



OCEANS
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Karen Costello
Executive Director
Nunavut Impact Review Board

RE: Response to Process Update for the Upcoming NIRB Technical Meeting, Community Roundtable, and Pre-Hearing Conference for Baffinland Corporation's Phase 2 Development Proposal

Dear Ms. Costello,

Oceans North received your notification of the process update for Baffinland Corporation's Phase 2 Proposal on July 29, 2020. We appreciate the need to continue these processes and the efforts being made under restrictions due to public health concerns from COVID-19.

We are writing to respond to this notice with two concerns.

The first concern is regarding the participation of Inuit communities in the establishment of these processes.

The NIRB letter dated April 24, 2020 states, "When the current travel restrictions on non-essential travel in Nunavut are modified or if the current stay-at-home restrictions and restrictions on public gatherings are modified, the Board will revisit whether it is possible to modify existing processes to address the procedural fairness concerns of parties and to enable the technical review of the Phase 2 Developmental Proposal to proceed in a reasonable manner. **Prior to proposing a modified process, the Board will solicit comment from prospective participants to ensure their views are fully considered before charting a path forward for this assessment.**" It seems that the Board re-visited and re-assessed the processes to address procedural fairness but did not retain their commitment to solicit comment from prospective participants prior to the proposal of the modified process.

During these times of challenging communication, all parties should make concerted efforts to document and implement their commitments. Therefore, we suggest that NIRB review commitments made for consultation in regard to restarting the Phase 2 process, in particular with community-based organizations and governments, to ensure that their perspectives and input are meaningfully integrated into NIRB's modified Phase 2 review process.

The second concern is in regard to the proposed timelines, for both participation and the efficient resolution of technical issues.

All participants received NIRB's update letter on July 29, 2020 with a request to provide updates on progress of discussions and resolutions of previously identified technical issues, especially where the remaining outstanding issues may focus on a key theme, by August 11. As some participants may not have the capacity to put this together in seven business days, it may serve the process to extend the proposed deadline for submission. As it is summer, many people are on holiday or out harvesting. We suggest this proposed deadline be discussed with participants, in particular community-based organizations and governments.

In regards to technical issues, MEWG participants are awaiting the proponent's response to their comments on the multiple draft monitoring reports submitted in June 2020. As many of the Phase 2 issues overlap with these comments, it may be more efficient to wait until those responses are provided from the proponent; *it may even lead to further technical issues being resolved*. Therefore, it may be more prudent to wait for the proponent's responses prior to asking for outstanding issues to include on the Technical Meeting agenda.

Thank you for your attention to these matters. We look forward to participating in a fulsome review process.

(original signed by Amanda Joynt)

Amanda Joynt
Policy Advisor
Oceans North

cc: Solomon Amuno, Technical Advisor II, NIRB
Tara Arko, Director of Technical Services, NIRB