



Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU X0B 0C0
Via email: info@nirb.ca

18 October 2013

Re: Parks Canada Agency's comments for the NIRB's Reconsideration of the Project Certificate for Baffinland Iron Mine Corp.'s Mary River Early Revenue Phase proposal (NIRB File No.: 08MN053)

To whom it may concern:

Parks Canada Agency is pleased to provide the Nunavut Impact Review Board (NIRB) with our comments for the reconsideration of the Project Certificate for Baffinland Iron Mine Corp.'s Mary River Early Revenue Phase proposal (NIRB File No.: 08MN053). These comments are based on a thorough review of the Addendum to the Final Environmental Impact Statement, extensive coordination with other reviewing organizations, and significant corporate familiarity with the region.

We look forward to continuing to work with the NIRB and the proponent throughout the remainder of the review. Please feel free to contact Allison Stoddart at (819) 827-3436 or Allison.stoddart@pc.gc.ca if you should have any questions.

Sincerely,

Nancy Anilniliak
Nunavut Field Unit Superintendent

c.c. Rob Prosper, Parks Canada
Allison Stoddart, Parks Canada



Executive Summary

Pursuant to the *Canada National Parks Act*, the *Nunavut Land Claims Agreement*, and the *Inuit Impact and Benefit Agreement of Auyuittuq, Quttinirpaaq, and Sirmilik National Parks*, the Parks Canada Agency (PCA) has a broad mandate for ecological integrity, cultural resource management and traditional use, and visitor experience. PCA also has a strong interest in the context of a proposed national marine conservation area (NMCA) in the Lancaster Sound area which would be established under the *Canada National Marine Conservation Areas Act*. This is an active NMCA proposal with ongoing discussions between Parks Canada, the Government of Nunavut and the Qikiqtani Inuit Association (QIA), subsequent to the signing of a memorandum of understanding between the three parties in 2009, and the Government of Canada's 2010 announcement of a proposed boundary for the NMCA (as noted in the attached documents).

Within this broad mandate Parks Canada's key areas of interest related to the Mary River Iron Mine Early Revenue Phase proposal include:

- 1) visitor / user experience
- 2) seabirds
- 3) caribou
- 4) marine mammals
- 5) marine shipping

Management and mandate for several of these areas of interest are shared with other reviewing organizations, notably Fisheries and Oceans Canada, Environment Canada, Transport Canada the Government of Nunavut and the Qikiqtani Inuit Association. After careful analysis and following discussions with the various reviewing organizations, PCA has determined that we also share their perspectives with respect to these areas of interest.

Given these shared interests and perspectives, and given that these other reviewing organizations have more extensive scientific expertise, for these common areas of interest, PCA will rely on the outcomes of the technical analyses by those other



organizations for our own evaluation and conclusions and fully supports all of their analyses, comments, concerns, and conclusions. In addition, Parks Canada has specifically requested membership on the Marine Environment Working Group through a change to Condition 77 of the Project Certificate. Parks Canada would like to ensure continued involvement in advising on the protection of the marine environment in the area of the proposed national marine conservation area (NMCA) in the Lancaster Sound.

Maintaining and ensuring a good visitor/user experience by Inuit Land Claim Beneficiaries (including in the context of traditional harvest and cultural use, as integral parts of the ecosystem), by tourists, and by researchers remains a key area of focus for PC. With the long term project modifications introduced by the Early Revenue Phase of the Mary River Project, Parks Canada's review has considered impacts to the broader site user, which includes beneficiary use of Sirmilik National Park as well as the proposed NMCA for Lancaster Sound.

The proponent has committed to implementing a number of mitigation measures associated with impacts to user experience. In addition to these mitigations, Parks Canada is specifically recommending a change to Condition 150 of the Project Certificate to ensure regular communications with the proponent. We trust that the proponent will also commit to adaptive management in the eventuality that these mitigation measures prove to be inadequate for accomplishing the desired results



Table of Contents

1.0	Reason for Parks Canada Involvement in the Review	1
2.0	Parks Canada Agency Mandate Pursuant to the Canada National Parks Act and the Canada National Marine Conservation Areas Act	1
2.1	Parks Canada Agency Interests	4
2.1.1	Visitor / Park User Experience	4
2.1.2	Seabirds	5
2.1.3	Caribou	6
2.1.4	Marine Mammals	7
2.1.5	Marine Shipping.....	7
2.2	Assessment of Impacts on Key Areas of Interest	8
2.2.1	Visitor / Park User Experience	8
2.2.2	Seabirds	10
2.2.3	Caribou	10
2.2.4	Marine Mammals	11
2.2.5	Marine Shipping.....	11
3.0	Parks Canada Specific Comments	12
4.0	Summary	15
5.0	Transportation Corridor Application-NIRB Request for Comments	16
6.0	Attachments	16



