

# Baffinland Iron Mines Section 98 Application

## List of mechanisms in place to adjust mitigation/adaptive measures at the Mary River Project

### Contents

<b>1. Regulatory Oversight .....</b>	<b>2</b>
<b>2. Project Certificate .....</b>	<b>2</b>
a. Terms and Conditions of the Project Certificate Requiring Adaptive Management .....	2
b. NIRB and NWB Annual Reporting and Management Plan Update Process.....	6
c. Advisory Working Groups Established Under/ Referenced in the Project Certificate.....	7
i. Terrestrial Environmental Working Group (TEWG) .....	7
ii. Marine Environmental Working Group (MEWG) .....	8
iii. Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (MRSEMWG).....	9
d. Inuit-Led Dust Audit Committee .....	10
<b>3. Relevant Measures under IIBA and Commercial Lease .....</b>	<b>11</b>
<b>4. Baffinland Community Engagement Programs and Complaint Management Process .....</b>	<b>11</b>
<b>5. Other Relevant Initiatives .....</b>	<b>12</b>
<b>6. Baffinland Adaptive Management Plan.....</b>	<b>13</b>

In addition to the design features, mitigations and existing regulatory requirements which govern the construction and operation of the Mary River Project, including the Steensby Railway, there are a number of established mechanisms in place, as well as new initiatives that may be implemented in future, designed to identify whether the Project is causing unexpected effects.

Should these programs and/or community feedback indicate that action is required, the proposed approach for managing the response is governed overall by Baffinland's Adaptive Management Plan (see SD-27.76) and related sub management plans that include adaptive management, any directions made by regulatory authorities and/or actions required by agreements between Baffinland and the Qikiqtani Inuit Association (including the Inuit Impact Benefit Agreement and the Commercial Lease).

What follows provides a comprehensive overview of the list of mechanisms in place to adjust mitigation/adaptive measures at the Mary River Project where needed.

## **1. Regulatory Oversight**

General Federal and Nunavut regulatory requirements require Baffinland to take prompt and appropriate action to remedy any event of non-compliance, and to report instances of non-compliance and associated follow-up. To validate compliance with the Project's various regulatory instruments, there are numerous inspections and audits from various regulatory agencies each year, including CIRNAC, QIA, and NIRB, as well as the Workers' Safety & Compensation Commission (WSCC) Mines Inspector, and inspectors from ECCC, DFO, and Transport Canada Navigable Water Protection. Where relevant, documentation and correspondence associated with these inspections are available in the NWB and NIRB Annual reports.

Laws include the power for inspectors to direct Baffinland to take actions within the jurisdiction of the inspector's empowering acts and regulations. Examples can be seen in the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, the *Fisheries Act*, and the *Nunavut Planning and Project Assessment Act*.

## **2. Project Certificate**

The Project Certificate (SD-31) requires Baffinland to carry out a comprehensive monitoring program and to publicly report on the outcomes of that program annually. This section outlines the relevant Project Certificate mechanisms that can form the basis for Baffinland's adaptive management actions.

### **a. Terms and Conditions of the Project Certificate Requiring Adaptive Management**

The Project Certificate at section 3.4 "Flexibility", broadly summarizes the legal mechanisms under the Project Certificate which allow for the NIRB to advise changes to the Project in response to ongoing monitoring results, including adjustment of Project Certificate Terms and Conditions if needed:

*It is acknowledged that the NIRB's monitoring program will have varying requirements over the course of the Project lifecycle, and that monitoring requirements will apply from construction to eventual abandonment and reclamation. In areas where there may be a need for flexibility in relation to the terms and conditions of the Project Certificate or their application, the NIRB has endeavoured to reflect this in the associated language and/or acknowledge that objectives may be achieved through various means.*

*The NIRB retains the ability to give additional clarification or direction on an ongoing basis through its Monitoring Officer, with respect to compliance requirements for the Project. Upon request by the Proponent or other parties, the NIRB can provide additional clarification or direction regarding implementation of Project Certificate terms and conditions.*

*Where the objective of a Project Certificate term or condition can be achieved through more efficient alternate means, the Proponent is encouraged to consult with the NIRB (and other parties as required) to seek acceptance of proposed alternatives.*

