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Kivalliq Inuit Association

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inclusion and utilization of Inuit Qaujimajatuqangit.

The revisions to T&C 30 are a bit odd, as they refer to the Proponent working with “...*the Government of Nunavut and the Baker Lake Hunters and Trappers Organization through the TAG to develop and update thresholds to trigger implementation of mitigation measures on both the AWAR and Whale Tail Haul road, up to and including temporary road closures*” (pg 87). The KIA is not mentioned; an oversight which we suggest should be corrected.

The one new T&C related to caribou (no. 65, pg 88), which essentially follows from Commitment #8 (KIA-Terrestrial-TC#1 and GN-TRC-01) from the June 2019 technical meeting:

“The Proponent shall, in consultation with the Terrestrial Advisory Group, develop a construction plan for the widening of the Whale Tail haul road which includes:

- *Design features of the Whale Tail haul road intended to facilitate caribou movement across the road;*
- *Identified sections of the roadside that will be constructed with slopes and top-dressing material appropriate for caribou crossing.*

The plan must incorporate available Inuit Qaujimajatuqangit in the selection of caribou crossing locations.”

Freshwater Environment

The NIRB notes in their report the proponent’s “*request for a coordinated but offset process between the NIRB and NWB*” (pg 16). They further acknowledged that “*Given the NWB’s jurisdiction over the use of freshwater and deposit of waste, and considering the continued use of the Whale Tail infrastructure as well as the Meadowbank site and Baker Lake storage facility, the NIRB has provided specific direction to the NWB in respect of specific items that remain to be addressed in detail subsequently through the NWB’s consideration of the requested amendments to existing water licences*” (pg 16). This has translated into the resolution of key concerns for the aquatic environment highlighted by the KIA being deferred to the Water Licencing process.

The NIRB still provided consideration for the KIA’s concerns regarding AEM’s predicted effects, stating that the “*even with the benefit of monitoring data for some aspects of the Expansion Proposal, considerable uncertainty exists regarding the effects the Expansion Proposal may have on air quality and water quality and associated impacts to vegetation*



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ορνςνδρ- WHALE COVE/λ'εεβ- CORAL HARBOUR/αυι'ε- NAUJAAT/α'αα- ARVIAT



Διζήσις- CHESTERFIELD INLET/ἑλσῶς-BAKER LAKE/ῥῆσις-RANKIN INLET/
ἰσις-WHALE COVE/ῥῆσις-CORAL HARBOUR/ῥῆσις-NAUJAAT/ῥῆσις-ARVIAT



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In addition, this provides uncertainty as to whether AEM will be able to fulfill their commitment “to incorporating new mitigation measures where required and implementing adaptive management strategies” (pg 31) in a timely manner. It also raises uncertainty as to whether AEM will be able to operate the Expansion Project in a way that does not result in adverse impacts to the aquatic environment.

Summary

The reconsideration report fairly captured concerns about caribou and water raised by the KIA and others provided during the assessment and specifically during the public hearings. Regarding caribou, most of KIA’s concerns have been addressed through commitments made by the Proponent, many of which are threaded through the Terrestrial Advisory Group (TAG) for discussion and implementation. We do note, however, that this approach defers decisions about monitoring and mitigation to the ongoing work of the TAG, which then leaves the recommendations as relatively open ended. This can, however, be addressed through KIA’s firm input into the TAG.

The revisions to T&C 30 are a bit odd as they overlook the KIA, but it is not expected that discussions on mitigation measures at TAG meetings would change from the inclusive discussions that have occurred in the past.

AEM has also addressed most KIA concerns with respect to the freshwater environment and so resulting terms and conditions are understandably absent from the NIRB report; most issues were deferred to the water licencing stage and have since been addressed. However, AEM’s commitment to provide a quantitative adaptive management plan and decision tree including triggers and thresholds for implementing key management and mitigation measures following Commitment #23 made during the June Technical Hearings appears to be a notable oversight. The quantitative adaptive management plan and decision tree is important given the significant uncertainty in predicted project effects to the aquatic environment noted by the NIRB in their report.

Confidence in the proponent’s ability to prevent adverse effects to the aquatic environment is dependent on the provision of the fully detailed adaptive management plan as committed to during the NIRB process.

Closing

Thank you for providing us with the opportunity to comment on the NIRB Final Report. KIA is prepared to continue working with AEM and other Intervenors to achieve an acceptable outcome on our outstanding issues.

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