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October 2, 2017

Andrew Nakashuk
Chairperson
Nunavut Planning Commission
c/o Sharon Ehaloak, Executive Director

Sent via Email: sehaloak@nunavut.ca

Re: WWF Submission to NPC Regarding Baffinland's Proposal to Amend the North Baffin Regional Land Use Plan to allow for a Railway from Mary River to Milne Inlet and Winter Shipping along the Northern Transportation Corridor

Dear Andrew Nakashuk:

WWF-Canada (WWF) appreciates the opportunity to provide the enclosed comments to the Nunavut Planning Commission (NPC) for its consideration of Baffinland Iron Mines Corp.'s (Baffinland) proposed amendment to the North Baffin Regional Land Use Plan (NBRLUP) for the Mary River Phase 2 Expansion. As WWF understands, Baffinland is currently seeking a plan amendment to permit the construction and operation of a railway from its mine site at Mary River to its port facility at Milne Inlet, and to allow it to conduct winter (ice-breaking) shipping to and from its facility at Milne Port.

WWF is an international conservation organization that was established in 1961. Our mission is to stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature by conserving the world's biodiversity, ensuring that the use of natural resources is sustainable, and promoting the reduction of pollution and wasteful consumption. We've supported research and field projects in the Canadian Arctic since 1972, and have offices in both Iqaluit and Inuvik.

We recognize the importance of wildlife to Inuit, including the sustainable harvest of marine mammals. Maintaining viable populations of these mammals – including narwhal, polar bear and beluga – is a key priority for WWF, as it is for Inuit hunters and communities that depend on these species for food and income. WWF also recognizes that our conservation objectives in Nunavut must be met in a way that allows for community well-being to be enhanced through the sustainable and responsible development of mining projects like the Mary River development. With that in mind, we submit the following for the Commission's consideration.

- 1. Identification as a party listed in 2.2 (u) of the RPHPR, or description of the effects of the proposed amendment**

WWF Canada is not a party identified within item 2.2(u) of the NPC's RPHPR, however we request that standing be granted on the grounds that WWF's interest is substantial and direct, and that its participation will further the public review and will contribute to the openness and fairness of the public review overall.

In 2013, WWF's submission to the NPC was accepted and allowed during its consideration of the amendment to the NBRLUP associated with the Mary River Project Early Revenue Phase. Many of the comments provided at that time continue to be relevant and applicable to the currently proposed plan amendment (detailed in subsequent sections). As such, we request that the NPC apply the same consideration of our application for standing in this case. WWF represents a unique perspective – our mandate is one of conservation, but we understand and have worked to promote the importance of seeing the Mary River project develop in a manner that supports the future interests of the Inuit of Nunavut – both in terms of wildlife conservation and through the realization of jobs and benefits for the people of the North Baffin region and Nunavut, as a whole.

WWF employs experts in many disciplines who have contributed thoughtful and constructive advice and comment to the NPC and other regulatory processes governing the sustainable development of the Mary River project. WWF's input to the NPC's consideration of this plan amendment will further strengthen its review of the proposed plan amendment, and our involvement will contribute important information and insight to the NPC's open and fair process. Given that WWF is one of the only environmental non-governmental organizations at work in Nunavut, we suggest that including our voice at the table demonstrates the NPC's willingness to work with parties with varying opinions and mandates, and that parties are not disallowed based on the alignment of values in favour or against certain development types or activities.

WWF has a strong and long-standing interest in the state of wildlife in Canada's Arctic and the ecosystems upon which many of these species depend. The proposed amendment has the potential to significantly impact upon the marine environment, terrestrial environment, and the many wildlife species that live and migrate within the areas potentially impacted by the amendment activities, and for these reasons, our input should be considered by the NPC and others to the process.

2. WWF concerns, comments and/or support of the proposed amendment including relevant information

a. Procedural considerations

- i. Consideration of whether the Amendment Application meets information requirements in Appendices J and K of the NBRLUP and rule 11.6 of the NPC's *Rules of Procedure for Public Hearings and Public Reviews (RPHPR)*

Appendix J

Item 1 of the NBRLUP Appendix J requires a description of the proposed corridor, its use, general routing, possible impacts of its development, and any seasonal considerations. Baffinland's application does not propose a new corridor, but rather, a modified use of the previously approved corridor (per Amendment No. 2). The existing corridor has been previously described, and as

such, no new information is provided within Baffinland's application pertaining to the corridor description.

