



Fisheries and Oceans
Canada

Pêches et Océans
Canada

301-5204 50 Ave
Yellowknife NT X1A 1E2

July 04, 2025

Your file *Votre référence*
08MN053

Our file *Notre référence*
07-HCAA-CA7-00050

Nunavut Impact Review Board
PO Box 1360
Cambridge Bay, NU
X0B 0C0

Subject: Baffinland Iron Mines Corp. Annual Report 2024- Mary River Project

Dear Keith Morrison,

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received the request on June 05, 2025, inviting parties to review and provide comments with respect to their jurisdiction and/or area of expertise. DFO has reviewed the above 2024 Annual Report in regards to its mandate, i.e. the management, protection and conservation of fish and their habitats. The Nunavut Impact Review Board (NIRB) invited parties to respond to the following topics:

1) *Effects Monitoring*

- a) *Whether the conclusions reached by Baffinland in the 2024 Annual Report are valid; and*
- b) *Any areas of significance requiring further supporting information or any changes to the monitoring program which may be required.*

2) *Compliance Monitoring*

- a) *Provide a summary of any compliance monitoring and/or site inspections undertaken in association with the Project, including specifically;*
 - i) *Identify the terms and conditions from the Project Certificate which have been incorporated into any permits, certificates, licenses, or other approvals issued for the Project, where applicable, and report annually to the NIRB on the status of those incorporated terms and conditions;*
 - ii) *A summary of any inspections conducted during the 2024 reporting period, and the results of these inspections; and*
 - iii) *A summary of Baffinland's compliance status with regard to authorizations that have been issued for the Project.*

DFO has briefly reviewed the Baffinland Iron Mine Corp's 2024 Annual Report and DFO is generally agreeable with Baffinland's reporting. DFO appreciates the effort made by Baffinland to work with communities and governments. DFO has attached a table with comments or concerns to provide at this time related to effects monitoring.

Compliance Monitoring

The Proponent currently operates under three *Fisheries Act* Authorizations for the Milne Inlet Tote Road, Milne Inlet Ore Dock, and Milne Inlet Freight Dock (amended to include the offsetting, with another amendment being processed). As a general condition of the Authorizations, Baffinland is required to report on their compliance with all conditions therein to DFO annually. These reports are typically submitted to the NWB and to the NIRB through the Annual Report. Terms and Conditions # 87, 105, 109, 110 and 121 from the Nunavut Impact Review Board's Project Certificate No. 005 for the Mary River Project are directly incorporated into DFO's *Fisheries Act* Authorization for the Milne Inlet Ore Dock. Further reporting would be required related to the proposed Steensby portion of the project.

Unclassified - Non-Classifié

Other terms and conditions from the NIRB Project Certificate No. 005 for the Mary River Project, while not directly incorporated, fall under DFO's mandate and overlap with conditions in Baffinland's existing Fisheries Act Authorizations:

- Milne Inlet Tote Road: Project Certificate No. 005, Terms and Conditions 19, 26, 45, 47, 48(a);
- Milne Inlet Ore Dock: Project Certificate No. 005, Terms and Conditions 45, 76, 88, 99, 101, 106, 113, 115, 123;
- Milne Inlet Freight Dock: Project Certificate No. 005, Terms and Conditions 14 (a), 45, 76, 88, 99, 101, 113, 115, 123, 128.

Milne Inlet Freight Dock (DFO File # 18-HCAA-00160) and Freight Dock Amendment (DFO File # 23-HCAA-00430)

The *Fisheries Act* Authorization for the Milne Inlet Freight Dock required Baffinland to create 2729 Habitat Equivalent Units (HEUs) of fish habitat to offset for the destruction of 2170 HEUs of fish habitat from the Freight Dock construction. As such, Baffinland placed coarse rock substrate around the perimeter of the ore dock and at moorings to create a rocky reef. Baffinland has additional offset habitat creation to be constructed in relation to the freight dock at Milne Port. DFO plans to conduct a site visit in Summer 2025.

Tote Road (DFO File # 06-HCAA-CA7-00084 and 24-HCAA-00054)

In 2022, DFO took enforcement action and issued a *Corrective Measures Order*, pursuant to the *Fisheries Act*, requiring Baffinland to develop and submit a targeted Sediment and Erosion Control Plan and a Permanent Crossing Plan for crossings where sediment deposition and barriers to fish passage have previously been reported and identified. Baffinland had remediated 7 of the 20 crossings identified in the *Corrective Measures Order* in the winter of 2024. In the spring of 2024, it was determined by Baffinland that 2 of the rehabilitated crossings required complete re-designs while others required additional rehabilitation work in the summer of 2024.

