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Havakvik Atanita

Department of Executive and Intergovernmental Affairs

Ministère de l'Exécutif et des Affaires intergouvernementales

April 26, 2011

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

Via email: rbarry@nirb.ca

Re: NIRB 08MN053 Government of Nunavut responses to Information requests from QIA (IR)

Dear Mr. Barry,

The Government of Nunavut (GN) has received Information Requests from the Qikiqtani Inuit Association (QIA) in their March 17, 2011 submission to NIRB for the Mary River Project draft Environmental Impact Statement technical review. Attached are the GN responses.

The GN wish to thank the NIRB and QIA for providing its input and comments regarding the review of this project proposal. If you have any questions or require further clarification, please contact: Marie Duchaine, Avatilirinirq Coordinator at (867) 975-6026 or at mduchaine@gov.nu.ca, or myself, Pauloosie Suvega, ADM Sustainable Development at (867) 975 6022 or at psuvega@gov.nu.ca.
Qujannamiik.

Pauloosie Suvega
Assistant Deputy Minister, Sustainable Development
Department of Executive and Intergovernmental Affairs
Government of Nunavut

OFFICE OF THE ASSISTANT DEPUTY MINISTER

P.O. Box 1000, Station 203

Government of Nunavut, Iqaluit, NU. X0A 0H0

 (867) 975-6022  (867) 975-6089

✉: psuvega@gov.nu.ca

IR Number: 4

Source: Qikiqtani Inuit Association

To: Baffinland, Q-SEMC and NIRB

Subject: Monitoring and Intervention

Request:

1. It is requested that the Proponent specify at what stage and by what process it will develop a comprehensive and coordinated monitoring program and an initial set of indicators to monitor the effects of the Project and mitigation measures. Without this information at the Review stage, it is very difficult to 'get a handle' on the determination of significance and how affects will or even can be monitored.

2. It is requested that, as partners in the Q-SEMC, the Proponent and Committee members comment on the expertise and support that each can provide to ensure that the Committee has the capacity to perform effective monitoring.

3. Rapid intervention in regard to adverse socio-economic impacts is critical. It is requested that the Proponent describe what mechanisms it will include in the monitoring plan to ensure that information flows from all monitoring initiatives (Project, Q-SEMC, and perhaps others) in time to trigger and implement corrective actions.

4. It is requested that the Proponent comment on the extent and ways that monitoring associated with the IIBA could be coordinated with these other monitoring efforts in order to avoid redundancy in data collection and to obtain a more complete picture of impacts and benefits to Inuit.

GN Response:

2. The Government of Nunavut is responding on behalf of many Q-SEMC members, as the Government of Nunavut funds the Committee and acts as Committee Chair.

Regional Socio-Economic Monitoring Committees (SEMC) have been established in order to respond to both project-specific and regional baseline data collection and socio-economic monitoring requirements for each region. The SEMC's have Terms of Reference approved by the Government of Nunavut and Indian and Northern Affairs Canada.

The Qikiqtani-SEMC has held three meetings to date, in February 2009 (Igloolik), November 2009 (Iqaluit), May 2010 (Pond Inlet). Members of the Committee consistently participate in all meetings, indicating they, indeed, have the capacity to continue to do so. Membership includes representatives from the Government of Nunavut, representatives from Indian and Northern Affairs Canada, representatives from each municipality (usually Mayors and/or Economic Development Officers), project proponents (Baffinland Iron Mines Corporation, Peregrine Diamonds, Advanced Exploration Inc. have all participated in previous meetings), and the Qikiqtani Inuit Organization. In addition, the Committee invites an Elder representative and a youth representative from the host community to participate.

The Q-SEMC is currently at the baseline information-gathering stage. Indicators are being selected and information is being collected. Companies and government representatives continue to offer a wealth of baseline and current socio-economic information. In general, information is provided by proponents on the baseline indicators selected by the Committee

or, if required, by indicators which may arise through the review of the Final Environmental Impact Statement or included in the Project Certificate. Communication with Baffinland Iron Mines Corporation has been ongoing. It is expected that socio-economic information that can be shared by the company will be provided to the Committee on a regular basis pending the results of the Environmental Assessment process.

Information is also collated by government from its various departments and other agencies, who collect information directly. Appropriate information is presented to the Committee to contribute to the identified baseline indicators, and continued data collection and distribution from government departments will support subsequent project-specific indicators.

Community representatives provide information that validates the socio-economic state of communities and report on changes taking place in their communities. In this way, trends which may not be apparent in the statistical information can be identified. This may also result in modifications to indicators or data collection methods.

