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May 14th, 2018

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RE: Comment Request for Baffinland Iron Mines Corp.'s Mary River Project, 2017 Annual Monitoring Report

The Qikiqtani Inuit Association (QIA) appreciates the opportunity to provide comments on the Mary River Project 2017 Annual Report submitted by Baffinland Iron Mines Corporation (BIMC) to the Nunavut Impact Review Board (NIRB) on April 3, 2017. QIA has prepared its complete comments in the attached Excel table (see Attachment 1).

Overall, QIA appreciates the consistency and adherence to the improvements in reporting format made last year. QIA recognizes the effort made by the Proponent to link its activities to compliance with the terms and conditions of the Project Certificate and Proponent Commitments. However, there are a number of issues of concern that QIA expects to be resolved in 2018.

Within the terrestrial environment, as indicated last year, QIA has concerns with Project activity exceeding predicted levels; namely vehicle traffic and haulage on the tote road. The Proponent claims that past Project activity, which was below permitted thresholds in 2015 and 2016, excuses the overages seen in 2017 and would compensate for any cumulative effects. This assumes that cumulative effects are linear in their accretion, and that effects are limited to a single year in their duration. The NIRB should clarify whether or not activities below thresholds in a given year can be carried forward to a later year to excuse exceedances in a current year. It is QIA's view that this practice is not consistent with the spirit and purpose of the Project Certificate.

As indicated last year, QIA takes issue with the consequences of continued exceedances of fugitive dust from the tote road and other sources within the Project area. These exceedances are well outside the established thresholds and expected values. Not only are monitoring programs insufficient, prediction models are clearly inaccurate and should be reassessed. In addition, it is evident that the efforts made by the Proponent to control fugitive dust in 2017 were not adequate and QIA expects the Proponent to take aggressive steps toward managing dust in 2018. QIA therefore requests that NIRB focus additional attention on this topic. QIA notes this topic also has implications for the aquatic environment as sediment loading impacts the aquatic environment. QIA further requests that NIRB clarify what steps should be taken to assess Project impacts relative to impact predictions, i.e. is this a Proponent-led exercise or a matter that NIRB will direct for the parties? QIA requests direction from NIRB on how this issues, and others related to impacts being greater than predicted, will be managed moving forward.



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improving the current year's programs. In addition, the Working Groups have provided many recommendations for modifications to mitigation and monitoring plans, often to have them ignored or deferred by the Proponent. QIA suggests that the NIRB require the Proponent to develop a concordance table linking changes proposed in the Working Groups (as they appear in the Working Group meeting minutes) to Proponent activities, with justification for instances where no action was taken.

For QIA, the matters raised with respect to the MEWG, SEMWG, TEWG highlight the gap in monitoring caused by NIRB's refusal to participate in monitoring groups established by the Project Certificate. QIA again requests that NIRB participate in the monitoring working group meetings as an observer. This would allow NIRB far greater insight into the active work parties are conducting relative to the Project Certificate. QIA believes active participation in these working groups would substantially enhance the NIRBs review and response to annual reports. QIA feels that limiting NIRB's role in monitoring to annual reports and site visits does not allow NIRB a deep enough understanding of topics to properly assess compliance the Project Certificate or issue resolution. In other words a monitoring gap is created when the monitoring agency (NIRB) does not appear at meetings where adaptive management and project monitoring results are discussed. QIA strongly recommends that NIRB adapt its approach moving forward and recognize that "adaptive management" is a concept that NIRB applied liberally when developing Project specific guidelines and terms of approval. Given the dynamics of the Project, whereby production levels and transportation levels are proposed to increase beyond what was previously assessed, QIA believes it is paramount that NIRB undertaking additional efforts to understand the implementation of management plans, monitoring results and recommendations for improvement. Recognizing the breadth of Project monitoring requirements, in the immediate future QIA is requesting that NIRB invest additional attention on topics highlighted in this submission.

QIA remains committed to working collaboratively and in good faith with all parties with respect to the Mary River Project. QIA's goal remains to enhance the delivery of benefits and opportunities to impacted communities and to all Nunavummiut beyond what would naturally occur through Project development and operation. In 2017, QIA, in partnership with the Proponent and other stakeholders, launched the Qikiqtani Skills and Training for Employment Partnership (Q-STEP) designed to meet the employment needs of Inuit through skills and training, with a focus on the mining sector. One year into this program, initial results are beginning to arrive with some positive outcomes and a number of lessons learned. Moving forward QIA will look to ensure that socio-economic aspects of the Mary River Project receive attention as a key area for Project monitoring. QIA believes that evolving Project monitoring to focus more equally upon socio-economic and biophysical matters would improve NIRB's ability to assess the collective balance between Project impacts and benefits as described in Article 12 of the Nunavut Agreement, defined by the Mary River EIS, and, as contained within the Project Certificate 005. Given the length of time since the Project Certificate was approved, QIA believes NIRB should also give consideration as to whether impacts



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and benefits are occurring in the manner predicted when the Project was first assessed. QIA therefore requests that NIRB provide clarity to reviews as to whether NIRB intends to assess the project from a monitoring perspective outside an annual timescale.

Again, QIA appreciates the opportunity to provide comments on the 2017 Annual Monitoring Report, and trusts that NIRB will continue to hold the Proponent to the highest standard in meeting the Terms and Conditions of the Project Certificate while also adapting its efforts to best fulfill the mandate of NIRB.

Best Regards,

Stephen Williamson Bathory
Director,
Department of Major Projects
Qikiqtani Inuit Association

Attachment 1: Table of QIA Comments on the 2017 Annual Report for the Mary River Project

Attachment 2: Key issues raised in review of 2017 BIMC Annual Report to NIRB - Aquatic Environment