1.0 Reason for Parks Canada Involvement in the Review

The Parks Canada Agency (PCA) is involved in the review of the Baffinland Mary River Project Early Revenue Phase proposal because the project would be located near Sirmilik National Park of Canada (hereafter Sirmilik National Park). Sirmilik National Park is located in the North of Baffin Island, near the communities of Pond Inlet (Mittimatalik) and Arctic Bay (Ikpiarjuk). The park is divided into four separate parcels: Bylot Island, Borden Peninsula, Baillarge Bay, and Oliver Sound. At 22,200 km², Sirmilik National Park is one of the largest national parks in Canada. It is also notable for its 800 km of dynamic coastal/marine ecosystem interface, which has a considerable influence on many portions of the park. The Bylot Island Migratory Bird Sanctuary covers the whole of Bylot Island and all waters and islands or parts of islands within two miles of the seaward ordinary high water mark of the island.

An additional reason for PCA involvement in the review arises because the project would entail shipping through the waters of a national marine conservation area (NMCA) proposed for Lancaster Sound, as well as port infrastructure in Milne Inlet, which is also within the proposed NMCA. This is an active NMCA proposal with ongoing discussions between Parks Canada, the Government of Nunavut and the Qikiqtani Inuit Association (QIA), subsequent to the signing of a memorandum of understanding between the three parties in 2009, and the Government of Canada's 2010 announcement of a proposed boundary for the NMCA (as noted in the attached documents).

In this submission, we will provide PCA's mandate, interests and assessment of the Early Revenue Phase proposal for both Sirmilik National Park, and the proposed Lancaster Sound NMCA.

2.0 Parks Canada Agency Mandate Pursuant to the Canada National Parks Act and the Canada National Marine Conservation Areas Act

Parks Canada Agency's mandate states:



On behalf of the people of Canada, we protect and present nationally significant examples of Canada's natural and cultural heritage and foster public understanding, appreciation and enjoyment in ways that ensure their ecological and commemorative integrity for present and future generations.

One of the pillars of this mandate arises from subsection 8(2) of the *Canada National Parks Act* (CNPA), which states that “the maintenance or restoration of Ecological Integrity, through the protection of natural resources and natural processes, shall be the first priority of the Minister when considering all aspects of the management of the parks”. The CNPA states that ecological integrity means, with respect to a park, “*a condition that is determined to be characteristic of its natural region and likely to persist, including abiotic components and the composition and abundance of native species and biological communities, rates of change, and supporting processes*”.

Similarly, Cultural Resource Management within National Parks adheres to the principles of value, public benefit, understanding, respect, and integrity, and entails an integrated and holistic approach, for the current and future benefit, understanding, appreciation, and study by Canadians.

Additionally, the CNPA states that the national parks of Canada are dedicated to the People of Canada for their benefit, education, and enjoyment. National parks tell visitors the stories of Canada's natural beginnings - mountains forming, lakes emerging, rivers running, glaciers moving. They provide opportunities to connect with nature, the people, and the events that define Canada. As such, ensuring good and memorable visitor experience is a key aspect of PCA's mandate.

Sirmilik National Park is cooperatively managed by Inuit and Parks Canada in accordance with the *Nunavut Land Claims Agreement*, the *Inuit Impact and Benefit Agreement of Auyuittuq, Quttinirpaaq, and Sirmilik National Parks*, and the *Canada National Parks Act*. The purpose of the park is identified in the *Inuit Impact and Benefit Agreement of Auyuittuq, Quttinirpaaq, and Sirmilik National Parks* as follows:

- 1) to protect for all time a representative natural area of Canadian significance in the Eastern Arctic Lowlands Natural Region;



- 2) to respect the special relationship between Inuit and the area;
- 3) to ensure the long-term protection of the migratory bird populations and their habitats in the Park; and
- 4) to encourage public understanding, appreciation and enjoyment of the Park, including the special relationship of Inuit to this area, so as to leave the Park unimpaired for future generations.

Similarly, the *Inuit Impact and Benefit Agreement of Auyuittuq, Quttinirpaaq, and Sirmilik National Parks* directs Parks Canada to manage archaeological sites and sites of religious or cultural significance (which are often found along the shoreline, including in Oliver Sound) in a manner that:

- 1) protects and promotes the cultural, historical, and ethnographic heritage of Inuit society, which includes Inuit traditional knowledge and oral history related to these sites; and
- 2) respects and is compatible with the role and significance of these sites in Inuit culture.