The Government of Nunavut remains committed to facilitating socio-economic monitoring through coordinating information related to mineral development (Nunavut Mineral Exploration and Mining Strategy, Action 2-9). The SEMCs provide the necessary forum for this information gathering and sharing. As a result, the Government of Nunavut is responsible for bringing members together, facilitating these meetings, and reporting to NIRB. The capacity of the Q-SEMC to maintain its early momentum is enhanced by secured funding by the Department of Economic Development and Transportation, which will support additional technical expertise in data collection, distribution, analysis and reporting.

IR Number: 5

Source: Qikiqtani Inuit Association

To: Baffinland and Government of Nunavut

Subject: Assurances of Compliance

Request:

1. It is requested that the Proponent produce a summary list of the project certificates and attached terms and conditions granted to mines in Nunavut and the Northwest Territories over the last 20 or so years.

2. It is requested that the Proponent and the Government of Nunavut elaborate on the anticipated content and process involved in creating a Development Partnership Agreement (DPA), such as the one mentioned in Vol. 4, section, 13.2, p185.

3. It is requested that the Proponent state its willingness to cooperate with the QIA to draft a Socio-economic Table of Commitments as a major tool in overall Project mitigation and management. This Table would list specific commitments, such as payments to a community support fund or agreement to implement a training program. The Table would include all responsible authorities, timelines and criteria to meet, and any consequences for non-compliance. All responsible authorities would have to agree and sign off on listed Commitments. The Table would be subject to periodic review and independent audit.

4. The Proponent states that its Environmental Health and Safety (EHS) management system is also consistent with ISO 14001:2004 (Environmental) Management System standards. It is requested that the Company comment on its intent to pursue formal ISO 14001 Certification (and the reasons why if it does not intend to pursue Certification).

GN Response:

2. The Development Partnership Agreement (DPA) is a voluntary agreement of mutual benefit between a company and the Government of Nunavut to enhance benefits to communities potentially affected by development projects. Strategic economic development priorities for the *Development Partnership Agreement Program* include:

- physical infrastructure development and investment;
- human capacity building through education and training;
- participation in employment opportunities by Nunavummiut;
- local business development and diversification; and,
- community capacity building.

A company must sign a DPA to be eligible for the Fuel Tax Rebate program. A DPA cannot be signed until after a company has been issued a Project Certificate.

In May, 2009, Baffinland Iron Mines Corporation formally indicated to the Government of Nunavut that they were interested in negotiating a DPA.

For more information on Development Partnership Agreements, please see the DPA Policy and Guidelines on the Department of Economic Development and Transportation website (<http://www.edt.gov.nu.ca>).

IR Number: 10

Source: Qiqiktani Inuit Association

To: All Parties

Subject: Impact Assessment Thresholds

Request:

1. It is requested that the Proponent present rationale for the 10% and 20% thresholds.

2. It is requested that clarity be provided as to whether it is reasonable to apply the same 10% threshold to assess the broad range of different impacts found in the DEIS.

GN Response:

2. Thresholds play an important role in the determination of the significance of environmental effects during the EA process, and further in potentially triggering a contingency response to an impact, should it occur. The determination of thresholds should be specific to each valued component, but may not be available for all valued components. The review of the appropriateness of each threshold (whether 10%, 20% or another type of threshold) is an important aspect of the technical review stage of the Draft EIS. At this stage of the process the provision of technical comments on the appropriateness of specific threshold values is considered to be premature. After the information requests are received, the appropriateness of each threshold will need to be examined as part of the detailed technical review.

IR Number: 23

Source: Qikiqtani Inuit Association

To: Baffinland and GN

Subject: Use of Full Complement of North Baffin Caribou Collar Data

Request:

1. It is requested that the GN provide the Proponent with the most recent complete North Baffin caribou collar dataset for use in the baseline and impact assessment for this project.
2. It is requested that the GN clarify if they are aware of any other data in relation to North Baffin caribou that may not be listed in the proponent's baseline reports. If so, it is requested that the GN provide additional data so that it can be integrated into the DEIS.
3. It is requested that the Proponent clarify whether addition data will be integrated into the DEIS provide an updated analyses to examine seasonal habitat use, fidelity to seasonal habitat and movements, and calving locations.

GN Response:

The GN would like to thank the QIA for participating in the NIRB process. The GN is a source for data, information, and past research pertaining to caribou in Nunavut. The provision of specific data and information on caribou is undertaken in accordance with a process that occurs directly between the GN and the proponent. Data that is requested by a proponent, and available from the GN for release, is shared in accordance the data sharing agreements.

The analysis and reporting of information obtained from the GN is the responsibility of the proponent. During the detailed technical review of the Draft EIS, the GN will be reviewing the baseline and impact assessments provided by the proponent for its contents and completeness. If deficiencies are noted in the data and/or the analysis of the information provided, the GN will identify these deficiencies in its review comments to NIRB.

