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September 21st, 2009

Mr. Ryan Barry
Director, Technical Services
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU., X0B 0C0

Dear Mr. Barry,

RE: *Revised Draft* Environmental Impact Statement Guidelines for the Part 5 Review of Baffinland Iron Mines Corp.'s Mary River Project

The Qikiqtani Inuit Association (QIA) is appreciative of the opportunity to provide comments to the Nunavut Impact Review Board (NIRB) on the *Revised Draft* Environmental Impact Statement Guidelines for the Part 5 Review of Baffinland Iron Mines Corp.'s Mary River Project (the '*Revised Guidelines*'). In addition to written comments, QIA is planning to attend the upcoming Guideline Workshop, scheduled for September 29th and 30th, 2009 in Iqaluit.

Consistent with QIA's previous submissions to the Institutions of Public Government (IPGs) regarding the Mary River Project, QIA's comments on the *Revised Guidelines* relate to the following themes;

- Overall review process and IPG Coordination
- Application of Traditional Knowledge
- Relationship between impact assessment approaches
- Socio-economics

<u>Overall Review Process and IPG Coordination</u>

QIA is aware the IPGs have been working extensively to create a coordinated process which will apply to the Mary River Project, and, potentially to other Part 5 reviews. On the topic of IPG coordination QIA has filed the following comments with the IPGs:

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- 08MN053 BIMC – Mary River (Nuluyait) Project. June 2, 2008
- Draft Framework to Guide a Coordinated NIRB/NWB Process and the Proposed Process for the Part 5 Review of Baffinland Iron Mines Corporation's Mary River Project and the Implementation Requirements of the North Baffin Regional Land Use Plan. April 9, 2009.
- Draft Guidelines for the Preparation of an Environmental Impact Statement – Baffinland Iron Mines Corporation, Mary River Project. July 31, 2009.

With respect to the role of the Nunavut Planning Commission (NPC), QIA again draws attention to section 3.5.11 of the North Baffin Regional Land Use Plan (NBRLUP), which states:

> *"All parties wishing to develop a transportation and/or communications corridor shall submit to the NPC a detailed application for an amendment. This application must include an assessment of alternative routes, plus the cumulative effects of the preferred route. It shall provide reasonable options for other identifiable transportation and utility facilities."*

Furthermore, section 5.3 of the NBRLUP clearly requires:

> "*The NPC will consider all recommendations for amendments and will recommend those that it considers suitable to the Minister of DIAND and the Minister of DSD. Such recommendations for amendments to this plan can come from the federal and territorial governments, QIA, NTI, the communities, industry or land users*."

When observing the Process Map (September 4th, 2009) provided by the IPGs, the final box listed for the NPC states, "*following the NIRB PHC, NPC may request that the NBRLUP be amended to include the proposed transportation corridor*." Based on the Mary River Project Proposal QIA firmly believes an amendment to the NBRLUP, with Ministerial approval, is required. Based on the proposed coordinated process, QIA believes Ministerial approval ought to be sought and received prior to submission of the Final Environmental Impact Statement.

The Nunavut Water Board (NWB) also plays an important role in the coordinated process. Consistent with comments previously submitted, including coordinated

process spreadsheets, QIA again raises the timing and appropriateness of NWB engagement in the coordinated process. QIA believes numerous options have been provided for ways in which a review process could be developed to avoid unnecessary duplication in the review and processing of the application. QIA feels NWB engagement in the NIRB process during the Draft Environmental Impact Statement (DEIS) stage will not avoid duplication. Conversely, early engagement by NWB will require additional effort on behalf of NWB and serve to complicate the review process for all parties. QIA believes that until review of the macroscopic issues related to environmental assessment has concluded the NWB should not engage in the review process. From QIA's perspective the transition from project specific macroscopic topics to finer project specific details occurs during the transition from draft EIS to final EIS.

QIA strongly believes the NWB should not engage in the NIRB process until the issuance of NIRB's pre-hearing conference report at the conclusion of the DEIS review. It is at this stage of the NIRB process the NWB could solicit information through issuance of Supplemental Information Guide for Mine Development (SIG MM3) and NLCA 12.10.2 and 13.5.5 approval requests.

<u>Application of Traditional Knowledge</u>

The application of traditional knowledge is paramount to a successful review process. The reasons for this are two-fold. Firstly, viewing traditional knowledge as a valid and important baseline allows all parties to consider the value and importance of the project area. Through initiating project review with observance of traditional knowledge an Inuit lens is developed whereby all other forms of impacts analysis can bet better understood. Secondly, review of traditional knowledge also implies community engagement. From QIA's perspective it is of utmost importance that communities are engaged in a meaningful manner at the onset of the review process. Building on these themes, QIA strongly suggests once the DEIS is submitted, NIRB schedule an initial technical meeting focusing on the application of traditional knowledge. QIA feels once discussions related to the collection and application of traditional knowledge has occurred, all parties will be in a better position to review the proposed project. To this end QIA is demonstrating its commitment to such an approach by undertaking significant efforts to ensure a comprehensive body of traditional knowledge will be applied to the review process. QIA's goal is to ensure the traditional knowledge of the project

area is understood and applied prior to valuable discussions on project specific details and mechanics.

Relationship Between Impact Assessment Approaches

QIA feels it is of utmost importance to ensure through baseline information exists. Baseline information has strong interrelationships to valued ecosystem components and socio-economic components, methodology, public consultation, traditional knowledge impact assessment approach, impact prediction, cumulative effects, transboundary impacts, indicators and criteria, significance determination, certainty and impacts of the environment on the project. QIA feels the ideas presented in our previous submission on the draft guidelines in relation to assessment approach were not fully captured in the *Revised Guidelines* and therefore presents the following discussion.

The proposed project will have impacts in relation to the cycle of species, the ability to use the current landscape and the ability to cope with environmental changes. In QIA's previous submission to NIRB many of the above stated assessment approaches were discussed in relation to caribou.

According to Inuit, caribou numbers in the North Baffin follow cycles of about 40-60 years. During the caribou cycle when population numbers are high caribou are also associated with being more resilient to change and can be found over a larger range. Conversely, when populations are low caribou are less resilient to change and are distributed over a smaller range. Thus, understanding the phase of the population cycle is a key element in impact prediction.

Assessment approaches are fundamental when attempting to determine impact predictions relative to baseline information. Therefore QIA would argue, without sufficient baseline information capturing species specific dynamics, impact predictions will be inaccurate and potentially altogether misguiding. Moving beyond impact prediction, mitigation and monitoring plans are highly dependent upon baseline information and impact prediction. Meaning, without firm and well developed baseline information, well intended project design and monitoring may not reflect project impacts. QIA feels the approach presented to baseline collection, impact prediction, project design and monitoring ought to apply to all valued ecosystem components, not simply caribou.

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Specific to caribou, dust fall ought to be considered over an appropriate spatial scale. The appropriate scale based on experience in the NWT's diamond mines is at least 30 km. Additionally, QIA strongly recommends the glossary present a definition of dust which is inclusive of fugitive dust, natural and anthropogenic dust; particle size such as PM_{10}.

<u>Socio-economics</u>

QIA reiterates our comment that relevant socio-economic components be considered from a 'life of the project' perspective given the potential for the mine to continue over the course of several generations. We take note of the definition of Temporal Boundaries and appreciate that if applied throughout the DEIS our concern is to a large degree captured.

We trust these comments are helpful in moving towards final guidelines for the Mary River Project. Should you have any questions regarding our recommendations and comments please feel contact our office.

Yours truly,

Stephen Bathory
Acting Director, Lands and Resources

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