



January 2014 by NPC in the communities of Clyde River, Grise Fiord, Resolute Bay, Arctic Bay and Pond Inlet for the purpose of soliciting feedback to be considered by the NPC to determine whether to recommend an amendment to the NBRLUP to allow the proposed transportation corridor to proceed. On November 26, 2013 the NIRB confirmed that although the Board would not be participating directly in the NPC's oral hearings, the NIRB would continue to participate in the joint review by providing the NPC with its input regarding the transportation corridor application as facilitated through the NIRB's ongoing assessment of the ERP Proposal.

On November 26-27, 2013 the NPC attended the meeting of technical experts facilitated by the NIRB as the next step in the Board's Section 12.8.2 reconsideration process and was present to hear technical review comments discussed during the meeting. In the early part of January 2014 the NPC conducted its own oral hearings regarding the transportation corridor application.

On January 27-29, 2014 the NPC participated in the NIRB Public Hearing in respect of the Board's assessment of the ERP Proposal, including making a presentation and asking and answering questions during the technical presentations portion of the Public Hearing.

All documentation associated with the NIRB's reconsideration of the terms and conditions of Project Certificate No.: 005 can be accessed online from the NIRB's public registry at the following location:

<http://ftp.nirb.ca/03-MONITORING/08MN053-MARY%20RIVER%20IRON%20MINE/01-PROJECT%20CERTIFICATE/04-AMENDMENTS/ERP/>

Comment Submissions

As noted above, Aboriginal Affairs and Northern Development Canada stated, in its technical review comments provided to the NIRB on October 18, 2013 and forwarded to the NPC on November 14, 2013 that: "AANDC finds that the requirements of NBRLUP Appendix K appear to be met by Baffinland's FEIS Addendum and NBRLUP amendment application."

The technical review comments of Parks Canada with respect to the transportation corridor received by the NIRB on October 18, 2013 emphasized that the NPC and the NIRB should give due consideration to the fact that the process to establish a National Marine Conservation Area in Lancaster Sound is underway when the NPC and the NIRB consider the transportation corridor application. The submission also highlighted that pursuant to Article 8, Part 2, section 8.2.10 of the NLCA, the NBRLUP does not apply within National Parks, so any amendment to the NBRLUP recommended by the NPC would not change the application of the Plan within Sirmilik National Park.



The technical review comments of Transport Canada provided to the NIRB on October 18, 2013 identified that various aspects of the proposed transportation corridor may be governed by several Acts and Regulations administered by Transport Canada, including:

- *Arctic Waters Pollution Prevention Act*
- *Canada Shipping Act, 2001*
- *Coasting Trade Act*
- *Marine Liability Act*
- *Marine Transportation Security Act*
- *Marine Transportation Security Regulations*
- *Navigable Waters Protection Act*
- *Transportation of Dangerous Goods Act*
- *Transportation of Dangerous Goods Regulations*

At that time, Transport Canada also preserved the right to identify specific mitigation measures as further information and details on the transportation corridor became available during the ongoing environmental assessment.

Technical review comments were also received from the World Wildlife Foundation (WWF) that indicated that a central component of the review of the ERP Proposal would be the assessment of the potential for narwhal displacement from what WWF recognized to be very important natural summering habitat for thousands of narwhal. Furthermore, WWF noted that despite the assurances and conclusions presented in the FEIS and ERP FEIS Addendum, its position was that it is likely that there would be loss and reduced quality of Milne Inlet habitat for narwhal, and that this is not in conformity with the current regional NBRLUP (Sections 3.5.11 and 3.5.12, and Appendices G, J and K), and that it would be contrary to the purpose of the proposed Lancaster Sound National Marine Conservation Area.

In addition, at the NIRB Public Hearing, comments relevant to the following aspects of Appendices J and K were discussed:

- Item J 2: A comparison of the proposed route with alternative routes in terms of environmental and social factors as well as technical and cost considerations;
- Item K 1: physical and biophysical conditions;



- Item K 2: minimize negative impacts on community lifestyles;
- Item K 3: in keeping with existing legal and legislative requirements, including the NLCA, corridors shall not negatively impact:
 - important fish and wildlife harvesting areas;
 - key habitat for fish and wildlife species, especially areas used by endangered species; and
 - areas of high scenic, historic, cultural and archaeological value.

Table B-1 summarizes the additional relevant information about the potential impacts of the transportation corridor (Tote Road) that was provided during the NIRB’s Public Hearing:

Table B-1: Relevant Information from the NIRB Public Hearing

NPC Transportation Corridor Application: Tote Road

Section of Appendix K	Comment	References
Item K 1: physical and biophysical condition	<ul style="list-style-type: none"> • Concerns regarding the potential impacts to vegetation, human health, wildlife and surface water quality associated with dust emissions along the Tote Road 	<p>See for example the discussions of these issues in NIRB Public Hearing File No.: 08MN053, Early Revenue Phase Proposal, Transcripts:</p> <ul style="list-style-type: none"> • January 27, 2014, pp. 177, 179, 188-189, 222-223, 235-236 and 244-245 • January 28, 2014, pp. 342, 347 and 419 • January 29, 2014, pp. 678-681, 683 and 684 • January 30, 2014, p. 834 • January 31, 2014, pp. 1007, 1015 and 1114
Item K 1: physical and biophysical condition	<ul style="list-style-type: none"> • Concerns regarding effects of permafrost degradation on road 	<p>See for example the discussions of these issues in NIRB Public Hearing</p>



