ᕿᑭᖅᑕᓂ ᐃᓄᐃᑦ ᑲᑐᔾᔨᖃᑎᒌᖕᒋᑦ
Qikiqtani Inuit Association

ᐱᔨᑦᑎᕋᖅᑐᑦ
ᓄᓇᓕᖕᓂᑦ ᐅᑯᓂᖓ
Serving the communities of

ᐃᒃᐱᐊᑦᔪᒃ
Arctic Bay

ᑭᖕᖓᐃᑦ
Cape Dorset

ᑲᖏᖅᑐᒫᐱᒃ
Clyde River

ᐊᐅᓱᐃᑦᑐᖅ
Grise Fiord

ᓴᓂᕋᔾᔭᒃ
Hall Beach

ᐃᒪᓗᓕᒃ
Igloolik

ᐃᖃᓗᐃᑦ
Iqaluit

ᑭᒻᒥᔾᑦ
Kimmirut

ᐸᖕᓂᖅᑑᖅ
Pangnirtung

ᒥᑦᑎᒪᑕᓕᒃ
Pond Inlet

ᕿᑭᖅᑕᕐᔪᐊᖅ
Qikiqtarjuaq

ᖃᐅᓱᐃᑦᑐᖅ
Resolute Bay

ᓴᓂᑭᓗᐊᖅ
Sanikiluaq

February 27th, 2012

Ryan Barry
Executive Director
Nunavut Impact Review Board
29 Mitik, PO Box 1360
Cambridge Bay, NU
X0B0C0

Mr. Barry,

Re: Baffinland Iron Mines Corporation's 2012 Work Plan Application

The Qikiqtani Inuit Association (QIA) would like to thank the Nunavut Impact Review Board (NIRB) for providing the opportunity to provide comments on Baffinland Iron Mines Corporation's (BIMC) proposed 2012 Work Plan. In conducting a review of the application, QIA has taken the following points into consideration:

- Determination of whether or not Parties agree/disagree with the conclusions in the NLCA 12.10.2(b) application package 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 NLCA 12.10.2(b) application package are supported by the analysis – and reasons to support the determination;

- Determination of whether appropriate methodology was utilized in the NLCA 12.10.2(b) application package 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 NLCA 12.10.2(b) application package; and

- Any comments regarding the expressed need for and required timing of the proposed exceptions as presented within the NLCA 12.10.2(b) application package – and reasons to support any comments made.

ᑎᑎᖅᑲᐅᑎᖓ 1340, ᐃᖃᓗᐃᑦ, ᓄᓇᕗᑦ X0A 0H0 • ᐅᖃᓚᐅᑦ (867) 979-5391 • ᐊᑭᖃᔾᔪᑎᒃᑯᑦ 1 800-667-2742 • ᓱᒃᑐᒃᑯᑦ (867) 979-3238 • ᖃᓗᓴᐅᔾᔭᒃᑯᑦ qikiqtani.nu.ca
P.O. Box 1340, Iqaluit, Nunavut, X0A 0H0 • Phone: (867) 979-5391 • Toll Free 1 800-667-2742 • Fax: (867) 979-3238 • Website: qikiqtani.nu.ca

