



Kaviq Kaluraq
Chairperson
Nunavut Impact Review Board

RE: Call for immediate action and implementation of adaptive management - Baffinland Mary River Project

On April 1, 2022, as required by the Mary River Project Certificate, Baffinland filed its 2021 Annual Monitoring Report for the Mary River project with the Nunavut Impact Review Board (NIRB).

MHTO notes with concern that Baffinland **did not** include the results of their 2021 aerial narwhal survey, otherwise known as the Marine Mammal Aerial Survey Report within its Annual Report to the NIRB. This report, which indeed indicates **additional** decline in narwhal numbers from the 2020 estimate, was provided to the Marine Environmental Working Group members and therefore remains confidential and unavailable to the public. It is deeply problematic and concerning that Baffinland has not released the most recent numbers publicly. The MHTO has significant concern with this approach.

Baffinland's 2021 Annual Report indicates that it intends to resume ice breaking shipping in 2022. This is not responsible resource development. Baffinland plans to proceed with its activities despite steadily and significantly declining abundance estimates of narwhal in Eclipse Sound, despite the MHTO and harvesters repeatedly indicating to the NIRB and BIM that narwhal are being impacted by icebreaking and by shipping in general, that narwhal are less abundant, that narwhal behaviours are changing, and that hunters are having limited success in their attempts to harvest narwhal and feed their families and community.

We call on the NIRB to act immediately. The Board indicated in its original Mary River Project Certificate approval that "...the precautionary approach also requires the NIRB, Baffinland Iron Mines Corporation and all parties with regulatory and monitoring responsibilities for the Project to commit to an ongoing role for the life of the Project in relation to monitoring, assessing the effectiveness of measures designed to maximize positive effects and prevent or limit adverse effects and ensuring that these measures are reviewed and adapted where necessary to reflect the actual project effects being observed."

Now is not the time to advance with icebreaking, especially given the decline in narwhal abundance we have outlined above and as indicated by Baffinland's own monitoring. Now is the time to slow down and pause, to assess what is happening and make necessary adjustments to the course. The risks to Inuit harvesting rights are too great, and demand the exercise of extreme caution.

In the Ministers' approval letter for the Production Increase Proposal from September 2018, "The responsible Ministers acknowledge and share many of the Board's concerns about information deficiencies on the potential long term impacts of increased shipping, primarily to marine mammals, and how these impacts could be effectively monitored for, avoided, mitigated and managed." The Ministers also required that "The proponent shall collaborate with the Marine Environment Working Group to develop impact avoidance or mitigation strategies for the protection of the marine environment. The proponent shall implement any direction from the Department of Fisheries and Oceans for any avoidance or mitigation measures, including cessation of any activity, for the protection of the marine environment."

The MHTO suggests that Baffinland immediately be required to implement adaptive management measures. As a start, we suggest a **reduction in shipping, further reduction in ship speed** (beyond the 9 nm/h current commitment), **abandoning this season's planned ice breaking**, and making **any adjustment to mining and trucking operations** which may be required to support precautionary changes to shipping plans (i.e. fewer ships may mean less throughput).

The NIRB's Final Hearing Report for Mary River (2012) also noted that:

"Adaptive management provides the basis for sound environmental decision-making even in the face of uncertainty surrounding the nature and extent of effects that is often inherent at the environmental assessment stage. **Adaptive management enables such projects to proceed, but in a manner that ensures the mechanisms chosen to manage the predicted effects are adjusted, when necessary, to reflect subsequent information that provides a more complete understanding of the nature, extent and appropriate management of such effects.**" *(emphasis added)*

In keeping with the Production Increase Proposal approval and NIRB's acknowledgement of the important role adaptive management must play in the Mary River project, the MHTO requests that the NIRB call an immediate meeting of the MEWG members to discuss the declining trend in narwhal abundance as documented by Baffinland's recent aerial surveying results, and that the Board consider requiring Baffinland to implement adaptive management measures in order to protect the marine environment and to limit impacts to narwhal and Inuit harvesting rights. A meeting of MEWG membership would provide an ideal forum for this discussion.

The MHTO appreciates your timely consideration of this request, and awaits the NIRB's re-sponse.

Sincerely,



David Qajaaq Qamaniq
Chairperson
Mittimatalik Hunters and Trappers Organization

cc: Olayuk Akesuk, QIA
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Hon. Dan Vandal, Minister of Northern Affairs
Hon. Steven Guibeault, Minister of Environment and Climate Change
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