

NUNAVUT IMPACT REVIEW BOARD

PHASE 2 DEVELOPMENT PROJECT PROPOSAL – MARY RIVER IRON
ORE MINE NIRB FILE NUMBER 08MN053

HEARING

VOLUME 1

Iqaluit, Nunavut

November 2, 2019

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1 Proceedings taken at Cadet Hall, Iqaluit, Nunavut

2

3 November 2, 2019 Morning Session

4

5 NUNAVUT IMPACT REVIEW BOARD

6 K. Kaluraq Chair of Hearing

7 M. Qumuatuq Panel Member

8 G. Alikut Panel Member

9 C. Emrick Panel Member

10 U. Puqignak Panel Member

11

12 NUNAVUT IMPACT REVIEW BOARD STAFF

13 T. Meadows Legal Counsel

14 R. Barry Executive Director

15 T. Arko Director, Technical Services

16 S. Amuno Technical Advisor

17 C. Baker Technical Advisor

18

19 PROPONENT

20

21 BAFFINLAND IRON MINES CORPORATION

22 C. Kowbel Legal Counsel

23 B. Armstrong Legal Counsel

24 L. Duke Legal Counsel

25 B. Penney President, Chief Executive

26 Officer

1	M. Lord-Hoyle	Vice President, Sustainable
2		Development
3	L. Kamermans	Director, Sustainable
4		Development
5	A. Moore	Manager, Government Relations
6		and Public Affairs
7	U. Hanson	Vice President, Community and
8		Strategic Development
9	J. Tigullaraq	Head of Northern Affairs
10	E. Malcolm	Sustainability Specialist
11	K. Johnson	Environmental Assessment
12		Specialist
13	F. Pittman	Rail Area Manager
14	C. Devereaux	Environmental Superintendent
15	T. Sewell	Director, Health, Safety,
16		Environment & Security
17	A. Sira	Director, Corporate Human
18		Resources
19	M. Austin	JASCO Applied Sciences
20	P. Osborne	Golder Associates Ltd.
21	T. Thomas	Golder Associates Ltd.
22	C. Moore	Intrinsik
23	F. Van Biljon	Hatch Engineering
24	M. Lepage	RWDI
25	A. MacLeod	EDI Environmental Dynamics
26		Inc.

1	M. Settingington	EDI Environmental Dynamics
2		Inc.
3	A. Van Buren	Stantec
4	S. Wallace	Stantec
5	P. Glenen	Stantec
6	M. Winterbottom	Hemmera
7	B. Wheeler	Hemmera
8	J. Prno	Jason Prno Consulting
9	T. Keane	Fednav Limited
10	C. Legault	Fednav Limited
11	S. Douville	Fednav Limited
12	D. Del Cardo	Genessee Wyoming Canada
13	R. Cook	Knight Piesold
14		
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18	M. Belleau	Legal Counsel
19	A. Kotierk	President
20	P. Irngaut	Director Wildlife and
21		Environment
22	H. Uniuqsaraq	Chief Operating Officer
23	D. Lee	Wildlife Biologist
24	J. Maurice	Director for Policy
25		
26		

1	QIKIQTANI INUIT ASSOCIATION	
2	B. McRae	General Counsel
3	L. Land	Legal Counsel
4	P.J. Akeeagok	President
5	L. Barnabas	Community Director for Arctic
6		Bay and Mary River Project
7		Portfolio Lead
8	J. Groves	Executive Director
9	E. Aariak	Chief Negotiator
10	J. Ottenhof	Director of Major Projects
11	S. Sahar Zerehi	Director of Communications
12	C. Spencer	Regulatory Manager
13	R. Olson	Firelight Research Group
14	A. MacDonald	Firelight Research Group
15	S. Leech	Firelight Research Group
16	B. Stewart	Arctic Biological Consultants
17	J. Higdon	Higdon Wildlife Consulting
18	N. Jewitt	Arktis Piusitippaa
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20	GOVERNMENT OF NUNAVUT	
21	E. Stockley	Legal Counsel
22	N. O'Grady	Avatiliriniq Coordinator
23	J. Onalik	Associate Deputy Minister EDT
24	S. Pinksen	Assistant Deputy Minister DOE
25	A. Robinson	Manager, Land Use and
26		Environmental Assessment DOE

1	D. Haney	Project Manger - Impact
2		Assessment DOE
3	E. Taylor	Project Manager,
4		Socio-economic Monitoring EDT
5	B. Pirie	Project Manger, Research and
6		Monitoring DOE
7	S. Atkinson	Wildlife Consultant
8	D. Lapierre	Technical Advisor
9	E. Zell	Manager Regulation and
10		Environmental Assessment -
11		Department of Economic
12		Development and Transportation
13	J. Elliott	Project Manager Land Use
14		Planning - Department of
15		Environment
16	D. Bakie	Environmental Assessment
17		Specialist
18	J. Ringrose	Qikiqtani Regional Biologist
19		
20	CROWN-INDIGENOUS RELATIONS NORTHERN AFFAIRS CANADA	
21	S. Dewar	Director Resource Management
22	F. Ngwa	Manager Impact Assessment
23	D. Abernethy	Socio-economic Analyst
24	R. Tookoome	Social Policy Officer
25	D. Kohnenberg	Legal Counsel, Department of
26		Justice

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2		Justice
3	A. Chaikine	Senior Environmental
4		Assessment Specialist
5	A. Botfield	Technical Consultant,
6		SNC-Lavalin
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8	FISHERIES AND OCEANS CANADA	
9	T. Hoggarth	Regional Director Ecosystems
10		Management
11	M. D'Aguiar	Senior Biologist
12	M. Janowicz	Regional Manager Regulatory
13		Reviews
14	L. Watkinson	Biologist Fish and Fish
15		Habitat
16	K. Howland	Research Scientist and
17		Invasive Species Specialist
18	M. Marcoux	Research Scientist and Marine
19		Mammal Specialist
20	D. Yurkowski	Research Scientist and Marine
21		Mammal Specialist
22	E. Desantis	Analyst Major Projects -
23		National Capital Region
24	K. Knapp	Senior Advisor, Canadian Coast
25		Guard Arctic Region
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1	ENVIRONMENT AND CLIMATE CHANGE CANADA	
2	G. Williston	Heat Environmental Assessment
3		North
4	G. Bernard-Lacaille	Senior Environmental
5		Assessment Coordinator
6	K. Wells	Senior Air Quality Analyst
7		
8	HEALTH CANADA	
9	M. Gale	Senior Environmental Health
10		Specialist
11	W. Wilson	Environmental Assessment
12		Coordinator
13	J. Boudreau	Environmental Assessment
14		Specialist
15		
16	NATURAL RESOURCES CANADA	
17	P. Unger	Environmental Assessment
18		Division
19	R. Johnstone	Explosives Safety and Security
20		Branch
21		
22	PARKS CANADA	
23	A. Stoddart	Environmental Assessment
24		Specialist
25	J. Bastick	Environmental Assessment
26		Specialist

1	J. Boon	Nunavut Field Unit
2		Superintendent
3	J. Chisholm	Nunavut Field Unit Ecologist
4	L. Jonart	Nunavut Field Unit Manager for
5		the Tallurutiup National
6		Marine Conservation Area
7		
8	TRANSPORT CANADA	
9	A. Gudmundson	Regional Manager Environmental
10		Services
11	J. Johar	Manager Marine Safety and
12		Security
13	J. Cram	Manager Rail Safety
14		Engineering
15	J. Barker	Environmental Advisor
16		
17	IGLOOLIK WORKING GROUP	
18	M. Recinos	Technical Advisor
19	E. Ivvalu	Hamlet Representative
20	P. Ivalu	Hamlet Representative
21	D. Irngaut	HTA Representative
22	N. Piugattuk	HTA Representative
23	M. Ivalu	Elder Advisor
24	T. Qulaut	Youth Advisor
25		
26		

1 HALL BEACH HUNTERS AND TRAPPERS ORGANIZATION

2 D. Arvaluk HTO Representative
 3 T. Kuppaq Hamlet Representative
 4 P. Siakuluk Elder Advisor
 5 C. Pikuyak Youth Representative
 6 I. Qanatsiak Youth Representative

7

8 NUNAVUT INDEPENDENT TELEVISION NETWORK

9 L. Lipsett Technical Advisor
 10 Z. Kunuk Founder and Director
 11 B. Kunuk Youth Representative
 12 T. Haynes Audio Technician
 13 T. Leblanc-Murray Camera Technician

14

15 HAMLET OF POND INLET

16 F. Tester Technical Advisor
 17 T. Soucie Hamlet Representative
 18 I. Akpaliapik Elder Advisor
 19 D. Irngaut Elder Advisor

20

21 MITTIMATALIK HUNTERS AND TRAPPERS ORGANIZATION

22 E. Ootoovak Chair
 23 E. Inuarak Vice Chair
 24 C. Sangoya Secretary/Treasurer
 25 O. Quaraq Elder Advisor
 26 A. Hanson-Main Technical Advisor

1 OCEANS NORTH

2 C. Debicki Vice President Policy
 3 Development and Counsel
 4 K. Westdal Director Arctic Field
 5 Research
 6 A. Ootoowak Research Technician
 7 J. Jones Scripps Institution of
 8 Oceanography

9

10 WORLD WILDLIFE FUND

11 A. Dumbrille Senior Specialist Sustainable
 12 Shipping
 13 P. Okalik Senior Advisor Arctic
 14 Conservation
 15 B. Laforest Senior Specialist Arctic
 16 Species and Ecosystems

17

18 INTERPRETERS/TRANSLATORS

19 J. Tucktoo Language Translator
 20 L. Kilabuk Language Translator
 21 V. Dewar Language Translator

22

23 J. Albert, CSR(A) Official Court Reporter

24 C. Longacre, RPR, CSR(A) Official Court Reporter

25

26

1 (PROCEEDINGS COMMENCED AT 9:03 AM)

2 Opening Remarks

3 THE CHAIR: Good morning. I'm Kaviq
4 Kaluraq. I am acting chairperson of the Nunavut Impact
5 Review Board or NIRB.

6 Before we proceed today, I would like to let
7 everyone know that there will be interpretation
8 available throughout the meetings, and earpieces are
9 available from the front. Channel 0 is the floor.
10 Channel 1 is English. Channel 2 is Inuktitut.

11 There are sign-in sheets at the table as you enter
12 the room. Please sign in if you have not already done
13 so.

14 The washrooms are located outside the room in the
15 lobby area. Exits are located through the main doors
16 to the lobby and on the side of the room at the front
17 and back corners.

18 There is coffee and tea located at the back of the
19 room.

20 Please remember to turn off your cell phones
21 before we begin or put it on vibrate.

22 Now let us begin these proceedings with an opening
23 prayer. Thank you, Caleb Sangoya, for volunteering to
24 do the opening prayer. Let us stand.

25 Opening Prayer

26 THE CHAIR: Thank you, Caleb.

1 On behalf of the NIRB Board, welcome to Iqaluit
2 and to the public hearing for Baffinland Iron Mines
3 Corporation's Phase 2 Development Proposal.

4 This proposal is an amendment to the approved Mary
5 River iron ore mine, which is operated by Baffinland
6 Iron Mines Corporation, with additional development
7 proposed over two existing sites: at the port
8 facilities at Milne Inlet on the northern side of
9 Baffin Island and along the route of the 100-kilometre
10 tote road, which leads south from Milne Port to the
11 Mary River mine site. Thank you to the community of
12 Iqaluit for hosting us over the next five days.

13 Throughout this public hearing, the Nunavut Impact
14 Review Board will be hearing evidence, asking
15 questions, and listening to comments and concerns
16 regarding Baffinland's assessment of the potential
17 ecosystemic and socio-economic effects of the Phase 2
18 Development Proposal. Baffinland's assessment has been
19 set out in an addendum to its final environmental
20 impact statement for the Mary River Project, which has
21 been reviewed and commented on by the intervenors
22 presented at this hearing.

23 We have a community roundtable scheduled as part
24 of this hearing, both in Iqaluit and in Pond Inlet,
25 where community representatives and the general public
26 will have the opportunity to express their views and

1 ask questions of Baffinland and the intervenors
2 regarding this proposed project amendment. The
3 community roundtable in Pond Inlet will provide
4 opportunity for the members of that community to ask
5 questions of Baffinland and intervenors on the proposed
6 project and its impacts.

7 Thank you to the Nunavut Independent Television
8 Network for working with the Nunavut Impact Review
9 Board to set up the infrastructure and equipment to
10 video these sessions and broadcast online and over
11 community cable stations. Those wishing to follow the
12 proceedings from afar may do so and observe the same
13 information as those appearing in person here in
14 Iqaluit. In particular, this will assist community
15 members in Pond Inlet to prepare for the community
16 roundtable that will occur in their community as part
17 of this public hearing planned for November 8 and 9.

18 After the public hearing has concluded, based on
19 all the evidence, information, comments, and concerns
20 provided to the Board throughout the assessment, the
21 Nunavut Impact Review Board will determine whether or
22 not the project amendment should be allowed to proceed
23 to the permitting stage and, if so, whether any changes
24 or additions to the terms and conditions of the
25 existing Mary River Project certificate are required.

26 The Board will provide its final report and

1 recommendations to the Minister of Crown-Indigenous
2 Relations and Northern Affairs Canada and other
3 responsible government ministers for consideration.
4 The responsible ministers will then have the option of
5 accepting, varying, or rejecting the Board's report and
6 associated recommendations as set out under the Nunavut
7 Agreement and the Nunavut Planning and Project
8 Assessment Act.

9 Moving on to introductions, I am the acting
10 chairperson of the Board. I'm from Baker Lake. I have
11 served continuously with the Board since my first term
12 in 2011. I'll ask each of my fellow Board members to
13 take a moment to introduce themselves, starting with
14 Madeleine.

15 MS. QUMUATUQ: Madeleine Qumuatuq, NIRB Board
16 member.

17 MR. PUQIQNAK: I'm Uriash Puqignak. I am
18 originally from -- I am from Gjoa Haven and a regular
19 NIRB Board member.

20 MS. EMRICK: Catherine Emrick, Calgary,
21 Alberta.

22 MR. ALIKUT: Guy Alikut. I am from Arviat.
23 I am a NIRB Board member as well. Thank you.

24 THE CHAIR: The Board has several staff
25 members attending who have contributed to the NIRB's
26 administration and technical review of this project

1 proposal, as well as our legal counsel. When I say
2 their name, I ask that staff wave so that people can
3 see them. Ryan Barry, our executive director; Tara
4 Arko, director of environmental assessment; Solomon
5 Amuno, environmental tech -- he's somewhere; Cory
6 Barker, environmental tech; Brydon Beattie,
7 environmental technologist; and Teresa Meadows from
8 Meadows Law, our legal lawyer.

9 We have several interpreter translators available
10 today for simultaneous interpretation. From the NIRB
11 staff, Josie Tucktoo, Leah Kilabuk, as well as Veronica
12 Dewar from Iqaluit.

13 Our environmental technologist Brydon Beattie will
14 be assisting us with our audio system. If you are
15 having trouble with being able to hear through the
16 headsets or speakers, please let Brydon know.

17 To ensure an accurate record of the public
18 hearing, we'll be keeping a transcript of these
19 proceedings. We have Julie Albert and Christy
20 Longacre, court reporters from Dicta Court Reporting,
21 here to prepare the transcript. I ask that all parties
22 please state their name every time prior to speaking to
23 assist the court reporters in preparing an accurate
24 transcript.

25 I would also like to notify all participants that
26 these proceedings are open to the media should they

1 choose to attend. If possible, we do ask that media
2 wear a press badge or similar ID throughout these
3 meetings so that it is clear to the parties who you --
4 who you are representing. Those members of the media
5 are reminded to please respect the Board's rules by
6 remaining stationary when filming while we are in
7 session and only conducting interviews when we are on
8 break.