ᐱᔨᑦᑎᕋᖅᑐᑦ
ᓄᓇᓕᖕᓂᑦ ᐅᑯᓂᖓ
Serving the communities of

ᐃᒃᐱᐊᑦᔪᒃ
Arctic Bay

ᑭᖕᖓᐃᑦ
Cape Dorset

ᑲᖏᖅᑐᒫᐱᒃ
Clyde River

ᐊᐅᓱᐃᑦᑐᖅ
Grise Fiord

ᓴᓂᕋᔾᔭᒃ
Hall Beach

ᐃᒪᓗᓕᒃ
Igloolik

ᐃᖃᓗᐃᑦ
Iqaluit

ᑭᒻᒥᔾᑦ
Kimmirut

ᐸᖕᓂᖅᑐᖅ
Pangnirtung

ᒥᑦᑎᒪᑕᓕᒃ
Pond Inlet

ᕿᑭᖅᑕᑦᔪᐊᖅ
Qikiqtarjuaq

ᖃᐅᓱᐃᑦᑐᖅ
Resolute Bay

ᓴᓂᑭᓗᐊᖅ
Sanikiluaq

1.0 QIA Mary River Project Review Committees

QIA has held numerous Mary River Project Committee meetings on the 2012 Work Plan, including regular committee meetings, face-to-face meetings, teleconference, and facilitated sessions. Included as **Appendix A** to this submission are meeting minutes from Mary River Project Committee meetings. Based on discussions the most pertinent topics, as articulated by QIA committee members, related to Baffinland's application and NIRB's request for comments are:

- Advanced development activities at Steensby Inlet
- Fuel storage by barge in Steensby Inlet, including over-wintering
- Presence of, and, protection for archeological resources

A great deal of discussion continues to focus on Steensby Inlet as a port-site, whereby community members are focused on port-site alternatives. It is QIA's expectation that discussions related to port-site location will also form part of the larger FEIS review. Additional discussion on this subject is presented below.

Fuel storage by barge in Steensby Inlet is a considerable concern, particularly related to increased potential for spills in the marine environment and spill clean-up measures. As such, committee members have requested that alternative means of fuel storage be considered. Although it is understood that fuel storage by other means would likely entail greater land disturbance, provided such disturbance avoids archeological resources, it is the preference of the committees to have fuel stored on land. Discussions related to fuel storage also draws into light a common preference that where possible the proponent ought to avoid impacts (including potential impacts) within the marine environment. Therefore, it should be understood that committee members would prefer additional land disturbance provided such impacts are effectively managed and would result in reduced impacts in the marine environment (including potential and/or perceived impacts).

The protection of archeological resources was repeatedly raised and a concern. As a means of working to address concerns related to archeological resources QIA, BIMC, Government of Nunavut and Inuit Heritage Trust recently held meetings in Igloolik and Pond Inlet. While a success in bringing parties together in discussion with community working groups as well as being very informative, QIA views these sessions as a starting point and looks forward to continuing to work with other parties on ensuring community members are aware of and comfortable with how archeological resources within the project area will be managed. Resulting from these meetings is the strong suggestion that elders be hired to participate in site activities related to archeological resources. The committee members felt that having an elder participate in the field programs would contribute significantly to the findings and results of such work.

ᑎᑎᖅᑲᐅᑎᖓ 1340, ᐃᖃᓗᐃᑦ, ᓄᓇᕗᑦ X0A 0H0 • ᐅᖃᓚᐅᑕ (867) 979-5391 • ᐊᑭᖃᕐᑐᒃᑯᑦ 1 800-667-2742 • ᓱᑲᕐᑐᒃᑯᑦ (867) 979-3238 • ᖃᓗᕐᐅᔾᔭᒃᑯᑦ qikiqtani.nu.ca
P.O. Box 1340, Iqaluit, Nunavut, X0A 0H0 • Phone: (867) 979-5391 • Toll Free 1 800-667-2742 • Fax: (867) 979-3238 • Website: qikiqtani.nu.ca

2.0 Steensby Inlet

In addition to the comments presented elsewhere in this submission, QIA has also undertaken extensive discussions with QIA's Community Review Committees and the QIA Executive Committee concerning outstanding project development related issues of concern to Inuit. These discussions have primarily focused on the Steensby Inlet port-site and represent the latest events in a series of port-site focused discussions.

Prior discussions related to project port-site selection have included the following events: multiple community visits (both with and without technical experts in the fields of rail design/operation and shipping), site tours with extensive rail route fly-overs, on-site workshop with BIMC senior management and technical experts, a QIA commissioned independent rail line feasibility study, additional sea water depth studies, internal financial evaluation of the impacts of an alternative port-site on project feasibility, and a complete technical submission to NIRB on the Draft Environmental Impact Statement resulting in a number of additional commitments by BIMC.

