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Your file - Votre référence
08MN053
Our file - Notre référence
IQA-N 5510-5-4 UNC ;
CIDMs 318831

April 9, 2009

Leslie Payette
Manager of Administration
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU, X0B 0C0

Via email to: lpayette@nirb.nunavut.ca

Re: The NIRB's Part 5 Review of Baffinland's Mary River Project Proposal

Dear Ms. Payette,

Indian and Northern Affairs Canada (INAC) has reviewed the Nunavut Impact Review Board (NIRB)'s Draft Scope for Baffinland's Mary River Project, and has prepared the following comments, as requested by NIRB in its letter of March 13, 2009.

Project Phases

It is recommended to scope in the impacts of *potential temporary closure* into the assessment in addition to those project phases already identified.

Project components

Mary River Mine Site

INAC would like to suggest the inclusion of several items to the Mary River Mine Site project component section. It is suggested that NIRB include the potential for dewatering activities in the open pit as part of Project Activities. Under



Permanent Facilities, INAC recommends the inclusion of the following items: the rail loop and turn-around and the train loading and unloading facilities as part of the railway terminal facility, waste rock piles, haul roads, and hazardous material handling and storage to be included in the waste management facilities.

Railway from Mary River Mine Site to Steensby Inlet

INAC recommends that the following be included in 'Permanent Facilities': the construction and continued use of an access road alongside the railway. It is noted that *construction access roads* are listed as temporary facilities, however it appears it will exist permanently to assist with maintenance.

Steensby Inlet Port

In the activities list, INAC would like to suggest the inclusion of the overwintering of barges, as proposed in the Proponent's Project Description. INAC would like to suggest the addition of the helicopter landing pad to the list of permanent facilities.

Marine Shipping

INAC suggests it would be helpful for the spatial scope of assessment for the marine shipping to be included in the scoping document to allow parties to review and provide comments.

Also, is not clear whether ships will be arriving at the port will be coming directly or very recently from international ports. If this is the case, INAC would ask that considerations with respect to security and/or smuggling risks be added to the scope of assessment.

Air Traffic

INAC has noticed that the first sentence of the air traffic section contains the following: "Currently there are two airstrips, located at Milne Inlet, Mary River and Steensby Inlet..." yet, the Project Description indicates that there are in fact three airstrips proposed for the project. It has been noted however, that the Milne Inlet airstrip will remain operational, but only for emergencies. Even though this airstrip may never be used, there remains the potential for it to be used, and therefore should be included in the final scope.



Scoping List

a) Meteorology and climate

INAC would suggest the inclusion of how uncertainties and potential changes related to climate change may impact other predictions in the EIS, including water quantity and permafrost considerations be added to the scoping list in this section.

e) Groundwater quality

INAC recommends that the effects of climate change on water balance calculations and water diversions be added to groundwater quality.

f) Surface water and sediment quality

INAC suggests that following be added to the surface water and sediment quality section:

- a) impacts to surface water quality from the deposition of particulate matter from the incomplete combustion of wastes via incineration,
- b) potential effects to surface and ground water quality in relation to other site waste management activities including the storage, handling, landfilling and landfarming of waste, and/or the management of historical contaminated material (ie., previous spills, mishaps, releases, etc.).
- c) Effects of climate change on water balance calculations and water diversions.

i) Vegetation

INAC would suggest that the effects on vegetation that is used by Inuit be added to the scoping list in this section

j) Terrestrial wildlife and wildlife habitat

INAC recommends the third bullet be changed to: "The potential effects on health of individual animals from project activities, *including those that produce* noise and release contaminants" to ensure activities that may disturb wildlife in other ways (human presence, light, vibrations etc.) are not excluded.

k) Marine Infrastructure

INAC recommends the risk of introducing invasive species be added to the list of concerns with respect to ballast water discharge.



n) Socio-economics - Ice Use/Land Use and Food Security

Given the proposed year-round shipping and ice-breaking component of the project, it is recommended that historical and contemporary uses of *ice* by relevant communities within the proposed shipping route be considered. The potential impact of year-round shipping and ice-breaking on these uses, in addition to the potential impacts on food security, should be scoped into the assessment under this section. Other sections throughout the document should be consistent in referencing *ice use* as well as land use, where relevant, when scoping potential impacts.

o) Cultural and paleontological/archaeological resources

Under this category, the first point referring to potential effects on well-being, cultural and traditional values and heritage coherence in the potentially affected communities is well-suited to be included under n) socio-economics.

p) Cumulative effects

INAC suggests that the breadth of impacts that are to be considered in the cumulative effects assessment be made clearer. For example, are other similar developments to be considered only or are other human activities and natural phenomenon such as climate change to be included as well?

In addition, cumulative effects should be scoped in consistently to those relevant VECs and VSECs noted under earlier sections of the document. For example, food security is referred to under p) however it is not mentioned as a significant item under n).

q) Risk management

This section appears to be meant to describe both management plans intended to manage risk as well as potential accidents and malfunctions, the environmental and socio-economic impacts of which are to be assessed. INAC recommends these be separated into two separate sections to ensure the purpose of each is clear.

INAC also recommends the addition of port and site security management under this section, as one of the plans intended to manage risks.

r) Transboundary effects

An important part of scoping transboundary effects is to determine what spatial boundaries will be applied. If this is not possible, the criteria that will be used to



determine these should be presented in the scoping document to allow for review and comment.

Also, the third bullet of this section lists effects of shipping and ice breaking on residents of the Nunavut Settlement Area (NSA) as well as those of other jurisdictions. These impacts are not listed in any other section in the scoping list. INAC would suggest that the transboundary effects section be limited to impacts outside the NSA and that the above-mentioned impacts on Nunavummiut be included in the socio-economic section.

t) Project Alternatives

It is a recommendation to scope in documentation demonstrating how public consultations have influenced the project design, alternatives and how public preferences have been considered by the Proponent in determining the preferred project alternative.

w) Traditional Knowledge

It is recommended to scope in how communication is optimized between the Proponent and potentially impacted communities, how communication is documented by the Proponent, and which languages are used throughout all project phases to communicate.

Spatial and Temporal Boundaries

While the scoping document mentions spatial and temporal boundaries shall be applied, such boundaries have been described, nor have criteria to determine these in the future been provided. Determining the spatial and temporal boundaries of an assessment consist an important part of the scoping exercise. It is especially important to ensure parties can comment during early stages, as it is difficult for the spatial scope of the studies and field work by the Proponent to be adjusted once they are completed.

Requirements of the Northern Baffin Regional Land Use Plan

It is not clear how the information that is required as per the NBRLUP is to be presented, and details on what is to be provided are not clear – will the information be different than that which will be provided for the NIRB process, if so how and if not, how will it be distinguished? It should be made clear that this information is to be presented as an application to the NPC, as per Term 3.5.11 of the NBRLUP.



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INAC looks forward to working with the NIRB on the ongoing environmental assessment of Baffinland's Mary River Project. Should you have any questions, please do not hesitate to contact Margaux Brisco at 867-975-4567 or by email at briscom@inac-ainc.gc.ca.

Sincerely,

[Original signed by]

Robyn Abernethy-Gillis
Manager, Environment Division