



NIRB File No.: 08MN053
INAC File No.: N2008T0014
QIA File No.: LUA-2008-008
DFO File No.: 2008 MR

February 15, 2011

To: Mary River Distribution List

Sent Via Email

Re: Conformity Determination for Baffinland's Draft EIS Submission and Commencement of Technical Review Period

Dear Parties:

On January 21, 2011 the Nunavut Impact Review Board (NIRB or Board) received a Draft Environmental Impact Statement (Draft EIS) submission from Baffinland Iron Mines Corporation (Baffinland or Proponent) for the Mary River Project (the Project). The NIRB has completed an internal assessment of the submission for conformity with the EIS Guidelines¹ issued by the Board on November 16, 2009 and associated addendum² issued by NIRB on November 24, 2010. This conformity assessment was conducted by the NIRB with assistance from the Nunavut Planning Commission (NPC) for those sections relating to the proposed transportation corridor for the Project and the information requirements of the North Baffin Regional Land Use Plan (EIS Guidelines Appendix B).

At this time the NIRB is accepting Baffinland's submission as a Draft EIS and commencing the technical review period. The complete Draft EIS submission provided by Baffinland is available from the NIRB's ftp site at the following link:

<http://ftp.nirb.ca/02-REVIEWS/ACTIVE%20REVIEWS/08MN053-BAFFINLAND%20MARY%20RIVER/2-REVIEW/05-DRAFT%20EIS/DEIS%20SUBMISSION/>

The Technical Review Process

A technical review is a more detailed review of the Draft EIS than the guideline conformity assessment, with the intent of analyzing the completeness and quality of the information

¹ "Final Guidelines for the Preparation of an Environmental Impact Statement for the Part 5 Review of the Mary River Project"

² Addendum to "Final Guidelines for the Preparation of an Environmental Impact Statement for the Part 5 Review of the Mary River Project" regarding the "Road Haulage Option" alternative

presented by the Proponent in its Draft EIS. A technical review of the Draft EIS consists of the development of technical review comments by parties which include the following:

- Determination of whether Parties agree/disagree with the conclusions in the Draft EIS regarding the alternatives assessment, environmental impacts, proposed mitigation, significance of impacts, and monitoring measures – and reasons to support the determination;
- Determination of whether or not conclusions in the Draft EIS are supported by the analysis – and reasons to support the determination;
- Determination of whether appropriate methodology was utilized in the Draft EIS to develop conclusions – and reasons to support the determination, along with any proposed alternative methodologies which may be more appropriate (if applicable);
- Assessment of the quality and presentation of the information in the Draft EIS; and
- Any comments regarding additional information which would be useful in assessing impacts – and reasons to support any comments made.

NIRB/NWB and NIRB/NPC Coordination

As previously described, at the request of the Proponent the NIRB and the NWB have agreed to coordinate the NIRB Review process and the NWB's consideration of the Type A Water Licence application for the Mary River Project, as described in the Detailed Coordinated Process Framework developed by the NIRB and NWB. During the technical review period, the NWB will be conducting its concordance assessment to determine whether the Draft Type A Water Licence application within the Draft EIS addresses the NWB information requirements (set out in Appendix C the EIS Guidelines for the Project) such that the NWB may issue a public notice of application. For clarity, the concordance assessment is an analysis of the presence or absence of the required information. It is not intended to evaluate the quality of the information presented.

The NIRB/NWB Detailed Coordinated Process Framework is available on the NIRB's ftp registry here: <http://ftp.nirb.ca/02-REVIEWS/NIRB%20NWB%20COORDINATION/>

During the technical review period, the NIRB and the NPC will evaluate the information in the DEIS pertaining to Appendices J and K of the North Baffin Regional Land Use Plan, and will request that interested parties also provide their analysis within their technical review comments. Upon receipt of technical review comments, the NIRB will forward copies of those comments pertaining to the joint review of the transportation corridor to the NPC, and copies of those comments specific to the Draft Type A Water Licence Application to the NWB (see enclosed Review Process Map).

Call for Information Requests

To facilitate the development of technical review comments by parties, the NIRB is now inviting submission of Information Requests (IRs) from all interested parties to the Proponent and/or other parties regarding this Draft EIS. IRs are not technical review comments, but rather are meant to identify information gaps within the Draft EIS that need to be addressed so that parties

can develop their respective technical review comments. IRs must contain the following information:

- To whom the IR is directed;
- Identification of the issue;
- The concern associated with the issue;
- A clear rationale of the issue's importance to the impact assessment of the proposed project;
- An indication of the issue's relevance to the NIRB and NPC's joint review of the transportation corridor proposed by the Project; and
- An indication of the issue's relevance to the Nunavut Water Board's review of the Type A Water Licence application for the Project.

The next steps in the NIRB's review process for the Project are as follows:

- Submission of Information Requests (IRs) directly to the NIRB by interested parties on or before **5:00 pm MST, Thursday, March 17, 2011** (30 days).
- After considering all IRs and making decisions regarding their suitability, NIRB will forward all appropriate requests to the Proponent (and other parties if applicable) by **Thursday, March 24, 2011**.
- Upon forwarding IRs for a response, the NIRB may set a timeframe for the Proponent (and other parties if applicable) to respond with an IR response package.
- Upon receipt of the IR response package(s), all parties will be given **60 days** for submission of technical review comments.

Once again, the NIRB requests that all interested parties submit their Information Requests to the NIRB at info@nirb.ca or by fax to (867) 983-2594 on or before **5:00 pm MST, Thursday, March 17, 2011**.

If you have any questions or require further clarification, please do not hesitate to contact Li Wan, Technical Advisor, at (867) 983-4606 or via email at liwan@nirb.ca.

Sincerely,



Ryan Barry,
Director, Technical Services
Nunavut Impact Review Board

cc: Matthew Pickard, BIMC (matthew.pickard@baffinland.com)
Brian Aglukark, NPC (aglukark@nunavut.ca)
Dionne Filiatrault, NWB (dionne@nunavutwaterboard.org)

Enclosed: Review Process Map