’s online Public Registry at <https://www.nirb.ca/project/125767>.

In the Board’s Notice to the Minister and Proponent and updated procedural guidance issued on May 8, 2023, the Board noted that the Board’s process for assessing the Sustaining Operations Proposal was developed with consideration of the comments of the parties and the following factors:

- the limited changes to the scope of the SOP when compared to the Board’s prior assessments of the 6 Mtpa transportation limits (2018-2022)
- the two-year duration of the SOP;
- the limited amount of new technical information to be considered by the Board during the assessment; and
- the direction of the Minister received by the Board on April 21, 2023, that the Board “*prioritizes the reconsideration of the Sustaining Operations Proposal in a manner that considers the existing information along with all Parties’ input*”, and noting “*The responsible ministers support the Parties’ requests for an in-person community round table to ensure that impacted Inuit have opportunities for fulsome participation, including the provision of oral evidence.*”

Accordingly, the Board determined that a Public Hearing would not be required for this reconsideration. To support the Board’s decision-making in respect of the SOP, the Board engaged in two (2) written commenting periods and conducted two (2) Community Roundtable sessions in-person in Iqaluit (July 27-29) and in Pond Inlet (August 1-2, 2023). More details regarding the Procedural History associated with the Board’s assessment of the SOP is provided in [APPENDIX A](#) of the attached Reconsideration Report and Recommendations (Report).

The enclosed Report summarizes the NIRB’s assessment of the potential ecosystemic and socio-economic effects of the SOP, a proposed modification to the previously-approved Mary River Project (as amended). After due consideration of the relevant written and oral submissions received by the Board, the Board has concluded that:

- the potential significant adverse ecosystemic and socio-economic effects associated with the SOP can be adequately prevented, mitigated, or adaptively managed under proposed revisions to the Terms and Condition of NIRB Project Certificate No.: 005, improvements to the mitigation, adaptive management, and monitoring programs for the Proposal and the Proposal is conducted in fulfillment of the commitments provided by Baffinland to interested parties during the reconsideration process.

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<sup>3</sup> NIRB Doc. ID Nos. 344262-344270 & 345072

Consequently, the Board recommends to the Responsible Minister(s) that the Mary River Sustaining Operations Proposal project proposal should be allowed to proceed at this time, and recommends:

- revisions to the following eleven (11) Terms and Conditions of NIRB Project Certificate No. 005: 179(a) and (b); #28, #35, #76, #82, #83(a), #85, #99, #101 and #150;
- amendments to Appendix B of the Project Certificate to incorporate the commitments made during the Board's Assessment as listed in [APPENDIX D](#) of the attached Report; and
- additions to the monitoring and reporting programs applicable to the modified Mary River Project as outlined in [Section 6](#) and [Section 7](#).

Translated versions of this Reconsideration Report and Recommendations are being prepared in Inuktitut and will be available as soon as possible.

Should you have questions or require clarification regarding this matter, please contact the NIRB's *Interim* Executive Director, Ryan Barry at (867) 983-4608 or [rbarry@nirb.ca](mailto:rbarry@nirb.ca).

Sincerely,



Marjorie (Kaviq) Kaluraq  
Chairperson  
Nunavut Impact Review Board

cc: The Honourable Steven Guilbeault, P.C., Minister of Environment and Climate Change  
The Honourable Diane Lebovillier, P.C., Minister of Fisheries and Oceans and the Canadian Coast Guard  
The Honourable Pablo Rodriguez, P.C., Minister of Transport  
The Honourable Jonathan Wilkinson, Minister of Energy and Natural Resources  
The Honourable Lori Idlout, MP for Nunavut  
The Honourable P.J. Akeagok, Premier of Nunavut  
Aluki Kotierk, President, Nunavut Tunngavik Incorporated  
Olayuk Akesuk, President, Qikiqtani Inuit Association  
Andrew Nakashuk, Chairperson, Nunavut Planning Commission  
Lootie Toomasie, Chairperson, Nunavut Water Board  
Megan Lord-Hoyle, Baffinland Iron Mines Corporation  
Lou Kamermans, Baffinland Iron Mines Corporation  
Mary River Distribution List

## CHAIRPERSON’S FOREWORD

This Reconsideration Report and Recommendations (Report) summarizes the outcome of the Nunavut Impact Review Board’s (NIRB or Board) reconsideration of specific terms and conditions in NIRB Project Certificate No. 005 that apply to the Mary River Iron Mine in the Qikiqtani Region of Nunavut. This reconsideration is in relation to an application filed by Baffinland Iron Mines Corporation (Baffinland or the Proponent) on March 16, 2023, the “Sustaining Operations Proposal” (SOP or the Proposal). The Proposal requests a modification of the limits on trucking of iron ore from the Mine site along the Tote Road to Milne Port from the current limit of 3.5 Million tonnes per year (Mtpa) (up to a maximum of 4.2 Mtpa, if 20% operation flexibility is applied) to a six (6) Mtpa limit until December 31, 2024. Baffinland has also requested a modification to “operational flexibility” as applied to the shipping limit under the SOP, which would allow Baffinland to ship more than 6 Mtpa of ore, using no more than 84 ore carriers, if excess ore is stranded on the ore pad due to adverse shipping conditions in a previous year.

During the Board’s Community Roundtable session held in Pond Inlet, Baffinland updated this request noting:

*Baffinland commits to ship no more than 6.9 million tonnes of iron ore per year in each of 2023 and 2024 when addressing the shortfall of iron ore shipped in 2022 and exercising flexibility to ship the 1.3 million tonnes of iron ore left at Milne Port in 2022*

A modification of the Mary River Project to permit trucking and shipping of 6 Mtpa via the Tote Road and through Milne Port has been in place since 2018 when the Minister approved the Production Increase Proposal (PIP), and this modification of the Project was extended in 2020 (under the Extension to the Production Increase Proposal (Extension)) and again in 2022 (under the Production Increase Proposal Renewal (PIP Renewal)). In describing the need for the SOP, Baffinland stated that the 6 Mtpa level of production and transportation is essential to the future of the Mary River Project and is required to avoid laying off employees when the 4.2 Mtpa tonnage limits are reached, thereby continuing the existing level of financial benefits to the Qikiqtani Region. Further, Baffinland has indicated that the SOP is needed to secure the necessary financing to construct the southern railway to Steensby as approved in 2012 under the original Mary River Project.

On May 8, 2023 the Board notified the Minister of Northern Affairs and the Proponent that it would conduct its assessment of the Proposal as a reconsideration of specific terms of Project Certificate No. 005 and provided parties with procedural guidance regarding the process and timelines for the Board’s reconsideration. The Board advised parties that, consistent with the Board’s previous assessments of the PIP, Extension, and PIP Renewal, the Board had decided it was appropriate to conduct the technical review of the Proposal completely in writing. The

written technical review was supplemented by two in-person Community Roundtable sessions in Iqaluit (July 27-29, 2023) and in Pond Inlet (August 1 -2, 2023) to enable delegated community representatives from the 7 (seven) potentially affected North Baffin communities<sup>4</sup> and the residents of Pond Inlet to share their knowledge, ask questions and provide their feedback directly to the Board in oral form. An overview of the key steps in the procedural history associated with the Board’s consideration of the Sustaining Operations Proposal is provided in [APPENDIX A](#).

As set out in [APPENDIX B](#) and [APPENDIX C](#), community representatives from the North Baffin communities of Arctic Bay, Clyde River, Igloolik, Sanirajak and Pond Inlet and representatives from the parties, including Baffinland, Nunavut Tunngavik Incorporated, Qikiqtani Inuit Association, Government of Nunavut, Crown-Indigenous Relations and Northern Affairs Canada, Environment and Climate Change Canada, Fisheries and Oceans Canada, Parks Canada, Transport Canada, Mittimatalik Hunters and Trappers Organization, Oceans North and the International Union of Operating Engineers Local 793 participated at the Community Roundtable session in Iqaluit. Interested members of the public in Pond Inlet also participated during the Community Roundtable session in Pond Inlet. An average of 30-40 people called into the two “listen lines” to hear the Community Roundtable sessions.

The NIRB’s assessment of the potential ecosystemic and socio-economic effects of the SOP was informed by the Board’s review of the SOP Application, FEIS Addendum, technical comments from interested parties, responses from Baffinland and commitments made by Baffinland to parties to resolve technical issues. Knowledge shared with the Board and the comments, questions and concerns expressed during the NIRB’s Community Roundtable sessions in Iqaluit and Pond Inlet were also considered. As the SOP is a modification of the existing Mary River Project, the Board also considered the results from the NIRB’s monitoring of the Mary River Project (2013-2022).

The Board’s decision and recommendations reflect several key themes identified during the assessment:

- Several parties noted the challenges that repeated short-term (2 years or less) modification proposals to the Mary River Project create for the regulatory process, as it is difficult to assess and monitor the effects of the previous modification (including cumulative effects) when new applications for modifications to the Project are being received on an annual/expedited basis;
- Harvesters in Pond Inlet continue to have concerns about specific negative effects

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<sup>4</sup> The North Baffin communities invited to send delegated community representatives were: Arctic Bay, Clyde River, Grise Fiord, Igloolik, Resolute, Sanirajak and Pond Inlet.

being experienced in and near the community of Pond Inlet in respect of:

- Decreasing abundance of narwhals and seals in Eclipse Sound; and
- Decreasing abundance and health of freshwater and marine fish near Pond Inlet.
- There is a lack of agreement amongst parties regarding the extent to which project shipping is a cause or significant contributor to these negative effects on marine mammals and fish. Although the Board heard that additional monitoring and research is underway that may shed some light on these effects, as noted during previous assessments, there continues to be a lack of qualitative data available to address this uncertainty;
- The convoying of ships and other mitigations for shipping impacts proposed during the Board’s review of the Production Increase Proposal Renewal in 2022 have not been in place long enough to understand if these measures are working, and longer-term monitoring is required;
- Several North Baffin communities continue to express concern about the spread of dust from the Mine, the Tote Road, and Milne Port. The Board heard that improvements to dust control measures have been implemented and recent satellite imagery is showing improvements, and Baffinland indicated they are still reviewing the recommendations of the Dust Audit Committee and will be reporting back about implementation of the Committee’s recommendations by the end of 2023;
- The role and reporting structure for the interim Project Monitor added by the Responsible Ministers to the Project Certificate in 2022 under new Term and Condition #189 is not yet defined. The Board expects that when the Project Monitor is established there will be greater transparency regarding the implementation of commitments and associated improvements to Project monitoring and mitigation;
- The Hamlet councils from Arctic Bay, Igloolik, Pond Inlet and Sanirajak emphasized that Baffinland is a significant employer and driver of economic opportunity in the North Baffin Region and there is support for the 6 Mtpa level of ore production and transportation to continue as the status quo;
- While several communities support the continuation of employment associated with the SOP, especially for youth, the Board also heard that because uncertainty continues about the existing effects of the Project and effect of mitigations, communities want to ensure that appropriate mitigations and robust monitoring are in place; and
- Community members in Pond Inlet expressed frustration that some financial benefits (in addition to those associated with direct employment or contracting) remain inaccessible to community members, indicating there are constraints limiting the flow of benefits directly to the community. The Board heard that all parties responsible for

the administration of economic benefits provided by Baffinland, such as the Qikiqtani Inuit Association, the Hamlet of Pond Inlet and the Mittimatalik Hunters and Trappers Association need to improve communication with the community about the benefits available, the purpose(s) of the benefits, and how benefits can be readily accessed.

After considering the information provided and knowledge shared with the Board, and as explained in detail in [Section 5](#) of the Report, the NIRB has concluded that **the potential for significant adverse ecosystemic and socio-economic effects associated with the Sustaining Operations Proposal can be effectively managed** if the SOP is conducted in accordance with:

- the relevant Terms and Conditions of NIRB Project Certificate No. 005, including the Board’s recommended revisions to Terms and Conditions 179(a) and (b); #28, #35, #76, #82, #83(a), #85, #99, #101 and #150;
- the improvements to mitigation and monitoring measures proposed by Baffinland; and
- the commitments agreed upon by Baffinland and interested parties and added to Appendix B of the Project Certificate and listed in [APPENDIX D](#) of the Report.

Consequently, the Board recommends to the Responsible Minister(s) that the Proposal should be allowed to proceed to the regulatory phase subject to the Board’s recommendations as outlined in this Report.

In closing, the Board would like to thank all parties for supporting the NIRB’s consideration of the Sustaining Operations Proposal, including complying with challenging timelines, working with logistical limitations, and taking time out of a very busy summer season to share their knowledge, experience, and views with the Board during the written comment periods and in-person during the Community Roundtable sessions. The Board was particularly gratified to see parties attending the Board’s in-person proceedings and using these opportunities to meet with Baffinland, other interested parties and members of the community. The Board understands that in-person participation, particularly during this busy time of year, requires sacrifices from everyone, but sees the enormous benefit of in-person discussions that cannot be fully achieved via remote participation. Thank you to all who participated to make the Board’s reconsideration process a success.

Qujannamiik,



Marjorie Kaviq Kaluraq  
Chairperson  
Nunavut Impact Review Board











## AVANT-PROPOS DE LA PRÉSIDENTE

Par le présent Rapport de réexamen avec recommandations (le Rapport), la Commission du Nunavut chargée de l'examen des répercussions (la CNER ou la Commission) présente un résumé du réexamen des modalités et conditions spécifiques du certificat de projet no.005 afférant à la mine de fer Mary River dans la région de Qikiqtani au Nunavut. Cette étude vise une demande de la Baffinland Iron Mines Corporation (la Baffinland ou le promoteur), soumise le 16 mars 2023 et intitulée «Proposition de maintien des activités» (la PMA ou la proposition). Il s'agit d'une demande de modification du volume limite de minerai de fer transporté par camion le long de la route d'approvisionnement, depuis le site minier jusqu'au port Milne. Cette limite actuellement fixée à 3.5 millions de tonnes par année (MT/a) (jusqu'à un maximum de 4,2 MT/a si la flexibilité opérationnelle est appliquée) passerait à 6 MT/a jusqu'au 31 décembre 2024. La Baffinland a également demandé que soit modifiée la «flexibilité opérationnelle» appliquée à la limite d'expédition dans le cadre de cette PMA. Ainsi, au cas où un excédent de minerai aurait été bloqué sur la plate-forme minière par des conditions de navigation défavorables survenues au cours d'une précédente année, la Baffinland pourrait alors expédier plus de 6 MT/a de minerai en n'utilisant que 84 minéraliers.

Pendant la Table ronde communautaire qui a eu lieu à Pond Inlet, la Baffinland a actualisé la demande en précisant:

*En voulant combler le déficit de minerai de fer expédié en 2022 et en exerçant sa flexibilité opérationnelle de transporter les 1,3 millions de tonnes de minerai de fer bloquées au Port Milne, la Baffinland s'engage à ne pas expédier plus de 6,9 millions de tonnes de minerai de fer en 2023 et 2024.*

C'est à partir de 2018, avec l'approbation ministérielle de la Proposition d'augmentation de la production (PAP) qu'un volume de 6 MT/a de minerai transporté par camion via la route d'approvisionnement puis expédié au Port Milne, a été autorisé. Cette modification a été prolongée jusqu'en 2020 (Extension) puis à nouveau en 2022 (avec le Renouvellement de la proposition d'augmentation de la production (Renouvellement de la PAP). En justifiant le besoin de la PMA, la Baffinland a déclaré qu'un volume de production et d'expédition de 6 MT/a s'imposait pour éviter de licencier des employés lorsque le tonnage de 4,2 MT/a serait atteint ainsi que pour maintenir le niveau actuel de retombées financières sur la Région de Qikiqtani. Elle a ajouté que la PMA s'imposait aussi pour sécuriser le financement de la construction du chemin de fer sud jusqu'à Steensby, tel qu'approuvé dans le projet Mary River initial de 2012.

Le 8 mai 2023, la Commission a avisé le ministre des Affaires du Nord et le promoteur qu'elle évaluerait la proposition, sous forme de réexamen des modalités et conditions spécifiques de du certificat de projet no.005 et soumettrait aux parties une orientation procédurale concernant le processus et le calendrier afférent. La Commission a décidé que, conformément aux précédentes

évaluations de la PAP, de l'Extension et du Renouveau, la proposition devait faire l'objet d'un examen technique entièrement par écrit. Cet examen a été complété par deux Tables rondes communautaires, l'une à Iqaluit ( du 27 au 29 juillet 2023) et l'autre à Pond Inlet (les 1<sup>er</sup> et 2 août 2023) afin de permettre aux délégués communautaires des sept (7) collectivités<sup>6</sup> potentiellement touchées dans le nord de l'île de Baffin ainsi qu'aux résidents de Pond Inlet, de partager leurs connaissances, de poser des questions et de formuler directement des observations. L'historique procédural des principales phases de l'évaluation de la proposition de maintien des activités par la Commission est résumé à l'[ANNEXE A](#).

Tel qu'indiqué aux [ANNEXES B](#) et [C](#), les 11 représentants des collectivités du nord de l'île de Baffin, Arctic Bay, Clyde River, Igloolik, Sanirajak et Pond Inlet ainsi que les représentants des parties concernées, notamment la Baffinland, la Nunavut Tunngavik Incorporated, la Qikiqtani Inuit Association, le gouvernement du Nunavut, Relations Couronne-Autochtones et Affaires du Nord Canada, Environnement et Changement climatique Canada, Pêches et Océans Canada, Parcs Canada, Transports Canada, la Mittimatalik Hunters and Trappers Organization, Océans Nord et la section locale 793 de l'International Union of Operating Engineers, ont participé à la Table ronde communautaire d'Iqaluit. À Pond Inlet, les membres intéressés de la communauté ont aussi assisté à la Table ronde qui avait été organisée dans cette collectivité. De 30 à 40 personnes ont appelé les «lignes d'écoute» pour entendre les délibérations de ces séances communautaires.

Pour évaluer les possibles effets écosystémiques et socio-économiques de la PMA, la Commission s'est appuyée sur la demande concernant la PMA, l'Addenda de l'EFRE, les commentaires techniques des parties intéressées, les réponses de la Baffinland et les engagements pris par le promoteur à l'égard des parties prenantes pour résoudre les problèmes techniques. La Commission a également tenu compte des connaissances partagées, des commentaires, des questions et des préoccupations exprimées lors des Tables rondes d'Iqaluit et de Pond Inlet. Puisque la PMA est une modification du projet de la Mary River existant, la Commission a également incorporé les résultats de sa surveillance du projet de la Mary River (2013 à 2022).

Plusieurs thèmes clés dégagés lors de l'évaluation instruisent la décision et les recommandations de la CNER:

- Plusieurs parties ont soulevé les problèmes que posaient les propositions répétées de modifications de courte durée (moins de deux ans) pour le processus réglementaire. Il est en effet difficile d'évaluer et de surveiller les effets des modifications précédentes (incluant les effets cumulatifs) lorsque de nouvelles demandes de modification du projet arrivent sur un rythme annuel/accélééré;

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<sup>6</sup> Les collectivités du Nord de Baffin invitées à déléguer des représentants communautaires étaient: Arctic Bay, Clyde River, Grise Fiord, Igloolik, Resolute, Sanirajak et Pond Inlet.

- Les chasseurs/pêcheurs de Pond Inlet dénoncent toujours les effets négatifs particuliers subis par la communauté de Pond Inlet et ses environs en ce qui a trait à la:
  - o diminution de l'abondance des narvals et des phoques à Eclipse Sound; et
  - o diminution de l'abondance et de la santé des poissons d'eau douce et de mer près de Pond Inlet.
- Les parties ne s'entendent pas sur la question de savoir dans quelle mesure l'expédition maritime du projet provoque des effets négatifs sur les mammifères marins et les poissons ou y contribue. Des recherches et une surveillance supplémentaires sont en cours et pourraient apporter des éclaircissements sur ces effets. Mais comme noté dans de précédentes évaluations, un manque soutenu de données qualitatives renforce cette incertitude.
- Le convoiement des navires et les autres mesures d'atténuation des répercussions de la navigation maritime, proposées pendant l'examen de 2022 de la demande de Renouvellement de la proposition d'augmentation de la production, n'ont pas été appliqués depuis suffisamment de temps pour bien établir leur pertinence fonctionnelle et savoir si une surveillance à long terme s'impose;
- Plusieurs collectivités du nord de l'île de Baffin continuent à s'inquiéter de la propagation de la poussière provenant de la mine, de la route d'approvisionnement et du port Milne. La Commission a appris que des mesures de contrôle de la poussière ont été appliquées; selon une récente imagerie satellite, des améliorations ont été constatées. La Baffinland a déclaré qu'elle était en train d'examiner les recommandations du Comité de vérification de la poussière et rendra compte de la mise en œuvre des recommandations d'ici la fin de 2023;
- Le rôle et la structure hiérarchique du contrôleur de projet par intérim, ajouté en 2022 par les ministres compétents dans la nouvelle modalité no.189 du certificat de projet, n'ont pas encore été précisés. La Commission espère que l'entrée en fonction de ce contrôleur engendrera une plus grande transparence quant à la mise en œuvre des engagements et des améliorations connexes en matière de surveillance et d'atténuation des effets du projet;
- Les Conseils des hameaux d'Arctic Bay, Igloodik, Pond Inlet et Sanirajak ont souligné l'importance de la Baffinland en tant qu'employeur, la décrivant comme un moteur de possibilités économiques dans la région du nord de l'île de Baffin; ils demandent en outre que le niveau de production et de transport de 6 MT/a de minerai de fer demeure le statu quo;
- Bien que plusieurs collectivités appuient le maintien de l'emploi inhérent à la PMA, notamment pour les jeunes, la Commission a également entendu qu'à cause de

l'incertitude persistante concernant les effets existants du projet et les effets d'atténuation, des communautés veulent s'assurer que des mesures d'atténuation appropriées et une rigoureuse surveillance seront instaurées; et

- Les membres de la communauté de Pond Inlet se sont dit frustrés en ayant constaté que certains avantages financiers (notamment ceux liés à l'emploi direct ou à la sous-traitance) ne leur étaient pas accessibles, soulignant que plusieurs contraintes limitaient le flux de certaines retombées économiques vers la communauté. La Commission a entendu que toutes les parties chargées d'administrer les avantages économiques fournies par la Baffinland, notamment la Qikiqtani Inuit Association, le hameau de Pond Inlet et la Mittimatalik Hunters and Trappers Association devraient améliorer leurs communications avec la communauté, notamment en ce qui a trait au type d'avantages accessibles, leur objet et les moyens d'y accéder.

Après avoir examiné les informations recueillies et les connaissances partagées et tel que précisé au [chapitre 5](#), la CNER a conclu que **les risques d'importants effets néfastes de la proposition de maintien des activités, environnementaux et socio-économiques, peuvent être efficacement gérés**, si cette PMA était exécutée en respectant: :

- les modalités et conditions pertinentes du certificat de projet no.005, incluant les révisions recommandées par la Commission aux modalités 179(a) et (b); 28, 35, 76, 82, #83(a), 85, 99, 101 et 150;
- les améliorations proposées par la Baffinland aux mesures d'atténuation et de surveillance; et
- les engagements convenus par la Baffinland et les parties intéressées, ajoutés à l'annexe B du certificat de projet et énumérés à l' [ANNEXE D](#) de ce Rapport.

Par conséquent, la Commission recommande aux ministres compétents que la proposition soit autorisée à passer à la phase réglementaire, sous réserve des recommandations de la Commission énoncées dans ce Rapport.

En terminant, la Commission aimerait remercier toutes les parties qui ont soutenu son examen de la proposition de maintien des activités, notamment en respectant des délais difficiles, en se pliant à des contraintes logistiques et en prenant le temps, au cours d'une saison estivale très chargée, de partager leurs connaissances, leur expérience et leurs points de vue avec la Commission au cours des périodes de commentaires écrits et lors des Tables rondes communautaires en présentiel. La Commission s'est particulièrement réjouie de voir les parties assister en personne à ses séances et en profiter pour rencontrer la Baffinland, d'autres parties intéressées et des membres de la collectivité. La Commission reconnaît que la participation en personne, particulièrement en cette période chargée de l'année, exige des sacrifices de la part de tous. Mais elle constate l'énorme avantage de ces discussions en présentiel, avantage que

n'aurait pu entièrement déclencher des participations à distance. La Commission remercie toutes les participantes et tous les participants qui ont contribué au succès de ce réexamen.

Qujannamiik,

Merci!

A handwritten signature in blue ink, reading "M. Kaviq Kaluraq". The signature is written in a cursive style with a large, looped 'g' at the end.

Marjorie Kaviq Kaluraq

Présidente

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# 1 INTRODUCTION

## 1.1 Purpose of this Report

This Reconsideration Report and Recommendations (Report) have been prepared by the Nunavut Impact Review Board (NIRB or Board) to summarize the Board's reconsideration of the terms and conditions of Project Certificate No. 005 in light of the March 16, 2023 application of Baffinland Iron Mines Corporation's (Baffinland or the Proponent) entitled the "Sustaining Operations Proposal" (SOP or Proposal),<sup>7</sup> proposed modifications to the original Mary River Project (as amended by the Early Revenue Phase Proposal in 2014, the Production Increase Proposal in 2018, the Extension Request to the Production Increase Proposal in 2020 and the Production Increase Proposal Renewal in 2022) (NIRB File No. 08MN053).

As set out under s. 112(5) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*), when the Board has conducted a reconsideration of the terms and conditions in a previously approved Project Certificate, the Board is required to report to the Responsible Minister(s) as follows:

*Within 45 days after the end of the Board's reconsideration under subsection (1) or (2), the Board must submit a written report to the responsible Minister that contains*

- (a) an assessment of the terms and conditions in force; and*
- (b) any terms and conditions that it recommends should apply in respect of the project.*

This Report summarizes the NIRB's assessment of the potential ecosystemic and socio-economic effects of the SOP. The Board has concluded that if the SOP is conducted in accordance with revisions to Project Certificate No. 005 and commitments provided by Baffinland during the reconsideration, the SOP can proceed in a manner that will protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, and Canada more generally. The Report further describes in detail the factors the Board has taken into consideration to come to this conclusion, providing details about the Proposal, a summary of written and oral comments provided to the Board and relevant to the Board's assessment of the SOP, and outlining the ecosystemic and socio-economic factors given consideration by the NIRB during the Board's assessment of the Sustaining Operations Proposal.

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<sup>7</sup> All documentation associated with the SOP can be accessed directly via the NIRB's online public registry system at <https://www.nirb.ca/project/125767>.

In addition, the Report summarizes the Board's views and conclusions and provides the Board's recommendations for revisions to Project Certificate No. 005 that are viewed by the Board as necessary to prevent, manage and mitigate the potential for the SOP to result in negative ecosystemic and socio-economic effects in the Region.

To support the public's review and understanding of the Report, the Board has provided a list of commonly-used acronyms in [APPENDIX E](#).

## **1.2 Background Regarding Previous Assessments of the Mary River Project and Modification Project Proposals**

### **1.2.1 The Original Mary River Project (2012)**

The Mary River Project (the Project) as originally approved in 2012 consisted of mining iron ore from the reserve at Deposit No. 1 at a nominal production rate of 18 Million tons per year (Mtpa). The Project included the extended exploration, construction, operation, closure, and reclamation of an open-pit mine and associated infrastructure for extraction, transportation and shipment of iron ore. As set out in [Figure 1](#) below, the Project had three (3) main project locations – the Mine Site, the Port at Milne Inlet north of the mine site (Milne Port), and a Port at Steensby Inlet south of the mine site (Steensby Port). Milne Port was proposed to be connected to the Mine Site by the existing Tote Road (as improved for the Project), approximately 100 kilometers (km) in length. Steensby Port was proposed to be connected to the Mine Site by a 150 km Railway (South Railway), and the iron ore was planned to be shipped year-round on purpose-built ore carriers out of Steensby Port (the Southern Shipping Route). During the construction period, supplies and equipment required for construction at the Mine Site and the northern portion of the proposed South Railway would be received through Milne Port. While construction equipment and supplies for Steensby Port and the southern portion of the South Railway would be received at Steensby Port. It was expected that Steensby Port facilities and the South Railway would take up to four (4) years to construct.



**Figure 1: The Mary River Project Location Map**

The Board concluded its assessment of the original Mary River Project in September 2012 and recommended that the Project be allowed to proceed subject to over 180 terms and conditions.<sup>8</sup> The original Mary River Project was approved by the Minister and Project Certificate No. 005 governing the Project was issued on December 28, 2012. To date, significant elements of the original Mary River Project have not been constructed, although this infrastructure remains authorized under Project Certificate No. 005, including: the port at Steensby Inlet, the South Railway from the mine site to Steensby Inlet, and the fleet of purpose-built ice-breaking ore carriers.

For further information on the original Mary River Project, please refer to the Project Dashboard on the NIRB's Public Registry at [www.nirb.ca/project/123910](http://www.nirb.ca/project/123910).

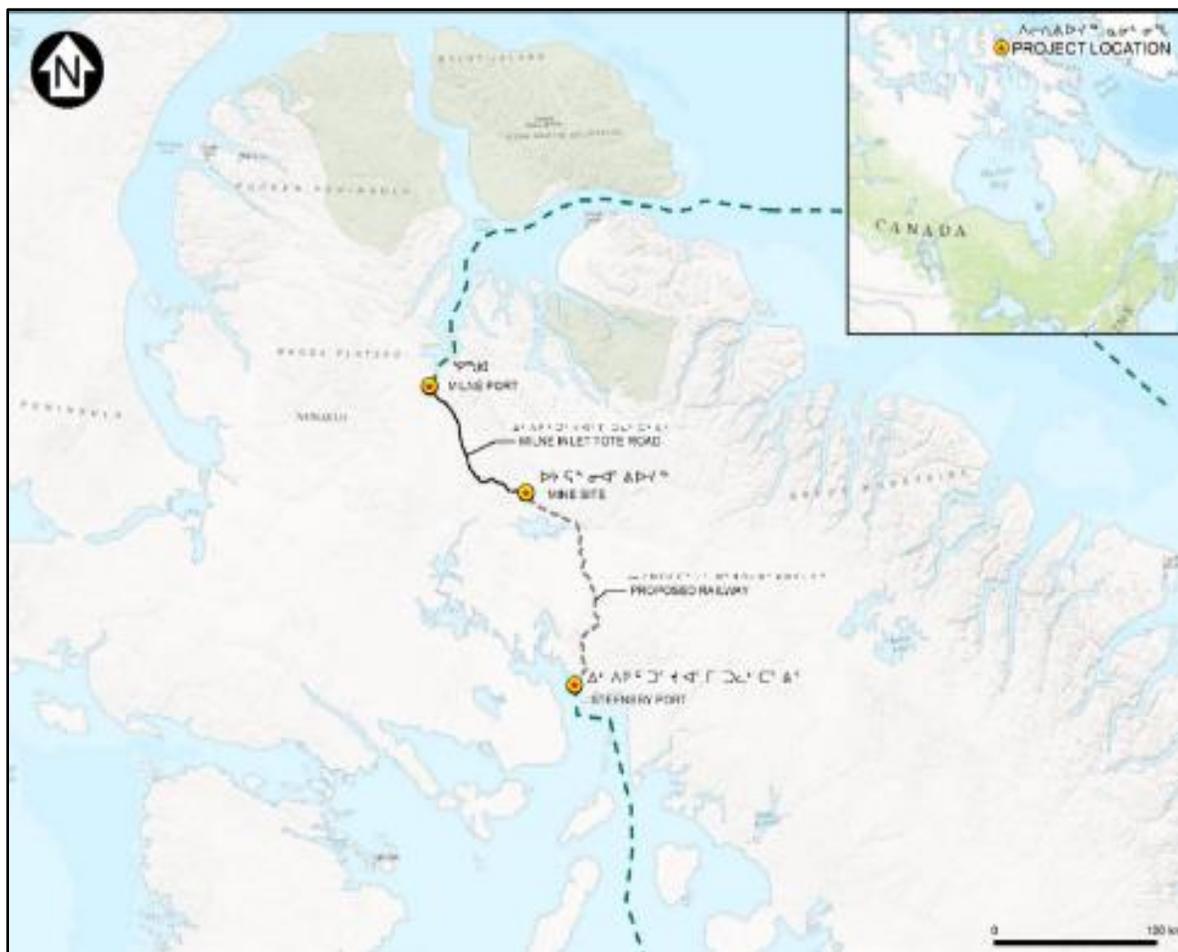
<sup>8</sup> (NIRB Doc ID No. 286425) NIRB File No. 00MN053, Final Hearing Report for the Mary River Project, Baffinland Iron Mines Corporation, September 14, 2012.

