

## QIA UPDATE TO NIRB ON STATUS OF SOP TECHNICAL COMMENTS – AUGUST 2, 2023

TC#	Brief Summary of QIA TC	Summary of BIMC Response	Resolution Status
QIA IQ-1	<p>QIA wants a legally binding Data Sovereignty Agreement to ensure the protection, oversight, and Inuit ownership and control of Inuit Qaujimajatuqangit (IQ) used for the Mary River Project. The Data Sovereignty Agreement shall include, but not be limited to, provisions regarding ownership and control, informed consent, data protection and security, governance and oversight, and dispute resolution. This agreement will include considerations for how IQ is used with respect to the Inuit Stewardship Plan and Adaptive Management Framework.”</p>	<p>The request is redundant to what is already included within the IIBA between Baffinland and QIA. Article 16 of the IIBA addresses the collection, use, ownership, and oversight of Inuit Qaujimajatuqangit (IQ) as it relates to the Mary River Project. A stand alone agreement would be duplicative of the existing strong obligations relating to IQ in the IIBA and further revisions if deemed required would take place under the review processes accounted for in the IIBA. For reference, several relevant conditions from Article 16 have been copied below:</p> <ul style="list-style-type: none"> <li>• Article 16.3.8 provides for further development of methodological approaches for IQ Collection and use as well as the review and verification of information sourced through IQ.</li> <li>• Article 16.5 also provides for fulsome oversight of IQ through the Joint Executive Committee.</li> <li>• Article 16.4.1 of the IIBA specifies that IQ shall be the sole and exclusive property of the contributor of such IQ and that those contributors continue to be the exclusive owners of any copyright, intellectual property, and all other legal rights in such IQ.</li> </ul> <p>Per the Appendix B Commitments attached to the Project Certificate, the Inuit Stewardship Plan and Adaptive</p>	<p>Resolved. Baffinland and QIA have established a path to resolution of remaining concerns</p>

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		<p>Management Plan are being incorporated into the IIBA. Baffinland looks forward to working with QIA and the Inuit Committee (once established) to help us apply any IQ shared through the Inuit Stewardship Plan to our operations.</p> <p>Baffinland independently works with knowledge holders and Elders on staff, as well as individuals and groups that choose to share their own IQ, to help verify our understanding and application of IQ that is shared with us.</p> <p>Baffinland and QIA can continue to work together to further refine existing protocols and procedures regarding Inuit Qaujimagatuqangit through the IIBA framework.</p>	
QIA IQ-2	<p>Baffinland to:</p> <p>a. Show how it integrated Inuit perspectives and IQ into actual effects characterization and significance determination for the SOP Application materials, including verification exercises with Inuit on effects characterization and significance determination.</p> <p>b. Provide a supplemental submission with effects characterization tables for each VC and VSEC, and significance thresholds/definitions for each.</p>	<p>a. IQ and Inuit perspectives were incorporated into the SOP application in the assessment for each Valued Component. Section 6.1.2 of the SOP application explains how the Inuit perspective on "significance" may differ from the approach taken in the SOP (and prior FEIS addendums) which aligns with guidance from NIRB and NuPPAA.</p> <p>Baffinland understands that for some Inuit, any change to the environment in which they live and carry out harvesting and other cultural practices is significant. Regardless of whether the change is attributable to the Mary River Project, Baffinland respects the importance of recognizing and adapting to those changes. Baffinland also respects there are some aspects of Inuit views on significance that may be challenging to put into words, and that non-Inuit may never fully understand. Based on this holistic understanding of "significance", Baffinland has worked with Inuit and regulatory authorities to develop mitigation measures and monitoring programs to address Inuit concerns. Where individuals and/or groups have indicated that they are concerned that a significant effect has</p>	Resolved. Baffinland and QIA have established a path to resolution of remaining concerns

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		<p>occurred or may occur because of the Project, Baffinland has honored that advice and taken action.</p> <p>b. Within each Valued Component chapter of the SOP application, Baffinland provides context to the effects assessment in terms of project monitoring and feedback. Community statements drawn from the Tusaqtuvut reports have been verified by the QIA. In addition, Baffinland has made several commitments related to the establishment of Inuit-led monitoring programs and Inuit Objectives Indicators Thresholds and Responses (OITRs) for trigger action response plans which form the basis for adaptive management for the project.</p> <p>The characterization of residual effects for each Valued Component is presented to be consistent with the approach taken in the FEIS and subsequent FEIS addendums to facilitate a comparison of the change predicted from the SOP activities.</p> <p>Effects characterization and significance thresholds have been included in each of the conclusions for each VC and VSEC. The Plain Language Summary of Conclusions that follows within each Valued Component chapter was added at the recommendation of QIA in their review of the Draft FEIS and presents the predicted change in the context of significance as perceived by community members</p>	
QIA IQ-3	<p>a. The NIRB take into careful consideration gaps between Baffinland’s scientific analyses predictions and Inuit observations when determining the significance of residual effects from the SOP.</p> <p>b. Baffinland commit to engaging Inuit more directly in the conduct of actual effects</p>	<p>a. Please see response to QIA IQ-2. Baffinland has incorporated IQ and Inuit perspectives into the SOP Addendum. Incorporation of Inuit perspectives has been included in the development and application of many of the mitigation measures applied to the current project and proposed to apply to the SOP. Development of these measures, which in many cases has been drawn from the QIAs work, QIAs guidance and reaching joint agreement</p>	Resolved. Baffinland and QIA have established a path to resolution of remaining concerns

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	<p>characterization and significance determination in relation to the SOP and any future assessments or reconsiderations related to the Mary River Project.</p>	<p>with the QIA on a number of commitments carried into the SOP has helped to address gaps.</p> <p>b. Baffinland notes that four of the five (5) Hamlet councils of the most impacted communities have expressed their support for the SOP in letters to the NIRB (NIRB Registry # 344120, 344122, 344126 and 344184), and three (3) of the five (5) Hunters and Trappers Organizations/Associations for the most affected communities have also expressed written support for the SOP ((NIRB Registry # 344129 and 344137). This is a result of direct engagement with the impacted communities and Inuit including the QIA. Baffinland looks forward to working with the QIA and incorporating the outcomes of the Baffinland funded, QIA led Culture, Resources and Land use assessment (CRLU) which will be used to help inform additional operational changes required and inform future assessments.</p>	
<p>QIA IQ-4</p>	<p>Baffinland commit to fund the Inuit parties, including QIA to develop an IQ Framework for the Mary River Project, rather than this being a Baffinland-led enterprise.</p>	<p>Baffinland confirms this commitment is already in place (SOP, Appendix 7,P2 Commitments Table, Row 88). Baffinland confirms it has agreed to fund the QIA led Inuit Stewardship Plan. Further, Baffinland confirms it has already committed to finalize the IQ Framework with Inuit, including the QIA. Baffinland acknowledges and confirms that some of the work may be facilitated through the systems currently under development by QIA under the ISP (see commitment below). In addition to external Inuit support to finalize the IQ Framework, Baffinland also has extensive internal IQ resources that will guide the development process (including Inuit Knowledge Holders in each community). Baffinland looks forward to further dialogue with the QIA on the completion of the IQ Framework and if/how this can be facilitated by the ISP. In the interim, the revised draft IQ Framework has been</p>	<p>Resolved.</p>

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		<p>released for public review via the 2022 Annual Report to NIRB.</p> <p>Baffinland will work with QIA and the impacted communities to develop a final IQ Framework, subject to co-approval of QIA and the impacted communities. If the communities agree, their approval could be facilitated through the Inuit Committee for the Mary River Project (SOP, Appendix 7, P2 Commitments Table, Row 88).</p>	
<p>QIA CRLU-1</p>	<p>Baffinland to:</p> <p>a. Provide its confirmation that it understands that many of the impacts identified in the Tusaqtavut studies reflect actual observed impacts by Inuit, and that these observed impacts were residual impacts (i.e., remaining impacts after Project mitigation was applied).</p> <p>b. Recognize that its FEIS and subsequent FEIS Addenda did not accurately predict the magnitude and spatial distribution of impacts observed by Inuit to date, related to the Mary River Project.</p>	<p>a. Baffinland recognizes and appreciates the valuable information contained in the Tusaqtavut Studies and diligently considered them in the SOP FEIS Addendum. The full context of those studies are an important factor in understanding the conclusions presented. Baffinland is supportive of the Tusaqtavut Studies, which were funded by Baffinland under provisions in the IIBA and the Inuit Certainty Agreement. The Studies themselves state that they were conducted specific to Phase 2. While the focus of the Studies was on Phase 2, Baffinland applied information contained with the Tusaqtavut Studies to supplement its own understanding of key issues and inform its overall approach to the SOP.</p> <p>b. Section 3.1.2.2 provides contextualization of the Tusaqtavut Studies in relation to the SOP. The Studies also refer to limitations respecting mitigation and monitoring: see as an example “This Report does not include recommendations on mitigation, monitoring, or compensation measures. Conclusions on monitoring, mitigation, and compensation measures are outside the scope of this Report.” As acknowledged in the studies, they did not consider the numerous mitigations proposed at the time the studies were carried out, nor the new mitigations proposed and/or implemented since that time. Therefore,</p>	<p>Resolved. Baffinland and QIA have established a path to resolution of remaining concerns</p>