*The NIRB has the authority to reconsider the terms and conditions of the Project Certificate to ensure that the terms and conditions are achieving their purpose. Clearly the NIRB expects the Proponent to meet its obligations under this Project Certificate (and any subsequent amendments), however, the NIRB may revisit the Project Certificate if the NIRB determines that the terms and conditions are not achieving their purpose. In the event that the monitoring program needs to be modified to better achieve its purpose, the Board, the Proponent, the Designated Inuit Organization or other interested parties may cause the Board, under Section 12.8.2 of the NLCA to revisit the monitoring program, or any other terms and conditions in the Project Certificate.*

The Project Certificate also states that, “it is the Board’s expectation that the adaptive management strategies chosen will be highly responsive to early warning signs that risks may materialize, and that rather than waiting for impacts to be noted before mitigation measures are triggered, thresholds and triggers will be set to require responses long before adverse impacts are likely.”

The Project Certificate requires Baffinland to include adaptive management measures specifically in its management plans and operations, including:

- Dust Management and Monitoring Plan (see TC 10 – Plan shall “Identify the specific adaptive management measures to be considered should monitoring indicate that dust deposition from trains transporting along the rail route is greater than initially predicted.” The Proponent shall implement its Dust Management and Monitoring Plan, report all monitoring data to the NIRB annually, and take all adaptive management measures described in its Dust Management and Monitoring Plan if monitoring indicates that dust in the ambient air or dust deposition from the increased traffic associated with the increased volume of ore being shipped is greater than initially predicted)
- Noise and Vibration (see TC 14(a) - The Proponent, through coordination with the MEWG as may be appropriate, shall demonstrate appropriate adaptive management for construction activities at Milne Inlet that have the potential to disrupt marine mammal species, including pile driving and ore dock construction, are undertaken.)
- Noise and Vibration (see TC 14(b) - The Proponent, through coordination with the TEWG as may be appropriate, shall demonstrate appropriate adaptive management for project activities during operations which have the potential to produce noise and sensory disturbance to wildlife and other users of project areas.)
- Vegetation (see TC 35 - The Proponent shall provide a summary discussion of its implementation of this term and condition (including the results of the monitoring, adaptive management strategies, and contribution efforts undertaken) to the NIRB through the Proponent’s annual monitoring report. Updated plans are expected to be submitted to the NIRB throughout the monitoring year as they are finalized.)
- Vegetation (see TC 38 - The Proponent shall review, on an annual basis, all monitoring information and the vegetation mitigation and management plans developed under its Environmental Management

System, Terrestrial Environment and Monitoring Plan (TEMMP) and adjust such plans as may be required to effectively prevent or reduce the potential for significant adverse project effects on vegetation abundance, diversity and health.)

- Terrestrial Wildlife and Habitat (see TC 49 - The Terrestrial Environmental Working Group (TEWG) will provide advice, guidance and enforceable recommendations regarding: adding to and improving baseline information, mitigation measures for the protection of the terrestrial environment, monitoring of effects on the terrestrial environment, assessing the accuracy of impact predictions, the development and implementation of adaptive management plans, sharing of relevant Inuit Qaujimajatuqangit, scientific and/or technical knowledge and industry best practice, and, consideration of project changes that may be required to make sure the management of negative impacts is effective and that lasting damage to the terrestrial environment is prevented.)
- Terrestrial Wildlife and Habitat (see TC 50 - To ensure appropriate and responsive adaptive management, the Proponent shall continue to develop and implement Project-specific monitoring for the terrestrial environment, and will demonstrate appropriate refinements to design, incorporation of analytical methods and elaboration of methodologies. The monitoring plan shall contain clear thresholds to allow for the assessment of long-term trends and cumulative effects where project interactions are identified. Coordination and cooperation will be required where data collection, analysis and interpretation, or responsibility for mitigation and management requires the efforts of multiple parties (e.g., government, Qikiqtani Inuit Association, communities).
- Terrestrial Wildlife and Habitat (see TC 53 - Protocols for documentation and reporting of all caribou collisions and mortalities, as well as mechanisms for adaptive management responses designed to prevent further such interactions.)
- Terrestrial Wildlife and Habitat (see TC 55 - The Proponent shall develop an adaptive management plan applicable to wolves and wolf habitat in collaboration with the Government of Nunavut Department of Environment (GN-DOE) to ensure compliance with the Nunavut Wildlife Act.)
- Terrestrial Wildlife and Habitat (see TC 57 - A discussion of any proposed changes to the monitoring survey methodologies, statistical approaches or proposed adaptive management stemming from the results of the monitoring program.)
- Terrestrial Wildlife and Habitat (see TC 58 - Any proposed changes to the monitoring survey methodologies, statistical approaches or proposed adaptive management stemming from the results of the monitoring program.)
- Marine Environment General (see TC 76 - Any adaptive management plans developed/implemented to prevent, manage or mitigate effects in the marine environment, The identification of changes to the Project that may be required to ensure that potential adverse effects to the marine environment are prevented, that adaptive management occurs, and that mitigation measures are effective. The Proponent shall provide a summary discussion of its implementation of this term and condition (including results of monitoring, adaptive management strategies, consultation, and contribution efforts) to the NIRB through the Proponent's annual monitoring report. Updates to the Program are expected to be submitted to the NIRB throughout the monitoring year as they are finalized..)
- Marine Environment General (see TC 77 - The Marine Environment Working Group (MEWG) will provide advice, guidance and enforceable recommendations regarding: adding to and improving baseline information, mitigation measures for the protection of the marine environment, monitoring of effects on the marine environment, assessing the accuracy of impact predictions, the development and implementation of adaptive management plans, sharing of relevant Inuit Qaujimajatuqangit, scientific and/or technical knowledge and industry best practice and, consideration of project changes that may be

