



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

www.inac.gc.ca

www.ainc.gc.ca

Nunavut Regional Office
P.O. Box 100
Iqaluit, NU, X0A 0H0

Your file - Votre référence
08MN053
Our file - Notre référence
5510-5-4-3

October 14, 2010

Li Wan
Technical Advisor
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU, X0B 0C0
Via electronic mail to: info@nirb.ca

Re: Comment Request for Baffinland's Mary River Project "Road Haulage Option"

Dear Mr. Wan:

On September 10, 2010, NIRB invited parties to comment on a new alternative, "Road Haulage Option", proposed by Baffinland for their Mary River Project. INAC has reviewed the documents submitted by the proponent to NIRB as well as the sections of the EIS guidelines that pertain to our areas of jurisdiction and interest and would like to provide the following comments.

Preliminary Comment:

INAC is aware that in a September 20th letter to NIRB, the Nunavut Planning Commission indicated that the Commission was not yet able to determine whether the proposed (reconfigured) project conformed to the North Baffin Regional Land Use Plan. At the time of this writing, the conformity determination remains outstanding. Therefore INAC's comments contained in this letter are necessarily contingent on the applicable planning requirements having been met. We anticipate that NIRB will ensure it is confident that this is the case.

General Comments:

It is not entirely clear how the proponent views the newly proposed alternative in relation to other alternatives. It appears that the new alternative may become the preferred alternative once a feasibility study is completed. The proponent has indicated that the feasibility study information will be available for the DEIS. If the new option becomes the preferred alternative, INAC expects that the Draft Environmental Impact Statement (DEIS) would include a clear identification of this, and that the DEIS in its entirety would reflect the change in the proposed project.

Part of the proponent's rationale for the newly proposed alternative is premised on the road haulage option being within its financial capacity without engaging a partner (page 1 of Baffinland's "Road Haulage Option" document). However, it is not clear whether certain parts of the potential new proposed project would depend on the engagement of a partner to make those components or stages feasible. If this is the case, there is a possibility that only part of the project could be undertaken if an appropriate partner is not engaged by the time the second phase of the project is to begin. INAC suggests that if this scenario is possible, it should be described and the potential impacts and benefits of such a scenario should be assessed as part of the review of this project.

INAC notes that public scoping sessions were central to the development of the existing guidelines, and any additions to the original project activities could result in guidelines that do not reflect public input on all the activities proposed at the time the DEIS is reviewed. It is not clear what steps either the proponent or NIRB intend to carry out to ensure that the review includes adequate participation from the public on all components of the reconfigured project proposal. Information on public engagement opportunities would allow interveners to comment on this important issue.

Finally, a change in the project footprint located on Crown Land will require the proponent to apply to INAC for new land leases or quarrying permits as appropriate.

Section-Specific Comments:

The documentation provided by the Proponent states that between 300 and 500 workers will be required to support the road haulage activity during the operational phase. This is of significance and INAC recommends that sections 6.5.1: Milne Inlet and 6.5.2: Tote Road of the guidelines be amended to include the requirement for more precise descriptions of the numbers of workers that will be on site during the operational phase. This is relevant as the number of people on site affects waste generated, adequacy of safety measures, and potential wildlife encounters or disturbance.

INAC appreciates the opportunity to provide comments to the NIRB throughout the review process. Should you have any questions or concerns, do not hesitate to contact Lacey Wallace at Lacey.Wallace@INAC.gc.ca or by phone at (867) 975-4587.

Sincerely,

[Original signed by]

Margaux Brisco
A/Manager, Environment