

October 29, 2019

Tara Arko
Director, Technical Services
Nunavut Impact Review Board

Dear Ms. Arko

The Hamlet of Pond Inlet fully supports testimony being offered by Dr. John Loxley before the forthcoming public hearing to be held in Iqaluit.

We wish to make it clear the request to have Dr. Loxley present at the hearing is not solely an Oceans North initiative. While Oceans North supported the research that informed Dr. Loxley's paper, our technical advisor - currently Adjunct Professor of Native Studies at the University of Manitoba where Dr. Loxley is a Professor of Economics - has had a long-standing familiarity with Dr. Loxley and his work, having used his publications in courses he has taught dealing with financial aspects of Canadian social policy. He has consulted with Dr. Loxley in relation to the Baffinland expansion.

The attachment of Dr. Loxley's paper to the Hamlet's submission has nothing to do with any initiative of Oceans North, other than the fact that Ocean's North helped to make its production possible. Dr. Loxley is one of Canada's foremost social economists. His work has a national and international reputation.

The observations made by Baffinland in its letter to NIRB of October 28th, contains a lot of information irrelevant to the request that Dr. Loxley be given time to present at the hearing. This applies to the considerable text that Baffinland has devoted to previous matters raised by Oceans North that have nothing to do with the matter at hand. Baffinland suggests that Oceans North's request is a "further attempt to manipulate the public process to serve its own interest in marine conservation."

The Hamlet of Pond Inlet takes great exception to this logic. The Hamlet also has an interest in marine conservation, and this request has also been made by the Hamlet. The reference to "manipulate the public process" is a curious one. Elders and others have noted that Baffinland, at public meetings and in other forums, has made a practice of suggesting that the mine is not economically viable unless the Phase 2 Project is approved. This may be an attempt to manipulate Mittimatalingmiut, by 'not so indirectly' suggesting that they will lose their

employment if Phase 2 is not approved. As such and without evidence to support the claim, this can be seen as intimidation.

Simply put, given that Baffinland has communicated this to Mittimatalingmiut in various ways and on numerous occasions, it is important that this suggestion be given a full hearing. The observations and information to which Dr. Loxley is privy is important to critically examining this claim.

Baffinland can choose to respond to Dr. Loxley's testimony as it sees fit. Baffinland may choose not to fully respond because it does not want to reveal information that might be injurious to its financial interests. In this case, it is free and has the right, as it has noted, not to do so and to submit information to NIRB that NIRB can hold in confidence, as has elected to do (bottom of page 2 of its October 29th letter to Ms. Arko). However, this is a choice. There is nothing in law to prevent Baffinland from disclosing anything. It is for Baffinland to choose how it wishes to respond. Baffinland seems to be suggesting that it may be limited in its ability to respond to Dr. Loxley. Dr. Loxley has a right to defend his observations against claims that Baffinland has now made publicly.

Whether this is in relation to Oceans North or the Hamlet of Pond Inlet is irrelevant. We have asked that he be given 20 minutes to speak to the matter of the profitability of Baffinland's operations. If Baffinland wishes to question Dr. Loxley or counter his information, it is free to do so. If Baffinland chooses not to do so because it does not wish to disclose or make public certain information, that is its choice. The matter of the financial necessity of the current Phase 2 expansion, going forward, as a publicly stated claim, deserves public examination. This is in the interests of Mittimatalingmiut.

We agree that suggestions related to employment targets and on what these are based is a matter for ongoing negotiation as part of an IIBA. However, it is also in the public interest and those who may be interested in seeking employment with Baffinland to fully appreciate how employment is being handled in negotiations between QIA and Baffinland. This is in the public interest. The presence of the topic in a public hearing does not obligate NIRB to "include the establishment of requirements for socio-economic benefits" in its determinations. It should be pointed out that there is no end of reference to socio-economic benefits in material submitted by and claims made by Baffinland to the NIRB. The fact that, as Baffinland points out, NIRB has no mandate to include the establishment of requirements for socio-economic benefits, does not seem to have prohibited Baffinland for discussing them at length – including employment targets and how they are calculated - and in responding, the public is entitled to a right to do the same.

We respect Baffinland's concerns, but see nothing in what they have presented that makes a case for Dr. Loxley not presenting at the inquiry, given his background, expertise and claims made by Baffinland which merit closer examination.

Submitted by the Hamlet of Pond Inlet

Prepared by Dr. Frank Tester, Technical Advisor