The proposed establishment of a National Marine Conservation Area (NMCA) in Lancaster Sound is presently the subject of a feasibility assessment that involves PCA and other federal departments, the Government of Nunavut, and the Qikiqtani Inuit Association (QIA), following the signing of a memorandum of understanding by the Parties in 2009. In December 2010 the Government of Canada announced its position regarding a proposed boundary for the NMCA, as a basis for consultation with local communities and other interests. Most of this area, totaling approximately 44,300 sq km, is in Lancaster Sound proper, but it also includes the waters of Pond Inlet, Eclipse Sound, Milne Inlet and Navy Board Inlet.

Recommendations to the federal and territorial Ministers of environment and the President of QIA regarding NMCA feasibility and final NMCA boundaries are likely a year or more away. Afterward, further steps toward NMCA establishment will include the negotiation of an Inuit Impacts and Benefits Agreement and the development of an interim management plan, including an interim zoning plan.

The proposed National Marine Conservation Area (NMCA) will be established and managed under the *Canada National Marine Conservation Areas Act* which sets



out the purpose of NMCAs, specifically, that these areas “are established ... for the purpose of protecting and conserving representative marine areas for the benefit, education, and enjoyment of the people of Canada and the world.”

The *Canada National Marine Conservation Areas Act* prohibits exploration for and development of mineral and energy resources in NMCAs. It also requires that NMCAs be managed and used in a sustainable manner that meets the needs of present and future generations without compromising the structure and function of ecosystems. It specifies that each NMCA shall be divided into zones, including at least one zone that fosters and encourages ecologically sustainable use of marine resources and at least one that fully protects special features or sensitive elements of ecosystems, and that in the development of management plans, the primary considerations shall be principles of ecosystem management and the precautionary principle.

Provisions of a management plan and of the interim management that precedes it respecting fishing, aquaculture, and fisheries management are subject to an agreement between the Minister of Environment (as Minister responsible for the Parks Canada Agency) and the Minister of Fisheries and Oceans, while the management of fisheries per se remains the mandate of the Minister of Fisheries and Oceans. Please note that pursuant to the *Fisheries Act*, ‘fish’ include fin-fish, shell-fish, crustaceans, and marine mammals.

Provisions of a management plan and of the interim management that precedes it respecting marine navigation and marine safety are subject to an agreement between the Minister of Environment (as Minister responsible for the Parks Canada Agency), the Minister of Transport, and the Minister of Fisheries and Oceans (as Minister responsible for the Coast Guard), while the management of navigation per se remains the mandate of the Minister of Transport.

2.1 Parks Canada Agency Interests

2.1.1 Visitor / Park User Experience

Park users of Sirmilik National Park tend to fall into three categories. First, Inuit from local communities, who use the park to pursue traditional harvesting activities



and other expressions of culture on the landscape. It is PCA's experience that while modern equipment may be used by these park users to gain access to the park, once in the park these park users seek a traditional experience free of exposure to industrial activities.

Second, tourists who are attracted by the parks striking landscape, geological features, views of glaciers and icebergs, unique arctic ecology, and cultural resources. There is also some visitor use by non-beneficiary locals. Some visitors will access the shorelines and lands of the park via kayaks and explore the park's coastal and marine areas, including Oliver Sound. Other visitors will access the park via local boats or snowmobile with local outfitters; but once access is gained, these tourists are isolated and self-sustained. Many of these tourists are known to travel by foot well inland. Periodically tourists will also access the park via cruise ships. Most tourists seek an experience that can be characterized as 'remote wilderness'.

Finally, researchers are a very large user group of Sirmilik National Park. They tend to conduct studies in the park because of its pristine ecosystems.

Given the long term nature of the Early Revenue Phase, it is recognized that most of these park users of Sirmilik National Park will also be users of the National Marine Conservation Area once it is established. It is fully anticipated that the establishment of NMCA will likely further attract users to come to the area. The waters of the proposed NMCA and lands of the national park are all interconnected in purpose and use, and it is anticipated that users will seek a very similar and complementary experience.