IR Number: 33

Source: Qiqiktani Inuit Association

To: All parties

Subject: Applicable Acts, Regulations, Guidelines, and, Policies

Request:

1. It is requested that the Proponent provide additional information, to define how the act(s)/regulation(s)/policy would apply to each project component (i.e., road, railway, sea route, fuel storage, abandonment and reclamation etc.). Where possible reference to where further context has been provided within DEIS should be provided, including section and page number.

2. It is requested that each Responsible Agency provide a summary of the project components that will require their attention according to the mandates authorized unto them by their governing jurisdictions. It is requested that each Responsible Agency provide context into their role in inspection, monitoring, and enforcement activities with respect to their act/regulation.

3. It is requested that the Proponent compile the information requested under 1 and 2 into a comprehensive table.

GN Response:

In many instances, the Government of Nunavut's Acts and Regulations apply to various project components, physical activities or other aspects of a project that may take place in Nunavut. Therefore, for the purposes of our review of an Environmental Impact Statement, the Government of Nunavut looks at development projects as a whole rather than each individual project component independently. A Project Certificate will also include a list of approvals and Terms and Conditions that will identify various parties' roles and responsibilities, which the Government of Nunavut will respect and follow. The Government of Nunavut always aims to fully enforce our Acts and Regulations.

The attached table provides an overview of the key Acts, Regulations, and Policies which guide our mandates and define our jurisdictional responsibility. This list is not definitive. Readers should consult the legal or official text of the legislation, regulations and policies for further details. This table is provided for information only.

IR Number: 35

Source: Qikiqtani Inuit Association

To: All Responsible Authorities

Subject: Interactions with Communities

Request:

1) It is requested that each Responsible Agency with a permit, licence or other approval commit to presenting their role in the project assessment and operational setting for the proposed project. To assist with this commitment, QIA will commit to working with all Responsible Agencies to facilitate effective community interactions.

GN Response:

The Government of Nunavut can confirm that the items listed under Vol. 1, Table 1-15.1 are correct, and our role with the proposed project is to enforce these. Further, as seen in the attached table, the Government of Nunavut has various responsibilities under applicable legislation; the Government of Nunavut will work with NIRB, the project proponent and other stakeholders as necessary to address these throughout the Environmental Assessment process and beyond.

Legislation and Regulations			
Apprenticeship, Trade, and Occupations Certification Act	Establishes the Nunavut government as the public authority responsible for apprenticeship. The act also provides the government with extensive authority to regulate apprenticeship.	Department of Education	Apprenticeship, Trade, and Occupations Certification Regulations
Boilers and Pressure Vessels Act	Sets out safety standards and regulations for inspection, fabrication, installation and removal of boilers and pressure vessels.	Department of Community and Government Services	Inspection regulations, safety standards for implementation and removal of boilers
Child and Family Services Act	Established a system, procedures and standards to protect children in the Territory from abuse, harm and neglect.	Department of Health and Social Services	N/A
Commissioner's Land Act	Governs all access and disposition of surface rights on Commissioner's lands.	Department of Community and Government Services	Commissioner's Land Regulations
Education Act	Legislation that defines what K-12 education in Nunavut is, who is entitled to receive it and how it must be carried out.	Department of Education	Inclusive schooling, administration and finance, Inuuqatigiitsiarniq Policy, Bilingual Education.
Electrical Protection Act	Sets out safety standards for all electrical installations and the registration of skilled electrical workers in the territory of Nunavut.	Department of Community and Government Services	N/A
Emergency Medical Aid Act	Outlines who can administer medical aid in the event of an accident or emergency	Department of Health and Social Services	N/A
Environmental Protection Act	Provides for environmental protection from the discharge of contaminants. Also protects territorial lands from becoming "unsightly". Authorizes the Minister to enforce the Act, and also to issue permits and licences for certain allowable activities.	Department of Environment, Environmental Protection Division	Spill Contingency Planning And Reporting Regulations; Asphalt Paving Industry Emission Regulations
Environmental Rights Act	Establishes the right of all Nunavut residents to a healthy environment, and that all residents have the right to protect the integrity, biodiversity, and productivity of ecosystems.	Department of Sustainable Development	N/A
Explosive Use Acts	Establishes provisions for use and management of explosives.	Nunavut Workers Compensation Board	Explosives Regulation
Fire Prevention Act	Legislation to protect people and property from fire by appointing public officials to ensure buildings and structures are safe and to carry out inspections or investigations	Department of Community and Government Services	N/A
Gas Protection Act	Legislation outlining gas installations and gas equipment, inspection of gas installations and gas equipment and the manufacture, sale and installation of gas equipment	Department of Community and Government Services	N/A
Hamlets Act	Established criteria by which a hamlet is defined.	Department of Community and Government Services	N/A
Historical Resources Act	Designation, protection and management of historical resources.	Department of Culture, Language, Elders, and Youth	Historical Sites Declaration
Hospital Insurance and Health and Social Services Administration Act	Provides guidelines for managing, controlling and operating hospitals and social services facilities	Department of Health and Social Services	N/A
Labour Standards Act	Sets out the general rights and responsibilities for both employers and Employees	Department of Economic Development & Transportation	Hours of work, minimum wages, termination of employment, annual vacations, general holidays, pregnancy and parental leave regulations