required to make sure the management of negative impacts is effective and that lasting damage to the marine environment is prevented.)

- Marine Environment Ice Breaking and Shipping (see TC 80 - Prior to commercial shipping of iron ore, the Proponent shall conduct a detailed risk assessment for Project-related shipping accidents, noting areas along the ship tracks where vessels may be particularly vulnerable to environmental conditions such as sea ice, and any seasonal differences in risk. This assessment shall inform mitigation and adaptive management plans.
- Marine Environment – Shoreline Effects and Sediment Redistribution (see TC 82 - The Proponent shall provide a summary discussion of its implementation of this term and condition (including results of monitoring, adaptive management strategies, consultation, and contribution efforts) to the NIRB through the Proponent's annual monitoring report.)
- Marine Environment – Supplemental Baseline Assessments (see TC 99 - The Proponent shall provide a summary discussion of its implementation of this term and condition (including results of monitoring, adaptive management strategies, consultation, and contribution efforts) to the NIRB through the Proponent's annual monitoring report. Updated plans developed from monitoring, adaptive management, and engagement shall be provided to the NIRB throughout the monitoring year as they are finalized.)
- Marine Environment – Monitoring (see TC 101 - The Proponent shall provide a summary discussion of its implementation of this term and condition (including results of monitoring, adaptive management strategies, consultation, and contribution efforts) to the NIRB through the Proponent's annual monitoring report. Updated plans developed from monitoring, adaptive management, and engagement shall be provided to the NIRB throughout the monitoring year as they are finalized.)
- Marine Environment – Ship Noise (see TC 111 and 112 - The Proponent shall develop clear thresholds for determining if negative impacts as a result of vessel noise are occurring. Mitigation and adaptive management practices shall be developed to restrict negative impacts as a result of vessel noise.)
- Marine Environment – Marine Mammal Interactions (see TC 123 - The marine wildlife observer protocol shall include, but not be limited to, protocols for marine mammals, seabirds, and environmental conditions and immediate reporting of significant observations to the ship masters of other vessels along the shipping route, as part of the adaptive management program to address any items that require immediate action.)
- Economic Development and Self-Reliance, and Contracting and Business Opportunities – Impacts to visitors of Sirmilik National Park and Tallurutiup Imanga National Marine Conservation Area (see TC 150 - The Proponent shall provide a summary discussion of its implementation of this term and condition (including the results of monitoring or adaptive management strategies) to the NIRB through the Proponent's annual monitoring report.)
- Accidents and Malfunctions – Ship track markers in ice cover (see TC 175 - The Proponent shall, in coordination and consultation with the Qikiqtani Inuit Association and the Hunters and Trappers Organizations of the North Baffin communities and Coral Harbour, provide updates to its Shipping and Marine Mammals Management Plan to include adaptive management measures it proposes to take should the placement of reflective markers along the ship track in winter months not prove to be a feasible method of marking the track to ensure the safety of ice-based travelers.)