9 The Board welcomes the media providing information
10 about this public hearing to those who cannot be in
11 attendance in person. However, I remind everyone that
12 the Board members and staff cannot and will not take
13 questions or provide comments to the media, the
14 parties, or anyone else regarding these proceedings
15 until the Board makes its determination and issues its
16 written report and recommendations publicly.

17 I also want to mention that, as we all know,
18 Nunavut's population is relatively small, and, as a
19 result, often when the Board is considering a mining
20 project proposal, some of us Board members may have
21 close friends or family members working for the
22 intervenors or the proponent of the project. As these
23 circumstances are quite common, the Board has internal
24 procedures in place to ensure that these relationships
25 are disclosed and that the objectivity of the Board
26 process is maintained.

1 In this case, as some of you may be -- may already
2 be aware, Madeleine has an adult son who does not live
3 in the same community as Madeleine and who is currently
4 employed by Baffinland Iron Mines Corporation. As
5 Madeleine's son does not reside with her and is not
6 dependent on her, the Board does not consider it
7 necessary for Madeleine to step down from the Board's
8 consideration of this file.

9 Should any party have any questions or concerns
10 regarding these circumstances, I encourage you to speak
11 to the Board's legal counsel, Teresa Meadows, and she
12 will assist you. If you have any other questions about
13 the Board and its practices or procedures, please speak
14 to our executive director, and he will assist you.

15 To guide the discussions -- sorry. Prior to
16 identifying and introducing all the parties in
17 attendance today, I will provide a brief overview of
18 the project proposal that is before the Board at this
19 public hearing and provide summary information
20 regarding the file history. We will be hearing
21 directly from Baffinland in a more detailed project
22 description today.

23 Prior to going into the project history, at the
24 request of Oceans North, we have deferred the Agenda
25 Item 3 until this afternoon when we will address the
26 three written motions and preliminary matter regarding

1 the addition to the agenda.

2 The Mary River Project is owned and operated by
3 Baffinland Iron Mines Corporation, often referred to as
4 "Baffinland", and is located approximately
5 160 kilometres from Pond Inlet on the north end of
6 Baffin Island. The approved project encompasses an
7 iron ore mine at Mary River with an all-season tote
8 road north to a port and facilities at Milne Inlet.
9 Baffinland is permitted to ship up to 6 million tons of
10 iron ore per year from Milne Inlet at present. The
11 approved Mary River Project also includes a railway
12 south from the mine site to a port on the south side of
13 Baffin Island at Steensby Inlet. This port site at
14 Steensby Inlet and the railway south have not yet been
15 constructed but would, when completed, facilitate
16 transport of up to 18 million tons of iron ore per year
17 with year-round icebreaking through the Foxe Basin and
18 Hudson Strait.

19 With its Phase 2 Development Proposal, Baffinland
20 is seeking to increase mining and shipping rates of
21 iron ore via Milne Inlet Port by constructing a railway
22 north from the mine at Mary River to the Milne Inlet
23 Port site. Baffinland proposes to replace the current
24 ore transport along the tote road using haul trucks
25 with trains for transport of iron ore along the railway
26 to the north while also increasing shipping -- ship

1 transits from Milne Inlet to 176 round trips each
2 season. The production rate of the mine site would
3 increase by 6 million tons per year, meaning that up to
4 12 million tons per year would be shipped to market via
5 Milne Inlet. This would be in addition to the
6 originally approved 18 million tons per year that could
7 be shipped south via Steensby Inlet when the railway to
8 the south is completed. In total, if the Phase 2
9 development were approved and the approved project
10 proceeds, there would be a combined total of 30 million
11 tons of iron ore being shipped per year.

12 Baffinland has noted that the revenues generated
13 from the increase in shipments along the railway north
14 as proposed under the Phase 2 development will
15 facilitate the financing necessary to construct the
16 previously approved railway south and the port at
17 Steensby Inlet. Baffinland has indicated that the
18 Phase 2 development would result in an operational
19 workforce of 1,010, which would remain in place until
20 the mine site closes in 2035.

21 In terms of the file history, following the NIRB's
22 review of the project, the original Mary River iron ore
23 mine was approved to proceed to the permitting stage on
24 September 14, 2012, with the issuance of Project
25 Certificate Number 5. Following this approval,
26 Baffinland applied to amend the project to temporarily

1 ship ore north through Milne Inlet and generate the
2 funding necessary to support construction of the
3 approved project. This was referred to as the "Early
4 Revenue Phase Proposal". The Early Revenue Phase
5 Proposal was assessed by the NIRB and was approved by
6 the Board to proceed to the permitting stage on
7 March 17, 2014. In 2016/'17, Baffinland identified
8 that it was reaching the limit of the production
9 amounts authorized under the Early Revenue Phase
10 Proposal, much earlier in the year than expected, and,
11 therefore, requested approval to ship additional iron
12 ore via Milne Inlet, up to 6 million tons per year.
13 This request to modify the project was referred to as
14 the "production increase proposal".

15 The activities associated with the production
16 increase proposal were approved to proceed on
17 October 1, 2018, by the Minister of Crown-Indigenous
18 Relations and Northern Affairs. The Minister's
19 approval of the increased production is for a limited
20 time, until December 31, 2019. During the short-term
21 authorization of increased shipping, the Minister
22 directed further amendments to the Mary River Project
23 Certificate Number 5. The temporary approval of the
24 production increase activities was intended to allow
25 Baffinland to continue operations while the Board's
26 consideration of the current Phase 2 Development

1 Proposal was completed, which is the application we are
2 currently discussing at this hearing. The Phase 2
3 Development Proposal was referred to the NIRB for
4 assessment on May 29, 2018.

5 In June 2018, the Nunavut Impact Review Board
6 provided directions to the parties on the assessment
7 process for the Phase 2 Development Proposal. This
8 direction highlighted the scope of the Phase 2
9 Development Proposal which would be assessed,
10 recognizing that Baffinland had put forward a number of
11 other amendments to the approved Mary River Project.
12 The Board's direction also recognized that the Phase 2
13 Development Proposal was integrally linked to the
14 approved Mary River Project. The Board determined that
15 the assessment of the Phase 2 Development Proposal
16 would proceed as a formal reconsideration of the terms
17 and conditions of Project Certificate Number 5 under
18 Section 12.8.2 of the Nunavut Agreement and Section 112
19 of the Nunavut Planning and Project Assessment Act.

20 In August 2018, Baffinland updated -- updated its
21 environmental assessment of the potential impacts of
22 the approved Mary River Project to reflect the amended
23 activities, including within the Phase 2 Development
24 Proposal submitting an addendum to the final
25 environmental impact statement. After additional
26 information and clarification on the scope of

1 components, the Nunavut Impact Review Board formally
2 accepted the final environmental impact statement
3 addendum in September 2018.

4 As part of the technical review process, two
5 in-person technical meetings were held by the Nunavut
6 Impact Review Board in Iqaluit, one in April and the
7 second in June. Following the provision of additional
8 information by Baffinland, the Board requested that
9 parties prepare final written submissions for September
10 2019, and Baffinland submitted its response to these
11 final written submissions on October 16, 2019.

12 As discussed during the technical meetings and in
13 accordance with public notice issued by the Nunavut
14 Impact Review Board on Saturday, September 21, the
15 Board and representatives from the intervenors
16 participated in a site visit to the Mary River Project
17 hosted by Baffinland. The site visit was designed to
18 allow participants to view the main mine site, tote
19 road, and Milne Port. The purpose of the site visit
20 was to provide the Board and intervenors with a
21 firsthand view of the key site features, the project
22 area, and the general location of both existing
23 infrastructure already at the mine site and additional
24 proposed infrastructure.

25 All parties are reminded that the Nunavut Impact
26 Review Board does not use site visits as a mechanism

1 for gathering evidence that is not otherwise provided
2 to the Board leading up to and during this public
3 hearing, and the Board did not discuss any matters of
4 substance associated with the Board's review of the
5 Phase 2 Development Proposal with anyone, including the
6 project proponent on-site -- and on-site personnel.

7 On October 22, 2019, the Board issued a site visit
8 report that provides a summary of the site visit,
9 including participants, itineraries, questions asked,
10 and pictures from the visit, and follow-up. Anyone
11 interested in looking at any of the documentation
12 associated with this assessment, please see our staff
13 at the side table. They can provide you with an
14 opportunity to review electronic copies of anything you
15 might need. This documentation is also available from
16 the Board's online public registry, and our staff can
17 direct you to the relevant parts of the website.

18 Now that we're up to date about how the assessment
19 of this proposed amendment to the Mary River Project
20 has progressed to this point, I'd like to give a brief
21 description of what this public hearing involves and
22 what you can expect.

23 The Board is here to conduct this public hearing
24 under Article 12, Section 12.8.2 of the Nunavut
25 Agreement and Section 112 of the Nunavut Planning and
26 Project Assessment Act. It is the Board's duty to

1 assess and evaluate the potential socio-economic and
2 ecosystemic impacts of the Phase 2 Development Proposal
3 and to determine whether or not it should be allowed to
4 proceed to the permitting stage.

5 In making this determination, the preliminary --
6 primary objectives of the Board are to protect and
7 promote the existing and future well-being of the
8 residents and communities of the Nunavut settlement
9 area and Canada in general and also to protect and
10 promote the ecosystemic integrity of the Nunavut --
11 Nunavut settlement area.

12 The Board is conducting this public hearing to ask
13 questions and hear evidence, comments, and concerns
14 from the proponent, registered intervenors, community
15 members, and other interested parties about the
16 proposed project amendment to inform the Board's
17 decision-making. During the hearing, the Board will
18 listen to the submissions of all the parties appearing
19 on the record at the hearing, but the Board itself will
20 not be responding to questions or providing comments or
21 opinions regarding this file.

22 The Board is holding this public hearing technical
23 sessions and community roundtable session in Iqaluit as
24 a result of the lack of accommodations in Pond Inlet
25 while the hotel is under renovation. The Board will
26 also hold a community roundtable in Pond Inlet on

1 November 8 and 9 with the Nunavut Impact Review Board
2 and many participants travelling in and out of the
3 community each day as necessary. We are pleased to
4 welcome all the representatives joining us in Iqaluit
5 from the North Baffin communities, and we look forward
6 to having you join us at the table later this week
7 during our community roundtable here in Iqaluit.

8 When the public hearing concludes and the hearing
9 record is closed -- when the hearing record closes, the
10 Board will begin its deliberations based on all the
11 written material filed with the Board to date and the
12 questions, evidence, concerns, comments -- and comments
13 the Board hears during these proceedings.

14 I want to emphasize how important it is that
15 everyone participate fully in this hearing to ensure
16 that the Board has a full and fair basis for our
17 decision and recommendations. The Board has structured
18 this hearing to support this participation to the
19 greatest extent possible.

20 In terms of the day ahead, the public hearing is
21 scheduled to run from Saturday, November 2 through
22 Wednesday, November 6 here in Iqaluit, allowing parties
23 a travel day on November 7th and resuming on Friday,
24 November 8th in Pond Inlet, finishing Saturday,
25 November 9. We will be starting each day at 9 AM and
26 breaking for dinner at 5 PM, followed by evening

1 sessions from 6:30 PM to 9 PM tonight. Although breaks
2 throughout the day may vary, it is anticipated
3 proceedings will break for lunch at 12 PM, reconvening
4 at 1:15, and breaking for supper at 5 PM.

5 The Board currently has scheduled evening sessions
6 on Monday and Tuesday evening but may decide that
7 evening sessions is necessary on any day of the
8 proceedings. Evening sessions will not be possible for
9 either day of the Pond Inlet proceedings.

10 We have scheduled time in the agenda for technical
11 sessions today throughout -- through Monday when
12 technical experts and intervenors present and can be
13 questioned with respect to technical issues. On
14 Tuesday and Wednesday, we intend to complete the
15 Iqaluit portion of the community roundtable where there
16 will be an opportunity for community representatives to
17 join us at the table and ask questions directly to the
18 proponent and intervenors, in turn sharing their
19 perspectives on the proposed project with the Board.
20 Following the travel day on Thursday, the Pond Inlet
21 portion of the community roundtable will proceed on
22 Friday and Saturday to allow the community to ask
23 questions of the parties and discuss their perspectives
24 on the Phase 2 Development Proposal.

25 Although the Board has done its best to prepare a
26 realistic agenda, the Board appreciates everyone's

1 flexibility as we work together to ensure that we make
2 the most productive use of our time together this week.

3 Lastly, before I turn to roll call, in order to
4 ensure that everyone has a reasonable opportunity to
5 participate in this public hearing, the Board requests
6 that everyone respect and follow the Board's
7 directions.

8 It is our tradition to give respect to our Elders;
9 therefore, at any time during the proceedings, we
10 invite any Elders who are present to indicate to me or
11 to the staff that they wish to speak so that we hear
12 the comments provided. We do ask that Elders wait
13 until they are recognized by the chairperson and our
14 staff and get a microphone to them before they speak.

15 It is very difficult to predict the precise time
16 requirements for presentations and questions, and as a
17 result, the schedule remains somewhat flexible.
18 Consequently, the Board asks that all participants bear
19 with us as we adjust to reflect the needs of the
20 participants and the Board throughout the hearing.

21 It is our intention to have one 15 -minute break
22 at the halfway point in the morning and one 15-minute
23 break in the midafternoon. I will let everyone know
24 when we are coming up to a break.

25 The NIRB will be supplying coffee, tea, and snacks
26 for the morning and afternoon breaks, but parties are

1 responsible for their own lunch and dinner
2 arrangements. Please respect the timelines I have set
3 for breaks and return promptly to the meeting. We have
4 a lot to cover, and the Board cannot wait for late
5 arrivals.

6 For all the participants, please do not interrupt
7 when a person is speaking. As set out in the agenda,
8 there will be an orderly opportunity to ask questions
9 when speakers have concluded their presentations. For
10 the sake of our court reporters and interpreters, when
11 it is your turn to speak please use a microphone, state
12 your name first, and then speak clearly and at a
13 reasonable pace. Also, please do not use abbreviations
14 and acronyms, and be mindful that some terms may
15 require our interpreters to take time to explain in
16 detail. So please be aware of the interpreters, and
17 pause when it appears that they need extra time to
18 explain what you are saying.

19 For the benefit of all the participants here,
20 please turn your cell phones and electronic devices off
21 or at least to vibrate or the silent setting. The
22 Board appreciates everyone's contribution to a
23 respectful and productive public hearing.

24 Now I would like to move forward to a roll call.
25 As I call out the name of each group or organization, I
26 would ask that the representative step forward and

1 introduce themselves, their representatives, and also
2 briefly describe their group's mandate so that their
3 role in this review is clear to everyone in attendance.

4 I will begin the roll call with the proponent.

5 Baffinland Corporation.

6 Roll Call

7 MS. LORD-HOYLE: I am Megan Lord-Hoyle. With
8 me here today from Baffinland is Mr. Brian Penney,
9 president and chief executive officer for Baffinland;
10 Udlu Hanson, vice president with Baffinland; Lou
11 Kamermans, Joe Tigullaraq, Andrew Moore, Annu Sira, Tim
12 Sewall, Connor Devereaux, Emma Malcolm, Fay Pittman,
13 Krista Johnson, and Steven Douville. As contractors
14 for Baffinland, we have Mike Settingington and Anne
15 MacLeod with Environmental Dynamics Incorporated; Tim
16 Keane and Courtney Legault from Fednav; Phil Osborne
17 and Tannis Thomas with Golder Associates; Denys Del
18 Cardo with Genessee and Wyoming [sic]; Fanus Van Biljon
19 with Hatch Engineering; Ben Wheeler, Marina
20 Winterbottom from Hemmera; Christine Moore with
21 Intrinsik; Melanie Austin with JASCO; Jason Prno,
22 Richard Cook with Knight Piesold; and from Lawsons
23 [sic] Lundell, Brad Armstrong, Christine Kowbel, and
24 Laura Duke. Thank you.