2.1.2 Seabirds

The Baffinland Mary River Project Early Revenue Phase Local and Regional Study Areas encompass a number of seabird colonies as well as important feeding and staging areas for a variety of seabirds and seaducks. Several of these seabird colonies are located within Sirmilik National Park or in the associated Bylot Island Migratory Bird Sanctuary. For example, the Cape Graham Moore colony on Bylot Island includes some 30,000 pairs of Thick-billed Murres and 3,000 breeding pairs



of Black-legged Kittiwakes. Similarly, the nearby Buchan Gulf colony includes some 25,000 breeding pairs of Northern Fulmars. Additionally, the area is known for having large offshore aggregations of seabirds, including the endangered Ivory Gull, during the breeding season, as well as the spring and fall migratory periods. Note that several of these sites are nationally and internationally recognized as 'Important Bird Areas' and 'International Biological Programme Sites'.

Lancaster Sound is also of critical importance to millions of breeding, summering and staging seabirds, such as Thick-billed Murres, Black-legged Kittiwakes, Northern Fulmars, Dovekies, Black Guillemots, and to seaducks such as Eiders and Long-tailed Ducks. The Local and Regional Study Areas for the project also encompass the waters of Pond Inlet and Eclipse Sound, and well as waters up to 2 miles offshore of eastern Bylot Island, all of which are included in the proposed Lancaster Sound NMCA. These waters are important feeding and staging areas for a variety of seabirds and seaducks.

2.1.3 Caribou

Studies by the Government of Nunavut have shown that the North Baffin Caribou population is currently small, and as a result of this small size is not very migratory. Caribou are found in the Local and Regional Study Area, and have historically been found in Sirmilik National Park. This indicates that the caribou population has important ecological integrity linkages into Sirmilik National Park, especially given that when population numbers are higher the North Baffin Caribou are more migratory throughout the adjacent areas, and make greater use of the park, including crossing over to Bylot Island. Thus, caribou are of interest to PCA both currently, and equally in the future should the population increase.

In addition to this ecological integrity linkage, there is also a societal and cultural linkage. Inuit (who are an important component of the landscape and ecology of Sirmilik National Park) have historically relied on caribou for their survival. Equally important, caribou play a significant role in the culture of local Inuit.



2.1.4 Marine Mammals

Marine Mammals are considered to be one of the main elements of the marine ecosystem in the proposed Lancaster Sound NMCA. Lancaster Sound is of critical importance to a number of marine mammal species at various times of the year, including most of the world's narwhal and a third of North America's beluga, as well as bowhead whales, walrus, and ringed and bearded seals, and has one of the highest densities of polar bears in the Canadian Arctic. Many of these species are also targets for harvesting by Inuit, and thus are of great relevance to the objective of providing ecologically sustainable use of marine resources.

The conservation of marine mammals in the proposed NMCA is of interest to PCA. However, in the context the Baffinland Mary River Project Early Revenue Phase Project, narwhals are of particular interest. Portions of Eclipse Sound and Milne Inlet provide important and perhaps even critical habitat for narwhals, including as nursery habitat. Narwhals also hold particularly unique cultural relevance in the area.

2.1.5 Marine Shipping

Under the *Canada National Marine Conservation Areas Act*, shipping is an allowable activity in an NMCA, with the standard expectation that it be conducted in accordance with all applicable regulations and best practices. As such, PCA's interests are not in regards to shipping *per se*, but rather in the effects that shipping can have on the sustainable use of the marine ecosystem. Hence, PC's main interests are associated with the potential impacts of marine shipping on user experience, marine mammals, sea birds and the marine environment, including the movement and introduction of non-native species and changes in water quality due to spills which have the potential to adversely alter the marine ecosystem and its productivity. Accidents associated with shipping pose some of the highest risks to the proposed NMCA.



2.2 Assessment of Impacts on Key Areas of Interest

2.2.1 Visitor / Park User Experience

For both Sirmilik National Park and the proposed Lancaster Sound NMCA, an experience of “wildness” and remoteness is important to visitors enjoying the sites, and as such is an important consideration to PC. Valued characteristics of “wilderness” typically include a feeling of solitude, a sense that wilderness is “untrammelled” and “free from modern human control or manipulation”; “natural” and “substantially free from the effects of modern civilization”; and “undeveloped”, without “permanent improvements or modern human occupation”.

Additionally, visual/aesthetic experiences are closely tied to the wilderness experience, for the visitor’s experience of the wilderness typically begins with what he or she sees. Similarly, hearing/aural experiences are also closely tied to the wilderness experience, for natural sounds (and at times the unique absence of all sounds) permeate and contribute to the experience while foreign sounds penetrate and detract. Please note that research has found that seeing or hearing aircraft are major negative factors to visitor's of northern national parks.

Beneficiary park users entering the park to pursue traditional harvesting activities or as part of their own cultural celebration can also be affected. Low flying aircraft can disturb wildlife and affect harvesting activities as well as enjoyment of cultural activities.

