



# Government of Nunavut

## Conclusions and Recommendations regarding the Mary River Project Final Environmental Impact Statement

July 2012



# The Government of Nunavut's Mandate

- The GN is guided by “Tamapta” or "Building our Future Together"
- Projects must be developed in a manner that reflects the priorities and values of all residents of Nunavut
- The Government of Nunavut (GN) has jurisdictional responsibility to protect the land and people of the Territory under the Nunavut Land Claims Agreement (NLCA) as well as federal and territorial legislation



# The Government of Nunavut's Mandate

- The GN's review is based on the following key considerations:
  - The principles and requirements of the Nunavut Land Claims Agreement
  - The laws, regulations, policies and guidelines of the GN
  - The priorities of the GN and Nunavummiut
  - NIRB's guiding principles, and in particular, the "Precautionary Principle"



# GN's Involvement

- Since June of 2008, the GN has been an active participant in the NIRB review process
- The GN has:
  - Assisted in the development of NIRB's guidelines
  - Contributed data and expertise during the preparation of the EIS by the proponent
  - Participated in NIRB events and meetings
  - Contributed comments to the technical review of the Draft EIS documentation
  - Contributed comments to the technical review of the Final EIS documentation
  - Worked co-operatively with the Proponent throughout the assessment process



# The GN's Perspective

- The scale of the Mary River Project is unprecedented in the Territory
- The GN must fulfill its mandate and responsibilities. It has a significant regulatory role to play in the Project now and in the future
- The GN recognizes that the Mary River Project will bring economic benefits to Nunavummiut by providing opportunities for economic development
- However, the effects on the people and the environment must be addressed by the Proponent and should not be underestimated by the regulators
- The Proponent must demonstrate that the Precautionary Principle has been appropriately applied throughout the life, conclusion and reclamation of the Project



# Archaeological Resources

- The Project will directly and indirectly affect archaeological resources located within the development zone
- The residual effects of the Project on archaeological resources can be expected to be negligible
- Project Certificate must contain Terms and Conditions to ensure compliance with the NLCA and the *Archaeological and Palaeontological Sites Regulations*



# Spill Contingency Planning

- The GN's regulatory requirements are set out in the *Environmental Protection Act* and the *Spill Planning & Reporting Regulations*
- The GN expects that the Proponent's Spills Contingency Plans will continue to evolve as the project is implemented
- The DOE finds:
  - Spill contingency planning is at a sufficiently advanced stage for the purposes of EA
  - Further design and consultation is required with the DOE to resolve outstanding issues
- Terms and Conditions are required in the Project Certificate to address DOE concerns



## Over-Wintering of Fuel

- The GN has responsibilities in relation to the prevention of fuel spills under Nunavut's *Environmental Protection Act* and *Attendant Spill Contingency Planning and Reporting Regulations*
- A double-hull self-propelled, ice-class vessel (the vessel) represents a significant improvement over the practice of employing towed barges
- The GN does not share Baffinland's confidence in the effectiveness of available methods for managing oil spills under ice should one occur
- The precautionary approach is warranted and should be reflected in the Terms and Conditions of a Project Certificate



## Effects on Caribou

- The GN has jurisdictional responsibilities under the Nunavut's *Wildlife Act*
- The GN concludes that the effects of the Project on the North Baffin Caribou Herd could be significant
  - This is an unprecedented situation of multiple stressors from a large railway, road, and mine within a calving ground of a sensitive caribou population
  - The consequences of continuous use of the linear infrastructures yearlong on caribou survival and behavior are unknown
  - The effectiveness of planned mitigation measures such as the number and design of caribou crossings is also unknown



## Effects on Caribou

- Given the intrinsic value of caribou - a greater level of precaution is required to manage potential effects on caribou in North Baffin than currently proposed
- The GN recommends that:
  - Every reasonable step should be taken to avoid caribou mortality and injury
  - Monitoring and mitigation is required during calving time
  - Effectiveness of the proposed caribou crossings over the railway as well as the appropriate number needs validation
  - A surveillance / reporting is needed
  - A strategy for the recovery of habitat is needed



# Effects on Polar Bears

- The Proponent's conclusion of "no significant impact" is not fully supported by the analysis
- The GN disagrees with the Proponent's assertion of a high degree of confidence in its conclusion
- The GN recommends a greater level of precaution to manage potential effects on polar bears than currently proposed, including:
  - Finalization of the on-vessel marine mammal monitoring program
  - Monitoring and mitigation measures for disturbance effects on polar bears from shipping
  - Monitoring of polar bears to confirm the impact.
  - Regular review of shipping operations
  - Integration of a decision-making process and identification of mitigation responses to cumulative impacts on polar bear



## Effects on Wolves

- The GN agrees that there may be few interactions between wolves and the proposed Project at their current density
- However, the GN recommends specific actions, beyond monitoring, to help ensure that impacts are managed, including:
  - an adaptive management plan that gives consideration to wolf dens, available esker habitat, presence/abundance of wolves;
  - The Proponent's Environment Protection Plan must incorporate waste management provisions to detract wolves from the Project site



# Invasive Species

- The GN supports Baffinland's commitments to compliance with Nunavut's *Wildlife Act* and *Scientists Act* provided that they:
  - conduct progressive rehabilitation studies and share the results
  - monitor for invasive species and report findings
  - develop an adaptive management plan with approval of the GN- DOE
  - take measures for site rehabilitation assessment for re-seeding and the (re)planting native plants as part of the progressive rehabilitation program.



