



August 9, 2024

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Re. Opportunity to Comment on NIRB Revised Draft Standard Impact Statement Guidelines

Dear Heather,

Thank you for the opportunity to provide comment on the NIRB Revised Draft Standard Impact Statement Guidelines (IS Guidelines), per the Executive Director's letter of April 3, 2024. Baffinland Iron Mines Corporation (Baffinland) has some specific comments enclosed, which follow the recommended format.

As an overall comment, the IS Guidelines include significant text on requirements relating to Inuit Qaujimajatuqangit, Public Engagement, and Socio-economic impact assessment. As these key topics are the subject of separate NIRB guidance that is under development that has not yet been subject to public review and comment, Baffinland encourages the NIRB to freeze or remove these details from the IS Guidelines until those separate related guidance documents have been developed and finalized.

Another key point we wish to emphasize is that while the IS Guidelines provide useful guidance to a proponent developing an IS for a new project proposal, they should not be applied to IS addendums prepared in relation to a project proposal modification or amendment. In those situations, the original IS guidelines that applied to the original project proposal should guide, as applicable, the specific project proposal modification or amendment proposed.

If you have any questions regarding the enclosed, please do not hesitate to contact me at lkamermans@baffinland.com.

Regards,

A handwritten signature in black ink, appearing to read "Lou Kamermans".

Lou Kamermans

Comment Number:	1
Subject:	Definitions and Terms
Reference:	Authorizing Agencies - A government agency, Designated Inuit Organization (DIO) or any other body that has the authority to issue a permit, lease, licence or grant approval to a Proponent to conduct some physical work or physical activity in relation to a project proposal and includes Regulatory Authorities as defined under NuPPAA.
Priority:	Medium
Background/Rationale:	All definitions in the Guidelines should follow defined terms in NuPPAA.
Recommendation to Address Issues:	DIOs are not included in the NuPPAA definition of Department or Agency and so to avoid confusion should not be defined as an Authorizing Agency in the Guidelines.

Comment Number:	2
Subject:	Definitions and Terms
Reference:	Inuit Qaujimajatuqangit, footnote 3
Priority:	Medium
Background/Rationale:	The definition of IQ should not be drawn from a quote from a single participant in a specific regulatory process, but reflect a consensus definition among the NTI, QIA, KivIA and KitIA.
Recommendation to Address Issues:	See above.

Comment Number:	3
Subject:	Definitions and Terms
Reference:	Inuktut or Inuktitut Aboriginal peoples of northern Canada and Greenland. In the context of Nunavut, for the purpose of these Guidelines, meaning those receiving benefits under the Nunavut Agreement.
Priority:	Medium
Background/Rationale:	Error, should refer to language.
Recommendation to Address Issues:	See above.

Comment Number:	4
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Subject:	Definitions and Terms
Reference:	Phased Development - In phased development, a Project Proponent periodically seeks adjustments to project activities and timelines at various stages or “phases” over the course of the project lifecycle. Phased development is a way of developing industrial projects (such as mines) in a flexible manner by putting in several check in points (or phases) where the Project Proponent revisits whether these adjustments can be developed in a sustainable and cost-effective manner.
Priority:	Medium
Background/Rationale:	The definition of Phased Development does not clearly reflect the nature of phased development. Proponents may be able to identify potential future “phases” at the initial environmental assessment stage. However, it is also possible as a result of ongoing exploration and/or new technologies, that additional opportunities to extend the mine life in phases are identified. Additionally, generally the reason for phased development is not to establish a “check in” point but more a result of the fact that sufficient preliminary project design details for a future phase may not be available during initial permitting, or warranted with current understandings of feasibility.
Recommendation to Address Issues:	See above.

Comment Number:	5
Subject:	Definitions and Terms
Reference:	Significance Whether a proposed project could have a notable effect on one or more aspects of the environment. Factors to consider defined in s. 90 of the NuPPAA
Priority:	High
Background/Rationale:	This definition should refer to s. 90 of NuPPAA, but a “significant effect” should be a higher threshold than simply “notable”.
Recommendation to Address Issues:	See above.