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		<p>study participants were not provided with information on critical mitigations, monitoring programs, and compensation measures proposed and/or agreed to by Baffinland.</p> <p>c. The Tusaqtavut Studies do not present the predictions from the FEIS and FEIS Addendum for comparison against the Tusaqtavut Study findings. Baffinland appreciates that some Inuit observations of the development and operation of the Project do not align with what they anticipated through the NIRB’s review and reconsideration processes, and we recognize and respect those observations. However, it is important for Baffinland to clarify that this does not automatically correspond to inaccuracies across our residual impact predictions. Baffinland acknowledges there have been instances where we have exceeded a prediction, however, those instances have been met with the rigorous application of adaptive management and have or are en route to a positive outcome. Baffinland accepts the validity of Inuit concerns and the value in the Tusaqtavut Studies. The development of new mitigations, such as the Dust Audit Committee and updated approach to icebreaking are steps Baffinland has taken, in collaboration with Inuit, to directly respond to observations shared by Inuit. The clarification provided above is only to give an accurate understanding of the Project context and support informed decision making.</p>	
QIA CRLU-2	The NIRB is requested to take into careful consideration gaps between Baffinland’s scientific analyses predictions and Inuit observations, as well as the NIRB’s previous findings related to existing impacts on Inuit CRLU as described in the Phase 2	The SOP FEIS Addendum leverages multiple years of environmental and social monitoring as well as direct input from Inuit and Inuit led organizations on a nominal 6 Mtpa operation to strike a balance between scientific analysis and Inuit observations before confirming relevant mitigations and residual effects. In the SOP FEIS Addendum this is evidenced by 1) dedicated sections within each VC	Resolved. Baffinland and QIA have established a path to resolution of remaining concerns

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	<p>Reconsideration Report, when determining the significance of residual effects from the SOP on Inuit culture, resources and land use.</p>	<p>assessment to consider and resolve Phase 2 and PIPR Recommendation Report findings, including those that relate to culture, resource and land use, and 2) the use of Tusaqtavut Study impact pathways to further frame and inform each assessment, and 3) an extensive commitment list that responds to concerns registered by Inuit over a 5 year period in relation to a much more intensive version of the Project (Phase 2). Baffinland appreciates that QIA is planning to work with Baffinland to complete the CRLU Assessment and the Pond Inlet Country Food Baseline Study and once complete, consistent with the commitments in Appendix B of the Project Certificate, Baffinland will, provide copies of those reports to the NIRB and, where necessary, consider revisions to its monitoring and mitigation plans, including the Adaptive Management Plan.</p>	
<p>QIA CRLU-3</p>	<p>a. Baffinland to clarify its timeline for developing a Risk Communication Program (RCP) and how is it proposing to engage QIA and Inuit parties, for whom the Risk Communication Programs is designed. b. Baffinland to commit to put primary control over the Risk Communication Program process in the hands of Inuit, to maximize it likely effectiveness among Inuit recipients.</p>	<p>a. Appendix 11 of the SOP includes a draft scope of work to develop a Risk Communication Program, including a proposed timeline. Overall, the program is intended to evolve based on community interests following engagement. Baffinland intends to develop a more detailed schedule for a Risk Communication Program following additional feedback from impacted communities and QIA. Following the opportunities to provide comment on the program through the SOP review, Baffinland will engage directly with the impacted communities starting in the Fall/Winter of 2023/2024 to discuss amendments to the draft plans and the communities’ interest and priority for the program to initiate. b. Baffinland respects QIA’s comments to ensure the effectiveness of the program is maximized. Baffinland will work directly with the impacted communities as well as seek direct advice in the development and implementation of the program from its Inuit employees. Baffinland also respects that QIA is continuing the development of the ISP.</p>	<p>Resolved.</p>

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		As QIA is in a position to share information on the ISP and whether or not the Risk Communication Program may be incorporated into the work of the ISP, Baffinland suggests this topic could be re-visited. Until such time, Baffinland will continue to lead the development of the program.	
QIA CRLU-4	<p>Baffinland to:</p> <p>a. Provide an update on the status of resourcing provided to QIA to date to support development of this Inuit led dust monitoring program.</p> <p>b. Clarify what key role in the Inuit-led dust monitoring program Baffinland envisions for itself.</p>	<p>a. As outlined under Commitment 019 (Appendix B), Baffinland is supporting the establishment of the Inuit Stewardship Plan. Under this commitment, QIA is responsible for delivering a reconciliation of Inuit Certainty Agreement (ICA) deposits made by Baffinland between 2020 and 2021, with any surplus to be applied against the current "ISP Workplan". Our understanding is that QIA is continuing to work on the ICA deposit payment reconciliation and the ISP Work Plan as it has not yet been shared with us. Under Commitment 028 (Appendix B) QIA has agreed the Inuit-led dust monitoring program will fall under the ISP.</p> <p>b. Baffinland will comment on our role within the Inuit-led dust monitoring program when a draft is made available for review.</p>	Resolved.
QIA CRLU-5	<p>QIA requests Baffinland:</p> <p>a. Indicate whether they understand that the Project has already had, and will likely into the future, have measurable adverse effects on Inuit rights, in addition to the purported positive effects noted by Baffinland in the SOP Application, and if so, to provide a list of the Project interactions that already have or will in the Project Case have potential adverse effects on Inuit rights, from Baffinland's perspective.</p> <p>b. Commit to work with Inuit parties to determine how Inuit interpret Project impacts on rights, in the present and Project</p>	<p>Baffinland appreciates this comment and the opportunity to clarify. We respect QIA's expertise on the topic of Inuit rights and welcome the opportunity to learn from them on this important topic.</p> <p>The specific topics referenced in the comment all were given specific consideration in the FEIS, and included consideration of IQ and Inuit views. For reference, see the following select examples:</p> <ul style="list-style-type: none"> <li>• Harvesting - see Section 6.5.3.1 at pp. 179-183</li> <li>• Culture - see Section 6.6.3.6</li> </ul>	Resolved. Baffinland and QIA have established a path to resolution of remaining concerns

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	<p>Cases, before making future assertions re: Project impacts on Inuit rights.</p>	<ul style="list-style-type: none"> <li>• Food Security - see Section 6.6.3.4</li> <li>• Transportation - see Section 6.10</li> </ul> <p>All views shared by Inuit (positive and negative) must be given full respect and consideration in the process, and the SOP FEIS Addendum was intentionally designed to focus on topics that Inuit have identified through previous NIRB processes as those that matter most to them. Baffinland acknowledges that there is not a single universal Inuit experience in relation to the Project.</p> <p>In the FEIS Addendum, Baffinland included a number of direct quotes from Inuit workers at the Project (shared with Baffinland through IUOE Local 793) that explained their perspective, in their own words, on the positive effects of wage employment on their own personal ability to hunt and exercise their Inuit rights. IUOE Local 793 worked directly with Inuit parties in supporting their participation in the NIRB process and sharing their views about the Project with NIRB, whether positive or negative. Baffinland did not collect this information directly. The FEIS Addendum also incorporates information shared by other community members about their perspective about the negative impact of the Project on their ability to exercise Inuit rights to hunt (see, for example Section 6.5.3.2 at p. 185).</p> <p>Baffinland carried out consultation with communities to share the approach and conclusions in the FEIS Addendum in December 2022 and January 2023 (see Section 3.2). We also worked with Inuit employees, including Elders and other Knowledge Holders, to verify interpretations included in the FEIS Addendum. The NIRB process is also designed intentionally to encourage and support direct participation of Inuit to share their personal perspective on topics relating to Inuit rights.</p>	
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		<p>Following receipt of this response, should QIA wish to discuss further, Baffinland recommends a dedicated conversation on the topic to ensure no overlap between obligations included in the Inuit Impact Benefit Agreement signed by Baffinland and the QIA and the responsibilities of each party outlined in such.</p>	
QIA AE-1	<p>Term and Condition 3 be modified to include the following language: “The Proponent shall establish GHG emissions reduction targets for 2030 by May 2024 and will implement clean energy technology – given proper permits are acquired – and purchase Nunavut-based carbon offsets, where applicable, to achieve targets. The Proponent progress to achieving the established GHG emission reduction targets will be monitored and enforced through the Adaptive Management Framework.”</p> <p>Term and Condition 4 be modified to include the following language: “The Proponent shall consult with QIA and HTOs to incorporate Inuit Qaujimagatuqangit into any design plans ensuring proper siting, installation and operation of renewable energy sources in order to prevent and minimize impacts on Inuit harvesting.</p>	<p>Baffinland continues to comply with all federal and territorial legislation related to GHG emission reduction targets and will do so moving forward. Baffinland also continues to refine and implement its Climate Change Strategy which addresses efforts related to climate change and GHG emission effects. Therefore, the proposed amendment to Term and Condition 3 Project Certificate on this topic is not appropriate, both in terms of its scope and Baffinland’s ongoing compliance with legislative established targets and does not support the proposed modification.</p> <p>Baffinland is supportive of the intent behind QIA’s proposed modification to Term and Condition 4. Baffinland agrees that design plans linked to renewable energy sources may benefit from consultation with QIA and HTOs and incorporation of IQ in order to prevent and minimize potential Project-related impacts on Inuit harvesting. Baffinland notes though that other factors will be required to ensure proper siting and installation of energy sources are possible. Baffinland does not believe the Term and Condition requires an update to ensure that Inuit will be consulted as part of any planning, studies or research into renewable energy sources.</p>	Resolved. Baffinland and QIA have established a path to resolution of remaining concerns
AE - 2	The QIA noted that BIMC had not included an up to date commitments list related to the PIPR within the SOP or Appendix B of the SOP. Specifically, there were discussions in	BIMC confirmed that it has provided updates on each of the commitments listed on the NIRB record. Specifically they noted updates on the commitments were provided on	Resolved. Baffinland and QIA have established a path to resolution of remaining concerns

