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July 31, 2020

Solomon Amuno
Technical Advisor II
Nunavut Impact Review Board
Cambridge Bay, NU

Sent via email: info@nirb.ca

Re: WWF Response to NIRB Request for Comment Regarding Baffinland Iron Mines Corporation's 2019 Annual Report for the Mary River Project (NIRB File No. 08MN053)

Dear Mr. Amuno:

In response to the NIRB's June 11, 2020 call for comment regarding Baffinland's 2019 Annual Report, WWF-Canada provides the following comments relating to effects monitoring and the validity of conclusions reported by Baffinland and other areas of significance requiring further supporting information as identified by our review of the Project Certificate Conditions and Baffinland's compliance update.

WWF Canada appreciates the ability to participate in the annual review of project reporting and effects monitoring, and we look forward to continuing our engagement in the NIRB's process(es) relating to the Mary River project.

Effects Assessment

WWF Canada acknowledges that in some instances, Baffinland compares current trends and effects against FEIS predictions. However, on the whole, and specifically for Valued Ecosystem Components (VECs) such as caribou and marine mammals, we are not convinced that current monitoring programs are effective to provide statistically relevant certainty through analysis of trends and/or impacts to these important resources. Despite nearly doubling the processing and transportation of ore from the ERP proposal, Baffinland continues to confirm no significant impact to marine mammals, terrestrial wildlife, or other VECs identified within its assessment materials.

Baffinland's Annual Report includes the statement "to the extent that Project impacts on the [various component of the] environment can be evaluated, the effects of the Project appear to be within FEIS predictions." For example, within the 2019 Annual Report, Table 4.30: Marine Mammals Impact Evaluation indicates that effects are within FEIS predictions for all components and effects. WWF Canada suggests this may not be an accurate conclusion/finding, given Baffinland's own admission of limitations on the extent to which impacts can be evaluated.

Relating to effects assessment in particular, Baffinland's 2019 Annual Report suggests that "a summary of the effects of the Project compared to those predicted in the FEIS is also provided in Sections 4.5 through 4.7." However, Sections 4.5-4.7 deal with Project Certificate conditions specifically, and do not engage in discussion around effects assessment. WWF Canada would prefer to see a more holistic discussion of effects to project VECs, including as this relates to the limitations of its evaluation of Project impacts.

Having a discussion around where Baffinland feels it is constrained in terms of evaluating Project effects could be a starting point for developing and adjusting the programs to better understand those potential impacts. We recognize the value in the many reports Baffinland submits in respect of its monitoring programs, however the larger integrated discussion and justification for its finding of effects being within predictions from the Mary River FEIS and subsequent FEIS Addendums, is lacking. WWF Canada requests that Baffinland provide an outline of limitations on determination of project effects and how it plans to further develop its monitoring work to address uncertainties and improve the evaluation of Project effects. This is likely best undertaken from a VEC-specific approach, and from there, included in a larger discussion around environmental components (i.e. terrestrial environment, marine environment, marine mammals).

Baseline Data Collection

We note that Project Certificate Term and Condition 11 indicates the "Proponent shall maintain the Final Environmental Impact Statement and the Environmental Effects Monitoring program developed for the Project, with predictions updated as new baseline data is collected."

The 2019 Annual Report states that its operational activities in 2019 included "ongoing environmental effects studies and baseline data collection to support the construction and operation of the Project as well as for future engineering requirements."

Baffinland's 2019 report indicates with regard to caribou, for example, that "the 2019 monitoring for mammals included a number of surveys designed to enhance baseline data and monitor the effects of construction activities on caribou. Specific surveys included: snow track surveys; snow bank height monitoring; Height of Land caribou surveys; and incidental observations and wildlife log." These are all of Baffinland's monitoring programs relevant to caribou, however it is unclear how these surveys would enhance baseline data, or if the data collected is even compatible with the types of surveys and information collected prior to Project approval when baseline conditions were being studied.

WWF Canada requests that Baffinland confirm specifically which additional baseline data has been collected during its 2019 monitoring programs, what predictions have been updated, and how predictions reflect the inclusion of new baseline data.

Input from the NIRB has been very limited in terms of the need for updated baseline information, and discussion around effects consideration and assessment. WWF Canada is concerned that Mary River is now moving into another year of project operations without a monitoring

framework in place, and without agreed-upon indicators or thresholds available to identify if and when an impact is occurring, and adaptive management is warranted.

WWF Canada requests that the NIRB provide an update to parties with regard to the development of a framework that will guide Baffinland's monitoring work and provide clarification around what reviewers should expect from the Proponent's ongoing monitoring programs. It further requests the NIRB clarify its expectations regarding updates to baseline information which could or should be made as Project monitoring continues on an on-going basis.

Terms and Conditions

Meteorology and Climate (PC Conditions 1 through 6)

The 2019 Annual Report states "As Baffinland further refines the Climate Change Strategy, updates regarding the status of these activities will be provided as part of the annual reporting. The Climate Change Strategy, once fully refined, will be an important tool to guide and articulate Baffinland's efforts on PC conditions No. 2, 3 and 4. Baffinland will continue to conduct monitoring activities and develop initiatives to ensure any impacts that the Project may have on the climate are measured to the extent possible."