25 THE CHAIR: Next I will begin the roll
26 call -- next I will ask the responsible authorities and

1 intervenors to introduce themselves, starting with
2 Qikiqtani Inuit Association and NTI.

3 MR. OTTENHOF: Madam Chair, Jared Ottenhof,
4 Qikiqtani Inuit Association. As requested, our mandate
5 is to safeguard, administer and advance the rights and
6 benefits of the Qikiqtani Inuit and to promote
7 Inuktitut, the language -- the Inuit language and Inuit
8 traditions, environmental values, self-sufficiency, and
9 economic, social, and cultural well-being in an open
10 and democratic forum.

11 With us today, we have myself, the director of
12 major projects. We also have in attendance this
13 morning QIA president, PJ Akeeagok. We have executive
14 director, Jeremiah Groves; the QIA director for Arctic
15 Bay and the Mary River Project portfolio lead, Levi
16 Barnabus; Eva Aariak, advisor to QIA; Sima Sahar
17 Zerehi, director of communications. And part of our
18 review team, we have Lorraine Land, our legal counsel
19 to my right. We have Alistair MacDonald, environmental
20 assessment specialist; Rachel Olson, social scientist
21 with a focus on traditional use; Susan Leech,
22 biologist; Nick Jewitt, freshwater, land forms, and
23 socio-economic technical advisor; Jeff Higdon, marine
24 technical advisor; and Bruce Stewart, marine and
25 freshwater advisor. And I hope I didn't forget
26 anybody. Thank you.

1 THE CHAIR: Next we have NTI.

2 MS. UNIUQSARAQ: Thank you, Madam Chair. I'm
3 Hannah Uniuqsaraq. Our president is also here, Aluki
4 Kotierk. Behind, Paul Irngaut, director of wildlife
5 and environment at NTI; Dr. David Lee, wildlife
6 biologist; and, lastly, Jeff Maurice, director for
7 policy.

8 NTI -- Nunavut Tunngavik represents the Inuit and
9 beneficiaries of Nunavut and working on the Nunavut
10 land claims agreement and implementation.

11 THE CHAIR: Pond Inlet [sic] HTO.

12 MR. OOTOOVAK: Thank you, Mr. Chair -- Madam
13 Chairman, Eric Ootoovak, chair -- [LOST TRANSLATION]
14 and behind me is vice chair, Enookie Inuarak; and our
15 secretary/treasurer, Caleb Sangoya.

16 What Mittimatalik Hunters and Trappers
17 Organizations do is -- under Nunavut Agreement
18 Section 573, MHTO is responsible for the regulations of
19 harvesting practices and techniques amongst members,
20 including other things -- the management harvesting by
21 our members, which are Inuit of Pond Inlet. MHTO has
22 considered impacts the proposed Phase 2 development may
23 have on wildlife and how these could turn, affect, or
24 limit our ability to harvest now and our future
25 generation's ability to do so in the future.

26 And I failed to include an Elder from Pond Inlet

1 Okoko Quaraq. Thank you.

2 THE CHAIR: (OTHER LANGUAGE SPOKEN) Pond
3 Inlet.

4 MR. TESTER: Frank Tester, technical
5 advisor from Pond Inlet. We are also represented by
6 Tim Soucie, who unfortunately cannot be with us this
7 morning.

8 The Hamlet of Pond Inlet, of course, is
9 responsible for the -- ultimately, the health and
10 well-being of the Mittimatalingmiut and all the
11 infrastructure and day-to-day operations of the hamlet.
12 We respect the expertise and focus of the Hunters and
13 Trappers Organization and the Hamlet of Pond Inlet --
14 for purposes of this hearing, has chosen to focus on
15 the matter of consultation and the duty to consult and
16 how that has been exercised with regard to the Hamlet,
17 and we are also concerned about how socio-economic
18 concerns have or have not been addressed by the
19 proponent.

20 THE CHAIR: Igloolik.

21 MR. RECINOS: Thank you. We are here
22 representing the working group for Igloolik.

23 With us, we have Erasmus Ivvalu, representing the
24 Hamlet; Peter Ivvalu, as well representing Igloolik.
25 We also have members of our HTO team. I'll ask them to
26 wave. We have an Elder, Natalino Piugattuk. We have

1 David Irngaut. Madeleine Ivalu. And, myself, I'm the
2 technical advisor for the Igloolik Working Group,
3 Merlyn Recinos.

4 And the formation of the working group for
5 Igloolik is to really serve and represent the community
6 as a whole to represent the best interests of the
7 community of Igloolik. This includes wildlife,
8 culture, language, lands, and IQ. Thank you.

9 THE CHAIR: Hall Beach HTO.

10 MR. KUPPAQ: Thank you. The
11 representatives from -- from hamlet -- representative
12 from Hall Beach, Danny Arvaluk, from HTO Hunters
13 Trappers Association, and Peter Siakuluk from Elders
14 representing -- representative. And Cain Pikuyak
15 representing the youth -- and for the young, and he's
16 also a part of the session this week.

17 And they work -- they have their own mandate to do
18 and responsibilities concerning -- they met with HTOs
19 when Baffinland arrived to the community and speak with
20 them with the concerns and also Hamlet also does the
21 same thing. And these are the people from Hall Beach.
22 Thank you.

23 THE CHAIR: Nunavut Government.

24 MS. O'GRADY: Thank you, Madam Chair.

25 Natalie O'Grady, Avatiliriniq coordinator, Government
26 of Nunavut.

1 The Government of Nunavut is an intervenor in this
2 Phase 2 development impact review process. The
3 government of Nunavut's mandate is to support
4 responsible resource development where negative
5 environmental impacts can be mitigated and
6 socio-economic benefits can be enhanced for the
7 territory.

8 With me today, I have Jimi Onalik, associate
9 deputy minister, department of economic development and
10 transportation. Joining us later in the hearing will
11 be Steve Pinksen, assistant deputy minister of the
12 department of environment. The rest of our team who's
13 been involved in this process is Emily Stockley, legal
14 counsel, department of justice; Amy Robinson, manager
15 of land use and environmental assessment, department of
16 environment; Erika Zell -- who is not here today --
17 manager, regulation and environmental assessment,
18 department of economic development and transportation;
19 Emily Taylor, project manager, socio-economic
20 monitoring with the department of economic development
21 and transportation; James Elliott, project manager,
22 land use planning with the department of environment;
23 Bradley Pirie, project manager, research and monitoring
24 with the department of environment; also Stephen
25 Atkinson, wildlife consultant; Dianne Lapierre,
26 technical consultant for socio-economic; Denise Bakie,

1 environmental assessment specialist, department of
2 environment; John Ringrose, Qikiqtani regional
3 biologist. Thank you.

4 THE CHAIR: GIND [sic].

5 MR. DEWAR: Good afternoon. My name is
6 Spencer Dewar. I'm the director of resource management
7 for Crown-Indigenous Relations Northern Affairs Canada.
8 Our department has several roles. Our minister is a
9 responsible minister in the review of the project, and
10 they, along with other responsible ministers, will make
11 a decision on the proposed project amendment based on
12 the recommendation made from the Nunavut Impact Review
13 Board. As an intervenor during the environmental
14 process, Crown-Indigenous Relations and Northern
15 Affairs Canada provides expert advice to the Board on
16 topics that fall within our mandate.

17 Today, I'm supported, to my -- my left, by Felexce
18 Ngwa, the manager of impact assessment. In the
19 audience we have David Abernethy, socio-economic
20 analyst; and Robert Tookoome, who's a social policy
21 officer. In addition, we have representatives for the
22 whole of the Government of Canada from the department
23 of justice. To my right, Dale Kohnenberg, and in the
24 audience, we have Simon Gruda-Dolbec.

25 THE CHAIR: (OTHER LANGUAGE SPOKEN)

26 MS. WILLISTON: Thank you, Madam Chair.

1 Georgina Williston with Environment and Climate Change
2 Canada. My role is I'm the head of environmental
3 assessment north.

4 So the mandate of Environment and Climate Change
5 Canada is the preservation and enhancement of the
6 quality of the natural environment. This includes
7 water, air, and soil quality. This also includes
8 renewable resources such as migratory birds and species
9 at risk within Environment and Climate Change Canada's
10 mandate.

11 Environment and Climate Change Canada is an
12 intervenor in this -- in this environmental assessment
13 and will also be a responsible minister in the decision
14 phase of this project.

15 With me today I have Gabriel Bernard-Lacaille, who
16 is a senior environmental assessment coordinator; and
17 also Katelyn Wells, who is a senior air quality
18 analyst. Thank you.

19 THE CHAIR: Fisheries and Oceans Canada.

20 MR. D'AGUIAR: Qujannamik, Madam Chair. My
21 name is Mark D'Aguiar, and I'm a senior biologist with
22 Fisheries and Oceans Canada. Our -- in general, our
23 role is to conserve and protect fisheries and aquatic
24 ecosystems for future generations. The Fish and Fish
25 Habitat Protection Program of Fisheries and Oceans
26 Canada seeks to conserve existing fish and fish habitat

1 resources, which includes marine mammals and their
2 habitats, protect these resources against future
3 impacts, and even restore fish habitat. We administer
4 and ensure compliance for development projects taking
5 place in and around fish habitat under the fish and
6 fish habitat protection provisions of the Fisheries Act
7 and the relevant provisions of the Species at Risk Act.
8 As part of these processes, we also provide our expert
9 advice to the Board on all areas associated with
10 Fisheries and Oceans Canada's mandate.

11 With me today, I have the regional manager of
12 regulatory reviews beside me, Marek Janowicz; in the
13 back, we have Laura Watkinson, a biologist with the
14 Fish and Fish Habitat Protection Program with Fisheries
15 and Oceans Canada; sitting beside her is Kim Howland, a
16 research scientist with specialties on invasive
17 species. We have two other members with DFO science
18 who have not been able to make it in until this
19 afternoon due to flight delays. That will be Marianne
20 Marcoux; she's a research scientist with specialities
21 in marine mammals; and David Yurkowski, who is also a
22 specialist in marine mammals and a research with DFO.
23 And observing in the back we have our regional director
24 of ecosystems management, Thomas Hoggarth, in
25 attendance. Thank you.

26 THE CHAIR: Health Canada.

1 MR. GALE: Hello. My name is Matthew
2 Gale, and I am a senior environmental health specialist
3 with Health Canada. Health Canada is responsible for
4 helping Canadians maintain and improve their health.
5 With respect to environmental assessments, Health
6 Canada is an intervenor in this assessment and provides
7 expert information and knowledge of the proposed
8 project's impacts to human health and makes
9 recommendations to reduce the risks of these projects.
10 In general, Health Canada provides comments on whether
11 the conclusions around human health effects are
12 accurate, scientifically valid, and complete; the
13 actions that may be taken to mitigate the health
14 impacts of the project are suitable; and the proposed
15 follow-up action or programs to help reduce the risks
16 to human health are appropriate.

17 I'm joined for this hearing by Wendy Wilson, in
18 the audience, and, later today, my colleague Julie
19 Boudreau. Thank you.

20 THE CHAIR: Natural Resources Canada.

21 MR. UNGER: Thank you, Madam Chair.
22 Hello. My name is Peter Unger. I work with the
23 environmental assessment division at Natural Resources
24 Canada, also known as NRCan. I will be joined later by
25 my colleague Rob Johnstone, who works in the explosives
26 safety and security branch.

1 In terms of a regulatory role, NRCAN's only
2 regulatory role is the administration of the Explosives
3 Act, which is primarily the issuance of licences for
4 the storage and/or manufacture of explosives; however,
5 NRCAN is also a science-based department with expertise
6 in a variety of areas, and for this assessment, we have
7 provided expertise in permafrost and terrain stability
8 almost entirely related to the northern railway. Thank
9 you very much.

10 THE CHAIR: Parks Canada.

11 MS. STODDART: Thank you, Madam Chair.

12 (OTHER LANGUAGE SPOKEN). Good morning. My name is
13 Allison Stoddart, and I'm an environmental assessment
14 specialist with Parks Canada.

15 Parks Canada is a federal authority that provides
16 expert advice on the management of protected areas.
17 This is relevant to this process, as the shipping
18 component of Baffinland's Phase 2 proposal is located
19 beside Sirmilik National Park and within the proposed
20 Tallurutiup Imanga National Marine Conservation Area.
21 Parks Canada has a broad mandate -- broad integrated
22 mandate to manage for ecological integrity, cultural
23 resources, traditional use, and visitor experience
24 within its protected areas.

25 I'm joined here today with Jacquie Bastick, who is
26 an environmental assessment specialist with Parks

1 Canada. In the audience, we have Jenna Boon, who's the
2 Nunavut field unit superintendent; Jane Chisholm, who
3 is our Nunavut field unit ecologist; and we will be
4 joined later by Laurent Jonart, who's the Nunavut field
5 unit manager for the Tallurutiup National Marine
6 Conservation Area. Thank you.

7 THE CHAIR: Transport Canada.

8 MS. GUDMUNDSON: Good morning, Madam Chair. My
9 name is Anita Gudmundson. I am the regional manager of
10 our environmental services program at Transport
11 Canada's prairie and northern region.

12 Transport Canada is a responsible minister for the
13 Mary River Project, and we have regulatory and
14 oversight responsibilities with respect to rail safety,
15 marine and navigation safety, and the transportation of
16 dangerous goods. Transport Canada has provided advice
17 to the Board throughout the process with respect to our
18 regulations and our regulatory mandate to assist the
19 Board in determining how that mandate and regulations
20 can help to address some of the project concerns that
21 have been raised.

22 With me here today, I have Jackie Barker, who is
23 an environmental advisor with Transport Canada and is
24 the lead for this project. In the audience, I have
25 Jason Cram, who is the manager of rail safety and
26 engineering with Transport Canada. And joining us

1 later today will be Jaideep Johar, who is a manager and
2 senior advisor with respect to marine safety and
3 security. Thank you.

4 THE CHAIR: Oceans North.

5 MS. WESTDAL: Good morning. I'm Kristin
6 Westdal. I'm a marine biologist and Arctic field
7 research director with Oceans North.

8 Oceans North is an intervenor in this process.
9 We're a nongovernmental organization focused on marine
10 conservation in Canada's northern oceans and supporting
11 the well-being of communities that rely on the marine
12 environment. With me, I have Alex Ootoowak in the
13 audience. He's a research technician and a community
14 member of Pond Inlet. I have Josh Jones, who is a
15 research scientist with the Scripps Institution of
16 Oceanography. And later this afternoon, we'll be
17 joined by Chris Debicki, who is vice president policy
18 development and counsel with Oceans North. Thank you.

19 THE CHAIR: World Wildlife Fund.

20 MR. OKALIK: Good morning, Madam Chair.
21 I'm Paul Okalik.

22 We -- our -- our mandate is to ensure to
23 protect -- I'm here with Andrew, and also with us
24 sitting on the floor, Brandon Laforest.

25 We are here as an independent intervenor, and
26 we -- we ensure that the areas in Nunavut -- throughout

1 Nunavut, especially up in the Arctic -- that they are
2 protected, and we are -- to -- we are here to help and
3 protect the wildlife in the north. Thank you.

4 THE CHAIR: (OTHER LANGUAGE SPOKEN)

5 MR. LIPSETT: Thank you, Madam Chair, and
6 good morning. My name is Lloyd Lipsett, and I'm a
7 technical advisor for the Nunavut Independent
8 Television Network.

9 The Nunavut Independent Television Network is a
10 media organization based in Igloolik with a mandate to
11 promote Inuktitut language, culture, and arts through
12 media. In these hearings, we have two roles: First,
13 we are working with the Nunavut Impact Review Board to
14 broadcast the hearings as Madam Chair noted in her
15 opening remarks; and, secondly, we are intervening to
16 make some comments about strengthening engagement and
17 participatory monitoring of the project.

18 I'm accompanied today by Dr. Zacharias Kunuk, film
19 director and artist from the community of Igloolik; Ben
20 Kunuk, actor and youth representative from Igloolik; as
21 well as Thomas and Tobias, who are the technicians who
22 are filming and broadcasting the hearings across the
23 room. Thank you.