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	<p>February 2023 between the QIA and BIMC that are substantive and need to be reflected in the SOP and Appendix B.</p> <p>The QIA requested that BIMC update both the SOP and Appendix B to be reflective of the discussions during the February 2023 meetings and subsequent communications.</p>	<p>March 31, 2023 in the Joint Implementation Report from both BIMC and the QIA, and the 2022 NIRB Annual Report.</p>	
AE - 3	<p>The QIA requested that BIMC to provide a formal response to the Dust Audit Committee including activities that are committed to be undertaken to implement the Dust Audit Committee’s recommendations and associated timelines for completion of implementation by July 15, 2023.</p>	<p>Baffinland will provide formal response to the Dust Audit Committee’s recommendation report on the NIRB record prior to July 21, 2023.</p>	<p>Resolved.</p>
AE - 4	<p>a. The QIA requested that the NIRB revise Project Certificate Condition 187 to require annual dust auditing and reporting for the Mary River Project, tied to specific adaptive management objectives, indicators, thresholds and responses.</p> <p>b. The QIA requested Baffinland revise the terms of reference for the Dust Audit Committee, so there is a requirement for the results of the annual dustfall audit to be presented to both Baffinland and QIA, with a bilateral decision-making process to identify what measures will be taken to mitigate dustfall impacts, subject to approval by the TEWG.</p>	<p>a. BIMC provided its initial responses to the Dust Audit Report directly to the Dust Audit Committee in February 2023. BIMC will issue a formal response to the NIRB before July 21, 2023 once it has defined the scope of work and schedule for each recommendation. BIMC stated that the annual dust audit is meant to be a global review of BIMC’s efforts to reduce dust dispersion, including the consideration of annual monitoring results, observations through Site Visits by the Committee.</p> <p>BIMC stated that the requested revision is not necessary or practical as Objectives, Indicators, Thresholds and Responses will be included in the Air Quality and Noise Abatement Management Plan (AQNAMP), which BIMC and QIA must jointly agree to and that the AQNAMP may be subject to additional review and recommendations received through the Terrestrial Environment Working Group and therefore may be subject to change as the operation continues to evolve. The BOIMC noted that management</p>	<p>Resolved. As part of the resolution, Baffinland is proposing the following commitment be added to Appendix B of the Project Certificate: Baffinland will provide sufficient funding for the Dust Audit Committee to continue to support the annual dust audit and associated reporting for the life of the Project, and for any other work of the Dust Audit Committee where it supports other areas of the project. Specifically, the second annual dust audit report will include a one-time retrospective review of the Objectives, Indicators, Thresholds and Responses related to dust in the most up to date version of the Air Quality and Noise Abatement Management Plan, unless the Dust Audit Committee independently determines it does not</p>

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		<p>plans must remain flexible to adaptation, which may not be possible if they are hard coded in Project approvals.</p> <p>b. BIMC notes that the Dust Audit Committee operates under a Project Charter, which was developed without Baffinland involvement. BIMC suggested that the QIA, as an active participant in the Dust Audit Committee, share suggested changes to the Project Charter through that venue, which would allow all other Inuit parties of the Dust Audit Committee to comment on.</p> <p>BIMC noted that the results from the Inuit Stewardship Plan and BIMC' s monitoring will be used to inform changes to the adaptive management elements of the AQNAMP, which would be related to the Objectives, Indicators, Thresholds and Responses.</p>	<p>wish to carry out such review. It is acknowledged that the Dust Audit Committee name and duties may change or expand in future to other topics, and will continue to carry out annual dust auditing until such time as Baffinland and QIA agree such audits are no longer needed.</p>
<p>AE - 5</p>	<p>a. The QIA noted that BIMC did not mention undertaking refined atmospheric modeling within the SOP.</p> <ul style="list-style-type: none"> <li>● The QIA reiterated their request from the February 2203 meetings that BIMC: Complete both seasonal and annual atmospheric dispersion modelling to assess dustfall impacts</li> <li>● Compare atmospheric dispersion modelling with data from the dustfall monitoring stations both seasonally and annually</li> </ul> <p>b. The QIA requested that BIMC undertake a comparison between the updated modelling and all data collected at the dustfall monitoring sites both seasonally and annually</p>	<p>a. BIMC stated that refined air dispersion modelling was completed in March 2023, and was submitted to the NIRB as the Air Quality Assessment Report (AQAR), which is an appendix to the updated Air Quality and Noise Abatement Management Plan (AQNAMP). BIMC noted that this included predictions for total annual and 30-day dustfall, and a comparison of the results of the modelling to measured dustfall values at several monitoring stations.</p> <p>b. BIMC stated that the AQAR contains comparisons between model predictions and values measured at dustfall monitoring stations that collect data year round, not those with just seasonal data.</p> <p>c. BIMC stated the latest dust mitigation measures will be summarized in the next update for the AQNAMP, and will include dust suppressants, application rates, truck speeds and refined blasting methods. BIMC made no mention of seasonal mitigations.</p>	<p>Resolved. Baffinland and QIA have established a path to resolution of remaining concerns</p>

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	<p>and including the results of this comparison within the SOP. As well, the QIA requested that if model predictions reveal higher levels of dustfall than FEIS predictions, BIMC is requested to commit to reconsidering the potential effects of these dustfall levels on soil-metal concentrations, lichen-metal concentrations, freshwater and aquatic life, caribou health, and human health.</p> <p>c. The QIA requested that if it was deemed relevant by themselves and BIMC based on the results of the seasonal dustfall analysis, that BIMC would commit to developing seasonally relevant mitigation measures to reduce dustfall to acceptable levels to Inuit.</p>		
<p>AE - 6</p>	<p>The QIA noted concerns with the wording provided within the SOP relative to the results of the 2022 lichen-metal monitoring results in the 2022 TEAMR. Specifically, the 2022 TEAMR lichen-metal monitoring results show that concentrations of metals have significantly increased relative to baseline over multiple years and in some cases exceeded lichen indicator values. As well, the 2022 results showed a concerning number of significant increases relative to baseline where there were none in previous years. If increases in lichen-metal concentrations continue, there is a concern that these metal concentrations could have adverse impacts to wildlife and human health.</p>	<p>BIMC asserted that a supplemental submission is not required as this information is already provided annually in reports to the TEWG and the NIRB, and summarized as part of the SOP assessments on the atmospheric, terrestrial and freshwater environments in sections 4.3, 6.2.3, 6.3.3 and 6.4.3.</p> <p>BIMC stated their monitoring program data has detected that lichen-metal increases relative to baseline have been detected in some sites, particularly near (i.e., within 0–100 m) the Mine Site and Milne Port. That said, lichen-metal concentrations are demonstrably low — often at or below laboratory detection limits — and mean values are within an acceptable range of variation. Specific sampling locations have been flagged and studied to understand better the root causes of this variability relative to other monitoring endpoints.</p>	<p>Resolved. Baffinland and QIA have established a path to resolution of remaining concerns</p>

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	<p>The QIA requested that BIMC produce a supplemental submission to the SOP that clearly states:</p> <ul style="list-style-type: none"> <li>● That dustfall deposition has exceeded FEIS predictions</li> <li>● A lichen indicator value has been exceeded in one site</li> <li>● A number of sites have significantly higher metal concentrations relative to baseline conditions</li> <li>● The uncertainty with respect to lichen-metal concentration thresholds in the Arctic environment, and how that uncertainty has been accounted for in the analysis</li> </ul> <p>As well, the QIA requested that BIMC:</p> <ul style="list-style-type: none"> <li>● enact additional studies to investigate how metal deposition can be mitigated and reduced</li> <li>● explain the lichen-metal monitoring results to the dustfall committee and seek their guidance on additional mitigations measures</li> </ul> <p>recommit to identifying additional mitigations to reduce dust (i.e., precautionary approaches to blasting based on risks associated with wind and rainfall; reducing traffic speed; etc.)</p>	<p>BIMC stated they have and will continue to enact additional studies and take action to mitigate and reduce dustfall and that their commitments remain in place.</p>	
AE-7	<p>Baffinland to recommit to undertaking annual monitoring of the spatial extent of dustfall using the satellite monitoring program,</p>		Resolved.