The Project Certificate also includes a number of commitments in Appendix B which relate to adaptive management:

- QIA ID 7- QIA and Baffinland jointly develop and approve, by April 2024, the adaptive management elements for monitoring programs and Inuit Objectives, Indicators, Thresholds and Responses for the Adaptive Management Plan related to narwhal, seal, Arctic char, caribou, dust and culture, resource and land use. *[Note this date has been extended as QIA and Baffinland continue to advance this initiative]*
- QIA ID 12 - Baffinland to provide data on which indicators within the draft adaptive management plans have been triggered within the low, medium, and high response levels.
- QIA ID 17 - Baffinland agrees to resource QIA to establish an Inuit-led monitoring program on dustfall as an Inuit Stewardship Pilot program to establish the mechanisms needed to allow Inuit observations to influence mitigation measures and test appropriate Adaptive Management Plan structures, which are demonstrably responsive to Inuit Objectives Indicators Thresholds and Responses, with the budget and work plan agreed upon by Baffinland and QIA consistent with Condition No. 8.
- QIA ID 27 - That Baffinland agrees to a process to amend the Inuit Impact Benefit Agreement to implement changes to Project Management, Adaptive Management Plan, Benefits and oversight as agreed in all relevant commitments in this document including but not limited to QIA-ID- 4, QIA-ID-7, QIA-ID-8, QIA-ID-9, QIA-ID 26 and QIA-ID-29.
- DFO ID 01 - Baffinland confirms its commitment to continue with existing marine mammal monitoring programs and to continue to progress its approach towards adaptive management.
- DFO ID 01 - Baffinland proposes to hold a special meeting of the MEWG to identify, evaluate, and select additional adaptive management indicators, thresholds, and responses to integrate into a final MMP to apply should there be a 2023 shipping season and beyond. To prepare for this meeting, Baffinland requests that any Member proposals on adaptive management indicators and thresholds (EWIs) provide detailed written recommendations, including available baseline data, sampling methodology to ensure statistical power in comparing yearly collected data to baseline data, and proposed thresholds for identifying change.
- CIRNAC TRC 03 - Baffinland will include leachability studies as a response option in the Terrestrial Environment Mitigation and Monitoring Plans adaptive management action toolkit if soil metal concentrations are higher than baseline or CCME guideline values over two consecutive years. Note - The CCME soil guideline for agricultural land uses is for soils and not applicable to construction rock. As per the Quarry Management Plans approved for the current Project the screening criteria applied is consistent for all construction rock. Baffinland will include data in the 2023 NWB QIA Annual Report for operations to confirm only construction rock with low metal content and non-acid generating is used for road construction.
- CIRNAC TRC 07 - Baffinland will continue to confirm through annual monitoring and reporting if dust deposition is negatively affecting surface water quality and confirm that the adaptive management components of the Surface Water and Aquatic Effects Ecosystems Management Plan (SWAEMP) and Air Quality and Noise Abatement Management Plan (AQNAMP) will be implemented, if necessary, to adaptively manage impacts on surface water and sediment quality.

## **b. NIRB and NWB Annual Reporting and Management Plan Update Process**

The Project Certificate and Type A Water Licence both require that Baffinland ensure all relevant management plans are updated based on monitoring results. As part of an adaptive management strategy, these updates consider additional analysis and effects predictions resulting from Baffinland's commitments made during the assessment process and ongoing monitoring programs and incorporate feedback from consultation with

regulators, community members and other interested parties. The updates supplement associated requirements of the terms and conditions of the Project Certificate.

Pursuant to the Part B, Items 14 and 17 of the Type A Water Licence, Baffinland is required to submit a number of Management Plans to the NWB for review. The Management Plans need to be updated as required, based on changes in operation and/or technology. Revisions to the Plans need to be submitted with the NWB Annual Report with a revisions list detailing where significant content changes are made. The revised plans are reviewed by interveners before being approved by the NWB.

As outlined in the Section 98 Application, Baffinland has undertaken comprehensive annual monitoring of the Mary River Project, which is summarized in annual reports that are submitted to NIRB and the NWB. Management plan updates are submitted with the Annual Reports to NIRB and NWB required under the Project Certificate and Type A Water Licence. The NIRB and NWB monitoring and plan updates process includes a detailed public review and comment period and ends with the annual issuance of NIRB and NWB reports (see SD 59, 60, 61 and 62) for the most recent NIRB monitoring report). Through this monitoring process, environmental and socioeconomic information relating to the Mary River Project is subject to continuous update and public review, including feedback from Inuit, communities and Inuit groups including QIA.