## 1.2.2 Approved Modifications to the Mary River Project (2014-2022)

Since the Mary River Project was approved in 2012 to date, Baffinland has submitted and the Nunavut Impact Review Board has assessed several project proposals that were determined by the Board to be significant modifications to the Mary River Project under Article 12, Section 12.8.2 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* (and since July, 2015, under s. 112 of the *Nunavut Planning and Project Assessment Act*, s. S.C. 2013, c. 14, s. 2 (*NuPPAA*)). The Board has conducted the assessments of these proposals as reconsiderations of NIRB Project Certificate No. 005. As summarized in [Table 1](#) below, the following modifications to the Mary River Project were approved to proceed in accordance with modified terms and conditions of Project Certificate No. 005.

**Table 1: Listing of Approved Modifications to the Mary River Project**

Title (Years Active)	Project Dashboard	Modification	Amendment to PC No. 005
Early Revenue Phase (2014-2018)	<a href="http://www.nirb.ca/project/124700">www.nirb.ca/project/124700</a>	Trucking and shipping of between 3.5 Mtpa-4.2 Mtpa of iron ore (if operational flexibility required). Change to transportation route from southern route to trucking along the Tote Road and shipping ore during the open water season only out of Milne Inlet through Eclipse Sound ( <a href="#">Figure 2</a> )	Amendment 1 issued on May 28, 2014
Production Increase Proposal (2018-2020)	<a href="http://www.nirb.ca/project/124702">www.nirb.ca/project/124702</a>	Request to increase the volume of ore trucked and shipped from a maximum of 4.2 Mtpa to 6 Mtpa	Amendment 2 issued on October 30, 2018
Extension Request to the Production Increase Proposal (2020-2021)	<a href="http://www.nirb.ca/project/124703">www.nirb.ca/project/124703</a>	Extension of the trucking and shipping limit to a maximum of 6 Mtpa until the end of 2021	Amendment 3 issued on June 18, 2020
Production Increase Renewal (2022)	<a href="http://www.nirb.ca/project/125710">www.nirb.ca/project/125710</a>	Short-term renewal of the trucking and shipping limit to a maximum of 6 Mtpa until the end of 2022	Amendment 4 issued on November 3, 2022



**Figure 2: Early Revenue Phase of the Mary River Project**

### **1.3 The Sustaining Operations Proposal**

For the convenience of reviewers, this section provides a general overview of the Sustaining Operations Proposal (SOP or Proposal) and key steps in the Board’s assessment of the Proposal. For a more complete understanding of the Proposal and the Board’s assessment, the Board encourages parties to consult the documentation referenced in its entirety. The documents associated with the Board’s assessment of the SOP can be accessed directly via the NIRB’s online Public Registry from the following link: <https://www.nirb.ca/project/125767> and searching the NIRB Document ID No. provided.

#### **1.3.1 Scope of the Sustaining Operations Proposal as Assessed by the Board**

Baffinland’s Sustaining Operations Proposal (SOP or Proposal) proposes continued mining, trucking, and shipping of iron ore to market by the Tote Road and through Milne Inlet for an

additional two (2) years (expiring in December 2024). These activities were previously approved under the Production Increase Proposal (Amendment #2), the Extension Request to the Production Increase Proposal (Amendment #3) and the Production Increase Proposal Renewal (Amendment #4).

Baffinland’s justification for maintaining the 6 Million tonnes of ore per year (Mtpa) level of ore transport along the Tote Road under the SOP is that this level is required to maintain the viability of current operations, as Baffinland has improved efficiency in its mining and ore transportation since the original 3.5 Mtpa limit was set by the Board in the Board’s approval of the Early Revenue Phase in 2014. Baffinland also indicated that if the transportation limits remained at the current limit of 3.5 Mtpa with a maximum of 4.2 Mtpa (when operational flexibility is required), Baffinland would need to scale back operations when the 4.2 Mtpa limit is reached before the shipping season has concluded, and this would result in significant reductions in employment. In addition to the already approved iron ore extraction and approved stockpiling at Milne Inlet under the Early Revenue Phase, the specific components of the SOP proposed by Baffinland include:

- Transporting up to 6 Mtpa of iron ore along the Tote Road until December 31, 2024;
- Shipping up to 6 Mtpa of iron ore from Milne Port using up to 84 ore carriers through the Northern Transportation Corridor until December 31, 2024; and
- An additional modification to the annual 6 Mtpa shipping rate to allow for greater “Operational Flexibility” that would allow Baffinland to increase the maximum shipping rate under the SOP beyond 6 Mtpa when extenuating circumstances from the previous year have prevented shipping the full 6 Mtpa, resulting in ore being stranded on the ore pad at the end of the previous year’s shipping season.<sup>9</sup> Baffinland noted that this operational flexibility would not affect the ore transportation limits for the Tote Road, which remain at 6 Mtpa, ensuring that if Baffinland applies operational flexibility to the shipping limits in a given year, that any shipping above 6.0 Mtpa would be limited to the excess ore stranded on the storage pad from the previous year. Even in a year where operational flexibility applies to ore shipping, Baffinland committed to using no more than a total of 84 ore carriers per year. During the Community Roundtable session in Pond Inlet, Baffinland also committed that if the SOP was approved, the total amount of ore shipped in the 2023 and 2024 shipping seasons would be capped at a maximum of 6.9 Mtpa even if operational flexibility applies.

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<sup>9</sup> Specifically, Baffinland indicated that in 2022, heavy ice floes and labour disruptions interrupted shipping operations in 2022, resulting in approximately 1.3 Million tonnes of ore being left or “stranded” on the ore pad at Milne Inlet at the end of the shipping season in 2022. Under the requested “operational flexibility” Baffinland proposes to ship this “stranded ore” in addition to the 6 Mtpa that Baffinland is authorized to ship each year.

Baffinland indicated the SOP is a means of continuing to maximize ore production while determining the future of its operations. Baffinland noted that over the past several years of operations, Baffinland has implemented increased efficiencies, leading to an ability to reach ore transportation and shipping limits earlier in the season. Baffinland views this increase in tonnage limits to be essential to its future and necessary to avoid laying off employees when the 4.2 Mtpa tonnage limits are reached, and Baffinland stated this level of ore production, transportation and shipping is critical to maintaining the current level of financial benefits to the Qikiqtani Region.

Further, Baffinland also indicated that the SOP is needed to secure the necessary financing to complete the Southern Railway to Steensby as approved in 2012 under the original Mary River Project.

## **1.4 Procedural History of the Board's Assessment**

### **1.4.1 Jurisdiction of the Board to Conduct the Reconsideration**

In conducting a reconsideration, the NIRB remains mindful that the NIRB's primary objectives apply to reconsiderations and generally dictate that the NIRB conducts an assessment of the Proposal that reflects the scale and scope of the requested modifications to the previously approved Mary River Project (including as modified by the Early Revenue Phase Proposal, by the Production Increase Proposal (PIP), by the Extension Request to the Production Increase (Extension) and by the Production Increase Proposal Renewal (PIP Renewal)). [APPENDIX A](#) provides a high-level summary of the overall procedural history of the Board's assessment of Baffinland's Sustaining Operations Proposal (SOP or Proposal). The section that follows provides more detail with respect to the procedural steps that established the Board's jurisdiction to conduct the assessment of the SOP as a reconsideration of the terms and conditions of NIRB Project Certificate No. 005.

On February 2, 2023, the Board received a positive conformity determination from the Nunavut Planning Commission (the Commission) regarding the Proposal (although the duration of the SOP modification reviewed by the Commission in February was longer than the 2-year term which was ultimately assessed by the Board). In the Commission's correspondence, the Commission noted that the SOP represented a "significant modification" to the previously approved Mary River Project and forwarded Baffinland's request for modifications to Project Certificate No. 005 under the SOP to the NIRB for further consideration.

After the Commission issued its conformity determination, Baffinland continued consultations with the North Baffin communities and the Qikiqtani Inuit Association and further modified the Proposal to request a shorter two-year timeframe for the SOP. Baffinland subsequently submitted an online application to the NIRB on March 16, 2023, to modify the ore trucking and

shipping limits under the Project Certificate until December 31, 2024.<sup>10</sup> On March 21, 2023, the NIRB received correspondence from the Commission indicating that the application for the two-year term remained within the parameters of their February 2, 2023, conformity determination and still constituted a significant modification.

As was the case in the previous assessments and approvals of modifications to the Mary River Project under the Early Revenue Phase (2014), the Production Increase Proposal (2018), the Extension Request to the Production Increase Proposal (2020) and the Production Increase Proposal Renewal (2022), to determine the process and procedure guiding the NIRB's assessment of the SOP, the Board considered whether the SOP constituted a "significant modification" that should be assessed via a NIRB screening or a reconsideration of the terms and conditions of Project Certificate No. 005 under Article 12, Section 12.8.2 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and s. 112 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (NuPPAA).

After confirming that the SOP Application was complete, on March 23, 2023, the NIRB circulated the SOP Application to seek input from authorizing agencies and interested parties in respect of the following:

- The scale and scope of the proposed modifications in the context of the Board's previous impact assessments of the original Mary River Project, and the subsequent approved modifications in the Early Revenue Phase, Production Increase Proposal, Extension Request to the Production Increase Proposal, and Production Increase Proposal Renewal;
- The specific terms and conditions that are applicable to the activities, works and undertakings included within the scope of the proposed modifications in the SOP, including consideration of how the proposed modifications would comply with the applicable terms and conditions, and identifying the specific terms and conditions that must be revised to reflect the proposed modifications;
- Preferences for the process and timing of the Board's assessment of the SOP, including but not limited to:
  - Identifying any key process steps the parties consider necessary for the Board to complete a thorough and timely assessment of the SOP;
  - The need for, and preferences for the format, timing, and location of a potential Public Hearing to consider the Proposal; and

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<sup>10</sup> NIRB Doc. ID Nos.: 343280-343283.

- Any other matter of importance to the commenting party related to the Board's assessment of the SOP.

On the basis of the Board's review of the Proposal, parties' comment submissions,<sup>11</sup> and the direction from the Minister of Northern Affairs under s. 114 of the *NuPPAA*,<sup>12</sup> the Board concluded the following:

- The further extension of the 6.0 Mtpa transportation and shipping limits by two additional years is, as noted by the Commission in its referral to the NIRB, a significant modification to the Board's prior assessments; consequently, further assessment of the SOP by the NIRB is warranted;
- Terms and Conditions 179 (a) and (b) of Project Certificate No. 005 must be revised if the SOP activities were to be allowed to continue until 2024;
- Since the Board considered the Production Increase Proposal Renewal (PIP Renewal) in 2022, some additional information has been generated about transportation and shipping at the 6 Mtpa level, such as dust mitigation efforts associated with the Inuit-led dust committee and Baffinland's marine mammal mitigation measures during shipping (e.g., ships travelling in convoys and speed reductions) that may be relevant;
- There may be new research available to the Board that is relevant to the assessment of potential effects of shipping on narwhal that was not available in previous assessments;
- Due to ice conditions in 2022, Baffinland was only able to ship 4.7 Mtpa of ore during the 2022 shipping season and a significant volume of 1.3 Million tonnes of excess ore that was trucked from the mine in 2022 remains in the ore stockpile at the Milne Port site; and
- With the 2023 shipping season approaching, Baffinland, several Hamlets, QIA, the Government of Nunavut, Baffinland's Nunavut employees and unions (IUOE Local 793 and Main IUOE) identified the need for the Board to conclude the assessment and decision-making for the SOP on an urgent/expedited basis by August to provide certainty for workers, contractors and communities.

The Board also acknowledge that:

*...there has been a change in circumstances since the Production Increase Proposal Renewal (PIP Renewal) was approved by the Board in September 2022 because in the Responsible Ministers' approval of the PIP Renewal, the Ministers varied 3 additional terms and conditions (49, 77 and 183) and added 6 new terms and*

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<sup>11</sup> NIRB Doc. ID Nos.: 344120-344131; 344133-344138; and 344184.

<sup>12</sup> NIRB Doc. ID No.: 344411.

*conditions (185-189) to Project Certificate No. 005 that continue to govern the Mary River Project even after the December 31, 2022, expiry of the 6 Mt/a transportation and shipping limits. As summarized by the Responsible Minister, these additional amendments to the Project Certificate No. 005 came about as a result of consultations with the Qikiqtani Inuit Association and Federal Government Departments and were in relation to:*

*...improving the functionality of the Terrestrial and Marine Environment Working Groups; criteria for the commencement and closing of the shipping season; establishing hunters' access routes; auditing dust impacts and establishing a program to identify high risk conditions for dust dispersion; and, ensuring proponent commitments are monitored and enforced<sup>13</sup>*

On this basis, the Board provided the required notice to the Minister and the Proponent on May 8, 2023 that based on the potential for ecosystemic and socio-economic effects that may differ from the effects previously assessed under the approved modifications of the Early Revenue Phase, Production Increase Proposal, the Extension Request to the Production Increase Proposal and the Production Increase Proposal Renewal, the Sustaining Operations Proposal and recognizing changed circumstances since those assessments, the Sustaining Operations Proposal constituted a significant modification to the Mary River Project and modifications previously assessed. In the Board's May 8, 2023, Notice of Reconsideration, the Board also provided an outline of the process and next steps by the Board to conduct the assessment of the SOP as a reconsideration.

#### **1.4.2 Overview of the NIRB's Reconsideration Process for the SOP**

[APPENDIX A](#) provides more detail regarding the key steps in the Board's assessment of the Sustaining Operations Proposal (SOP or Proposal) conducted by the Board under Article 12, Section 12.8.2 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and s. 112 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (NuPPAA). However, as the summary of key steps provided in [APPENDIX A](#) is not exhaustive, parties wishing to develop a more complete understanding of the activities associated with the NIRB's assessment of the Proposal are encouraged to consult the complete listing of all documentation available from the NIRB's online Public Registry at: [www.nirb.ca/project/125767](http://www.nirb.ca/project/125767).

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<sup>13</sup> NIRB, Notice and Procedural Guidance Regarding the Nunavut Impact Review Board's Assessment of Baffinland Iron Mines Corporation's "Sustaining Operations Proposal" Project Proposal, May 8, 2023, NIRB Doc. ID No.: 344411

The Board relied primarily on a written comment process to solicit comments from Baffinland and interested parties, including Inuit Organizations, community-based organizations, government agencies with regulatory responsibilities for the Project and non-governmental organizations, many of whom had recently participated as Registered Intervenors during the Board's assessment of Baffinland's Phase 2 Development Proposal and PIP Renewal. The Board supplemented the written comment process with an opportunity for delegated Community Representatives from the seven (7) potentially affected North Baffin communities and residents of Pond Inlet to share their comments with the Board in oral form during the in-person Community Roundtable sessions held in Iqaluit (July 27-29) and Pond Inlet (August 1-2, 2023). Following the close of the Community Roundtable in Pond Inlet on August 2, the Board completed the gathering of information for the file and the file was remitted to the Board for decision-making on August 3, 2023.

## **1.5 Inuit Qaujimajatuqangit**

As indicated in the Board's previous assessments for this file, the incorporation of "Inuit Qaujimajatuqangit" local, community-based knowledge and ecological knowledge (both traditional and contemporary), which is rooted in the daily life of Inuit and represents experience acquired over thousands of years of direct human contact with the environment is central to the Board's assessments. In addition to the Board's receipt of written submissions that included references to Inuit Qaujimajatuqangit shared with the commenters, the Board was privileged to hear from several Elders during the Community Roundtable Sessions held in Iqaluit and Pond Inlet.

In the Board's view Inuit Qaujimajatuqangit should not be viewed in isolation from the Inuit knowledge holders who shared their knowledge, observations and experience with the Board and the participants in the context of the Community Roundtable sessions, and the Board has considered all Inuit Qaujimajatuqangit shared during this assessment and encourages parties to review the summaries of comments provided to the Board during these sessions provided in [Table 10](#) and [Table 12](#). In respect of the SOP assessment in particular, the Board highlights that Inuit Qaujimajatuqangit was shared about:

- Changes to the abundance, distribution, health and behaviour of narwhal and seals in the vicinity of Pond Inlet;
- Changes to the abundance and health of freshwater fish in the Region;
- The critical importance of narwhal, seals, marine mammals, fish and caribou to Inuit harvesters, to the survival and resilience of Inuit culture and activities, and to food security; and

- How communities have reduced their traditional and cultural uses of the land in the areas impacted by the spread of project dust on snow, ice, and vegetation.

Several commenters and members of the community also indicated that Baffinland and that both the Federal and Territorial regulatory authorities with responsibility for regulating the Project must more clearly communicate how their consideration of Inuit Qaujimagatuqangit is informing the development and implementation of adaptive management plans, mitigations and monitoring programs for the Mary River Project in general and the SOP in particular. The Board heard that Baffinland's hiring of Inuit Qaujimagatuqangit coordinators in the North Baffin communities is a welcome development but encourages Baffinland to communicate more clearly about the role and function of these coordinators within Baffinland's overall management, mitigation and monitoring of project effects.

## **1.6 Evidentiary Issues**

### **1.6.1 The Burden and Standard of Proof**

During the NIRB's reconsideration process, the burden of establishing that the Sustaining Operations Proposal (SOP or the Proposal) can proceed rests with the Proponent. In practice, what this means is that the onus was on Baffinland to demonstrate that any anticipated positive ecosystemic or socio-economic impacts of the SOP will be maximized and that any adverse ecosystemic or socio-economic impacts of the SOP as conducted under the existing or revised Terms and Conditions of Project Certificate No. 005, including any commitments to be added to Appendix B, can be prevented, mitigated, or managed. This onus also means that the Proponent was required to demonstrate that allowing the Sustaining Operations Proposal to proceed in accordance with the updated Project Certificate is consistent with the Board's mandate and requirements of the *Nunavut Agreement* and the *NuPPAA*.

### **1.6.2 The Precautionary Principle and Adaptive Management**

As was the case in the Board's previous assessments of the original Mary River Project Proposal, the Early Revenue Phase Proposal, the Production Increase Proposal, the Extension Request to the Production Increase Proposal and the Production Increase Proposal Renewal, the Board recognizes that there continue to be gaps in qualitative data on the effects that project shipping is having on marine mammals (in particular narwhal and seal distribution, abundance and health), and whether the project is affecting the distribution, abundance and health of freshwater and marine fish. Although the Board heard that additional future research on narwhal populations in Eclipse Sound and Admiralty Inlet planned by Fisheries and Oceans Canada may reduce some of the uncertainty surrounding whether these populations are distinct stocks, data gaps and uncertainty will continue to persist.

Accordingly, the Board expects Baffinland to continue to apply the “precautionary principle” in adaptively managing the potential for the Mary River Project as modified by the SOP to have adverse effects on the environment. What this means in practice is that uncertainty regarding whether the Project is causing or contributing to adverse effects will not be used as an excuse to prevent Baffinland from taking actions to prevent potential negative effects or to trigger adaptive management of such effects.

Baffinland indicated that the application of the precautionary principle to mitigation of potential effects on narwhal from marine shipping has triggered their imposition of reduced speed limits on ships coming into Milne Inlet and introducing convoying of ships last year.

## 2 SUMMARY OF THE PROPONENT’S ASSESSMENT OF THE SUSTAINING OPERATIONS PROPOSAL

### 2.1 Project Description<sup>14</sup>

With the exception of a modification to the definition and implementation of “Operational Flexibility” with respect to annual shipping limits, Baffinland Iron Mines Corporation’s “Sustaining Operations Proposal” (SOP or Proposal) would involve no core changes to the activities, works and undertakings that were previously approved under the Production Increase Proposal (PIP) (Amendment 2 to Project Certificate No. 005 issued in 2018), the Extension Request to the Production Increase Proposal (Extension) (Amendment 3 to Project Certificate No. 005 issued in 2020) and the Production Increase Proposal Renewal (Amendment 4 to Project Certificate No 5 issued November 2022). Baffinland’s proposed scope of the SOP would involve the following activities until December 31, 2024:

- Continuation of the increased production and mining of iron ore up to 6 Mtpa;
- Continuation of the increased trucking of up to six (6) Mtpa of iron ore from the Mary River Mine Site to Milne Port via the Tote Road;
- Continuation of the increased shipping of up to 6 Mtpa of iron ore through Milne Port during the open water season;
  - Operation Flexibility to ship stranded ore in 2023 and 2024 to make up for ore that was stranded at Milne Port in previous years owing to weather or shipping constraints;<sup>15</sup>
  - Use no more than 84 ore carriers;
- No changes to the current use of the Northern Transportation corridor (Tote Road) and Northern shipping Route through Milne Port and Eclipse Sound;
- No change to the use of facilities at the Mine Site and Milne Port; and
- No change to the timing and length of the current shipping season.

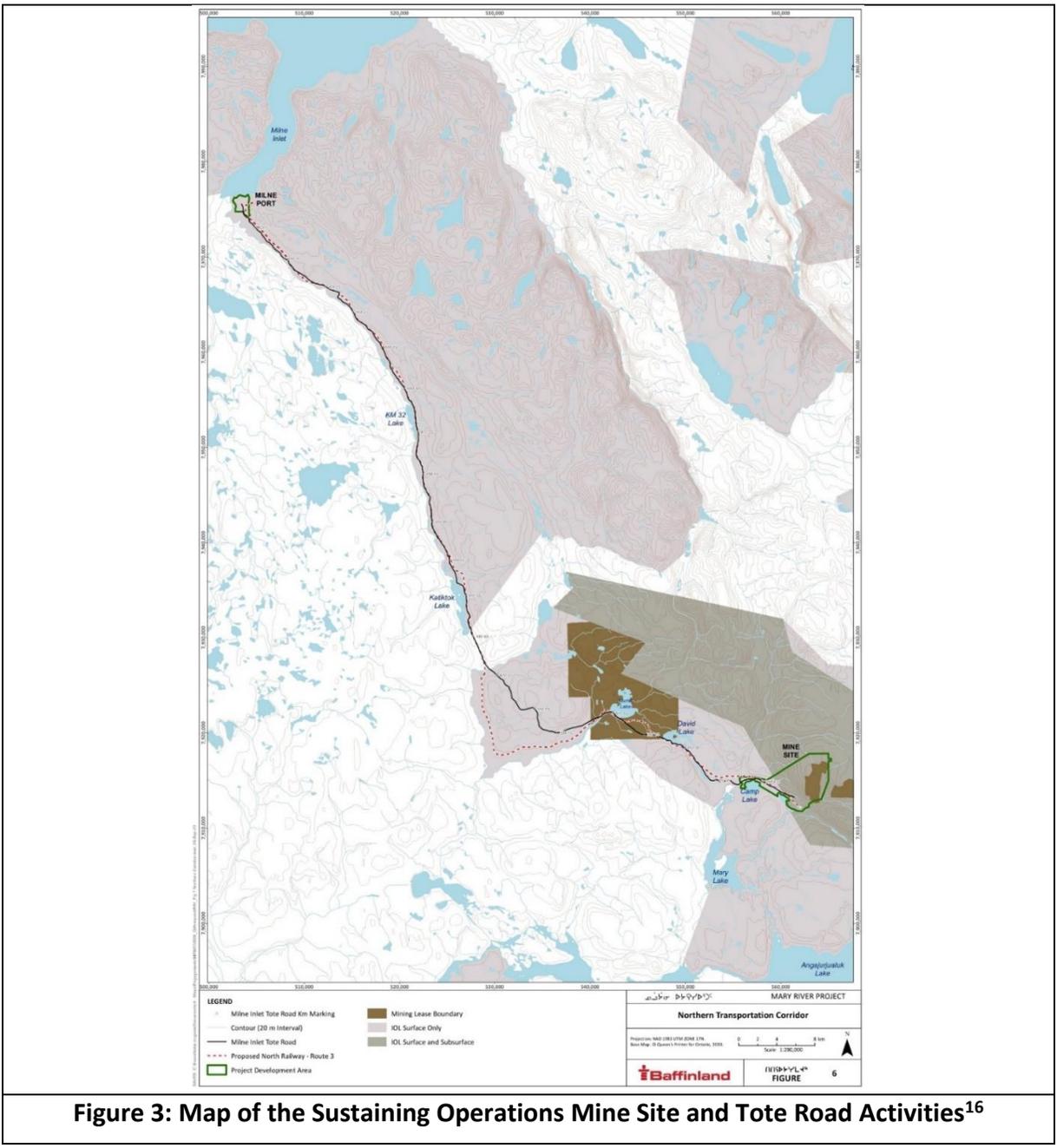
Although there is only a limited change to the scope of Baffinland’s operations as approved since 2018, as discussed in [2.2.1.2 Marine Shipping Mitigations](#) in response to previous community

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<sup>14</sup> Unless otherwise noted, this summary is based on the information provided by Baffinland in the Sustaining Operations Proposal Final Environmental Impact Statement, April 14, 2023 (NIRB Doc ID: 344262-344270).

<sup>15</sup> During the Community Roundtable, Baffinland committed to shipping no more than 6.9 Mtpa of ore when exercising operational flexibility (NIRB Doc ID: 346504)

consultations, comment submissions from parties and commitments through various previous assessments, Baffinland has incorporated several mitigation measures for the shipping season to reduce the overall scope of activities or reduce potential project impacts of the Mary River Project (as modified). Baffinland stated that due to its demonstrated operational improvements and efficiencies since the Project became operational in 2015, sustaining activity levels at 6 Mtpa will be necessary to avoid the need to scale back operations, reduce employment (layoffs of current staff), reduce contracting opportunities provided by the Project, and reduce the benefits that flow generally to Qikiqtani Inuit.



**Figure 3: Map of the Sustaining Operations Mine Site and Tote Road Activities<sup>16</sup>**

<sup>16</sup> This figure was provided to the Board by Baffinland during the Board’s assessment of Baffinland’s Phase 2 Development Proposal, and shows the routing of the Tote Road (depicted in the solid line), but also depicts the routing of the proposed North Railway (dashed line) that was proposed during the Phase 2 Development Proposal. The North Railway is NOT part of the SOP application and the Phase 2 Development Proposal was not approved by the Board and the Minister to proceed.

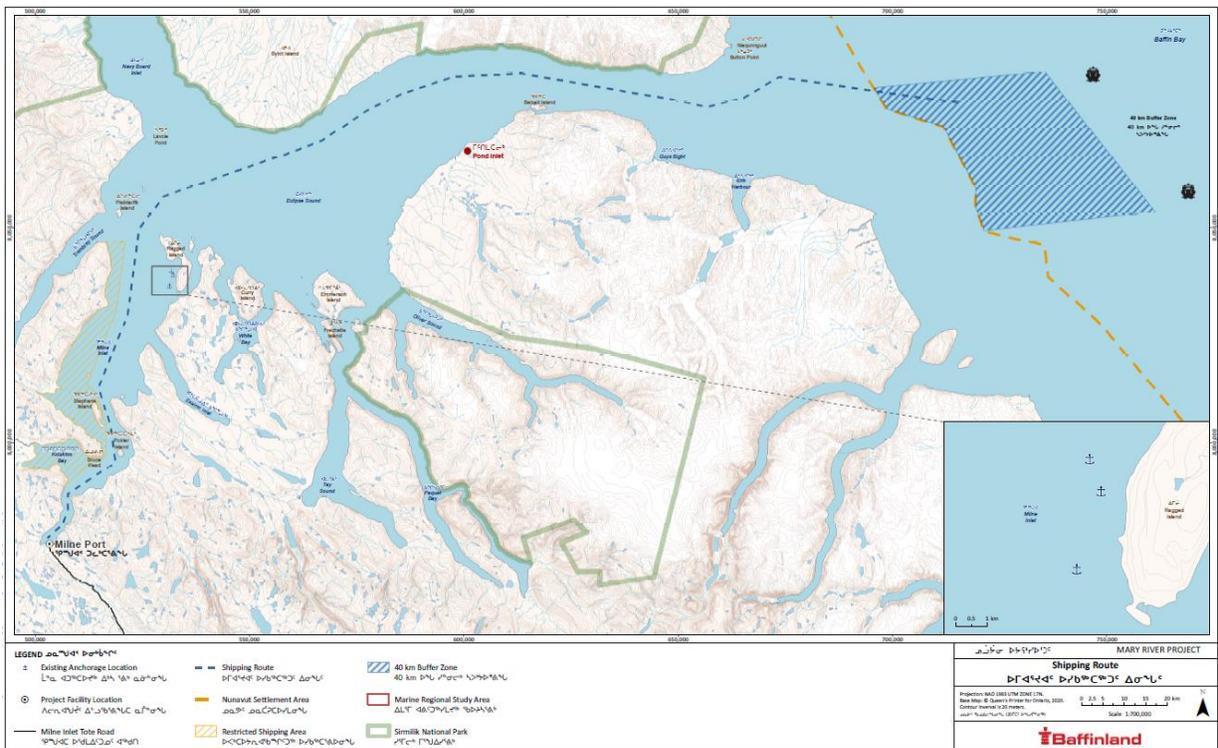


Figure 4: Map of SOP Shipping Corridor Activities<sup>17</sup>

## 2.2 Need for the Project

Baffinland notes that since the approval of the Early Revenue Phase amendment in 2014, they have continued to demonstrate consistent efficiencies in their operations both along the Tote Road and through shipping Operations. These efficiencies have allowed them to consistently transport and ship up to 6 Mtpa since the original Production Increase Proposal<sup>17</sup> was approved in 2018, while increasing the benefits being delivered to the North Baffin communities. Baffinland noted that project economics continue to be a key driver in the development of the Mary River Project and that a return to a production and transportation limit of 4.2 Mtpa would result in seasonal closures at the mine and would threaten the long-term viability of the mine and the establishment of stable relationships with existing iron ore markets.