There are two aspects to evaluate in linking these visual and hearing sensory experiences and visitor’s/park user’s wilderness experience:

- 1) how does the Project component (for example, infrastructure, ships, planes) fit with the rest of what a visitor/park user sees and hears, and
- 2) how does the Project component fit with what the visitor/park user expects to see and hear in a national park or national marine conservation.

There are several possible pathways of effects on visitor experience. First, through sight and noise intrusion from aircraft ferrying workers and supplies to the project. It is anticipated that such intrusions would be most notable in the Oliver Sound and



Paquette Bay regions of the park. These regions are under the project's flight path, and are areas of visitor focus. Furthermore, Oliver Sound in particular is used by members of the local community.

PCA knows from feedback from visitors to Auyuittuq National Park that the air traffic between Pangnirtung and Qikiqtarjuaq detracts from the wilderness experience, particularly aurally. Similarly, feedback from visitors at Gwaii Haanas National Park Reserve also identifies air traffic as a negative influence on their experience, especially as the sound is amplified over water. Sirmilik National Park staff have received verbal complaints regarding beneficiaries being disturbed by the amount of air traffic in the park area. It is recognized that the bulk of these complaints have been associated with helicopter use.

The second pathway of effect on visitor experience is through sight and physical (waves and collision hazards) intrusions from ships traversing the same or adjacent waters as kayakers and other small boats. For example, there is the potential for kayakers to travel between the Borden Peninsula and Oliver Sound park areas, which would involve crossing Milne Inlet. In this event there is the potential for a wilderness experience effect as well as a potential public safety issue (wake, being caught in path of ship if kayakers misjudge timing or distance).

The third pathway of effect on visitor experience is actually indirectly through effects on marine mammals. Marine wildlife is a major attractant for visitors to the park. Marine wildlife is also culturally essential to the community, which in turn has linkages to the wilderness experience that can be had by visitors to the park. Thus, any adverse effect on marine wildlife or their habitats by shipping (e.g., noise or displacement) or by a shipping incident (e.g., a spill or collision) could adversely affect the wilderness experience for park visitors.

Within the Final Project Certificate No. 005 for the Mary River Project, Term and Condition 150 outlines a commitment to implement several mitigation measures which will help to meet the desired outcomes for park visitor experiences. Outlined in section 3 of this submission, Parks Canada specifically recommends a change to Term and Condition 150 to ensure continued communications between the proponent and Parks Canada as it relates to flight and shipping schedules. We trust



that the proponent will also commit to adaptive management in the eventuality that the mitigation measures outlined prove to be inadequate for accomplishing the desired visitor/user experiences.

2.2.2 Seabirds

Given that PCA and Environment Canada (EC) share responsibility and perspectives for the management of seabirds, and given EC's more extensive scientific expertise related to seabirds within the region, for this common area of interest, following careful analysis and discussions with EC, PC will rely on the outcomes of the technical analysis by EC for our own evaluation and conclusions.

This reliance on, and support of, EC's technical analysis pertains to all aspects of the review of the ERP's potential effects on seabirds, and of the effectiveness of proposed mitigation measures and monitoring. This includes the review of disturbance during sensitive nesting and fledgling seasons, displacement, spills, and release of other contaminants. These are particularly of interest where habitat or seabirds are sensitive, including in the context of feeding and of geographic chokepoints during migrations.

Therefore, in this common area of interest, PC fully supports all of EC's technical analyses, comments, concerns, and conclusions.

2.2.3 Caribou

Given that PCA and the Government of Nunavut (GN) have similar interests and perspectives in the management of caribou, and given GN's more extensive scientific expertise in caribou, PCA will be relying on the outcomes of the technical analysis by GN for our own evaluation and conclusions.

This reliance on, and support of, GN's technical analysis pertains to all aspects of the review of the ERPs potential effects on caribou, and of the effectiveness of proposed mitigation measures.

Therefore, in this common area of interest, PC fully supports GN's technical analyses, comments, concerns and conclusions.



Similarly, given that the QIA also have an interest in caribou, and given QIA's extensive scientific expertise related to caribou, PCA has confidence in QIA's associated technical analysis, concerns, and conclusions.

2.2.4 Marine Mammals

Given that PCA and DFO would share responsibility for the management of the marine mammal component of an NMCA in Lancaster Sound, and given DFO's more extensive scientific expertise in marine mammals and their great familiarity with the region, following careful analysis and discussions with DFO, PC is taking the approach that for this common area of interest we will rely on the outcomes of the technical analysis by DFO for our own evaluation and conclusions. Parks Canada will also rely on EC's comments and conclusions as they relate to their analysis of potential impacts of shipping on marine wildlife and marine habitat.