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	<p>in particular to track potential reductions associated with the implementation dustfall mitigation measures.</p> <p>b. Baffinland to commit to integrating a more dedicated Inuit sensory monitoring of dustfall into the monitoring system.</p>		
AE - 8	<p>a. The QIA noted concern with dustfall as the observed effects of dustfall have not been consistent with the predicted effects of the FEIS and FEIS addendum.</p> <p>The QIA requested that BIMC to undertake revised atmospheric dispersion modelling for to understand the potential impacts, and compare atmospheric dispersion modelling with data from the dustfall monitoring stations.</p> <p>b. The QIA request that based on the results of the revised atmospheric dispersion modelling and comparison with monitoring data, BIMC to reassess the effects of dustfall on Terrestrial Environment VECs and their corresponding effect levels and provide an update to the NIRB during the SOP assessment period.</p>	<p>a. See response to QIA AE-5.</p> <p>b. See response to QIA AE-6. BIMC stated that their annual reports on Dustfall monitoring and potential impacts to the receiving environment are included in annual reports to the TEWG and the NIRB (e.g. TEMMP).</p>	Resolved. Baffinland and QIA have established a path to resolution of remaining concerns
AE-9	<p><b>Potential changes in effects</b></p> <p>Requested:</p> <p>a) supporting evidence for statement "<i>Scaling production and transportation between 4.2 Mt and 6 Mt operating limits does not result</i></p>	Baffinland argues that the noise and vibration effects of such an increase are within the ERP prediction and not significant.	Resolved. Baffinland and QIA have established a path to resolution of remaining concerns

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	<p><i>in a perceptible change to noise and vibration."</i> (SOP s. 6.2.5, p. 149 of 922),</p> <p><b>b)</b> clarification of how the frequency of occurrence and duration of noise and vibrations have been factored into this statement, and,</p> <p><b>c)</b> a quantitative assessment of how much the frequency of occurrence and duration of noise and vibrations increases in the 42% production increase scenario identified.</p>		
TE - 1	<p>The QIA remains concerned by low-level flights over the important snow goose moulting area, as they could pose potential adverse impacts to the snow geese populations and thereby impact harvest by Inuit.</p> <p>The QIA requests BIMC commit to work in collaboration with Inuit Guardians to monitor the impacts of low level flights on snow geese use of the moulting area, through a ground-based survey of impacts based on behavioural responses. These studies would need to be designed to minimize impact as much as possible (i.e. deploying and retrieving wildlife cameras when there are no snow geese in the area).</p>	<p>BIMC indicated that to the extent possible, they avoid the area and do not interact with moulting geese. BIMC wants clarification as to whether the Guardians would work under the umbrella of the QIA led Inuit Stewardship Plan (ISP) or separate. BIMC confirmed their commitment towards the QIA led ISP and associated monitoring conducted by or in collaboration with Inuit.</p> <p>BIMC expects that monitoring programs that are part of the ISP would be presented to the TEWG. As well, BIMC offered some considerations for tradeoffs for a program:</p> <ol style="list-style-type: none"> <li>1) the need for additional helicopter overflights necessary for monitoring</li> <li>2) additional disturbances in the identified area of interest for geese</li> <li>3) the utility of a camera program for this type of monitoring</li> </ol>	Resolved. Baffinland and QIA have established a path to resolution of remaining concerns
TE-2	<p>a. Baffinland commit to redefining deflections with the TEWG to include repeated balking.</p> <p>b. Baffinland explore the use of pellet surveys as a method of marked recapture to estimate</p>	<p>a. Baffinland welcomes a TEWG discussion to define deflection better and has previously engaged in such discussions. A discussion to define deflections was suggested by the Government of Nunavut and subsequently reflected in revision notes on TEMMP ver. 4.1. Opportunity</p>	<p>Resolved.</p> <p>As part of the resolution, Baffinland has proposed to add the following</p>

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	<p>caribou abundance and distribution across the regional study area, including determining whether this method would be acceptable to Inuit.</p> <p>c. Baffinland commit to adhering to mitigation measures identified by the TEWG, including requirements to stop traffic to allow caribou to pass during migration based on group sizes identified by the TEWG. Baffinland to commit to these measures being in place immediately upon observing migrating caribou attempting to cross the road, particularly if deflections (including both balking or failing to cross the road) are observed.</p>	<p>is provided when draft agendas are circulated before TEWG meetings for members to suggest revisions or additional agenda items. Despite recent opportunities, neither the GN nor the QIA has requested that such a discussion be added to the agenda. Before the next TEWG meeting, Baffinland recommends that if the topic remains of interest to the QIA, they request the addition following the circulation of a draft agenda.</p> <p>b. Baffinland welcomes alternatives to caribou abundance and distribution surveys that provide robust data acceptable to Inuit. The QIA is encouraged to engage in a discussion, including the presentation of evidence or a study design supporting the utility of a pellet survey as a mark-recapture method and how it would be suitably implemented in the Regional Study Area to estimate caribou abundance and distribution. QIA provided no evidence in their technical comment for Baffinland to evaluate at this time. Still, this type of presentation and idea exploration is welcomed through TEWG engagement. Currently, Baffinland is employing techniques that are well-known and present standardized methodologies. Aerial surveys have been used and are expected to continue in the future. Collar programs have also been investigated and considered for future programs. Both present a standardized approach to abundance and distribution in an RSA. Baffinland welcomes QIA advice or commentary on acceptability to Inuit that the QIA may have recorded through its engagement. Impacted community acceptability of programs can be discussed through HTO participation at the TEWG and through direct meetings by Baffinland or other parties.</p> <p>c. Baffinland confirms it is committed to the mitigation measures included in the Terrestrial Environment</p>	<p>commitment to Appendix B of the Project Certificate:</p> <p>BIM commits to work with the TEWG to redefine deflections to include repeated caribou balking in the Project area by November 30, 2024, to ensure that a new definition of deflections is included in an updated Terrestrial Environment Mitigation and Monitoring Plan filed with the 2024 Annual Report to NIRB.</p>
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		<p>Mitigation and Monitoring Plan (TEMMP) (BAF-PH1- 830-P16-0027). The caribou protection measures decision tree jointly agreed to with the QIA consists of the measures requested by the QIA in this technical comment. Baffinland confirms those measures remain in place and are adhered to. This mitigation for caribou encountered near the road is included in the TEMMP, Sections 3.3.2.2, and illustrated in Figure 3.2. Those responses already include stopping traffic, and a single caribou observation triggers those responses.</p>	
<p>TE - 3</p>	<p>a. Baffinland to provide a supplemental submission to the NIRB registry, identifying IQ concerns related to the potential for a much larger zone of influence around the mine, explaining how the zone of influence may change with the caribou population cycle, identifying how Baffinland will implement appropriate mitigation measures in response to the cycle, and identifying and recommitting to existing PIPR commitments regarding reestimating the zone of influence based on IQ, dustfall levels and noise.</p> <p>b. The Project Certificate be amended to include a term and condition requiring Baffinland to recalibrate the energy-protein model following the committed-to IQ study and re-estimation of the zone of influence (both committed to as part of the PIPR), as one method of determining if there is in fact a significant loss of habitat effectiveness associated with the mining activities.</p>	<p>a. Baffinland confirms that feedback from Inuit in the impacted communities and IQ shared with Baffinland has been included in the SOP. Section 6.3.3.2 of the SOP Application acknowledged ongoing community concerns related to dust and sensory disturbance on caribou resulting from the Project. In particular, it was noted that caribou are particularly sensitive to disturbance at their current low abundance state within their natural population cycle. Effects to terrestrial wildlife, and in particular key issues such as the current low numbers of caribou in the area, potential impacts to calving areas, movement and migration, as well as potential effects of caribou eating vegetation with dust and/or avoiding areas affected by noise and/or dust, continued to be expressed in 2021 and 2022 consultation activities including through the Tusaqtavut Studies shared with Baffinland. Community members from Pond Inlet indicated that sounds from the mine can carry long distances and may be causing caribou to avoid certain areas, thus altering their use of preferred routes and potentially impacting their movements (QIA 2019).</p> <p>The concern raised by QIA is addressed within agreements and discussion between Baffinland and QIA and is reflected throughout the SOP, such as in Table 6.11 (pg. 149), “Baffinland will support and fund a study of North Baffin</p>	<p>Resolved. Baffinland and QIA have established a path to resolution of remaining concerns</p>