While a number of views continue to be expressed by Inuit regarding the port-site, QIA understands that a port-site at Steensby Inlet may in fact be the most viable option for Baffinland. In making this statement, QIA accepts that project feasibility is based on multiple factors including socio-economic impacts, environmental impacts, and, project economics.

The foregoing statement also assumes QIA's review of and satisfaction with the Final Environmental Impact Statement (FEIS), including all port-site specific commitments contained in the NIRB Pre-Hearing Conference Report, and the eventual issuance of a NIRB Project Certificate on terms and conditions acceptable to QIA. It is a further condition of QIA acceptance of the Steensby port-site that QIA and BIMC are able to positively conclude agreements on an Inuit Impact and Benefit Agreement (IIBA) and Commercial Production Lease (Lease), agreements which are in advanced stages of negotiation. Finally, QIA commits that once an Agreement-in-Principle between QIA and Baffinland exists on the IIBA and Lease, the QIA Executive will undertake to present these agreements to communities prior to formal ratification.

3.0 Technical Comments

The following NIRB Screening Decisions were considered in the review of BIMC's 2012 Work Plan Application.

- March 26, 2007 NIRB Screening Decision for Baffinland's Mary River Geotechnical Drilling Project Proposal.
- May 4, 2007 NIRB Screening Decision for Baffinland Iron Mine Corporation's Mary River Bulk Sample Project Proposal.
- August 22, 2007 NIRB Screening Decision for Baffinland Iron Mines Corporation's Amendment to Geotechnical and Exploration Program Project Proposal.

ᑎᑎᖅᑲᐅᑎᖓ 1340, ᐃᖃᓗᐃᑦ, ᓄᓇᕗᑦ X0A 0H0 • ᐅᖃᓚᐅᑕ (867) 979-5391 • ᐊᑭᖃᕐᑐᒃᑯᑦ 1 800-667-2742 • ᓱᑲᕐᑐᒃᑯᑦ (867) 979-3238 • ᖃᓗᕐᐅᔾᔭᒃᑯᑦ qikiqtani.nu.ca
P.O. Box 1340, Iqaluit, Nunavut, X0A 0H0 • Phone: (867) 979-5391 • Toll Free 1 800-667-2742 • Fax: (867) 979-3238 • Website: qikiqtani.nu.ca

- July 25, 2011 NIRB letter to NWB "Application exempt from Screening pursuant to Section 12.4.3 of the NLCA: Baffinland Iron Mines Corp's Notification to NWB for replacing its existing Fuel Storage Facility in Milne Inlet for the "Mary River Bulk Sampling" Project".

QIA submits the following technical comments in relation to Baffinland's 2012 Work Plan Application:

i. The application does not contain an updated conformity determination from the Nunavut Planning Commission (NPC) regarding land use in the vicinity of the undertaking. NIRB has requested a conformity determination from NPC. **It is requested that Interested Parties have an opportunity to comment on the NPC determination when available and considered in NIRB's assessment**.

ii. Within the 2012 Work Plan, BIMC provided a summary of activities that they consider are already permitted. The following bullets pertain to items listed as "activities already permitted" and are provided to NIRB for consideration in their environmental screening scope.

   a. Milne Inlet – Fuel. NIRB's July 25, 2011 letter to NWB regarding the Milne Inlet new fuel storage facility, exempted the activity of the addition of a 5 ML fuel storage tank with associated services from screening. The NIRB letter, as well as BIMC application for water licence amendment, focuses on the 5 ML fuel storage tank, not the installation and use of 1.5 ML jet fuel tank(s) at this facility. However, NWB's August 12, 2011 approval letter[1] grants approval for modification to include 5 ML bulk fuel storage tank, as well as, another tank with capacity of 3.5 ML. **It is unclear if NIRBs July 25, 2011 screening included a total 8.5 ML of fuel at the new Milne Inlet fuel storage area**.

   b. Milne Inlet – Fuel. Based on NIRB's August 22, 2007 screening, a total of 8.9 ML of fuel (8 ML diesel, and 0.9 ML of jet A) was considered to be stored at Milne Inlet. The 2012 Work Plan proposes less diesel and more Jet A to be stored at Milne in the new fuel storage area compared to the existing environmental screening. It is unclear if BIMC proposes to install one or two 1.5 ML jet A fuel tanks, and therefore uncertain if the total volume of fuel to be stored at Milne

[1] August 12, 2011 NWB letter to BIMC titled "2BB-MRY1114 Type "B" – Action Plan for Decommissioning of Milne Inlet Bulk Fuel Storage Facility and the Construction of New Fuel Tank Storage.