Active participants in the NIRB and/or NWB annual report/plan update process include:

- Qikiqtani Inuit Association (QIA)
- Government of Nunavut (GN)
- Environment and Climate Change Canada (ECCC)
- Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)
- Health Canada (HC)
- Transport Canada (TC)
- Fisheries and Oceans Canada (DFO)
- Parks Canada (PC)

### **c. Advisory Working Groups Established Under/ Referenced in the Project Certificate**

#### **i. Terrestrial Environmental Working Group (TEWG)**

As noted above, Project Certificate Term and Condition 49 establishes the TEWG, an advisory body that is intended to provide advice, guidance and enforceable recommendations regarding adding to and improving baseline information, mitigation measures for the protection of the marine environment, monitoring of effects on the terrestrial environment, assessing the accuracy of impact predictions, the development and implementation of adaptive management plans, sharing of relevant Inuit Qaujimajatuqangit, scientific and/or technical knowledge and industry best practice and, consideration of project changes that may be required to make sure the management of negative impacts is effective and that lasting damage to the terrestrial environment is prevented.

The TEWG consists of representatives from each of the member parties (Members). The current list of TEWG Members includes:

- QIA
- Mittimatalik Hunters and Trappers Organization (MHTO)

- Makivvik Corporation
- Ikajutit Hunters and Trappers Association (IHTA, Arctic Bay)
- Hall Beach Hunters and Trappers Association (HBHTA, Sanirajak)
- Igloodik Hunters and Trappers Organization (IHTO, Igloodik)
- Clyde River (Nangmautuaq) Hunters and Trappers Organization (NHTO, Clyde River)
- Mayukalik Hunters and Trappers Association (MHTA, Kimmirut)
- Aiviq Hunters and Trappers Organization (AHTO, Kinngait)
- Government of Nunavut, Department of Environment (GN)
- Environment and Climate Change Canada (ECCC)
- Fisheries and Oceans Canada (DFO)
- Parks Canada
- Baffinland

The TEWG also includes the participation of the Observers. The participation of Observers is included to facilitate the sharing of expertise on matters of significant importance to the MEWG, and Observers will participate fully in discussions and comments on draft reports, agendas, and minutes in order to ensure that MEWG decisions are informed by their expertise. MEWG Observers include:

- The NIRB
- Canadian Northern Economic Development Agency (CANNOR)
- Natural Resources Canada (NRCAN)
- World Wildlife Fund (WWF)

All meeting minutes from TEWG meetings are submitted on the NIRB Registry and included in the Annual Report to the NIRB.

Advice from the TEWG is incorporated in Baffinland's annual reports and accepted recommendations from the TEWG are incorporated in Baffinland's monitoring and mitigation programs, as described in the TEWG Terms of Reference.

## **ii. Marine Environmental Working Group (MEWG)**

As noted above, Project Certificate Term and Condition 77 establishes the MEWG, an advisory body that is intended to achieve the objectives listed in TC 77. The MEWG consists of representatives from each of the member parties (Members). The following parties may elect to participate in the MEWG and, should they elect to participate, will be designated as Members:

- QIA
- Mittimatalik Hunters and Trappers Organization (MHTO)
- Makivvik Corporation
- Ikajutit Hunters and Trappers Association (IHTA, Arctic Bay)
- Hall Beach Hunters and Trappers Association (HBHTA, Sanirajak)
- Igloodik Hunters and Trappers Organization (IHTO, Igloodik)
- Clyde River (Nangmautuaq) Hunters and Trappers Organization (NHTO, Clyde River)
- Mayukalik Hunters and Trappers Association (MHTA, Kimmirut)
- Aiviq Hunters and Trappers Organization (AHTO, Kinngait)



- Government of Nunavut, Department of Environment (GN)
- Environment and Climate Change Canada (ECCC)
- Fisheries and Oceans Canada (DFO)
- Parks Canada
- Baffinland

The MEWG also includes the participation of the Observers. The participation of Observers is included to facilitate the sharing of expertise on matters of significant importance to the MEWG, and Observers will participate fully in discussions and comments on draft reports, agendas, and minutes in order to ensure that MEWG decisions are informed by their expertise. MEWG Observers include:

- Canadian Northern Economic Development Agency (CANNOR)
- Transport Canada
- NIRB
- Oceans North (ON)
- World Wildlife Fund (WWF)

All meeting minutes from MEWG meetings are submitted on the NIRB Registry and included in the Annual Report to the NIRB.

