



Kavir Kaluraq
Chairperson
Nunavut Impact Review Board
Cambridge Bay, NU

RE: MHTO Submission in respect of Community Round Table and Final Stages of NIRB Assessment of Baffinland's Production Increase Proposal Renewal Application

The Mittimatalik Hunters and Trappers Organization (MHTO) appreciates the opportunity to participate in the Nunavut Impact Review Board's (NIRB) recently held Community Roundtable (CRT) as part of the NIRB's assessment of Baffinland Iron Mine's Production Increase Proposal Renewal (PIPR) application.

The Community Roundtable (CRT) was highly valuable, and we would like to take this opportunity to raise some key points for your consideration as you move into deliberations on the reconsideration of Project Certificate 005:

MHTO is concerned that the time allotted for the CRT was not adequate to hear from residents of Pond Inlet. We recognize that logistical constraints factor heavily into the NIRB's ability to schedule these meetings, however this was the only opportunity our community has had to raise oral concerns before your Board relating specifically to possible approval of the 6 million tonne (MT) activities despite these having been ongoing, and the subject of 2 reconsideration processes since 2018. We feel additional time is owed to people of Pond Inlet to make sure members of our community are able to have their voices heard by your Board.

Secondly, the timing of the CRT was not ideal given the time of year and the number of people who spend time on the land and away from the community in August. We are concerned that the meeting held August 16 does not give an accurate gauge as to the public concern our community has about the PIPR application. In addition, the format of the CRT - having participants from other communities attend remotely - is not effective as people give far more weight to meetings attended in person, and we are concerned that other communities had few representatives on hand for the CRT. Many people are on the land during this time of the year, as we have mentioned in prior submissions to the NIRB.

The MHTO has previously requested the NIRB allow intervenor organizations an opportunity to make presentations to community representatives at CRT sessions, but the NIRB has not included this in prior agendas, nor for August 16, 2022. Allowing only BIM to make a presentation to community representatives has meant that these attendees really have no idea what the positions or issues other agencies have with respect to the PIPR. Hearing only from BIM leads to a very one-sided understanding of a project proposal and potential impacts. Questions from community representatives were seldom directed to regulators or intervenors, largely because it was not made clear by the NIRB that this was to form part of the session, and because representatives had no information on which to base questions to intervenors.

Finally, our Board was not made aware of opportunities to access participant funding - the NIRB circulated a letter of August 4, 2022 (NIRB Doc ID 341198) in which the federal government indicated that details about accessing funding for this reconsideration process would be forthcoming, however we could not find any additional information on the NIRB registry. Our participation and submissions have been drastically affected by the lack of an organized and transparent process to access additional participant funding.

CRT Clarifications

A community member from Pond Inlet, Caleb Sangoya, made remarks to the Board during the CRT that the MHTO wishes to correct. Mr. Sangoya was not the Chairperson of the MHTO during meetings in Iqaluit that he referenced as having attended. It is true that he disagreed with the position of the Board at that time, however, he acted inappropriately on his personal view about the Mary River Project at that time, and faced disciplinary action by the MHTO Board shortly thereafter. The submissions and statements of the MHTO were, and continue to be, undertaken with full support of the Board and greater membership of Mittimatalingmiut hunters. Regarding the PIPR, the MHTO provided a resolution passed by the full membership from an August 8th special meeting opposing the PIPR proposal. Mr. Sangoya is at this time, a community member providing testimony to the Board that is simply his own opinion and interpretation of events, and does not reflect the organization's position or decisions on the Phase 2 proposal or PIPR. Our Board felt it imperative that we provide this clarification for your information as you move into deliberation mode.

During her closing remarks on August 16, Madam Chair referenced the August 19 deadline for BIM's reply to written comments and issues raised at the CRT. The MHTO is concerned that no other intervenors were invited to make submissions related to comments and issues raised during the CRT. We are providing the following comment related directly to what was heard during the CRT for your consideration.

- Pond Inlet remains the community most affected by ongoing operations of the Early Revenue Phase and Production Increase aspects of the Mary River project. Not surprisingly, many individuals from Pond Inlet voiced opposition to the PIPR application during the CRT. Specific concerns were raised about BIM's plans going forward with 6MT and the original Steensby Inlet route; and confusion was also evident with regard to BIM's 6MT operation and current application for the PIPR.
- MHTO remains seriously concerned with regard to ice breaking and impacts of shipping to marine mammals and harvesting. During the CRT, questions were asked to BIM about its commitment not to use ice breakers during the start of the 2022 shipping season, and why, despite its commitment, the Botnica had been in waters of Eclipse Sound for a number of weeks. Mr. Kamermans stated that he was certain BIM had clearly set out its intention for the shipping season and use of ice breaker support within the application materials for PIPR filed with NIRB. The MHTO located only one reference to the use of the Botnica and ice breaking in the entire submission filed by BIM - that being on p. 9 of the PIP Renewal Supplemental Information Package (NIRB Doc ID 340177) where BIM notes that the Shipboard Observer Program "will be implemented again in 2022 when the Botnica is planned to be active in the Project area, which has been reduced to the Fall due to the continued commitment by Baffinland not to break ice to commence the shipping season." We are uncertain if July and August constitute "Fall", and are unclear why the use of this ship was not included in Project Application documents provided to the Nunavut Planning Commission and NIRB. Nowhere in its materials submitted does BIM indicate how many transits, partial transits, or for how many hours the Botnica may be utilized this shipping season. We are unable to properly gauge or assess impacts of the shipping season on narwhal and harvesting without full data regarding this significant aspect of BIM's operations. It is concerning that BIM would file an application so vague in detail pertinent to a highly controversial activity such as ice breaking.
- MHTO heard BIM state during CRT that narwhal populations appear to be stable. This is very concerning, as the results of BIM's own recent monitoring - up until 2021 - show significant declines in abundance and do not support this statement. It would appear to be a misrepresentation of information given that no recent or publicly available monitoring results indicate that what BIM said during the CRT is in fact true. MHTO remains seriously concerned that narwhal abundance has drastically decreased due to ongoing project operations at 6MT per year, and is concerned with BIM's responses to concerns raised regarding narwhal abundance during the CRT.

Conclusion

We understand the federal Minister has placed pressure on your Board to proceed expeditiously, however we are concerned that the shortened process, allotting only one day for the CRT, having no participant funding awarded, and limiting presentations and questions has unfairly limited what your Board has heard in respect of this PIPR application.

The MHTO truly appreciates the opportunity to have participated and observed in the CRT and we have faith in your Board's diligent consideration of all voices in assessing the PIPR application.

Sincerely

A handwritten signature in blue ink, appearing to read 'David Qamaniq', with a stylized flourish at the end.

David Qamaniq
Chairperson
Mittimatalik Hunters and Trappers Organization

cc: Olayuk Akesuk, President, QIA
Aluki Kotierk, President, NTI
MP Lori Idlout, Nunavut
Hon. Dan Vandal, Minister of Northern Affairs
Hon. Mark Miller, Minister of Crown-Indigenous Relations
Lisa Dyer, NPMO
Terry Audla, CIRNAC