24 THE CHAIR: I would also like to say
25 welcome to the dignitaries that are present at this
26 hearing. Thank you for taking time to observe this

1 hearing.

2 Baffinland's chief executive officer, Brian

3 Penney, has some opening remarks. Brian.

4 Opening Remarks by Baffinland Iron Mines Corporation

5 MR. PENNEY: (OTHER LANGUAGE SPOKEN), Madam

6 Chair, members of the Board, Elders, community

7 representatives, Inuit organization representatives,

8 all intervenors. My name is Brian Penney. I'm the

9 president and chief executive officer of Baffinland

10 Iron Mines. Before I begin, I would also like to

11 welcome and thank members of the public and media who

12 are in attendance. I'm going to deliver short opening

13 remarks, and then the vice president of sustainable

14 development, Ms. Megan Lord-Hoyle, will lead us through

15 the presentations over the next several days.

16 Our Baffinland permitting team led by Megan

17 Lord-Hoyle will be presenting to you the results of our

18 environmental assessment of the Phase 2 expansion of

19 the Mary River Project. I'm here to assure you that

20 the management team and the board of directors of

21 Baffinland fully support them and that we will be

22 upholding all of the commitments that Baffinland has

23 made to NIRB and to the other intervenors in this

24 environmental assessment. I am also here to speak to

25 you on behalf of 3,361 Canadians whose livelihood is --

26 are supported directly or indirectly by our operation.

1 This includes over 460 Inuit employed directly with
2 Baffinland and with contractors working at our
3 operation.

4 Baffinland's vision is to safely and efficiently
5 identify and develop resources within Baffin Island,
6 unlocking the wealth-generating potential for all
7 stakeholders.

8 This does not mean we will develop this business
9 at all costs. If we can't do it safely, we won't do
10 it. We constantly strive to improve our safety culture
11 to become best in class. If we can't do it
12 efficiently, protecting the environment and wildlife,
13 we won't do it.

14 When this vision is recognized, all stakeholders
15 will benefit, employees, communities, Nunavut, Canada,
16 shareholders. Baffinland has ensured these benefits
17 will flow to the communities in Nunavut through strict
18 commitment in an IIBA -- Inuit Impact Benefit
19 Agreement -- that has been amended at every stage to
20 ensure that when we benefit, Inuit benefit.

21 We recognize and appreciate that we are developing
22 predominantly on Inuit-owned lands. We respect the
23 land has been granted to mine and develop and -- and
24 that this land was specifically selected under the
25 Nunavut Agreement with the intention to provide
26 economic base from which Nunavummiut can prosper.

1 Baffinland's mission is to become the lowest cost
2 producer of high-grade iron ore products in the world.
3 This is a very important mission, as it secures the
4 future for the business and securing ongoing community,
5 Inuit, and government benefits from the project.

6 Currently, the Mary River deposit is producing the
7 highest-grade iron ore product on the seaborne market
8 today. There are other deposits in the world of equal
9 quality that may never be developed due to the high
10 costs of development. The Simandu project in Africa is
11 a good example. Many iron ore operations have large
12 resource bases producing a good product but have gone
13 bankrupt because of their high cost structure.

14 There is no shortage of iron ore in the world.
15 Iron is the most common element in the earth's crust.
16 The ability to mine, process, and deliver to the end
17 user at a cost lower than the market price will
18 determine if an iron ore mine continues to operate.
19 Should Baffinland develop to its maximum potential
20 throughput, we will still be less than 1 percent of the
21 seaborne market. We will never be a price setter. We
22 need to be efficient and maintain a low cost structure
23 to survive.

24 In the recent history of iron ore developments,
25 most mines are inland, and they require transportation
26 to a seaport. In all cases in which there was a long

1 trucking distance, one of two things happened: A
2 railway was built, and that mine became very
3 successful; Number 2, they went out of business due to
4 the high cost structure.

5 Baffinland has the potential to become one of the
6 lowest operating cost mines. The ore body is rich.
7 Simple low-waste rock is characterized by zero tailings
8 and minimum processing. Replacing the current trucking
9 operation with a railway is necessary. It will reduce
10 our operating costs by over 60 percent. By reducing
11 cost, Baffinland will have more capital, more cash to
12 invest in its operation and into communities.

13 We have learned many lessons from when we first
14 applied to the Nunavut Impact Review Board and received
15 Project Certificate 005. Baffinland continues to
16 improve and learn how to develop in Nunavut. We have
17 seen major improvement to our Inuit employment level.
18 These gains have largely been made by working
19 collaboratively with the Qikiqtani Inuit Association on
20 training programs. Baffinland -- Baffinland has made
21 long-term financial commitments to ensure skills
22 development continues. The efforts of Baffinland staff
23 has seen Inuit employment rise by almost 180 percent
24 since the beginning of 2017. It is a monumental
25 achievement and one that will only continue to increase
26 as Baffinland expands its operations. We have improved

1 our environmental monitoring programs, funded community
2 monitoring programs, increased Inuit involvement in all
3 our monitoring programs. All of these steps have and
4 will improve the work we do to protect the environment
5 in which we operate.

6 We will continue to engage Inuit in our monitoring
7 programs, our ongoing operations, and our future
8 project planning. We will establish an Inuit advisory
9 panel to provide me and my executive team with advice
10 on how to ensure Inuit knowledge and perspectives are a
11 part of everything we do as a company. We will
12 continue to meaningfully engage Inuit and the QIA to
13 ensure we execute our vision and ultimately deliver our
14 mission.

15 I know many people think Baffinland is trying to
16 rush this process to a railway operation. I understand
17 your concerns and perspectives. As we move forward to
18 the end of this process, we respect that all decisions
19 have major weight.

20 From Baffinland's perspective, we are now nearing
21 the end of a five-year regulatory process from when we
22 first applied for this Phase 2 amendment in October
23 2014. Since then, we've hard -- worked hard to engage
24 and hear concerns. We have modified the project
25 description based on this feedback. We now have five
26 years of operational experience. We have worked hard

1 to improve operational efficiency and lower our
2 operating cost. We have a very good understanding of
3 the capability of the Early Revenue Phase operation.
4 It is not sustainable.

5 Before this operation began, preliminary
6 engineering indicated that we should be able to
7 transport over 4 million tons using 21 trucks with a
8 single trailer. We've only hauled more than this
9 twice, and it took a minimum of 74 trucks with two
10 trailers, a 'B' train. The actual cost of the haulage
11 has turned out to be over three times what was
12 originally projected.

13 We appreciate that it is often confusing for those
14 looking in to understand what Baffinland really wants
15 to do. We started out as an operation that wanted to
16 build a railway to the south to Steensby. We still do.
17 Then we became a short-term trucking operation to the
18 north. This was done to validate operating principles
19 and test our product in the market to see if we can
20 generate sufficient cash flow and financing options to
21 build our railway to the south.

22 Now we are asking to build a railway to the north.
23 Although it looks like we are constantly changing our
24 mind, each decision was made in a space where world
25 economics, iron ore price predictions were much
26 different, and our understanding of our capability has

1 improved. As I stated earlier, we have learned, we
2 have grown, and we have improved.

3 Here are the facts of the current submittal and
4 our immediate plans. A railway operation and increased
5 production to the north is a necessary step for future
6 development. The lowering of costs will generate the
7 necessary cash flow and financing opportunities to
8 immediately begin the project to the south. Without
9 this step, the high capital costs associated with a
10 Steensby option may be put at a development risk, which
11 is why we didn't build Steensby in the first place.

12 Many efforts were made to raise this capital to
13 build Steensby first. They were unsuccessful. The
14 current trucking operation is not expandable. It is
15 not sustainable. The operating costs associated with
16 this operation positions Baffinland to survive only
17 under positive iron ore price situations and exchange
18 rate scenarios but not as we currently operate.
19 Significant reduction on current nonoperational
20 commitments will have to happen.

21 Under a trucking operation, shareholders will
22 receive zero payback from this operation. Near future
23 predictions on iron ore price indicate a downward
24 trend, and current infrastructure will require
25 replacement. Shareholders will not fund an operation
26 that cannot provide a return on their money, especially

1 considering they've already invested almost \$3 billion
2 in this operation. Under these unfavourable
3 conditions, Baffinland will cease operation with a
4 trucking operation.

5 Baffinland is proud where we -- of where we are
6 today, and it took much hard work, commitment, and
7 cooperation from many different people. This has come
8 at a cost. We have had a high turnover in the past
9 with different executives leading us through these
10 changes that we have gone through. There have been
11 times when we have not been into communities as much as
12 we would've liked and, from what we hear, as much as
13 the communities would like to see us. But we have made
14 strides in all of these fronts. We are encouraged to
15 hear in almost every single meeting we go to in the
16 community, members want to work with us and feel that
17 Mary River Project can positively contribute to their
18 well-being and community structure. We want to be --
19 this to be the case moving forward and have made many
20 commitments as part of the Phase 2 review process that
21 will ensure the company is held to the standard that
22 Inuit want to see us operate under. These commitments
23 will be made possible by securing a stable financial
24 platform to grow from.

25 I would like to address the topic of Baffinland's
26 plans to ship more than 12 million tons out of Milne in

1 Phase 2.

2 Baffinland has many constraints put on our
3 operation over and above any project certificate
4 conditions relative to shipping tonnages. The primary
5 constraint on its operation is the length of its
6 shipping season relative to ice conditions. We cannot
7 control Mother Nature. Polar code restrictions on
8 shipping are often more strict than project certificate
9 commitments.

10 We have submitted our EIS on annual tonnage target
11 of 12 million tons per annum. This was based on the
12 maximum amount that we could safely load in the
13 proposed shipping season due to the requirements of
14 using ice-class ships and the availability of these
15 ships in the market.

16 Since the submission of our proposal, that still
17 remains the case. Should Baffinland be successful at
18 chartering all these ice-class vessels, that would
19 equate to 12 million tons. And this would be 176
20 vessels loaded. All modelling on this project was then
21 backed up to other operations. Rail, crushing, mining,
22 dust, noise, carbon footprint, et cetera was all based
23 on this annual throughput.

24 Baffinland is prepared to commit to never shipping
25 more than 176 ships out of Milne. Baffinland is
26 requesting it be allowed the operational flexibility to

1 produce more than 12 million tons per year should
2 future shipping market conditions improve and more
3 throughput can occur within these 176 ships or less.
4 This will only occur if all upstream activities are
5 within the environmental modelling constraints of the
6 Phase 2 application. We expect to be held accountable
7 to these limits.

8 The operational flexibility that this will supply
9 will only be recognized if Baffinland can demonstrate
10 that through operational practice improvement or
11 investment and technology or changes in the shipping
12 marine industry is -- is lowing -- is lowering its
13 environmental footprint. This should be an incentive
14 for Baffinland to constantly improve its efficiency
15 relative to its environmental footprint.

16 The question has been raised as to whether
17 Baffinland intends to go to 18 million tons out of
18 Milne Inlet. Newspapers and other organizations have
19 used a confidential financial document to demonstrate
20 that Baffinland is hiding its true intentions on
21 throughput. That document was over 700 pages long and
22 on dozens of occasions referenced our current phase of
23 development for 12 million tons out of Milne Port. On
24 two occasions, it referenced a technical report
25 attached to the document in which the capital
26 requirement for our 12 million ton option was compared

1 to that of an 18 million ton option.

2 One line in the 700-page document was taken out of
3 context in an effort to destroy the credibility of
4 Baffinland. In actuality, the full report only
5 validates everything we have said. This report was
6 generated not to raise money for Phase 2; it was to pay
7 our existing debt on the project.

8 The obvious question: Did Baffinland study
9 shipping 18 million tons out of Milne? Yes, we did.
10 Baffinland has spent over \$100 million on engineering
11 and feasibility studies exploring opportunities to
12 maximize the value of the Mary River deposit. We -- we
13 will continue to do so. The resource base has the
14 potential to sustain high throughputs for generations.
15 This is the phased approach to development that we have
16 adopted.

17 Has Baffinland considered shipping 18 million tons
18 out of Milne? Yes. But this only happens through a
19 phased approach in which all aspects are understood,
20 the proper regulatory processes followed, including
21 engagement with all communities and intervenors. The
22 big uncertainty on this option is the availability of
23 ice-class vessels.

24 Baffinland will not build its own vessels for the
25 Milne Port, which is why we have adopted a phased
26 approach to development and is why we're asking for

1 12 million tons in the Phase 2 application. And, of
2 course, this option may change as we expand to the
3 south with Steensby. This is why mining companies
4 adopt the phased approach.

5 As we expand operations at Baffinland, there may
6 be a dozen more potential scenarios on our road to
7 30 million tons. Each one will take into consideration
8 the cost, financing capability, operating cost,
9 environmental impacts. We will only adopt a direction
10 that is fully vetted through our community interaction
11 in the regulatory process.

12 I am confident working with Inuit in all
13 communities, the QIA, the Government of Nunavut and
14 Canada, and the Nunavut Impact Review Board, Baffinland
15 can develop responsibly and become the benchmark on how
16 to develop in Nunavut.

17 Through the Nunavut Agreement, Inuit selected
18 lands at the Mary River for their development
19 potential. The agreement negotiators knew that the
20 Mary River -- that Mary River held the promise of
21 training, employment, and royalty benefits for Inuit.
22 Baffinland is working to ensure that the vision of the
23 Nunavut Agreement is realized at Mary River.

24 We are developing a skilled Inuit workforce
25 through record levels of training. We are working with
26 Inuit to protect the environment. We are working with

1 Inuit, the QIA, and governments to ensure our social
2 licence to operate is upheld at every turn. This
3 important work can go on for generations if Mary River
4 is developed to its full potential and if the project
5 can become financial -- financially sustainable. This
6 can -- this can only happen if we continue to work
7 together. I look forward to your help in achieving the
8 success and everyone benefitting as our vision is
9 recognized. We continue to ask for your participation
10 in helping us make this project successful.

11 Over the next few days, you will see in our
12 presentations on the terrestrial, marine, physical, and
13 social environments supported by good engineering and
14 project design and Baffinland's commitment to be a good
15 and useful corporate citizen that we have addressed all
16 outstanding concerns and we commit to ensuring that
17 this project will work for the lasting benefit of Inuit
18 in the North Baffin region, Nunavut, and Canada.

19 I am confident in the team leading this process,
20 and I trust that the discussions will be fair and
21 measured and that our commitments will provide the
22 confidence and certainty to ensure the future of the
23 expansion.

24 Regardless of the changing path that has landed
25 Baffinland here today, we are now at a tipping point.
26 Unlike the original Steensby application, we have the

1 funding sources in place to build this Phase 2
2 development.

3 Hopefully we will be approved for a railway
4 operation and increased production. In doing so, we
5 will ensure the value unlocked in the Mary River
6 deposit will -- will flow through to North Baffin
7 communities through hard commitments in our IIBA and to
8 communities directly. We will ensure that we protect
9 Inuit culture, traditional values through consistent
10 engagement. We will have one of the lowest
11 environmental footprints of any bulk supplier or miner,
12 no tailings, little processing, no chemicals, not even
13 using water in our processing. With this Phase 2
14 expansion, Mary River ore will become the lowest
15 greenhouse gas route to virgin steel. We will become a
16 profitable mining operation that will grow and will
17 become one of the most successful mining operations in
18 North America. We will continue to uncover the great
19 Mary River deposits that underpin generations of
20 operation. Shareholders and future financiers will
21 view this operation as a sound investment, and moneys
22 will flow in to secure future development through
23 Steensby and possibly improve Nunavut mining industry
24 in general.

25 Thank you, Madam Chair. I will now pass it over
26 to Megan Lord-Hoyle to begin the more detailed

1 presentations of the Phase 2 project components.

2 THE CHAIR: We will now proceed to the
3 start of the technical sessions. Next up is Item 4 of
4 the agenda, the swearing-in and affirmation of the
5 proponent's witnesses, marking of exhibits, and
6 technical presentations by the proponent, but before we
7 begin, let's take a 15-minute break.