Advice from the MEWG is incorporated in Baffinland's annual reports and accepted recommendations from the MEWG are incorporated in Baffinland's monitoring and mitigation programs, as described in the MEWG Terms of Reference.

### **iii. Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (MRSEMWG)**

Project Certificate Term and Condition 129 requires Baffinland to engage in the work of the Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) along with other agencies and affected communities, and it should endeavour to identify areas of mutual interest and priorities for inclusion into a collaborative monitoring framework that includes socio-economic priorities related to the Project, communities, and the North Baffin region as a whole. The QSEMC typically meets annually.

Baffinland also coordinates the Mary River Socio-Economic Monitoring Working Group (SEMWG) in fulfillment of Project Certificate Term and Condition No. 129. The SEMWG is a sub-group of the Regional QSEMC. SEMWG membership includes members from the GN, the QIA, CIRNAC, and Baffinland.

To achieve the above term and condition and several other socio-economic terms and conditions, Baffinland develops an annual Socio-Economic Monitoring Report for the Project. This report supports achievement of the monitoring program objectives identified in the Socio-Economic Monitoring Plan:

1. Evaluate the accuracy of selected socio-economic effect predictions presented in the Mary River Project EIS and identify any unanticipated effects.
2. Identify areas where Baffinland's existing socio-economic mitigation and management programs may not be functioning as anticipated.
3. Assist regulatory and other agencies in evaluating Baffinland's compliance with socio-economic monitoring requirements for the Project.

4. Support adaptive management, by identifying potential areas for improvement in socio-economic monitoring and performance, where appropriate.

A description and summary of the QSEMC and SEMWG meetings are included in the Annual Report to the NIRB. Wherever possible, the feedback received from the QSEMC and SEMWG are integrated into the Project and applied to operations.

#### **d. Inuit-Led Dust Audit Committee**

The Inuit-Led Dust Audit Committee has been established to observe and understand the present and potential future dust sources at Baffinland's Mary River Mine Site, the Milne Inlet Tote Road Corridor, and the Milne Inlet Port site. The goal of this work is to identify sources of dust and recommend actions and mitigation measures that can reduce dust production and dispersion.

Three main goals for the Dust Audit Committee include:

- **Goal 1:** Undertake an independent audit of present and future dust sources across the Project, which consider the knowledge and concerns of Inuit, and develop recommendations for dust control measures to be implemented.
- **Goal 2:** Identify the sources of dust generation and understand the dispersion patterns for the current mine operation.
- **Goal 3:** Develop recommendations to reduce dust generation from the sources identified and to reduce dust dispersion.

The recommendations developed by the Dust Audit Committee are considered when adjusting the relevant management and monitoring plans through the adaptive management process described below.

As described in the Section 98 Application, the Dust Audit Committee is comprised of nominated representatives from the hamlets and their Hunter and Trappers' associations including Pond Inlet, Igloolik, Clyde River, Sanirajak and Arctic Bay, as well as representatives from the QIA and facilitators and engineering subject matter experts from Nunami Stantec and CWA Engineers Inc.

The formation of this Committee is a commitment outlined in Project Certificate Appendix B, Table 2, Commitment No. 2.: *"Baffinland will provide sufficient funding for the Dust Audit Committee to continue to support the annual dust audit and associated reporting for the life of the Project, and for any other work of the Dust Audit Committee where it supports other areas of the project. Specifically, the second annual dust audit report will include a one-time retrospective review of the Objectives, Indicators, Thresholds and Responses related to dust in the most up to date version of the Air Quality and Noise Abatement Management Plan, unless the Dust Audit Committee independently determines it does not wish to carry out such review. It is acknowledged that the Dust Audit Committee name and duties may change or expand in future to other topics, and will continue to carry out annual dust auditing until such time as Baffinland and QIA agree such audits are no longer needed."*