Comment Number:	6
Subject:	Definitions and Terms
Reference:	Well-being Specific indicators of well-being for a particular impact assessment must be identified by the potentially impacted communities, in collaboration with the Regional Inuit Association. Factors to be

	<p>assessed at the individual and community levels typically include, but are not necessarily limited to, the following:</p> <ul style="list-style-type: none"> • Inuit Qaujimajatuqangit principles and values; • Cultural continuity and language; • Social, physical and mental health; • Connection to the land (including Inuit food harvesting and Inuit food security/food sovereignty); and • Access to training, education and employment opportunities.
Priority:	High
Background/Rationale:	<p>These items are important consultation topics and topics we would be expect to be the focus of any ongoing EA process, however NIRB Guidelines should not delegate responsibility to identify indicators of well being for a particular impact assessment to the communities and or the RIAs. This is not indicated in Article 12 of the Nunavut Agreement. It is NIRB's role to determine sufficiency of information provided by the Proponent. The Guidelines should clearly identify NIRB's view on what information must be included in an IS on this topic in order to meet conformity. Further, delegation of this item to communities and RIAs would result in inconsistent information requirements across Nunavut, and this is contrary to the stated goals and benefits of the Guidelines ("The Standard Impact Statement Guidelines provide clear, consistent, and transparent requirements and will be used as the basis for all Impact Statements for projects undergoing a Review under the Nunavut Agreement and the NuPPAA.")</p>
Recommendation to Address Issues:	See above suggested change in "Reference".

Comment Number:	7
Subject:	Part 1 – Introduction
Reference:	1.3 Overview of an Impact Statement, "The NIRB relies on the Proponent's Impact Statement and information provided by Intervenor and potentially impacted communities, the public, and interested individuals"
Priority:	High
Background/Rationale:	This reference should also explicitly state that the NIRB also relies on additional information provided by the Proponent during the NIRB process following filing of the IS.
Recommendation to Address Issues:	See above.

Comment Number:	8
Subject:	Part 1 – Introduction
Reference:	1.3 Overview of an Impact Statement, “It is the Proponent’s responsibility to provide sufficient data and analysis on potential impacts to the ecosystemic and socio-economic environment resulting from the proposed project.”
Priority:	High
Background/Rationale:	It would improve understanding and quality of IS information for all parties, including the Board, if NIRB guidance explicitly encouraged all participants in the process to share information in their possession (including scientific and IQ) relevant to an assessment with the Proponent in order to support an accurate assessment. It is also the responsibility of participants in the process to share detailed and specific rationale when they believe a Proponent has not shared sufficient data and analysis, so that the Proponent has a fair and reasonable opportunity to respond to perceived or actual gaps.
Recommendation to Address Issues:	See above.

Comment Number:	9
Subject:	Part 1 – Introduction
Reference:	1.3 Overview of an Impact Statement, “Proponents are required to engage potentially impacted communities about projects and activities in a way that informs them, consults with them, and enables them to participate to some degree in the development of the project.”
Priority:	Medium
Background/Rationale:	Unclear whether the reference to participation in development of the project is potentially in conflict with IIBAs.
Recommendation to Address Issues:	NIRB may wish to add a qualifying statement, “in accordance with any applicable IIBAs”.

Comment Number:	10
Subject:	Part 1 – Introduction
Reference:	1.4.1 Draft Impact Statement Submitted During Review (Standard Approach)
Priority:	High

Background/Rationale:	It is suggested the typical approach is for a Proponent to submit a draft IS, however note this is only a typical approach for a new project (and even then not a fast requirements), not a reconsideration.
Recommendation to Address Issues:	Include a footnote to this effect for clarity.

Comment Number:	11
Subject:	Part 1 – Introduction
Reference:	1.5 Amendments to Impact Statements for Previously Approved Major Projects, “While not all sections may be applicable, the Standard Impact Statement Guidelines should be followed for Impact Statement addendums.”
Priority:	High
Background/Rationale:	Addendums should be based on original guidelines issued for the Project, adjusted as needed by NIRB. The Standard Impact Statement Guidelines should not be applied to Addendums as a matter of course.
Recommendation to Address Issues:	The quoted reference should be removed and revised to refer to original Project guidelines.

