



NIRB File No.: 08MN053

May 17, 2022

David Qajaaq Qamaniq
Chairperson
Mittimatalik Hunters & Trappers Organization
P.O. Box 189
Pond Inlet, NU X0A 0S0

Sent via email: pond@baffinhnto.ca

Re: The Nunavut Impact Review Board's response to Mittimatalik Hunters & Trappers Organization's request for action and implementation of specific adaptive management measures in respect of the Mary River Project

Dear David Qajaaq Qamaniq,

On May 6, 2022, the Nunavut Impact Review Board (NIRB or Board) received correspondence from the Mittimatalik Hunters and Trappers Organization (MHTO) in relation to the 2021 Annual Monitoring Report provided by Baffinland Iron Mines Corporation for the Mary River Project.¹ In the MHTO's correspondence, the MHTO expressed concern noting that:

Based on abundance estimates from aerial surveys conducted in 2004, 2013, 2016, 2019 and 2020, Baffinland is reporting in its Annual Report that the Eclipse Sound summering stock of narwhal has been significantly and steadily decreasing in number.

The MHTO requested the NIRB take immediate action to require Baffinland to implement the following adaptive management measures to mitigate the potential for effects on narwhal:

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)

¹ NIRB Document ID Nos.338435-338497.

The MHTO also requested: that the NIRB call an immediate meeting of the Marine Environment Working Group (MEWG) members to discuss the declining narwhal and the implementation of adaptive management. The MHTO also indicated that the most recent 2021 aerial narwhal survey was not publicly available and was only available to the members of the Marine Environment Working Group.

Oceans North (ON) also copied the NIRB on correspondence sent on May 6, 2022 to the MHTO,² in which Oceans North recommended “*significant mitigation measures be taken by Baffinland to reduce shipping intensity in an effort to protect summering narwhal populations and in the context of steep population decline in this region.*”

Before the NIRB had an opportunity to respond to the MHTO’s request, on May 10, 2022 Baffinland provided a response to the May 6, 2022 correspondence of the MHTO and ON to provide context and corrections.³ Baffinland stated the following:

Contrary to the claims in the MHTO letter, Baffinland publicly disclosed the 2021 aerial survey results in the 2021 Annual Report, and the full draft 2021 aerial survey results were provided to members of the Marine Environment Working Group (MEWG), including the MHTO, ON and NIRB on April 3, 2022.

At this time Baffinland has not made any final decisions with respect to the start of the shipping in 2022, and does not plan to do so until after the upcoming June 2022 MEWG meeting is complete and Baffinland has carried out related consultations to finalize the 2022 Narwhal Adaptive Management Response Plan.

The NIRB has now reviewed the correspondence received on this issue to date, and consulted with the NIRB’s Monitoring Officer for the file to consider the prior practice of the MEWG and Baffinland in respect of establishing the shipping window in each year. On this basis, it is the Board’s understanding that additional consultation with the MEWG and the MHTO is yet to come, and that Baffinland’s shipping and adaptive management planning for the upcoming 2022 shipping season have yet to be finalized, which is similar to the timing and process surrounding shipping in prior years.

The Board also highlights for all parties that the NIRB is not a member or a participant in the MEWG established under the Project Certificate, and does not have any decision-making authority or oversight functions in respect of the MEWG, its processes, or administration, such as organizing meetings, setting agendas or acting as a Chair. Accordingly, the Board does not have a role in mandating an immediate meeting of the MEWG as requested by the MHTO.

With respect to adaptive management, it is the Board’s expectation that the NIRB will be kept informed of the outputs of the MEWG such as thresholds, indicators, mitigation and adaptive

² NIRB Document ID No. 339606 and 339607.

³ NIRB Document ID No. 339608.

management plans and measures developed with the input of Working Group Members and adopted by Baffinland. It remains the responsibility of Baffinland, in consultation with relevant stakeholders, including local HTOs, community members, Designated Inuit Organizations, regulatory agencies with jurisdiction such as the Department of Fisheries and Oceans Canada, and other members of relevant Working Groups to develop and implement adaptive management measures that prevent or limit effects on valued ecosystemic components. As established under the Project Certificate, the MEWG is an essential mechanism relied upon by Baffinland to develop the specific plans for how effects on the marine environment, including marine wildlife, such as narwhal, are to be adaptively managed. As such, the Board encourages all participants to continue to actively participate in the MEWG's important discussions around this issue, and appreciates being kept informed regarding the outcomes of these discussions as part of the NIRB's project monitoring functions. However, the Board, as is appropriate for an impact assessment authority with project monitoring responsibilities, does not direct the implementation of specific adaptive management measures as requested by the MHTO.

In closing, the Board notes that the MHTO's correspondence was addressed to the NIRB's Chairperson, Marjorie (Kaviq) Kaluraq, but because the Chair is currently travelling and may be unavailable, and recognizing the importance of a timely response, this correspondence is provided on behalf of the Board by the Board's Acting Executive Director, Mark Ings.

Sincerely,



Mark Ings
Acting Executive Director
Nunavut Impact Review Board

cc: Mary River Distribution List