<sup>17</sup> This figure was provided to the Board by Baffinland during the Board’s assessment of Baffinland’s Phase 2 Development Proposal and shows the routing of the Northern Shipping Corridor proposed for the Sustaining Operations Proposal.

## 2.2.1 Potential Changes to Ecosystemic Effects

The Proponent indicated that the predicted ecosystem effects associated with the SOP are consistent with those described in the original Final Environmental Impact Statement (FEIS) (2012)<sup>18</sup>, Early Revenue Phase EIS Addendum (2013)<sup>19</sup>, Production Increase Proposal (2018),<sup>20</sup> Extension Request to the Production Increase Proposal Application (2020)<sup>21</sup> and the Production Increase Proposal Renewal.<sup>22</sup>

The SOP would not increase the existing footprint of the Mary River Project Development Area, and recognizing the applicability of existing effects monitoring, mitigation and management requirements of Project Certificate No. 005 (as amended) to the continuation of activities under the SOP, Baffinland concluded that there would be no changes to the potential for ecosystemic effects associated with the SOP.

In the SOP Final Environmental Impact Statement<sup>23</sup> Baffinland identified the following physical and biological effects as “negative and mitigatable”:

- Ground stability
- Climate conditions
- Eskers and other Unique or fragile landscapes
- Tidal processes and bathymetry
- Air Quality
- Noise
- Vegetation
- Wildlife, including habitat and migration
- Birds, including habitat and migration
- Aquatic species, including habitat and migration

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<sup>18</sup> (NIRB Doc ID Nos. 262344-262345) Baffinland, Mary River Project submission, March 14, 2008.

<sup>19</sup> (NIRB Doc ID Nos. 290471-290473) Baffinland, Early Revenue Phase Proposal submission, January 14, 2013.

<sup>20</sup> (NIRB Doc ID Nos. 318140-318141, *Revised*; 318295) Baffinland, Production Increase Proposal submission, April 30, 2018.

<sup>21</sup> (NIRB Doc ID Nos. 327657, 327951 & 327952) Baffinland, Production Increase Proposal Extension submission, January 6, 2020.

<sup>22</sup> (NIRB Doc ID Nos. 340063-340066 & 340177) Baffinland, Production Increase Proposal Renewal submission, June 13 & 15, 2022.

<sup>23</sup> Sustaining Operations Proposal Final Environmental Impact Statement, April 14, 2023 (NIRB Doc ID. 344262-344270).

[Table 2: Summary of Ecosystemic Changes in Project Interactions and Factors Relating to Significance](#) below is a summary of impact predictions, significance determinations, and reliance on existing monitoring or mitigation plans for the Mary River Project that was presented by Baffinland through its SOP FEIS.

**Table 2: Summary of Ecosystemic Changes in Project Interactions and Factors Relating to Significance**

Valued Ecosystemic Component	Potential Change in Effects from Mary River FEIS	Description of Change	Applicable Mitigation and Monitoring
<p>Atmospheric Environment:</p> <ul style="list-style-type: none"> <li>- Climate Change</li> <li>- Air Quality</li> <li>- Noise and Vibration</li> </ul>	<p>Change; not significant</p>	<p>Baffinland values and recognizes community concerns about the dust they have been experiencing from the project, and has implemented some new significant targeted programs and mitigations in recent years to reduce the dust Inuit experience from the Project (see items summarized in “Key Mitigation and Monitoring” column).</p> <p>Additional ore processing, handling, stockpiling, and transporting activities, and the associated truck and ship traffic and use of other mobile engine equipment, will result in emissions of GHGs, dust and other air constituents, noise, and vibration. However, these emissions will be consistent with those experienced since 6 Mtpa activity levels were approved in 2018.</p> <p>Releases of GHGs from the Project are anticipated to remain small in comparison to Nunavut and Canadian totals and are not</p>	<p>The anticipated environmental effects will be managed through existing monitoring, mitigation, and management practices and supplemented with additional dust mitigation and monitoring commitments (Appendix 7) and the following plans:</p> <ul style="list-style-type: none"> <li>• Air Quality and Noise Abatement Management Plan.</li> <li>• Air Quality and Noise Abatement Management Plan (Plan (BAF-PH1-830-P16-0002))</li> <li>• Dust Management Protocol</li> </ul>

Valued Ecosystemic Component	Potential Change in Effects from Mary River FEIS	Description of Change	Applicable Mitigation and Monitoring
		<p>predicted to have a measurable effect on global climate change.</p> <p>While the spatial extent of dust deposition has exceeded modelling predictions presented in the ERP FEIS Addendum, particularly for Tote Road, improvements in mitigation and monitoring continue to show improvements in dustfall.</p> <p>Metal concentrations across all vegetation and soil base metals monitoring sites are below Project thresholds, which are based on CCME guidelines where available. Both NO<sub>2</sub> and SO<sub>2</sub> levels are well below thresholds, such that the continued increase in fuel combustion is unlikely to result in exceedances.</p> <p>There are no predicted changes in the extent, frequency, reversibility or probability of effects on Atmospheric Environment VECs as a result of extending the timeframe for the 6 Mtpa activity level for the SOP.</p> <p>Potential changes to factors related to significance include increases in the duration of effects on Atmospheric Environment VECs. However, with existing mitigation, the environmental effects are evaluated to remain not significant.</p>	<ul style="list-style-type: none"> <li>• Greenhouse Gas Reduction Plan and Climate Change Strategy</li> <li>• Waste Management Plan (including incineration) (BAF-PH1-830-P16-0028)</li> <li>• Third-party Independent Dust Audit</li> </ul>

Valued Ecosystemic Component	Potential Change in Effects from Mary River FEIS	Description of Change	Applicable Mitigation and Monitoring
<p>Terrestrial Environment</p> <ul style="list-style-type: none"> <li>- Vegetation</li> <li>- Terrestrial wildlife and habitat</li> <li>- Migratory birds and Habitat</li> </ul>	<p>Change; not significant</p>	<p>Baffinland values and recognizes that some Inuit have expressed concern about potential for the Project trucking to negatively impact caribou once they return in numbers to the Project area. In response, Baffinland has expanded its monitoring efforts and is working with QIA to develop stronger mitigations in areas of particular sensitivity (see items summarized in “Key Mitigation and Monitoring” column).</p> <p>The proposed extended nominal rate of 6 Mtpa activity levels associated with the SOP will not result in any changes to the physical footprint of the Approved Project nor will it introduce any new project interactions not previously assessed. Tote Road traffic associated with the 6 Mtpa activity may result in sensory disturbance and contribute to an increased risk of collisions with birds and wildlife.</p> <p>Increased dust deposition may reduce vegetation abundance and distribution and affect terrestrial birds, and wildlife through changes to habitats. However, improvements in dust mitigation and monitoring are resulting in reductions in dustfall, particularly along the Tote Road. Soil metal and lichen-metal concentrations at the Project mainly indicated no</p>	<p>The anticipated environmental effects will be managed through existing monitoring, mitigation, and management practices:</p> <ul style="list-style-type: none"> <li>• Terrestrial Environment Mitigation and</li> <li>• Monitoring Plan (BAF-PH1-830-P16-0027)</li> <li>• Roads Management Plan (BAF-PH1-830-0023)</li> <li>• Caribou Protection Measures</li> </ul>

Valued Ecosystemic Component	Potential Change in Effects from Mary River FEIS	Description of Change	Applicable Mitigation and Monitoring
		<p>significant increases compared with baseline values, and all samples remained within guidelines.</p> <p>Additional mitigation and monitoring has been implemented to address community concerns of caribou avoidance of Project areas.</p> <p>There are no predicted changes in the extent, frequency, reversibility or probability of effects on Terrestrial Environment VECs as a result of extending the timeframe for the nominal rate of 6 Mtpa activity level for the SOP. Potential changes to factors related to significance include increases in the duration of effects on Terrestrial Environment VECs. However, with existing mitigation, the environmental effects are evaluated to remain not significant.</p>	
<p>Freshwater Environment</p> <ul style="list-style-type: none"> <li>- Freshwater quantity</li> <li>- Water and sediment quality</li> <li>- Freshwater Aquatic Biota and Habitat</li> </ul>	<p>Change; not significant</p>	<p>Baffinland values and recognizes that some Inuit have shared concerns about potential impacts on water in the Project area as a result of current operations, and that as a result some people are avoiding using water sources in the area that they used prior to construction of the mine. In response, Baffinland has developed new mitigations in recent years to help improve confidence among Inuit that the Project can safely coexist with water and animals in the Project area (see items</p>	<p>The anticipated environmental effects will be managed through existing monitoring, mitigation, and management practices.</p> <ul style="list-style-type: none"> <li>• Aquatic Effects Monitoring Plan (BAF-PH1-830-P16-0039)</li> <li>• Surface Water, Aquatic Ecosystems, and Fish and</li> </ul>

Valued Ecosystemic Component	Potential Change in Effects from Mary River FEIS	Description of Change	Applicable Mitigation and Monitoring
		<p>summarized in “Key Mitigation and Monitoring” column).</p> <p>Potential effects on surface water quality and/or sediment quality, freshwater aquatic biota, and freshwater aquatic habitat may occur as a result of:</p> <ul style="list-style-type: none"> <li>• additional runoff associated with increased dust suppression requirements on the roadway; and</li> <li>• additional dust deposition from road traffic</li> </ul> <p>Monitoring results indicate that dust is being managed successfully along the Tote Road, as dustfall monitoring has shown a decrease in 2017 despite the 6 Mtpa activity levels being approved in 2018. There are no predicted changes in the extent, frequency, reversibility, or probability of effects on Freshwater Environment VECs as a result of extending the timeframe for the nominal rate of 6 Mtpa activity level for the SOP. Potential changes to factors related to significance include increases in the duration of effects on Freshwater Environment VECs. However, with existing mitigation, the environmental effects are evaluated to remain not significant.</p>	<p>Fish Habitat Management Plan (BAFPPH1-830-P16-0026)</p> <ul style="list-style-type: none"> <li>• Fresh Water Supply, Sewage and Wastewater Management Plan (BAF-PH1-830-P16-0010)</li> <li>• Roads Management Plan (BAF-PH1-830-0023)</li> </ul>

Valued Ecosystemic Component	Potential Change in Effects from Mary River FEIS	Description of Change	Applicable Mitigation and Monitoring
<p>Marine Environment</p> <ul style="list-style-type: none"> <li>- Sea Ice</li> <li>- Marine Water and Sediment Quality</li> <li>- Marine Habitat and Biota</li> <li>- Marine Mammals</li> </ul>	<p>Change; not significant</p>	<p>Baffinland values and recognizes that some Inuit are concerned that changes they are seeing to narwhal quality and numbers in Milne Inlet are attributable to the Project. In response, Baffinland has significantly modified its shipping operations (see items summarized in “Key Mitigation and Monitoring” column).</p> <p>No changes to interactions with sea ice are anticipated as the shipping season will not be changed.</p> <p>Potential effects on marine water quality and marine sediment quality, marine habitat, and marine biota in Milne Inlet may occur as a result of additional surface water runoff and ore dust dispersion from the larger ore stockpile, and, to a much lesser extent, routine discharges from additional ship traffic.</p> <p>Ongoing marine water and sediment monitoring under are showing no biologically impactful changes due to the Project (Section 6.5.3).</p> <p>Additional ship traffic associated with the 6 Mtpa activity level has the potential to interact with marine mammal populations through acoustic disturbances, and vessel strikes, however, the number</p>	<p>The anticipated environmental effects will be managed through Existing monitoring, mitigation, and management practices.</p> <ul style="list-style-type: none"> <li>• Marine Environmental Effects Monitoring Plan (BAF-PH1-830-P16-0046)</li> <li>• Shipping and Marine Wildlife Management Plan (BAF-PH1-830-P16-0024)</li> <li>• Aquatic Invasive Species Monitoring of Milne Inlet Marine Ecosystem</li> <li>• Narwhal Adaptive Management Response Plan (new in 2022).</li> </ul>

Valued Ecosystemic Component	Potential Change in Effects from Mary River FEIS	Description of Change	Applicable Mitigation and Monitoring
		<p>of vessels is being decreased as of 2022. Marine mammal monitoring is suggesting temporary and localized avoidance behaviour. Narwhal abundance and distribution near Milne Port has not significantly changed and no known vessel strikes have been reported. No species considered invasive to the Arctic have been observed.</p> <p>There are no predicted changes in the extent, frequency, reversibility or probability of effects on Marine Environment VECs as a result of extending the timeframe for the nominal rate of 6 Mtpa activity level for the SOP. Potential changes to factors related to significance include increases in the duration of effects on Marine Environment VECs. However, with existing mitigation, the environmental effects are evaluated to remain not significant.</p>	

Baffinland has listed over 200 commitments from the assessment of the Phase 2 Development Proposal and has identified over 100 of those commitments that it has either already carried forward into the Project under subsequent amendments or is willing to do so for the SOP. The commitments that have already been agreed to under previous amendments are listed in Appendix B of Project Certificate No. 005. In addition to these formalized commitments, Baffinland has already introduced several ongoing mitigation measures as a direct result of community feedback on the Project through monitoring including but not limited to:

### **2.2.1.1 Mitigations for Dust Production**

- Application of *DustStop*, Calcium Chloride and water along the Tote Road throughout the summer months to reduce the amount of dust produced from the Tote Road;
- Application of additional hoods and shrouds at crusher facility and along the ore stockpiling;
- Reduction of drop distances when piling ore at the crusher;
- Installation of rubber bellows and shoots at the ship loader;
- Application of *DustTreat* on the stockpiles to reduce wind-blown dust from the pile;
- Implementation of the recommendations from the Third-Party Dust Audit Committee;
- Continued funding of the Third-Party Dust Audit Committee on an annual basis;

### **2.2.1.2 Marine Shipping Mitigations**

- No ice-breaking to commence the shipping season. Shipping doesn't begin until there is a continuous path of 3/10ths ice through the entire shipping route;
- No more than 84 Ore carriers will be used;
- Use of Convoys to further reduce total sound exposure in the shipping lane; and
- No shipping will occur later than October 31, 2022.

## **2.2.2 Potential Changes to Socio-Economic Effects**

In the SOP FEIS, Baffinland identified no negative socio-economic effects associated with the SOP, and identified the following positive socio-economic effects:

- Employment
- Community wellness
- Community infrastructure
- Human health

Baffinland provided

[Table 3: Baffinland’s Summary of Economic Benefits of for the Mary River Project with a 6Mtpa Operation Contrasted With 4.2 Mtpa](#) Operation below to summarize the economic benefits associated with Baffinland operating at the 6 Mtpa limit (2018-2021) compared to the 4.2 Mtpa limit approved in the Early Revenue Phase (approved in 2014 but due to the project construction timeline, this 4.2 Mtpa level of production, transportation and shipping did not occur until 2017).

**Table 3: Baffinland’s Summary of Economic Benefits of for the Mary River Project with a 6Mtpa Operation Contrasted With 4.2 Mtpa Operation**

Benefit Highlights	6 MTPA Operation		ERP	% Increase
	2018-2021	Average	2017	
Payments to QIA	\$ 67,816,350	\$ 16,954,088	\$ 8,114,454	109%
Payments to GN	\$ 58,760,000	\$ 14,690,000	\$ 1,500,000	879%
Payments to Tasiuqtiit Working Group	\$ 730,000	\$ 182,500	N/A	N/A
Inuit Employee Payroll	\$ 74,680,962	\$ 18,670,241	\$ 8,313,898	125%
Inuit Contract Expenditures	\$ 610,900,000	\$ 152,725,000	\$ 116,000,000	32%
Inuit Training (Hours)	126,000	31,500	4,000	688%

In summary, Baffinland indicated that their socio-economic monitoring results demonstrate the positive socio-economic benefits of operations at the 6 Mtpa limit since 2018 and of sustaining this level of operation under the SOP.

[Table 4: Summary of Socio-economic Changes in Project Interactions and Factors Relating to Significance](#) below is a summary of impact predictions, significance determinations, and reliance on existing monitoring or mitigation plans for the Mary River Project that was presented by Baffinland in the FEIS for the SOP.

**Table 4: Summary of Socio-economic Changes in Project Interactions and Factors Relating to Significance**

Valued Ecosystemic Component	Potential Change in Effects from Mary River FEIS	Description of Change	Applicable Mitigation and Monitoring
Human Environment <ul style="list-style-type: none"> <li>– Employment and Economy</li> <li>– Community Services and Infrastructure</li> <li>– Community Health and Well-being</li> </ul>	Change; positive Change; not significant	Baffinland values and recognizes that some Inuit have expressed a preference to maintain and increase Inuit employment levels at the Project, and to ensure that IQ is better integrated in and reflected by the Project. In response, in addition to the strong mechanisms to support these efforts included in the IIBA Baffinland has added new mitigations (see items summarized in “Key Mitigation and Monitoring”	The anticipated environmental effects will be managed through existing monitoring, mitigation, and management practices: <ul style="list-style-type: none"> <li>• Socio-economic Monitoring Plan (BAF-</li> </ul>

Valued Ecosystemic Component	Potential Change in Effects from Mary River FEIS	Description of Change	Applicable Mitigation and Monitoring
<ul style="list-style-type: none"> <li>- Culture, Resources, and Land Use</li> </ul>		<p>column), including the expansion in Nov. 2022 of community-based staff to include Knowledge Holders and Community Relations Guides in each community.</p> <p>The Project continues to make positive contributions to Nunavut's economy through employment and procurement opportunities and positive effects have also occurred with respect to life skills and education and work skills. If operations are permitted to continue at the 6 Mtpa activity levels, these positive effects and community benefits will continue. Socio-economic monitoring suggests that the Project is improving the health and well-being of some individuals.</p> <p>Potential resource and land use impacts continue to be monitored, along with cultural well-being. Baffinland's monitoring data of recorded land-use at the Project site suggests Inuit land use and harvesting coexists with the Project to some degree, in general. There are positive indications that the Project contributes to improved household income and food security in the local study area. Through the IIBA, Baffinland provides compensation for Inuit</p>	<p>PH1-830-P16-0051)</p> <ul style="list-style-type: none"> <li>• Community and Stakeholder Engagement Plan (BAF-PH1-830-P16-0025)</li> <li>• Cultural Heritage Resource Protection Plan (BAF-PH1-830-P16-0006)</li> <li>• Human Resources Management Plan (SDSEMP-003)</li> <li>• Inuit Human Resources Strategy Procedure (BAF-PH1-700-PRO-0005)</li> <li>• Inuit Procurement and Contracting Strategy (BAF-PH1-230-P16-0001)</li> </ul>

Valued Ecosystemic Component	Potential Change in Effects from Mary River FEIS	Description of Change	Applicable Mitigation and Monitoring
		<p>hunters and harvesters impacted by the Mary River Project.</p> <p>Ore dust has not been shown by monitoring to occur in levels that could be harmful to the health or animals or people harvesting in the area. Baffinland has made several commitments related to address community concerns around country foods and food security.</p> <p>Changes to archaeology are not evaluated, as all modifications are located in areas previously surveyed and mitigated.</p> <p>There are no predicted changes in the extent, frequency, reversibility or probability of effects on Human Environment VSECs as a result of extending the timeframe for the 6 Mtpa activity level for the SOP.</p> <p>Potential changes to factors related to significance include increases in the duration of effects on Human Environment VSECs. However, with existing mitigation, adverse environmental effects are evaluated to remain not significant.</p>	

## **2.3 Other Issues Considered by the Board**

### **2.3.1 Consultation and Engagement with Communities**

In the Proponent' FEIS and response to comment submissions, Baffinland highlighted their commitment to engagement with the potentially affected North Baffin communities, and the Qikiqtani Inuit Association (QIA). Baffinland indicated that it continues working to hear the views of Inuit, incorporating Inuit Qaujimagatuqangit that is shared and providing opportunities for Inuit to participate directly in Baffinland's monitoring programs and Inuit-led monitoring. However, Baffinland emphasized that where recommendations from community consultations have not been incorporated into Project operations, this is not a reflection of a lack of consultation. Baffinland also noted that consultation requires participation of parties and indicated that if parties decline to meet, it is challenging to incorporate their feedback.

### **2.3.2 Future Project Plans**

In the longer term, Baffinland continues to plan to construct the approved Steensby infrastructure components of the Mary River Mine (as already approved in 2012) but faces a challenge to obtain financing for these components and an uncertain timeline.

### **2.3.3 Baffinland's Response to the Comments Provided by Interested Parties**

On July 11, 2023, the Board provided Baffinland with an opportunity to respond to the technical comments received from Parties. For the convenience of reviewers, the Board has prepared [Table 5: Summary of Baffinland's Response to Comments Received](#) below to provide a summary by topic of the comments received. However, 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/125767](http://www.nirb.ca/project/125767) and searching the NIRB Document ID Nos.: 346005 & 346006. The Board emphasizes that the Board's decision-making was based on their consideration of all relevant content in the comment submissions, and was not confined to the content as summarized in the table that follows.

**Table 5: Summary of Baffinland's Response to Comments Received**

Subject	Parties	Summary of Baffinland Response
Impacts to Marine Mammals	QIA, MHTO, DFO, TC, PCA, ON	<ul style="list-style-type: none"> <li>• Any behavioral response and population study involves risk of low sample sizes and high error margins. Baffinland conducts consultations as part of the pre- and post shipping season and recently the marine workshop as well;</li> <li>• Baffinland notes literature regarding how behaviour response is monitored and has not recorded a moderate or high response to date;</li> <li>• A large-scale displacement is if a moderate or high response to shipping is monitored and more than 25% decrease stock from 2019;</li> <li>• The 2022 aerial survey shows an increase in stock overall;</li> <li>• The monitoring program does not identify external environmental impacts but rather focuses on Project impacts;</li> <li>• Baffinland has ongoing planning and is aiming to implement the body condition monitoring of narwhal in 2024; and</li> <li>• Baffinland considered the North Baffin narwhal stock as natural exchange occurs between Eclipse Sound and Admiralty Inlet based on IQ data it has collected.</li> </ul>
Caribou and Terrestrial Environment	QIA, GN, MHTO	<ul style="list-style-type: none"> <li>• An aerial survey was conducted in 2023, further discussion will be discussed with the TEWG on additional surveys;</li> <li>• Related documents to caribou and IQ are within the SOP document. Baffinland will support and fund a QIA-led ZOI study; and</li> <li>• Revised caribou protection measures can be discussed within the TEWG.</li> </ul>
Dust	QIA, CIRNAC, TC	<ul style="list-style-type: none"> <li>• Baffinland will provide a formal response to the Dust Audit Committee in the coming weeks;</li> <li>• The monitoring demonstrates that the change is significantly low, and the soil-metal concentration is within the acceptable range; and</li> </ul>

Subject	Parties	Summary of Baffinland Response
		<ul style="list-style-type: none"> <li>The Inuit-led program is under the Inuit Stewardship Program which the QIA is continuing to work on and the role will be defined within the draft plan.</li> </ul>
Shipping	QIA, TC, NTI, ON	<ul style="list-style-type: none"> <li>Limited concerns on seals were shared by community members, Baffinland supports and agreed to fund an Inuit-led seal monitoring program and related to the ongoing work on the Inuit Stewardship Plan;</li> <li>Baffinland conducted a 2021 aerial survey for seal which concluded no change in seal density since 2015;</li> <li>Convoy logistic depends on environmental factors and safety concerns, but Baffinland commits to convoying as frequently as factors allow;</li> <li>As ice class vessels are limited it is hard to limit specific vessels numbers;</li> <li>Baffinland's Marine Engineers confirmed the current ore dock is sufficient in size for larger the vessels in questions;</li> <li>The 2022 abundance estimate of narwhal have increased in Eclipse Sound. The trend has shown an increase in Admiralty Inlet when Eclipse Sound was decreasing indicating narwhal from Eclipse Sound may be going to Admiralty Inlet; and</li> <li>Baffinland stated that is using the most up-to-date thresholds for acoustic disturbance.</li> </ul>
Use of Inuit Qaujimagatugangit	QIA, MTHO	<ul style="list-style-type: none"> <li>Baffinland remains committed to incorporated IQ as summarized within the SOP FEIS into its programs and plans;</li> <li>Baffinland has collected knowledge on caribou during pass assessments and incorporated it in current ones; and</li> <li>Baffinland continues to integrate community perspective into its monitoring and mitigation measures.</li> </ul>

Subject	Parties	Summary of Baffinland Response
Cumulative Impacts	NTI, QIA, MHTO and ON	<ul style="list-style-type: none"> <li>• Assessments of shipping activities have been conducted and monitoring is still ongoing; and</li> <li>• The cumulative effect assessment for the SOP was built on the previous assessment for the Phase 2 Development Proposal and modified as necessary. The SOP limited spatial and temporal will have little to no predicted overlap with the southern portion.</li> </ul>
Socioeconomic Benefits	QIA	<ul style="list-style-type: none"> <li>• Baffinland notes that socioeconomic concerns can be addressed through the IIBA.</li> </ul>
Land Use	QIA and MHTO	<ul style="list-style-type: none"> <li>• Baffinland relies on the Inuit-led dust audit which is still in the process of providing a report;</li> <li>• Baffinland continues their engagement with communities as described within its annual reports to NIRB and relied on the Tusaqtavut studies;</li> <li>• Baffinland funded the Tusaqtavut Report and took comments into account in developing its mitigation measures and monitoring. Although Baffinland reminds parties that the report did not consider the numerous mitigations proposed at the time writing; and</li> <li>• Baffinland notes that harvesting rights were assessed in the SOP FEIS Addendum and so far, the 2022 harvesting data have not been shared.</li> </ul>
Other	QIA, MHTO, CIRNAC	<ul style="list-style-type: none"> <li>• Baffinland presented the proposal to the five impacted communities and QIA was provided opportunities for review;</li> <li>• Baffinland is still looking to secure funding for the southern part and any decision looking for status quo operations beyond 2024 will be communicated with QIA;</li> <li>• The maximum in 2023 could be 7.3 Mt as 1.3 Mt was left on the ore pad and the amount for 2024 will depend on the success of 2023; and</li> </ul>

Subject	Parties	Summary of Baffinland Response
		<ul style="list-style-type: none"> <li>• The assessment on Inuit Right were presented in the FEIS.</li> </ul>

### 3 SUMMARY OF PARTIES' COMMENT SUBMISSIONS

There were two (2) rounds of comments associated with the Board's reconsideration of the Sustaining Operations Proposal (SOP).

#### 3.1 Summary of Comment Submissions Received by April 12, 2023

The first comment period commenced on March 23, 2023, when the NIRB circulated the SOP application to interested parties and requested comments on:

- The scale and scope of the proposed modifications in the context of the Board's previous impact assessments of the original Mary River Project, and the subsequent amendments proposed by Baffinland in the Early Revenue Phase Project, Production Increase Project, Extension Request to the Production Increase Project, and Production Increase Proposal Renewal;
- The specific terms and conditions that are applicable to the activities, works and undertakings included within the scope of the proposed modifications in the SOP, including consideration of how the proposed modifications would comply with the applicable terms and conditions, and identifying the specific terms and conditions that must be revised to reflect the proposed modifications;
- Preferences for the process and timing of the Board's assessment of the SOP, including but not limited to:;
  - o Identifying any key process steps the Parties consider necessary for the Board to complete a thorough and timely assessment of the SOP;
  - o Need for, and preferences for the format, timing, and location of a potential Public Hearing to consider the Proposal;
- Any other matter of importance to the commenting party related to the Board's assessment of the SOP.

**Table 6: Listing of Parties Providing Comments (April 12, 2023)**

<b>Party</b>	<b>NIRB Document ID</b>
The Hamlet of Sanirajak	344120
The Hamlet of Clyde River	344121
The Hamlet of Igloolik	344122
The Mittimatalik Hunters and Trappers Association (MHTO)	344123
The Government of Nunavut (GN)	344124
The Government of Canada (GoC)	344125
The Hamlet of Pond Inlet	344126 & 344127
The Igloolik Hunters and Trappers Association (Igloolik HTA)	344128
The Ikajutit Hunters and Trappers Association (Ikajutit HTA)	344129
The International Union of Operating Engineers (IUOE Parent Organization)	344131
Nunavut Tunngavik Incorporated (NTI)	344133 & 344134
Oceans North (ON)	344135 & 344138
The Qikiqtani Inuit Association (QIA)	344136
The Sanirajak Hunters and Trappers Association (Sanirajak HTA)	344138
The Hamlet of Arctic Bay	344184

For the convenience of reviewers, the Board has prepared [Table 7: Summary of Comments from Regulatory Authorities, Inuit Organizations and Community Organizations \(April 12, 2023\)](#) below to provide a summary by topic of the comments received. However, parties are advised the summary table is not exhaustive and has been provided in this format for the convenience of reviewers only. The full documents are available in their entirety as posted on the NIRB's Public Registry from the following link: [www.nirb.ca/project/125767](http://www.nirb.ca/project/125767) and searching the NIRB Document ID No. provided. The Board emphasizes that the Board's decision-making was based on their consideration of all relevant content in the comment submissions and was not confined to the content as summarized in the table that follows.

**Table 7: Summary of Comments from Regulatory Authorities, Inuit Organizations and Community Organizations (April 12, 2023)**

Parties	Scale & Scope	Terms and Conditions	Process Steps	Issues
NTI	The scale and scope of modification should extend beyond Term and Conditions 179 (a) and (b) because the context of this proposal is different than what has been previously applied for through Amendments 2,3 and 4	The potential impacts are broader than 179 (a) and (b) noting that the additional Terms and Conditions for the PIPR in 2022 were included in response to Inuit concerns regarding impacts of operations on Inuit rights, terrestrial and marine ecosystems.	The previous PIP, and the Extension to the PIP were in writing, and PIPR provided opportunity for online participation linked to Pond Inlet. This was a compromise because of tight timeframe needed for decision. The Nunavut Agreement requires "due regard and weight to the tradition of Inuit oral communication and decision-making" therefore a reconsideration should allow for all affected community intervenors to participate on an in-person basis facilitating the collection of information and evidence orally and require information sessions and in-person CRT, with other aspects of the reconsideration conducted in writing.	As Baffinland is proposing up to 84 ore carriers through the Northern Transportation Corridor until December 31, 2024, NIRB's assessment should consider Baffinland's previous PIPR commitment to reduce maximum ore carriers be reduced from the 86 initially proposed to 80 for the 2022 season, and provide clarity of impacts for ongoing operations.
QIA	This is the first request for additional shipping to	In addition to 179 (a) and (b) it must consider	There should be an in-person community roundtable where	Inuit should be engaged.