Comment Number:	12
Subject:	Part 2 Guiding Principles
Reference:	2.1 Inuit Qaujimajatuqangit
Priority:	High
Background/Rationale:	The referenced Inuit Qaujimajatuqangit Guidance Document has not been released for public comment and review. However it appears that significant components of the draft policy has been incorporated in the IS Guidelines.
Recommendation to Address Issues:	<p>Our overall recommendation is that all of the information in this section should be removed from the IS Guidelines, pending finalization of the Inuit Qaujimajatuqangit Guidance Document.</p> <p>This approach will allow NIRB to collect feedback on important aspects, including:</p> <ul style="list-style-type: none"> As written it is unclear from a practical perspective how proponents are being directed to incorporate this, for example,

	<p>“Inuit must be involved in every stage of Inuit Qaujimajatuqangit use, including analysis, validation, and reporting. Inuit Qaujimajatuqangit is not something that can be extracted and used as seen fit by outsiders.”</p> <ul style="list-style-type: none"> Similarly this section directs, “Proponents will be expected to adhere to Inuit protocols for the patriation/repatriation of Inuit Qaujimajatuqangit to the appropriate Inuit institution.” If proponents are expected to adhere to specific protocols, these should be shared in the guidance. <p>Baffinland’s expectation is that these and other gaps will be addressed as the development of the Inuit Qaujimajatuqangit Guidance Document advances.</p>
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Comment Number:	13
Subject:	Part 2 Guiding Principles
Reference:	2.2 Public Engagement
Priority:	High
Background/Rationale:	Similar to comment 13, the Proponent Public Engagement Guidance Document is not yet final and has not been subject to any public review and comment. To avoid inconsistency the IS Guidelines should not incorporate any concepts from that document until they are finalized.
Recommendation to Address Issues:	Remove detail from Section 2.2. and insert cross reference to the Proponent Public Engagement Guidance Document, similar to recommendation at comment

Comment Number:	14
Subject:	Part 3 Preparation of the Impact Statement
Reference:	3.1 Study Strategy and Methodology, “Omissions in the Standard Impact Statement Guidelines and any Project-Specific Guidelines issued by the NIRB cannot be used to justify any inadequacies in the Impact Statement.”
Priority:	Medium
Background/Rationale:	Proponents should be able to reasonably rely on the IS Guidelines as meeting NIRB’s minimum information requirements.
Recommendation to Address Issues:	The quoted statement should be removed.

Comment Number:	15
Subject:	Part 3 Preparation of the Impact Statement
Reference:	3.1 Study Strategy and Methodology, “Omissions in the Standard Impact Statement Guidelines and any Project-Specific Guidelines issued by the NIRB cannot be used to justify any inadequacies in the Impact Statement.”
Priority:	Medium
Background/Rationale:	Proponents should be able to reasonably rely on the IS Guidelines as at least meeting NIRB’s minimum information requirements to enter the assessment process.
Recommendation to Address Issues:	The quoted statement should be removed.

Comment Number:	16
Subject:	Part 3 Preparation of the Impact Statement
Reference:	3.1.1.1 Scientific and Engineering Information, “For all data obtained from Valued Component sampling the Proponent shall provide: • dispersion or variability coefficient (variance, standard deviation, confidence interval, etc.); • justification for sample size; and • sensitivity and assumptions of experimental design and statistical methods and models used that affect conclusions.”
Priority:	High
Background/Rationale:	This detail should not be a requirement, and should be left to the reasonable discretion of the professionals involved in the preparation of the IS.
Recommendation to Address Issues:	Either remove this statement or use non-mandatory language (i.e. consideration could be given to...)

Comment Number:	17
Subject:	Part 3 Preparation of the Impact Statement
Reference:	3.1.1.2 Inuit Qaujimajatuqangit, Indigenous Knowledge, and Community Knowledge
Priority:	High
Background/Rationale:	Per comments above, this subsection overlaps completely with the Inuit Qaujimajatuqangit Guidance Document. As examples of items under

	ongoing consideration under the development of that policy, references to “appropriate protocols” should be specific and specific guidance should be given about what would be considered “verification”.
Recommendation to Address Issues:	The specific items in this subsection should be removed from the IS Guideline until that document is finalized following public comment and review.