In 2021, an independently-led Dust Audit Committee was initiated, and continued throughout 2023, to further investigate dust concerns related to Baffinland's operations. The third-party auditors work with a Dust Audit committee composed of representatives from each of the five (5) North Baffin communities including Arctic Bay, Clyde River, Igloolik, Pond Inlet, and Sanirajak. Committee members were nominated by Hamlet and Hunters and Trappers Organizations to participate in the Audit. The third-party auditors completed two (2) field investigations with the support of the Dust Audit Committee, in 2021 and 2023. A Baffinland Dust Audit - Final Recommendations

Report was released publicly in February 2023. The final report evaluated the effectiveness of the current measures and put forward recommendations and options to reduce the spread and impacts of dust from the project activities. Baffinland will continue to track and report on comments made regarding the aesthetic value of the Project area and engage with communities. Baffinland will continue to jointly work with QIA, the GoC and the Dust Audit Committee to refine its mitigations and improve the aesthetic value of the Project area.

### **3. Relevant Measures under IIBA and Commercial Lease**

The Inuit Impact Benefit Agreement and the Commercial Lease between Baffinland and QIA also includes relevant measures. As an example, site-based QIA Environmental Monitors employed by QIA have been integrated into the Baffinland Site Environment team. The QIA environmental monitors allow for QIA oversight of monitoring activities and data collection at the Project site year round.

As described within the Condition 14.2 (d) of the IIBA, one of the objectives of Article 14, *Inuit Engagement in Project Stewardship*, is to support adaptive management strategies that respond to mutually identified issues. This is completed through the Annual Project Review Forum (the Forum). Within the Forum, QIA and Baffinland discuss Project related issues directly with members from impacted communities. The Forum compares key actual impacts, their significance and actual mitigation results against Baffinland's anticipated residual effects initially as set forth in the Final EIS. QIA and Baffinland will address any unresolved issues arising from the recommendations of the Forum. These recommendations could result in revision to the management and monitoring plans through the adaptive management process described above.

In addition, between 2020 to 2023, Baffinland and QIA made additional commitments to update the Mary River IIBA. Baffinland and QIA are currently working together to add, amongst other things, to development of Inuit objectives, indicators, thresholds and responses for the Adaptive Management Plan related to narwhal, seal, Arctic char, caribou, dust, and culture, resource and land use.

### **4. Baffinland Community Engagement Programs and Complaint Management Process**

The Mary River Project has been the subject of extensive and continuous engagement spanning more than 18 years. Baffinland has engaged with the North Baffin Localities and all other potentially affected localities both directly and through the regulatory processes established under the *Nunavut Agreement*. Baffinland's engagement activities in the communities have been carried out by an Inuit-led team, and communication about the Mary River Project is shared by Inuit team members including Elders fluent in Inuktitut (which is the language many Inuit in the region feel most comfortable expressing themselves in) and English, following and respecting Inuit oral traditions. The inputs from our community engagement programs are used and integrated in the Project, including hiring of Inuit staff.

As detailed within the Stakeholder Engagement Report, Baffinland management will follow these procedures to manage complaints and grievances:

- Maintain the identity of all complainants and the complaints they raise as confidential;
- Assign a Complaints Number to all complaints;
- Document all complaints in a Complaints Register;
- Document all verbal complaints on a Complaints Form and indicate that it was submitted verbally;

- Screen out unfounded complaints and address legitimate complaints;
- Prioritize complaints according to magnitude (severity, geographic extent, number of people affected) of effect;
- Notify complainants of the proposed action(s) to rectify the complaint or the reasons why a complaint will not be acted upon, if necessary;
- Consult with complainant for further explanation on complaint, when necessary;
- Involve organizations, contractors, and/or community groups, where necessary, to manage complaints (i.e., Hamlets, Qikiqtani Inuit Association);
- Document the action(s) taken to address complaints and the dates when they were both initiated and addressed; and
- Document follow-up action with details including, why the need for follow-up, who will be responsible, what is expected from the follow-up and when follow-up reports are expected.

This process provides a mechanism for complaints made by individuals (from communities, employees or organizations) to potentially revise management/mitigation plans to address these concerns.

