



Ministère de l'Environnement

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GN 1 – RAILWAY PERMEABILITY

Directed to

Baffinland

References

- Baffinland's Letter to NIRB, July 4, 2019. - Appendix A: Technical Meeting No. 2 Disposition Table as of July 3, 2019 (BIMC July 4, 2019)
- BIMC Presentation Terrestrial Environment - Slide 14 & 19
- Environment Dynamics Inc., *Memo: Railway Embankment "Sensitivity" Analysis for Caribou Crossing Potential* (EDI 2019)
- Technical Supporting Document (TSD) 10, *Terrestrial Wildlife, Baseline and Impact Assessment*, Section 3.4.1.5 – Significance of Residual Effects on Caribou
- Government of Nunavut– Technical Review Comments (GN 2019 - TRC) for Baffinland's "Phase 2 Development" Project Proposal.

QUESTION(S)

The Proponent provided a revised analysis regarding the Northern Railway's structure and permeability to caribou. The GN has reviewed this analysis and has outstanding concerns with the analysis and responses to GN questions during the Final Hearing and community roundtable sessions in Pond Inlet (Jan 25-Feb 6, 2021). During the technical review phase, the Proponent noted that there was significant uncertainty associated with the results of the rail permeability analysis presented in the FEIS Addendum due to the methods used and knowledge gaps about how caribou might respond to the railway. However, in the presentation given during the final hearing (Jan 2021) the proponent expressed confidence that 66% of the railway would be permeable to caribou without further mitigation. These expressions of uncertainty during the technical phase and confidence in conclusions during the final hearing are inconsistent.

The GN asks Baffinland to answer the following:

- 1) Provide the calculation that leads to the 66% permeability stated in slides 14 and 19 of the Terrestrial Environment presentation?

Given that the "Railway Embankment "Sensitivity" Analysis for Caribou Crossing Potential" (EDI 2019) did not address the uncertainty raised in GN TSD 12. Please explain how, given this clear acknowledgement of significant uncertainty associated with the results of the FEIS Addendum, Baffinland reached the conclusion that 66% of the railway will be permeable to caribou without further mitigation, with high confidence?

GN 2 – POLARBEAR DETERRENCE FROM OIL SPILLS

Directed to

Baffinland

References

- Baffinland Technical Memorandum, October 16, 2020 – Potential Effects of Fuel Spills on Polar Bears Along the Northern Shipping Route

QUESTION(S)

The Proponent's memo on the effect of fuel spills on polar bears has addressed many of the GN's concerns about the project's impact on polar bears.

The GN still has concerns about the potential interaction of polar bears with oil spills – should a spill occur, Baffinland should have a plan to deter bears from the area.

Can the Proponent update Section 10.3.2 of the Spill at Sea Response Plan to reflect a requirement for coordination with the Government of Nunavut's Department of Environment and Emergency Management Office in the mobilization of emergency wildlife teams for the purpose of preventing wildlife contamination. Special consideration will be given to polar bear deterrence, which could be facilitated by helicopter or emergency response vessels. The feasibility of implementing catch and relocation as a deterrence for polar bear will be coordinated with the Department of Environment based on the circumstances of the spill.

GN 3 – EVIDENCE REQUIRED FOR ADAPTIVE MANAGEMENT

Directed to

Baffinland
Qikiqtani Inuit Association

References

- Inuit Certainty Agreement
- NIRB Project Certificate No. 005

QUESTION(S)

As part of the draft Adaptive Management Plan within the Inuit Certainty Agreement (ICA), the Proponent has indicated that in-order to implement a ‘high action level response’, one that could impact the “scope, scale and viability of the Project”, a high degree of certainty that the project is reasonably associated with the effect is required (ICA, Appendix ID 2(1) Adaptive Management Plan (Revised Draft), s2.2.3).

It is assumed this standard of evidence would also be required by Baffinland in implementing adaptive management measures that are beyond the scope of the ICA, such as recommendations made by the Terrestrial and Marine Environment Working Groups.

The GN asks that the Qikiqtani Inuit Association and Baffinland answer the following:

- 1) Would Terrestrial and Marine Environmental Working Groups recommendations to Baffinland for a ‘high action level response’ require the same high degree of certainty that the Project is reasonably associated with the effect and that the action is reasonably likely to reverse these effects?

The GN asks that Baffinland answer the following:

- 2) If the same high degree of certainty is required before implementing Working Groups recommendations, please list the monitoring programs for caribou that will yield sufficient data to provide this level of certainty?

GN 4 – INUIT CERTAINTY AGREEMENT COMMITTEES AND WORKING GROUPS

Directed to	Baffinland Iron Mines Corporation Qikiqtani Inuit Association
References	<ul style="list-style-type: none">• NIRB Project Certificate No. 005• Baffinland January 25 – February 6, 2021, Final Hearing Adaptive management presentation (slide 21)

QUESTIONS

The Project Certificate defines the roles of the Marine and Terrestrial Environmental Working Groups in advising monitoring, mitigation, and adaptive management. The Inuit Certainty Agreement defines the roles of the Inuit Committees in advising monitoring, mitigation, and adaptive management. It is unclear how the advice rendered from the Inuit Committees and Working Groups will be reconciled and used.

The GN would like further explanation on:

- 1) Will the Inuit Committees and Working Groups function in parallel?
- 2) Will advice rendered by the Working Groups require the support of the Inuit Committees before being considered or implemented by Baffinland? Likewise, will advice rendered by the Inuit Committees require the support of the Working Groups?
- 3) How will existing Working Groups be involved in adaptive management?
- 4) How would decisions by Inuit Committees inform adaptive management actions?
- 5) How would ICA arbitration processes function in relation to rendered Working Group and or Inuit Committee advice?
- 6) How would Baffinland action NIRB monitoring instructions relative to advice rendered by Inuit Committees and Working Groups?