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**Re: Information Requests, Final Environmental Impact Statement (FEIS),
Proposed Mary River Project**

Grise Fiord

The Qikiqtani Inuit Association (QIA) would like to thank the Nunavut Impact Review Board (NIRB) for the opportunity to prepare and submit information requests in relation to the proponent's FEIS. In preparing this submission QIA took the following points into consideration; "the focus of IR submissions at this point should be on identifying information gaps or areas of uncertainty within the FEIS and conclusions that need to be addressed to develop final written submissions. IRs may also identify specific items that should be brought forth for discussion at a meeting of technical experts prior to a Final Hearing¹." Thus this submission is broken up into the following three broad sections; **information requests, specific summaries and review process considerations.**

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Overall, QIA recognizes and appreciates the work done to date by the proponent in addressing key commitments developed during the review of the Draft Environmental Impact Statement. While great effort went into preparing the FEIS, QIA is also of the view that the recommendations and information requested in this document should contribute to further detailed discussions on the FEIS. QIA's objective with these comments and follow-up discussions is to focus upon continuous improvement in the overall Project plans.

While the initial review of the FEIS tends to focus upon reviewing a seemingly extensive list of documents, for QIA this process is also about developing an understanding of how the Project is proposed to function, how responsibilities for the operations will be addressed, and, whether or not the final proposal presented is acceptable. It is understood that impact predictions are fraught with uncertainties due to the multitude of confounding factors, professional opinions, and, the variation in the manner in which events might actually take place. Therefore, QIA places a higher priority on controllable dimensions

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¹ Amanda Hanson, Director, Technical Services, Nunavut Impact Review Board and David Hohnstein, Director, Technical Services, Nunavut Water Board, to Mary River Distribution List, *Acceptance of FEIS and Next Steps in the NIRB's Review and the NWB's Water Licensing Process for Baffinland Iron Mines Corp.'s Mary River Project*, February 29, 2012, Nunavut Impact Review Board Public Registry. Cambridge Bay, NU.

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such as proactive mitigation, management and monitoring. Through the remaining review process, QIA will weight its review process interactions and input towards these project elements.

1.0 Information Requests

The attached Information Requests are the result of QIA's initial effort to review the FEIS in a comprehensive and methodological manner. The comments have been drafted with the intent of avoiding circular arguments. Rather, QIA is intent on further focusing and refining discussions related to Pre-Hearing Conference commitments, specifically focusing on the content of mitigation and monitoring plans. In particular, QIA focused on determining whether commitments specific to QIA's technical comments of the DEIS have been addressed.

In its Draft Environmental Impact Statement (DEIS) the proponent assessed many impacts of Project activities on the aquatic, terrestrial and socio-economic environment. Subsequent technical review of these impact predictions identified important information gaps and methodological issues that should be resolved to reduce uncertainty about their significance. Many of these issues were presented in detail as technical comments and discussed at the pre-hearing conference (PHC). Based on those discussions a number of PHC commitments were developed, and the proponent committed to address many of them in the Final Environmental Impact Statement (FEIS). QIA considered the impacts of ice-breaking, shipping, explosives use, ballast water discharge, and accidental spills to be particularly uncertain, as were cumulative effects. The ability to detect, mitigate and manage unanticipated impacts was likewise uncertain and in need of clarification.

Since the FEIS was released, QIA has reviewed the document to assess how commitments related to its technical comments were addressed and to review new information. The information requests (IRs) that follow identify information gaps or issues/areas of uncertainty within the FEIS. They include, for example, areas where information specific to a PHC Report commitment cannot be located, is inadequate, or not what was anticipated. There are also several IRs that address new material that was not included in the DEIS and is being reviewed for the first time. Much of this information is required before the environmental risks from this Project can be properly assessed and weighed against the potential benefits.

In preparing these comments QIA was also mindful of the degree to which review time is often consumed by administrative process related to sourcing and organizing information. To this end, QIA's IRs follow a similar format to our DEIS technical submission, with specific comments contained in individual comment sheets. Adherence to this format allowed our experts to maintain an efficient and organized approach to the FEIS review.