Comment Number:	18
Subject:	Part 4 The Impact Statement
Reference:	4.1.4 Conformity Table
Priority:	High
Background/Rationale:	All comments in this document also apply to the details specified in the Appendix A Conformity Table
Recommendation to Address Issues:	<p>See above, the Appendix A Conformity Table should be edited accordingly.</p> <p>Note that generally page numbers do not provide meaningful additional information – if an item references a subsection, usually the entire subsection must be read in order to understand full context.</p>

Comment Number:	19
Subject:	Part 4 The Impact Statement
Reference:	<p>4.2.4 Regulatory Regime The Proponent shall present its understanding of the regulatory regime in which it would be operating by identifying the legislation and other regulatory approvals applicable to the proposed project as required by all relevant federal, territorial, regional, municipal, or Inuit owned lands. This would include laws, standards, Inuit societal laws, regulations, policies, guidelines resource management plans, land use plans, any relevant regional studies or strategic assessments relating to all project phases from project approval to post-closure activities.</p> <p>“The Proponent shall also include a discussion of any steps it proposes to take to ensure it meets its project related tax obligations (including fuel and payroll taxes) with the Government of Nunavut, as well as meeting their regional programs for resource development”.</p>
Priority:	High
Background/Rationale:	References to laws and regulations are clear. It is not clear for example what specifically is included in the term “Inuit societal laws”.

Recommendation to Address Issues:	<p>Suggest revision to say that the Regulatory Regime section of the IS must outline applicable federal and territorial laws and regulations, and may include reference to standards, policies, guidelines etc. should the Proponent wish to do so.</p> <p>The sentence relating to demonstration of compliance with GN tax obligations and resource policies should not be required at the IS stage. Legal obligations would be adhered to in due course as part of project operation, if approved.</p>
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Comment Number:	20
Subject:	Part 4 The Impact Statement
Reference:	4.3.1 Project Design “how potential impacts to humans (e.g., socio-economic and well-being) and communities have influenced the proposed project design to protect and/or minimize adverse impacts due to remote locations. For example, the potential for increased social stratification, potential for exposure to new infections or diseases, impacts to vulnerable populations, increased stress on local infrastructure such as housing, roads, waste and water management systems, obstruction to enjoyment of the natural environment (e.g., by changes to sound level, obstructions to view, obstructions to access), loss of access to harvesting and gathering areas, loss of availability and both real and perceived changes to the quality of harvest, and direct or indirect impacts to food security to social and mental health, etc.);”
Priority:	High
Background/Rationale:	Each of the stated examples are not necessarily appropriate for consideration in relation to each project.
Recommendation to Address Issues:	The text should be clear that specific considerations relevant to this topic may be identified by the practitioner using professional judgement.

Comment Number:	21
Subject:	Part 4 The Impact Statement
Reference:	4.3.1 Project Design “demonstration that the proposed project can be closed in a manner that does not adversely impact members of the public and/or the environment, including o A description of the estimated contaminant and other material (physical and chemical) levels in the environment as well as estimated doses to members of the public after closure and remediation; and o Consideration for the overall aesthetics of the site after closure and remediation.”

Priority:	Medium
Background/Rationale:	This is typically part of the HHRA assessment not the Project Design.
Recommendation to Address Issues:	Consider moving this item to a different section of the IS Guidelines: “A description of the estimated contaminant and other material (physical and chemical) levels in the environment as well as estimated doses to members of the public after closure and remediation”

Comment Number:	22
Subject:	Part 4 The Impact Statement
Reference:	4.3.2.1 Alternatives, “If the preferred alternative changes throughout the course of its assessment, the Proponent shall consult with the NIRB to determine whether this proposed change would result in a change to the scope of the proposed project under Review.”
Priority:	High
Background/Rationale:	If an alternative identified in the IS becomes the preferred alternative over the course of the assessment, this should not be a potential change in scope, as the alternative is already included in the scope of assessment.
Recommendation to Address Issues:	Remove sentence identified above or revise as follows “If the preferred alternative changes throughout the course of its assessment <u>to an alternative that was not originally identified in the IS</u> , the Proponent shall consult with the NIRB to determine whether this proposed change would result in a change to the scope of the proposed project under Review <u>that requires submission of supplemental assessment materials.</u> ”

