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Whale Cove

Director of Lands

<b>KivIA Comment 1</b>	Overall structure and content
<b>Subject</b>	Revised Draft Standard Guidelines
<b>Reference</b>	Revised Draft Standard Guidelines for the Preparation of an Impact Statement,
<b>Priority</b>	High
<b>Background/Rationale</b>	The draft guidelines are well-written, clear and largely complete and contemporary. The layout is notably clear such as using color-coded text boxes. The section on impact assessment is especially useful as it clarifies how communities and local knowledge will enhance the credibility of the impact assessments. It also streamlines the required steps. The precise listing of requirements for the Proponent will increase communication with the public and those agencies charged with review. Including sections such as resilience to climate change is excellent.
<b>Recommendation to Address Issues</b>	The KivIA's comment is one of appreciation and support.

<b>KivIA Comment 2</b>	Impact Assessment Methodology
<b>Subject</b>	Legal Drafting
<b>Reference</b>	<i>Revised Draft</i> Standard Guidelines for the Preparation of an Impact Statement, Section 4.4, page 18
<b>Priority</b>	High
<b>Background/Rationale</b>	Section 4.4 states that " At a minimum the Impact Statement shall contain the information as outlined in Article 12 Section 12.5.2 of the <i>Nunavut Agreement</i> and s.101(3) of the <i>NuPPAA</i> and is also expected to satisfy the requirements of s. 103 of the <i>NuPPAA</i> . If the expectation is that s.103 will be satisfied

	then the KivIA recommends amending the wording to be clearer.
<b>Recommendation to Address Issues</b>	Consider amending Section 4.4 to state the following:  " At a minimum the Impact Statement shall contain the information as outlined in Article 12 Section 12.5.2 of the <i>Nunavut Agreement</i> and s.101(3) of the <i>NuPPAA</i> and must satisfy the requirements of s. 103 of the <i>NuPPAA</i>
<b>KivIA Comment 3</b>	Meaningful Public Engagement
<b>Subject</b>	Non-Substantive Edit
<b>Reference</b>	<i>Revised Draft</i> Standard Guidelines for the Preparation of an Impact Statement, Section 4.4.4.1, page 20
<b>Priority</b>	High
<b>Background/Rationale</b>	Non-Substantive Edits required to correct grammar.
<b>Recommendation to Address Issues</b>	Amend section 4.4.1 third line, first paragraph to state the following:  " The Proponent shall demonstrate that not only have they asked for input from communities but also linked the input received with...".

<b>KivIA Comment 4</b>	Meaningful Public Engagement
<b>Subject</b>	Early engagement
<b>Reference</b>	<i>Revised Draft</i> Standard Guidelines for the Preparation of an Impact Statement, Section 4.4.4.1, page 20



<b>Priority</b>	Not Applicable
<b>Background/Rationale</b>	The KivIA appreciates the guidance issued to proponents with respect to early engagement prior to the NIRB impact assessment process beginning. From the KivIA's experience, more engagement with community members and stakeholders early in the process may lead to a more complete impact statement and transparent process.
<b>Recommendation to Address Issues</b>	Not Applicable

<b>KivIA Comment 5</b>	Inuit Qaujimajatuqanqit, Indigenous Knowledge, and Community Knowledge
<b>Subject</b>	Legal Drafting
<b>Reference</b>	<i>Revised Draft</i> Standard Guidelines for the Preparation of an Impact Statement, Section 4.4.2, page 24
<b>Priority</b>	High
<b>Background/Rationale</b>	The KivIA appreciates the amendments that highlight the need for the gathering of IQ early on in the process. The KivIA believes the language in the first paragraph on page 24 should be amended to highlight that the gathering of IQ, IK, and CK provides important insights.
<b>Recommendation to Address Issues</b>	Amend section 4.4.2, last sentence, page 24 to state:  "Gathering Inuit Qaujimajatuqanqit, as well as Indigenous Knowledge, and Community Knowledge, should begin early in the process, as this knowledge provides important insights related to . . . “.