ᑎᑎᖅᑲᐅᑎᖓ 1340, ᐃᖃᓗᐃᑦ, ᓄᓇᕗᑦ X0A 0H0 • ᐅᖃᓚᐅᑕ (867) 979-5391 • ᐊᑭᖅᑭᑦᑐᒃᑯᑦ 1 800-667-2742 • ᓱᒃᑦᑐᒃᑯᑦ (867) 979-3238 • ᖃᓗᓴᐅᔾᔭᒃᑯᑦ qikiqtani.nu.ca
P.O. Box 1340, Iqaluit, Nunavut, X0A 0H0 • Phone: (867) 979-5391 • Toll Free 1 800-667-2742 • Fax: (867) 979-3238 • Website: qikiqtani.nu.ca

ᐱᔨᑦᑎᕋᖅᑐᑦ
ᓄᓇᓕᖕᓂᑦ ᐅᑯᓂᖓ
Serving the communities of

ᐃᒃᐱᐊᑦᔪᒃ
Arctic Bay

ᑭᖕᖓᐃᑦ
Cape Dorset

ᑲᖏᖅᑐᒫᐱᒃ
Clyde River

ᐊᐅᓱᐃᑦᑐᖅ
Grise Fiord

ᓴᓂᕋᔾᔭᒃ
Hall Beach

ᐃᒪᓗᓕᒃ
Igloolik

ᐃᖃᓗᐃᑦ
Iqaluit

ᑭᒻᒥᕐᑦ
Kimmirut

ᐸᖕᓂᖅᑐᖅ
Pangnirtung

ᒥᑦᑎᒪᑕᓕᒃ
Pond Inlet

ᕿᑭᖅᑕᑦᔪᐊᖅ
Qikiqtarjuaq

ᖃᐅᓱᐃᑦᑐᖅ
Resolute Bay

ᓴᓂᑭᓗᐊᖅ
Sanikiluaq

will be 6.5 ML or 8 ML. **It is uncertain the total volumes of fuel, and type, that is considered in the NIRB screening**.

c. Steensby Site – 2,500 barrel fuel storage. A large amount of fuel is planned for storage in fuel barrels at Steensby. BIMC states this activity has been previously screened. **It is unclear if previous environmental screenings addressed fuel storage in barrels to a quantity of 2,500. For example, 51 barrels were detailed in BIMC's 2007 Geotechnical Program Screening Form 2 and used by NIRB in the Aug 22, 2007 NIRB Screening Decision. To limit environmental risks, fuel storage should be contained in lined areas to provide secondary storage in case of a spill/release of fuel**.

iii. Within the 2012 Work Plan, BIMC provided a summary of activities that they consider require screening. The following bullets pertain to items listed as "screening for additional activities" and are provided to NIRB for consideration in their environmental screening scope.

a. Milne Inlet – Fuel. Decommissioning of the fuel bladders is proposed. **It is unclear if decommissioning requires additional screening since abandonment and reclamation planning was a component of BIMC's information that contributed to the existing water licence (2BB-MRY1114)**.

b. Milne Inlet – Fuel. No timeframe is provided by BIMC on when use of the fuel bladders will stop. The fuel bladders are approaching end of useful life. **To limit environmental risk, it is requested that the fuel bladders be taken out of commission upon use of the new fuel facility**.