In addition to individual comment sheets referenced in QIA's IR reference table (**Appendix A**) and attached in their entirety in **Appendix B**, QIA has constructed a *PHC Commitment Concordance Table* so that both NIRB and the proponent can track technical comments related to a specific PHC commitments (**Appendix C**). QIA requests that the proponent use **Appendix C** to facilitate future discussions related to comments raised in

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this submission. Creating another table will only serve to add administrative burden in a compressed review schedule.

QIA has constructed two categories for IRs, a category related to NIRB and a category related to NWB.

1.1 Category 1 Comments (NIRB Related):

IR's in this category focused on areas where QIA's technical review of the DEIS lead to a specific commitment in NIRB's PHC Report. This narrowed the scope of QIA's effort in reviewing the FEIS as QIA did not focus on commitments related to other party concerns unless there was clear overlap in previous technical comments.

In addition to verifying the quality and presentation of the proponent's response to individual commitments it was also anticipated that the review of the FEIS would reveal new information not contained in the DEIS, nor related to a specific commitment. Therefore, in reviewing the FEIS we have identified if IR's are addressing new material contained within the FEIS which was not presented in the DEIS.

1.2 Category 2 Comments (NWB Related):

As requested by the Nunavut Water Board (NWB), this category of IR's focused on the completeness of the Final Type A Water Licence Application information as presented by the Proponent relative to the NWB Supplemental Information Guide.

2.0 Specific Summaries

In addition to the detailed IRs presented in Appendix B included in this submission, additional comments related to QIA's review of the FEIS are provided here. These comments are more global in nature and therefore do not fit within the category of an IR. QIA has presented these comments according to review process theme.

2.1 Socio-Economic

Regarding socio-economics, QIA appreciates the progress that has been made in responding to previous comments and with the development of a socio-economic Monitoring Framework to address a variety of matters and concerns raised during the DEIS Technical Review. We fully intend to continue working closely with the proponent and other partners on further development of the monitoring program and implementation of relevant management plans.

The proponent recognizes that collaboration in monitoring is necessary given the multiple sources of influences over socio-economic change taking place across the territory. The

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expectation is that a collaborative approach to socio-economic monitoring will continue as the Project proceeds. (FEIS Vol.4, pg.246)

This being said, QIA remains concerned about the capacity of all the partners to fully perform their roles in the effective implementation of monitoring programs, refinements as required to ensure early response and intervention when necessary, and ongoing strategic planning in the delivery of programs and services. For its part, QIA commits to begin serious planning and consideration of what new financial and human resources will be required to fully engage in all aspects of monitoring and management, including the socio-economic realm. QIA therefore urges other partners with responsibilities in the socio-economic environment to do likewise. QIA anticipates discussion of these issues at the FEIS Technical Meeting and upcoming collaborative meetings on socio-economic monitoring.

2.2 Terrestrial

Regarding the terrestrial environment, QIA has provided an introduction to QIA's Information Request (**QIA-IR-E-24**) regarding the Environmental Mitigation and Monitoring Plan and the implications regarding caribou and the Mary River Project. This can be found as the Preliminary Terrestrial Comments Submission within **QIA-IR-E-24 (Appendix B)**.

While the Proponent has clarified some baseline information in its responses to Information Requests, considerable uncertainties remain about the validity of the Proponent's proposed mitigation measures (and monitoring) for an industrial development on calving and post-calving ranges for barren-ground caribou, especially as it relates to railway construction and operation. At a technical session, some of the discrepancies in the proposed mitigation and monitoring should be resolved through an exchange of experience and information.

3.0 Review Process Considerations

3.1 Plain Language Summaries

QIA is using the Plain Language Summaries found in Volume 1, Appendix 1E to help the various Mary River Project Committees undertake a review of the FEIS. After a review of this section in an attempt to plan and coordinate the MRPC review, QIA has found that portions of the plain language summaries are inaccurate and confusing. QIA has prepared the following excerpts to help exemplify the nature of QIA's concerns:

- While the English versions of the plain language summary listings for management plan locations in the FEIS direct reviewers to accurate locations, the Inuktitut version directs reviewers to empty sections in the plan. QIA feels that this misdirection is an unfair burden on Inuit reviewers who, unlike some technical reviewers who are accustomed to navigating a large document such as

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the FEIS, are not well experienced with these types of documents and should not be subject to this type of misdirection from the proponent.

