

OLAYUK AKESUK, PRESIDENT OF QIKIQTANI INUIT ASSOCIATION
JULY 27, 2023 SPEAKING NOTES FOR THE IQALUIT COMMUNITY ROUNDTABLE
ON THE BAFFINLAND SUSTAINING OPERATIONS PROPOSAL

Good morning, Madame Chair. Olayuk Akesuk, on behalf of the Qikiqtani Inuit Association.

I would like to start on **Slide 2** of our presentation.

Madame Chair, I am the President of the Qikiqtani Inuit Association. With me today are, Mr. Jimmy Noble Jr, who is the Assistant Executive Director for QIA's Department of Lands and Resource Management and Doctor Jeff Higdon, who is a marine mammal biologist and technical expert who has been assisting our organization on marine issues since the beginning of the Project.

First, I want to thank all the Inuit representatives attending on behalf of their communities. Your willingness to travel here ensures Inuit voices and perspectives are front and centre when important decisions are made about Baffinland's Sustaining Operations Proposal.

I also want to thank the Board and staff of the Nunavut Impact Review Board for your hard work to arrange these Community Roundtables on short notice. We know you work very hard to bring everyone together. We appreciate your work to ensure that there is the opportunity for Inuit perspectives and questions to be heard.

Slide 3

Today I am providing a summary of the Qikiqtani Inuit Association's comments on Baffinland Sustaining Operations Proposal. The Qikiqtani Inuit Association is the Designated Inuit Organization responsible for stewardship of Inuit lands where the Mary River Project is located. Under the requirements of the *Nunavut Agreement*, the Qikiqtani Inuit Association is also responsible for ensuring that the rights and interests of Inuit in the region are protected and respected.

The Qikiqtani Inuit Association also negotiates the leases and compensation for access to Inuit lands and waters.

Slide 4

As required by the Nunavut Agreement, the Qikiqtani Inuit Association also entered into an Inuit Impact Benefit Agreement with Baffinland, on behalf of Qikiqtani Inuit.

The Inuit Impact Benefit Agreement ensures benefits for today and in the future for Inuit in Arctic Bay, Clyde River, Hall Beach, Igloolik, and Pond Inlet.

QIA's relationship with Baffinland is informed by the feedback and input from QIA Board members elected by the communities, Community Directors, environmental working group meetings, staff consultations, and external advisors.

Slide 5

The Qikiqtani Inuit Association devotes considerable time and resources to fully understanding the technical issues in Mary River Project proceedings, and working to resolve any concerns. Our goal is to ensure proper environmental management in a way that puts Inuit in the driver's seat for decisions on the issues that matter the most to Inuit.

For the current Proposal, Qikiqtani Inuit Association raised technical concerns in seven different subject areas. My comments today will give you a high level overview of the concerns raised by the Qikiqtani Inuit Association in these seven areas.

Slide 6

The review of the Sustaining Operations Proposal is happening on an urgent timeline, with little time to review the proposal. It is important to remember that this is the first time that a proposal to extend the Mary River Project production and shipping limits is happening outside of the previous Phase 2 proposal.

If the Phase 2 proposal was approved, it would have included conditions that addressed concerns raised in the previous proposals for short-term expansion of production and shipping. Because Phase 2 did not go ahead, we go back to a situation where decisions will be made based on the

environmental assessment of the impacts of 3 and a half million tonnes of production and shipping each year. Baffinland is now asking to continue to produce, truck and ship 6.0 million tonnes a year, as they have been approved to do on a short term basis since 2018. And for this year or next year, they are asking for flexibility to ship up to 7.3 million tonnes to be shipping in 2023 and 2024 to clear 1.3 million tonnes of ore stockpiled at the dock that could not be shipped in 2022.

So, the Qikiqtani Inuit Association doesn't see this year's proposal as a simple extension of what happened in previous years. And with the very quick review period with little time for a detailed environmental review, the Qikiqtani Inuit Association is not able to determine whether or not to support this extension of higher production and shipping limits. There was not enough time for a full technical review and meaningful engagement by the Qikiqtani Inuit Association with Inuit in the region. QIA respects that some communities are satisfied with the proposal for 6 million tonnes a year for now.