8 (ADJOURNMENT)

9 THE CHAIR: Let's reconvene.

10 I would like to inform those in attendance that we
11 do have media present during the proceedings. We have
12 Beth Brown from CBC, if you can raise your hand, and
13 Emma Tranter from Nunatsiaq News.

14 Before we begin with the exhibits, I will ask that
15 our legal counsel swear or affirm Baffinland's
16 presenters and mark the exhibits as we go.

17 Teresa.

18 MS. MEADOWS: Thank you, Madam Chair.

19 Teresa Meadows, legal counsel for the Nunavut Impact
20 Review Board.

21 If I can have the witnesses state and spell your
22 name for the record, please.

23 MS. LORD-HOYLE: Megan Lord-Hoyle, with
24 Baffinland, M-E-G-A-N L-O-R-D dash H-O-Y-L-E.

25 MR. KAMERMANS: Lou Kamermans, L-O-U
26 K-A-M-E-R-M-A-N-S.

1 MS. HANSON: Udloriak Hanson,
2 U-D-L-O-R-I-A-K H-A-N-S-O-N.
3 MR. VAN BILJON: Fanus Van Biljon, F-A-N-U-S
4 V-A-N B-I-L-J-O-N.
5 MR. TIGULLARAQ: Joe Tigullaraq of Baffinland,
6 J-O-E T-I-G-U-L-L-A-R-A-Q.
7 MR. MOORE: Andrew Moore with Baffinland,
8 A-N-D-R-E-W M-O-O-R-E.
9 MS. MEADOWS: Thank you, Madam Chair.
10 Teresa Meadows, legal counsel for the Nunavut Impact
11 Review Board.
12 Do the witnesses wish to be sworn or affirmed?
13 MS. LORD-HOYLE: Megan Lord-Hoyle, I will be
14 sworn.
15 MEGAN LORD-HOYLE, Sworn
16 MS. MEADOWS: For the witnesses who wish to
17 be affirmed ...
18 LOU KAMERMANS, Affirmed
19 MS. HANSON: Sworn.
20 MR. TIGULLARAQ: Sworn for me, please.
21 MR. VAN BILJON: Also sworn.
22 MS. MEADOWS: For those witnesses who wish
23 to be sworn, please place your left hand on the Bible,
24 raise your right hand.
25 JOE TIGULLARAQ, ANDREW MOORE, UDLORIAK HANSON, AND
26 FANUS VAN BILJON, Sworn

1 MS. MEADOWS: Thank you. Teresa Meadows,
2 legal counsel for the Nunavut Impact Review Board.

3 Madam Chair, I have three exhibits, being the hard
4 copy of the presentation materials that are about to be
5 presented by Baffinland in English, Inuktitut, and
6 French, and I will mark those as the first three
7 exhibits in this public hearing, and, Madam Chair,
8 those are my procedural matters.

9 EXHIBIT 1 - Hard copy PowerPoint presentation
10 Introduction: Phase 2 Proposal Final Hearing
11 Iqaluit and Pond Inlet November 2019
12 (English)

13 EXHIBIT 2 - Hard copy PowerPoint presentation
14 Introduction: Phase 2 Proposal Final Hearing
15 Iqaluit and Pond Inlet November 2019
16 (Inuktitut)

17 EXHIBIT 3 - Hard copy PowerPoint presentation
18 Introduction: Phase 2 Proposal Final Hearing
19 Iqaluit and Pond Inlet November 2019 (French)

20 THE CHAIR: Just a reminder, before we
21 speak, to state your name so that it's accurately
22 reflected on the transcripts.

23 We will now proceed to Agenda Item 4. Today,
24 Baffinland will deliver several presentations providing
25 an overview of the components and activities associated
26 with the Phase 2 Development Proposal with the

1 summaries of their assessment of potential ecosystemic
2 and socio-economic impacts.

3 We will begin with their overview presentation,
4 followed by the subsequent presentations, making time
5 for questions after each grouping. First item on the
6 agenda: Introduction and Project Overview.

7 Baffinland, you may proceed.

8 MS. KOWBEL: Christine Kowbel, legal
9 counsel for Baffinland.

10 Madam Chair, I just -- just a point of
11 clarification. We've provided two documents to the
12 Board. They're all documents that are already on the
13 public registry, but I would like to ask if the Board
14 would like us to speak to those at this time?

15 THE CHAIR: Legal counsel?

16 MS. MEADOWS: Thank you, Madam Chair.

17 Teresa Meadows, legal counsel for the Nunavut
18 Impact Review Board.

19 Madam Chair, the documents that are referred to by
20 Ms. Kowbel are the map book and, also, there is a book
21 of written submissions that have been provided to the
22 Board previously and have been filed on the register
23 that are also provided in binder form for the
24 convenience of the Board, and perhaps I can get
25 Ms. Kowbel to specify what is in that binder, as I hand
26 them out?

1 THE CHAIR: Baffinland.

2 MS. KOWBEL: Thank you, Madam Chair.

3 Christine Kowbel, legal counsel for Baffinland.

4 The first -- and I should say all these documents
5 were provided to the parties before we began today and
6 are all on the public registry.

7 The first document, as Ms. Meadows stated, is a
8 binder of materials that are all on the public
9 registry. Most of these are materials that were
10 provided to the Board, with Baffinland's final written
11 submission, earlier this month. The documents are the
12 rail alignment summary report at Tab 1; the caribou
13 decision framework at Tab 2; the 2019 marine mammal
14 monitoring program's preliminary findings, and that's a
15 document that summarizes preliminary findings from this
16 past summer's marine monitoring programs at Tab 3; a
17 summary of Baffinland's 2019 shipping season activities
18 and mitigation measures, that's Tab 4; and the next
19 document is titled "Review of Mary River Phase 2
20 Assessment Conclusions on the Effects of Icebreaking to
21 Narwhal", and that's a report by Hemmera at Tab 5. The
22 last two tabs in the binder are printed copies of
23 letters from Baffinland's employees about the Phase 2
24 project, and the last are letters of support from some
25 of Baffinland's contractors, and those documents are
26 all on the public registry as well.

1 The other document that Ms. Meadows referred to is
2 the Mary River Project Inuit knowledge study map book.
3 This is a document that was a part of the original Mary
4 River Project hearings, and we will be referring to all
5 these documents in our presentations, so we wanted the
6 Board to have them at hand.

7 We've printed copies of the map book. We have
8 extra copies, a few at the end of this table, and we
9 have some at the back of the room, and so if people
10 would like to take a look at a copy, just see one of us
11 at the front table on a break.

12 Thank you, Madam Chair. Those are -- that's my
13 overview.

14 THE CHAIR: Baffinland, you may proceed
15 with your presentation.

16 Presentation by Baffinland Iron Mines Corporation
17 (Introduction and Overview)

18 MS. LORD-HOYLE: Good morning, Madam Chair.

19 I am Megan Lord-Hoyle. I am vice president of
20 sustainable development for Baffinland, together with
21 Lou Kamermans, director of sustainable development. I
22 am pleased to provide you with our introduction and
23 overview presentation today.

24 I am also joined by Udloriak Hanson, vice
25 president of community and strategic development; Joe
26 Tigullaraq, head of Northern Affairs; and Andrew Moore,

1 manager of government relations and public affairs from
2 Baffinland. Also at the table with us is Fanus
3 Van Biljon with Hatch Engineering.

4 Since I began with Baffinland in October of 2016,
5 our company has been through many positive changes,
6 from a sustainable development team of 9 to a team of
7 over 20 between the corporate and northern offices.
8 During 2019, we have hired our first Inuk vice
9 president, Udloriak Hanson, who is working to help
10 communities develop capacity and local business
11 opportunities.

12 Our company's culture is one that places the
13 highest priority on safety and respect for Inuit
14 values. I am proud to work for Baffinland and to
15 represent the company here today.

16 In this presentation, we will provide an overview
17 of the project history, current operations and changes
18 that would be made if Phase 2 were approved. We will
19 also provide a summary of the conclusions of our
20 assessment, which you will hear more about in detail
21 over the next few days.

22 The Mary River Project is located in Northern
23 Baffin Island, as shown on this map. The five nearest
24 communities to the project site include Arctic Bay,
25 Clyde River, Hall Beach, Igloolik, and Pond Inlet.

26 Baffinland is owned by Nunavut Iron Ore and

1 ArcelorMittal. We are currently mining from Nuliajuk,
2 or Deposit Number 1, and exploring 10 additional
3 properties that could be suitable for mining in the
4 future.

5 Deposit 1 has a current iron ore reserve of
6 approximately 380 million tons with significant
7 potential to increase that, as well as the life of
8 mine, through additional feasibility studies. The
9 deposits contain very high-grade iron ore with an
10 average grade of about 65 percent. The ore is so rich,
11 it only needs to be crushed and transported to deliver
12 to market, primarily to customers in Europe.

13 The Project Certificate Number 005 currently
14 allows Baffinland to transport, by truck and ship,
15 6 million tons until the end of 2019 through Milne
16 Port. There is also an approval to transport an
17 additional 18 million tons per year via railway to
18 Steensby Inlet; however, this component of the project
19 remains to be realized due to its high capital costs.

20 Baffinland's core values support our vision and
21 mission that Mr. Penney spoke to earlier and are used
22 to help shape our culture and reflect who we are as a
23 company. The values include, first and foremost,
24 health and safety, integrity, engaging meaningfully
25 with all employees, and establishing a culture of
26 mutual respect. We respect the Inuit-owned land that

1 we are operating on and pursue environmental
2 stewardship and performance excellence.

3 This provides an overview of a few of the
4 important milestones for the Mary River Project.

5 Exploration of Nuliajuk began in the 1960s. Those
6 who found this deposit knew it had incredible
7 potential, and by the 1970s, Baffinland acquired its
8 first mineral claims. Many years later, the financial
9 investment was provided to start the assessment
10 process.

11 The project certificate issued in 2012 provided
12 approval for Baffinland to mine 18 million tons per
13 year, transport by rail and ship year-round out of the
14 port at Ikpikitturjuaq, or Steensby Inlet.

15 After a substantial investment in the project and
16 issuance of a project certificate, there was a serious
17 downturn in global iron ore prices. The company had
18 two options: To rethink the design or to walk away from
19 what had the potential to be a world-class
20 multigenerational iron ore mine.

21 Baffinland made the decision to rethink the design
22 and proposed the Early Revenue Phase in 2013, which
23 allowed for the mining, haulage by truck, and shipping
24 of 4.2 million tons through the northern transportation
25 corridor. The amended project certificate was issued
26 in 2014.

1 The Early Revenue Phase has taught the company a
2 lot about mining in the Arctic, but has not yet
3 provided the capital for investment for Steensby. For
4 this reason, we began the process that has resulted in
5 the Phase 2 project that we are here discussing this
6 week.

7 In 2015, the first iron ore shipments were sent to
8 Europe. During 2018, Baffinland received a temporary
9 approval for the production increase proposal.

10 We have carefully reviewed the Board's
11 recommendation to the Minister on the production
12 increase proposal and have worked hard to fill the
13 information gaps identified in that report in this
14 Phase 2 application. We believe this has resulted in a
15 superior and more robust project and a more thorough
16 assessment.

17 From 2014 through 2018, the Phase 2 proposal
18 sought changes and improvements both as a result of
19 rethinking the design and incorporating feedback
20 provided by Inuit.

21 In 2018, the North Baffin Regional Land Use Plan
22 was amended to permit rail in the northern
23 transportation corridor, which allowed the company to
24 proceed to the Nunavut Impact Review Board for an
25 environmental assessment of the Phase 2 proposal.

26 Baffinland is proud to be the largest private

1 employer in the Qikiqtani region. Mary River is a
2 world-class ore reserve in both quantity and quality.

3 Our Impact Benefit Agreement was signed with the
4 Qikiqtani Inuit Association in 2013 and amended in
5 2018. Our socio-economic presentation scheduled for
6 tomorrow will provide a more thorough overview of our
7 project benefits, but for now, I will highlight that
8 the Amended Impact Benefit Agreement incorporates many
9 of the lessons learned from the first three years of
10 operation.

11 The amended agreement places a strong emphasis on
12 increasing skills and training opportunities for Inuit
13 and more direct benefits to the communities. This is
14 all in addition to the royalty and lump-sum payments
15 provided to the Qikiqtani Inuit Association on behalf
16 of the Inuit of the Qikiqtani region.

17 The next slides will focus on the mining process
18 and the existing facilities before moving into the
19 proposed changes that would be realized if Phase 2 were
20 approved.

21 The mining process we use is simple. The ore is
22 mined from an open pit. The run-of-mine ore is moved
23 by mine haul trucks to an outdoor crushing facility at
24 the mine site. The ore is crushed into sellable
25 products of lump, which is shown in the picture at the
26 bottom left, and fines in the bottom right. These are

1 the products that we ship to our customers.

2 A fleet of 74 ore haul trucks transport the
3 crushed ore north along the 100-kilometre-long tote
4 road where it is then stockpiled at Milne Port.

5 In the last stages of the process, the stockpiled
6 ore is loaded onto vessels at Milne Port during our
7 shipping season and delivered to customers.

8 The photo on the left shows the existing mine as
9 it is today. This photo shows camp facilities,
10 maintenance facilities, the airstrip in the distance,
11 office complexes, and the mine haul road in the
12 foreground of the photo.

13 The mine haul road runs to Nuliajuk, which you can
14 see on the right-hand picture, which is where we are
15 currently mining between benches 610 and 640 metres
16 above sea level. That is just under half a mile.

17 The tote road is used to move ore by truck as well
18 as service vehicles that transport employees, fuel,
19 equipment, and water.

20 The port site, as shown in the photo at the left,
21 contains ore stockpiles, a fuel tank farm, camp, and
22 office facilities. We also have a quarry and a land
23 farm in this area. On the right, the ship loader is
24 actively loading a ship.

25 Under the Early Revenue Phase, Baffinland shipped
26 up to 4.2 million tons per year, requiring about 58

1 vessels to call on Milne Port. During 2019, Baffinland
2 has shipped almost 6 million tons of ore using 82
3 vessels.

4 The approved project also includes Steensby Inlet,
5 where no infrastructure is yet built. The red
6 rectangle on this photo is where the future port will
7 be built. It will eventually have similar
8 infrastructure to that of the Milne Port site.

9 As Mr. Penney mentioned, the need for Phase 2 is
10 to ensure the financial stability of the company into
11 the future. The Mary River Project is a very different
12 project than gold mines in western Nunavut. We are a
13 bulk commodity miner. Every bulk commodity mine in the
14 world, to be successful and profitable, has required a
15 railway.

16 Nunavut has experience with bulk commodity mining,
17 and the Mary River Project is the only privately funded
18 operation. Other projects have required government
19 support in one form or another.

20 The increased production and shipping will also
21 ensure stable and growing benefits for communities in
22 the Qikiqtani region. Should Phase 2 be approved,
23 Baffinland will ensure that direct benefits flow to the
24 North Baffin communities, in addition to those that
25 will flow through their representative Inuit
26 organizations.

1 Phase 2 includes several mitigations by design,
2 which address many of the concerns we've heard to date
3 through community engagement. This includes the
4 reduction of dust and traffic along the tote road
5 through the introduction of a railway. Modifying the
6 crushing process and moving components of it indoors
7 will offset what could have been additional sources of
8 dust at both the mine site and Milne Port.

9 This animation shows the projected changes Phase 2
10 would introduce to the project area.

11 This is the mine site. What you see in the
12 foreground is the rail line running along the right
13 side of the tote road, an overview of the mine site.
14 The ore loading facility will be located on the western
15 edge of the project development area shown here.

16 We are now leaving the mine site, and the rail
17 line will run predominantly parallel to the tote road
18 within a few hundred metres down to the port site.