With regard to possible impacts, Baffinland asserts that no new or additional impacts will result from the inclusion of a rail line. Baffinland states that implementation of the railway will work to reduce interactions with terrestrial wildlife and land users, reduce dust and sedimentation, reduce noise and vibration effects, and improve air quality, as well as not contributing to any new cumulative impacts.

The information requirement is met in terms of Baffinland having provided a response to each of these items, however WWF suggests that further consideration of the impacts of an amendment such as this are required and that a hearing is required to do so.

Appendix K

Bullets within Item 2 require that transportation corridors be designed in accordance with existing and prospective land use capability including topography, soil, permafrost and wildlife; and that they be designed in accordance with the availability of granular supplies. WWF suggest that Baffinland's current application does not adequately address the capability of topography, soil, permafrost and wildlife to support or withstand the development of a railway, nor does it speak of the availability of granular supplies to meet the needs of the proposed railway development. The current application suggests that by following the existing corridor, all factors under Items 2 and 3 are addressed; WWF argues this is not the case, and that further information is required. For instance, the existing transportation corridor was approved only for upgrades to a road that has been in existence (via the public easement) since the 1960s. The development of a railway may involve significant changes to the topography (i.e. materials submitted by Baffinland in support of its southern railway indicated at some places, embankments of up to 300 metres in height may need to be developed to account for low lying areas and appropriate protection of permafrost) and Baffinland should provide an indication of its plan to develop the railway in respect of topography, soil, permafrost, wildlife, availability of granular supplies and other relevant considerations listed within Item 2. Additionally, Item 3 deals with impacts to wildlife, important harvesting areas and areas of scenic, historic, and cultural value. The development of a railway warrants further consideration for these factors as well as Item 2 as indicated above, especially where the currently proposed alignment of the rail line deviates significantly (i.e. at the southern portion) from the existing Milne Inlet Tote Road.

ii. Whether the NBRLUP should be amended to include a railway in Appendix Q

Further consideration via the NPC's process is required regarding the potential impacts of a railway, and necessary mitigation measures that should be employed to address such a development. WWF recognizes the importance of development to Nunavummiut and of developing projects like Mary River in a sustainable manner. It is a reality that these projects will require railways and other significant infrastructure, and WWF is confident that the NPC's process will provide opportunity for all parties including communities, to be heard.

iii. Is adding icebreaking to the NBRLUP consistent with s. 3.2.1, 3.3.1 and Appendix Q?

As cited above, while the NBRLUP does not clearly prohibit ice breaking/winter shipping, the NPC has published its position as not supporting year-round shipping, and WWF is of the opinion that further review via a public hearing is required in order to properly consider this proposed amendment.

In WWF's opinion, Baffinland may not have met the requirements of term 3.2.1 in the NBRLUP which requires that land users "determine important land values and concerns in areas where they plan to work, as well as to adjust their work plans to conserve these values." While Baffinland has previously applied, and withdrawn proposed winter shipping between November-April and now has stated owing to community concerns it is proposing to ship only between November and February 28, WWF suggests that any winter shipping could be detrimental to land users and marine mammals that depend on sea ice. WWF suggests that NPC consider this proposed activity more closely during an in-person hearing.

Mapping of Land Values in Areas of Importance as presented in Appendix G of the NBRLUP appear to indicate that Milne Inlet and Lancaster Sound are both Essential Areas. It does not appear that Baffinland has addressed these areas, though this consideration is required per item 3.2.1 of the NBRLUP. It is recommended that Baffinland incorporate specific consideration of the areas in Appendix G, and that the NPC, during a public hearing, address the potential for Baffinland to adjust its work plans in line with conservation of these values. Considering the recent designation of the Tallurutiup Imanga (Lancaster Sound) National Marine Conservation Area, WWF also requests that Baffinland confirm with Parks Canada whether winter shipping through this area is consistent with the new designation and soon to be developed management plan.