<b>KivIA Comment 6</b>	Inuit Qaujimajatuqanqit, Indigenous Knowledge, and Community Knowledge
<b>Subject</b>	Precautionary Principle
<b>Reference</b>	<i>Revised Draft</i> Standard Guidelines for the Preparation of an Impact Statement, Section 4.4.2 page 27, NIRB Reconsideration Report and Recommendations for Agnico Eagle's Extension Proposal, page 27
<b>Priority</b>	High
<b>Background/Rationale</b>	In the NIRB Reconsideration Report and Recommendations for Agnico Eagle's Extension Proposal the NIRB applied a more stringent version of the precautionary approach. The KivIA thinks it would be helpful to participants to have guidance in the IS Guidelines on when a more stringent version of the precautionary approach is required, and/or what additional information is expected.
<b>Recommendation to Address Issues</b>	The KivIA recommends that the NIRB amend the IS Guidelines to provide additional clarity and direction on a stringent version of the precautionary approach.

<b>KivIA Comment 7</b>	Description of the Eco systemic and Socio-Economic Environments and Baseline Information
<b>Subject</b>	Establishing Baselines
<b>Reference</b>	<i>Revised Draft</i> Standard Guidelines for the Preparation of an Impact Statement, Section 4.4.4.1, page 33.

<b>Priority</b>	High
<b>Background/Rationale</b>	Section 4.4.4.1 describes what baseline conditions should be informed by. The KivIA is wondering why studies are limited to Indigenous Knowledge studies. Should Inuit Qaujimagatuqanqit studies and Community Knowledge studies also be included?
<b>Recommendation to Address Issues</b>	The KivIA is seeking clarity on what the NIRB intended from the reference to "Results of Indigenous Knowledge studies, and the potential omission of Inuit Qaujimagatuqanqit studies and Community Knowledge studies

<b>KivIA Comment 8</b>	Definition of cumulative impacts and climate change
<b>Subject</b>	Definitions and Terms
<b>Reference</b>	Revised Draft Standard Guidelines for the Preparation of an Impact Statement, Section Terminology, page 7
<b>Priority</b>	High
<b>Background/Rationale</b>	The KivIA appreciates that NIRB has expanded the Cumulative Impact section. However, given that the Arctic's environment is rapidly changing mostly due to a warmer climate, should the definition of CI be expanded? A warmer climate will change wildlife's resilience to disturbances and a warmer climate is at least partly, a human-kind caused impact. NIRB's definition is from Section 80, NuPPAA " <i>Cumulative Impact</i> - refer to the accumulation of impacts caused by past, existing, proposed, and reasonably foreseeable projects, including activities associated with the proposed project."



	During the recent cumulative impacts workshop for Baffinland <sup>1</sup> , parties were concerned about how to define cumulative impacts and requested that climate change be included (p.22, p.25, p.29). Additionally, CI definitions vary and both the Canadian Council of Ministers of the Environment and ECCC include natural processes.
<b>Recommendation to Address Issues</b>	The KivIA recommends that NIRB expand the definition of CI to include a warming climate. If the NIRB is unable to change the definition, will NIRB add a clear linkage of cumulative impacts to including climate change?

<b>KivIA Comment 9</b>	Definition of incremental and collective impacts
<b>Subject</b>	Definitions and Terms
<b>Reference</b>	Revised Draft Standard Guidelines for the Preparation of an Impact Statement, Section Terminology page 7, Section 4.4.5 Impact Assessment Approach, page35
<b>Priority</b>	High
<b>Background/Rationale</b>	The guidelines require that the impact assessment describe “Potential impacts and changes to the valued components as they interrelate to form systems (or <u>collective</u> impacts)”, but it is not clear what is meant by collective impacts (whether within or between VECs). The guidelines Section 4.4.5., acknowledge there are separate sources of impacts (such as roads, mine site, aircraft etc

<sup>1</sup> Cumulative Effects Assessment Framework Workshop associated with Baffinland Iron Mines Corporation's (Baffinland or Proponent) Mary River Project (Project); the Nunavut Impact Review Board, Iqaluit, NU, February 19-20, 2024

	but it is not clear whether these individual impacts are ‘incremental’ and whether it is incremental impacts that become collective impacts for a VEC within a project over time.
<b>Recommendation to Address Issues</b>	The KivIA requests that ‘incremental’ impacts be defined relative to ‘collective impacts and the methodology to assess them within a project over time is specified.

