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Sept. 20, 2024

Oceans North Response to the Nunavut Impact Review Board's Invitation for Information Requests for the Baffinland Iron Mines Limited's "Sustaining Operations Proposal 2" for the Mary River Project

Dionne Filiatrault
Executive Director
Nunavut Impact Review Board
info@nirb.ca

Dear Ms. Filiatrault,

Thank you for the opportunity to provide information requests to the Baffinland Iron Mines Limited's "Sustaining Operations Proposal 2" for the Mary River Project. This submission provides a general comment to the NIRB regarding the process underway, followed by specific information requests for the SOP2 submission.

With respect, we find the current timeline re this Invitation for Information Requests to have been difficult to meet and expect that under-resourced rights-holders and stakeholders may be in a similar situation. We hope that the Board can continue to hone timelines and expectations to fully accommodate community participation.

We remain concerned that the proponent in its SOP2 submission indicates that, alongside the continued operation of its road and Port outlet at Milne Inlet, it intends to build the Steensby Railway and Port "sometime during the next eight years" (Sustaining Operations Proposal 2, August 2024 at p. 26) without providing any information as to when and how it intends to update the environmental impact analyses filed over 12 years ago (and based on datasets that in some instances are significantly older).

The proponent continues to make statements such as the following "the Steensby Rail and Port are not part of this Application for approval because they are already approved under the Project Certificate issued by NIRB in 2012" (ibid. at p. 26). Oceans North disagrees that the approval issued in 2012 (relying on proponent filings that, at the time, were materially deficient in that the proponent failed to disclose its plans for Milne Inlet and the tote road) can be relied upon to shield the proponent from the obligation to account for the anticipated industrial development in its entirety within Nunavut's environmental assessment regime. The 2012 environmental impact assessment of the proposed project did not take into account the anticipated cumulative effects of the Milne route and the Steensby route in the aggregate nor

could it take into account actual effects of an operating mine and transportation corridor. Continually asserting in its ongoing filings that the Steensby components of its operation are “already approved” does not remedy the deficiencies in the impact assessment record.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christopher Debicki', with a long horizontal flourish extending to the right.

Christopher Debicki
Vice-President (Policy Development) and Counsel
Oceans North

Information Requests

As stated by QIA in their SOP2 process comments (May 23, 2024), “the proponent has relied on the Final Environmental Impact Statement from 2012 that has since been proven to have underestimated the impacts from the Mary River Project.”

The proponent continues to rely on the EIS from 2012 for this addendum. Oceans North remains concerned about assumptions regarding the assessment of cumulative effects stated in our letter on May 23, 2024. Cumulative effects cannot be properly addressed when our understanding of day-to-day project impacts remains incorrect or incomplete. Our information requests highlight our concerns with the quality of the cumulative effects assessment methods and the quality of the information provided.

Information Request 1

There has been a shift in this assessment reporting to include the cumulative effects assessment within each Valued Component (VC) section. These assessments are missing the estimates of confidence of the significance findings for each VC. This is common practice and should be included in the assessments of each VC. In addition, a summary of all findings from each section should be included in the Cumulative Effects section. Ideally, a matrix should show how each mitigation measure reduces the predicted impacts on the VC, provide references for the conclusion (which is sometimes provided in associated chapters), and provide a level of confidence in those conclusions. Oceans North appreciates the complexity that a cumulative effects assessment entails; providing a matrix summary in the cumulative effects section will reduce the amount of back and forth through the document.

Information Request 2

There is inconsistency between the SOP and the SOP2 regarding the statements on cumulative effects. The SOP (p.247) states:

“Compared to the IP, PIPE and PIP Renewal applications, the SOP represents a longer-term application of increased activity levels along the Northern Transportation Corridor and this CEA assumes potential temporal overlap with construction and operation with the previously approved southern railway and Steensby Port. The SOP, which is based on maintaining a nominal rate of 6 Mtpa level of operations is predicted to result in reversible, short-term to medium-term residual effects that fall within the overall temporal scope of the Approved Project and well within the 75-year CEA temporal boundaries.”

The SOP2 (pg. 154) states:

While SOP2 essentially represents a temporal extension of the previously approved SOP, it is important to acknowledge that the PIP, PIPE, PIP Renewal and SOP applications were considered short-term approvals (i.e., regarding the duration that applied). Assessment of cumulative effects with the Approved Project in those applications would not have considered a potential temporal overlap with the previously approved Steensby Railway and Steensby Port. Compared to the PIP, PIPE, PIP Renewal and SOP applications, SOP2 represents a longer term application of sustained 6 Mtpa activity levels along the Northern Transportation Corridor and this CEA considers temporal overlap with construction and limited operation with the previously approved Steensby Railway and Steensby Port.

We propose that the proponent clarify the manner in which the SOP assumed a potential overlap with construction and operation with the southern railway route and port and accounted for cumulative impacts.

Alternatively, we propose that the proponent clarify the manner in which the SOP2 assumes a potential overlap with construction and operation with the southern railway route and port and accounts for cumulative impacts.

Information Request 3

Oceans North is concerned with this statement from Table 11.17:

“Baffinland’s monitoring data of recorded land-use at the Project site suggests Inuit land use and harvesting coexists with the Project to some degree, in general. Through the IIBA, Baffinland provides compensation for Inuit hunters and harvesters impacted by the Mary River Project through the Wildlife Compensation Fund, which is administered by the QIA.

Mitigation and monitoring commitments associated with the Approved Project will be implemented for SOP2 and future activities and components associated with the Mary River Project (where applicable) and will serve to reduce adverse cumulative effects on Culture, Resources and Land Use. Based on the significance conclusions of the Marine Environment and Terrestrial Environment VCs – the primary pathways for potential effects to Inuit Culture, Resources, and Land Use, cumulative effects on this VC are predicted to be not significant.

Tables in Section 11 provide a summary of the cumulative effects on Inuit culture and the human environment. Please provide details on how significance was determined, including how Inuit provided input on the concept of significance.