19 As we enter Milne Port, the rotary car dumper will
20 turn the rail cars upside down to dump and transfer the
21 run-of-mine ore through a conveyor to the crushing
22 plant. From the crushing plant, the ore is moved again
23 by conveyor to larger and reconfigured stockpiles and
24 then moved to a new and larger ore dock.

25 Like our current operations, when we describe
26 "Phase 2", we often speak of four main components: the

1 mine site, the transportation corridor, Milne Port, and
2 shipping activities.

3 This key-facts table is taken from Technical
4 Supporting Document Number 2 in the addendum. It shows
5 some of the key changes compared to the Early Revenue
6 Phase in the Phase 2 proposal.

7 There are limited changes at the mine site. We
8 will need temporary construction camps during
9 construction, but that is not a permanent change. We
10 will be adding rail carting -- car-loading
11 infrastructure, and the northern transportation
12 corridor will see the change from a trucking to a rail
13 operation, which will be similar to the tote road,
14 about 110 kilometres in length.

15 Once the railway is operating, there will be no
16 more ore haul trucks on the tote road. We will use it
17 for vehicles to move people, equipment, fuel, and
18 water.

19 At the port, there will be increased power
20 generation, camp size, and stockpiles. We will be
21 increasing the number of ships to 176.

22 This is similar to the mining-process slide I
23 showed earlier for Phase 2. It will remain largely the
24 same. The major change is that ore will be transferred
25 to port by rail, and secondary crushing will be
26 conducted at the port site.

1 These two maps illustrate the changes between the
2 approved project and Phase 2. On the left is the
3 existing project. On the right, all approved
4 infrastructure has been shaded in gray, and new
5 infrastructure has been shaded in green.

6 At the mine site, the predominant infrastructure
7 change is related to the rail loading area, shown in
8 the inset.

9 This slide displays the routing within the
10 northern transportation corridor. The tote road is
11 shown as the black line running from the mine site at
12 the bottom right north to the port in the upper
13 left-hand corner. The red-dashed line shows the
14 proposed rail alignment as presented in the addendum.

15 For most of the transportation corridor, the rail
16 line is within 100 metres of the road, with a few
17 sections where the rail line has to move less than a
18 kilometre away.

19 One section known as the "deviation" for the
20 length of approximately 20 kilometres moves away from
21 the tote road at its greatest distance of 7 kilometres.
22 The reason for the deviation is to avoid a large hill
23 which cannot allow passage of an industrial train
24 because of the steepness of the grade.

25 The rail line will be a single-track system with a
26 number of sidings to allow for passing trains.

1 I would like to highlight the green-dashed line in
2 the area of the deviation. This has been identified as
3 an alternative to Baffinland by community members.
4 Baffinland has investigated this route further and is
5 willing to move forward to construct it. More about
6 this deviation is described in the rail alignment
7 summary report that was filed on the registry October
8 16th and is included in the binder provided to the
9 Board at Tab 1. This will be further explained in the
10 public consultation presentation, alternatives
11 assessment and terrestrial environment presentations.

12 THE CHAIR: Before you continue, it's
13 almost 12:00. We're going to break for lunch until
14 1:15 and reconvene at 1:15.

15

16 PROCEEDINGS ADJOURNED UNTIL 1:15 PM

17

18 (PROCEEDINGS COMMENCED AT 1:15 PM)

19 THE CHAIR: Let us reconvene. You can
20 please take your seats.

21 We are going to continue with Baffinland's
22 introductory presentation.

23 Baffinland, go ahead.

24 Presentation by Baffinland Iron Mines Corporation
25 (Introduction and Overview)

26 MS. LORD-HOYLE: Megan Lord-Hoyle with

1 Baffinland.

2 I'm now going to turn the presentation over to
3 Mr. Fanus Van Biljon, a consultant rail engineer who
4 has 16 years' experience in the field of rail
5 engineering, 14 of which is in the field of iron ore
6 heavy-haul rail engineering. He has worked on various
7 iron ore rail projects around the world completing
8 studies, detail designs, construction, and
9 commissioning.

10 He will provide some voice-over for a video of the
11 proposed rail route. The full video is 15 minutes, but
12 in the interest of time, we will show just the portion
13 of the rail line from the mine site to Kilometre 58,
14 which will be about six-and-a-half minutes. This video
15 has also been shown in community workshops held at the
16 mine site in July.

17 MR. VAN BILJON: Madam Chair, the following
18 animation of the route -- of the route is for the
19 Route 1 alignment. The animation has been sped up by
20 a -- by effect of time [phonetic], to allow us to
21 illustrate this animation in a -- in a timely manner.
22 Trains would normally travel from the mine to the port
23 in two-and-a-half hours, with -- with this animation
24 being 15 minutes.

25 On the animation, you will notice kilometre
26 markers showing the route kilometre distance as the

1 train travels from the mine to the port. This
2 animation was prepared -- the animation was prepared by
3 combining satellite imagery, topographical survey data,
4 and the rail-alignment design, and -- and combining
5 these three elements into -- into a single animation
6 that we will -- that we will see now.

7 The train shown in the animation is 700 metres
8 long, 64 are ore cars and with one locomotive at the
9 front and one locomotive at the rear. That is the
10 train design that we -- that we have modelled/studied
11 for the rail corridor.

12 This animation starts with a train departing from
13 the mine, having been loaded with iron ore. As the
14 train -- as the train departs from the mine, at the top
15 of the screen, you can see, on the left-hand side, the
16 air -- the airstrip, and on the left, you can also see
17 the tote road between the airstrip and the rail.

18 Throughout the video, the tote road will change
19 direction from left to right. The changes in the tote
20 road position is relative to grade crossings that will
21 be encountered at -- at a few places.

22 We're approaching Kilometre 102, which is the
23 position of the first rail-over-river bridge. This
24 section of the rail alignment deviates away from the
25 tote road, as stated earlier, as the tote road follows
26 a more difficult alignment confined by mountains and

1 streams and lakes preventing the rail from following
2 that route, so this is a -- a minor deviation away from
3 the tote road.

4 At Kilometre 96, as we're approaching from the top
5 of the screen, we approach the first of eight grade
6 crossings where the existing tote road and the rail
7 would meet, and where we had to facilitate a safe -- a
8 safe passage for both modes of transport.

9 The tote road is now on the right-hand side of the
10 rail alignment.

11 At Kilometre 91 and a half, we see the second
12 grade crossing approaching, and here the tote road
13 would deviate back to the left, and the train alignment
14 follows to the right.

15 Here, too, we have a small deviation away from the
16 tote road between Kilometres 87 and 85. Again,
17 approaching another grade crossing at Kilometre 81 and
18 a half.

19 I just want to note, again, this is modelled to
20 show a speed that is ten times faster than what the
21 train would normally travel at. We've just crossed the
22 second rail-over-river bridge, and this is, basically,
23 the start of the main deviation as pointed out earlier
24 in this presentation.

25 We're just passing through Kilometres 84 and 85
26 where the first siding is located where trains are

1 allowed to -- to pass one another, travelling in
2 opposing directions between the port and mine.

3 You will gradually notice the tote road
4 disappearing to the right-hand side at the -- at the
5 top of the screen as the tote road follows a more
6 aggressive alignment over the mountain. The tote road
7 and rail gradually separates, and at the top right, you
8 can see the tote road veering away.

9 Along the stretch, you will see varying degrees of
10 embankment construction ranging in shallow and deeper
11 sections as we're just passing through at Kilometre 77
12 there. Those deeper sections are relative to streams
13 and rivers that need to be crossed, and in those areas,
14 of course, embankments would be required.

15 We're approaching the halfway point of the main
16 deviation. This is Kilometre 71 and a half where we
17 have the third rail-over-river bridge, where that will
18 come into the -- into view shortly.

19 At this point, this is the furthest that the
20 railway line has deviated away from the existing tote
21 road, and it now gradually starts working, following an
22 alignment that takes it back to position Kilometre 85,
23 where it will join up with the existing tote road.

24 This section is -- is identified as a -- the
25 permafrost ridge, high ice-ridge content geotechnical
26 conditions, and as such, we have delineated areas of

1 risk and routed the rail alignments to avoid these
2 areas. The route follows an embankment construction
3 approach to avoid excavations disturbing natural ground
4 and permafrost conditions due to the high ice-ridge
5 content.

6 This section seen here is the highest embankment
7 that we have on the alignment. It's also quite short,
8 only 250 metres in length.

9 In the distance ahead, we can see the existing
10 tote road approaching and the railway line joining up
11 with it, reaching the second or midway siding, as -- as
12 we have it, where trains again are allowed to -- to
13 pass and cross each other.

14 MS. LORD-HOYLE: Thank you. Megan Lord-Hoyle
15 with Baffinland.

16 THE CHAIR: Thank you.

17 MS. LORD-HOYLE: This slide shows another way
18 of looking at the changes to the Milne Port area,
19 similar to the slide shown for the mine site.

20 On the right-hand figure, the shaded-in green
21 areas are the proposed infrastructure to support the
22 Phase 2 project. Largely, they consist of the rail
23 unloading area and new crushing infrastructure as well
24 as larger and reconfigured stockpiles and a second and
25 larger ore dock capable of berthing cape-sized vessels.

26 At the port site, there is a change proposed for

1 the project development area, which is shown by the
2 green line in the southwest corner as well as to the
3 east. The project develop area will increase by
4 approximately double; whereas, at the mine site, there
5 are no proposed increases to the project development
6 area.

7 In the marine transportation corridor, the same
8 shipping corridor is proposed under Phase 2, which is
9 from Milne Port, through Eclipse Sound, and out to
10 Baffin Bay. There are no other shipping corridors that
11 are a part of the Phase 2 proposal.

12 Changes to the current shipping season have been
13 proposed. The shipping season proposed under Phase 2
14 would extend from July 1st to November 15th annually,
15 subject to actual ice conditions. This will mean more
16 ice-breaking activity than is currently undertaken.

17 Baffinland has committed that it will not break
18 land-fast ice and will not commence shipping until
19 confirmation that the floe edge near Mittimatalik has
20 been closed.

21 There will also be an increase in the size and
22 number of vessels that call on Milne Port. The size of
23 vessels will range from those that are currently used
24 up to a larger cape-sized vessel. The number of
25 vessels proposed under Phase 2 is 176 vessels in total,
26 with a mix of different ships and sizes based on what

1 is known of the current market availability and vessels
2 that are capable of entering into the area in different
3 seasons and ice conditions.

4 As I mentioned earlier, Phase 2 incorporates
5 several design mitigations. First, less dust will be
6 generated along the tote road since the majority of
7 dust is generated by the action of heavy ore truck
8 wheels on the road.

9 Moving from trucking to rail operations will also
10 see less greenhouse gas emissions per ton of iron ore
11 moved. Ore haul trucks burn three times as much fuel
12 as trains for each ton of ore.

13 We also believe there is less potential for
14 disturbance to wildlife. Ten daily roundtrips by train
15 will replace up to 140 daily roundtrips by ore haul
16 truck.

17 The timeline for construction and operation,
18 following approval, should it be granted, would be that
19 the north railway is constructed over a period of two
20 years, and the shipping activity would not increase
21 until the railway has been completed. In Year 3,
22 following approval, we would expect the full operation
23 of Phase 2, including full use of the rail to move ore
24 and increased shipping activity.

25 Following the construction and operation of Phase
26 2, we expect to be able to move the construction crews

1 at site from the north rail to the south rail to
2 conduct -- construct the Steensby Project.

3 A more fulsome description of these slides will be
4 discussed during the next presentation, which focuses
5 on the topics of public consultation and Inuit
6 Qaujimanituqangit, and so in this presentation, I will
7 move through them quickly, but I want to emphasize that
8 we have conducted extensive community engagement on the
9 Phase 2 proposal.

10 We are grateful to all who have shared their
11 feedback, Inuit Qaujimanituqangit, and opinions, and
12 who have participated in this consultation. We believe
13 your views helped us strengthen our project to make it
14 more environmentally protective and to reduce negative
15 interactions between the project and communities.

16 This slide summarizes some of the key commitments
17 that Baffinland has made during this review process
18 related to community engagement. You will hear more
19 about these throughout our presentations. They include
20 our new Inuit Qaujimanituqangit management framework,
21 the establishment of a new Inuit advisory panel that
22 will give advice directly to our executive team at
23 Baffinland, a new culture resources and land use
24 monitoring program to ensure that we are aware of
25 changes to land use that is occurring as a result of
26 the project and that we implement mitigations to reduce

1 negative changes, as well as project design and
2 operational changes, including the finalization of the
3 alignment of the deviation for the rail.

4 This slide summarizes some of the key topics that
5 were identified by communities during our consultations
6 on Phase 2. We have heard the need to integrate Inuit
7 Qaujimanituqangit into our project planning. We have
8 heard topics related to Inuit training, employment, and
9 business opportunities, comments around community
10 well-being, and the desire for direct benefits. We
11 have heard questions around the rail, and more,
12 specifically, the alignment of the railway. We've
13 heard about dust and greenhouse gas emissions and the
14 release of these from project activities, and we have
15 received many questions around the potential impacts to
16 the marine environment.

17 The next presentation will go into each of these
18 topics in more detail to describe how Baffinland has
19 responded to what we have heard and how we have
20 addressed what has been brought forward to us in this
21 review.

22 Throughout the operations and this review process,
23 we have held many meetings with all intervenors here.
24 We appreciate the time and commitment to the review of
25 this proposal and the discussions we have had which
26 have led to a stronger and more robust proposal.

1 I am now going to pass the presentation over to
2 Lou Kamermans, who will present a high-level overview
3 of the assessment and the Phase 2 process to date.

4 MR. KAMERMANS: Thank you, Megan. Madam
5 Chair. My name is Lou Kamermans, and I'm the
6 sustainable director -- or director of sustainable
7 development with Baffinland.

8 Baffinland used a consistent methodology to its
9 previous assessments that were put before the Board in
10 respect of the original project and the Early Revenue
11 Phase. We worked hard to ensure that the addendum met
12 the Board's Phase 2 guidelines, and we reflected this
13 in our concordance table. We focused on the same
14 valued ecosystemic and socio-economic components for
15 the approved project, including the atmospheric,
16 terrestrial, freshwater, marine, and human
17 environments.

18 With mitigation, no significant adverse effects
19 are predicted as a result of the Phase 2 proposal.

20 To development the addendum, Baffinland used
21 multiple sources of information, including Inuit
22 Qaujimanituqangit, community engagement, existing
23 operations, modelling, and professional judgment.

24 In our opinion, any uncertainty that remains is
25 similar to any other environmental assessment and can
26 be addressed through stringent monitoring programs that

1 identify where there are any changes that were not
2 predicted so that we can address those appropriately
3 through adaptive management, and we think that we have
4 proposed strong monitoring programs that will allow us
5 to do that.

6 Our existing mitigation measures will remain in
7 place for Phase 2, and we'll see new measures
8 introduced. In some cases, such as marine shipping, we
9 have already started implementing enhancements
10 identified through this Phase 2 proposal. The Board
11 can read more about these in our summary of
12 Baffinland's 2019 shipping season activities and
13 mitigation measures filed with the registry on October
14 16th and in the Board's binders that we provided at the
15 beginning of this presentation as Tab 4.

16 Our existing management plans have already been
17 updated for the review process and will be again, as
18 outlined in our commitment list, which we will update
19 throughout this hearing process.

20 The main body of our addendum includes a
21 translated executive summary and summarizes the project
22 generally as well as the context in which we operate.
23 There are 28 technical supporting documents which were
24 filed with the addendum that support the conclusions
25 from the main-body addendum, and these technical
26 supporting documents include our detailed assessments

1 as well as supporting modelling, reports, and
2 offsetting plans. Each of these includes a translated
3 summary. We also supplemented the addendum with
4 responses to information requests made by intervenors
5 in this process, which I will speak to later in this
6 presentation.

7 The next few slides summarize the conclusions of
8 our assessments and are provided for reference material
9 only at this point. These will be discussed in much
10 greater detail through following presentations.