However, there are still serious concerns about proper environmental stewardship and Inuit rights protections if those 6 million tonnes is approved, and some additional conditions need to happen to address those concerns.

Slide 7

The Qikiqtani Inuit Association is continuing to talk with Baffinland about what those conditions should be. The timeline for this review means some discussions are happening even now, as there was not enough time for resolution before this Community Roundtable.

On overall environmental oversight, the Qikiqtani Inuit Association recommends some conditions to address concerns about the adaptive management approval process. There needs to be a precautionary approach while changes in environmental management are being implemented and then tested to see how effective they are and whether they need to change. A significant area of overall concern is the need for more work to properly study cumulative effects of the Project based on the expansions and operations of the past decade and what is we have learned about marine and dust impacts particularly.

Slide 8

The Qikiqtani Inuit Association continues to treat dust impacts as a crucial priority.

Baffinland made significant new dust control commitments in 2022, which were added to the Appendix B commitments list in the Project Certificate. These commitments are being implemented but there are still gaps in addressing dust impacts as we learn more about dust impacts that were not anticipated in the original Environmental Impact Statement.

The Qikiqtani Inuit Association is therefore asking for further commitments to ensure long term improvements to dust monitoring, to continue Inuit-led dust monitoring, and for further work to improve our understanding of how dust affects snow melt at and around the Mary River Project.

Slide 9

The Qikiqtani Inuit Association has identified the need to improve specific caribou monitoring programs for the Mary River Project. Like other areas of concern, we have been learning from almost-10 years of Mary River Project operations and listening to both western science and Inuit experts about the interaction of the Project with the caribou.

The Qikiqtani Inuit Association is therefore asking for further work to define the area of the “zone of influence” of the Mary River Project, and for further work on how caribou migration is affected. This will help us understand the full scope of caribou habitat loss and where caribou populations are moving. QIA has asked for improved commitments to monitoring and mitigation measures dealing with the metals present in dust and affecting the lichen that are so critical to caribou.

Slide 10

Freshwater aquatic environment issues are another area where we need to continue to learn and adapt, based on the experience of the past decade. Further work is needed to address how Inuit are impacted by the way that the Project affects freshwater areas.

The Qikiqtani Inuit Association is recommending further mitigation to address direct dust fall on fresh water. We are also asking for a study of whether a buffer zone is needed around streams that could be affected by dust suppressant chemicals coming from the Tote Road. We have asked

for a study about whether the reference lakes that are used to study freshwater effects of the project, to see how these are now being affected and whether any adjustments are needed for monitoring.

Slide 11

At the core of Inuit culture and identity is our interdependence with arctic oceans and the animals who live on or depend on the sea. When there is uncertainty about impacts on the marine environment, the concerns are not just about environmental integrity: they cut to the very heart of our identity as Inuit.

The Project continues to have many unanswered questions about the overall effects of shipping on the arctic marine environment. We heard arguments that shipping has no lasting effects on marine animals, but many Inuit say they are experiencing something very different. Baffinland says other factors, besides their shipping, are responsible for changes we see in the marine environment, and particularly to narwhal. Many western science experts, including those from the Department of Fisheries and Oceans and including QIA's marine experts, disagree. And many Inuit who are experienced marine users and hunters point to the marine shipping as the MAIN cause of drastic declines in narwhal, even if it is not the ONLY cause.

In the face of continued uncertainty, and because of the potential for serious impacts on Inuit harvesting and culture, extreme caution is needed to address shipping concerns. For the Sustaining Operations Proposal, this means further work to better understand the impacts of shipping on narwhal. It means looking at ringed seals impacts more closely, to address large gaps in understanding ringed seal impacts. Importantly, as an immediate step, QIA stresses that immediate commitments are needed to reduce the use of the largest and loudest ships.

Slide 12 please

This Proposal comes after the long and intense review of Phase 2, which did not receive approval. It comes right after the urgent process to review the 2022 Production Increase Proposal on an 'emergency' basis. The Board, Baffinland, the Inuit communities, and Inuit organizations, have barely had time to catch a breath and catch up to address the commitments made in the 2022 Proposal.