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		<p>caribou based on IQ, to be led by the QIA... to gather data to support the reestimation of the Zone of Influence around the Project.” The commitment to fund the QIA-led ZOI study is re-iterated in Section 6.3.3.5 (pg. 151). It is also further discussed in Section 6.3.6.2 (pg. 155), “Once that study is complete, Baffinland and the QIA will re-estimate the Zone of Influence for caribou with input from the TEWG, and determine appropriate mitigation measures to apply...”. Commitment 64a of Appendix B of the Project Certificate states explicitly that “Baffinland will support and fund a study of North Baffin caribou based on Inuit Qaujimagatuqangit, to be led by the QIA in conjunction with HTOs. This work will be used to identify areas within the vicinity of the Project that are highly sensitive to caribou and to gather data to support the re-estimation of the Zone of Influence around the Project.” The inclusion of commitments from the PIPR reconsideration process in Appendix B to Project Certificate 005 negates any need to recommit to them and there is no rationale for a supplemental submission.</p> <p>b. Baffinland has made several mitigation and monitoring commitments regarding caribou, including, but not limited to the following measures geared toward understanding and reducing the zone of influence of the Project on caribou:</p> <p>Baffinland will support and has provided funding for a study of North Baffin caribou based on IQ, to be led by the QIA in conjunction with HTOs. This work will be used to identify areas within the vicinity of the Project that are highly sensitive to caribou and to gather data to support the re-estimation of the Zone of Influence around the Project</p>	
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		<p>Baffinland agrees to implement additional mitigation measures within interim Project Protection Zones, to be delineated and agreed by Baffinland and the QIA (with input from the TEWG) based on existing IQ, western science, historical data, and project monitoring to date.</p> <p>The additional interim protections include blasting restrictions within specified distances when caribou are present, helicopter operation restrictions within specific distances when caribou are present, and review of the Caribou Decision Tree to manage traffic along the Tote Road when caribou are present.</p> <p>Inuit led monitoring under the Inuit Stewardship Plan to adaptive management strategies related to caribou will also work to increase confidence in monitoring and mitigations.</p> <p>The TEMMP includes several specific measures to be undertaken to reduce or avoid sensory disturbance including cessation of specific activities during sensitive periods (e.g., migration, mating, calving).</p> <p>As described in Section 6.2.6.3 of the SOP Application, in 2022, Baffinland committed to implementing additional mitigation for the protection of caribou, to be informed by the Inuit-led study of North Baffin caribou. Once that study is complete, Baffinland and the QIA will re-estimate the Zone of Influence for caribou with input from the TEWG, and determine appropriate mitigation measures to apply in designated Project Protection Zones, including requirements for the suspension of blasting, helicopter overflights, road traffic, and measures to reduce dustfall. Baffinland agrees to implement the revised Caribou Protection Measures upon agreement of the location of Project Protection Zones and the mitigation measures that</p>	
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		<p>will apply in these zones. Until Project Protection Zones are confirmed through the process identified above, Baffinland agrees to implement additional mitigation measures within interim Project Protection Zones, to be delineated and agreed by Baffinland and QIA (with input from the TEWG) based on existing IQ, western science, historical data, and project monitoring to date. Any need to “recalibrate” the energy-protein model is contingent on evidence that the ZOI differs from that used in the FEIS. Baffinland’s commitment to those studies is noted in part (a) of this response. If the North Baffin Caribou Study, once complete and agreed to, provides evidence that a significantly larger ZOI exists than previously used in the FEIS, Baffinland recommends the need for a revised energy protein model be brought forward for discussion with the TEWG at that time.</p>	
TE - 4	<p>Baffinland to commit to revise the voluntary harvester sample program through the following process:</p> <ol style="list-style-type: none"> <li>1. meeting with the MHTO within three months post-approval to identify why samples have not been provided within the current voluntary harvester sample program, and identify specific improvements for how to improve the program.</li> <li>2. Discussing improvements to the program with the TEWG</li> <li>3. Finalizing the revised program</li> <li>4. Implementing the revised program in 2024 and tracking how well the revised program increases uptake, by making comparisons</li> </ol>	<p>The requested commitment cannot be made by Baffinland, as we are not responsible for this activity. The voluntary caribou tissue sample program is developed and implemented by the Government of Nunavut. Baffinland is willing to support the GN's implementation of this program, however, it is not our program to bring to the TEWG for evaluation and recommendations. The number of caribou allowed to be harvested in the North Baffin remains at a level where two separately run programs are not advisable. Baffinland supports adding the tissue sample program to a future TEWG meeting, but the GN must continue to lead those discussions. Prior to the next meeting of the TEWG Baffinland recommends that QIA request the addition once the draft agenda is circulated, should they wish to advance this recommendation further.</p>	<p>Resolved. Baffinland and QIA have established a path to resolution of remaining concerns</p>

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	between the number of samples received and overall harvesting levels based on GN data		
TE - 5	Baffinland provide data showing how their noise monitoring stations overlap with helicopter flight paths, to determine whether there is potential for this source of noise to have been missed in the noise monitoring.	<p>Helicopter noise was included as a source of noise in the 2020 monitoring. The question about noise monitoring and its relationship to helicopter flight paths was asked during the QIA’s draft 2020 Terrestrial Environmental Annual Monitoring Report (TEAMR) review (QIA comment 17, pg. B-13). A detailed response was provided in the final TEAMR. Specifically, the noise monitoring stations used in 2020 were mapped relative to the helicopter overflights on page B-31 (TE Map 2). Helicopter noise was included as a source of noise in the 2020 monitoring. The QIA is encouraged to refer to their comments on the 2020 TEAMR and Baffinland’s responses for further details on this topic.</p> <p>Literature Cited:            EDI Environmental Dynamics Inc. 2021. Mary River Project: 2020 Terrestrial Environment Annual Monitoring Report. NIRB Registry No. 336729. Prepared for Baffinland Iron Mines Corporation, Oakville, Ontario. 588 pp.</p>	Resolved
TE – 6 (Firelight)	<p>a. The supplemental submission requested above on caribou avoidance of the Project area include the consideration that the lack of caribou detections may be reflective of avoidance at a broader scale, in alignment with concerns raised by IQ-holders.</p> <p>b. Baffinland commit to implementing a proactive approach to mitigations within the calving and post-calving period: i.e., specifically committing to avoiding blasting and helicopter usage within 3 km of critical calving / postcalving habitat during the</p>	<p>a. There is no supplemental information to provide until QIA provides the results of its North Baffin Caribou Study. Baffinland assumes QIA will give consideration to the types of discussions it is looking to include when designing and undertaking the North Baffin Caribou study and that all IQ shared through the study will be equally reflected in the outcomes. We look forward to continuing these important discussions with QIA when the study outputs are available for sharing.</p> <p>b. Baffinland’s commitment to area-specific mitigation is made clear in commitment no. 64. of Appendix B of the Project Certificate. Baffinland cannot commit to more</p>	Resolved

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	<p>appropriate timing window (to be confirmed by HTO members, but tentatively from June 1 - July 15). This commitment must be in place now.</p> <p>c. The Project Certification be amended to include a term and condition requiring Baffinland to convene with Inuit parties and the Government of Nunavut after the IQ study has been completed, to collaboratively revise and finalize the caribou protection measures for the Project.</p>	<p>detailed mitigations until QIA and Baffinland are able to agree on areas and seasons of use.</p> <p>c. Commitment 64 of Appendix B already includes a requirement to discuss the outcomes of the study and any associated mitigation measures with the TEWG, which would then be subject to the governing terms of reference. Neither an additional term and condition or modification to the original commitment are required as the topic has already been addressed within Appendix B of the Project Certificate.</p>	
ME-1	<p>Requested:</p> <p>a) summarize IQ observations on ringed seals,</p> <p>b) identify engagements with Inuit on how best to monitor impacts to ringed seals, and</p> <p>what confidence we can have that periodic aerial surveys address impacts reported by Inuit.</p>	<p>a) brief summary of recent (6 months) information shared by harvesters, but no comprehensive summary of IQ compiled</p> <p>b) highlights concerns with acoustic recorders, but no comprehensive assessment of how engagement has occurred over the multiple years that Inuit have been reporting impacts. Links to ISP and Inuit-specific OITRs.</p> <p>c) notes hunter reports of impacts to seal harvesting but doesn't provide justification for spring time surveys being adequate for monitoring</p>	Resolved. Baffinland and QIA have established a path to resolution of remaining concerns.
ME-2	<p>Requested evidence to support BIMC assertion that environmental changes are driving narwhal reductions in Eclipse Sound, and an update on what IQ on this topic has been collected (and how it was verified).</p>	<p>BIMC argues that they're not responsible for quantifying external factors. But we argue that they are if they are saying they are the driving factor - evidence is required.</p> <p>Little information provided on the IQ collected, and no information on how it's been verified. BIMC is largely relying on QIA to develop the ISP and Country Food Baseline Study.</p>	Resolved. Baffinland and QIA have established a path to resolution of remaining concerns.

