

August 23, 2023

Nunavut Impact Review Board (NIRB)
29 Mitik Street, PO Box 1360
Cambridge Bay, Nu
X0B 0C0

**Re: Comments on Notice of Screening Opportunity For Public Comment
NIRB File No. 23UN047: Establishment of Tallurutiup Imanga National Marine Conservation
Area Project (TINMCA)**

Dear Ms. Gillard:

What follows is Baffinland Iron Mines Corporation (Baffinland)'s response to your request for comments of August 3, 2023.

1. The application materials filed on August 2, 2023 by Parks Canada are incomplete (the **Application**). Some high-level general details of measures that may be applied in National Marine Conservation Areas are provided. But the interim management plan (including a preliminary zoning plan) for the TINMCA will provide the specific details and Parks Canada indicates that the interim management plan is currently being prepared by the Governments of Canada and Nunavut, and QIA. While the Application indicates "*... an Interim Management Plan is currently in draft form*", this draft has not yet been made publicly available or provided to NIRB as part of the Application, and our understanding is that public consultation on the Interim Management Plan has yet to be carried out. The NIRB should suspend its screening of the TINMCA until after the draft zoning and Interim Management Plan is released and made available for comment, given that the Interim Management Plan will include details that are important considerations for the public and for the NIRB screening process.
2. The Application includes reference to the TINMCA IIBA. How many full time, paid jobs for Inuit will be established by Parks Canada under the TINMCA IIBA once the TINMCA is in place? What specific steps will Parks Canada take to ensure those jobs are fulfilled? What training programs will be made available to these individuals? What penalties are in place under the TINMCA should Parks Canada fail to keep those jobs filled? What steps are Parks Canada taking to ensure there are opportunities for advancement by Inuit, should they decide they wish to advance from entry level positions under the TINMCA IIBA to positions with greater responsibility?
3. Based on the Application, Parks Canada is currently developing regulations that may bear significantly on how the TINMCA area is managed. Before the NIRB screening is complete, Parks Canada should provide further specific details of the draft regulations under consideration and how they may specifically apply to and impact new project proposals and modifications of existing proposals within TINMCA.

4. Based on the Application, Parks Canada anticipates that it will assume responsibility for issuing conformity determinations and NIRB referrals for project proposals within TINMCA after the TINMCA is established. See for example:

The establishment of TINMCA will result in changes related to implementation of the Nunavut Project Planning and Assessment Act (NuPPAA). The NuPPAA will continue to apply to TINMCA after establishment, however Article 11 (Land use planning) of the Nunavut Agreement does not apply to NMCAs once legally established under the CNMCAA. As a result, the North Baffin Regional Land Use Plan (NBRLUP) will no longer apply within the TINMCA boundary. Upon establishment, the Nunavut Planning Commission's responsibilities for conformity will be assigned to Parks Canada, and conformity will be determined based on the requirements set out by or under any law for which Parks Canada is responsible (e.g. CNMCAA).

Can Parks Canada please provide further specific details as to how it will determine conformity of project proposals with TINMCA before referral to NIRB, including applicable policies and timelines. How will subjective or objective criteria will be applied in making such determinations? Who will provide conformity determinations and NIRB referrals if a project proposal includes component activities and/or infrastructure both within and outside the TINMCA?

5. The Mary River Project relies in part on shipping through some waterbodies that will eventually be TINMCA waters, if established under the *National Marine Conservation Areas Act*. We also refer NIRB to our previous submissions on the establishment of TINMCA (attached). In Section 6.3.3 of the 38 page "Project Proposal and Strategic Environmental Assessment" (SEA) provided with the Application, the Mary River Project is mentioned and Parks Canada confirms that "*The existence of a national marine conservation area will not preclude commercial shipping.*" Our understanding based on the Application is that Parks Canada continues to be of the view that establishment of TINMCA will not impact or restrict the current or future operations of the Mary River Project and related shipping, activities or infrastructure.
6. The SEA also includes the following statement, "*Inuit have expressed concerns regarding the effects of increased vessel traffic on cultural sustainability and a perceived lack of oversight.*" The robust oversight of shipping activities by Transport Canada's comprehensive regulatory framework and internal experts should be explained, recognized and respected. Commercial shipping is a highly regulated activity with many levels of regulation and permitting, and (for example) in flagging this concern the Application does not provide a complete description of the current controls over vessels currently moving through the proposed TINMCA. This additional information should be provided in detail as part of the Application in order to help address the public concern of a perceived lack of oversight.
7. The SEA concludes, "*The anticipated long-term environmental and socio-economic outcomes resulting from the establishment of TINMCA will provide a net benefit*" and "*Establishment of TINMCA will have no significant adverse effects on the ecosystem or Inuit harvesting activities; it will have no significant adverse socio-economic effects and will enhance and protect the existing and future well-being of Inuit.*" There is little to no analysis provided to validate these statements. For example, restrictions on activities within TINMCA such as fishing, shipping, tourism, research and land use could have significant negative socioeconomic effects, and no details on this analysis

are provided. This could include both direct negative socioeconomic effects (arising from individuals or companies not being permitted to carry out the desired activity) and secondary effects (Inuit not being able to carry out traditional activities due to less access to the wage employment necessary to purchase and maintain equipment). Parks Canada is asked to provide further quantitative rationale and data to support the conclusion of no significant adverse effects. Can Parks Canada share the qualitative analysis (with data) they relied on to come to these specific conclusions?

8. The summaries of community consultations are dated February and October 2014. Are there any more up to date consultations to report on as part of this Application? If so, can detailed information on these consultations be provided as part of the Application?

Sincerely,

A handwritten signature in black ink that reads "Megan Lord-Hoyle". The script is cursive and fluid.

Megan Lord-Hoyle, VP Sustainable Development
Baffinland Iron Mines Corporation