This reliance on, and support of, DFO's and EC's technical analyses pertains to all aspects of the review of the Mary River Early Revenue Phase Project's potential effects on marine mammals, and of the effectiveness of proposed mitigation measures.

Therefore, in this common area of interest, PCA fully supports all of DFO's and EC's analyses, comments, concerns, and conclusions

Similarly, given that the QIA also have an interest in marine mammals, and given QIA's scientific expertise related to marine mammals, PCA has confidence in QIA's associated technical analysis, concerns, and conclusions.

2.2.5 Marine Shipping

Given that PCA, DFO and Transport Canada (TC) would share responsibility for the management of an NMCA in Lancaster Sound, and given TC's and DFO's more extensive expertise in marine navigation and marine safety, for this common area of interest PCA will rely on the outcomes of the technical analysis by DFO and TC for our own evaluation and conclusions.

This reliance on, and support of, DFO's and TC's technical analyses pertains to all aspects of the review of the project's potential effects on marine ecosystems and safety of visitors, and of the effectiveness of proposed mitigation measures. This



includes the review of the prevention and response to ship-based spills, and the management of ballast water.

Therefore, in this common area of interest PCA fully supports all of DFO's and TC's comments, concerns, and conclusions.

3.0 Parks Canada Specific Comments

The following outlines Parks Canada's specific comments

Comment Number	PCA-1
Subject / Topic	Visitor Experience
Reference (Volume, Section, Page, Paragraph)	Volume 4 section 5.5 Final Project Certificate
Summary (include Baffinland's conclusion if relevant and conclusions of commenting party)	<p><i>Proponent's Conclusions</i> Baffinland outlines that "various techniques can be applied to minimize the effect of air and shipping traffic on the wilderness experience of visitors:</p> <ul style="list-style-type: none"> • Maintain a minimum flying altitude of 2,000 feet (cruising altitude of a Dash 8 aircraft is 16,000 feet) when in the air space over the park except for approach to land, take-off or for safety reasons. • Provide Parks Canada and tour companies with regular flight and shipping schedules and information that can be used to brief visitors to the area, helping prepare them for possible interactions and allowing them to practice some avoidance if so desired.
Importance of issue to Impact Assessment	Ref to section 2.2 above- Visitor / Park User Experience
Detailed Review Comment 1. Gap / Issue 2. Disagreement with FEIS / Addendum Conclusion 3. Reasons for Disagreement with	<p><i>Flight and shipping schedules:</i> While the proponent expressed the intention of providing Parks Canada with shipping and flight schedules in the Final Environmental Impact Statement, the proponent has not followed up on this commitment. To date Parks Canada has not received any scheduling information. As the</p>



FEIS / Addendum conclusion	<p>project certificate condition only <u>encourages</u> the proponent to keep Parks Canada informed of the schedules, technically they are not in violation of the project certificate.</p> <p>With an increase in the number of ships passing Sirmilik National Park over the length of the project, Parks Canada recommends term and condition 150 be modified so that the proponent is <u>required</u> to provide Parks Canada with regular flight and shipping schedules. Parks Canada should also be advised of any changes to the schedule.</p>
Existing Terms and Conditions requiring reconsideration or amendment in light of the issue identified	<p>150. The Proponent will ensure the following:</p> <ol style="list-style-type: none">The Proponent will maintain, where possible, a minimum flying altitude of 2,000 feet <u>over</u> the park, except for approaches to land, take-off or for safety reasons.The Proponent will ensure that certification of noise compliance is current, where compliance is applicable.The Proponent <u>is encouraged to provide</u> Parks Canada with regular flight and shipping schedules that can be used to brief Park visitors.The Proponent is strongly encouraged to provide due consideration to wilderness experience during its operations in the open water season, especially during the month of August which is typically a time of high use by sea kayakers.
New Terms and Conditions required in light of the issue identified	<p>150. The Proponent will ensure the following:</p> <ol style="list-style-type: none">The Proponent will maintain, where possible, a minimum flying altitude of 2,000 feet <u>over</u> the park, except for approaches to land, take-off or for safety reasons.The Proponent will ensure that certification of noise compliance is current, where compliance is applicable.The Proponent <u>will provide</u> Parks Canada with