11 Also subject to a much more detailed presentation
12 following this one is our approach to monitoring and
13 adaptive management. I'd like to discuss some elements
14 of our approach here, understanding how much the active
15 review has shaped our approach and how important this
16 is to intervenors.

17 The Phase 2 proposal was built over a period of
18 four years before it was submitted to the Board in
19 October of 2018, and these were years where we were
20 gaining valuable operating experience and building
21 important relationships in the communities. Inuit
22 involvement in monitoring is something we believe is
23 essential to the credibility of our programs.

24 This year, more than 50 percent of our marine
25 monitoring programs were staffed by Inuit. In Phase 2,
26 we'll continue this momentum across the project.

1 Our current project is subject to multiple
2 environmental approvals, in addition to the project
3 certificate, and this comprehensive regulatory
4 oversight is administered by a range of government
5 agencies, and the Inuit landowner, the Qikiqtani Inuit
6 Association. This would no doubt continue and get even
7 stronger through Phase 2.

8 To demonstrate to regulatory authorities and the
9 public that our project is being carried out within the
10 limits of the assessments we received initial approvals
11 under, we have developed comprehensive monitoring
12 programs, which we continue to evolve through carefully
13 crafted feedback systems that include community
14 engagements, special interest working groups that
15 include the HTO, the Mittimatalik Hunters and Trappers
16 Organization participation, and direction from the
17 Board based on annual reporting reviews.

18 Other important mechanisms for confirming we're
19 compliant with project approvals include topic-specific
20 meetings and site visits with community groups and
21 frequent regulatory inspections and audits.

22 All these forums provide an opportunity for
23 continued input into the way we manage our project, and
24 through several important commitments, the system will
25 only become stronger and more robust with the
26 develop -- with the development of Phase 2.

1 Baffinland has a comprehensive monitoring program
2 that includes indicators for all of the valued
3 components and produces many reports annually that are
4 reviewed and submitted to regulators or through other
5 forums such as the working groups and the Inuit Impact
6 Benefit Agreement. This approach is consistent with
7 the draft post-environmental assessment monitoring plan
8 put forward by the Nunavut Impact Review Board.

9 Through the Phase 2 process, we have developed an
10 IQ management framework that formalizes how Baffinland
11 operates the project in respect of IQ. The single most
12 important contributing factor to the development of
13 this framework occurred during a meeting with
14 representatives from the hamlets of Igloolik and Pond
15 Inlet as well as the Mittimatalik Hunters and Trappers
16 Organization and the Qikiqtani Inuit Association
17 following the June technical meetings.

18 At this meeting, we built the concepts from the
19 ground up, and as a testament to this, the infographic
20 you see on this screen is the exact same one drawn by
21 the technical representative for Pond Inlet.

22 At that same meeting, we discussed the development
23 of an Inuit advisory panel which would help guide and
24 advise Baffinland on incorporating Inuit perspectives
25 into our environmental management system, including
26 monitoring program design and adaptive management

1 implementation.

2 Through the Phase 2 review process, we have also
3 further developed our adaptive management framework
4 into a full adaptive management plan.

5 The image on the slide describes the process in
6 its simplest form, making certain to outline the points
7 where community feedback and IQ shaped the process and
8 its outcomes.

9 Through the Phase 2 review, we have responded to a
10 substantial amount of feedback from a diverse group of
11 inter -- intervenors on a range of subjects, initially
12 receiving 299 information requests, followed by 237
13 technical comments, and, finally, 163 final written
14 submissions.

15 In response to these, we have supplied a number of
16 additional documents to provide a greater understanding
17 of our project for intervenors and the Board.

18 This graph represents the number of final written
19 submissions by topic in blue and also sets out the
20 number of commitments we have developed in response.
21 As you can see, the bulk of interest has been in the
22 marine and human environments, followed by terrestrial,
23 freshwater, and atmospheric. The corporate environment
24 includes recommendations related to our management
25 plans, which would explain the interest in that
26 subject.

1 The current Mary River Project certificate is
2 extensive. We have suggested some changes to remove
3 completed terms, consolidate similar terms, and to
4 reduce duplication between terms and other approvals.
5 We have also made edits in an effort to transition to a
6 system where the focus is more on being measured
7 against our predictions, rather than on how the
8 measurement is conducted. We call that a
9 "performance-based system".

10 We believe only minimal updates are required to
11 proceed with Phase 2, but respect that other
12 intervenors have issued recommended terms and
13 conditions, including the Government of Nunavut,
14 Crown-Indigenous Relations and Northern Affairs Canada,
15 and Environment and Climate Change Canada.

16 This slide provides a summary of the projected key
17 benefits of Phase 2 as they relate to employment,
18 expenditures, royalties, and taxes over the life of
19 mine. Further details of these will be given during
20 the socio-economic presentation and not discussed here.

21 Along with the provision of benefits to employment
22 with Baffinland, we've been working hard to enhance our
23 culture and work environment, an environment where
24 Inuit have the opportunity to establish and advance
25 their careers and feel safe and supported every step of
26 the way.

1 We believe what we're doing is working. In 2017,
2 there were less than 150 Inuit employees, and the most
3 recent estimate is over 450. That's a 200 percent
4 increase over a number that wasn't small in just over
5 two years. We believe we have the right systems in
6 place to continue this momentum, and with the
7 multigenerational nature of this mine, the only limit
8 to the number of Inuit that can work at this project is
9 the total number of people needed to run it.

10 As the mine and the company grow, we hope to find
11 new ways to continue to bring benefits to Inuit. In
12 order to do this, though, we need the financial
13 stability Phase 2 offers.

14 Over the next few days, we will be giving more
15 focused presentations to demonstrate how we plan to do
16 this in a way that is environmentally and culturally
17 sustainable.

18 I would like to close by extending our sincerest
19 thanks to Inuit, the Elders in the room, the community
20 representatives, the Qikiqtani Inuit Association,
21 government agencies, the Nunavut Impact Review Board,
22 and all other participants for their hard work in this
23 process.

24 We've listened, we've learned, and what we've put
25 forward in front of the Board is a reflection of this
26 process and a commitment to continue to do it well into

1 the future.

2 Thank you, Madam Chair. This concludes our
3 overview presentation.

4 THE CHAIR: Questions to Baffinland, QIA,
5 Qikiqtani Inuit Association.
6 Qikiqtani Inuit Association Questions Baffinland Iron
7 Mines Corporation

8 MS. LAND: Thank you, Madam Chair. I am
9 legal counsel of Qikiqtani Inuit Association. We will
10 have two sets of questioners on this set of topics.

11 MR. MACDONALD: Good afternoon, Madam Chair
12 and the Board. My name is Alistair MacDonald in
13 support of the Qikiqtani Inuit Association.

14 This set of questions is in relation to QIA's
15 Technical Comment Number 11 on the integration of Inuit
16 perspectives into impact assessment. We have some
17 questions on the methodology used in the assessment.

18 Building off Baffinland's suggestion in the
19 opening presentation that its methodology was
20 consistent with NIRB guidelines for the Mary River
21 Project, as well as Baffinland's contention that the
22 project will cause no significant adverse residual
23 effects. Section 7.11 of the Board's final
24 environmental impact statement guidelines gave very
25 detailed instructions to Baffinland about the need to
26 engage potentially affected communities on their views

1 on the significance of effects and to present this
2 range of viewpoints in the FEIS addendum.

3 So, Madam Chair, I would like to ask if Baffinland
4 integrated Inuit perspectives on what constitutes a
5 significant adverse effect on different value
6 components and Inuit perspectives on when -- whether
7 any significant adverse effects are likely, should
8 Phase 2 proceed, into its Phase 2 FEIS addendum?

9 THE CHAIR: Baffinland.

10 MS. LORD-HOYLE: Megan Lord-Hoyle with
11 Baffinland.

12 Baffinland strongly believes that it is important
13 for Inuit views on significance to be heard and
14 considered by the Nunavut Impact Review Board,
15 alongside Baffinland's primarily scientific-based
16 significance conclusions included in the final
17 environmental impact statement addendum documents.

18 It is an important part of the Nunavut Impact
19 Review Board process as designed by the Nunavut
20 Agreement that the Nunavut Impact -- Impact Review
21 Board must consider all views in making its
22 recommendation to the Minister.

23 Although we have heard that we may have come to
24 different conclusions on significance, Baffinland hears
25 these statements and has responded through mitigation
26 and monitoring programs that have been developed

1 through this process. We need the support of Inuit in
2 the communities to continue sharing their views with us
3 so that we can develop the appropriate mitigation where
4 there may be a difference in our significance
5 conclusions.

6 Qujannamik.

7 THE CHAIR: Qikiqtani Inuit Association.

8 MR. MACDONALD: Madam Chair, my actual
9 question was whether Baffinland had integrated Inuit
10 perspectives on significance into its FEIS addendum?
11 That wasn't answered.

12 Is it fair to say that the significance
13 estimations presented in the FEIS addendum were all
14 based on the professional judgment that Mr. Kamermans
15 was speaking about previously and did not include any
16 Inuit perspectives on significance? A "yes" or "no"
17 would be adequate.

18 THE CHAIR: Baffinland.

19 MR. KAMERMANS: Lou Kamermans, Baffinland.

20 What I spoke about in the presentation was the
21 multiple lines of evidence that we used to develop our
22 significance predictions, and while professional
23 judgment was used to carry out those calculations, they
24 were based on very important information that we
25 collected over years, as early as 2006, with our
26 engagements with North Baffin communities and Inuit, so

1 that information was available to our professionals as
2 they carried out their assessments. It was clearly
3 laid out through our various technical supporting
4 documents. It contributed to our baseline
5 understanding. It contributed to our understanding of
6 how impacts may occur, and it ultimately came through
7 in our effects assessment and significance
8 determinations.

9 Thank you.

10 THE CHAIR: Qikiqtani Inuit Association.

11 MR. MACDONALD: Alistair Macdonald in support
12 of Qikiqtani Inuit Association. I have a follow-up
13 question.

14 Does Baffinland have information that its FEIS
15 addendum findings have no significant adverse effects
16 on Inuit culture, resources and land use, terrestrial
17 marine and wildlife, and food security are reflective
18 on Inuit perspectives on a significance of likely
19 impacts on those value components?

20 THE CHAIR: Baffinland.

21 MR. KAMERMANS: Lou Kamermans, Baffinland.

22 We do believe those determinations do reflect
23 Inuit perspectives on the subjects. They were
24 carefully crafted and considered the information I
25 previously described, and that was documented in our
26 assessments right up until the food security update we

1 supplied in October.

2 I think what we're going to hear over the next
3 several days are Inuit perspectives on those findings,
4 and we look forward to those discussions.

5 Thank you.

6 THE CHAIR: Qikiqtani Inuit Association.

7 MR. MACDONALD: Alistair MacDonald in support
8 of the Qikiqtani Inuit Association.

9 To be clear, are you saying that an Inuit
10 perspective would be that there are no significant
11 adverse residual impacts from the project?

12 THE CHAIR: Baffinland.

13 MR. KAMERMANS: Lou Kamermans, Baffinland.

14 No, that was not the intention of my statement, so
15 I -- I believe those perspectives will come out through
16 this hearing, and we will listen to them and discuss
17 them, but it's that admission that we need to hear
18 Inuit's perspectives through this process, and then
19 that process needs to be continued well beyond any
20 approval, should it be granted. This is why we've
21 proposed a comprehensive cultural resource and land use
22 monitoring program, which would see us conduct
23 systematic IQ collection to better understand how the
24 Phase 2 development is causing change within the
25 community so that we can implement adaptive management,
26 should it be necessary, and this system would be

1 entirely dependent on the collection and interpretation
2 of Inuit perspectives on our project and its impacts,
3 on cultural -- culture, resources, and land use.

4 Thank you.

5 THE CHAIR: QIA.

6 MR. MACDONALD: Thank you, Madam Chair.

7 Alistair Macdonald in support of Qikiqtani Inuit
8 Association.

9 NIRB is making decisions and determinations on
10 this issue of significance of impacts on the value
11 components that I mentioned previously. It would seem
12 important that NIRB has the most up-to-date information
13 on impact significance in front of it, including Inuit
14 perspectives, so I guess my next follow-up question is
15 whether Baffinland has integrated into any of its
16 ongoing reassessments, including food security,
17 including on cultural resources and land use, Inuit
18 perspectives on significance after this issue was
19 identified at the April technical meeting and how it is
20 doing so.

21 THE CHAIR: Baffinland.

22 MR. KAMERMANS: Thank you, Madam Chair. Lou
23 Kamermans, Baffinland.

24 In the development of the food security assessment
25 update submitted October 15th, that report did rely on
26 a number of secondary sources of Inuit perspectives, a

1 quite substantial amount, I have to say, and what we
2 did in that report was try to present the most broad
3 range of views on the subject. We were also fortunate
4 enough to use ongoing IQ workshops that we had
5 coordinated throughout 2019, and this included our
6 community risk assessment workshops carried out over
7 three working sessions as well as a formal verification
8 session held in Iqaluit in September.

9 At this session in September, we actually held a
10 day's -- a day of the event to talk about food security
11 and cultures -- cultures resource and land use
12 assessment specifically, so, in short, those -- that
13 assessment relied on secondary information, took a
14 broad view of the information that was available and
15 presented it very objectively and also made use of
16 primary research we were carrying out in support of the
17 project already, and we also modified what we could
18 with those plans to make sure that we could collect
19 primary information on the food security assessment.

20 Thank you.

21 THE CHAIR: Qikiqtani Inuit Association.

22 MR. MACDONALD: Thank you, Madam Chair.

23 Alistair MacDonald in support of the Qikiqtani Inuit
24 Association.

25 The food security assessment is a good example.
26 Qikiqtani Inuit Association has reviewed that. The

1 material on significance from the perspective of Inuit
2 is very short, and it includes some quotes from Inuit
3 that are not necessarily in response to a specific
4 question on in -- significance. Can Baffinland tell us
5 whether, in the proponent's recently filed food
6 security assessment, Inuit were allowed an opportunity
7 to identify themselves, what would constitute a
8 significant adverse effect on food security from an
9 Inuit perspective, to identify whether the existing
10 state of food security is -- is significant, to
11 identify whether they believe the project will cause
12 significant adverse effects on Inuit food security, and
13 through what impact pathways, and to verify or refute
14 Baffinland's preliminary estimations of significance
15 effects on food security, including the estimation in
16 the study that there would be a net benefit from the
17 project on country food security?

18 THE CHAIR: Baffinland.

19 MR. KAMERMANS: Thank you, Madam Chair. Lou
20 Kamermans.

21 "Significance" as defined in the environmental
22 assessment, it's a technical term, and it's based on
23 exceeding a set threshold. In combination with
24 considering IQ in our final determination of
25 significance, thresholds on Inuit perspectives of
26 significance are not quantifiable or well-defined. To

1 address this, we have developed a strong culture
2 resource and land use monitoring program.

3 Neither the Qikiqtani Inuit Association study, the
4 Tusaqtavut study, or Baffinland IQ efforts have been
5 able to unilaterally determine what would be considered
6 significant to all Inuit.

7 Thank you, Madam Chair.

8 THE CHAIR: Qikiqtani Inuit Association.

9 MR. MACDONALD: Thank you, Madam Chair. Al
10 MacDonald in support of Qikiqtani Inuit Association.

11 I'd just like to note that they referred to
12 culture resources and land use monitoring program.
13 That will not be in place until long after the Board
14 needs to make its decision on this particular project,
15 and keep in that in mind.

16 My final question is whether any Inuit
17 perspectives on the significance of impacts that have
18 been brought forward during the technical phase of the
19 review have caused Baffinland to alter any of its
20 initial estimations of the significance of residual
21 adverse effects in relation to Phase 2?

22 Thank you.

23 THE CHAIR: Baffinland.

24 MS. LORD-HOYLE: Megan Lord-Hoyle with
25 Baffinland.

26 Madam Chair, may I ask that their question be

1 repeated?