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ME-3	Requested update on timelines and status of narwhal cortisol and body condition monitoring program, and a timeline for analysis of and reporting on the marine mammal behavioural response data it has been collecting.	Proposed timeline provided (and previously provided to QIA, post-SOP comment submission).  BIMC states that behavioural response data is analyzed and reported on following the completion of each years monitoring programs, for all marine mammal monitoring programs with behavioural response elements to them.	Resolved. Baffinland and QIA have established a path to resolution of remaining concerns
ME-4	Requested:  a. clarification on the maximum amount of ore that could be shipped in 2024 should the 2023 season again be shortened,  b. additional information on the logistics of convoy scheduling,  c. more information on how much increased dust deposition would be expected along the transportation route and at Milne Port under different operational flexibility scenarios,  clarity on whether the impacts assessed in the SOP are based on an average 6.0 mtpa throughput, storage and shipping year, vs “busiest year” scenario	a. maximum upper limit would be approximately 7.3 Mt, cannot forecast at this point in time what the upper limits could be in 2024 as it is contingent on the success of the 2023 shipping season. It is not anticipated that Baffinland would be able to make up the entire shortfall in one year and therefore the additional 1.3 Mt would be split between the two years to the greatest extent possible.  b. convoys are arranged in real time based on vessel and anchorage availability, tonnage does not directly relate to the ability to convoy vessels. The number of convoys cannot be forecast at this time but they will be reported in the 2023 Annual Report.  c. refers to SOP FEIS Addendum, Appendix 3, Table 2 (Summary of Changes in Project Interactions) - changes in dust deposition confined to Milne Port as no change in the ore haulage limit by truck along the Tote Road are being requested as part of the SOP.  d. refers to SOP FEIS Addendum, Section 2.3, Table 2.2 (Summary of Previous Project Modifications related to Northern Transportation Corridor) -SOP assessments are based on the activities and upper limits described in s. 2.3, including 118 average round trips per day by ore truck and 84 ore carrier voyages. Response also notes that SOP requires no additional infrastructure or modifications to the established PDA.	Resolved.

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<p>ME-5</p>	<p>Requested:</p> <p>a. clarification on how scheduling and port logistics impact potential for using inbound convoys through Milne Inlet and outbound convoys through RSA,</p> <p>b. information on proportion of total transits that can convoy inbound (from RSA border to Ragged Island, from RSA border to Milne port, from Ragged Island to Milne port) and outbound,</p> <p>c. information on how use of larger (Capesize) vessels will affect shipping schedule logistics and the potential use of convoys,</p> <p>d. commit to maintaining inter-vessel distances of not more than 3 km in any convoy scenario where conditions allow (depending on sea ice presence, etc.),</p> <p>e. commit to identifying loudest vessels in the fleet and scheduling convoys such that these vessels are in the centre in any scenario where three or more vessels are in convoy,</p> <p>f. commit to scheduling convoys of three or more vessels except in predefined circumstances to be described by Baffinland, and identify how often logistic constraints will affect the ability to schedule vessel convoys on average and define what the constraints would be.</p>	<p>Ability to convoy is driven by the arrival pattern of vessels - if vessels arrive at the staging area shortly one after the other, this is significantly more helpful in initiating a convoy than if vessels arrive separately over a few days. Safety aspects require maximum convoy size of three ore carriers, with the preferred number being two ore carriers inbound</p> <p>a. As long as two or more vessels are at the staging area, along with sufficient safe anchorages, Baffinland will proceed with convoying vessels. Baffinland cannot convoy two ore carriers if only one anchorage is available. Additional details on logistics provided, and Baffinland has chosen Ragged Island as the usual end point for the majority of inbound convoys. Most convoying will be on inbound vessels due to scheduling requirements.</p> <p>b. Aim to convoy vessels whenever feasible, with numbers assessed and reported at end of season. Majority of convoys will still occur between staging area and Ragged Island due to safety aspects and operational constraints - Baffinland cannot provide more additional detail at this time due to the nature of arranging convoys.</p> <p>c. Utilization of larger vessels will help reduce the number of shipments required, and larger vessels are just as able to participate in a convoy as smaller vessels.</p> <p>d. Confirms it will maintain no more than 3km distance between vessels in convoy when safe to do so.</p> <p>e. Baffinland will continue to learn from its passive acoustic monitoring program and determine if there are additional mitigations that can be added to the shipping season, including specific arrangements and ordering of convoys.</p>	<p>Resolved. Baffinland and QIA have established a path to resolution of remaining concerns</p>
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		f. Refers to constraints identified in response to item (a). Also leaves most decisions to individual vessel masters and notes that “one master’s assessment may differ from another”. Outbound convoying not practical.	
ME-6	<p>Requested:</p> <p>a. Commitment to identify the subset of chartered vessels that produce a disproportionate amount of noise,</p> <p>b. Commitment to conduct acoustic modeling to identify what proportion of the loudest vessels should be removed to make the greatest gains in underwater noise reduction; and,</p> <p>c. Provide plan (supplemental filing) on when and how Baffinland will begin phasing out the loudest ore carriers and support vessels.</p>	<p>a. Baffinland reports on the recorded underwater noise of all vessels captured in its PAM program.</p> <p>b. Shipping companies selected based on specific characteristics of their fleets, and availability of ice-classed vessels is extremely limited. Assessing vessel noise levels for contractual purposes proves is complex task as underwater noise testing is rarely conducted and is not generally available to consider as part of the chartering process. Use of newer vessels reduces noise.</p> <p>c. Present circumstances do not allow selection of vessels based on noise levels. Fleet renewal over time will phase out older vessels.</p>	<p>Resolved. As part of the resolution, Baffinland has proposed the following commitment be added to Appendix B of the Project Certificate:</p> <p>Baffinland will provide NIRB and all Parties, by January 31, 2024, a report identifying all the vessels chartered by Baffinland (ore carrier, freight, fuel) that have called on Milne Port since commercial shipping started in 2015, with all available information on vessel characteristics (length and beam, draft, DWT or GT as appropriate), years those vessels called on port, and noise characteristics from PAM data (including all available Baffinland monitoring data such as multiple noise measures per vessel, if available). The report should also highlight any noise mitigating measures incorporated into the vessel design or retrofits (and when this occurred). This information will be used to inform updated acoustic modeling by Baffinland for the purpose of determining the effectiveness of additional mitigations, if required.</p>
ME-7	<b>Use of ore vessels larger than Post-Panamax</b>	BIM referred QIA to the BIM responses to TC-TRC-01, summarized below:	Resolved.

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	<p>Requested:</p> <p><b>a)</b> A risk assessment of using the existing ore dock to moor and load vessels much larger than it was designed to handle, and identification of additional commitments and physical works and activities necessary to accommodate these larger vessels in a safe and feasible fashion.</p> <p><b>b)</b> An assessment of all the potential marine environmental impact trade-offs of using these larger vessels instead of those the dock was designed to handle.</p> <p>Transport Canada was requested to identify if it has any issues with the safety of using the existing dock to moor and load Capesize vessels.</p>	<ol style="list-style-type: none"> <li>1) The use of capsize vessels is included in the SOP.</li> <li>2) An updated bathymetric survey is scheduled in July 2023 to update bathymetry in the dock area. Capesize vessels will only be loaded to a draft deeper than (15.2 m BW) if the bathymetric survey allows. Fully loaded they have a draft of 17 to 18 m.</li> <li>3) BIM Marine Engineers have confirmed that the current mooring arrangement is sufficient to withstand extreme weather conditions when Capesize vessels are at berth. Additional bollards will be completed of mooring safety.</li> <li>4). Capesize vessels will follow the same shipping route to Milne Inlet as other vessels. The difference in turning circle between a Capesize vessel and a Panamax vessel is proven marginal.</li> <li>5) Capesize vessels will not anchor at Ragged Island and will sail directly to Milne to reduce risk from icebergs.</li> <li>6) Additional warping or shifting of the Capesize vessels will likely be needed to enable loading access to the furthest holds.</li> <li>7) The current Docking Master has extensive experience in docking Capesize vessels, as has Group Ocean which will provide two tugs with pull power beyond that required for Capesize vessels. The mooring crew is familiar with the docking procedures in Milne.</li> <li>9) Capesize vessels are classified by the class society as ice class 1C. In adherence to the Zone Date System's guidelines,</li> </ol>	<p>As part of the resolution, Baffinland has proposed that the following commitments be added to Appendix B of the Project Certificate:</p> <p>Baffinland will provide by January 31, 2024, a comparative assessment of the potential environmental impact trade-offs of using Baby-Cape and Capesize vessels relative to the smaller vessels currently in use, both at and en route to and from Milne Port, including but not limited to trade-offs related to accident risk, GHG emissions, noise disturbances to marine mammals, convoy optimization, ballast water discharges, seasonal operations, and docking and loading.</p> <p>Should they be required in future, Baffinland commits that there will be no dredging or in-water modifications to the port at Milne Inlet in relation to Capesize vessels unless and until any dredging or in-water modifications are approved in accordance with all applicable regulatory requirements and the above noted comparative assessment has been provided to QIA.</p> <p>If Capesize vessels are used, Baffinland commits to augment its benthic sediment and infaunal monitoring programs by conducting annual sampling at existing sites SW-1 through</p>
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		<p>these vessels will exclusively engage in loading operations in Milne within this designated timeframe</p>	<p>SW-4, SE-18-1 and SNW-1, and at two (2) new sites situated to ensure that any changes in bottom scouring by these longer, deeper vessels are captured— one site offshore the northwest corner of the dock at a similar distance/depth to SNW-1, the other between SW-1 and SW-2 but at the 25 m depth contour. Sampling shall continue annually at these locations for a minimum of three years following the initial use of Capesize vessels at Milne Port. Following this three-year period, Baffinland will consider a reduced frequency in sampling at these locations (once every three years) if sediment and benthic conditions at these sites are shown to be stable (and within the limits of impact predictions).</p>
<p>ME-8</p>	<p><b>Risk assessment for introduction of aquatic invasive species (AIS) from ship’s ballast water</b></p> <p>Requested Baffinland:</p> <p><b>a)</b> Confirm proposed commitments to carrying forward Phase 2 commitments related to AIS monitoring to: 1) follow the most updated version of DFO’s AIS Rapid Response Framework, 2) work with the MEWG and DFO to establish species-specific Rapid Response Plans, and 3) implement a ballast water compliance sampling plan based on a risk- based targeting methodology to be</p>	<p><b>a)</b> Baffinland has confirmed these commitments in Appendix 7 of the SOP.</p> <p><b>b)</b> When results of the risk-based assessment are shared by DFO, Baffinland will update the risk assessment as appropriate. Should the biological ballast water monitoring program indicate any objectively high risk of introducing AIS, Baffinland’s first priority will be to work with vessel owners to mitigate that risk, rather than replacing them with vessel that pose less risk.</p> <p><b>c)</b> Baffinland recommends that upon the release of findings from DFO’s biological ballast water monitoring program the MEWG consider the need to revise the ballast water model, noting that the availability of quantitative Project-specific ballast water data may also allow for modification of the</p>	<p>Resolved. Baffinland and QIA have established a path to resolution of remaining concerns</p>

