



WWF-Canada
318 Creekside Village
ᑎᑎᑦᑲᑦᑲᑦᑲᑦ 1750
ᐃᑦᑲᐃᑦ, ᓄᓇᑭᑦ
ᑲᓇᑕ X0A 0H0

ᐃᑦᑲᑕᐃᑦ: (416) 489-8800
ᐃᑦᑲᑦᑲᑦᑲᑦ: 1-800-26-PANDA
(1-800-267-2632)
Ca-panda@wwfcanada.org
wwf.ca

September 4, 2020

Nunavut Impact Review Board
Cambridge Bay, NU

Sent via email: info@nirb.ca

Re: WWF comments on the September 14-18, 2020 Draft Technical Meeting Agenda (NIRB File No. 08MN053)

In response to the NIRB's August 25th, 2020 call for comment on the *Draft Technical Meeting Agenda* (NIRB File No. 08MN053) of the Mary River Phase 2 Proposal, WWF-Canada provides the following comments relating to the timing of the agenda, proponent presentations, additional time for marine issues, and unresolved issues outstanding from not only the Public Hearing in November 2019 but also from various other forums, submissions and engagements (annual report, marine environment working group etc.).

WWF Canada appreciates the ability to participate in the ongoing assessment of the Phase 2 proposal, and we look forward to continuing our engagement in the NIRB's process(es) relating to the Mary River project.

Timing and focus of the agenda

- Past meetings and hearings have resulted in several intervenors unable to question Baffinland on outstanding issues. WWF recommends a specific amount of time be given to intervenors in a roundtable format in order to allow equal speaking time.
- Baffinland has traditionally taken a significant amount of time for presentations during meetings and hearings. If proponent presentation time could be limited there would likely be more time for questions and an exchange on key issues.
- Many marine issues remain unresolved and weren't discussed at the November public hearings. More time should be allocated for a full discussion, with plenty of time given to intervenors for comments, questions, and presentations.

Unresolved issues from the November 2019 Public Hearing

- **WWF FWS-01 Indicators and thresholds:** To date, no indicators or thresholds have been developed for the project. Baffinland has committed to developing them by 2022 and they are also a part of the ICA (Inuit Certainty Agreement) framework for development after phase 2 is

approved. A key to adaptively managing ongoing operations and impacts is having these in place to prevent severe and unacceptable consequences. Approving the Phase 2 proposal without these in place is reckless and misguided. – **issue unresolved**

- **WWF FWS-02 Monitoring Framework:** There still isn't a NIRB mandated Monitoring Framework in place for the Mary River Mine. The Framework would provide clarity and certainty to all parties, especially Baffinland, on expectations, timelines, resources, scope, adaptive management, level of effort, IQ, Inuit involvement, significant impacts and mitigation measures. Phase 2 should not proceed without it in place. – **issue unresolved**
- **WWF FWS-03 MEWG:** There isn't a functioning working group, and the ToR (Terms of Reference) hasn't been agreed to or accepted by all parties, Baffinland or NIRB. Phase 2 should not proceed without a finalized ToR in place to support the functioning of the MEWG – **issue unresolved**
- **WWF FWS-04 Marine Spatial Planning (MSP):** Greenland is expressing major concerns about impacts to Narwhal outside the RSA (Regional Study Area); the project should not proceed without fully understanding those impacts and conducting a larger scale MSP process – **issue partially resolved with Greenland now at the review table**
- **WWF FWS-06 The use of Heavy Fuel Oil (HFO):** We've recently seen in Mauritius how devastating an HFO spill can be on the marine environment and communities. Baffinland ships continue to use and carry HFO, the same fuel as in the Mauritius spill. Studies have shown (WWF Final Written Submission) there is a 33% chance of an HFO spill over the 20-year life of the Mary River project. Given the significant and catastrophic impacts from an HFO spill Baffinland must commit to banning its use for project shipping. Proceeding with Phase 2 should not occur without this commitment. – **issue unresolved**
- **WWF FWS-07 Caribou:** There are many unknowns about potential impacts to the herd; more research and IQ needs to be gathered. Phase 2 should not proceed without monitoring results and a signed research agreement between BIM and GN – **issue unresolved**
- **WWF FWS-08 Climate Change plan:** Baffinland commits to developing a Climate Plan after phase 2 is approved, but no concrete targets or timelines have been discussed and committed to which would actually bring project emissions down. Approving phase 2 without a climate change reduction plan in place is unacceptable and doesn't provide assurances that the project will contribute to reducing emissions – **issue unresolved**

Other Outstanding Issues

- **Significant Impact:** For Valued Ecosystem Components (VECs) such as caribou and marine mammals, current monitoring programs are ineffective 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 (Early Revenue Phase) proposal, Baffinland confirms no significant impact to marine mammals, terrestrial wildlife, or other VECs identified within its assessment materials. Baffinland continues to assert that monitoring continues to have statistically weak or insignificant findings, suggesting that project operations have no impact. 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.
 - **IQ and Community Input:** The disconnect between observed Narwhal abundance and health from community members and the findings of Baffinland consultants is alarming. Community members have repeatedly communicated concern about Narwhal and the

projects impact on their health but it's not clear how Baffinland has integrated these perspectives and changed operations accordingly.

- **Periodic suspensions:** Term and 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: changes in the frequency and timing (including periodic suspensions) of shipping when interactions with marine mammals are likely to be the most problematic...For Phase 2 operations WWF Canada requests Baffinland develop a protocol to implement shipping suspensions during periods of increased narwhal presence/abundance, or when nursing or calving behaviours are observed.
- **Community Monitoring:** WWF requests that Baffinland detail which, if any, community level monitoring initiatives it has coordinated with, and any others which it is aware but has not integrated into its marine and terrestrial monitoring programs. Specifically, how has Baffinland considered the Seal, Char and Narwhal community-based monitoring programs involving the MHTO, community members and ArctiConnexion currently ongoing adjacent to the mine site, Eclipse Sound and Milne port?
- **Scope Ambiguity:** It's still unclear:
 - How many tug and icebreaker transits are being proposed for Phase 2 operations.
 - What are Baffinland's ambitions for production levels at the mine and how that does or doesn't fit into the definition of project splitting.
 - What the site overbuild capacity currently is and how that signals future production intentions.
 - What operational flexibility is being proposed and how that applies to the phase 2 proposal.
- **Ballast Water:** An effective method to reduce the spread of invasive species is to use a ballast water treatment system onboard project vessels. 75% of Baffinland ship transits in 2019 didn't treat their ballast water. For Phase 2, how is Baffinland going to increase the amount of ballast water treated?

Technical hearing attendance

WWF-Canada will have the following specialists attending on various issues throughout the meeting:

- Paul Okalik
- Brandon Laforest
- Erin Keenan
- Andrew Dumbrille

WWF-Canada appreciates the opportunity to provide comment on the *Draft Technical Meeting Agenda* 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

WWF Canada

adumbrille@wwfcanada.org