	<p>regular flight and shipping schedules that can be used to brief Park visitors.</p> <p>d. The Proponent is strongly encouraged to provide due consideration to wilderness experience during its operations in the open water season, especially during the month of August which is typically a time of high use by sea kayakers.</p>
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Comment Number	PCA-2
Subject / Topic	Marine Environment working Group
Reference (Volume, Section, Page, Paragraph)	Project Certificate 005, Term and Condition 77
Summary (include Baffinland's conclusion if relevant and conclusions of commenting party)	Not Applicable
Importance of issue to Impact Assessment	
Detailed Review Comment 1. Gap / Issue 2. Disagreement with FEIS / Addendum Conclusion 3. Reasons for Disagreement with FEIS / Addendum conclusion	To ensure Parks Canada's continued involvement in advising on the protection of the marine environment of the proposed national marine conservation area (NMCA) in the Lancaster Sound, Parks Canada is requesting membership on the Marine Environment Working Group through a change to Condition 77 of the Project Certificate.
Existing Terms and Conditions requiring reconsideration or amendment in light of the issue identified	A Marine Environment Working Group ("MEWG") shall be established to serve as an advisory group in connection with mitigation measures for the protection of the marine environment, and in connection with the Project Environmental Effects Monitoring program, as it pertains to the marine environment. Membership on the MEWG will include the Proponent, Environment Canada, Fisheries and Oceans Canada, the Government of



	Nunavut, the Qikiqtani Inuit Association and other agencies or interested parties as determined to be appropriate by these key members. Makivik Corporation shall also be entitled to membership on the MEWG at its election. The MEWG members may consider the draft terms of reference for the MEWG filed in the Final Hearing, but they are not bound by them.
New Terms and Conditions required in light of the issue identified	A Marine Environment Working Group ("MEWG") shall be established to serve as an advisory group in connection with mitigation measures for the protection of the marine environment, and in connection with the Project Environmental Effects Monitoring program, as it pertains to the marine environment. Membership on the MEWG will include the Proponent, Environment Canada, Fisheries and Oceans Canada, <u>Parks Canada</u> the Government of Nunavut, the Qikiqtani Inuit Association and other agencies or interested parties as determined to be appropriate by these key members. Makivik Corporation shall also be entitled to membership on the MEWG at its election. The MEWG members may consider the draft terms of reference for the MEWG filed in the Final Hearing, but they are not bound by them.

4.0 Summary

Parks Canada fully supports the recommendations of DFO, EC, GN, QIA and TC as they relate to specific areas of shared mandate concerns.

In addition, Parks Canada has specifically requested membership on the Marine Environment Working Group through a change to Condition 77 of the Project Certificate. Parks Canada would like to ensure continued involvement in advising on the protection of the marine environment in the area of the proposed national marine conservation area (NMCA) in the Lancaster Sound.



Finally, Parks Canada is specifically recommending a change to Condition 150 of the Project Certificate to ensure regular communications with the proponent as it relates to flight and shipping schedules.

5.0 Transportation Corridor Application-NIRB Request for Comments

With respect to the NPC-NIRB joint review of the transportation corridor application associated with Baffinland's ERP proposal, Parks Canada would like to highlight the process currently underway for the establishment of a National Marine Conservation Area (NMCA) in Lancaster Sound. As outlined in section 1 and 2 of this submission, this is an active NMCA proposal with ongoing discussion between Parks Canada, the Government of Nunavut and the Qikiqtani Inuit Association, subsequent to the signing of a memorandum of understanding between the three parties in 2009, and the Government of Canada's announcement in 2010 of a proposed boundary for the NMCA. We request that NPC and the NIRB give due consideration to this active NMCA proposal in the evaluation of the transportation corridor application.

Parks Canada would also like to highlight that section 8.2.10 of the Nunavut Land Claim Agreement indicates that the North Baffin Land Use Plan (NBLUP) does not apply within National Parks, so any amendment to the NBLUP will not change its application within Sirmilik National Park.

6.0 Attachments

- Lancaster Sound ministerial news release, December 6, 2010
- Lancaster Sound proposed boundary map, December 6, 2010

News Release Communiqué

CP2010-01348

Government of Canada presents boundary proposal for Lancaster Sound National Marine Conservation Area

Critical step forward in protecting the “Serengeti of the Arctic”

Ottawa, Ontario, December 6, 2010 – John Baird, Canada’s Environment Minister, John Duncan, Minister of Indian Affairs and Northern Development, Christian Paradis, Minister of Natural Resources, and Leona Aglukkaq, Minister of Health, all today proudly announced the Government of Canada’s position on a potential future boundary for a national marine conservation area (NMCA) in Lancaster Sound, Nunavut. Today’s announcement represents a key step in Canada’s commitment to protect the marine waters and wildlife of Lancaster Sound, a globally-significant ecological treasure that has been referred to as the “Serengeti of the Arctic”. Ministers also announced that the government will immediately begin consultations to finalize the boundary.