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	<p>developed in consultation with DFO and TC (SOP s.6.5.3.3, p. 201 of 922)</p> <p><b>b)</b> Commit to phase out use of Project vessels that are shown by risk-based biological studies of ballast water or hull fouling to pose the highest risk of introducing potentially invasive species into Project ports</p> <p><b>c)</b> Update the SOP Appendix 15 risk assessment when results are available from the DFO risk-based biological study of Project vessel ballast water.</p>	<p>modelling approach and, for example, facilitate a shift from the more qualitative relative risk assessment methodology used in SOP Appendix 15 to a more quantitative assessment, as suggested in DFO-TRC-02.</p>	
QIA ME-9	<p>Provide updated information on fuels used for tanker and ore carrier propulsion and commit to requiring ships to use safer distillate fuels beginning with the 2023 shipping season.</p>	<p>Baffinland-associated ships comply with global requirements by using Very Low Sulphur Fuel Oil, which is heavy, persistent fuel oil (not a distillate fuel).</p>	<p>Resolved. Baffinland and QIA have established a path to resolution of remaining concerns</p>
QIA ME-10	<p>Provide information about equipment for affixing emergency tow lines, availability of such tow lines, capability of available tugs to secure and sustain a connection to the ship, and procedures for prompt notification and emergency tow deployment. This should include consideration of the size and type of both ore carriers and tankers proposed to be used as well as the specifications of the available tugs.</p>	<p>During the shipping season, there are two tugs that are, “fully certified and equipped to handle towing operations, both in cases of distressed vessels within RSA and for long-haul towing needs.” Both have “essential towing equipment” on board. The icebreaker vessel (available mid to end of September onwards) is also, “equipped with the necessary tools and capabilities to aid in emergency towing.”</p>	<p>Resolved.</p>
QIA FE-1	<p>QIA recommended Baffinland develop site specific thresholds for conditions that may increase dust dispersion, and corresponding mitigations that include at minimum operational staged decreases in dust</p>	<p>Baffinland states they are continuing to collect data during 2023 in support of establishing site specific thresholds to meet the dust mitigation objectives across the material handling chain. They also specify they will be expanding their “<i>data focus on collecting a variety of samples during a</i></p>	<p>Resolved. As part of the resolution, Baffinland is proposing the following commitment be added to Appendix B of the Project Certificate:</p>

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	<p>generating site activities, within 30 days of receiving the amended project certificate.</p>	<p><i>number of environmental conditions</i>". Baffinland also states they will be continuing to <i>"utilize to the maximum extent reasonably practicable, any and all existing dust mitigations to ensure dust dispersion mechanisms, as we currently understand them, are minimized."</i></p>	<p>Baffinland and the Qikiqtani Inuit Association commit to meet by September 30, 2023, November 30, 2023 and January 31, 2024 to discuss dust dispersion data from the following sites being monitored in 2023:</p> <ul style="list-style-type: none"> <li>• Deposit 1 blasting</li> <li>• mine site crusher</li> <li>• OHT transport along the Tote Road</li> <li>• OHT offloading point at Milne Port</li> <li>• Stacking at Milne Port</li> <li>• The highest point of the conveyor system at Milne Port</li> </ul> <p>Baffinland commits to providing NIRB and all Parties with a final version of the site-specific thresholds for dust dispersion by March 30, 2024.</p>
<p>QIA FE-2</p>	<p>Effects to water quality from the 6 Mtpa SOP production level are expected to be similar to the last several years including their spatial extent and magnitude. This conclusion is predicated in part on a comparison between water quality in the local project area and the reference lake. Evidence from the 2021 Annual Report for Operations suggests project dust may be impacting the reference lake, confounding that comparison. A new reference lake may need to be established.</p> <p>QIA requested Baffinland:</p>	<p>a. Baffinland asserts that the reference lake has not been impacted by dust from the project area citing data provided in the annual reports and their understanding of wind direction on the highest wind days.</p> <p>b. Baffinland provides details indicating that both charr in the study area lakes and the reference lake are landlocked. The response appears incomplete with the final paragraph including a hanging sentence.</p> <p>Baffinland reiterates that the reference lakes are not impacted by the project and that a new reference lake is therefore not warranted.</p>	<p>Resolved. Baffinland and QIA have established a path to resolution of remaining concerns</p>

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	<p>a. Baffinland re-evaluate their current reference locations for both lentic and lotic programs and determine if they are influenced from the impacts of mine-related fugitive dust.</p> <p>b. Baffinland provide evidence the life history of Arctic charr at the reference lake mirrors that of the project area waterbodies and watercourses.</p> <p>If a) the reference lakes are indeed under the influence of project generated dust, and/or b) the life history of Arctic charr in the reference lake does not reflect that of the project area lakes, we request Baffinland establish a new reference lake that is outside the project’s zone of influence and contains Arctic charr with similar life histories.</p>		
QIA FE-3	<p>QIA requested Baffinland submit updated versions of the following plans with TARP components:</p> <ul style="list-style-type: none"> <li>• the Fresh Water Supply, Sewage and Wastewater Management Plan,</li> <li>• the Snow Management Plan, and</li> <li>• the Aquatic Effects Monitoring Plan.</li> </ul> <p>These components are required for stakeholder review and input to provide confidence the ongoing divergences from FEIS predictions will be adequately managed and mitigated in a timely manner. Further, TARP components for these plans are generally required in service to PIPR commitments.</p>	<p>Baffinland provides a list of plans that have been updated with TARP components; these do not include the requested plans.</p> <p>Baffinland also states <i>“Should additional commitments be made during the SOP NIRB Reconsideration that trigger additional updates to the enclosed management plans, Baffinland will provide revised draft plans to the NIRB. Such revised drafts would be developed in consultation with QIA, relevant regulatory authorities and other participants in the NIRB process. We will consolidate inputs through both the SOP review process and annual monitoring cycle to inform the final version of the plans for release in 2024.”</i></p>	<p>Resolved. As part of the resolution, Baffinland is proposing the following commitment be added to Appendix B of the Project Certificate:</p> <p>Baffinland commits to provide, by January 31, 2024 updated versions to NIRB and all Parties the Fresh Water Supply, Sewage and Wastewater Management Plan, the Snow Management Plan, and the Aquatic Effects Management Plan with Trigger Action Response Plan components</p>

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QIA FE-4	<p>Several issues raised during QIA’s review of Baffinland’s Phase 2 water licence application to the NIRB are directly applicable to the SOP and support both the characterization of ongoing project effects and the management of those effects. QIA has requested the following issues be carried forward from the NWB proceedings to the NIRB SOP proceeding:</p> <p>QIA #10.1 – adaptive management of calcium along road watercourses through the SWAEMP.</p> <p>QIA #40.1 – adaptive management of effects to fish, and in response to iron and chloride concentrations in watercourses proximal to the project</p> <p>QIA #68.1 – additional detail required to evaluate sediment sampling methodology</p> <p>QIA #72.1 – addition of periphyton to monitoring nutrient enrichment in lotic systems</p>	<p>10.1 – Baffinland asked for additional details as to what QIA is requesting.</p> <p>40.1 – Baffinland indicates they have provided a draft methodology for fish focused aquatic effects monitoring along tributaries of the tote road on June 23, 2023. Baffinland indicates they are awaiting feedback from QIA.</p> <p>68.1 – Baffinland provides location of the requested details on their sediment sampling techniques employed as part of the AEMP in the 2022 annual report.</p> <p>72.1 – Baffinland references an email exchange from 2022 in which a discussion on periphyton was provided.</p>	Resolved. Baffinland and QIA have established a path to resolution of remaining concerns
QIA FE-5	<p>Baffinland’s summary of potential effects and associated mitigations to the freshwater and marine environment do not appear to consider the linkage between direct dust deposition on the watercourses, waterbodies and marine environment. QIA specifically requested:</p> <p>a. Baffinland consider direct deposition of dust as an effects pathway influencing the marine and freshwater aquatic environments.</p>	<p>a. Baffinland stated that they have considered dust deposition on the aquatic environments.</p> <p>Baffinland references updates to the Air Quality and Noise Abatement Management Plan (AQNAMP) which includes management measures intended to reduce air emissions including dust.</p>	Resolved. Baffinland and QIA have established a path to resolution of remaining concerns

