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Sanikiluaq

May 24, 2019

Nunavut Impact Review Board (NIRB)
29 Mitik Street
PO Box 1360
Cambridge Bay, NU X0B 0C0
Email: info@nirb.ca

SENT VIA EMAIL

Re: NIRB File No. 08MN053: Comments on Draft Agenda for Second Technical Meeting for Baffinland's Phase 2 Proposal

Dear Mr. Amuno,

Qikiqtani Inuit Association (QIA) has reviewed the draft agenda for the upcoming second technical meeting for Baffinland Iron Mines Corporation's (Proponent) Mary River Project Phase 2 Proposal. This letter provides our comments on the agenda and progress made on resolving outstanding concerns.

Following the technical meeting held in Iqaluit from April 8-10, 2019, the Proponent committed to providing information that was missing, or in need of being updated, to parties for review. We hope NIRB will factor the timeliness of the Proponent's adherence to its commitments accordingly given each delay causes consequential impacts for stakeholders and participants to the review. QIA and the Proponent continue to work to resolve outstanding issues bilaterally. We have no substantive resolutions to report to date. QIA continues to invest resources and time to support this review advancing.

QIA comments on the agenda for the upcoming technical meeting are:

1. Please consider increasing the amount of time allotted in the meeting to **key outstanding topics**. If NIRB requests all parties clarify in advance of the technical meeting which key outstanding topics remain (more on this below), the technical meeting can focus on the outstanding topics remaining, creating time efficiencies.
2. Please consider increasing the time allotted to **cumulative effects assessment**, a topic that was not examined at all in the first technical meeting. The cumulative effects of a proposed railway system that could operate from Milne Inlet to

Steensby Inlet across Baffin Island warrant appropriate and deep consideration. We believe at least 3 hours will be required on this topic.

3. QIA has been carrying out its own work to better understand the Inuit Qaujimajatuqangit (IQ) around the Mary River Project. QIA would welcome a specific time slot for presentation and subsequent discussion of the results of **QIA's recent IQ study** with the community of Pond Inlet. QIA intends to file a report on the study with NIRB prior to the second technical meeting. QIA estimates that a presentation would take approximately 30 minutes; questions and discussion can be incorporated into the IQ discussion below.
4. Thank you for adding room on the agenda for detailed consideration of gaps in the **integration of IQ into the FEIS Addendum**. Many of the IQ integration issues QIA brought forward in its technical comments were not able to be examined in the first technical meeting. We believe at least 90 minutes needs to be provided to this topic (which includes 30 minutes to present QIA's IQ study). Please also add room on the agenda for detailed consideration of effects on **Inuit culture, land use and resources**. We believe this should be early on Day 2, and at least 90 minutes provided for this topic.
5. Please consider providing additional time for consideration of **caribou and other terrestrial environment issues** (currently 90 minutes allotted; we believe 2-2.5 hours may be more suitable). The perspectives of Inuit land users on this topic at they relate to Phase 2 warrant appropriate and deep consideration.
6. Please include **"Adaptive Management"** as a specific agenda item to be discussed. We believe at least 60 minutes of time should be provided for this topic.

Given there remain outstanding technical comments, and in the interests of focusing discussions at the upcoming technical meeting, we request **NIRB consider inviting the Proponent to provide an update on the status of all technical comments provided by parties**. This update could include supporting rationale for any conclusions on technical comments prior to the next technical meeting. A deadline of May 31, 2019, would provide time for parties to consider the Proponent's position in advance of the technical meeting. Our objective is to suppose a focused and productive technical meeting. Follow up of requests that arose during the first technical meeting also warrants a status update from the Proponent (for example, QIA asked the Proponent to engage QIA and communities to review the adequacy of food security baseline information).

During the technical meeting, QIA would like to request **NIRB encourage the Proponent to fully respond to questions** during the technical meeting. The Proponent answered

questions in the first technical meeting with reference to an existing document within the FEIS Addendum without necessarily providing an answer in the technical meeting. After the technical meeting's conclusion, QIA found instances where the Proponent did not adequately consider the issue raised in the technical meeting when it reviewed the FEIS Addendum. For example, QIA asked about waterbodies of cultural importance during the first technical meeting. In its response, the Proponent referred QIA to the FEIS Addendum. Upon further review, QIA found the Proponent had not identified any waterbodies of cultural importance in its past assessment work. A response to a question in a technical meeting should be fulsome in the interests of constructively advancing the review without obfuscation.

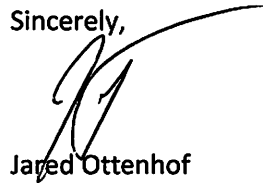
By way of summary, QIA would like to note several issues of particular concern that remain outstanding related to the Phase 2 Proposal:

- Uncertainty about expanded marine shipping effects on marine mammals, especially but not limited to narwhal, and associated potential impacts on Inuit food security and harvesting activities (ballast water, hull fouling, etc.)
- Uncertainty about Project-specific and cumulative effects on caribou, including from the mine site operations, vehicle traffic and from the two proposed rail lines across Baffin Island
- Inadequate updating of cumulative effects assessment to include effects of the whole Project as currently proposed (potential continuous rail system from Steensby Inlet to Milne Inlet, two ports and multiple shipping routes), versus that proposed in the original FEIS, and lack of engagement by the Proponent of Inuit in any reconsideration of these cumulative effects
- The lack of discussion of alternative routes for the north rail alignment, despite well-established concern about the Proponent's preferred route on Inuit travel routes and safety, including those stated at the first technical meeting
- The lack of incorporation of IQ into the alternatives assessments and effects assessment, and the dated and limited breadth of Inuit use and values data relied upon by the Proponent for its estimation of effects on Inuit culture, land use and resources
- The lack of proposed additional equitable benefits to flow to Inuit from the proposed growth and expansion of the Mary River Project through the Phase 2 Proposal

QIA has not yet finalized its roster of representatives who will attend the second technical meeting. This information will be provided to NIRB in due course. QIA would like to request access to a computer and projector for the facilitation of a potential presentation on the QIA IQ Study.

QIA hopes NIRB and other parties find the above comments reasonable and practical, and will support a constructive second technical meeting. Please contact the undersigned for questions or further clarification.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jared Ottenhof', with a long, sweeping horizontal line extending from the end of the signature.

Jared Ottenhof
Senior Manager
Department of Major Projects

CC: Lou Kamermans, Baffinland Iron Mines Corporation