c. Mine Site – Fuel. NIRB's May 4, 2007 screening considered the storage of one 1.4 ML diesel fuel tank farm, one 550,000 L Jet A tank farm, and one 1.25 diesel tank farm. The 2012 Work Plan proposes to construct and use a 5.2 ML diesel fuel tank and two 1.5 ML jet A fuel tanks within a new fuel storage facility. **It is recommended NIRB consider the increase in fuel stored at the Mine Site in their screening**.

d. Mine Site – Fuel. Decommissioning of the existing fuel storage areas at the Mine Site is not considered in the 2012 Work Plan. As such, the Mine Site has potential to store 3.35 ML of fuel (existing facilities) and 8.2 ML (proposed facilities). Similar to Milne Inlet, the fuel bladders at the Mine Site are approaching the end of useful life. **To limit environmental risk, it is requested that the fuel bladders be taken out of commission upon use of the new fuel facility.**

ᑎᑎᖅᑲᐅᑎᖓ 1340, ᐃᖃᓗᐃᑦ, ᓄᓇᕗᑦ X0A 0H0 • ᐅᖃᓚᐅᑕ (867) 979-5391 • ᐊᑭᖃᕐᑐᒃᑯᑦ 1 800-667-2742 • ᓱᒃᑐᒃᑯᑦ (867) 979-3238 • ᖃᓇᔭᐅᔾᔭᑦ qikiqtani.nu.ca
P.O. Box 1340, Iqaluit, Nunavut, X0A 0H0 • Phone: (867) 979-5391 • Toll Free 1 800-667-2742 • Fax: (867) 979-3238 • Website: qikiqtani.nu.ca

e. Mine Site – Waste rock classification. The details of the waste rock characterization program were limited in the 2012 Work Plan. **It is unclear if the proposed activity is of similar scope and size as detailed in previous NIRB screenings.**

f. Steensby Site – Camp size, water use, and wastewater. The 2012 Work Plan aims to increase the Steensby camp from 40 to about 86, which would increase water use and treated sewage disposal by twice the amounts screened by NIRB on August 22, 2007. **It is recommended NIRB consider the increase in activities at Steensby in their screening.**

g. Steensby Site – Sewage discharge. The 2012 Work Plan proposed to discharge treated sewage in an outfall to Steensby Inlet. The responsible authority for waste discharge to non-freshwater is uncertain. **It is requested the regulatory authority and enforcement of sewage discharge to non-freshwater is obtained if this activity is screened as acceptable**. **It is requested that the appropriate permit to discharge sewage to Steensby Inlet is obtained prior to acceptance of this activity. It is requested that the application, along with the approved permit/licence, to discharge sewage to Steensby Inlet is provided on the public record.**

h. Steensby Site – Fuel. 700,000 L of diesel and jet A fuel is proposed to be stored in ISO containers. **As proposed by BIMC, NIRB should require fuel dispensing areas with secondary containment.** It is noted that a large volume of fuel is proposed to be stored at Steensby in ISO containers, as well as barrels (located adjacent to the existing camp). It is unclear why there are different methods of fuel storage for there may be less potential environmental risk if the 2,500 fuel barrels were replaced with an ISO container.

i. Steensby Site – Equipment and material laydown. A large volume of materials will be staged at Steensby site. **Environmental monitoring is requested of this area is requested to limit risk of release of contaminants into the environment**.

j. Steensby Site – Archeological Resources. Impacts to archeological resources resulting from the development of laydown areas, and, other ground disturbance activities (ex. Drilling) is an item of significant public concern. **The acceptability of activities with respect to potential impacts on archeological resources, including mitigation and management measures, by communities is requested to receive high priority in this determination of significance**.

