

international boundaries, potential impacts on marine mammals and their habitats, as well as the potential for cumulative effects particularly in the context of increased marine shipping:

Transboundary impacts, for the purpose of the current Guidelines, are defined as those effects linked directly to the activities of the Project inside the NSA, which occur across provincial, territorial, international boundaries or may occur outside of the NSA. The Project's proposed shipping route runs through the Hudson Strait within the boundaries of the NSA, however, the potential for impacts in neighbouring jurisdictions outside of the NSA must be duly considered. The Proponent shall give due consideration to the potential for transboundary impacts which may be resulted from interactions between the effects of the Project in the NSA, and the effects of projects located outside Nunavut, as well as noting potential impacts of these project activities on marine mammals and their habitats. The potential for transboundary impacts related to cumulative effects associated with this Project shall be defined, and must include an updated assessment of the transboundary impacts from the proposed increase in shipping taking into account the increased amount of iron ore and the increase in duration of shipping that will occur. [emphasis added]¹

The ESPOO Documents provide important technical comments on Baffinland's Final Environmental Impact Statement ("FEIS") and the additional report provided by Baffinland through the ESPOO Convention process in January 2021 ("Baffinland's ESPOO Report") that should be considered in this review process. In particular, the submission of the Greenland Institute of Natural Resources finds that:

- Baffinland's ESPOO Report does not adequately address potential transboundary environmental impacts of the mining project;
- Baffinland's ESPOO Report lacks actual analyses and risk calculations for the environment of the transboundary impacts; and
- environmental impacts in international and Canadian waters during the period from July to November 15, during which the mining company's shipping is scheduled, may have major impacts for Greenland, as the impacts will most likely affect the populations of narwhals, belugas, Greenland whales (bowhead whales) and walrus that stay in West Greenland during the winter.²

The admission of the ESPOO Documents will allow the Board to assess the technical quality of the Baffinland's FEIS and ESPOO Report, and ensure that the Board fulfills the NuPPAA requirement to consider the ecosystemic and socio-economic impacts of the Phase 2 Development proposal outside of the Nunavut Settlement Area. The ESPOO Documents indicate that there are significant gaps in Baffinland's ESPOO Report, which cannot be assessed unless the ESPOO Documents are admitted by the Board and fully considered. Not admitting the ESPOO Documents will create the risk that the transboundary effects of the Phase 2 Project have not been adequately assessed.

¹ Nunavut Impact Review Board, "Guidelines for the Preparation of an Environmental Impact Statement for Baffinland Iron Mines Corporation's Mary River Project (NIRB File No. 08MN053) Amended Version for the Phase 2 Development Proposal", October 6, 2015, p. 42.

² Greenland Institute of Natural Resources, June 14, 2021, pp. 1 and 2.

Additionally, the ESPOO Convention can be considered an agreement that provides for collaboration in the review of project proposals that may have significant transboundary ecosystemic or socio-economic impacts as envisioned under section 12.11.2 of the *Nunavut Agreement*. The intention for the Board to cooperate with other jurisdictions in the assessment of transboundary impacts in the *Nunavut Agreement* is another important factor that supports the admission of the ESPOO Documents by the Board.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Kunuk', with a stylized flourish at the end.

David Kunuk
Chief Operating Officer