“Today’s exciting announcement represents an important step forward in delivering on Canada’s commitment to work with the Government of Nunavut and the Qikiqtani Inuit Association towards protecting this incredibly important ecological area,” said Minister Baird. “This will allow us to set the stage for respectful, transparent consultations with our key partners and the public so that all views can be considered before any boundary is finalized.”

Because of its combination of oceanographic and biological characteristics, Lancaster Sound is an area of very high ecological significance. Lancaster Sound is located between Baffin and Ellesmere Islands, in Nunavut. It is an area of critical ecological importance to marine mammals, including seals, narwhal, beluga and bowhead whales, as well as walrus and polar bears, and it is bordered by some of the most important seabird breeding colonies in the Arctic, with populations in the hundreds of thousands.

“The next step will be to consult with Inuit organizations and communities, stakeholders and the public before a final decision is made,” said Minister Aglukkaq. “The formation of a steering committee composed of representatives of Parks Canada, the Nunavut government and Qikiqtani Inuit Association is critical to ensuring that northern interests are considered and will help guide work on the NMCA proposal.”

“While these consultations take place, no exploration or development of petroleum resources will occur within the proposed boundaries. Once approved as a designated National Marine Conservation Area, the region will remain protected from industrial development, regardless of the resource potential,” said Minister Paradis.

“Final decisions regarding a boundary will be informed by consultations and by a thorough assessment of the area’s energy resources and ecological values,” said Minister Duncan. “These important results will be made public once completed.”

“The Qikiqtani Inuit Association is eager to work with Inuit in the North Baffin, Parks Canada and the Government of Nunavut towards the creation of a National Marine Conservation Area,” said Okalik Eegeesiak, QIA President. “Lancaster Sound is more than a transportation corridor for Inuit - it is our backyard. Inuit seek balance and respect for the land, waters, animals and our

cultural history. We hope the feasibility study will help to strengthen the relationship between Inuit knowledge and conventional science for the betterment of Canada."

"We welcome this significant announcement and stress that the boundary consultation is the important next step in conserving this globally significant arctic marine ecosystem, which is facing unprecedented change," said Gerald Butts, President of WWF-Canada.

"We are thrilled that Canada is taking these important next steps towards protecting one of the richest northern marine ecosystems in the world," said Éric Hébert-Daly, National Executive Director of the Canadian Parks and Wilderness Society (CPAWS). "We look forward to working with Parks Canada, the Qikiqtani Inuit Association, and the Government of Nunavut through the public consultations and other steps required to establish this vast and critically important NMCA in Lancaster Sound."

"This past August 2010, in our government's *Statement On Canada's Arctic Foreign Policy*, we stated that we would create a national marine conservation area in Lancaster Sound," said Minister Baird. "Today's strong action by our government shows clearly to the world that Canada is acting responsibly to promote the economic potential of the north while protecting our environmental and other national interests."

The Parks Canada system has tremendous growth momentum. In the first hundred years of the system, Canada set aside about 277,000 square kilometres of land and water. In the past four years alone, the Government of Canada has taken steps that will add nearly 90,000 square kilometers, an area almost double the size of Nova Scotia, to the existing lands and waters administered by Parks Canada - a 30 percent increase. In recognition of this globally significant track record in creating protected areas and reintroducing endangered species, WWF Canada has nominated Parks Canada for the prestigious Gift to the Earth award, WWF's highest accolade.

As part of the 125th anniversary of national parks in Canada, the Government of Canada is proud to work in collaboration with Nunavut and the Qikiqtani Inuit Association towards the creation of a national marine conservation area in Lancaster Sound, an accomplishment that will leave a living legacy that present and future generations may benefit from, experience and enjoy.

Parks Canada works to ensure that Canada's historic and natural heritage is presented and protected for the enjoyment, education, appreciation and inspired discovery of all Canadians, today and in the future, and offers them the opportunity for real and inspiring discovery.

For additional information, please see the accompanying backgrounder at www.parkscanada.gc.ca under **Media Room**.

-30-

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PROPOSITION DU GOUVERNEMENT
DU CANADA POUR LES LIMITES D'UNE
AMNC DANS LE DÉTROIT DE LANCASTER

GOVERNMENT OF CANADA
NMCA BOUNDARY PROPOSAL
FOR LANCASTER SOUND