Parties	Scale & Scope	Terms and Conditions	Process Steps	Issues
	<p>the North that has occurred without the Phase 2 Development Proposal either occurring simultaneously or waiting for a Ministerial Decision.</p>	<p>additional terms and conditions in the PC i.e., 183-185 in reference to the marine environment but not limited to these.</p>	<p>all impacted communities can participate, and which occurs prior to final written submissions so that parties can fully include the community perspectives in their submissions.</p> <p>A Technical Review period should also be required to allow for adequate assessment of the proposed activities (may be hybrid technical meeting, written information requests, or combination)</p>	<p>Important for NIRB recommendation by August 2023</p> <p>A cumulative effects assessment grounded in the reality of the proposal is required during this and subsequent assessments.</p>
GN	<p>No concerns and supports an expedited review'</p>	<p>While it considers activities to be within previously approved project; with additional PC Term and Condition from 2022 process, recommends changes to terms and conditions be 179 (a) and (b) to Dec. 31, 2024.</p>	<p>Request an expedited review process.</p>	<p>Asking for the same options as was done for 2022 PIPR including CRT in Pond to be done by August 2023.</p> <p>They are also looking for certainty beyond 2024 to resolve previous technical issues.</p>

Parties	Scale & Scope	Terms and Conditions	Process Steps	Issues
GoC	Other than definition of operational flexibility, consider activities within the scale and scope of previously approved activities.	At minimum 179 (a) and (b) should be included in the assessment; however, there has not been sufficient time to assess effectiveness of the other terms and conditions added under the PIPR and the new mitigations.  There should be flexibility to consider revisions or additions to the PC.	The GoC understands importance of meaningful participation of Inuit within the assessment and notes a condensed format may be suitable given the proposed scope of the project, and existing extensive record of evidence for previous assessments.	List of documents noting declining narwhal abundance provided (appendix)  Requesting clarification on how the definition of operational flexibility fits with previous commitments (commitments requiring 80 ships max, where current operational limit requested is 84).  Requests additional information on how operations will continue beyond 2024
Hamlet of Pond Inlet			Encourages the NIRB to complete a process as soon as possible to ensure that a recommendation on approval is made no later than the beginning of August 2023	Supports the 6MT shipping - resolution number 02-12-2023-20
MHTO	While these activities are generally within the scope of what has been previously proposed, these have been short-term proposals thus far. A	All terms and conditions within PC must be considered to apply to the SOP, not limiting changes to T&C 179 (a) and (b).	Notes the need for a full reconsideration including information requests, technical review comments, PHC in-person in Pond Inlet for Inuit of affected communities	MHTO not supportive of undertaking additional impact assessment for 2-year span of activity as Baffinland has applied to the Commission for

Parties	Scale & Scope	Terms and Conditions	Process Steps	Issues
	<p>longer temporal assessment has not been conducted especially considering the PIP was not approved by NIRB in 2018.</p>		<p>to convene and present on issues and comments, PHC follow up, with Hearing in October to address ongoing reality of impacts by progressive, short term, ongoing renewal processes. This is required to allow full participation of the community in providing input on ongoing renewals.</p>	<p>life of project shipping via Northern route.</p> <p>Reiterating that initial PIP in 2018 had not been approved by NIRB due to lack of certainty in impacts which are issues that have not been addressed to date.</p> <p>Highlighting the need for a cumulative effects assessment, as this ongoing renewal process is a form of project splitting.</p>
<p>Hamlet of Igloolik</p>				<p>Support SOP with conditions related to: additional baseline for marine and terrestrial wildlife at Steensby, all communities get matching benefit to Pond Inlet with additional shipping benefits to Sanirajak, Igloolik and Pond Inlet for shipping impacts, and Baffinland continue community consultation</p>

Parties	Scale & Scope	Terms and Conditions	Process Steps	Issues
Igloolik HTA	Do not support as communities do not have sufficient time to review application			Do not support as communities do not have sufficient time to review application.
Hamlet of Sanirajak	Views the 6MT project as status quo; supported 12MT shipping under Phase 2 and supports 6MT	Notes that the only changes required would be the same ones that were previously made to allow the trucking and shipping to increase from 4.2-6MT. e.g., 179 (a) and (b).	<p>With the extensive review of Phase 2, and the current 6MT as maintaining the status quo, there is serious doubt that NIRB is going to learn any new information that would better inform the Board in its deliberations on the matter.</p> <p>Suggest NIRB limit its review to areas of concern and the actions of Baffinland to resolve those concerns rather than another full assessment of their entire operation.</p> <p>Feels a full technical review is not required, and that NIRB would be able to collect the information it needs to make an informed decision on the SOP by holding a community meeting which should occur as soon as possible and allow the Board to make its decision no</p>	<p>Sanirajak has a greater percentage of the population working at Mary River, and anything that could put those jobs at risk, including an unnecessarily long process to determine the outcome of the SOP, is of serious concern to the Council and residents of the community.</p> <p>Due to the capital investment to develop Steensby, it is necessary to demonstrate an ongoing viable project, and if Steensby was not developed, then the communities would not see the benefits such as daycares, community garages, office buildings, and training centers.</p> <p>Operations at Mary River will benefit Canadian priorities and</p>

Parties	Scale & Scope	Terms and Conditions	Process Steps	Issues
			later than July 31, 2023, and be located in Pond Inlet (interested parties to attend virtually as was done for the Phase 2 hearings)	global demand for steel products.
Sanirajak HTA	Same letter as Municipality of Igloolik			Support SOP with conditions related to: additional baseline for marine and terrestrial wildlife at Steensby, all communities get same benefits as Pond Inlet with additional shipping benefits to Sanirajak, Igloolik and Pond Inlet for shipping impacts, and Baffinland continue community consultation
Ikajutit HTA - Arctic Bay			Encourage dialogue during the NIRB process	
Oceans North	<p>Provided the NAMMCO report noting the decline of narwhal and support the need for a full environmental review of SOP.</p> <p>Concerned that these ongoing short timelines and shortened</p>	179 (a) should clarify the maximum tonnage of ore that would potentially remain at the end of a shipping season.	<p>Processes and format be centered around the needs of the Mittimatalik community and include a Public Hearing.</p> <p>Precautionary principle requires SOP to undergo a full review as well as immediately decrease vessel traffic and</p>	The seriousness of the Eclipse Sound narwhal decline warrants a considered effort by all partners to break out of the continued cycle of playing “catch up” to pre-existing promises that have been made by the proponent and the working groups.

Parties	Scale & Scope	Terms and Conditions	Process Steps	Issues
	assessments will continue same cycle as previous extension requests.		impacts to the Eclipse Sound narwhal population.	Oceans North does not foresee the Marine Environmental Working Group having the capacity to make the recommendations it is required to make for the SOP commitments to come to fruition in the 2023 season.  Switching vessel sizes and associated changes to noise are unknown and must be assessed especially with links to Inuit rights, and a full review of cumulative effects.
IUOE Local 793			Process completed before end of August 2023; support process undertaken last year	Nunavut-based employees support approval of SOP; requests Intervenor status
IUOE (Parent Organization)				Support SOP and employment continuing at the Mary River Project.
Hamlet of Arctic Bay	Notes that the scale and scope of the proposal is similar to that of previous years and has been assessed through previous proposals.		A full review may not be necessary but community meetings would allow the Board to collect valuable input from communities.	The Hamlet of Arctic Bay supported previous proposals by Baffinland and continues to support the Project through the SOP.

### 3.2 Summary of Comment Submissions Received by June 26, 2023

On or before June 26, 2023, the Nunavut Impact Review Board (NIRB or Board) received written comment submissions regarding Baffinland Iron Mines Corporation’s (Baffinland) “Production Increase Proposal Renewal” proposal for the Mary River Project (NIRB: 08MN053) from the following parties:

**Table 8: Listing of Comment Submissions Received (June 26, 2023)**

Party	NIRB Document ID
Nunavut Tunngavik Inc	345799 & 345800
Qikiqtani Inuit Association (QIA)	345798
Government of Nunavut (GN)	345795
Government of Canada (GoC)	345796
Mittimatalik Hunters and Trappers Organization (MHTO)	345794
The Hamlet of Arctic Bay	345790
The Hamlet of Sanirajak	345791
Oceans North (ON)	345797

For the convenience of reviewers, the Board has prepared [Table 9: Summary of Comments Received \(June 26, 2023\)](#) below to provide a summary by topic of the comments received. However, 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/125767](http://www.nirb.ca/project/125767) and searching the NIRB Document ID No. provided. The Board emphasizes that the Board’s decision-making was based on their consideration of all relevant content in the comment submissions and was not confined to the content as summarized in the table that follows.

**Table 9: Summary of Comments Received (June 26, 2023)**

Subject	Parties	Comment Summaries
Impacts to Marine Mammals	QIA, MHTO, DFO, TC, PCA, ON	<ul style="list-style-type: none"> <li>Concerns with methodologies for monitoring programs and consultation about the Early Warning Indicators and subsequent decision on EWI’s;</li> <li>Concerns with the monitoring programs for narwhal behavior in relation to ship traffic;</li> <li>Concerns with the potential displacement of narwhals under the current operations;</li> </ul>

Subject	Parties	Comment Summaries
		<ul style="list-style-type: none"> <li>• Concerns with the decline in Eclipse Sound narwhal stock and future population health;</li> <li>• Parties noted requiring further information on the change in environmental conditions that Baffinland has suggested were contributing of narwhal stock decline (e.g., killer whales, ice condition, etc.);</li> <li>• Further details were requested on the cortisol and body condition monitoring program as well as the behavior response monitoring; and</li> <li>• Concerns with the population estimates used by Baffinland with parties suggesting that Baffinland should consider Eclipse Sound in isolation.</li> </ul>
Caribou and Terrestrial Environment	QIA, GN, MHTO	<ul style="list-style-type: none"> <li>• Parties noted a lack of clarity around what triggers exist in to undertake the caribou aerial survey;</li> <li>• Parties request supplemental submission on caribou assessment to identify IQ concerns with the zone of influence used in the current assessment; and</li> <li>• Parties request Baffinland to revise caribou protection measures to include group size and distance in threshold requirements.</li> </ul>
Dust	QIA, CIRNAC, TC	<ul style="list-style-type: none"> <li>• Parties requested Baffinland to commit to implementing the Dust Audit Committee recommendations and to provide follow-up on the process;</li> <li>• Concerns regarding the potential impacts of higher than predicted levels of dustfall on the environment and wildlife around the project; and</li> <li>• Parties requested an update on the Inuit-led dust monitoring program, a commitment from the PIP Renewal process specifically how Baffinland envisions this program in their broader monitoring program?</li> </ul>

Subject	Parties	Comment Summaries
Shipping	QIA, TC, NTI, ON	<ul style="list-style-type: none"> <li>• Concerns with the potential impacts from shipping on seals;</li> <li>• Requests for Baffinland to provide information on how IQ observations is documented in respect of seal surveys;</li> <li>• Request further detail on convoy logistics and how implementation effectively mitigates impacts;</li> <li>• Requests to identify loudest vessels and to phase them out of the fleet;</li> <li>• Concerns with the use of larger vessels (e.g., Capesize, Baby Cape) with the existing oredock;</li> <li>• Concerns with shipping impacts on marine mammals and the requested operational flexibility;</li> <li>• Concerns with the increase of ore carrier vessels to 84 when Baffinland committed to reduce to 80 last year for PIP Renewal; and</li> <li>• Disagreement with the underwater acoustic disturbance threshold for narwhals.</li> </ul>
Use of Inuit Qaujimagatugangit	QIA, MHTO	<ul style="list-style-type: none"> <li>• Request to explain how IQ was incorporated into monitoring plans and programs;</li> <li>• Concerns with the lack of IQ collection on caribou and its inclusion in caribou monitoring; and</li> <li>• Concerns with IQ and community perspectives not being integrated into effects characterization and significance determinations.</li> </ul>
Cumulative Impacts	NTI, QIA, MHTO and ON	<ul style="list-style-type: none"> <li>• Requests for further cumulative effects assessment from shipping activities on narwhals; and</li> <li>• Parties were unclear if the Southern portion construction operation with ongoing mining operation were assessed as part of the CEA.</li> </ul>

Subject	Parties	Comment Summaries
Socioeconomic Benefits	QIA	<ul style="list-style-type: none"> <li>• Requests to add a Term and Condition to deliver training to Inuit across the Qikiqtani Region to improve Inuit employment at the Project.</li> </ul>
Land Use	QIA and MHTO	<ul style="list-style-type: none"> <li>• Concerns around how Baffinland is measuring effects from dust on Inuit harvesting activities;</li> <li>• Parties misunderstanding Baffinland was assessing impacts to community experiences due to the project;</li> <li>• Concerns with the FEIS predictions and monitoring results suggesting they do not reflect impacts observed by Inuit; and</li> <li>• Parties noted there was an inadequate assessment of Inuit harvesting and harvesting effort required.</li> </ul>
Other	QIA, MHTO, CIRNAC	<ul style="list-style-type: none"> <li>• Noting that there was not adequate consultation for the proposal;</li> <li>• Confusion around the long-term plans for the project and uncertainty around future developments;</li> <li>• Requests to clarify the maximum amount of ore that could be shipped in 2024 and if the assessment did consider this flexibility in operations; and</li> <li>• Concerns around the limited assessment of potential impacts on Inuit Rights.</li> </ul>

## 4 CONSULTATION OPPORTUNITIES

### 4.1 Public Consultation

As set out in s. 112(4) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s.2 (*NuPPAA*), the Board has the discretion to develop the appropriate process and procedure when conducting a reconsideration of Project Certificate terms and conditions. With respect to the Sustaining Operations Proposal (SOP or Proposal), the Board recognized that with the exception of the request for “operational flexibility” associated with the annual limit on the shipment of iron ore, the scale and scope of the two-year term of the Proposal required the Board to assess the same intensity of operations and activities that had previously been assessed and approved to proceed under the Production Increase Proposal (PIP) in 2018, the Extension Request to the Production Increase Proposal (the Extension) in 2020 and the Production Increase Proposal Renewal (PIP Renewal) in 2022. On this basis, while still considering the modifications to be significant and warranting further assessment by the NIRB, the Board recognized that, given the urgency and importance of the Board’s recommendations being provided before end of the 2023 shipping window closes, it was appropriate for the Board’s reconsideration to be a focused and expedited process. On this basis, as outlined in the Board’s May 8, 2023, correspondence, the Board determined that a Public Hearing was not necessary to support the Board’s decision-making for the SOP.

The Board’s process for conducting the reconsideration primarily consisted of a written process, with the Board receiving written comments from parties and interested members of the public, supplemented with an opportunity during the Community Roundtable session held in-person in Iqaluit (July 27-29) for designated Community Representatives from the potentially affected North Baffin Communities, and during the Community Roundtable session held in-person in Pond Inlet (August 1-2) for members of the public in Pond Inlet to provide the Board with their comments and questions about the Proposal in oral form.

#### 4.1.1 Community Roundtable Session in Iqaluit

During the Community Roundtable session in Iqaluit, a total of 9 (nine) designated Community Representatives from Igloolik, Sanirajak (Hall Beach), Clyde River, Ikajutit (Arctic Bay) and Pond Inlet participated to ask questions, provide comments and share their knowledge with the Board. Unfortunately, no Community Representatives were designated by the communities of Resolute and Grise Fiord, and no community-based organizations in either of these communities provided written comments.

For the convenience of reviewers, the Board has prepared [Table 10: Summary of Key Comments and Questions Raised During the Community Roundtable Session](#), which provides a very brief summary of the key issues and questions raised by participants during the Community Roundtable session in Iqaluit.

**Table 10: Summary of Key Comments and Questions Raised During the Community Roundtable Session in Iqaluit (July 27-29, 2023)**

Subject	Issues/Concerns/Comments
<b>ECOSYSTEMIC EFFECTS</b>	
Acid Drainage	Concerned about acid drainage in the area damaging our land and freshwater.
Ballast Water	The ballast water—when the ships are in the area they are not supposed to put any contaminants in the water. Milne Inlet is small and there has been a lot of ballast water dumped into the area I have concerns about this.
Ballast Water	I am concerned with ballast water being taken into the ships in Europe and then being discharged into our beautiful water in Nunavut?
Ballast Water	How does Baffinland prevent the ballast water being discharged into Nunavut waters containing invasive species, are there screens that could be used or things like that? What kind of treatment does Baffinland use with respect to the ballast water?
Caribou	There are caribou in the area of islands close to Sanirajak, and we are concerned that shipping going past those islands is going to affect the few caribou that are in the area. The shipping might need to be re-thought in Steensby Inlet when the terrestrial mammals are moving in this area.
Caribou	Want to see more monitoring data about how the caribou move around on Baffin Island and how the caribou react to the mine and traffic on the road.
Caribou	Baffin Island caribou are different than the caribou in the Kivalliq, the calving areas and mating areas are not set in just one area; they move around more on Baffin Island.
Caribou	More studies and monitoring specifically for caribou in Baffin Island seem to be necessary. I am interested in hearing more about the specific caribou mitigation measures that Baffinland considers to be necessary to protect Baffin Island caribou.
Caribou	Does anybody know if the caribou on Baffin Island are currently increasing/decreasing?

Subject	Issues/Concerns/Comments
Cumulative Effects	We have concerns about the number of ships in our area (Sanirajak), including stopping in that area, and cumulative effects on the snow and our land from smoke from the ships and dust from Milne Inlet?
Dust	Have concerns about dust and the potential impacts on snow, ice and the land from the deposit of dust spreading beyond the mine site, Milne Inlet and the roads.
Dust	Does the dust go into the water and if it does is the water safe to drink?
Dust	Does the dust monitoring committee send members to the mine site to do their own monitoring and/or to see for themselves what things look like, and does the dust monitoring committee prepare reports that can be shared with the public?
Dust	Aerial photographs showing whether the dust is spreading or not would be helpful.
Dust Committee	Would have liked the Dust Committee to be invited to attend more of the meetings with Baffinland so that the community can hear directly from them. It would be good if the Dust Monitoring Committee could have been here to do a short presentation. It would have been very helpful and we could have learned things about Baffinland's dust management measures and the results of monitoring.
Dust Suppressants	Baffinland needs to be told to minimize the dust created by their trucks along the haul road so that there should not be
Fish and Fish Habitat	The impact that Mary River has on dust emissions is already seen on the ice, land and river from Milne Inlet. The iron dust creates unsightly impacts on the lake ice and because it is heavy it falls to the bottom and the iron dust settling in the bottom of the lake can affect the roe from spawning fish.
Freshwater	It would be better for the freshwater in the area if Baffinland would stop operating.
Freshwater	How does the water drain around the Mary River mine—where does the water come from and where does it drain into?
Freshwater	How far outside the area of the Mine and Milne Inlet do people need to go to get clean water that isn't affected by the dust?
Invasive Species	Are there unseen invasive species like zooplankton that could be released during the discharge of ballast.

Subject	Issues/Concerns/Comments
Marine Mammals (Acoustics)	It is 2023, why haven't there been any mitigations or ways of preventing the sound, and why aren't there studies completed yet about whether the ships (especially bigger ships) are having an effect on the marine mammals who can hear everything.
Marine Mammals (Narwhal)	Are the narwhal a little harder to hunt because of the shipping activities; have the narwhal changed their routes and their behaviour? It seems like it, based on what has been said by the hunters at Pond Inlet.
Marine Mammals (Narwhal)	Baffinland's presentation indicated that the narwhals are not affected by the shipping (get used to the shipping noises) but do react to hunters in boats, but you didn't show video of narwhal reacting to hunters—it would be better if you didn't just show the narwhals reacting near the ships, but also show where narwhal are reacting to hunters.
Marine Mammals (Narwhal)	During the COVID pandemic narwhal were not present in our waters near Pond Inlet, but there were no cruise ships present so we think it is unlikely that the narwhals were affected by the presence of cruise ships at that time.
Marine Mammals (Narwhal)	The hunters see that the narwhals are moving further away from Pond Inlet and other communities like Arctic Bay are seeing more narwhals, and they have hunters in those areas, so if Baffinland is saying that the narwhals are actually moving away because of hunters, we are not seeing this in these new areas.
Marine Mammals (Narwhal)	It seems like Baffinland is blaming hunters and the construction of the small craft harbour over the last three years for the decline in the population of narwhal, but that is not what hunters are seeing.
Marine Mammals (Narwhal)	According to the research done in the North Atlantic Marine Mammal Commission Report (NAMMCO Report) Baffinland's shipping is having an impact on the marine mammals in the area. Can Baffinland and Fisheries and Oceans Canada provide a response to the findings in that Report?
Marine Mammals (Narwhal)	How does Baffinland's monitoring from 2022 compare to the predictive model in the NAMMCO Report in terms of total numbers of animals and any decline in the population?
Marine Mammals (Narwhal)	In light of the NAMMCO Report, I am wondering why DFO has not suggested any restrictions on Baffinland's shipping through NIRB's processes and/or through the Marine Environment Working Group?
Marine Mammals (Narwhal)	Where is the timeline for completion of Inuit thresholds and indicators as referenced in the Inuit Stewardship Plan by the Qikiqtani Inuit Association in their comment submissions?
Marine Mammals (Narwhal)	Since shipping started, Baffinland's own monitoring programs are seeing that the numbers of narwhal seem to be dropping in Eclipse Sound, and we are seeing that in Pond Inlet; why is Baffinland not acknowledging this decline could be caused by shipping?

Subject	Issues/Concerns/Comments
Marine Mammals (Narwhal)	Are the narwhal in Eclipse Sound and Admiralty Inlet from the same stock that go back and forth between these two places, or are they separate stocks? Is there any way to actually prove whether the narwhal from Admiralty Inlet could be the whales that return to Eclipse Sound.
Marine Mammals (Narwhal and Seals)	Baffinland says that the ships are not having an effect on narwhals, but why are the narwhals more abundant in Arctic Bay now, but not as abundant in Pond Inlet. All animals move away from disturbance that just makes sense, including narwhals and seals. It seems that the hunters in Pond Inlet are seeing that.
Marine Mammal Monitoring	Can the Inuit get work as onboard marine monitors and be able to accompany the ships all the way to Europe.
Railway	Baffinland has talked about building a railroad. I think it would be better if there was no railroad built because that would result in much less impact on the wildlife on the land.
Shipping	Will the bigger ships being used change things?
Shipping	How much iron ore needs to be shipped this year in the 84 ships?
Shipping	How old are the ships that are going to be used by Baffinland, and how much smoke/air emissions do they release into the air as they travel?
Shipping	How many shipping transits are coming into Nunavut in any given year?
Shipping	How physically long are the ore carrier convoys? If I was standing on shore, how long would it take for a convoy to pass?
Shipping	When are Baffinland's ships going to be required to switch from heavy fuel oil to lighter fuel to reduce the emissions and impact to the environment?
Shipping	It was my understanding that there was a fuel tanker that got stranded on the ice near Steensby Inlet is there any way that it could be released from the ice/ground
Shipping	Would bigger ore ships be used to transport the additional ore this summer, or would Baffinland wait for this proposal to be approved and/or regulators to approve these additional ships.
Shipping	Are the 84 vessel transits approved already by NIRB.

Subject	Issues/Concerns/Comments
<b>SOCIO-ECONOMIC EFFECTS</b>	
Communication	The Dust Committee attend more of the meetings with Baffinland so that we can hear directly from them. Baffinland needs to hold more meetings to inform us what's going on at the mine site. It would be good if the Dust Monitoring Committee could have been here to do a short presentation. It would have been very helpful and we could have learned things about Baffinland's dust management measures and the results of monitoring. Aerial photographs showing whether the dust is spreading or not would be helpful
Community Infrastructure and Public Services	Sanirajak, we're always the last to know. We have no dock and no other facilities, so when the wind comes from the ocean, there is nowhere we can anchor our boats, it is too deep. We support Baffinland because we want to see infrastructure and benefits from Baffinland's mine.
Culture, Resources and Land Use	When will the Culture, Language and Land Use study that the Qikiqtani Inuit Association is undertaking for the region will be completed? And why wasn't it completed before the SOP Application was submitted?
Customers/Uses of Iron Ore	Who is buying the iron ore that is being mined at Mary River? Is the iron ore being used to produce weapons?
Economic Development & Self Reliance	In Sanirajak we are not opposed to Baffinland, as it provides an opportunity for self reliance and economic opportunities, especially for our young people.
Economic Development & Self Reliance	I worked at the Nanisivik mine for many years, and I saw that when the ships came in, the wildlife on the land changed their behaviour and avoided the area, but later on, they came back into the area. I am a hunter and I saw that the animals changed their routes and habits at first, but then they came back into the area after awhile.
Education and Training	One of the labourers who spoke yesterday was working at Baffinland for 10 years—but it didn't seem he had taken any additional training to advance within the company. Why hasn't that happened? Why hasn't he had the opportunity to take more training and move beyond being a labourer?
Education and Training	Want to see Inuit employees working with Baffinland getting the opportunity to get certifications, journeyman training, apprenticeship training and Class 3 driver's licences and the skills needed to work at other places?
Education and Training	How many Inuit have received their journeyman certifications?
Education and Training	The mine could be far better managed to provide Inuit employment opportunities; but often we hear in the communities of things that are happening over there that don't support Inuit employees developing

Subject	Issues/Concerns/Comments
	the skills, licensing and certifications needed to work off the Mary River site. As a result, people who no longer work at the mine site don't have any transferable licences or certifications when they stop working at the mine and are not then employable by the Hamlets or other employers.
Education and Training	Is the training centre in Pond Inlet being used for the delivery of Baffinland's training, or are other types of training occurring in the training centre
Education and Training	Will long-term employees of Baffinland eventually receive certifications after a long time of performing the same jobs (if not, why are they not getting certifications)?
Employment Opportunities	Can Baffinland give a breakdown of the number of males/females in respect of your total number of Inuit employees.
Employment Opportunities	The number of Inuit employees doesn't seem to have increased over time since Baffinland started; why are we not seeing increasing numbers of Inuit employees at the mine?
Employment Opportunities	It seems that Inuit employees are primarily still labourers very few in management or professionals. Inuit don't seem to be progressing within Baffinland; the people transported to the mine from the south seem to be more in the senior levels/management. Unless Inuit are progressing and becoming people in charge of the mines this means that the mine is being run by people who don't know anything about Inuit culture. I would think that if Inuit can progress within Baffinland, they will gain skills and experience that will enable them to work at mines anywhere in the world.
Housing	Has Baffinland considered developing housing for its employees? There is a real housing crunch in Nunavut and perhaps this could help us ease the crisis.
Inuit Qaujimajatuqangit	What Inuit Qaujimajatuqangit did Baffinland consider in preparation of the FEIS Addendum for the Sustaining Operations Proposal?
Inuit Qaujimajatuqangit	How is Inuit Qaujimajatuqangit used by Baffinland at the site, and considered with respect to their operations, monitoring and mitigation measures?
Language	Has Baffinland consider things like a bi-lingual bonus for employees who can speak Inuktitut and English so that there can be greater support for Inuktitut being spoken at the site.
Language	I also would recommend that perhaps all employees can take Inuktitut language training so that there could be more people speaking their mother tongue at the site.
Language	Would like to see more Inuktitut spoken at the mine site.

<b>Subject</b>	<b>Issues/Concerns/Comments</b>
Youth employment	The youth in Sanirajak have no opportunities and get bored and commit petty crimes. We support Baffinland because we want to see Inuit prosperity and opportunities for our young people.
<b>OTHER ISSUES</b>	
Phase 2 Development Proposal	In Sanirajak, we regret that the Phase 2 Development Proposal was not approved by the NIRB and the Federal Minister, because our region will not see those benefits.
Operational Flexibility	Under the Sustaining Operations Proposal, is the tonnage of ore mined, transported and shipped going to increase significantly, and if this Proposal is approved, would Baffinland need to use bigger or a greater number of ore ships to ship all the ore that is stranded?
Operational Flexibility	Concerned about the “operational flexibility” that it could ended up with much greater shipping in a single year than we’ve already seen

At the conclusion of the Community Roundtable session in Iqaluit, Community Representatives provided closing statements indicating whether or not they supported the SOP being approved to proceed.

**Table 11: Summary of written Comments provided During the Community Roundtable Session in Iqaluit (July 27-29, 2023)<sup>24</sup>**

<b>Subject</b>	<b>Issues/Concerns/Comments</b>
Project Ownership	The Project should be sold and used for the benefit of Inuit.
Wildlife impacts	This Project should be rejected due to concerns around wildlife.
Monitoring	All environmental monitoring should be continued or increased to prevent future impacts to Inuit.

Representatives from Sanirajak indicated support for the SOP being approved, but with conditions that protect the environment, the land and the water. In particular, the representatives highlighted that the community is concerned about the dust generated by the Project and noted the importance of the air and water remaining safe for people near the mine

<sup>24</sup> NIRB Document ID No.: 346503

infrastructure. Representatives also indicated that it is important that Baffinland adheres to the terms and conditions of the Project Certificate. Representatives also noted that they remain concerned about the effects of ships going through Pond Inlet, as they recognize that Pond Inlet relies on sea mammals and Sanirajak does not want to see the community so negatively impacted. Representatives emphasized that Baffinland must listen to, and be guided by, the needs of the people of Pond Inlet, and that Inuit need to be heard by all parties. The representatives advised Baffinland to listen carefully to what Inuit want to see for the Mary River Project, as there is a lot of money at stake, and there is a lot of high-grade ore that is being removed from the land. Everyone needs to work together to ensure that the benefits are being distributed equally amongst all the people affected and this is not just a temporary development. This is a long-term development in the Region area, and we need to also think about how to ensure lasting benefits for all communities that are affected by the Project.

The representative from the Igloolik Working Group indicated that Igloolik is not against mining, provided that development is carried out in a transparent, open, honest way. The representative indicated that the community recognizes that there may be impacts from mining but wants to ensure that there is adequate mitigation of negative impacts. It was acknowledged that Baffinland pre-engaged with the communities on the SOP before the NIRB application, and this was appreciated. However, the representative noted that Federal Government regulators have not engaged with the communities outside the NIRB process. He encouraged the Federal Departments to engage directly with the communities outside the NIRB process. The representative noted that communities rely on animals, wildlife, and nature for cultural survival and livelihoods. He indicated that the community understands that there needs to be a balance with development, but that development needs to be conducted in the appropriate way that mitigates the risks and maximizes the benefits.