<b>KivIA Comment 10</b>	Lessons learnt from existing mines
<b>Subject</b>	Project design, monitoring and mitigation
<b>Reference</b>	Revised Draft Standard Guidelines for the Preparation of an Impact Statement, Section 4.3.1 Project design; page13
<b>Priority</b>	High
<b>Background/Rationale</b>	Under NIRB's guidance for previous assessments and subsequent monitoring, considerable experience in project design, monitoring and mitigation for projects has accumulated. It is essential for proponents to demonstrate if and how they have drawn on the existing experience in assessment, monitoring and mitigation.
<b>Recommendation to Address Issues</b>	The KivIA recommends that NIRB add a specific section on use of existing experience in project design, monitoring and mitigation.

<b>KivIA Comment 11</b>	Configuration and appearance of project components
<b>Subject</b>	Project design
<b>Reference</b>	Revised Draft Standard Guidelines for the Preparation of an Impact Statement, Section 4.3.1 Project Design, page15



<b>Priority</b>	High
<b>Background/Rationale</b>	The KivIA's experience is that project design needs to do more than just to limit the overall size of the proposed project footprint. The spatial configuration of project components should be part of project design: for example, the configuration of open pits relative to waste rock piles and processing plants to minimize the amount and visibility of surface activities such as transfer of materials and people. Additionally, project design should minimize how conspicuous the project is from afar such as skyline changes and the long-distance visibility of surface activities. A useful approach would be for the project design description to require 3-D graphics including animations to show distant and close-up views.
<b>Recommendation to Address Issues</b>	The KivIA requests that the project description be expanded to describe how the spatial configuration of project components has been used to reduce disturbance from surface activity and how near and far-views reflect the resulting project design.

<b>KivIA Comment 12</b>	Defining Uncertainty
<b>Subject</b>	Definitions and Terms, Precautionary Principle
<b>Reference</b>	Revised Draft Standard Guidelines for the Preparation of an Impact Statement, Section 2.3, page 30
<b>Priority</b>	High

<b>KivIA Comment 13</b>	Project feasibility and mitigation costs
<b>Subject</b>	Economic costs
<b>Reference</b>	Revised Draft Standard Guidelines for the Preparation of an Impact Statement, Table 3; 4.2.1 Proponent Information p.7; Section 4.3.2 Purpose and Need of Project; page 15
<b>Priority</b>	High
<b>Background/Rationale</b>	The guidelines require that the proponent describe the general feasibility of the project from an economic perspective. The KivIA's experience has been that the costs of mitigation, for example, closing supply roads to allow caribou migration can be limited by the impacts on mine operations. It is, thus, helpful for the public and the assessment reviewers to understand the magnitude of trade-offs between economic project

	feasibility and the economic costs of mitigation.
<b>Recommendation to Address Issues</b>	The KivIA requests that as part of the economic project feasibility, the economic costs of monitoring and adaptive mitigation should be included.

<b>KivIA Comment 14</b>	Climate regions
<b>Subject</b>	Information required for regional context
<b>Reference</b>	Revised Draft Standard Guidelines for the Preparation of an Impact Statement, Section 4.2.5 Regional Context, page 11
<b>Priority</b>	Moderate
<b>Background/Rationale</b>	The proponent is required to provide regional ecosystemic information such as the ecological land classifications. Nunavut has distinct climate regions which should be included as they affect the baseline and climate change projections.
<b>Recommendation to Address Issues</b>	The KivIA suggests that the regional ecosystemic information should specifically include climate regions.

<b>KivIA Comment 15</b>	Define healthy as in healthy wildlife and ecosystems
<b>Subject</b>	Definitions and Terms
<b>Reference</b>	Revised Draft Standard Guidelines for the Preparation of an Impact Statement, Section Terminology, page 6
<b>Priority</b>	Moderate



<b>Background/Rationale</b>	Under Environment, Health is referenced to humans but increasingly, health is being applied to ecosystems and wildlife <sup>2</sup> . The text refers to ecosystem health and ecosystem integrity (for example, p. 55). Increasingly wildlife and ecosystem health are being related to the concepts of population health of robustness and resilience and go beyond the presence or absence of disease. Instead, health is a more holistic approach which takes into account how an individual or population copes with stresses and pressures.
<b>Recommendation to Address Issues</b>	The KivIA suggests that health(y) be defined for wildlife and ecosystems.

<sup>2</sup> Stephen, C. (2014). Toward a modernized definition of wildlife health. *Journal of wildlife diseases*, 50(3), 427-430.