Further to the Complaints Management process, Baffinland has a robust Proactive Dispute Resolution Process that is designed to facilitate trust, promote open, honest, and accurate communication, expedite the resolution of issues, enhance the relationship, and conform with the Complaints and Grievances process in the IIBA. It focuses on providing a proactive method to amicably resolve issues and in cases involving an Inuit employee, the Human Resources Advisor of Inuit Relations or Cultural Advisor are involved in all meetings.

## 5. Other Relevant Initiatives

In addition to the above described mechanisms established by legal requirements under the Project Certificate, Type A Water Licence, Nunavut Agreement, the Nunavut Waters and Nunavut Surface Rights Tribunal Act, the Nunavut Planning and Project Assessment Act, and the IIBA and Commercial Lease, there is the opportunity to develop consensus based mechanisms to address topics identified by interested parties. Active initiatives are described further below.

- **Project Monitor:** Project Certificate Term and Condition 189 requires Baffinland to carry out all commitments listed in Appendix B to this Project Certificate 005, and refers to an Interim Project Monitor. This role is not currently in place. QIA, CIRNAC and Baffinland have been working with communities on development of a related role which would replace the Interim Project Monitor focused on providing another pathway to incorporate Inuit feedback into the Project. Once established, feedback from the Interim Project Monitor/ Project Monitor would be considered when adjusting the respective management and monitoring plans through the adaptive management process described above.
- **NIRB's Cumulative Effects Assessment Framework:** As outlined in Section III.7H of the Approval to Construct a Railway Application, the NIRB is developing an updated Cumulative Effects Assessment Framework to support the development of future assessments. Once finalized, Baffinland will use the new CEA Framework to develop its future applications to NIRB (such as adding Deposits 2 and 3 to the existing Mary River Mine). In parallel with the above activities, NIRB will continue to implement its ongoing obligations to evaluate the monitoring program for the Mary River Project established under Project Certificate No. 005. Per the Workshop Report, the NIRB will give special consideration to the topic of cumulative effects in relation to the established monitoring programs. Should any updates to monitoring

programs relevant to the Steensby Railway be made as a result of the NIRB monitoring process, Baffinland will promptly report such updates to the Agency.

- **Inuit Stewardship Program:** QIA is also developing a program, funded by Baffinland, currently referenced as the Inuit Stewardship Program. This program would supplement existing programs by Baffinland to support integration of Inuit experience, feedback and knowledge into the Project.

## 6. Baffinland Adaptive Management Plan

Baffinland uses the outcomes from all of the above sources to adjust its Project over time as needed in response to monitoring results and feedback from Inuit and stakeholders.

As outlined in Paragraph 94(b) of the Section 98 Application, Baffinland has undertaken comprehensive, ongoing monitoring of the Mary River Project and reported to NIRB on the outcomes of this monitoring annually since 2012. Where it determined that additional measures need to be taken to reduce effects from the Mary River Project—either through the monitoring itself, or where communities have indicated additional measures are needed based on their lived experience—Baffinland has applied principles of Inuit knowledge and adaptive management to address those concerns. Where Inuit have indicated their lived experience differs from the FEIS conclusions and that additional steps need to be taken, Baffinland has applied principles of adaptive management to improve Mary River Project performance. For example, Baffinland has been making ongoing efforts to reduce visible dust coming from the Project to address community concerns, as a result of the Inuit knowledge shared.

Baffinland's Adaptive Management Plan (AMP) SD-27.76 brings the adaptive management requirements of the Project Certificate together, and provides an overview of the management mechanisms established to identify where mitigation measures may not sufficiently address potential adverse effects, and to address uncertainty or conditions that may occur during operations that were not anticipated during the planning phase. As noted above, there are also specialized adaptive management requirements embedded in topic-specific plans required under the Project Certificate and Type A Water License (such as the Dust Management and Monitoring Plan).

Adaptive management aims to continually improve environmental and social management processes by monitoring and evaluating their effectiveness and implementing strategies and actions to incorporate learnings quickly and proactively into operational implementation of monitoring and management and in future planning for the Mary River Project. Adaptive management links the results of environmental monitoring programs to management responses and changes in regulatory, environmental, or operational conditions. It requires timely evaluation of monitoring results to compare these against pre-determined objectives and thresholds, ongoing assessment of applicable management practices and, where appropriate, identification of responses such as adjusting mitigation measures and management actions in order to improve their effectiveness. The process then starts anew with implementation and monitoring of the modified measures.