



VIA EMAIL

January 16, 2023

Sharon Ehloak
Executive Director
Nunavut Planning Commission
P.O. Box 1797
IQALUIT NU X0A 0H0

Dear Ms. Ehloak,

Re: Reconsideration of Amendment No. 1 to the North Baffin Regional Land Use Plan

This joint letter is in response to the Nunavut Planning Commission's (NPC's) request for comments regarding Baffinland Iron Mines Corporation's (BIMC) proposed Amendment No. 1 to the North Baffin Regional Land Use Plan (NBRLUP) to develop a railway transportation corridor between the current Mary River Project mine site and the proposed Steensby Inlet port site. Qikiqtani Inuit Association (QIA) and Nunavut Tunngavik Incorporated (NTI) notes that on July 26, 2019, the NPC wrote to BIMC indicating that the Commissioners had adjourned the public review of the proposed Amendment #1 to the NBRLUP pending BIMC's submission of a current Cumulative Effects Assessment (CEA) to the Commission in accordance with the Commission's *Rules and Procedures for Public Hearings and Public Reviews*. NPC reiterated that the:

Commission requires this information to publicly review the proposed corridor to determine whether the revised proposed Amendment No. 1 meets the requirements of sections 3.5.11 and appendices J and K of the [NBRLUP] as required by section 3.5.12 of that Plan.

Specifically, NPC stated that section 3.5.11 of the NBRLUP requires the proponent to submit an assessment of the "cumulative effects of the preferred route" as part of an amendment application.

BIMC has not submitted an updated CEA and argues that it is no longer needed as the Mary River Phase 2 Development Proposal that included a northern railway to Milne Inlet is not proceeding, and the potential cumulative effects of a southern and northern railway are no longer a concern. NTI and QIA view this to be an overly narrow interpretation of what is required to address the cumulative effects requirements set out in the NBRLUP. We find that NPC's information request as described in 2018 continues to be valid:

The NPC requests BIMC provide updates on the materials files in support of the amendment application to reflect changes in the Mary River Project since the original materials were submitted, including consideration of a second railway North to Milne Inlet, or other projects that have been proposed or approved since that time. [emphasis added]

The CEA must reflect the further approvals to the Mary River Mine since 2012 that have changed the original intended use and impacts of Milne Inlet Tote Road, which was initially approved to primarily transport the supplies and equipment required for the construction of Mine Site and the northern portion of the southern railway.

Since 2012, there have been several incremental approvals that have significantly changed the scope and impacts of operations and have modified the use, and the intensity of use, of the Milne Inlet Tote Road. There have been four major approvals to the original Project that are not reflected in the CEA from 2012. These approvals include:

- Early Revenue Phase Proposal;
- Production Increase Proposal;
- Extension to the Production Increase Proposal; and
- Renewal of the Production Increase Proposal.

Over time, these modifications to the original Mary River Project have resulted in the transformation of the Milne Inlet Tote Road into a major transportation route accommodating the transport of increasing amounts of iron-ore from the Mine Site to Milne Inlet.

As documented by the Nunavut Impact Review Board (NIRB) in their Reconsideration Report and Recommendations for BIMC's Phase 2 Development Proposal, Inuit are experiencing unpredicted impacts from dust emissions, including as a result of the increased truck traffic on the Milne Inlet Tote Road. Overall, Inuit Qaujimajatuqangit indicates that wildlife, the environment, and Inuit harvesting are negatively affected by existing mine operations. In the context of reviewing Amendment No. 1, there are concerns regarding the cumulative effects of existing and future proposed activities on the environment, wildlife and harvesting. Particularly, there are concerns regarding dust from the intense usage of the Milne Inlet Tote Road, and how the high usage of the Milne Inlet Tote Road with a southern railway will impact caribou. BIMC should be amending the CEA to reflect the substantial changes to the original Mary River Project and current understandings of impacts taking into consideration science and Inuit Qaujimajatuqangit. As QIA and NTI have stressed previously, Amendment No. 1 must be reviewed within the full context that exists today and cannot be properly assessed using an outdated CEA prepared approximately a decade ago.

QIA and NTI understand that BIMC is requesting an expeditious process. It is our view that the foundation for an expeditious process requires an updated CEA. With an updated CEA, NPC can resume its public review and we recommend the following steps in the public review process:

- i. public meetings or information sessions in Igloolik, Sanirajak, Kinngait and Kimmirut, as well as potentially Nauyasat and Coral Harbour, to answer questions and solicit feedback on the proposed Amendment No. 1 as these communities will be most affected by Amendment No. 1;
- ii. a period of time for Parties to provide written comments on the proposed Amendment No. 1 taking into consideration the public meetings or information sessions; and
- iii. NPC recommendations as appropriate to Amendment No. 1 and circulation of the draft wording to designated signatories.

The public review process must include consultations with the affected communities identified above. The last public consultations that occurred with respect to the proposed transportation corridor for Amendment No. 1 occurred in 2012 during the joint review of BIMC's original Mary River Mine proposal that was conducted by NPC and NIRB. Given the significant changes to

the Mary River Mine Project since 2012, and new relevant scientific and Inuit knowledge regarding impacts, NTI and QIA cannot agree with BIMC that NPC has sufficiently consulted on the proposed Amendment No. 1.

In conclusion, NTI and QIA are of the view that the public review requirements of section 3.5.12 of the NBRLUP and the guidelines set out in Appendices J and K will not be met without BIMC providing additional information on potential environmental, social and cumulative impacts, particularly on nearby communities. And it will be more productive for QIA, NTI and other interested parties to provide substantive or final comments on the proposed Amendment No. 1 after BIMC provides the additional information.

We look forward to your response on this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Ningeongan'.

David Ningeongan, Chief Operating Officer
Nunavut Tunnagvik Inc.

A handwritten signature in blue ink, appearing to read 'Jeremiah Groves'.

Jeremiah Groves, Executive Director
Qikiqtani Inuit Association