The representatives from the Igloolik Hamlet and HTO expressed their overall support for the Sustaining Operations Proposal, noting that the North Baffin communities have been discussing this project for decades. However, the representatives identified their concern that if the Mary River Project is not carried out properly, the communities will have to clean up the mess. Igloolik approves the SOP, but wants to ensure that Inuit are listened to. The representatives noted that Inuit Qaujimagatuqangit must be acknowledged, understood, and respected by Baffinland in the management of the project going forward. It seems this knowledge is not being respected or considered relevant. For example, Inuit know that caribou in Baffin Island do not stay in one place. They move around and they are not like caribou in the Kivalliq that have set calving areas. This knowledge emphasizes the importance of mobile caribou protection measures being in place, as the caribou return to the area. As hunters, Igloolik HTO is also concerned about the impacts that are already happening on narwhals, belugas and seals. Igloolik HTO is concerned

about the effects of shipping on walrus, which we hunt all year round, and the impacts on the whales. Igloolik sees that Pond Inlet's whale hunting has been impacted by the project so far.

The representatives of the Hamlet of Arctic Bay indicated that the Sustaining Operations Proposal needs to be a partnership with the communities, the company and the regulators to be successful. This requires integration of Inuit knowledge, scientific information, monitoring and mitigations. Notes that the Hamlet of Arctic Bay is "extremely supportive" of the SOP and have found Baffinland to be a good corporate citizen. Baffinland is the biggest single employer in Arctic Bay. Arctic Bay residents have significant experience with mining (Nanisivik) and Baffinland compares favorably to that mine operation, with no tailings and delivery of greater economic benefits than Nanisivik. The representatives noted that maintaining the environmental integrity of the area around us is in everyone's interest and that every human activity has an impact. To date, the Hamlet of Arctic Bay believes that Baffinland has done a commendable job. The Hamlet encourages Baffinland to use alternative energy sources and increase the use of Inuit Qaujimagatuqangit in monitoring the effects of shipping on the animals and marine environment in the area of Eclipse Sound.

A representative of the Elders in Arctic indicated that times have surely changed. He indicated that with global warming more ships will be coming into the Region, and the communities couldn't have imagined this years ago. He indicated that Inuit didn't think of this type of future. He noted that the Elders are happy that the mine is operating and the community members, especially our youth, are benefitting from it. He also encourages Baffinland to develop the mine slowly, steadily, and to use the best practices possible to reduce the environmental impacts. He indicated that he remains concerned about wildlife, as he wants to continue to be able to eat country food without worry. He indicated that he sees the mine as the best thing for the community because it gives people income.

A representative of the Mittimatalik Hunters and Trappers Organization (MHTO) indicated that the HTOs in the region are stewards to protect the wildlife and the environment. As hunters, the HTO are the representatives of the people. The MHTO understands that the Hamlets and the QIA have all made agreements with Baffinland and are receiving benefits from the Project. However, the hunters in Pond Inlet have identified that since mining has started and transportation of ore has commenced, the lives of people in Pond Inlet have changed drastically. Fish, caribou, ptarmigan, whales, and seals have all been affected. Once the ore carriers and trucking started Pond Inlet saw impacts on all this wildlife. The representative indicated that people from Pond Inlet work at the mine site and the community is generally supportive of that economic development. He explained that when we look at the iceberg on the ocean, we see only parts of the iceberg, but the majority is under the water. Baffinland's economic contributions help our community but are only the tip of the iceberg, as other members of the community are on welfare now and can't just harvest country food near to the community.

The representative from the MHTO indicated that whales have gone further and further away from the community now. The MHTO didn't even have people getting tags for narwhal recently because the community had almost none. Pond Inlet used to take orders from other communities for maktak but now have none to sell. Pond Inlet hunters are losing their culture. Their children are not being taught the traditional ways. The community cannot cache maktak or fish. Women used to be great seamstresses in Pond Inlet but are not even teaching children that skill because there are no sealskins. The MHTO was thankful to the NIRB when the Board didn't approve the railway going ahead in the Phase 2 Development. The representative advised that the MHTO made a motion to oppose the SOP going ahead. However, the MHTO noted that there are quite a few commitments and terms and conditions proposed by the MHTO, and the MHTO asks that the Board consider these when making a decision about the Proposal. The representative noted that ever since Baffinland was approved to build just a dock at Milne Inlet, they have kept changing the project and they still haven't made the money they wanted to make, and it is unclear when Baffinland will be satisfied with the Mary River Project.

#### 4.1.2 Community Roundtable Session in Pond Inlet

For the convenience of reviewers, the Board has prepared [Table 12: Summary of Key Comments and Questions Raised During the Community Roundtable Session in Pond Inlet](#), which provides a very brief summary of the key issues and questions raised by the participants during the Community Roundtable session in Pond Inlet. On average, the NIRB had fifteen (15) members of the community attending each day of the Community Roundtable in Pond Inlet.

**Table 12: Summary of Key Comments and Questions Raised During the Community Roundtable Session in Pond Inlet**

Subject	Issues/Concerns/Comments
<b>ECOSYSTEMIC EFFECTS</b>	
Caribou	We are hearing that there are caribou surveys planned for the North Baffin, but we don't know when that is going to happen; when is that going to happen?
Cumulative Effects	Baffinland was talking about cumulative effects. Has Baffinland taken pictures from before the mining started and now that Baffinland is operating do you take pictures every year to compare it to the pictures from before to be able to see if there are cumulative impacts that are occurring.
Dust	We continue to be very concerned about dust and we have mentioned this for several years, but the dust continues to spread. Is the dust spread outside the "permitted area", and is Baffinland allowed to spread dust outside the permitted area?

Subject	Issues/Concerns/Comments
Dust	I want to know whether there is research about how to control the dust. The dust continues to spread on the land and the vegetation eaten by the caribou and the caribou eaten by wolves. We are seeing dust on the skin of land animals and seals; we are concerned about the dust being absorbed into their fur and going into the meat. We are also concerned that the iron ore dust is going into the water and rivers, and building up on the vegetation, and into the air that we breathe. We really hadn't thought about the proper mitigation strategies to address this when the Project was first approved.
Dust Suppressants	As you travel from Mary River mine through to Bylot Island. I have pictures of the dust as it spreads on the ice. Baffinland has indicated that they are planning to do something better to prevent the dust from spreading, but it is not working. How can Baffinland improve the dust suppression. This year it continues to spread very far. But Baffinland says it is not a problem and that the spray they used last year is intended to prevent the spread, but the problem continues. We continue to see dust every spring, summer and fall.
Environmental Impacts	In Pond Inlet, we have concerns about all of the things listed in the NIRB comments form: water quality; terrain; air quality; wildlife and their habitat; marine mammals and their habitat; birds and their habitat; heritage resources in the area; Inuit harvesting activities; community involvement and consultation; local development in the area; tourism in the area; human health issues; fish and their habitat and others. We have seen all these areas be impacted by the Project—in our view, there is no protection for any them.
Environmental Impacts	Since Baffinland came to Nunavut, the closest community to the project, Pond Inlet, has talked about the impacts to the wildlife from the ships, the use of explosives, the ore carriers, the dust, the trucks and the road. But it seems that when only the community of Pond Inlet is raising these issues, but not the other Intervenors or regulators, it doesn't seem that Baffinland does not provide much information or a response to the community about the impacts coming from the Project.
Environmental impacts	The communities, including Igloodik and Sanirajak have the same concerns about the dust as Pond Inlet; but they are not as impacted as Pond Inlet in other ways, because the land animals in their areas have not been impacted. The community of Igloodik will be more concerned when the development will be around the Steensby Inlet.
Fish	We used to have abundant cod in our area, but we do not seem them anymore. We are noticing that the numbers and health of fish near Pond Inlet are also decreasing.

Subject	Issues/Concerns/Comments
Fish	We have noticed that there are fewer fish in Quluktuk Lake every year and that the fish that remain have red spots on them and are not healthy.
Freshwater	I have brought water to show everyone that has iron ore dust in it. I am pretty sure that no one would want to drink it.
Freshwater	With respect to the freshwater, it is my understanding that sewage from the camps are going into the freshwater, I would like to know if that continues and where the sewage is being released into that water.
Invasive species	2-3 months ago we heard that there were invasive species near our community, but now it seems that they have changed their minds that the invasive species are around. Can you clarify whether invasive species have been identified in the area?
Invasive species	It is my understanding that there was a worm found in the stomach of an arctic char in the area—has Baffinland identified whether that was an invasive species or not?
Marine Mammals (Acoustics)	Ore carriers are very loud and we have observed that marine mammals are very sensitive to noise, and are disrupted and avoid areas where there is noise.
Marine Mammals (Narwhal)	We saw the videos presented by Baffinland—as hunters we have never seen narwhals behaving normally when the ships are one kilometre away. We have seen when the ships are that close, the narwhals swim quickly away. Why don't we see the ships in the video of the narwhal taken from the drone?
Marine Mammals (Seals)	We also don't see seals in the springtime with their pups in the Milne Inlet area. We used to go hunt seals in that area at that time, but we do not see seals and pups in that area now. It is hard to tell if it is just a temporary disturbance and they've gone away and will come back, or whether they will not come back at all.
Marine Mammals (Narwhal)	The whales used to go into and out of Milne Inlet. I used to be able to hunt narwhal in the leads, but not anymore. There was some hunting at the floe edge at Navy Board Inlet. There used to be whole families hunting at the floe edge. There was no shooting at all this year. We are not sure what is happening this year. Is it the mining, or is it something else? I wonder if anyone knows.
Marine Mammals (Narwhal)	I would be opposed to this proposal continuing in the longer-term, because it is unclear what is happening. Some people are saying that it is the hunters that are scaring away the narwhal, but if that was the case, the animals in Arctic Bay that are heavily hunted wouldn't stay there. In Pond Inlet we are not in the same situation as our neighbouring communities, as we are not seeing the narwhal in the

Subject	Issues/Concerns/Comments
	numbers that we used to see them, at the times of year when we used to see them.
Marine Mammals (Narwhal)	In the fall, narwhal came into Pond Inlet from the other communities after the shipping was over and we got some narwhal, but they were far fewer than we saw previously.
Marine Mammals (Narwhal)	We are seeing whales going into the other communities surrounding us where they didn't used to aggregate, and they are not seen here in Pond Inlet anymore.
Marine Mammals (Narwhal)	In terms of changes to the wildlife, we noticed changes to the abundance of narwhal first. Elders indicated that initially when the project started up that it would take some time for the wildlife to disappear, and that is what has happened, it is only in the last few years we have seen less and less narwhal in the area. But we have cabins in areas where we used to be able to hunt narwhal, but we can't catch narwhal from those cabins anymore. We also don't see capelin or herring in the water anymore. If the Elders in Pond Inlet could get out and about in those areas, they would notice the changes to these areas. We now have to go a long distance from Pond Inlet to get narwhal, seals and fish.
Marine Mammals (Narwhal)	Elders tell us that narwhal go back and forth all summer, how does marine mammal monitoring ensure that you're not double counting. Have you ever considered using AI that can recognize individual narwhal based on their markings so that you can be sure that in your monitoring program you are not over counting and that your estimates are accurate.
Marine Mammals (Narwhal)	Have you conducted a survey of the numbers of narwhal between Pond Inlet and Clyde River?
Marine Mammals (Narwhal)	Narwhal don't like vibrations, they don't seem to be reacting to the sound, it seems to be more about the vibration in the water scaring the narwhal away from the Inlets. Maybe the reduction of narwhal presence in the area is very noticeable now because the numbers of narwhal are low and getting lower all the time.
Marine Mammals (Narwhal and Seals)	It seems that the narwhal and seals sink faster than they used to, and we know that there are only two things that cause this—too much freshwater going into the marine environment, or the marine wildlife is too skinny and doesn't have enough fat or is otherwise unhealthy. I am asking whether you are monitoring for these effects?
Marine Mammals	Marine mammals have very keen senses and they get disturbed, like we do, by things in their environment; even when we're not hunting them.

Subject	Issues/Concerns/Comments
	They move away when they are disturbed, including by killer whales and ship noises.
Migratory Birds	The wildlife, such as migratory birds were always abundant around Bylot Island, but we don't see them in the same numbers anymore.
Monitoring	There should be an independent monitoring body in this area; maybe run by the Government of Nunavut or the Qikiqtani Inuit Association. We should not have to rely on only the monitoring that is done by Baffinland, because there are gaps in the monitoring. In Pond Inlet we are in disaster mode because we are seeing impacts for which we are not being compensated and that do not seem to be identified by Baffinland in their monitoring programs. There seem to be no real answers to how to fix the problems we are seeing. I don't want to see the NIRB support and approve the Proposals until we can see monitoring results that fill in the gaps and reflect the impacts we are experiencing in Pond Inlet.
Monitoring/Baseline	Does Baffinland have baseline data about narwhals, caribou, and other wildlife before mining, during mining of 3.2 Mtpa and now during mining of 6 Mtpa?
Monitoring/Baseline	Do the regulators have any reports/information about the impacts that the community of Pond Inlet is also seeing? GN, DFO, ECCC, TC etc. do you have information about how the mine is impacting us in Pond Inlet? You all seem to be remaining quiet about the impacts. Are there reports being submitted to the NIRB and/or communicated to the community in ways other than written materials provided in English only?
Shipping	When will the 2023 shipping season begin?
Shipping	In the SOP it sounds like more than 6 Mtpa will be shipped and that Baffinland will need to use larger vessels. It is our understanding that Milne Inlet is too small for the larger Baby Cape and Cape vessels (. Will Baffinland need to make changes to Milne Inlet to allow for these larger vessels to come into the dock?
Shipping	Is there enough space in Milne Inlet for the bigger ships to turn around and/or anchor in Milne Inlet because the Inlet is not very big.
Shipping	We have asked Baffinland not to anchor at Ragged Island, but they have not changed their practices.

Subject	Issues/Concerns/Comments
Shipping	What rules and regulations do ships have to follow if they encounter marine mammals like whales when they are travelling to and from Milne Port? Some years ago we heard of an ore vessel travelling in the area of Quluktuk Bay that was making noise and seemed to be harassing the marine mammals near the ship, but we didn't know who to call to investigate or stop it.
Shipping	Has Baffinland started thinking about using Lancaster Sound and/or the Northwest Passage as an alternate shipping route?
Wildlife	We must be mindful of how to protect our wildlife and the sea mammals on which we rely.
Wildlife	When Baffinland just started there was a wolf that died at the dump, but it was not clear what happened to the wolf. Does anyone know what happened to that wolf?
Wildlife	We also saw arctic foxes with red dust on them, so they looked like red foxes. This could be dangerous to these animals as the only way they can get clean is to lick the dust off their fur.
Wildlife	The Elders say that sometimes when the wildlife leave an area they do not ever return because they learn that the area no longer has what they need or that there may be danger there.
<b>SOCIO-ECONOMIC EFFECTS</b>	
Benefits, Royalties and Taxes	Maybe there should be more benefits going into the community of Pond Inlet compared to other North Baffin communities, because we are seeing the most impact.
Benefits, Royalties and Taxes	Something needs to be done to compensate us for the change in our way of life. We do want employment, but there are significant impacts in Pond Inlet that must be acknowledged, and we should be adequately compensated for these impacts.
Benefits, Royalties and Taxes	In 2017 or 2018, the Hamlet and the HTO had a meeting and had an agreement that anything shipped over 4.2 million tonnes would result in Baffinland paying \$10,000 per extra ship. What has happened to those funds? Is Baffinland still paying those fees? How are those funds supposed to be used to help our community?
Benefits, Royalties and Taxes	Are the payments for the extra ships needed to transport more the 4.2 million tonnes going to continue under the SOP's increased shipping? If so, the payments may need to be reconsidered—e.g., triple the extra ships should triple the payments provided.
Benefits, Royalties and Taxes	Although everyone is saying we are complying with the <i>Nunavut Agreement</i> , but the residents of Pond Inlet are not seeing the majority of the benefits associated with the Project but are experiencing the impacts. We are not getting a direct share of the

Subject	Issues/Concerns/Comments
	profit/royalties/benefits of the Project, and we wish to see the economic benefits coming directly to the community, not just if we are employed by the mine. We need to have more and better discussions about the impacts on hunters that are having trouble supporting their families and sharing their harvest with the members of the communities. Compensation for the loss of wildlife because of the Project needs to be given to the community of Pond Inlet. For example, I want to feed my dogs but I can't catch seals for them but I have not seen any compensation for that. We are not seeing narwhal right now, when we would normally be seeing them, so there is no point going hunting for them and the community has no muktuk to share.
Benefits, Royalties and Taxes	If the hunters want to have better options, we need to have more benefits to Pond Inlet. If Phase 2 was approved maybe there would be less dust because the crushers would have been enclosed.
Communication	Baffinland used to come into the community before the Project was approved, but since shipping started, they haven't come to the community to really ask us hunters how our hunting is going.
Community Infrastructure and Public Services	There are huge deposits of iron ore, so Baffinland is not going away, and Pond Inlet is not benefitting and is experiencing the effects. It needs to be understood that Pond Inlet needs more help with our roads and a community freezer and other infrastructure if the Project is to benefit not just employees of the mine but the community more generally.
Community Infrastructure and Public Services	I encourage government to invest in infrastructure, office space, a hospital, a fish plant, improved airstrip, as Pond Inlet wants to be a central hub for the inshore Baffin fishery in the North Baffin. We have visited Pangnirtung to tour their plant and identify the infrastructure requirements to establish the central hub and have identified our needs.
Community Knowledge/ Inuit Qaujimajatuqangit	Are the Elders and the community members who speak at these hearings listened to and understood? When community members from Pond Inlet are saying that we are impacted, it seems people are not believing it.
Compensation	Although we keep hearing that there is \$750,000 available for compensation for harm to wildlife, but this is being lost because people are not going to apply. Even if a hunter gets money specifically, it does not compensate us as a community for the loss to our culture of being unable to hunt and share our harvest in the community.

Subject	Issues/Concerns/Comments
Compensation	The compensation funds are very difficult to get. When we fill out an application, we file it with the QIA and then it goes to the MHTO for pre-approval who then sends it back to the QIA, and so people are not getting the compensation in a timely way even when they fill out the forms. The QIA should consider just getting this compensation through the MHTO.
Compensation	How many times has Baffinland paid compensation from the \$750,000 fund? How can we be compensated for not being able to get any animals when we go hunting?
Contracting Opportunities	Inside the <i>Nunavut Agreement</i> various small businesses, tourist operators, didn't get an opportunity to establish themselves before Baffinland was in this area. If the people of Pond Inlet lose wildlife for so many years, we have asked Baffinland and the QIA to provide compensation, but we have heard nothing.
Country Food	We eat ptarmigan, geese, caribou and fish—this question is for Baffinland or maybe GN are there any indications that there have been changes to the meat of this wildlife that we rely upon?
Culture, Resources and Land Use	Without seals to harvest, there are no skins to process, and without skins to process there is no ability to teach our youth to sew sealskin to make clothing. It won't take long before our youth lose these skills completely.
Economic Development & Self Reliance	Pond Inlet is trying to establish a fishery here, to have a winter and summer fishery here and there used to be stories about the fact that there were so many fish in the Quluktuk Lake that they would be jumping over the rocks, and the seals used to be plentiful. I do not support the SOP going ahead, because effects on the resource may limit the establishment of the new fishery and are hurting the narwhal hunters.
Employment Opportunities	I am not opposed to mining because I want to see people employed. But up to today in Pond Inlet we have all been impacted by Baffinland. Right from the start the scale of mining was very big, too big.
Employment Opportunities	It is my understanding that you were supposed to have 25% Inuit employees, but it seems that Baffinland has only been able to employ about half of that target to date. Baffinland should have to meet these targets before they apply to ship more ore.
Inuit harvesting	Even though I am not a hunter, I always join my family when we go out hunting narwhal. I have observed that there is less and less narwhal around Pond Inlet. We did not see any narwhal, birds, and seals last year near the community. This wildlife is important to family because when the hunters are successful they share the meat with the community. But last year we didn't get a seal and we went to all the places that the narwhal and seals should be. So, we had to rely on the

Subject	Issues/Concerns/Comments
	grocery stores. We also didn't get the income from seal skins and from narwhal tusks, and this is very hard on us. You should believe the people when they are telling you that our harvesting in Pond Inlet is being affected.
Inuit harvesting	I am just beginning to hear that people in Pond Inlet are saying they are having trouble getting narwhal and caribou. I am hearing that narwhal may be following the ships and avoiding the hunters.
Inuit harvesting	The hunters in Pond Inlet if they are not successful, it affects many people in the community. After hunting, we used to go and be able to share a meal or buy what they do not need. But now the animals are not here to hunt. If we had to rely on country food we would be starving. There have been hardly any seal or narwhal coming into Pond Inlet this year, and the shipping from Baffinland hasn't even started.
Inuit Qaujimajatuqangit	The community found that in the Phase 2 Development Proposal hearings that the answers being provided by scientists studying the animals, do not reflect what the Inuit Qaujimajatuqangit tells us. For example, the narwhal do not just migrate in the spring and summer, like the biologists tell us, the Elders have said that they move around throughout the year and go from place to place.
Inuit Qaujimajatuqangit	Baffinland doesn't seem to be using Inuit Qaujimajatuqangit that is being shared from the hunters of Pond Inlet in respect of wildlife. They want us to be managing wildlife well, things like not shooting marine mammals when they could sink and not be recovered.
Inuit Qaujimajatuqangit	If we were going to hunt, we are told by tradition to only hunt for what we need, and that's how we hunted. We used to go out to the flow edge to wait for the whales. We didn't hunt them at that time, only one whale would be caught. We would wait until we could cache the hunt to hunt the whales later in the summer. We were taught the traditional ways—that was our education. We were told this is how we were to handle ourselves in certain situations. We learned everything about life on our own by experience.
Language	Many of the Federal Government "reporting lines" (Transport Canada, DFO that are available 24 hours do not have anyone who can speak Inuktitut receiving the calls or following up on the calls. In Pond Inlet we have many unilingual hunters, and this creates a gap when a hunter sees a ship harassing wildlife, pollution or someone not following the rules. We come back to the community and are unable to tell anyone who could do something about it. It would be very helpful to have someone who speaks Inuktitut to be able to receive their call.

Subject	Issues/Concerns/Comments
<b>OTHER ISSUES</b>	
Development Plans Beyond 2024	Right after Baffinland got approved for the Southern Route, Baffinland applied for the Early Revenue Phase because they needed money to be able to construct the Steensby Inlet facilities. Iron ore prices have increased recently, so is Baffinland going to need another extension of the 6 Mtpa trucking and shipping through Milne Inlet again past 2024 to help support the full development of the Mary River Project as approved (via Steensby Inlet and southern railroad).
Enforcement	Maybe if the Mining Company is not complying with the terms and conditions of the PC, their licences or terms of their lease can the NIRB/CIRNAC/QIA get compensation for the community due to the damages suffered?
Marine Conservation Area	When will the boundaries of the Marine Conservation Area be set by Parks Canada under the Management Plan/legislation? Will this affect Baffinland's shipping route?
Operational Flexibility	As part of the "operational flexibility" how much ore is Baffinland planning to haul and ship in total? Could it be up to 12 Mtpa?
Phase 2 Development Proposal	If Phase 2 was approved maybe there would be less dust because the crushers would have been enclosed.
Scope of the Mary River Project	You mentioned that Baffinland is currently mining Deposit 1 earlier today, are there other deposits that Baffinland is also authorized to mine under existing approvals?
Working Relationships	I think this 6 million tonnes proposal should be approved, but the NIRB are not hearing that because Pond Inlet residents are afraid to say anything because the hunters and the Elders say they oppose the Project. People only see the bad things, and don't want to hear any of the benefits of the Project. It is very important for us to work together; let's stop bashing each other. We are not all dependent on country food anymore, let's work together to make things better.
Working Relationships	I support the position of the MHTO as that makes sense to me. I am not against development; I want everyone to be able to live comfortably, but with my traditional and scientific knowledge I am comfortable saying that what I am seeing in Pond Inlet right now is that the Project is having an effect. In our day to day lives, we are seeing effects on our wildlife. We are yelling from the mountain tops with our issues, but we are not being heard. I don't want to say that things are broken, but some of the links between us are not as strong as the others. We are not wanting to be negative all the time, but we just want you to hear us.

## 5 SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS OF THE BOARD

### 5.1 Ecosystemic Effects

#### 5.1.1 Views of the Board

Based on information provided by Baffinland, and the comments, concerns and questions of interested parties and community members, the Board identified the following key issues with respect to the potential for ecosystemic effects associated with the SOP.

Questions and concerns about declines in narwhal abundance and health in Eclipse Sound were raised by commenters during the technical comment period, including from the Mittimatalik Hunters and Trappers Organization (MHTO), Fisheries and Oceans Canada (DFO) and Oceans North (ON). In addition, during the Community Roundtable, Inuit harvesters, and Elders from Pond Inlet noted that their ability to harvest narwhal near the community has declined and that the level of effort to successfully harvest narwhal has steadily increased since shipping associated with the Mary River Project has commenced and at the 6 Mtpa level of shipping that commenced in 2018 through to 2022.

In contrast, Baffinland indicated that in their most recent narwhal aerial survey from 2022 and observations from Bruce Head Baffinland has not identified a continued decline in narwhal numbers and, in fact the 2022 survey identified an increase in the narwhal population in the survey area. Baffinland also showed a video during the Community Roundtable from the 2022 monitoring season to demonstrate that narwhal appear to be engaging in normal behaviour in proximity to ships along the shipping route. Baffinland also indicated that their research, understanding of Inuit Qaujimajatuqangit, and review of the Qikiqtaaluk Wildlife Board's information indicates that there are not two distinct narwhal stocks in Admiralty Inlet and Eclipse Sound. Fisheries and Oceans Canada also stated that their research to date indicates that there is a natural exchange rate of narwhal up to 30% between the Admiralty Inlet and Eclipse Sound populations, and they further note that this aligns with their understanding of Inuit Qaujimajatuqangit in the region.

During the Community Roundtable sessions, the Board also heard that Elders noted that narwhal do not just migrate in the spring and summer, but move around throughout the year. Before project shipping began, Elders advised that it would take some time after shipping started for the wildlife to move away from the area, and several harvesters indicated that is what appears to have happened—declines in narwhal abundance and changes in the distribution were the first

effects noticed, with changes to seal populations now being observed, but whether these changes are temporary is currently unknown.

The Board notes that in the face of uncertainty, there continues to be a disconnect between what Inuit harvesters are experiencing and what project monitoring appears to be capturing. Baffinland has indicated that there may be a variety of other effects on the narwhal populations that may be affecting their abundance in Eclipse Sound, and the picture remains unclear whether narwhal are/have been temporarily displaced from Eclipse Sound to Admiralty Inlet or whether narwhal are being more permanently displaced. Reflecting the Board's recent monitoring recommendations and the input from communities, Fisheries and Oceans Canada (DFO) indicated during the Community Roundtable sessions that DFO has plans to do additional monitoring that may yield information to address questions about whether the narwhal in Eclipse Sound are a distinct stock that is separate from the Admiralty Inlet stock, or whether the stock is a combined stock that move between the two areas interchangeably.

The Board also heard that there is uncertainty and differing views regarding whether noise from vessels is negatively affecting narwhal. While Baffinland indicated that the speed limits imposed by Baffinland on ore vessels appears to be an effective mitigation in reducing vessel noise, it remains unclear whether the additional mitigation introduced last year of ore carriers moving in convoys have had the desired effect of reducing acoustical impacts on narwhal. The Board recognizes that attempting to assess effectiveness of a mitigation based on a single shipping season is impractical, but expects to see more information from Baffinland's monitoring as to whether this mitigation is reducing the potential for negative impacts as predicted.

In the Board's recent reassessments of the Mary River Project, including the SOP assessment, Oceans North has indicated that increased understanding about the sensitivity of narwhals to noise justifies using lower acoustic thresholds to reassess Baffinland's predictions with respect to shipping impacts to narwhal. Oceans North also recommended that the new shipping mitigations (e.g., lower speed limits, ship convoying) should be assessed on their own merits rather than in comparison to Baffinland's previous shipping impacts. From the currently available data and the Inuit Qaujimajatuqangit and community knowledge shared with the Board it remains unclear as to what is causing the narwhal to move away from Eclipse Sound, and this limited data is preventing the Board from being able to draw reasonable conclusions and identify potentially effective mitigation measures.

The Board also recognizes that narwhal are of critical importance to Inuit in Pond Inlet. Accordingly, the Board continues to adopt a precautionary approach to the assessment, mitigation, and monitoring of the potential for impacts on this valued component. The Board notes that there are several important commitments Baffinland has made during the SOP assessment to the Qikiqtani Inuit Association and to Fisheries and Oceans Canada to enhance the

existing mitigation and monitoring programs as listed in [APPENDIX D](#) of this Report. The Board notes that these commitments will now be added to Appendix B of the revised Project Certificate and Baffinland's progress in meeting the commitments will be reviewed by the interim Project Monitor. In addition, the Board highlights that monitoring of the potential for acoustic effects on marine mammals will continue under existing Terms and Conditions 109-112 of the Project Certificate. To further enhance the existing monitoring and mitigation programs under the Project Certificate to further address these issues, the Board has recommended revisions to existing Terms and Conditions #76, #99 and #101, as described in [Section 5.1.2](#), and set out in [Section 7.2.4](#) and [Section 7.2.5](#).

During the Community Roundtable in Pond Inlet the Board also heard that community members are concerned about a lack of seals and pups this year and indicated that this has significantly reduced their ability to harvest seals in 2023. Baffinland indicated that the aerial seal surveys in the study area have not identified a decline in the population of seals, and it remains unclear regarding the extent and basis for the decline observed by community members. Similar to the Board's approach to the assessment of potential for impacts on narwhal, the Board recognizes the importance of seals to the community of Pond Inlet, and has adopted a precautionary approach to the potential for effects on seal abundance and health, and the recommended revisions to Term and Condition #76 to provide greater certainty in relation to the Marine Environmental Effects Monitoring Program, as well as measures to improve the functioning of the Marine Environment Working Group included in Amendment #4 to the Project Certificate in 2022 should provide a mechanism for consideration of the community concerns about the decline in seal and pup abundance and health.

In respect of the marine mammals and the marine environment, the Board also notes it is unclear whether the use of larger capesize vessels (Baby Cape and Cape) during the SOP will change the predictions of effects on marine mammals, and in the marine environment in general. As listed in Commitment 10 in [APPENDIX D](#) of this Report, Baffinland committed to the Qikiqtani Inuit Association that they would update sediment and infaunal monitoring to reflect the use of larger vessels. Further, the Board has decided that, in addition to the recommended revisions to the Project Certificate described above, revisions to Terms and Conditions #82, #83(a) and #85 as described in [Section Error! Reference source not found.](#) and set out in [Section 7.2.4](#) will yield important information to address this uncertainty.