The parties have been working to implement the many important commitments in 2022, but many are still not fully in place. For instance, the Environmental Working Groups still do not have terms of reference in place that reflect the commitment to independent chairs and to make their recommendations enforceable. Work is underway to develop the Project Monitor role, which will provide an additional mechanism for ensuring independent review that all project commitments are met, including ones outside of the Project Certificate Terms and Conditions. QIA is focused on making sure that commitments Baffinland made in the Phase 2 process and the 2022 PIPR are brought forward, renewed, and committed to for long-term implementation.

Slide 13

Inuit from the communities affected by the Mary River Project continue to be extremely consistent in their message.

Environmental protection and protecting Inuit relationship with the land and water, cultural continuity, and food sources, is the top priority for Inuit. We must rely on what we know, as Inuit, about this land and these waters, based on thousands of years of firsthand experience. Inuit Qaujimajatuqangit and Inuit experience provide critical information that must be the basis for predicting what will happen when changes are made to the Project.

The Inuit Stewardship Program work which is underway now will strengthen the ability of the Project to respond to Inuit knowledge, and ensure Inuit play a leadership role in adaptive management for the Project. Baffinland has made notable progress in integrating Inuit concerns into environmental planning, but more work is needed to respect Inuit observations of impacts to Inuit culture, resources and land use caused by the Mary River Project.

The Qikiqtani Inuit Association is concerned that in areas of major importance to Inuit because of the impact on Inuit rights and Inuit culture, such as concerns about marine animal impacts and dust and caribou impacts, Baffinland continues to insist that Inuit predictions are wrong, and their predictions are correct. Inuit observations continue to prove that the Mary River Project is having some effects that were not anticipated when the Environmental Impact Statement was done over a decade ago.

Slide 14 please

So, the Qikiqtani Inuit Association continues to look at the big picture of where the Mary River Project is going, and what is needed next to address evolving concerns.

The Qikiqtani Inuit Association agrees with other participants in this process, including Nunavut Tunngavik Incorporated and Canada, that the current cumulative effects assessment and monitoring for the Project needs more work. We need to work together to strengthen the cumulative effects assessment approach to ensure that all aspects of the Project are addressed – including the combined impacts of all the changes since original approval and including the plans to proceed with the Steensby portion of the Project.

This Sustaining Operations Proposal is the eighth NIRB review of a Baffinland proposal in eleven years. Inuit communities and organizations are experiencing regulatory exhaustion with the Mary River Project. I am sure that Baffinland, the Board, and others are feeling this strain on resources, too. The Qikiqtani Inuit Association will continue to work with Baffinland and other Parties towards a Mary River Project that is sustainable economically, environmentally, and in terms of impacts on Inuit. We need a Project where the approach and timing of regulatory reviews can be sustained in terms of human resources.

Full Inuit participation is put at risk when there is timing pressure in a regulatory review or a lack of available resources due to overlapping and back-to-back regulatory reviews.

The Qikiqtani Inuit Association is continuing to make it a priority to ensure that Inuit participation and full inclusion of Inuit perspectives and Inuit evidence occurs in all aspects of decision-making on the Project.

Inuit Qaujimajatuqangit provides critical information that must be the basis for predicting what must happen with a Project which grows out of Inuit lands and resources. In a thousand years, Inuit must continue to have an equally meaningful relationship with these lands and waters.

So, to all Inuit representatives who are participating this week and next week: thank you for your strength, wisdom and commitment to bringing forward your communities' concerns and protecting your communities' futures. Your participation is what pushes Qikiqtani Inuit Association to further improve and to seek greater clarity and commitments for the benefit of all Inuit. Your participation is the foundation for Qikiqtani Inuit Association's work, and I am honored to work with you all. I am committed to working with all of you to respond to whatever recommendations and decisions are made about the Sustaining Operations Proposal. I am proud that Inuit continue to fight for rights allowing Inuit to participate in the very decisions that define our lives and our communities.

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