WWF Canada requests that Baffinland provide an update with respect to the release of its Draft Climate Change Strategy, and importantly how Baffinland intends to reduce emissions and commitments to targets and timelines to achieve those emission reductions. From its response to comments from the Qikiqtani Inuit Association on the 2018 Annual Report, Baffinland indicated that the Draft Strategy would be sent out for comment in Q4 2019, and in its January 6, 2020 Production Increase Proposal Information Package, it indicated external engagement processes would begin in either Q1 or Q2 of 2020.

While WWF Canada appreciates Baffinland's updates and will await the draft Strategy for review, we are concerned with the approach that Baffinland has indicated will be used to measure impacts of Project on the climate. WWF Canada requests that Baffinland clarify what impacts the Project may have on the climate and provide a suggested approach for how it will measure such impacts. WWF Canada notes that the 2019 Report indicates that ongoing emissions are not resulting in climate change or impacts to climate - WWF Canada requests that Baffinland clarify what other Project activities it expects could result in measurable impacts to the climate? Further, if the current Project activities do not contribute to climate impact, WWF Canada requests that Baffinland clarify at what threshold emissions from the Project would need to reach before it could determine the Project is having an impact on the climate?

Condition 78

In WWF Canada's comment on Baffinland's 2018 Annual Report, it requested that Baffinland provide an updated analysis for pack and land fast ice for the Northern Shipping Route every year, as required by Condition 78. Baffinland's 2018 and 2019 Annual Reports stated the ice condition report for the Northern Shipping Route would be updated periodically as new data became available. The Condition states "The analysis for pack and landfast ice shall be updated annually using annual sea ice data (floe size, cover, concentration) and synthesized and reported in the

most appropriate management plan." WWF Canada suggests that this condition applies to current operations, and that Baffinland is not in compliance with this condition.

WWF Canada requests that Baffinland provide data for 2019 and 2020 at this time, and that the 2020 data be synthesized and where necessary (i.e. changes are observed warranting updates), incorporated into management plans.

Condition 105

Condition 105 requires that Baffinland ensure that measures to reduce the potential for interactions with marine mammals in Milne Inlet are identified and implemented, including: a) changes in the frequency and timing (including periodic suspensions) of shipping when interactions with marine mammals are likely to be the most problematic and b) reduced shipping speeds where ship-marine mammal interactions are most likely...

In its comment on the 2018 Annual Report, WWF Canada requested that in respect of item a, Baffinland develop a protocol to implement shipping suspensions during periods of increased narwhal presence/abundance, or when nursing or calving behaviours are observed. Baffinland's response indicated that while narwhal calving and nursing behaviour may occur throughout the RSA during the full course of the shipping season... undertaking suspension of shipping during nursing/calving events is not logistically possible, nor is it considered warranted given that to date, Project monitoring has not detected any adverse behavioral effects on narwhal (i.e. large scale displacement or abandonment) from shipping beyond those predicted in the environmental assessment. Baffinland also clarified that this finding was provided in light of a continuous year-to-year increase in ship traffic in the Regional Study Area since the start of Project operations, both Project and non-Project related.

WWF Canada requests that Baffinland clarify a) which Project monitoring programs have captured behavioural responses of narwhal, b) which of those programs are occurring in the shoulder season, and c) which of those programs include areas along the entire RSA shipping route (i.e. from entrance at Eclipse Sound, through Pond Inlet and Milne Port), and clarify the timing for each (i.e. open water, close of season, etc.).

WWF Canada also requests that Baffinland provide monitoring information to provide clarity around its statement that "nursing or calving behaviours may occur during the RSA during the full course of the shipping season" - specifically, when and where has Baffinland observed nursing and calving behaviours? Having detailed information about where/when these behaviours occur, or where they may be concentrated to occur, could assist in recommending adaptive management measures that are responsive to those specific behaviours when narwhal may be more sensitive to disturbance.

To emphasize the main point related to this condition and to the overall flaw in the project's approach to adaptive management, Baffinland continues to argue that conditions like 105 do not apply because monitoring continues to have statistically weak or insignificant findings, suggesting that project operations have no impact, therefore not needing to adhere to these conditions. WWF is suggesting and has suggested for many years that it's not that the project isn't having an impact

but rather the monitoring programs aren't being integrated, haven't established defined thresholds, and there isn't clear accountability through the establishment of a monitoring framework from NIRB.

Condition 109

WWF Canada has provided comment on this condition in the past three responses to Annual Reporting, specifically with respect to Baffinland's inability to undertake adequate monitoring programs to address the aspects of the condition related to beluga, bowhead, and walrus (and WWF Canada would suggest, seal as well). WWF Canada understands the limits Baffinland has cited, but suggests Baffinland remains in non-compliance for this condition since Project approval. We acknowledge that remedying this may not be simple, or even possible, based on justifications provided by Baffinland. Given the continued response which points out the inability of Baffinland to properly monitor species in addition to narwhal, WWF Canada suggests Baffinland pursue an amendment to the Terms and Conditions of this Project Certificate to remove this requirement.

Closing

WWF Canada appreciates the opportunity to provide comment on the 2019 Annual Report as submitted by Baffinland, and we look forward to ongoing developments and discussions around mitigation strategies and monitoring programs for the Mary River project.

Please contact the undersigned with any questions or for further clarification.

Sincerely,

Andrew Dumbrille
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