However, notwithstanding the recommended revisions to the Project Certificate, the Board understands that with the apparent disconnect between Inuit Qaujimagatuqangit, community knowledge, and data gaps and uncertainty about effects on marine mammals that are due to factors other than marine shipping by Baffinland, it is likely that concerns about the negative impacts on marine mammal health and abundance near Pond Inlet will likely remain. The Board encourages Baffinland and all regulators with responsibility for these issues to continue their

consultations with the potentially affected communities. Baffinland and all regulators also need to communicate more clearly about how they are incorporating and considering the community input and Inuit Qaujimajatuqangit into their marine mammal and marine environment monitoring plans and programs, including in the design of effective adaptive management and mitigations. The Board understands that the shipping air quality impacts along with the continued elevated marine shipping levels in Milne Inlet, Baffinland is working with Transport Canada to prepare for and adhere to the upcoming change to shipping fuel requirement and as much as the board does not have any direct recommendations at this time regarding this topic and will be looking for updates in the annual monitoring process.

The Board heard that the potential for effects on water, vegetation, terrestrial wildlife, and Inuit land use due to the spread of dust from project infrastructure (the Mine, the Tote Road, and Milne Port) continues to be a major concern and focus for communities. While the Board recognizes that Baffinland's recent project monitoring indicates that mitigations such as the application of dust suppressants on the ore stockpile and the use of hoods and shrouds on the ship loader facility have improved the situation, the Board notes that Baffinland's review of the recommendations of the Dust Audit Committee is not complete, and the extent to which these recommendations are feasible and will be implemented is unclear. From the Board's perspective, recognizing that the visual impacts of red dust on the snow, ice, and vegetation are affecting the desire and willingness of community members to use the land impacted by dust, the Board advises Baffinland to prioritize the implementation of dust management measures to minimize the visual impacts of dust around sites that are culturally important (e.g., important water sources, fishing areas, etc.).

The Board also heard that one of the key questions associated with the spread of dust on vegetation is the extent to which terrestrial wildlife eating such vegetation may absorb metal particles in the dust into their tissues. In the Board's assessment of the original Mary River Project, these concerns resulted in the Board adopting Term and Condition #35, which required baseline testing of caribou organs to establish a baseline for metal concentrations. Recognizing that caribou harvesting in the Project Study Area is limited, and that the Project is no longer gathering baseline data, as discussed in [Section 5.1.2](#) and set out in [Section 7.2.3](#), the Board has recommended revisions to Term and Condition #35 to broaden the testing to other equivalent terrestrial wildlife species and to move beyond baseline data collection to periodic monitoring.

The Board also heard from community members, and has observed during Project monitoring, that there are concerns about erosion and permafrost degradation affecting the Tote Road. As discussed in [Section 5.1.2](#) and set out in [Section 7.2.2](#), the Board has recommended revisions to Term and Condition #28 to expressly include the Tote Road in the monitoring of potential effects of permafrost degradation.

## 5.1.2 Conclusions and Recommendations of the Board

On this basis, the Board has recommended revisions to eight (8) Terms and Conditions, considered necessary to reduce the potential for negative ecosystemic effects associated with the SOP.

Specifically, the Board recommends that:

- **Term and Condition #28** be revised as set out in [Section 7.2.2](#) to expressly include monitoring of potential effects of permafrost degradation along the Tote Road. This recommended revision reflects concerns expressed by community members and regulators regarding increased erosion and potential road bed deterioration along the Tote Road.
- **Term and Condition #35** be revised as set out in [Section 7.2.3](#) to broaden the monitoring program to include monitoring of metal levels in other terrestrial wildlife. The recommended revision reflects that there is limited/no harvesting of caribou in the Local Study Area, but that community members, the Mittimatalik Hunters and Trappers Organization, and Inuit harvesters continue to have concerns about the potential for iron ore dust to accumulate on vegetation and potentially impact foraging caribou and other wildlife.
- **Term and Condition #76** be revised as set out in [Section 7.2.4](#) to reflect that there appear to be data gaps and disagreement about the nature and scale of impacts on the marine environment due to current project shipping, the Board is recommending revisions to Term and Condition #76 to provide more clarity regarding the requirements of the program to monitor and adaptively manage project-related environmental effects in the marine environment. In the Board’s view, the recommended revisions to Term and Condition #76 are consistent with, and build upon the revisions to Term and Condition #77 approved by the Responsible Ministers in 2022 associated with the Ministers’ approval of the Production Increase Proposal Renewal.
- **Terms and Conditions #82, #83(a) and #85** be revised as set out in [Section 7.2.4](#) to reflect uncertainty about whether Baffinland’s increased use of larger vessels (Baby Cape and Capesize)<sup>25</sup> will change the potential for effects in the marine environment, the Board recommends revisions to Terms and Conditions #82, #83(a) and #85 to require updates to the information about ship wake characteristics and sediment deposition to reflect the use of Baby Cape and Cape vessels.

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<sup>25</sup> Since 2018, Baffinland has contracted with Panamax vessels (capacity of 60,000 to 80,000 deadweight tonnage (DWT)) to ship ore, in the SOP, Baffinland proposes to also use Baby Cape vessels (capacity of 100,000 to 120,000 DWT) and Cape vessels (capacity of 150,000 to 200,000 DWT).

- **Terms and Conditions #99 and #101** be revised as set out in [Section 7.2.5](#) to clarify the Board's expectations with respect to on-going narwhal monitoring while shipping of ore continues through Milne Inlet.

## 5.2 Socio-Economic Effects

### 5.2.1 Views of the Board

As noted by the Board previously during the assessment of the Production Increase Proposal Renewal in the summer of 2022, the Board and communities understand Baffinland's conclusion that if the SOP is not approved to proceed, there will be an immediate interruption to employment. The Board heard that because there are limited employment opportunities in the North Baffin Region, this loss of employment would have a significant and immediate negative impact that could not be mitigated in the short term. The Hamlets of Arctic Bay, Sanirajak, Igloodik, and Pond Inlet all noted that the continuation of employment and other economic benefits associated with the 6 Mtpa level of production, trucking and shipping in place since 2018 were a key factor in their decisions to support the SOP.

In addition, the Board heard from Baffinland's Inuit employees and non-Inuit employees as represented by the International Union of Operating Engineers (IUOE Parent Organization) in written comments and during the Community Roundtable in Iqaluit that individual employees have benefitted from their employment with Baffinland, gaining skills and income that support their self-sufficiency, allow them to provide for support for their families and receive training that may be transferable beyond the mine. The Board heard that employees are very concerned about the significant reductions in employment that would occur if the SOP is not approved to proceed.

The Board also noted that during the SOP assessment process, Baffinland has committed to the Qikiqtani Inuit Association to establish a new Regional Inuit Training Plan (see Commitment #11 in [APPENDIX D](#)) that will deliver training to Inuit across the Qikiqtani Region to improve Inuit employment at the Project. The Board also understands that a return to the 3.5-4.2 Mtpa limits would also result in significant reductions in benefit payments by Baffinland (e.g., the payments to the community of Pond Inlet associated with compensating for additional ship traffic after the 4.2 Mtpa shipping limit has been reached and payments to the Qikiqtani Inuit Association under the Inuit Impact Benefit Agreement) and interruptions in associated business relationships. Avoiding these negative socio-economic impacts is the central consideration in terms of need for the Proposal and also in the support for the Proposal expressed in the letters of support provided during the two comment periods and support for the SOP expressed by community members during the Community Roundtables.

However, the Board identified that there appear to be significant issues in the community of Pond Inlet with residents being aware of economic benefits available to them, understanding the purpose(s) of different types of benefits, and then being able to apply for and access benefits. For example, during the Community Roundtable in Pond Inlet, the Board heard that approximately \$800,000 (associated with an agreement between Baffinland and the Hamlet of Pond Inlet that Baffinland will pay \$10,000 to the Hamlet for every ship that transports ore after the 4.2 Mt limit under the Early Revenue Phase is reached) is sitting untouched in a fund. Community Members are frustrated that these funds seem inaccessible to the community and that it remains unclear as the purpose and use of these funds.

Several Pond Inlet residents also questioned why more economic benefits are not directly provided to Pond Inlet residents as the community is the most affected by the displacement of narwhal and seals, and effects on wildlife and fish in the vicinity of Pond Inlet. There appears to be a significant disconnect between what benefits the community needs and what benefits are available (e.g., the community indicates they need a new community freezer, but it is unclear whether any of the benefits available could be directed to support this initiative). When discussing the application and review processes associated with compensating harvesters for these types of losses, several Pond Inlet residents indicated that there are bottlenecks in the application and approval processes, and that these issues often prevent community members from applying for and/or receiving benefits.

In addition, the Board heard from Inuit harvesters that the lack of information about where displaced wildlife (narwhal, seals, caribou) is going and whether these effects are permanent/temporary is creating significant concern that irreversible negative impacts on Inuit harvesting, culture, and way of life are occurring. It remains unclear how the community could be adequately compensated by Baffinland, the Qikiqtani Inuit Association, and/or others for these kinds of losses.

### **5.2.2 Conclusions and Recommendations of the Board**

Although the Board has only a limited role in respect of economic benefits that are not linked to ecosystemic effects, the Board reiterates some of the direction provided last year in the NIRB's Reconsideration Report and Recommendations resulting from the Board's assessment of the Production Increase Proposal Renewal. Baffinland and all other parties involved in the payment, administration, and distribution of benefits associated with the Mary River Project generally, and the SOP specifically would be well advised to give greater consideration to the following:

- providing better communication about the financial benefits associated with the Mary River Project that are available to Hamlets, community groups and individuals, especially in the community of Pond Inlet;

- more clearly defining the roles, timelines, and resources required by parties with responsibilities for reviewing and approving applications for benefits;
- streamlining the processes for providing access to and payment of benefits; and
- addressing barriers to access (including ensuring that parties administering benefits payments are sufficiently resourced to provide timely access).

## **5.3 Other Issues Considered by the Board**

### **5.3.1 Inuit Qaujimajatuqangit**

Recognizing that there continues to be urgency in ensuring the transmission of Inuit Qaujimajatuqangit from Elders throughout the North Baffin, which was delayed/interrupted during the isolation associated with the COVID-19 pandemic, the Board also reiterates last year’s call for Baffinland and other interested parties to consider how an additional socio-economic benefit of the Project may consist of providing community knowledge holders with reasonable compensation for their contributions to the transmission of Inuit Qaujimajatuqangit and the participation of knowledge holders in Inuit-led monitoring and effects management initiatives.

During the Board’s assessment of the SOP, some community members expressed frustration that, other than when they are participating in a NIRB proceeding, project regulators are not routinely coming into the communities. Consequently, community members are not hearing about important research that is being conducted by regulators, and regulators do not appear to be incorporating Inuit Qaujimajatuqangit into their research. However, the Board observed that discussions were being undertaken between community members and regulators attending the Community Roundtable sessions in person. The Board encourages regulators to build on these interactions to improve communication with the communities in North Baffin, with a particular focus on Pond Inlet.

During the Community Roundtable in Pond Inlet, the Board heard from some residents that Inuit Qaujimajatuqangit may not be shared with Baffinland, regulators, and/or the Board because some knowledge holders are afraid to talk if their knowledge does not further the dominant view expressed by other knowledge holders. The Board is concerned about this perception and the obstacle it creates to all parties having access to all perspectives and experiences. The Board wants to emphasize to all parties that they are welcome to express their views and share their knowledge with the Board, and anyone feeling limited in their ability to do so is encouraged to reach out to the Board directly to discuss their concerns.

### 5.3.2 Future Development Plans

During the Board’s assessment of the SOP the Board heard that the kind of “perpetual assessment” created by short-term project approvals are creating significant strains on the regulatory process that was not developed to handle this approach. Assessments of short-term modifications result in parties, communities, and the Board reviewing short snapshots in time, without a fuller and complete understanding of how the short-term proposal fits with the long-term plan for the Project. Parties and communities experience regulatory fatigue and the continual assessment of the effects of short-term modifications limits the extent to which sustained project monitoring can measure and build on the accuracy of impact predictions from previous assessments and the extent to which parties can understand whether adaptive management and mitigation measures from previous assessment are working in the context of the project as currently operated.

As noted by the Mittimatalik Hunters and Trappers Organization during the Board’s assessment of the SOP, the assessment of short-term modifications also creates difficulty in ensuring that cumulative effects can be considered and assessed.

As previously noted by the Board during the assessment of the Phase 2 Development Proposal, because the proposals to modify the Mary River Project are being assessed before construction of the original Mary River Project as approved in 2012 has taken place, the Board is encountering particular challenges in the assessment of cumulative effects from the proposed modifications in combination with the approved Mary River Project, key components of which have yet to be constructed. With significant modifications to the previously approved Mary River Project almost constantly under assessment several versions of the Mary River Project have been assessed before the effects of the approved Mary River Project can be observed and compared to Baffinland’s impact predictions as provided in previous assessments. This creates significant complexity around the Board’s attempted assessment of predicted cumulative effects.

The Board recognizes the concerns of parties, and echoes the direction on this issue provided to the Proponent by the Minister of Northern Affairs, on behalf of the Responsible Ministers in their April 20, 2023 correspondence pursuant to s. 114 of the NuPPAA (at p. 2):

*Further, the responsible ministers note that we are supportive of the Parties’ calls for an updated, comprehensive cumulative effects assessment, which, while not appropriate for the current scope of the Sustaining Operations Proposal, we would expect would be addressed as part of any future Baffinland application or as a stand alone Baffinland assessment.<sup>26</sup>[emphasis added]*

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<sup>26</sup> (NIRB Doc. ID No: 344411).

In addition to providing a robust cumulative effects assessment in any future application for significant modifications to the Project, the Board expects Baffinland to also provide information regarding Baffinland’s longer-term development plans for the project. The Board notes that this expectation is consistent with Baffinland’s commitment to Crown-Indigenous Relations and Northern Affairs (see Commitment #21 in [APPENDIX D](#)) that Baffinland will “provide the long-term plans for the Mary River Project, at least on a conceptual level, prior to submitting any subsequent amendments to the Project.”

### 5.3.3 Operational Flexibility Applied to Shipping

The Board observed that community members expressed concern that the increase to shipping under the operational flexibility requested for the SOP (up to 0.9 Mtpa) could create the expectation that 6.9 Mtpa becomes the status quo level of shipping for the Project going forward, even though there are data gaps and uncertainties as to the effects of the “status quo” shipping limit of 6 Mtpa that has been in place since 2018 and the potential ecosystemic effects associated with this incremental increase has not been fully assessed. The Board has revised Term and Condition #179(a) to reflect that the Board considers the grant of Baffinland’s request for operational flexibility and additional shipping of up to an additional 0.9 Mtpa of ore in 2023 and 2024 to be tied to the exceptional circumstances of ore being “stranded” in the previous year on the ore stockpile as described in [Section 5.3.4](#) and as set out in [Section 7.2.1](#).

The Board understands that, from the Company’s perspective, leaving ore stranded on the pad over several seasons is not ideal and can ultimately impact the quality and value of the ore, therefore operation flexibility may be appropriate; however, the Board emphasizes that this additional shipping is the result of reduced shipping in the previous year, and is not intended to be a further increase to the annual production and trucking limits of 6 Mtpa.

### 5.3.4 Conclusions and Recommendations of the Board

The Board is recommending that the shipping limit prescribed in **Term and Condition 179(a)** be modified to allow for the continuation of the increased shipping of up to 6 Mtpa of iron ore through Milne Port during the open water season until December 31, 2024 and to provide additional “operation flexibility” to ship up to an additional 0.9 Mtpa of ore in 2023 and 2024 to make up for ore that was stranded at Milne Port in previous years owing to weather or shipping constraints, using no more than 84 ore carriers. The Board is also recommending that **Term and Condition 179(b)** be revised to allow continuation of the increased trucking of up to 6 Mtpa of iron ore from the Mary River Mine Site to Milne Port via the Tote Road until December 31, 2024. The full text of the recommended revisions to Terms and Conditions 179(a) and 179(b) are set out in [Section 7.2.1](#).

In addition, the Board recognizes that Parks Canada has indicated that the designation of Tallurutiup Imanga National Marine Conservation Area is expected in the near future; accordingly the Board is recommending that **Term and Condition #150** should be updated to include reference to Tallurutiup Imanga National Marine Conservation Area as set out in [Section 7.2.6](#).

## 6 RECOMMENDATION TO THE MINISTER

As detailed in this Reconsideration Report and Recommendations, on the basis of the Board's reconsideration of the terms and conditions of existing Project Certificate No. 005 for the Mary River Iron Mine Project under Article 12, Section 12.8.2 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* and s. 112 *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*), associated with the Sustaining Operations Proposal (the Proposal) **the NIRB has concluded that if the Proposal is carried out in accordance with the limits, mitigation and monitoring requirements included in the additional and revised Terms and Conditions of Project Certificate No.: 005 and recommendations outlined in the Board's Report, the potential for significant adverse ecosystemic and socio-economic effects associated with the Proposal can be effectively managed.** Consequently, the Board recommends to the Responsible Minister(s) that the Proposal should be allowed to proceed to the regulatory phase subject to the Board's recommendations, including the additional and revised Terms and Conditions in amended Project Certificate No.: 005 that follow.

## **7 RECOMMENDATIONS REGARDING CHANGES TO EXISTING PROJECT MONITORING OR PROJECT CERTIFICATE TERMS AND CONDITIONS**

### **7.1 Changes to the NIRB's Monitoring Program**

In order to allow for the specific activities approved under the Sustaining Operations Proposal, (SOP or Proposal) the Board recommends that the existing monitoring program for the Mary River Project (as modified) be supplemented to reflect the following:

- additional monitoring that may be associated with Baffinland's responses to the findings of the Dust Audit Committee;
- changes/clarifications to monitoring programs under the revisions to Project Certificate Terms and Conditions #35, #76, #82, #83(a), #85, #99 and #101.

In addition, the Board expects that as the roles, responsibilities, and reporting structure of the interim Project Monitor are established under Term and Condition #189 (which was added to the Project Certificate in Amendment #4 in 2022 by the Responsible Ministers in their approval of the Production Increase Proposal Renewal project proposal) Baffinland will be adding to the monitoring program to reflect specific commitments provided during the Board's assessment of the Production Increase Proposal Renewal and the Sustaining Operations Proposal listed in Appendix B of the Project Certificate.

Further, the Board expects the Proponent to also incorporate Inuit-specific indicators and thresholds into Baffinland's existing monitoring program as they are developed.

### **7.2 Recommended Changes to Project Certificate Terms and Conditions**

As discussed in [Section 5](#), the Board recommends that specific Terms and Conditions in Project Certificate No. 005 be revised to reflect the Board's assessment of the Sustaining Operations Proposal. Consistent with the Board's convention in prior Reconsideration Reports and Recommendations, the Board's recommended revisions are shown in bold text, with additions being underlined and deletions being shown in strike through text.

### 7.2.1 Operational Variability/Flexibility

REVISED Term and Condition No.	<b>179 (a) modified for the Production Increase Proposal, and Extension Request to the Production Increase Proposal, <del>and the Production Increase Proposal Renewal and the Sustaining Operations Proposal</del></b>
Category:	Operational Variability/Flexibility
Responsible Parties:	The Proponent
Project Phase:	Operations
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.
Term or Condition:	Until December 31, <del>2022</del> <b>2024</b> , <b><u>the Proponent is approved to ship up to six (6) Mtpa of iron ore through Milne Port during the open water season. In the 2023 and 2024 shipping seasons the Proponent is also approved to ship up to 0.9 Mtpa of “stranded ore.” The Board defines “stranded ore” to be iron ore that was delivered in the previous year to Milne Port but that was not shipped in that year’s shipping season due to weather or other shipping constraints. In each of the 2023 and 2024 shipping seasons the Proponent will use no more than 84 ore carriers per year.</u></b> <del>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.</del> After December 31, <del>2022</del> <b>2024</b> , the maximum total volume of <b><u>all</u></b> 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 <i>Nunavut Planning and Project Assessment Act</i> , S.C. 2013, c. 14, s. 2.
Reporting Requirements:	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.

REVISED Term and Condition No.	<b>179 (b) modified for the Production Increase Proposal, and Extension Request to the Production Increase Proposal, <del>and the Production Increase Proposal Renewal and the Sustaining Operations Proposal</del></b>
Category:	Operational Variability/Flexibility
Responsible Parties:	The Proponent
Project Phase:	Operations

<b>Objective:</b>	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 operational flexibility.
<b>Term or Condition:</b>	Until December 31, <del>2022</del> <b>2024</b> , 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 year. After December 31, <del>2022</del> <b>2024</b> , 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 <i>Nunavut Planning and Project Assessment Act</i> , S.C. 2013, c. 14, s. 2.
<b>Reporting Requirements:</b>	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.

**7.2.2 Landforms, Geology and Geomorphology, Soils and Permafrost**

<b>REVISED Term and Condition No.</b>	<b>28 <i>modified for the Sustaining Operations Proposal</i></b>
<b>Category:</b>	Landforms, Geology and Geomorphology – Permafrost
<b>Responsible Parties:</b>	The Proponent
<b>Project Phase:</b>	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
<b>Objective:</b>	To ensure that permafrost integrity is maintained.
<b>Term or Condition:</b>	The Proponent shall monitor the effects of the Project on the permafrost along the railway and all other Project affected areas, <b><u>including the Tote Road</u></b> and must implement effective preventative measures to ensure that the integrity of the permafrost is maintained.
<b>Reporting Requirements:</b>	<b><u>During construction and operations, the Proponent shall on an annual basis, provide information regarding the results of monitoring and identifying any mitigation measures undertaken in fulfillment of this Term and Condition in the Proponent’s annual report to the Nunavut Impact Review Board. Subsequently, once monitoring has demonstrated that the area(s) assessed are stable, the Proponent shall provide information regarding monitoring results and any updates to mitigation measures every two (2) years in the Proponent’s annual report.</u></b>

	<del>To be developed following approval of the Project by the Minister.</del>
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### 7.2.3 Vegetation/Terrestrial Wildlife and Habitat

<b>REVISED Term and Condition No.</b>	<b>35 <u>Modified for the Sustaining Operations Proposal</u></b>
<b>Category:</b>	Vegetation – Monitoring
<b>Responsible Parties:</b>	The Proponent, local Hunters and Trappers Organizations, <b><u>Terrestrial Environment Working Group</u></b>
<b>Project Phase:</b>	Construction and Operations
<b>Objective:</b>	To <b><u>determine baseline and monitor</u></b> metal levels in foraging caribou <b><u>or other terrestrial wildlife species (selected by the Proponent in consultation with the Terrestrial Environment Working Group).</u></b>
<b>Term or Condition:</b>	The Proponent shall undertake monitoring of baseline-metal levels in organ tissue from caribou harvested within the local study area, prior to commencing operations. The Proponent is strongly encouraged to coordinate with local Hunters and Trappers Organizations regarding procurement of harvested caribou organs. <b><u>By one (1) year of issuance of the Project Certificate, the Proponent shall develop and implement an updated monitoring plan to identify metal levels in caribou or other terrestrial wildlife species (selected by the Proponent in consultation with the Terrestrial Environment Working Group).</u></b>
<b>Reporting Requirements:</b>	<b><u>The Proponent shall provide a summary discussion of its implementation of this term and condition (including the results of monitoring, adaptive management strategies, and contribution efforts undertaken) to the NIRB through the Proponent’s annual monitoring report.</u></b> <b><u>Updated plans are expected to be submitted to the NIRB throughout the monitoring year as they are finalized.</u></b> <del>To be developed following approval of the Project by the Minister</del>

**Commentary:** *It is anticipated that the Terrestrial Environment Working Group members will provide guidance to the Proponent on the specific tissues studied, the methods for testing and mechanics of obtaining samples.*

## 7.2.4 Marine Environment, Marine Water/Ice and Sediment Quality

<b>REVISED Term and Condition No.</b>	<b>76 <u>Modified for the Sustaining Operations Proposal</u></b>
<b>Category:</b>	Marine Environment – General
<b>Responsible Parties:</b>	The Proponent
<b>Project Phase:</b>	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
<b>Objective:</b>	To mitigate potential impacts to the marine environment <b><u>from the Mary River Project, as modified by the Early Revenue Phase Project, Production Increase Proposal, Extension Request to the Production Increase Proposal, Production Increase Proposal Renewal and Sustaining Operations Proposal and any subsequent modifications to the Mary River Project.</u></b>
<b>Term or Condition:</b>	<p>The Proponent shall develop a comprehensive <b><u>Marine Environmental Effects Monitoring Program</u></b> to address concerns and identify potential impacts of the Project on the marine environment. <b><u>The Marine Environmental Effects Monitoring Program shall include:</u></b></p> <ol style="list-style-type: none"> <li>a. <b><u>A summary of the monitoring conducted by the Proponent to identify potential project effects in the marine environment;</u></b></li> <li>b. <b><u>The comparison of impact predictions provided by the Proponent in the Final Environmental Impact Assessment (FEIS), FEIS Addenda and/or other assessments provided to the Board;</u></b></li> <li>c. <b><u>The identification of mitigation measures the Proponent has implemented to protect the marine environment;</u></b></li> <li>d. <b><u>Any adaptive management plans developed/implemented to prevent, manage or mitigate effects in the marine environment;</u></b></li> <li>e. <b><u>A discussion of how relevant Inuit Qaujimajatuqangit, scientific and/or technical knowledge and industry best practices have been incorporated into the Program and have informed the components of the Program; and</u></b></li> <li>f. <b><u>The identification of changes to the Project that may be required to ensure that potential adverse effects to the marine environment are prevented, that adaptive management occurs, and that mitigation measures are effective.</u></b></li> </ol>
<b>Reporting Requirements:</b>	<b><u>The Proponent shall provide a summary discussion of its implementation of this term and condition (including results of</u></b>

	<p><u>monitoring, adaptive management strategies, consultation, and contribution efforts) to the NIRB through the Proponent’s annual monitoring report.</u></p> <p><u>Updates to the Program are expected to be submitted to the NIRB throughout the monitoring year as they are finalized.</u></p> <p><del>To be developed following approval of the Project by the Minister.</del></p>
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<b>REVISED Term and Condition No.</b>	<b>82 <i>Modified for the Sustaining Operations Proposal</i></b>
<b>Category:</b>	Marine Environment – Shoreline Effects and Sediment Redistribution
<b>Responsible Parties:</b>	The Proponent
<b>Project Phase:</b>	Construction and Operations
<b>Objective:</b>	To mitigate potential shoreline effects from shipping
<b>Term or Condition:</b>	<p><del>In the 2023 Annual Report the Proponent is strongly encouraged to have its ore carriers subjected to sea trials to measure required to provide the Board with a summary of available information describing</del> the wake characteristics at various vessel speeds and distances <del>for all vessel types to be used to transport ore.</del> <u>Subsequently, if the Proponent proposes to use a new vessel type to transport ore, the Proponent is required to update the summary information previously provided to the Board under this Term and Condition.</u></p>
<b>Reporting Requirements:</b>	<p><u>The Proponent shall provide a summary discussion of its implementation of this term and condition (including results of monitoring, adaptive management strategies, consultation, and contribution efforts) to the NIRB through the Proponent’s annual monitoring report.</u></p> <p><del>To be developed following approval of the Project by the Minister.</del></p>

<b>REVISED Term and Condition No.</b>	<b>83(a) <i>Modified for the Sustaining Operations Proposal</i></b>
<b>Category:</b>	Marine Environment – Shoreline Effects and Sediment Redistribution
<b>Responsible Parties:</b>	The Proponent
<b>Project Phase:</b>	Construction, Operations
<b>Objective:</b>	To identify potential for and conduct monitoring to identify effects of sediment redistribution associated with construction and operation of the Milne Port
<b>Term or Condition:</b>	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. <b><u>In the 2023 Annual Report, the Proponent is required to provide the Board with updates to the marine water and sediment quality monitoring and mitigation program necessary to reflect the increased use of larger ore vessels (Baby Cape and Capesize) at Milne Port.</u></b> The monitoring program shall include an ongoing assessment of the potential introduction of metals that bio-accumulate in the marine food chain.
Reporting Requirements:	<b><u>Implementation of these measures and monitoring results shall be reported and discussed in the Proponent’s annual report to the NIRB.</u></b> <b><u>Updated plans are expected to be submitted to the NIRB throughout the monitoring year as they are finalized.</u></b> <b><u>To be developed following approval of the Project by the Minister.</u></b>

<b><u>REVISED</u></b> Term and Condition No.	<b><u>85 Modified for the Sustaining Operations Proposal</u></b>
Category:	Marine Environment – Shoreline Effects and Sediment Redistribution
Responsible Parties:	The Proponent
Project Phase:	Construction and Operations
Objective:	To prevent sediment redistribution along the shipping route.
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. <b><u>In the 2023 Annual Report, the Proponent is required to identify updates to the monitoring plan to reflect the increased use of larger ore vessels (Baby Cape and Capesize) at Milne Port</u></b>
Reporting Requirements:	<b><u>Implementation of these measures and monitoring results shall be reported and discussed in the Proponent’s annual report to the NIRB.</u></b> <b><u>Updated plans are expected to be submitted to the NIRB throughout the monitoring year as they are finalized.</u></b> <b><u>To be developed following approval of the Project by the Minister.</u></b>

## 7.2.5 Marine Wildlife and Marine Habitat

<b>REVISED Term and Condition No.</b>	<b>99 <u>Modified for the Sustaining Operations Proposal</u></b>
<b>Category:</b>	Marine Environment – Supplemental Baseline Assessments
<b>Responsible Parties:</b>	The Proponent, Marine Environment Working Group
<b>Project Phase:</b>	Construction <b>and Operations</b>
<b>Objective:</b>	To supplement <b>and update</b> baseline information and improve predictions for potential impacts to marine wildlife.
<b>Term or Condition:</b>	<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"> <li>a. 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).</li> <li>b. The collection of additional baseline data: <ol style="list-style-type: none"> <li>i. in Steensby Inlet on walrus, beluga, bearded seal and anadromous Arctic Char abundance, distribution ecology and habitat use; and</li> <li>ii. In Milne Inlet on narwhal, bowhead and anadromous Arctic Char abundance, distribution ecology and habitat use.</li> </ol> </li> <li>c. 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: <ol style="list-style-type: none"> <li>iii. Aerial surveys for basking ringed seals throughout the landfast ice of Steensby Inlet and at an appropriate control location;</li> <li>iv. Shore-based observations of pre-Project narwhal and bowhead whale behavior in Milne Inlet <b><u>that continues throughout operations</u></b> at an appropriate frequency <b><u>throughout the Proponent's ore shipping operations via Milne Inlet</u></b> throughout the <del>Early Revenue Phase</del> and for <del>not less than three consecutive years</del>.</li> </ol> </li> </ol>

	Enhance the baseline for affected freshwater systems, which includes control sites to detect Project-related changes before they cause significant harm.
Reporting Requirements:	<p><b><u>The Proponent shall provide a summary discussion of its implementation of this term and condition (including results of monitoring, adaptive management strategies, consultation, and contribution efforts) to the NIRB through the Proponent’s annual monitoring report.</u></b></p> <p><b><u>Updated plans developed from monitoring, adaptive management, and engagement shall be provided to the NIRB throughout the monitoring year as they are finalized.</u></b></p> <p><del><b><u>To be developed following approval of the Project by the Minister.</u></b></del></p>

