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Ms. Kaviq Kaluraq
Chair, Nunavut Impact Review Board
Cambridge Bay, Nunavut

November 15, 2021

Dear Ms. Kaviq Kaluraq,

Thank you for the opportunity to respond to the NIRB's request for comment on the admissibility of the ESPOO report, and associated studies and perspectives from Greenland, and how the NIRB should handle these submissions during the review of Baffinland's phase 2 expansion proposal.

The concerns are wide ranging and substantive, with a unanimous view that the ESPOO report and Baffinland's risk assessment are deficient and don't properly address transboundary impacts from the phase 2 proposal:

Greenland Ministry for Agriculture, Self-Sufficiency, Energy and Environment:

- '... [the ESPOO report] has not considered the project's consequences for Greenland, and the Ministry, therefore, assesses that the Espoo report does not adequately explain the potential transboundary impacts. Likewise, Baffinland has refused to investigate and assess the original project proposal's transboundary impacts because the Canadian authorities already approved this part of the project in 2012'.
- '...the Espoo report only sheds light on the impact of narwhals at Eclipse Sound and near the Canadian coast. The report needs to assess whether the ship traffic in the waters between Canada and Greenland coincides with the narwhals' migration periods and routes between Canada and Greenland and whether this could negatively affect the narwhal population. Therefore, the Ministry finds that the Espoo report's assessment that the project does not affect the population of narwhals from Eclipse Sound has been made on an incomplete basis. The same applies to the assessment of the impact on belugas'.
- 'The Espoo report lacks a risk assessment of the following risks concerning shipping in Greenlandic waters and anchoring at Store Hellefiskebanke:
 - Collision with marine mammals, resulting in marine mammals being injured or dying,
 - Grounding resulting in damage to ships or possible harm to aquatic organisms,
 - Interaction between ice and vessels, resulting in a delay or possible damage to the vessel,
 - Collision with other ships resulting in damage to ships, and possible harm to aquatic organisms,
 - Larger oil spills along the shipping route, resulting in pollution of the marine and coastal environment along the shipping route.



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- 'The Ministry recommends that an overall environmental assessment be prepared for the Phase 2 project. The environmental assessment should cover the entire physical area affected by the Mary River Project, including the impact on habitats and migration routes along shipping routes located in areas that have not traditionally been affected by disruption from ship traffic. The Ministry also calls for early involvement of Greenland in connection with projects that may have transboundary impacts in accordance with the Espoo Convention'.

The **Greenland Institute of Natural Resources (GN)** '...agrees with the Ministry's assessment that the Report does not adequately address potential transboundary environmental impacts of the mining project. GN finds it very problematic that the project area of the Espoo Report does not include the shipping routes in Davis Strait, Hudson Bay and Hudson Strait as well as the anchorage at Store Hellefiskebanke. It is extremely important that the impacts in all these areas be included in an Espoo Report, as otherwise it is not possible to assess the transboundary environmental impacts, such as noise disturbances for marine mammals and the risk of oil spills'.

The **Ministry of Fisheries and Hunting** '...supports the Greenland Institute of Natural Resources' assessment that the environmental impacts in both international and Canadian waters could potentially have major consequences for Greenland, as they will greatly affect the populations of narwhals, belugas, Greenland whales and walruses, who normally stay in and are normally exploited during the winter in West Greenland. Although none of these populations are present in large numbers in the waters of West Greenland between July and November, when the mining company's shipping is planned, the populations could potentially be vulnerable to impact along the shipping route at the beginning and end of the period. In addition, [the Ministry] supports the concerns that the environmental impacts may include Store Hellefiskebanke and other vulnerable marine areas of importance to the fishery'.

Qeqqata Kommunia, a municipality in western Greenland, points out that '...based on the cross-border environmental impacts identified by the ministry in the project, the municipality is concerned that oil pollution may occur from ships in the waters outside the municipality where the sea and the environment are sensitive...Qeqqata Kommunia recommends to the Greenland Self-Government that immediate action be taken to correct the deficiencies, identified by the ministry that have been identified in the report'.

The **Association of Fishers & Hunters** in Greenland shares the concerns of the Ministry for Agriculture, Self-Sufficiency, Energy and Environment about whether the assessment of environmental impacts in areas affected by shipping are adequately covered in the ESPOO Report, '...particularly assessments from the Greenland Institute of Natural Resources regarding potential impacts on narwhal migration routes and walrus wintering grounds at Store Hellefiskebanke'.

WWF Denmark and **Oceans North Greenland** echo many of the Greenlandic intervenors in saying the ESPOO and Baffinland reports don't address transboundary impacts. Additionally, both organizations point to the current and potential impacts related to underwater noise and oil spills from vessels needing to be further studied and addressed.

Given the substantial concern expressed by multiple organizations and agencies, researchers and scientists about not only the deficiencies of the ESPOO and Baffinland risk assessments on transboundary impacts, but more importantly on habitat, species, and the way of life for people in Greenland, the NIRB should immediately **pause** decision making on the phase 2 expansion proposal and develop a proper engagement strategy with Greenland/Denmark.

This engagement strategy should include written questions to the authors of the Greenland assessments by NIRB intervenors into the phase 2 review process. The Greenland authors should in turn have an opportunity to respond. That written exchange should be followed by an oral engagement process to primarily connect communities in Greenland with communities in Nunavut to discuss the impacts and implications of the phase 2 proposal. Once a full hearing and community to community exchange has been completed, NIRB should then resume its current schedule of setting a date for final written submissions from all intervenors and an opportunity for Baffinland to respond with a final written submission.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Paul Okalik'.

Paul Okalik
WWF-Canada, Iqaluit, Nunavut