Liquor Act	Sets out rules on who can consume, purchase and sell alcohol; how and where it can be manufactured, bought, stored, transported and sold; and the roles and responsibilities of those involved in making and enforcing liquor laws and policies in Nunavut.	Department of Health and Social Services	Public safety and security, Protection of minors; Disorderly conduct, and crime, Community wellbeing; Over service and intoxication, Prevention and deterrence of alcohol abuse, and Promotion of social responsibility.
Mine Health and Safety Act	Sets out the rights of mine workers to work in a safe environment, including the right to refuse unsafe work.	Department of Justice	Mine Health and Safety Regulations
Nunavut Act	Establishes Nunavut as a territory and provides for its government.	Indian and Northern Affairs Canada (INAC)	Nunavut Archaeological and Palaeontological Sites Regulations
Nunavut Land Claims Agreement	Establishes Nunavut as a territory and provides for its government, including establishment of the territorial environmental assessment process.	Indian and Northern Affairs Canada (INAC); Government of Nunavut; Institutions of Public Government; Nunavut Tunngavik Incorporated; Nunavut Impact Review Board	N/A
Nunavut Waters and Nunavut Surface Rights Tribunal Act	Gives effect to the provisions of the Nunavut Land Claims Agreement related to the management of waters in Nunavut, and establishes the Nunavut Water Board and the Surface Rights Tribunal.	Nunavut Water Board and Surface Rights Tribunal	Northwest Territories Waters Regulations
Payroll Tax Act	Sets out who should pay tax through payroll, when they have to pay it and the level of taxation applicable.	Department of Finance	N/A
Pesticide Act	Guides the management, application, and storage of pesticides, as well as enforcement of regulations regarding pesticides.	Department of Environment, Environmental Protection Division	Pesticide Regulations
Petroleum Products Tax Act	Sets out the amount which the government can tax petroleum products per litre.	Department of Finance	Monthly Petroleum Products Tax Return, Collection of Tax, Records and Invoices Refunds
Public Health Act	Sets out management of public health.	Department of Health and Social Services	General Sanitation Regulations; Public Sewage System Regulations; Public Water System Regulations; Public Water System Regulations
Safety Act	Sets out the rights of workers to work in a safe environment, including the right to refuse unsafe work.	Nunavut Workers Compensation Board	Work Site Hazardous Materials Information System Regulations; General Safety Regulations
Scientists Act	Provides rules on the issuing of licenses for scientific research conducted in Nunavut	Department of Environment	N/A
Territorial Lands Act	Provides for the disposition, use and protection of territorial lands. The TLA and its regulations govern the administration and disposition of mineral rights, and access to these rights.	Indian and Northern Affairs Canada (INAC)	
Territorial Parks Act	Guides the establishment, classification and management of parks in the territory.	Department of Environment, Parks and Special Places	Territorial Parks Regulations
Transportation of Dangerous Goods Act	Sets out safety standards for transportation of dangerous goods	Department of Economic Development & Transportation	N/A
Wildlife Act	Guides the managements of wildlife in Nunavut, and establishes the Inuit right to harvest.	Department of Environment, Wildlife Management Division	Wildlife Sanctuaries Regulations
Workers Compensation Act	Defines workplace accidents and workers' and their families' rights to compensation.	Nunavut workers' safety and compensation commission	N/A

Government of Nunavut Policies		
Development Partnership Agreement Policy and Guidelines	Establishes the directive for all departments of the Government of Nunavut to enter into an optional Partnership Development Agreement (DPA) with large scale developers.	Department of Economic Development & Transportation
Mine Training Fund Policy	Sets out a policy to help maximize economic and social benefits to communities impacted by minerals industry activity through co-ordinating education and training opportunities for mineral development.	Department of Economic Development & Transportation
Municipal Solid Waste Suitable for Open Burning	Provides conditions under which open burning of municipal solid waste can occur.	Department of Environment, Environmental Protection Division
Nunavut Mineral Exploration and Mining Strategy	Provides a framework of policies and actions to encourage mineral discovery and development.	Department of Economic Development & Transportation
Transportation Strategy	Provides a framework of policies and actions to encourage full participation of Nunavummiut in the economy by enhancing current transportation networks and prioritizing future ones.	Department of Economic Development & Transportation
Waste Lead Policy	Provides for the management of waste lead and lead-based products.	Department of Environment, Environmental Protection Division