Section of NBRLUP Appendices	Comment	References
<p>alternative routes in terms of environmental and social factors as well as technical and cost considerations</p>	<p>calving and could also affect seabird colonies such as murre nesting at Button Point</p> <ul style="list-style-type: none"> • Concerns regarding emergency preparedness and contingency planning, as the proposed shipping route has an area that is subject to fog and also has been known to gather ice bergs • The route transiting Eclipse Sound rather than Navy Board Inlet was chosen to reflect the prevailing ice conditions (significantly higher risk of multi-year ice in Navy Board Inlet) 	<p>116-18, 120-121, 132, 256-266, 275, 277, 278, 280, 293 and 294</p> <ul style="list-style-type: none"> • January 29, 2014, pp. 575, 580-582, 608, 609, 621 and 666-669 • January 30, 2014, p. 862 • January 31, 2014, pp. 116 and 117
<p>Comments Relevant to Appendix K: Item K 1: physical and biophysical condition</p>	<ul style="list-style-type: none"> • The width of the proposed shipping corridor will be 3-6 nautical miles • Concerns regarding the potential for deposition of soot/ash/other particulate on nearby glaciers due to air emissions associated with ships 	<p>See for example the discussions of these issues in NIRB Public Hearing File No.: 08MN053, Early Revenue Phase Proposal, Transcripts:</p> <ul style="list-style-type: none"> • January 27, 2014, pp. 163 and 164 • January 30, 2014, pp. 858-862, 881 and 882
<p>Comments Relevant to Appendix K: Item K 2: minimize negative impacts on community lifestyles</p>	<ul style="list-style-type: none"> • Questions as to safety/warning system for Inuit harvesters when ships transiting Eclipse sound (e.g. whether a lighthouse or some kind of siren may be required to serve as a warning to people camping/boating in the area that a large ore ship is approaching) 	<p>See for example the discussions of these issues in NIRB Public Hearing File No.: 08MN053, Early Revenue Phase Proposal, Transcripts:</p> <ul style="list-style-type: none"> • January 27, 2014, p. 296 • January 29, 2014, p. 654



Section of NBRLUP Appendices	Comment	References
<p>Comments Relevant to Appendix K:</p> <p>Item K 3: impacts on important fish and wildlife harvesting areas</p>	<ul style="list-style-type: none"> • Concerns regarding uncertainty surrounding potential effects of increased shipping on marine mammal populations and harvesting activities during critical time periods • Concerns that the use of navigational aids that use sonar may impact marine wildlife • Concerns regarding the potential for mortality to schools of cod or other fish caused by the propellers on the ore carriers 	<p>See for example the discussions of these issues in NIRB Public Hearing File No.: 08MN053, Early Revenue Phase Proposal, Transcripts:</p> <ul style="list-style-type: none"> • January 27, 2014, pp. 81, 82, 84, 85, 99, 125, 142, 143 and 152 • January 28, 2014, pp. 434-437, 477 and 478 • January 29, 2014, pp. 544, 545, 547, 548, 580, 581, 611, 629, 630, 632, 633, 636 and 647 • January 30, 2014, pp. 758, 875, 886-888, 914 and 945 • January 31, 2014, pp. 1047, 1062, 1092, 1093, 1106, 1109 and 1110
<p>Comments Relevant to Appendix K:</p> <p>Item K 3: impacts on key habitat for fish and wildlife species, especially areas used by endangered species</p>	<ul style="list-style-type: none"> • Potential for wake effects from the increased shipping to affect sea birds and shoreline habitat for marine mammals • Potential for ship traffic to interfere with marine mammal (narwhal, beluga, bow head whales) migration and calving • Requests to suspend shipping in certain areas (pupping/calving/denning) during times when marine mammals are particularly vulnerable to disturbance 	<p>See for example the discussions of these issues in NIRB Public Hearing File No.: 08MN053, Early Revenue Phase Proposal, Transcripts, as listed under Item K 3 in the row above and also:</p> <ul style="list-style-type: none"> • January 27, 2014, p. 125 • January 28, 2014, p. 420 • January 29, 2014, pp. 531, 537, 538 and 640 • January 30, 2014, pp. 743, 834, 835, 869, 944 and 945



open water season under Project Certificate No.: 005) and by community resupply subject to some minor route adjustments (most notably traversing Eclipse Sound and avoiding Navy Board Inlet).

Although the Board recognizes that it remains within the NPC's jurisdiction to decide whether the information requirements of the NBRLUP have been met such that the NPC can consider BIMC's transportation corridor application, an element of the NIRB's contribution to the joint review is to provide the NPC with the NIRB's advice regarding whether the specific information required by Appendices J and K of the NBRLUP that could reasonably be expected to be provided in the NIRB's assessment of the ERP Proposal under Article 12, Part 8, Section 12.8.2 have been provided. In this regard, the NIRB can advise that it is the Board's view that the requirements of Appendix K that can be addressed by the NIRB in the assessment of the ERP Proposal as established under the joint review have been met. The NIRB notes that having reached the extent of its advice and expertise under the NPC/NIRB joint review process, the provision of this Appendix marks the conclusion of the Board's contribution to the joint NPC/NIRB review of the transportation corridors.