Comment Number:	23
Subject:	Part 4 The Impact Statement
Reference:	4.4.2 Inuit Qaujimajatuqangit, Indigenous Knowledge, and Community Knowledge
Priority:	High
Background/Rationale:	See rationale above relating to IQ Guidelines under development by NIRB.
Recommendation to Address Issues:	See rationale above relating to IQ Guidelines under development by NIRB.

Comment Number:	24
Subject:	Part 4 The Impact Statement

Reference:	4.4.4.1 Establishing Baselines “Recognizing the relationships between valued components and Inuit Qaujimajatuqangit and/or cultural practices, it is important that the Impact Statement reflects a holistic view of what the current state of the environment is, not just for a scientific view, but from an Inuit lens”
Priority:	High
Background/Rationale:	If a proponent is not Inuit, it is not clear how a proponent would reflect an Inuit lens in an IS.
Recommendation to Address Issues:	Either provide clear and objective methodology that could be applied by a non-Inuit proponent, including a definition of Inuit lens, or remove the reference.

Comment Number:	25
Subject:	Part 4 The Impact Statement
Reference:	4.4.5 Impact Assessment Approach For the Standard Impact Statement guidelines, a system is defined as “an interconnected set of elements that is coherently organized in a way that achieves a purpose”. ¹⁷ Individual valued components interact to form systems, which do not exist in isolation and are interrelated. This level of assessment is important to identify collective impacts and impacts to overall ecological function and land use by people. Similar to the final list of valued components included in an assessment, specific systems assessed may vary. While the parties to a Review, including the public, would be expected to inform the specific systems evaluated. A systems analysis is a more high-level and holistic evaluation of collective impacts to the environment and should focus on the capability of natural systems (local and regional) to maintain their structure and functions and to support biological and ecological diversity. Emphasis should further be placed on the relationship of potentially impacted communities to the system and the value placed by people. The analysis should build off the assessment of impacts to those individual valued components that form a particular system.
Priority:	High
Background/Rationale:	As this is a non standard approach, if included in the final IS Guidelines, detailed and specific guidance about how a proponent would meet conformity with this requirement is necessary.
Recommendation to Address Issues:	See above

Comment Number:	26
Subject:	Part 4 The Impact Statement

Reference:	<p>4.4.5.1 Impact Prediction The Proponent shall assess the potential for short and long-term direct, indirect, induced, and cumulative impacts – including transboundary impacts and impacts to Indigenous Groups asserting s. 35 rights – of the proposed project on the ecosystemic and socio-economic environments, and the interactions between valued components and the greater systems they are a part of.</p> <p>See also generally, 4.4.5.5 Transboundary Impacts and Impacts to Indigenous Groups asserting s. 35 Rights</p> <p>See also 4.8 Conclusion</p>
Priority:	Medium
Background/Rationale:	If NIRB does not intend to specifically evaluate or provide recommendations to the Minister on impact of the project proposal on s. 35 rights, it is not clear why this item is included as a specific requirement in the IS Guidelines.
Recommendation to Address Issues:	Consider whether this should be included as an IS Guideline requirement, given the scope of topics addressed in the NIRB Recommendation Report.

Comment Number:	27
Subject:	Part 4 The Impact Statement
Reference:	4.4.5.7 Significance Determination The following are descriptors which may be applicable for specifying significance of identified potential impacts: ... “Associated with variables of societal importance and public concern and likely to exceed desired levels of change”
Priority:	High
Background/Rationale:	It is unclear how this descriptor could be practically applied to increase understanding of potential cumulative project impacts. For example, potential changes could be identified that are not connected to the project proposal. Additionally all project aspects are likely associated with variables of societal importance and public concern, which is how the project-specific VECs are identified.
Recommendation to Address Issues:	Further consideration should be given to the insight that could be provided by included by the descriptor as worded, given this aspect is already given focused consideration up front and is explicitly reflected in the VEC identification process.