<b>REVISED Term and Condition No.</b>	<b>101 <i>Modified for the Sustaining Operations Proposal</i></b>
<b>Category:</b>	Marine Environment – Monitoring
<b>Responsible Parties:</b>	The Proponent, Marine Environment Working Group
<b>Project Phase:</b>	Construction and Operations
<b>Objective:</b>	To monitor for potential impacts to marine wildlife and marine habitat
<b>Term or Condition:</b>	<p>The Proponent shall incorporate into the appropriate monitoring plans the following items:</p> <ul style="list-style-type: none"> <li>a. A monitoring program that focuses on walrus use of Steensby Inlet and their reaction to disturbance from construction activities, aircraft, and vessels;</li> <li>b. Efforts to involve Inuit in monitoring studies at all levels;</li> <li>c. Monitoring protocols that are responsive to Inuit concerns;</li> <li>d. Marine monitoring protocols are to consider the use of additional detecting devices to ensure adequate monitoring through changing seasonal conditions and daylight;</li> <li>e. Schedule for periodic aerial surveys as recommended by the Marine Environment Working Group;</li> <li>f. Periodic aerial surveys for basking ringed seals throughout the landfast ice of Steensby Inlet, and a suitable control location. Surveys shall be conducted at an appropriate frequency to detect change inter-annual variability;</li> <li>g. Shore-based observations of pre-Project narwhal behavior in Milne Inlet, <b><u>that continues throughout operations</u></b> at an appropriate frequency <b><u>throughout the Proponent’s ore shipping operations via Milne Inlet</u></b> <del><b><u>that continues at an appropriate frequency throughout the Early Revenue Phase (not less than three years);</u></b></del></li> </ul>

	<p>h. Conduct landfast ice monitoring for the duration of the Project Operations phase, which will include:</p> <ul style="list-style-type: none"> <li>i. The number of ship transits that are able to use the same track; and,</li> <li>ii. The area of landfast ice disrupted annually by ship traffic; and</li> <li>iii. Monitoring strategy focused on assessing and mitigating interaction between humans and wildlife at the port site(s).</li> </ul>
Reporting Requirements:	<p><b><u>The Proponent shall provide a summary discussion of its implementation of this term and condition (including results of monitoring, adaptive management strategies, consultation, and contribution efforts) to the NIRB through the Proponent’s annual monitoring report.</u></b></p> <p><b><u>Updated plans developed from monitoring, adaptive management, and engagement shall be provided to the NIRB throughout the monitoring year as they are finalized.</u></b></p> <p><del>To be developed following approval of the Project by the Minister.</del></p>

**7.2.6 Economic Development and Self-Reliance, and Contracting and Business Opportunities**

<b>REVISED Term and Condition No.</b>	<b>150 <u>Modified for the Sustaining Operations Proposal</u></b>
<b>Category:</b>	Economic Development and Self-Reliance, and Contracting and Business Opportunities – Impacts to visitors of Sirmilik National Park <b><u>and Tallurutiup Imanga National Marine Conservation Area</u></b>
<b>Responsible Parties:</b>	The Proponent, Parks Canada
<b>Project Phase:</b>	Construction and Operations
<b>Objective:</b>	To limit potential of Project impacts upon visitors, researchers and/or beneficiary users of the Sirmilik National Park and <b><u>Tallurutiup Imanga National Marine Conservation Area.</u></b>
<b>Term or Condition:</b>	<p>The Proponent will ensure the following:</p> <ul style="list-style-type: none"> <li>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.</li> <li>b. The Proponent will ensure that certification of noise compliance is current, where compliance is applicable.</li> <li>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)</li> </ul>

	<p>annually, with air traffic information, and (3) to provide updates when significant variations from these are expected.</p> <p>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>
Reporting Requirements:	<p><b><u>The Proponent shall provide a summary discussion of its implementation of this term and condition (including the results of monitoring or adaptive management strategies) to the NIRB through the Proponent’s annual monitoring report.</u></b></p> <p><del>To be developed following approval of the Project by the Minister.</del></p>

### 7.3 Recommendation Regarding Additions to Appendix B of the Project Certificate

As listed in [APPENDIX D](#), several interested parties worked with Baffinland to propose a variety of commitments to resolve their issues and concerns with respect to the Proposal and Baffinland’s current operation of the Mary River Project more generally. On August 2, 2023, Baffinland, the Qikiqtani Inuit Association and the Government of Canada provided listings of updated commitments at the end of the Community Roundtable session in Pond Inlet, and indicated that the Proponents and parties recognize these commitments should be added to Appendix B (the list of commitments) in NIRB Project Certificate No. 005.

**APPENDIX A**

**PROCEDURAL HISTORY**

Date	Party	Process Steps	Notes
February 2, 2023	Nunavut Planning Commission (Commission)	Notifies the Proponent, the NIRB and other relevant parties of a positive conformity determination for the Sustaining Operations Proposal, a modification of the Mary River Iron Mine Project (SOP or Proposal) and forwards the Proposal to NIRB for consideration of the modifications to NIRB Project Certificate No. 005.	The Commission notes: <i>“the activities associated with the Proposal were previously reviewed by the Commission and a conformity determination was issued on April 30, 2008, August 12, 2011, February 8, 2016, and January 26, 2017, on May 18, 2018 December 16, 2019, and June 7, 2022 which still applies.”</i>
March 16, 2023	Baffinland	Completes NIRB’s on-line application form in respect of the SOP for a term of two years	Baffinland clarifies that the application to the NIRB is for a two-year term to continue the 6 million tonnes per annum (Mtpa) limit on mining and trucking of iron ore, with operational flexibility to allow for additional shipping of iron ore that was “stranded” on the ore pad from the previous year through Milne Inlet until December 31, 2024.
March 21, 2023	Nunavut Planning Commission (Commission)	The Commission responds to the NIRB inquiry confirming that the Commission’s earlier conformity review continues to apply to the shorter term SOP	The Commission indicates that Baffinland’s March 16, 2023, Application to the NIRB remained within the parameters of the Commission’s February 2, 2023, conformity determination and still constituted a significant modification, despite the shorter duration.

Date	Party	Process Steps	Notes
March 23, 2023	NIRB	Circulates the SOP, inviting written comments from parties by April 12, 2023	The Board requested input from parties about the scale and scope of the proposed modifications, identifying the specific terms and conditions applicable to the activities, works and undertakings within the scope of the SOP and preferences for the Board's process and timelines associated with the assessment of the Proposal.
April 6 and April 14, 2023	Baffinland	Submits the SOP Final Environmental Impact Statement Addendum (SOP FEIS Addendum)	Baffinland notes: <i>"the SOP FEIS Addendum is based almost entirely on information that has been presented to NIRB and reviewers through previous applications and the annual NIRB monitoring process. This package reflects previous Interveners' requests for Baffinland to provide a holistic summary of the considerations that reflect our conclusions with respect to the proposal, inclusive of additional examinations of residual effects."</i>
On or before April 12, 2023	Parties	Provide written comment submissions	Comment submissions about the SOP received from Nunavut Tunngavik Incorporated, Qikiqtani Inuit Association, Government of Nunavut, Government of Canada, Igloodik Hunters and Trappers Association, Ikajutit Hunters and Trappers Association, Mittimatalik Hunters and Trappers Organization, Sanirajak Hunters and Trappers Association, Hamlet of Arctic Bay, Hamlet of Clyde River, Hamlet of Igloodik, Hamlet of Pond Inlet, Hamlet of Sanirajak, Oceans North, The International Union of Operation Engineers (Parent Organization and Local 793).

Date	Party	Process Steps	Notes
April 21, 2023	Responsible Minister(s)	Provides correspondence in accordance with s. 114 of the NuPPAA to identify priorities and timelines associated with the Board's assessment of the SOP	Requested the Board <i>"prioritizes the reconsideration of the Sustaining Operations Proposal in a manner that considers the existing information along with all Parties' input"</i> and noting that Baffinland's proposed timeline (Board decision in August) <i>"is reasonable"</i> and expressing support for <i>"an in-person community round table"</i>
May 8, 2023	NIRB	Provides Notice under s. 112(3) of the NuPPAA that the Board was initiating a formal reconsideration of the terms and conditions of Project Certificate No. 005 in light of the SOP and provided procedural guidance	NIRB advised parties that the reconsideration process for the SOP would consist primarily of a written process, with interested parties being invited to file written comments by June 26, 2023, and Baffinland being given an opportunity to file reply to submissions on July 11, 2023. To supplement the written comment process, the Board also indicated that designated Community Representatives from the 7 potentially affected North Baffin Communities would gather in Iqaluit for an in-person Community Roundtable session on July 27-29, 2023, and community members in Pond Inlet would have an opportunity to provide oral comments during a Community Roundtable session held in Pond Inlet on August 1-2, 2023.
May 19, 2023	NIRB	Provides confirmation of the Board's completion of a completeness check of Baffinland's SOP FEIS Addendum and initiates the Technical Review Period	As indicated in the Board's May 8, 2023, procedural guidance, interested parties are invited to provide their technical review comments in respect of the SOP on or before June 26, 2023

Date	Party	Process Steps	Notes
June 2, 2023	Qikiqtani Inuit Association	Files a Motion and Affidavit to request that NIRB allow interested parties to file their final comment submissions on August 9, 2023, after the Community Roundtable sessions	The Qikiqtani Inuit Association indicates that the additional time is required to integrate important oral evidence and new Proponent commitments provided during the Community Roundtables into final written submissions.
June 2, 2023	NIRB	Provides notice of QIA Motion and invites interested parties to comment	Requests interested parties to submit comments in respect of the QIA's Motion by June 15, 2023, and requests QIA to file any reply to comments by June 22, 2023
June 5, 2023	NIRB	Issues Invitations to organizations in the potentially affected North Baffin Communities to appoint community representatives	NIRB requests nominations for Community Representatives to participate at the in-person Community Roundtable session in Iqaluit on July 27-29, 2023
June 15, 2023	Parties	Provide comments on the QIA's Motion	Comments received from the Mittimatalik Hunters and Trappers Association, Government of Nunavut, Government of Canada and Baffinland
June 19, 2023	Mittimatalik Hunters and Trappers Organization (MHTO)	Files a Motion to request video recordings of interested parties' summary presentations from the Iqaluit session of the CRT be made and shown at the Pond Inlet session of the CRT	

Date	Party	Process Steps	Notes
June 20, 2023	NIRB	Invites interested parties to file written comments responding to the MHTO's Motion	Requests comments from parties on or before July 5, 2023
June 22, 2023	Qikiqtani Inuit Association	Provides a reply to parties' comments	Indicates QIA relies on the legal arguments made in the Motion, and responds to Baffinland's opposition to the Motion
June 29, 2023	NIRB	NIRB dismisses the QIA's Motion, but grants an extension to interested parties to final their final written submissions from the Board's original deadline of June 26, 2023 to July 6, 2023	The Board dismissed the Motion, but as the Board recognized that the original deadline for the filing of final written submissions, June 26, 2023, elapsed before the Board could consider and decide on the QIA's Motion, the Board issued updated procedural guidance to extend the deadline for filing final written submissions to July 6, 2023
July 5, 2023	Parties	Interested parties provide comments on the MHTO's Motion	Qikiqtani Inuit Association, Government of Nunavut and Government of Canada provide comments in respect of MHTO's Motion
July 6, 2023	Parties	Provide final written technical review comment submissions	On or before the deadline, comment submissions were received from Nunavut Tunngavik Incorporated, Qikiqtani Inuit Association, Government of Nunavut, Government of Canada, Mittimatalik Hunters and Trappers Organization, Hamlet of Arctic Bay, Hamlet of Clyde River, Hamlet of Sanirajak, Oceans North, and International Union of Operating Engineers Local 793.

Date	Party	Process Steps	Notes
July 11, 2023	Baffinland	Provides replies to parties' comments	The final reply package in response to comments received by the Board in relation to the SOP is filed with the Board
July 14, 2023	NIRB	Dismisses the MHTO's Motion, but gives notice that "listen lines" will be added for interested persons to listen to the CRT sessions	Due to practical and logistical limits the Board dismissed the MHTO's Motion to record and reply the 10-minute summary presentations provided during the CRT session in Iqaluit, but adds capacity to host 2 audio conference listen lines in English and Inuktitut to allow interested persons to listen to the CRT sessions in Iqaluit and Pond Inlet
July 19, 2023	Parties	File presentation materials to be presented at the Community Roundtable sessions by Baffinland and interested parties (in Iqaluit)	Presentation materials were received from Baffinland, Nunavut Tunngavik Incorporated, Qikiqtani Inuit Association, Government of Nunavut, Crown-Indigenous Relations and Northern Affairs Canada, Environment and Climate Change Canada, Fisheries and Oceans Canada, Parks Canada, Transport Canada, Mittimatalik Hunters and Trappers Organization, Oceans North, and notification of oral presentation by members of the International Union of Operating Engineers Local 793.
July 27-29, and August 1-2, 2023	NIRB	NIRB conducts Community Roundtable sessions in-person in Iqaluit and Pond Inlet (with listen in lines provided in Inuktitut and English)	The Board's decision-makers for the file attend the Community Roundtable sessions in Iqaluit (July 27-29) and Pond Inlet (August 1-2) and hear comments, questions, and concerns from delegated Community Representatives from Igloodik, Sanirajak (Hall Beach), Ikajutit (Arctic Bay), and Pond Inlet and members of the public in Pond Inlet

**APPENDIX B**

**COMMUNITY ROUNDTABLE IQALUIT SESSION PARTICIPANTS**

<b>Party</b>	<b>Participant</b>
Board Members	Marjorie Kaviq Kaluraq Phillip Kadlun Guy Alikut Albert Ehaloak Henry Ohokannoak Catherine Emrick Peter Kusugak
NIRB Staff:	Tara Arko Keith Morrison Guillaume Daoust Brydon Beattie Josie Tucktoo Lena Atatahak Brittany Hogaluk
NIRB Legal Counsel:	Teresa Meadows
Interpreters:	Veronica Dewar Rhoda Katsak
<i>Parties:</i>	
<i>Proponent:</i>	
Baffinland Iron Mines Corporation	Megan Lord-Hoyle Lou Kamermans Joseph Tigullaraq Paul Quassa Natalie O’Grady Adam Akpik Melanie Austin Mike Settingerton Phil Rouget Christine Kowbel
<i>Intervenors:</i>	
Qikiqtani Inuit Association:	Olayuk Akesuk Jimmy Noble Jr Jared Ottenhof Levi Barnabas

Party	Participant
	Jeff Higdon
Nunavut Tunngavik Incorporated	Paul Inngaut Hannah Uniuqsaraq
Mittimatalik Hunters and Trappers Organization	David Qumaniq
Hamlet of Igloodik	Merlyn Recinos
Hamlet of Clyde River	Alan Cormack
Hamlet of Sanirajak	Jaypetee Audlakiak
Hamlet of Arctic Bay	Frank May
Government of Nunavut	
Crown-Indigenous Relations and Northern Affairs Canada	Jennifer Walsh Spencer Dewar Terry Audla Richard Bingley David Abernathy
Canadian Northern Economic Development Agency	Natalie D'Souza Adrian Paradis
Fisheries and Oceans Canada:	Daniel Coombs Tom Hoggarth Alisdair Beattie Marriane Marcoux
Environment and Climate Change Canada	Eva Walker Krupesh Patel
Health Canada	Julie Anderson Ninon Lyrette
Parks Canada	Marie-Claude Martel Jane Chisholm

<b>Party</b>	<b>Participant</b>
Transport Canada	Jaideep Johar Jackie Barker
Oceans North	Amanda Joynt
International Union of Operating Engineers	Carla St Louis Melissa Atkins-Mahaney Matthew Ammaq Jeff Panipakitsuk Amy Qaumariaq
<i>Community Representatives</i>	
Arctic Bay	
Clyde River	Jaysi Tigullaraq
Igloolik	Natalino Piugattuk Francis Piugattuk
Pond Inlet	Enookie Inouarak
Sanirajak	Chad Panipakutsuk Abraham Qammaniq Dominica Halleran Ammie Kipsigak Jopie Kaernerker

**APPENDIX C      SIGN IN SHEETS FROM COMMUNITY ROUNDTABLE SESSIONS**

July 27, 2023

①

SIGN-IN SHEETS

Location: Iqaluit

Date:

Time: 9:00 AM

Page No:

Name (Please Print)	Organization or Community	Signature
Lisha PAVANUP	ARCTIC BAY	Lisha Pavanup
PLAV Cormack	Hamlet of Clyde River	PLAV Cormack
JASON ALIKASUATNE	GN	JASON ALIKASUATNE
Sandeep Johal	TC	Sandeep Johal
Jacqui Barker	TL	Jacqui Barker
Jaypetee Audlakiaak	Hamlet of SANIRAJAK	Jaypetee Audlakiaak
Medya Reus	Hamlet of Isortoq	Medya Reus
Eva Waller	ECCC	Eva Waller
Marie-Claude Martel	Parks Canada	Marie-Claude Martel
Shanzel Ataulkar	GN	Shanzel Ataulkar
Enookie Iavarak	MHTO	Enookie Iavarak
Terry Audla	CIRNAC	Terry Audla
JANE CHISHOLM	PARKS CANADA	JANE CHISHOLM
John Ringrose	GN	John Ringrose
Paul Quassa	Baffinland	Paul Quassa
Joseph Tigullorag	Baffinland	Joseph Tigullorag
Clayton Akusuk	QIA	Clayton Akusuk
Carla St Louis	IHOE Local 793	Carla St Louis
Melissa Atkins Motney	IHOE Local 793	Melissa Atkins Motney

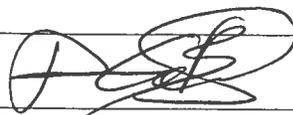
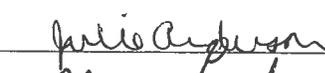
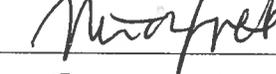
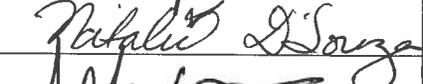
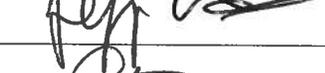
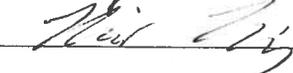
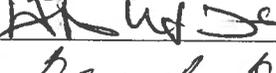
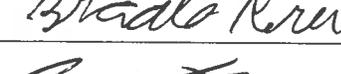
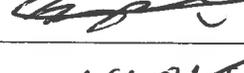
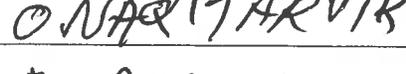
July 27, 2023

2

SIGN-IN SHEETS

Location: Iqaluit  
Time: 9:00 AM

Date:  
Page No:

Name (Please Print)	Organization or Community	Signature
Dan Coombs	DFO	
Tou Hoggarth	DFO	
ADRIAN PARADIS	NPMO	
AUNSONIA BEATHIE	DFO	
Paul Innes	NTI	
DIANE LAPORTE	CIN	
Julie Anderson	Health Canada	
NINON LYNETTE	Health Canada	
Natalie D'Souza	CanNor - NPMO	
Jeff Higdon	QIA (consultant)	
Amanda Joynt	Oceans North	
Richard Binnsley	CIRNAC	
Spenser Dewar	CIRNAC	
C.F. (Frank) MAY	Arctic Bay	
David Qamanig	Pond Inlet	
Brad Pirie	GN	
IMELT	HLL	
OLAYUK	HLL	
D. ARVALUK	HLL	

3

July 27, 2023

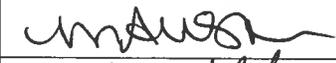
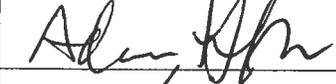
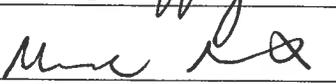
SIGN-IN SHEETS

Location: Iqaluit

Date:

Time: 9:00 AM

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Jimmy Noble Jr	QIR	
Spencer Dewar	CIRNAC	
Christine Kouloul	Lauson Lundell	
Melanie Austin	JASCO	
Adam Akpik	Baffinland	
Jesqanipakutsuk	Baffinland	
Jennifer Walsh	CIRNAC	
Loi Kauramans	BIM	
Mike Settyte	EDI	
Phil Rouyet	WSP	
Megan Lord-Hayle	Baffinland	
Akkatunguq Ashon	Baffinland	
Jagialuk Peter	NTI	
Marianne Marcoux	DFO	
Hie DOP <sup>soq</sup> u <sup>o</sup>	ee 7 <sup>c</sup> J <sup>o</sup> u <sup>o</sup> g <sup>e</sup>	
Nat O'Grady	Baffinland	
Kripesh Patel	ECCC	
Patricia Fuentes	ED&T	
Carl Cardinal	CBC	



1

SIGN-IN SHEETS

Location: Iglood  
Time: 1 PM

JULY 27, 2023

Date:  
Page No:

Name (Please Print)	Organization or Community	Signature
Julie Anderson	Health Canada	Julie Anderson
Niviv Lyette	Health Canada	Niviv Lyette
Amanda Joynt	Oceans North	Amanda Joynt
Joe Panipakutsuk	Baffinland	Joe Panipakutsuk
Carla ST LOUIS	100E Local 793	Carla St Louis
Meissa Atkins-Mahony	100E Local 793	Meissa Atkins-Mahony
Alasdair Beattie	DFO	Alasdair Beattie
Ben Hoggart	DFO	Ben Hoggart
Dan Coombs	DFO	Dan Coombs
Nat O'Grady	Baffinland	Nat O'Grady
Low Karimons	B3M	Low Karimons
Eric Walker	EECC	Eric Walker
Adam Akpik	Baffinland	Adam Akpik
Natalie D'Souza	NPMD	Natalie D'Souza
Brad Pirie	GN	Brad Pirie
JANE CRISHOLM	PARKS CANADA	Jane Crisholm
Marianne Marcoux	DFO	Marianne Marcoux
Marie-Claude Martel	Parks Canada	Marie-Claude Martel
Anghe Keville	Lawson Lullie	Anghe Keville

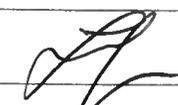
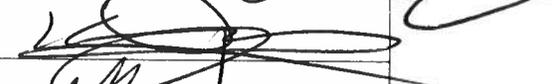
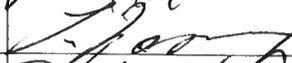
July 27, 2023

2

SIGN-IN SHEETS

Location: Iqaluit  
Time: 1 PM

Date:  
Page No:

Name (Please Print)	Organization or Community	Signature
C.F. (FRANK) MAY	HAMLET OF A. BAY	
Melanie Austra	JASCO	
Jimmy Noble Sr	QIA	
JASON ANASTASIOU	CAW	
Richard Bingley	CIRNAC	
Paul Quason	Bay Pinland	
Joe Tizullo	"	
Kurpesh Patel	ECCC	
Marilyn Keung	Istakik Uneruq	
HARVEY DORVILLE	QIA	
Megan Mad-Hy	QIA	
Paul Ignat	NTI	
LISHA QASAVANG	HAMLET	
Jennifer Wash	CIRNAC	
Spencer Dewar	CIRNAC	
Jacqui Barker	Transport Canada	
ADRIAN PARADIS	NTMO	
Olavus Obesule	QIA	
Paul Power	WSP	

July 27, 2023

3

SIGN-IN SHEETS

Location: Iqaluit  
Time: 1 PM

Date:  
Page No:

Name (Please Print)	Organization or Community	Signature
OLAYUK NAQITA	HLC	[Signature]
D. ARVAVUK	HLC	[Signature]
Terry Audek	CIRNAC	[Signature]
Jaypetee Auellakiole	Hamlet of Sanirajak	[Signature]
Dianne Lapierre	GN	[Signature]
Sharon Atanukijon	GN	[Signature]
Patricia Fuentes	ED: T GN	[Signature]
John Rynose	GN	[Signature]
Jeff Higdon	QIA	[Signature]
Aksaqunguaq A	Baffinland	[Signature]
AIAN Cormack	Hamlet of Clyde Pt.	[Signature]
David Damani	MHTD	[Signature]
Mr. CEO	HLC	[Signature]
Mitche Settey	[Signature] EDC	[Signature]
Bryden Bone	DFO	[Signature]
DAVID ABERNETHY	CIRNAC	[Signature]

JULY 28, 2023

①

SIGN-IN SHEETS

Location: Iqaluit  
Time: 9:00

Date:  
Page No:

Name (Please Print)	Organization or Community	Signature
Brad Pirie	GN	Brad Pirie
Saideep Johar	TC	Saideep Johar
A Beattie	DFO	<del>A Beattie</del>
Dan Coombs	DFO	<del>D Coombs</del>
Tom Hoggett	DFO	<del>Tom Hoggett</del>
Eric Walker	ECCC	EW
Adrian Paradis	NPMD	AP
Jimmy Noble	QIA	J Noble
Julie Anderson	Health Canada	Julie Anderson
Nicole Myre	Health Canada	Nicole Myre
Dianne Lapierre	GN	Dianne Lapierre
Mario-Claude Martel	Parks Canada	M Martel
Jean Arsenault	GN	J Arsenault
C.F. (FRANK) MAY	HAMLET OF A. BAY	C.F. May
Terry Audd	CIRNAC	T Audd
Spencer Dawn	CIRNAC	S Dawn
Richard Bingle	CIRNAC	R Bingle
Paul QUASSA	BIM	P Quassa
Joe Tigullarag	Brom	J Tigullarag

JULY 28, 2023

SIGN-IN SHEETS

2

Location: Iqaluit  
Time: 9:00

Date:  
Page No:

Name (Please Print)	Organization or Community	Signature
Melba Reeves	Iqaluit Waterway Group	[Signature]
Jeff Higdon	QIA	[Signature]
Melanie Austin	JASCO	[Signature]
Amanda Joynt	Oceans North.	[Signature]
Paul Inqau	NTI	[Signature]
O. NARITARIK	HLC	O. NARITARIK
Marianne Marcoux	DFO	[Signature]
Kisha qaurvaog	HAMLET	[Signature]
Jadeie Barker	TC	[Signature]
JANE CHISHAM	Parks Canada	[Signature]
John Lingrose	GN	[Signature]
Olayuk Absenuk	QIA	[Signature]
Mita Setty, In	ETDI	[Signature]
Jaypetee Audiakroic	HAMLET OF SANIRAJAK	[Signature]
JAPIC KAERNICK		[Signature]
D. ARVALUK	HLL	[Signature]
Patricia Fuentes	GN / EDT	[Signature]
Natalie D'Souza	NPMO	[Signature]
PA 25-1863	HLLC	[Signature]

July 28, 23

3

SIGN-IN SHEETS

Location: Igaduit  
Time: 9:00 AM

Date:  
Page No:

Name (Please Print)	Organization or Community	Signature
Christine Kull	Buffalo	
Megan Lord-Hayle	BIM	
Adam Akpi	BIM	
ACAW, Cormack	Waters of Cobe River	
Phil Rouget	<del>WSP</del> WSP	
David Damaniq	<del>MHTO</del>	
Jennifer Walsh	CIRNAC	
Law Kamenew	BIM	
Hse DOD <sup>cu</sup>	eege jwewj <sup>c</sup>	
Nat O'Grady	Baffinland	
Shaanzel Atuklarij	GN	
Khyra Patel	ECCC	
Aksadurayq Ashoon	Baffinland	
Jocine Ashoon	Ernest	
DAVID ABERNETHY	CIRNAC	
PO2 65-1663	6 <sup>3</sup> 18) 1n6	

July 28, 2023

①

SIGN-IN SHEETS

Location: Iqaluit

Date:

Time: 1 PM

Page No:

Name (Please Print)	Organization or Community	Signature
Shaazee Atanlagian	GN	
John Ringrose	GN	
Brad Pirie	GN	
B.F. (FRANK) MAY	HARLET OF A. BAY	
Nat O'Grady	Baffinland	
Bryden Bane	DFO	
Jaideep Johar	TL	
Amanda Joynt	Oceans North	
Spencer Dewar	CIRNAC	
Natalie D'Souza	NPMO - CanNor	
Lisha qavavug	Harlet.	
Jasou Aliqavavug	GN	
O. NAQITARVIK	HC d	
Evk Walker	ECCC	
Nixon Lynett	HEALTH CAN	
Julie Anderson	Health Canada	
Dan Coombs	DFO	
A Baffre	DFO	
Tor Hoggart	DFO	

# July 28, 2023

2

## SIGN-IN SHEETS

Location:

Date:

Time: 1 PM

Page No:

Name (Please Print)	Organization or Community	Signature
Richard Bingley	CIRNAC	
Merlyn Reeves	Iskolduk Anky Group	
Heidi Dorrin	ICR 5-6-10	
Marie-Claude Martel	Parks Canada	
Jane Chisholm	Parks Canada	
Seff Higdon	QIA	
Jadeie Barker	TC	
Melanie Austin	JASCO	
Joe Tigullarag	BIM	
Jaypetel Audlakialak	Hampet of Sanirajak	
Meganlod-Heyle	BIM	
DARVAUK	HLC	
Mik Settyfu	EDI	
Patricia Fuentes	GN/EDIT	
Paul Ouassa	BIM	
ADRIAN PARADIS	NPMO	
Adam Appik	BIM	
Jimmy Noble Jr	QIA	
Akagungag	Baffin	



July 29, 2023

①

SIGN-IN SHEETS

Location: Igloodit  
Time: 9:00 AM

Date:  
Page No:

Name (Please Print)	Organization or Community	Signature
Jaideep Johar	TL	Jaideep Sh.
Dianne Laperre	GIN	
MarieClaude Martel	Pan US Canada	
Don Coombs	DFO	
Tom Haggart	DFO	
Marianne Marcoux	DFO	
Alasdair Becht	DFO	
Spencer Down	CIRNAC	
Melvin Keene	Istookuk Anti Camp	
Richard Bingley	CIRNAC	
C.F. (Frank) MAY	HAMLET of A BAY	
Virginia Mearns	SIA	
ADRIAN PARADIS	NPMD	
Julie Anderson	HC	Julie Anderson
Nina Myrette	HC	
Evie Walker	ECCC	
Jeff Higdon	CPIA	
Brad Pirie	GN	Bradley Pirie
Melanie Austin	JASCO	
Olayuk Alcock	QIA	

July 29, 2023

(2)

SIGN-IN SHEETS

Location:

Date:

Time: 9:00 AM

Page No:

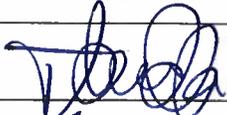
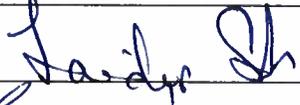
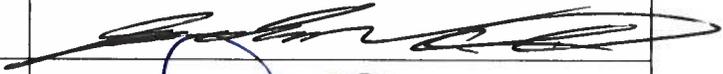
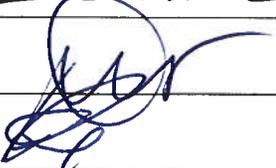
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Joe Tigullerag	R/100M	
O. NAQITARVIK	HLC	
JANE CHRISTELM	PARKS CANADA	
Jimmy White	QCA	
Jackie Barker	TC	
Paul Quassa Lakavannas	BIM	
JASON ALLENVANE	GN	
Patricia Fuentes	GN / EDT	
Jaypetel Auddakiala	Hamlet of SANIRAJAK	
D. AHV ALUK	SANIRAJAK	
Lisha Qanavang Chame	HAMLET Babul	
Paul Inqad	NTI	
Natalie D'Souza	NPMO - CanNor	Natalie D'Souza
Dennis Patterson	Senate of Canada	Dennis Patt
Megan Lord-Hayle	BIM	
Phil Forget	WSP	
Almaguza	Babuland	



①

AUGUST 01, 2023  
9:00 AM

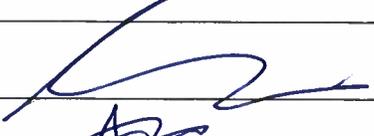
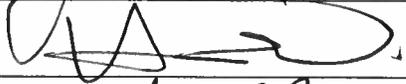
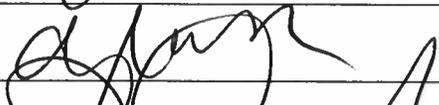
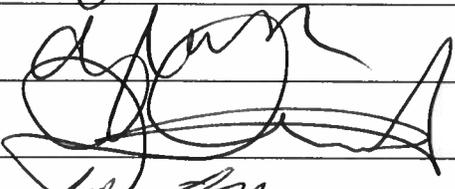
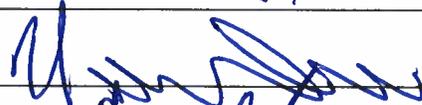
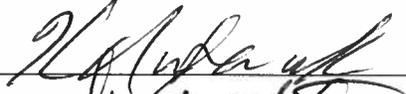
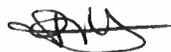
POND

NAME	SIGNATURE
Terry Audk	
Brad Pirie	Brad Pirie
Levi Barnabas	
Phil Rouget	
Melanie Austin	
Paul Quassa	
Joe Tigullarag	
JACK ALBERTUS TULO	
Seff Higalen	
Kata Bakke	
Jaideep Johar TC	
Chouhul	
A. Bulbu DFO	
D COOMBS DFO	
Megan Lord-Hayle	
Silas Takangak	
ACE DESK 14	
Rhoda Katsak	
B - in 12??	
John Ringrose	
NCP	

(2)

Aug 01, 2023

TOND  
9:00 AM

NAME	SIGNATURE
Lou Kanemans	
A → 4 e <sup>it</sup>	
Joshua Arreak	
H&E DOT <sup>co</sup>	
Chris Mada	
Joshua H&E	
Shanzel Ataula Sjan	
ROBERT STRACHAN	
M. HARDING	
Philip H&S	 BARBADOS
D. Kritinger	
UNH A → 9 <sup>96</sup>	
Namen Inuank	
Eric O'Connell	
N & A → 9	
Cornelius K. Nofarak	
Gesoni Killiktee	
Holmear Paul	
Blane Alexis	
Sanson F. H&E	
	

3

AUG. 01, 2023  
9:00 AM

POND

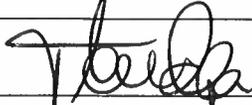
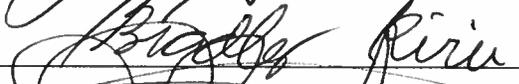
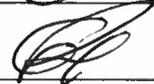
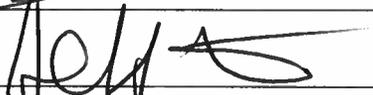
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Allooloo Alagotek	A. Alagotek
Lamech Kadloo	L. Kadloo
Jason Angnetsiak	J. Angnetsiak
Harvey Nutarua	H. Nutarua
JAMES N Angnetsiak	J. N. Angnetsiak
Suzanne Nutarak	S. Nutarak
Paul Muepa	P. Muepa
Cole Wolbaum	C. Wolbaum
Tracey Loewen	T.L.