# Biophysical Monitoring Programs

- The GN seeks monitoring programs that:
  - Are networked and integrated
  - Provide data to allow for multiple project effects to be detected
  - Allow Inuit to be meaningfully engaged in the program
  - Allow information to be compiled and communicated effectively
  - Allow for data sharing with key stakeholders



# Socio-Economic Monitoring

- GN is the convener and chair of regional Socio-Economic Monitoring Committees (SEMC)
- The SEMC is a collaboration between partner organizations, including proponents like Baffinland, which monitors the socio-economic impacts of development
- A Monitoring Framework has been provisionally agreed to by Baffinland, GN, QIA, and AANDC. A Draft ToR is pending approval
- This framework needs to be recognized in the Project Certificate



# Tax Revenues

- Baffinland's latest estimates of GN tax revenues contained in the FEIS are adequate
- The Project is likely to generate revenues that will contribute positively to the GN
- However, existing territorial programs and government funding arrangements may offset a large portion of these gross tax revenues
- GN is pleased with Baffinland's commitment to work with GN Finance officials to resolve future issues



# Cost of Health and Social Services

- The Department of Health and Social Services has raised concerns with the Proponent's following statements :
  - the Project will have a positive impact on the overall health and wellbeing of Nunavummiut
  - an overall positive effect on the well-being for some children and an overall positive effects-on substance abuse as a result of the project
  - the project will not have any significant effect on Inuit harvesting which is an important contributor to food security
  - the project may have a positive impact on housing waitlists despite that the Proponent has no plans to provide staff housing
  - the net outcome of the Project is that health care and medical travel costs will decline due to overall health benefits



# Providing Health Services

- The GN disagrees with Baffinland's conclusion on the impact of the Project on the public healthcare and medical travel expenditures
- Proponent failed to fully address the following concerns:
  - Any in-migration will result in adverse effects on the capacity of the public healthcare system and increased costs to the GN
  - The Proponent acknowledges that a direct impact on medical service demand will arise from increased medical check-ups as well as work-related injuries related to the project
  - Medical emergencies may require medical evacuation, drawing on the public health care system when they occur



# GN's Recommendations

- Project Certificate to include the following:
  - The Proponent will establish a health-specific working group and an MOU with HSS to address issues related to the provision of health services
  - Requirements to ensure communication and collaboration as well as data sharing
  - Requirements of specific partnerships or joint initiatives between the Proponent and the GN



# Migration

- Project-related migration may stress the GN's ability to provide various social services
- A Project Certificate should include terms and conditions:
  - for an annual survey of its employees to be reported to the GN as part of the Q-SEMC process.
  - monitoring of employee drop off destinations
  - collaboration with the GN and NHC on possible housing solutions where project-induced migration is identified.
  - Baffinland to include all Nunavummiut in its air transportation programs



# Use of Iqaluit Airport

- The Project may disrupt operations at the Iqaluit International Airport
  - May affect its ability to manage safety and efficiency, and impose additional costs to the GN
- GN recommends that a working group resolve outstanding issues regarding the use of the airport
- Baffinland to join the Airport Users Safety Group



# Policing / Search and Rescue

- The GN and the RCMP are concerned with the potential for increased criminal activity
  - Management requires collaboration, an on site security protocol, measures to reduce the importation of illegal substances,
- Search and Rescue procedures require collaborative solutions
- GN recommends formal agreements to define areas of mutual interest, such as sharing information and resources.



# Education and Business Opportunities

- GN supports the initiatives that Baffinland has proposed regarding education, training, employment, and business opportunities
- The GN support the participation of all Nunavummiut in the development and growth of the Nunavut economy.
- The GN recommends monitoring the success of mitigation measures and programs through the Q-SEMC to ensure there is overall benefit from the Mary River Project.



# The GN's Conclusion

- The scale of the Mary River Project is unprecedented in the Territory
  - The GN recognizes that the Mary River Project will bring economic benefits to Nunavummiut by providing opportunities for economic development
  - There is much uncertainty regarding effects and the effectiveness of the mitigation measures proposed
  - The potential adverse effects on the people and the environment should not be ignored or underestimated
- The GN requests that NIRB include specific Terms and Conditions in the Project Certificate as set out in the GN's Written Submission
- The GN intends to fulfill its mandates and responsibilities to the fullest extent of its jurisdiction



# Taima

- Questions
- Comments
- Qujannamiik – Thank You

- Contacts:**

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