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	<p>Baffinland update relevant management plans to include appropriate mitigations of dust deposited both on the ice and directly to the aquatic environment within the below-noted plans and within forthcoming adaptive management components. These plans should be updated during the SOP regulatory process with finalized versions incorporating intervenor input as a condition of the project certificate.</p>		
F-6	<p><b>Tote Road stream monitoring</b></p> <p>Requested:</p> <p><b>a)</b> Baffinland clarify what comprises the “aquatic effects monitoring program for the Tote Road” referred to in SOP Section 6.4.2.1, and provide details on it if they are not already in the SOP application materials.</p> <p><b>b)</b> Baffinland provide an update on the status of its new commitments to develop methodology and implement new aquatic study programs for the Tote Road streams.</p> <p><b>c)</b> Baffinland clarify what monitoring of stream crossings will be continued over the long term and commit to providing annual reports similar to the DFO Tote Road reports that provide updates on the status of Tote Road stream crossings, remediation required and completed, and passage of Arctic char.</p>	<p><b>a &amp; b)</b> Baffinland shared a draft methodology and scope with QIA on June 23, 2023 outlining the proposed aquatic effects monitoring program for the Tote Road. Baffinland remains fully committed to implement the program during the 2023 summer season pending input and feedback from QIA.</p> <p><b>c)</b> Baffinland will include fish passage assessment and water quality monitoring outcomes as per the Tote Road Monitoring Program annually in the QIA NWB Annual Report for Operations.</p> <p>Baffinland has followed up with the supplier who has the responsibility to obtain approval for use of the dust suppression on roadways in the territory and sent a request to the Government of Nunavut Department of Environment seeking clarification if there is a need for a buffer zone around water crossings along roadways. Baffinland will follow up directly with the QIA and MHTO with the outcome of this inquiry.</p>	<p>Resolved. Baffinland and QIA have established a path to resolution of remaining concerns</p>

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	Baffinland seek advice from the appropriate regulatory body on the need for a buffer zone between Project dust suppressant applications and streams to inform summer 2023 suppressant applications, and share the advice and any underlying rationale with QIA and the MHTO when received.		
G-1	<p><b>Cumulative environmental assessment (CEA)</b></p> <p>Requested:</p> <p><b>a)</b> Baffinland to clarify whether and, if so, how and where foreseeable future construction and operation of the Approved Project have contributed to the SOP cumulative effects assessment, particularly activities related to linear developments (road, rail), transportation (air, ground, marine), and mining (blasting, crushing, loading).</p> <p><b>b)</b> If the southern portion of the Approved Project was not integrated into the SOP cumulative effects assessment, Baffinland should re-conduct this exercise.</p>	The cumulative effects assessment (CEA) for the SOP was built on the previous CEA undertaken for the Phase 2 Proposal and modified as necessary. The Phase 2 Proposal CEA considered the Approved Project (including the southern rail and Steensby shipping). Residual effects of the Approved Project (including but not limited to those associated with southern components, Tote Road and Milne Port shipping) were considered in combination with predicted residual effects of the SOP to evaluate potential cumulative effects. However, given the limited spatial and temporal extent of predicted residual effects from the SOP, there is little to no predicted overlap of potential residual effects from the southern components of the Approved Project.	Resolved. Baffinland and QIA have established a path to resolution of remaining concerns
G-2	<p><b>Truck Traffic</b></p> <p>Clarifications on trucking requested:</p> <p><b>a)</b> What additional trucking is required under this proposal.</p> <p><b>b)</b> What additional trucking may occur at Milne Port, along the Tote Road and at the</p>	<p><b>a)</b> Trucking activities related to the SOP will continue to require an additional 42 round trips by truck above what was assessed during the ERP.</p> <p><b>b)</b> Baffinland does not anticipate surpassing the non-ore haul vehicle transits per day forecast in the PIP and SOP FEIS Addendums in either 2023 or 2024, regardless of the development of the Steensby component of the Project.</p>	Resolved. Baffinland and QIA have established a path to resolution of remaining concerns

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	<p>Mine Site related to construction of the southern route or other activities (e.g., exploration) during the next 5 years.</p> <p>c) What cumulative effects are predicted from the combined traffic in terms of disturbance, dustfall and contaminants, animal mortalities, and accident risk.</p>	<p>c) Transporting fuel and freight through Milne Port to support Steensby construction is reflected in both the original FEIS and ERP FEIS Addendum key facts tables and were assessed accordingly. The development of the Steensby component of the Project is also considered in the SOP cumulative effects assessment. See response to QIA-G1 for additional details.</p>	
QIA SE-1	<p>The Project Certificate be amended with a new term, “The Proponent will develop an Inuit renewable energy training program for any</p> <p>future proposals for clean energy installation for the Project in alignment with its Climate Change Strategy and reflecting its commitment to build community capacity.”</p>	<p>Baffinland looks forward to continuing to work with QIA closely on these matters. In the context of the existing IIBA provisions it is not clear at this time what would be added by a Project Certificate term and condition on this topic. Rather than the approach suggested, QIA and Baffinland could address this topic through the existing robust training program requirements under the IIBA, which require regular collaboration between both parties to identify specific needed training programs. Any required management plan updates could be implemented following IIBA training discussions.</p>	Resolved.
QIA SE-2	<p>The Project Certificate be amended to include a new term and condition: “The Proponent will develop a new regional Inuit training plan that will deliver training to Inuit across the Qikiqtani Region to improve Inuit employment at the Project.”</p>	<p>Baffinland looks forward to continuing to work collaboratively with QIA to continue to increase Inuit employment at the Project, through the robust mechanisms established under the IIBA. The suggested term and condition would be redundant given that this is already an IIBA requirement.</p>	<p>Resolved. As part of the resolution, Baffinland is proposing the following commitment be added to Appendix B of the Project Certificate:</p> <p>Baffinland commits to fund, and to provide a workplan to QIA by September 30, 2023 for development of a new Regional Inuit Training Plan that will deliver training to Inuit across the Qikiqtani Region to improve Inuit employment at the Project; and Baffinland commits to finalize this</p>

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			<p>Regional Inuit Training Plan by January 31, 2024.</p> <p>Baffinland and QIA agree to amend the IIBA on or before <u>November 30, 2023</u> to reflect the following. Baffinland commits to contribute a \$2,000,000 total Project Bond (in the form of cash, irrevocable letter of credit or other instrument as agreed upon between the parties) for the Sustaining Operations Proposal (\$1,000,000 to be posted with QIA by <u>April 30, 2024</u> and \$1,000,000 to be posted with QIA by <u>April 30, 2025</u>), and held for the purpose of drawing-upon in the event that the agreed Measurable Objectives (see topics listed in Commitment 72 of Appendix B to the Project Certificate) are not met and remedial measures are required, all in accordance with the terms of the IIBA as amended. In the event that QIA draws upon the Project Bond in 2024 or 2025, the amount that is drawn upon shall be replaced (in the manner agreed in the IIBA) so that the total value of the Project Bond remains \$1,000,000 in 2024 and \$2,000,000 in 2025.</p>
QIA AM-1	<p>The Project Certificate be amended to include the following term and condition: “QIA and Baffinland to jointly develop and approve the adaptive management elements for monitoring programs, including both Inuit and non-Inuit Objectives, Indicators, Thresholds and Responses for the Adaptive Management Plan.”</p>	<p>Baffinland confirms this commitment is already in place as commitment 018 in Appendix B to Project Certificate No. 005 at QIAs request. The amended PC005 issued November 3, 2022, Appendix B, Commitment 018 indicates "QIA and Baffinland jointly develop and approve, by April 2024, the adaptive management elements for monitoring programs and Inuit Objectives, Indicators, Thresholds and Responses for the Adaptive Management Plan related to narwhal, seal,</p>	<p>Resolved.</p>

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		<p>Arctic char, caribou, dust and culture, resource and land use."</p> <p>Baffinland believes the commitment above accurately captures what was agreed between QIA and Baffinland in 2022, and what has been re-iterated by QIA here. Baffinland has reflected this understanding in the revised draft Adaptive Management Plan, which has been released for public review via the 2022 Annual Report to NIRB.</p> <p>Baffinland does not believe an additional term and condition or modified commitment is required at this time. We also note the language is not appropriate for a TC as it includes items that are not within the ability of Baffinland to control (i.e., QIA actions). Baffinland is confident that QIA will advance this initiative on the timeline proposed and fulfil the commitment. Baffinland is looking forward to the enhanced opportunity for Inuit involvement in the Project that the ISP will offer.</p>	
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