①

AUG. 01, 2023

1:15 PM

POND

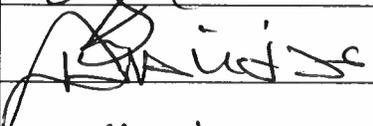
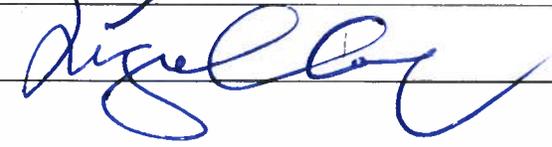
NAME	SIGNATURE
Terry Andla	
- Jaidoop Johar	TZ Jaidoop J.
Bakker Kaitlyn	Kaitlyn NPMO
Daniel Coombs	DFO
Alsdan Beate	DA
Shaahzet Atallah	
Jason Aliqatutuk	
Brad Pirie	
Joshua (Clout)	
Paul Inyan	
Paul Quassa	
Bryn Moss	
Levi Barnabas	
Jeff Higdon	
Jason Amnestsick	JASON AMNESTSICK
Josie Ulayuruk	
Melanie Austin	
Megan Leath	
Ckome	
Lathman	
A. Adams	

②

Aug 01, 2023

1:15PM

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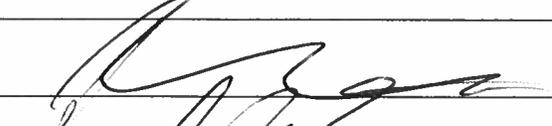
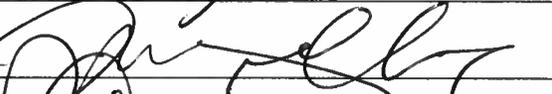
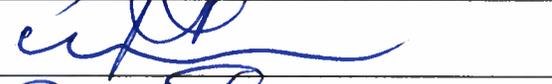
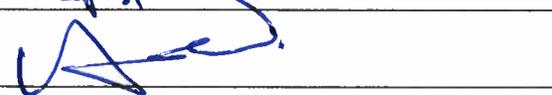
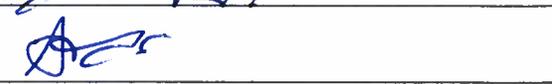
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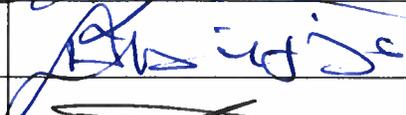
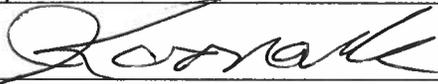
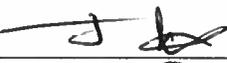
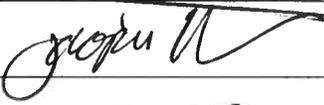
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Chris Mutch	
Jeff Hyden	
Jason Anuarovane	
Rhoda Katsale	
Katie Bakker	
Dan Coombs	
Saideep John TC	
Hise Dovihi	
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Joshua Anweah	
Christa Kavel	

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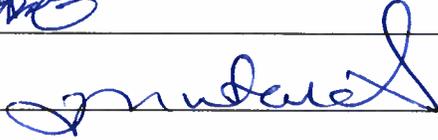
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Samson Lyhko	
David Damaniq	
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Nina Kautuq AOW A0 89 91	Nina AOW A0 89 91
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Malleen Anaviapik	
Tabitha Kasmell	
Karen Nuturak	Knuturak
Eric Spook P.I	Eric Spook
M. M. M.	
JEROCK KOONARK	
Sherry Parks	
Abbas Parks	
JAMES N. Angretz'ab	
Leah Damaniq	
Aela Ootook	
REGILEE OOTOOK	
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Phil Rouget	

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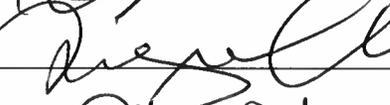
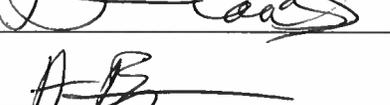
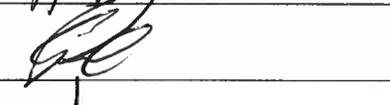
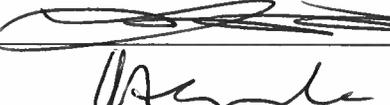
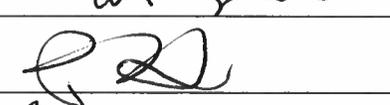
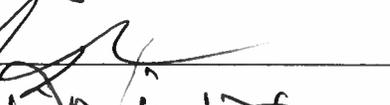
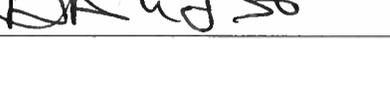
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Joshua Hart	
Cornelius K. Nutarak	
Gesoni Killiktee	
Aserath Ataguttak	
Simeone OOTOVA	
Joanne Nutarak	

AUG 02, 2023

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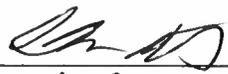
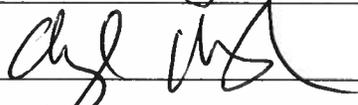
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JASON ALIQUATUATICO	
Jeff Higdon	
Rhoda Katsak	
Paul QUASSO	
Joe Tigullaraq	
Melanie Austin	
Joshua Idlund	
Paul Ingarv	
Brad Pirie	
Dan Coombs	
Alasdair Beattie	
Belen Nost	
Jandeep Johar TL	
Kate Baker	
Hie Dosi'sun	
Loi Kannevan	
Levi Barnabas	
Megan Lord-Hayle	
Phil Roguet	
CYANUS	
David Damaniq	

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AUG. 2, 2023

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NAME	SIGNATURE
Joshua Arreak	
Steven Panipakoochoo	
John Ringrose	
Terry Audka	
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James Kunnuk	Pond Inlet
Shaannek Atankarjan	
Chris Mutch	
Allobo Atagotak	AAtagotak
Namen Inuamk	
JAMES N Angnatsiak	James Ang
Samson K. Eloo	
Eric Ostrovak P.T	
M. HARDING	MA
Titus Alluyox	
Levi Koonark	
Joshua KASAK	
Karen Nutarak	Knutarak
ANDY Stachan	

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NAME	SIGNATURE
Jaideep Johar TC	Jai
① Dan Coombs	① Dan Coombs
A Beattie	A Beattie
Kate Bakke	Kate Bakke
Brian Niles	Brian Niles
Paul Quassa	Paul Quassa
Joe Tigullarag	Joe Tigullarag
Levi Barnabas	Levi Barnabas
Zilas Takaga	Zilas Takaga
Jason Anwarwone	Jason Anwarwone
John Ringrose	John Ringrose
Joshua Abot	Joshua Abot
Sansen E. Blos	Sansen E. Blos
Seff Higdon	Seff Higdon
Tapisa Kasarnak	Tapisa Kasarnak
Betsy	Betsy
Sherry Parks	Sherry Parks
Joshua Arraeb	Joshua Arraeb
Shaanzes Ataulhajan	Shaanzes Ataulhajan
Rhoda Jatsak	Rhoda Jatsak
Laren Nutarak	Laren Nutarak

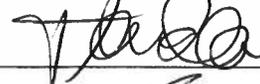
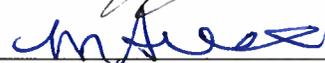
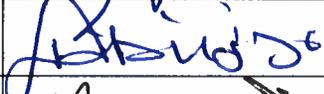
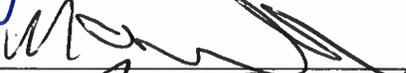
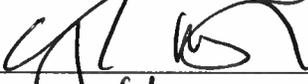
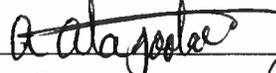
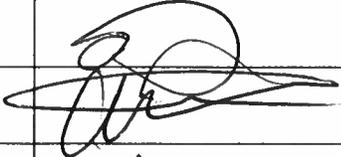
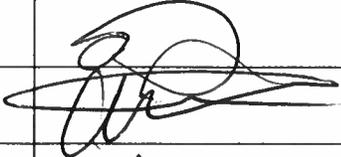
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Alegan Lord-Hayle	
Terry Audla	
Lor Komevorr	
Hise Doringu	
Paul Ingepa	
Melanie Austin	
JAMES N Anagnetsiak	
David Amaniq	
Namen Inukard	
Chris Mula	
Eric Astovak P.I	
Lamech Kalloo	
Nina Kavtuy	
Alledoo Atagootak	
Katherine Pudluk	
Athenath Ataguttak	
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Charlie Quasa	
Ezekiel M	
Jonah Koorak	

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**APPENDIX D LIST OF COMMITMENTS IN RESPECT OF THE SOP**

<b>Commitment no.</b>	<b>Intervenor</b>	<b>Relevant SOP Technical Comment(s)</b>	<b>Commitment</b>
1	NA	-	<p>Baffinland commits to ship no more than 6.9 million tonnes of iron ore per year in each of 2023 and 2024 when addressing the shortfall of iron ore shipped in 2022 and exercising flexibility to ship the 1.3 million tonnes of iron ore left at Milne Port in 2022 in accordance with Term and Condition 179(a).</p> <p>The commitment to use no more than 84 ore carriers in each year continues to apply to this commitment.</p>
2	QIA	QIA AE-4	<p>Baffinland will provide sufficient funding for the Dust Audit Committee to continue to support the annual dust audit and associated reporting for the life of the Project, and for any other work of the Dust Audit Committee where it supports other areas of the project. Specifically, the second annual dust audit report will include a one-time retrospective review of the Objectives, Indicators, Thresholds and Responses related to dust in the most up to date version of the Air Quality and Noise Abatement Management Plan, unless the Dust Audit Committee independently determines it does not wish to carry out such review. It is acknowledged that the Dust Audit Committee name and duties may change or expand in future to other topics, and will continue to carry out annual dust auditing until such time as Baffinland and QIA agree such audits are no longer needed.</p>
3	QIA	QIA TE-2 (1)	<p>Baffinland commits to work with the TEWG to redefine deflections to include repeated caribou balking in the Project area by November 30, 2024, to ensure that a new definition of deflections is included in an updated Terrestrial Environment Mitigation and Monitoring Plan filed with the 2024 Annual Report to NIRB.</p>
4	QIA	QIA TE-2 (2)	<p>Baffinland commits to working with the TEWG to explore whether marked-recapture using pellets is an approach that could be used to estimate caribou abundance across the regional study area, including whether this method would be acceptable to Inuit, and provide a report with recommendations to TEWG by November 30, 2024 on potential use of this method. Whether this program can be considered as an alternative will consider if 1) the information is required, 2) the information provided would not be duplicative of another program that is running, and 3) the potential impact of additional flights is acceptable.</p>

Commitment no.	Intervenor	Relevant SOP Technical Comment(s)	Commitment
5	QIA	QIA FE-1	<p>Baffinland and the Qikiqtani Inuit Association commit to meet by September 30, 2023, November 30, 2023 and January 31, 2024 to discuss dust dispersion data from the following sites being monitored in 2023:</p> <ul style="list-style-type: none"> <li>• Deposit 1 blasting</li> <li>• mine site crusher</li> <li>• OHT transport along the Tote Road</li> <li>• OHT offloading point at Milne Port</li> <li>• Stacking at Milne Port</li> <li>• The highest point of the conveyor system at Milne Port</li> </ul> <p>Baffinland commits to providing NIRB and all Parties with a final version of the site-specific thresholds for dust dispersion by March 30, 2024.</p>
6	QIA	QIA FE-3	Baffinland commits to provide, by January 31, 2024 updated versions to NIRB and all Parties the Fresh Water Supply, Sewage and Wastewater Management Plan, the Snow Management Plan, and the Aquatic Effects Management Plan with Trigger Action Response Plan components.
7	QIA	QIA ME-6	Baffinland will provide NIRB and all Parties, by January 31, 2024, a report identifying all the vessels chartered by Baffinland (ore carrier, freight, fuel) that have called on Milne Port since commercial shipping started in 2015, with all available information on vessel characteristics (length and beam, draft, DWT or GT as appropriate), years those vessels called on port, and noise characteristics from PAM data (including all available Baffinland monitoring data such as multiple noise measures per vessel, if available). The report should also highlight any noise mitigating measures incorporated into the vessel design or retrofits (and when this occurred). This information will be used to inform updated acoustic modeling by Baffinland for the purpose of determining the effectiveness of additional mitigations, if required.
8	QIA	QIA ME-7 (1)	Baffinland will provide by January 31, 2024, a comparative assessment of the potential environmental impact trade-offs of using Baby-Cape and Capesize vessels relative to the smaller vessels currently in use, both at and en route to and from Milne Port, including but not limited to trade-offs related to accident risk, GHG emissions, noise disturbances to marine mammals, convoy optimization, ballast water discharges, seasonal operations, and docking and loading.

Commitment no.	Intervenor	Relevant SOP Technical Comment(s)	Commitment
9	QIA	QIA ME-7 (2)	Should they be required in future, Baffinland commits that there will be no dredging or in-water modifications to the port at Milne Inlet in relation to Capesize vessels unless and until any dredging or in-water modifications are approved in accordance with all applicable regulatory requirements and the above noted comparative assessment has been provided to QIA.
10	QIA	QIA ME-7 (3)	If Capesize vessels are used, Baffinland commits to augment its benthic sediment and infaunal monitoring programs by conducting annual sampling at existing sites SW-1 through SW-4, SE-18-1 and SNW-1, and at two (2) new sites situated to ensure that any changes in bottom scouring by these longer, deeper vessels are captured—one site offshore the northwest corner of the dock at a similar distance/depth to SNW-1, the other between SW-1 and SW-2 but at the 25 m depth contour. Sampling shall continue annually at these locations for a minimum of three years following the initial use of Capesize vessels at Milne Port. Following this three-year period, Baffinland will consider a reduced frequency in sampling at these locations (once every three years) if sediment and benthic conditions at these sites are shown to be stable (and within the limits of impact predictions).
11	QIA	QIA SE-2 (1)	Baffinland commits to fund, and to provide a workplan to QIA by September 30, 2023 for development of a new Regional Inuit Training Plan that will deliver training to Inuit across the Qikiqtani Region to improve Inuit employment at the Project; and Baffinland commits to finalize this Regional Inuit Training Plan by January 31, 2024.
12	QIA	QIA SE-2 (2)	Baffinland and QIA agree to amend the IIBA on or before November 30, 2023 to reflect the following. Baffinland commits to contribute a \$2,000,000 total Project Bond (in the form of cash, irrevocable letter of credit or other instrument as agreed upon between the parties) for the Sustaining Operations Proposal (\$1,000,000 to be posted with QIA by April 30, 2024 and \$1,000,000 to be posted with QIA by April 30, 2025), and held for the purpose of drawing-upon in the event that the agreed Measurable Objectives (see topics listed in Commitment 72 of Appendix B to the Project Certificate) are not met and remedial measures are required, all in accordance with the terms of the IIBA as amended. In the event that QIA draws upon the Project Bond in 2024 or 2025, the amount that is drawn upon shall be replaced (in the manner agreed in the IIBA) so that the total value of the Project Bond remains \$1,000,000 in 2024 and \$2,000,000 in 2025.

Commitment no.	Intervenor	Relevant SOP Technical Comment(s)	Commitment
13	QIA	QIA CRLU-1	<p>Baffinland commits to fund the development and implementation of the Inuit Stewardship Plan until March 31, 2025.</p> <p>The Qikiqtani Inuit Association will develop a draft Inuit Stewardship Plan Work Plan and seek agreement on a reasonable budget with Baffinland by September 30, 2023.</p> <p>The work plan will include dates for the completion and delivery of the:</p> <ul style="list-style-type: none"> <li>• Pond Inlet Country Food Baseline Report</li> <li>• Culture, Resource and Land Use Assessment</li> <li>• North Baffin Caribou Study</li> </ul>
14	GN	GN-FWS-01	<p>While the Inuit led North Baffin Caribou Study is being completed, Baffinland will develop interim caribou protection measures within 6 months of issuance of the amended Project Certificate. The interim measures will include group size and distance thresholds that will trigger specified responses, including activity suspensions, on an activity by activity basis. These interim measures will apply during the period May 15 to July 15. Baffinland will seek advice from TEWG Members and available literature in the development of the interim measures. [Note this commitment is related to existing Appendix B Commitment 064]</p>
15	GN	GN-FWS-03	<p>Baffinland will implement snow track surveys and will make best efforts to conduct them at a frequency of once per week along the Tote Road during the 2023/2024 snow cover seasons when environmental conditions permit the surveys to be conducted effectively and safely. The conditions criteria include fresh snowfall (within last 48 hours) and suitable light conditions. The results of these surveys are to be reviewed by the TEWG following completion of the 2023/2024 snow cover season for potential alterations. [Note survey condition criteria will be the ultimate driver of the number of surveys conducted each month and may be less than the frequency of once per week and due to darkness will not generally be possible in January and February].</p>
16	CIRNAC	CIRNAC-TRC-01 (1)	<p>Baffinland shall develop reliable criteria for the identification of PAG rock that clearly accounts for uncertainty in the 0.2% total sulphur threshold and the presence of acidic soluble sulphates upon the projected life of mine tonnages of PAG and NAG rock. A report shall be submitted to the Nunavut Water Board, for review, no later than December 31, 2023.</p>

Commitment no.	Intervenor	Relevant SOP Technical Comment(s)	Commitment
17	CIRNAC	CIRNAC-TRC-01 (2)	Baffinland shall incorporate these criteria, clearly stating ranges in projected life of mine PAG and NAG rock tonnages, and the resultant necessary contingencies and methods of validation that need to be incorporated into engineering design, environmental monitoring, and management strategies for the Waste Rock Management Plan and Interim Closure and Reclamation Plan. A memo summarizing the plan for updates to the respective management plans will be submitted to the Nunavut Water Board and CIRNAC, no later than April 15, 2024.
18	CIRNAC	CIRNAC-TRC-01 (3)	Baffinland shall review the performance of these plans and provide evidence of the effectiveness of these plans by demonstrating compliance with the management measures and that the desired outcomes of mitigation are achieved. The plan performance reviews shall be submitted on an annual basis as part of the Annual Report to NWB.
19	CIRNAC	CIRNAC-TRC-02	Baffinland shall provide updates on Waste Rock Facility thermal modeling based on monitored deposition sequences and measured on site conditions. The update shall also include commentary on performance of instrumentation. The WRF thermal modelling updates shall be submitted in the Phase 1 Waste Rock Management Plan, for review, no later than December 31, 2023. As new information is made available to inform updated thermal modelling, Baffinland will update the model.
20	CIRNAC	CIRNAC-TRC-03	<ul style="list-style-type: none"> <li>• Baffinland will include leachability studies as a response option in the Terrestrial Environment Mitigation and Monitoring Plans adaptive management action toolkit if soil metal concentrations are higher than baseline or CCME guideline values over two consecutive years.</li> <li>• Note - The CCME soil guideline for agricultural land uses is for soils and not applicable to construction rock. As per the Quarry Management Plans approved for the current Project the screening criteria applied is consistent for all construction rock. Baffinland will include data in the 2023 NWB QIA Annual Report for operations to confirm only construction rock with low metal content and non-acid generating is used for road construction.</li> </ul>
21	CIRNAC	CIRNAC-TRC-04	Baffinland will provide the long-term plans for the Mary River Project, at least on a conceptual level, prior to submitting any subsequent amendments to the Project.
22	CIRNAC	CIRNAC-TRC-05	Baffinland will provide a consolidated list of management plans and their current status (e.g., updated, pending revision, in review, finalized etc.), the stated target date for the next revision, and specific trigger for the revision in the 2023 Annual Report to NIRB.

Commitment no.	Intervenor	Relevant SOP Technical Comment(s)	Commitment
23	CIRNAC	CIRNAC-TRC-07	Baffinland will continue to confirm through annual monitoring and reporting if dust deposition is negatively affecting surface water quality and confirm that the adaptive management components of the Surface Water and Aquatic Effects Ecosystems Management Plan (SWAEMP) and Air Quality and Noise Abatement Management Plan (AQNAMP) will be implemented, if necessary, to adaptively manage impacts on surface water and sediment quality.
24	ECCC	ECCC-TRC-01 (1)	Baffinland will confirm for ECCC in November 2023 the actual dates the Capesize vessels were in the Milne Port vicinity (at berth and at anchor) in 2023; and
25	ECCC	ECCC-TRC-01 (2)	Baffinland will conduct an internal review of the continuous air quality monitoring data from July 1 to October 31 to identify potential hourly and daily concentrations greater than the 2025 Canadian Ambient Air Quality Standards and Nunavut Ambient Air Quality Standards. Concentrations greater than the threshold will be investigated to determine potential cause. Baffinland will provide results of the review of the continuous air quality monitoring data to ECCC by December 15th, 2023. All data for the season will continue to be reported on the standard annual report timeline.
26	ECCC	DFO-TRC-01(1)	<p><i>DFO recommends the Proponent clarifies when baseline conditions existed.</i></p> <ul style="list-style-type: none"> <li>• Baffinland will provide a data package and analysis of available project shipping data from prior to 2013 by August 31, 2023. Baffinland will include the following item on the next MEWG agenda: “Discussion regarding Baffinland’s proposed baseline years.</li> <li>• Baffinland will put into the meeting agenda, after discussion with DFO, a sufficient amount of time to ensure fulsome discussion of this topic can be had at the MEWG.</li> <li>• Baffinland will prepare and distribute to MEWG 2 weeks prior to meeting a comparison table and figures showing the difference in outcomes of the current vs DFO suggested baseline years and implications for the Eclipse Sound Stock.</li> <li>• Baffinland will provide a plain language summary of the issues including definitions and Baffinland will submit the plain language summary to DFO for review weeks prior to wider distribution to the MEWG members.</li> <li>• If adopted by Baffinland according to the MEWG Terms of Reference, changes to baseline years to be implemented for 2023 Annual Reporting.</li> </ul>

Commitment no.	Intervenor	Relevant SOP Technical Comment(s)	Commitment
27	DFO	DFO-TRC-01(2)	<p><i>DFO recommends taking the average of the survey repeats and the Proponent discussing their data analysis practices with the MEWG.</i></p> <ul style="list-style-type: none"> <li>• Baffinland will include “Discussion regarding DFO proposed aerial survey repeats averaging” to the next MEWG meeting agenda, and is willing to produce reports averaging aerial surveys in one or more future years, provided certain survey conditions are met (i.e. based on standard scientific methodology).</li> <li>• Baffinland will put into the meeting agenda, after discussion with DFO, a sufficient amount of time to ensure fulsome discussion of this topic can be had at the MEWG.</li> <li>• Baffinland will prepare, for the MEWGs benefit, a comparison table showing the difference in outcomes of the current vs DFO suggested methods of survey analysis.</li> <li>• Baffinland will provide a plain language summary of the issues including definitions/descriptions of “certain survey conditions” at least 2 weeks prior to the next MEWG for all MEWG members.</li> <li>• Baffinland will submit the plain language summary to DFO for review and comment 2 weeks prior to wider distribution to the MEWG members.</li> <li>• If adopted by Baffinland according to the MEWG Terms of Reference, new analytical methodologies to be adopted by the 2024 shipping season or as recommended by the MEWG.</li> </ul>

Commitment no.	Intervenor	Relevant SOP Technical Comment(s)	Commitment
28	DFO	DFO-TRC-02	<p><i>DFO recommends the Proponent update the risk assessment methodology in collaboration with DFO subject matter experts.</i></p> <ul style="list-style-type: none"> <li>• Baffinland will update the Risk Assessment for Introductions of Aquatic Invasive Species from Ballast Water in collaboration with DFO after the Milne Port Biological Ballast Water Sampling Program is complete and the results are available.</li> <li>• Baffinland will continue to support the collection of biological data to evaluate efficacy of ballast management measures and identify species of concern, in collaboration with DFO, through the Milne Port Biological Ballast Water Study Program initiated in 2023 (as outlined in 210324-08MN053-DFO Draft Ballast Study Plan- IT4E.pdf).</li> <li>• Baffinland will update the Project-specific Risk Assessment for Introductions of Aquatic Invasive Species from Ballast Water in collaboration with DFO within six months after the Milne Port Biological Ballast Water Sampling Program is complete and the results are available. Final drafts and plain language summaries will be shared with the MEWG for discussion the first meeting following.</li> </ul>

**APPENDIX E LIST OF ACRONYMS**

<b>Acronym</b>	<b>Full Name</b>
<b>Baffinland or Proponent</b>	Baffinland Iron Mines Corporation
<b>CIRNAC</b>	Crown-Indigenous Relations and Northern Affairs Canada
<b>Commission or NPC</b>	Nunavut Planning Commission
<b>DFO</b>	Fisheries and Oceans Canada
<b>ECCC</b>	Environment and Climate Change Canada
<b>EIS or IS</b>	Environmental Impact Statement or Impact Statement
<b>ERP</b>	Early Revenue Phase
<b>Extension</b>	Extension Request to the Production Increase Proposal
<b>FEIS</b>	Final Environmental Impact Statement
<b>FEIS Addendum</b>	Supplement to the FEIS of a previously approved project
<b>GN</b>	Government of Nunavut
<b>HC</b>	Health Canada
<b>HTA</b>	Hunters and Trappers Association
<b>HTO</b>	Hunters and Trappers Organization
<b>IWG</b>	Igloolik Working Group
<b>IUOE</b>	International Union of Operating Engineers
<b>km</b>	Kilometers
<b>m</b>	Meters
<b>MEWG</b>	Marine Environment Working Group
<b>MHTO</b>	Mittimatalik Hunters and Trappers Organization

<b>Acronym</b>	<b>Full Name</b>
<b>Mtpa</b>	Million Tonnes per Annum (per year)
<b>NIRB or Board</b>	Nunavut Impact Review Board
<b><i>Nunavut Agreement</i></b>	<i>Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada</i>
<b>NuPPAA</b>	<i>Nunavut Planning and Project Assessment Act, S.C. 2013, c. 14, s. 2</i>
<b>NTI</b>	Nunavut Tunngavik Incorporated
<b>NWB</b>	Nunavut Water Board
<b>ON</b>	Oceans North
<b>PC</b>	Parks Canada
<b>Phase 2</b>	Phase 2 Development Proposal
<b>PIP</b>	Production Increase Proposal
<b>PIP Renewal</b>	Production Increase Proposal Renewal
<b>QIA</b>	Qikiqtani Inuit Association
<b>TC</b>	Transport Canada
<b>TEWG</b>	Terrestrial Environment Working Group
<b>VEC</b>	Valued Ecosystemic Component
<b>VSEC</b>	Valued Socio-Economic Component
<b>WWF</b>	World Wildlife Fund