DFO conducted site visits of the Mary River Mine Site in July 2024, including inspections of crossings along the Tote Road. DFO found that many watercourse crossings on the Tote Road remain out of compliance with the federal *Fisheries Act* with sediment and erosion and fish passage concerns. DFO is planning site visits of the crossings in the summer of 2025.

If you have any questions with the content of this letter, please contact Paul Harper at 867-444-0983, or by email at Paul.Harper@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Paul Harper
a/Senior Biologist
Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada



Table 1: DFO Technical Comments on Baffinland's 2024 Annual Report

Comment Number	DFO-1
Subject/Topic	Works impacting Fish Habitat (waters frequented by fish and contributing to fish habitat)
References	n/a
Comment	<p>Works including the replacement and maintenance of crossing structures, the removal of material from waterbodies/watercourses such as abutments, and armour around waterbodies have the potential to impact fish and fish habitat.</p> <p>Fisheries and Oceans Canada (DFO) recommends that Baffinland Iron Mines Corporation (BIM) review and follow DFO's Projects Near Water website that provides current guidance for avoiding impacts to fish and fish habitat including Standards and codes of practice (dfo-mpo.gc.ca) with Codes of Practice containing conditions and measures for managing risks to fish and fish habitat or Standards outlining how a specific management measure should be designed and implemented to achieve the objective.</p>
Conclusion/Requests	If the Standards and Codes of Practice can not be followed, work in fish habitat or on watercourses that contribute to fish habitat should be submitted to DFO for review.
Comment Number	DFO-2
Subject/Topic	T&C 16, Hydrology and Hydrogeology - Water Infrastructure; T&C 19, Hydrology and Hydrogeology - Water Infrastructure Monitoring
References	Page 104-105 and Page 116-119, Section 4, 2024 Annual Report
Comment	<p>BIM references a Letter of Advice from DFO issued to implement solutions to crossings that are not in compliance with the federal Fisheries Act. DFO would note that crossings are out of compliance with the federal <i>Fisheries Act</i>, and DFO issued a Corrective Measures Order to order BIM to remediate the crossings (fish passage and sedimentation concerns). To the date of this review, BIM has attempted only 7 of the 20 crossing rehabilitations in 2024, and of the 7 that were completed, 2 require full re-design and the others required additional remediation work in the summer of 2024.</p> <p>To date, many watercourse crossings on the Tote Road remain out of compliance with the federal <i>Fisheries Act</i>.</p>
Conclusion/Requests	DFO is currently working with BIM to bring Tote Road crossings into compliance with the federal <i>Fisheries Act</i> .
Comment Number	DFO-3
Subject/Topic	2024 Marine Fish Monitoring Report
References	250530-08MN053-2024 Annual Report

Unclassified - Non-Classifié

Comment	Forward facing or live sonar would help increase the quality of the effort for angling methods, this may increase the CPUE as it is new technology and has drastically improved the capture efficiency in the fishing industry.
Conclusion/Requests	Are new technologies being considered for upcoming sampling, including study design in Steensby. With changes to collection areas occurring, analysis between years for the project has already been modified. Can this recommendation be researched and implemented in future sampling years, especially around Steensby operation? Statistical analysis should provide guidance on the efficiency of sampling methods and significance of the effect of changing variables.
Comment Number	DFO-4
Subject/Topic	Shipboard Observer Program
References	250530-08MN053-2024 Annual Report, T&C 106, 107
Comment	BIM proposes to end the Ship-Board Observer program based on lack of ice management vessel use, covid operational constraints during COVID, and concurrent monitoring.
Conclusion/Requests	Given the potential importance of the Shipboard Observer program to Inuit communities and during operations in ice, DFO would like to see a review of the program and BIM's proposal to end it brought to the Marine Environment Working Group for review and discussion at a minimum before BIM commits to change/end something that is in the Project Certificate and part of the decision based on the environmental assessment. This could also include discussion on how the shipboard observer program may function on the proposed southern route to Steensby as requested by HTAs.