- It is QIA’s opinion that the plain language summaries are too confusing to be labeled “plain language”. For example please see this summary of the *Construction Risk Management Report*:²

The focus of the risk assessment was on higher level risks representing threats to the success of the project. Opportunities were also captured. The scope included project execution risks only, excluding environmental permitting. Additionally, operational risks that could be caused or mitigated by design were also included in the scope. The risk ranking according to probability of occurrence and impact was done at a pre-mitigation level. Mitigation actions were also identified for each risk; however, a post-mitigation ranking was not included as part of the scope.

QIA encourages the proponent to revisit the plain language summaries to address the intended goal of ensuring Inuit have the ability to understand and participate in the review of the FEIS. QIA strongly suggests the proponent works to address this situation as soon as possible so as not to delay the review process.

3.2 Technical Meetings

In addition to discussions already held with NIRB, QIA would again like to state the importance of the proponent's response to IRs and how it will be a key component in how QIA prepares for the technical meetings and final technical submissions.

QIA suggests that NIRB, upon submission of the proponent's IR responses, circulate an agenda for the technical meetings. QIA further suggests that parties be given the opportunity to comment on the agenda relative to the topics they expect to cover and the time allotted for each subject area. QIA feels this will go a long way towards ensuring the limited time for initial technical meetings will be well spent.

Additionally, understanding that NIRB will facilitate the technical sessions, QIA requests that NIRB meet with parties prior to the technical meetings to explain the format, content and agenda. QIA further suggests such a meeting could be conducted by teleconference once the draft agenda is released for comment. In this way NIRB could also collect immediate feedback on the meeting agenda, as discussed above.

QIA understands that organizing and facilitating technical meetings can be very resource intensive for all parties. Therefore, QIA would like to understand NIRB willingness to allow parties to enter into additional discussions in parallel with the main technical meeting topics. Much like the DEIS technical meetings, this would provide an opportunity for parties to make use of face-to-face time, something that is often limited by geography.

² FEIS Volume 10, Appendix 1E, Pg. 69 of 78.



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QIA believes that one particular outcome of technical meetings should be coming to an understanding as to whether or not additional technical meetings, or, an additional Pre-Hearing Conference needs to be scheduled prior to parties submitting final comments and participating at Final Hearings. QIA expects that the requirement for additional meetings would be fairly self-evident to participants at the technical meeting. QIA encourages all review parties to participate in the technical meetings knowing NIRB has indicated, if required, additional meetings can be held. Given the complexities of scheduling and resource planning, QIA requests that parties be prepared to determine if any additional meetings are required (including suggested dates and locations) prior to the close of the technical meetings.

One point QIA would like to add, is that should an additional Technical Meeting, or, Pre-Hearing Conference be suggested by the parties, QIA would like to suggest that NIRB consider the ability to amend section 20.1(b) of NIRB's Rules of Procedures (September 2009) to allow for a shorter notice period. QIA suggests that no more than 30 days be required, consistent with NIRB's agreed to amendment to the Rules and Procedures specific to technical meetings, as contained in the Pre-Hearing Conference Report (December 2011).

Based on QIA's IR submission, the following is a preliminary list of the general topics that need to be discussed during the technical meeting.

- Socio-Economic
 - Implementation of relevant management plans
 - Development of the collaborative approach to socio-economic monitoring
- Aquatic Environment
 - Impact significance of ice-breaking, shipping, explosives use, ballast water discharge, accidental spills, fuel storage and cumulative effects
 - The ability to detect, mitigate and manage unanticipated impacts and how this relates to the development of monitoring plans
- Engineering
 - Project components and associated management plans
 - Effluent volumes and characteristics
 - Agency and regulatory instruments
- Terrestrial
 - Mining in a calving area and how it relates to proposed mitigation measures and monitoring
 - Applicability of Caribou Protection Measures



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