Further, item 3.3.1 of the NBRLUP requires that "all land uses shall be conducted in keeping with the policy of sustainable development in order to protect the opportunities for domestic harvesting. All land users shall avoid harm to wildlife and wildlife habitat and damage to community travel routes through the timing of their operations, through careful selection of the location of their main camps and travel routes, and through other mitigative measures." WWF suggests that with Baffinland's proposed winter shipping, it may not be possible to avoid harm to wildlife and wildlife habitat, and to community travel routes. Again, WWF recommends that NPC allow for more detailed consideration of this proposal by all parties via an in-person public hearing.

b. WWF Technical Comments

In keeping with submissions provided to the NPC and NIRB during process steps associated with Baffinland's Early Revenue (and where applicable, Phase 2) proposal, WWF provides the following summarized comments in support of our recommendation that a more fulsome consideration is required via an in person public hearing:

- Shipping during ice formation interferes with the natural ice freeze-up, introducing cracks into the new ice sheet that make it unstable.

- Fragmented ice at the beginning of the season could postpone whale migration to wintering grounds, increasing the risk that whales will become trapped in the ice after the winter freeze-up.
- A rail line could have negative effects for land-based wildlife, including disturbances to migration routes or other areas utilized by the struggling Baffin Island barren-ground caribou herd. Given the recent listing of barren-ground caribou as “threatened” by the Committee on the Status of Endangered Wildlife in Canada, WWF recommends that any proposed activities with the potential to further impact upon the Baffin Island herd be subject to the most rigorous review possible.
- The cumulative impacts of having two railways in operation on Baffin Island have not been adequately presented by Baffinland and warrant significant additional analysis via a public review.

3. Need for an in-person public hearing

WWF is of the opinion that an in-person public hearing is essential to the process of determining whether or not the proposed NBRLUP Amendment should be allowed. WWF recognizes that for many parties involved in this process, technical experts and positions can be clearly laid out via written submissions. However, the persons most deeply affected by the proposed amendment, residents of Pond Inlet and surrounding communities and the hunters and land users throughout the region, deserve ample and appropriate opportunity to participate in the NPC’s process, especially with traditional oral commenting as would be available during an in-person hearing. It is also important that individuals, communities, and community level organizations have an opportunity to hear from Baffinland directly and to pose questions at that time, during a formal and official face-to-face exchange. The magnitude of activities proposed warrants a thorough and in-person process – a second railway on Baffin Island and winter shipping are both activities that have the potential to significantly impact people, wildlife, and wildlife harvesting activities.

Furthermore, if the NPC is considering Baffinland’s proposed amendment for ice breaking/winter shipping as a blanket activity, with no limits to the type of cargo that is moved (i.e. freight, ore, fuel, etc.) or how frequently it is moved (i.e. 2 transits per year vs. unlimited transits), it is imperative that this be brought before the residents of Pond Inlet and other communities to ensure potentially affected people and organizations have been properly consulted and have sufficient opportunity to participate.

In addition, where the originally proposed railway from Mary River to Steensby was the subject of the NPC’s public review and in-person hearing, WWF argues that the same process should be followed in this case. Foregoing such in depth assessment and in person opportunity for participation would suggest that the impacts of this additional amendment to the NBRLUP do not present as significant a potential impact as the Steensby rail line; WWF argues that it is even more imperative that this second amendment be subject to a detailed, in person public hearing – especially when considering that both rail lines could, in theory, be operating at the same time. The cumulative impacts of both must be considered, and the appropriate method to do so is through an in-person hearing.

4. Preferred language and contact information

WWF will contribute to the NPC's process in English, and we support the use of Inuktitut as required. Please update your file to include our contact information as follows:

Paul Crowley
Vice President, Arctic Program
pcrowley@wwfcanada.org

Closing

WWF thanks the NPC for the opportunity to provide input at this critical stage in its consideration of the currently proposed amendment to the NBRLUP. We look forward to continuing our important work with Baffinland, the NPC and all parties engaged in the regulatory approvals processes for the Mary River Project. Should you have any questions regarding our submission please feel free to contact me directly at pcrowley@wwfcanada.org.

Sincerely,

A handwritten signature in black ink that reads "Paul Crowley". The signature is written in a cursive style with a large initial "P" and a long horizontal stroke at the end.

Paul Crowley
Vice President, Arctic Program
WWF Canada