ᑎᑎᖅᑲᐅᑎᖓ 1340, ᐃᖃᓗᐃᑦ, ᓄᓇᕗᑦ X0A 0H0 • ᐅᖃᓚᐅᑕ (867) 979-5391 • ᐊᑭᖅᑦᑐᒃᑯᑦ 1 800-667-2742 • ᓱᑲᑦᑐᒃᑯᑦ (867) 979-3238 • ᖃᓗᐅᔾᔭᒃᑯᑦ qikiqtani.nu.ca
P.O. Box 1340, Iqaluit, Nunavut, X0A 0H0 • Phone: (867) 979-5391 • Toll Free 1 800-667-2742 • Fax: (867) 979-3238 • Website: qikiqtani.nu.ca

ᕿᑭᖅᑕᓂ ᐃᓄᐃᑦ ᑲᑐᔾᔨᖃᑎᒌᖕᒋᑦ
Qikiqtani Inuit Association

ᐱᔨᑦᑎᕐᖑᑦ
ᓄᓇᓕᖕᓂᑦ ᐅᑯᓂᖓ
Serving the communities of

ᐃᒃᐱᐊᕐᔪᒃ
Arctic Bay

ᑭᖕᖓᐃᑦ
Cape Dorset

ᑲᖏᖅᑐᒫᐱᒃ
Clyde River

ᐊᐅᓱᐃᑦᑐᖅ
Grise Fiord

ᓴᓂᕋᔭᒃ
Hall Beach

ᐃᒪᓗᓕᒃ
Igloolik

ᐃᖃᓗᐃᑦ
Iqaluit

ᑭᒻᒥᕈᑦ
Kimmirut

ᐸᖕᓂᖅᑐᖅ
Pangnirtung

ᒥᑦᑎᒪᑕᓕᒃ
Pond Inlet

ᕿᑭᖅᑕᕐᔪᐊᖅ
Qikiqtarjuaq

ᖃᐅᓱᐃᑦᑐᖅ
Resolute Bay

ᓴᓂᑭᓗᐊᖅ
Sanikiluaq

k. Steensby Site – Fuel barge. A 10 ML fuel barge is proposed to overwinter in Steensby Inlet. Fuel transfer from the barge to land will occur. **It is requested that Transport Canada (and any other regulatory authority) provide advice on the acceptability of this practice. The regulatory and enforcement authority responsible for overwintering of fuel barges is requested. It is requested that the regulatory authority provide approval of the operation and spill response plans required to support this activity. It is requested that the application, along with the approved permit/licence, to obtain approval of overwintering of fuel barge and transfer of fuel on ice to land is provided on the public record**.

l. Steensby Site – Fuel barge. Overwintering of fuel in a barge within Steensby Inlet is an item of significant public concern. **The acceptability of this practice by Nunavut communities is requested to receive high priority in this determination of significance**.

Finally, in conducting the review of this application QIA found the amount and type of materials in Inuktitut was limited. As a result QIA undertook to prepare additional Inuktitut materials in order to facilitate local Committee meetings. Given the additional review time provided by NIRB, QIA was able to accommodate developing additional Inuktitut materials internally without requesting an extension to the review period. QIA encourages Baffinland to interact prior to submissions to ensure that the type and amount of materials submitted do not present difficulties or barriers for community participation.

Should you have any questions or comments please do not hesitate to contact Stephen Williamson Bathory (Director of Major Projects), Solomon Awa (Project Coordinator), or, myself.

Sincerely,

N Beveridge

Navarana Beveridge
Executive Director

cc- Dionne Filiatrault, Executive Director, Nunavut Water Board

Attachments, Appendix A: Mary River Project Committee Community Meeting Notes

ᑎᑎᖅᑲᐅᑎᖓ 1340, ᐃᖃᓗᐃᑦ, ᓄᓇᕗᑦ X0A 0H0 • ᐅᖃᓚᐅᑕ (867) 979-5391 • ᐊᑭᖃᕐᑐᓐᓂᑦ 1 800-667-2742 • ᓱᑲᕐᑐᓐᓂᑦ (867) 979-3238 • ᖃᓇᓴᐅᔭᓐᓂᑦ qikiqtani.nu.ca
P.O. Box 1340, Iqaluit, Nunavut, X0A 0H0 • Phone: (867) 979-5391 • Toll Free 1 800-667-2742 • Fax: (867) 979-3238 • Website: qikiqtani.nu.ca