2 THE CHAIR: QIA.

3 MR. MACDONALD: Have any Inuit perspectives on
4 significance of effects that have been brought forward
5 during the technical phase of the review, for example,
6 from the Mittimatalik Hunter and Trappers Organization,
7 caused Baffinland to alter any of its initial
8 estimations of the significance of adverse residual
9 effects from the project?

10 THE CHAIR: Baffinland.

11 MR. KAMERMANS: Thank you, Madam Chair. Lou
12 Kamermans, Baffinland.

13 We most certainly have considered the feedback on
14 Inuit perspectives we've received through this process
15 to reconsider the assessments we've carried out and the
16 integrity of their conclusions. We have made hard
17 changes to our project description based on these
18 perspectives that we've received through the review
19 process.

20 One such example was already explained earlier,
21 that we are committed to altering the rail alignment at
22 the deviation based on direct feedback received during
23 the crossing-selection workshop held in June and August
24 of 2019. This reflects a general approach that we've
25 taken towards our responsiveness to feedback from the
26 public to develop stronger monitoring programs and to

1 develop strong mitigations going forward that will see
2 Phase 2 reflect the desires of Inuit more accurately.

3 Thank you.

4 THE CHAIR: Qikiqtani Inuit Association.

5 MR. OTTENHOF: Thank you, Madam Chair. Jared
6 Ottenhof for the Qikiqtani Inuit Association.

7 My question is about the statement that Baffinland
8 made in response to questions saying it will alter the
9 rail route, the video which Baffinland used in its
10 presentation helping us to look along the rail route so
11 we can understand what is proposed.

12 Can Baffinland clarify? That appeared to be a
13 video depicting the original proposal for Route 1, the
14 route which has raised many questions about impacts.
15 Baffinland has more recently proposed to use Route 3,
16 which we are not actually seeing in this presentation.
17 Can Baffinland clarify what it's actually proposing,
18 what it's actually proposing, and showing to the public
19 regarding what the rail route will look like?

20 THE CHAIR: Baffinland.

21 MR. KAMERMANS: Lou Kamermans, Baffinland.

22 Thank you, Madam Chair.

23 So Slide 24 of our presentation depicted what
24 we're calling "Route 3" in green, and for those of you
25 in the back who may not be able to see colour in the
26 presentation, that is the hash-marked line in between a

1 hash-marked line on the left and a solid line on the
2 right. That is Route 3, and that is what we are
3 proposing to move forward with.

4 The railway simulation we showed did not reflect
5 this amended route. It was developed in advance of the
6 crossing-selection workshop and could not be amended in
7 time for this presentation.

8 Thank you for pointing that out. What we could
9 have said during the railway simulation, during the
10 kilometres where there is a modification, is that the
11 new route, Route 3, would have been about a kilometre
12 to the right.

13 Thank you, Madam Chair.

14 THE CHAIR: QIA.

15 MR. OTTENHOF: Thank you, Madam Chair.

16 Jared Ottenhof for the Qikiqtani Inuit Association.

17 I have another question about the rail route. In
18 2012, both the northern -- sorry, both the northern and
19 southern routes for rail were considered, and it was
20 decided that Steensby was the more economically viable
21 route, and north was not.

22 At that time, did Baffinland provide financial
23 disclosure that established that the Rail Route 2 and
24 use of the port for Steensby was economically viable in
25 order for the project to be approved?

26 Thank you.

1 THE CHAIR: Baffinland.

2 MR. KAMERMANS: Lou Kamermans, Baffinland.

3 Thank you, Madam Chair.

4 During the 2012 assessment, there was a
5 feasibility study carried out that examined the
6 northern and southern rail routes. At the time, the
7 north rail route was examined. It was examined to lead
8 to multiple port locations, so it was actually a port
9 and railway feasibility study.

10 The way we understood the project and the
11 requirements of the project at the time, the size of
12 the ships, and the shipping season that would be
13 required would have made it difficult to transport what
14 we had planned out of Milne Port. This is reflected in
15 our Technical Supporting Document 1, alternatives
16 assessment, and that may be a session where we can
17 explore this further.

18 The final point I would make is that the railway
19 south at the time was -- was desirable based on the
20 world price of iron ore at the time, which we all know
21 had since changed.

22 For a quick reference to the Technical Supporting
23 Document 1 and where further information is available ,
24 it's Section 3.4.3.

25 Thank you, Madam Chair.

26 THE CHAIR: QIA.

1 MR. OTTENHOF: Thank you, Madam Chair. Jaren
2 Ottenhof on behalf of Qikiqtani Inuit Association.

3 Unfortunately, I don't have technical -- Technical
4 Support Document 1 in front of me. Can you please
5 provide some of the details that are in Section 3.4.3,
6 please.

7 THE CHAIR: Baffinland.

8 MS. LORD-HOYLE: Megan Lord-Hoyle with
9 Baffinland.

10 On page 35 of Technical Support Document 1, under
11 Section 3.4.3, some of the reasons stated why this was
12 previously dismissed as an alternative include that
13 customers would require a constant year-round or nearly
14 year-round supply of iron ore, which was not thought to
15 be possible through Milne Port. Ice studies have
16 indicated that ice conditions to Milne Port are
17 challenging, in addition to thicker ice requiring
18 higher ice-class vessels.

19 There was also examples given based on available
20 geotechnical information at the time. It was thought
21 that a railway to Milne Inlet would be substantially
22 located on ice-rich glacial fluvial soils such that the
23 cost of a railway within this corridor would be more
24 expensive on a per-kilometre basis than the railway to
25 Steensby Port.

26 Qujannamik.

1 THE CHAIR: QIA.

2 MR. OTTENHOF: Thank you, Madam Chair. Jaren
3 Ottenhof for the Qikiqtani Inuit Association.

4 Baffinland has just shown that Phase 2 will be
5 constructed from Years 1 to 3 and commissioned for use
6 in Year 3. They've also stated that the southern rail
7 to Steensby will commence construction in Year 3 prior
8 to any revenues being generated from the Phase 2 rail.

9 Can Baffinland please comment on the source of
10 capital that is available, in specific to the north
11 rail, that cannot be used for south rail?

12 THE CHAIR: Baffinland.

13 MS. LORD-HOYLE: Megan Lord-Hoyle with
14 Baffinland. Qujannamik, Madam Chair.

15 The reason Baffinland believes that this would be
16 possible is that through the approval and construction
17 of the Phase 2, there will be security in the
18 investment community that this operation can succeed,
19 which will attract further investment into the Steensby
20 Project. The Steensby Project remains a much higher
21 capital cost than construction of a railway and an
22 additional ore dock at Milne Port, and the approval and
23 operation of the Phase 2 would provide securities -- or
24 investors the security needed to further invest in the
25 company to provide the higher capital cost for the
26 Steensby Project.

1 Qujannamik.

2 THE CHAIR: QIA.

3 MR. OTTENHOF: Thank you, Madam Chair. Jaren
4 Ottenhof for the Qikiqtani Inuit Association.

5 The original project approved was 18 million tons
6 per year south to Steensby Inlet for shipping, followed
7 by an Early Revenue Phase of 4.2 million tons per year
8 by truck to Milne Inlet, and then there's the
9 production increase to 6 million tons per year, and now
10 we're discussing a north rail route, an additional --
11 or, sorry, up to 12 million tons per year.

12 Given the amount of comments from parties around
13 the table, is it Baffinland's perception or opinion
14 that if this project was -- was presented as one large
15 project with all these components included, that this
16 project would be acceptable to Inuit or be approved for
17 operation?

18 Thank you.

19 THE CHAIR: Baffinland.

20 MS. LORD-HOYLE: Megan Lord-Hoyle with
21 Baffinland.

22 Madam Chair, I cannot comment on that at this
23 time, whether or not, if several years ago, a different
24 project had been put forward, if it would have been
25 viewed as acceptable to Inuit at the time.

26 This has become the phased approach to

1 development. The Early Revenue Phase has turned out to
2 be a more costly endeavour than originally projected,
3 and we are now in the position of needing Phase 2 for
4 financial stability, and this approach is consistent
5 with phased development seen elsewhere in Nunavut where
6 companies respond to changing environments and put
7 forward the plans as best they can, based on
8 information and analysis at the time.

9 Qujannamik.

10 THE CHAIR: QIA.

11 MR. OTTENHOF: Thank you, Madam Chair. Jaren
12 Ottenhof for the Qikiqtani Inuit Association. That's
13 all of our questions for now.

14 Thank you.

15 THE CHAIR: NTI.

16 Nunavut Tunngavik Incorporated Questions Baffinland
17 Iron Mines Corporation

18 MS. UNIUQSARAQ: Thank you, Madam Chair.

19 Hannah Uniuqsaraq with Nunavut Tunngavik Incorporated.

20 Earlier in the president -- Baffinland president
21 and CEO remarks, he mentioned that there are 300 --
22 3,000 plus Canadians whose livelihoods depend on Phase
23 2 proposal going ahead. Inuit culture and livelihood
24 also depends on the environment and the wildlife being
25 respected. How can Baffinland ensure that more Nunavut
26 Inuit benefit for a longer term -- longer time without

1 compromising the environment and the wildlife that it
2 relies on?

3 Qujannamik.

4 THE CHAIR: Baffinland.

5 MS. LORD-HOYLE: Megan Lord-Hoyle with
6 Baffinland.

7 Madam Chair, I would first like to start by saying
8 that we are very proud of the fact that we see more
9 Inuit working with Baffinland and for Baffinland, and
10 that is the result of strong training programs, a
11 strong Inuit Impact Benefit Agreement that has helped
12 us realize those increases.

13 In regard to respect for the environment and
14 ensuring that Inuit culture and land use is respected
15 in the future, part of the commitments that we have
16 made through this review process is to address that
17 fact. We have developed an Inuit Qaujimanitugangit
18 framework that will help us ensure that when we engage
19 with communities in Inuit, we have a robust measure in
20 place to have that feedback shared with us and so that
21 we can work with that information.

22 We have also proposed the development of an Inuit
23 advisory panel to share Inuit perspectives on
24 decision-making by the company as well as the
25 development of a culture resources and land use
26 monitoring program that would have us going into

1 communities on a frequency of every three years to
2 understand the changes that may have taken place and to
3 understand how we need to adapt our project operations.

4 These factors will help ensure that Inuit culture
5 and land use and the environment are not compromised by
6 the existence of the company and that these, in fact,
7 can co-exist together by continuing to work together.

8 Qujannamik.

9 THE CHAIR: NTI.

10 MS. UNIUQSARAQ: Thank you, Madam Chair.

11 My question is about impacts and Inuit
12 perspectives.

13 As QIA, Qikiqtani Inuit Association, have
14 highlighted, Inuit are expressing that there are
15 significant impacts from increased shipping and
16 potential rail -- rail line. Why is there a
17 discrepancy between the assessment that Baffinland has
18 submitted and what communities are saying?

19 Qujannamik.

20 THE CHAIR: Baffinland.

21 MS. LORD-HOYLE: Megan Lord-Hoyle with
22 Baffinland.

23 Baffinland recognizes that the term "significance"
24 in the context of environmental impact likely means
25 different things to different individuals. This was
26 expressed by several parties during this review

1 process.

2 We have used community feedback and perspectives
3 in the project design of the Phase 2. We have heard
4 directly from Inuit that there is no desire for
5 shipping through land-fast ice, and we have amended the
6 project design of the Phase 2 proposal in response to
7 those concerns. We have continued to engage with
8 communities. We have developed the environmental
9 assessment and taken those views into consideration in
10 our significance determination, but this review process
11 has also allowed for further views to be brought
12 forward on our proposals right now, and we are looking
13 to the future. We are looking to develop additional
14 mitigation measures and have provided additional
15 mitigation measures to alleviate some of the concerns
16 that have been brought forward and in direct response
17 to what we have heard.

18 Again, I will reiterate that part of this process
19 allows Inuit to provide their views firsthand on what
20 it is that Baffinland has proposed, and we are
21 listening to those views, as we have been throughout
22 this process.

23 Qujannamik.

24 THE CHAIR: Nunavut Tunngavik
25 Incorporated.

26 MS. UNIUQSARAQ: Qujannamik. Hanna Uniuqsaraq,

1 Nunavut Tunngavik Incorporated. We have other
2 questions, but we'll reserve them to later parts of the
3 presentation related to the terrestrial environment and
4 the marine environment.

5 Qujannamik.

6 THE CHAIR: Mittimatalik Hunters and
7 Trappers Organization.

8 Mittimatalik Hunters and Trappers Organization
9 Questions Baffinland Iron Mines Corporation

10 MR. OOTOOVAQ: Thank you, Madam Chair. I'm
11 Eric Ootoovaq.

12 I just have a few questions for the proponent,
13 Baffinland Iron Mines. The first one is for -- for
14 Slide 21 of their presentation -- yeah, that one.

15 On the table of key highlights under "Employment",
16 that "Difference" column, it says "negative 171". Is
17 that 171 fewer jobs in Phase 2 than the Early Revenue
18 Phase? That's my first question.

19 THE CHAIR: Baffinland.

20 MR. KAMERMANS: Thank you, Madam Chair. Thank
21 you, Eric. Lou Kamermans, Baffinland.

22 That section of the table is admittedly confusing,
23 and I'm glad you brought up this opportunity for me to
24 provide clarification.

25 What we have there is two different numbers. One
26 is a positive, and one is a negative. The positive

1 number of 590 is meant to reflect the additional
2 employment we expect to have with Phase 2 over what we
3 originally thought we needed for the Early Revenue
4 Phase. The reduction, the minus 171, is based on a
5 comparison against the actual employment levels we had
6 in 2017.

7 One of the larger reductions will be caused by the
8 transition from a trucking operation to a railway. We
9 need much less drivers. As stated before, we use a
10 system with 74 trucks. But what I want to clarify is
11 there are only three Inuit that currently work as ore
12 haul truck drivers, and we have a firm commitment that
13 no Inuit will lose their job as a result of the
14 transition to Phase 2 and the changing workforce.

15 Thank you, Madam Chair.

16 THE CHAIR: Mittimatalik Hunters and
17 Trappers Organization.

18 MR. OOTOOVAK: Eric Ootoovak, Mittimatalik
19 Hunters and Trappers Organization. I don't have a
20 follow-up question with that, but when I was at the
21 site for the -- the Milne Port, I don't see a lot of
22 Inuit that are working in the higher-end jobs. I see a
23 lot of them are janitors, kitchen cleaners, all -- all
24 these lower-end jobs, like, being treated as lower
25 class. I wonder if you're going to improve this for
26 Inuit?

1 Thank you.

2 THE CHAIR: Baffinland.

3 MR. MOORE: Thank you, Madam Chair.

4 Andrew Moore with Baffinland.

5 Currently, Baffinland has an Inuit workforce of
6 471 individuals. That is up, as stated earlier by
7 Mr. Kamermans, from less than 150 Inuit as of 2017.

8 Through the amended Inuit Impact and Benefit
9 Agreement, Baffinland had -- has instituted new
10 programs specifically designed to engage youth in all
11 aspects of Baffinland's operations. This includes our
12 Inuit internship program, which has eight Inuit engaged
13 in various departments across the company, both at the
14 Mary River mine site and Milne Port as well as our
15 corporate office in Oakville. Baffinland's hope is
16 that these Inuit youth engaged in that program will
17 pursue their studies and seek a career with Baffinland
18 over the long term.

19 We've also introduced our apprenticeship program,
20 which is showing results through our Qikiqtani
21 skills-to-employment training partnership with the
22 Qikiqtani Inuit Association and the Governments of
23 Nunavut and Canada.

24 The apprenticeship program begins with a
25 job-shadowing component to ensure the candidates are
26 interested in the trade they have chosen, and then they

1 can proceed into a journey person and through their
2 apprenticeship with Baffinland. This, again, is an
3 important program to introduce Inuit career progression
4 and development and -- with Baffinland.

5 We're also introducing what is called the Inuit --
6 an "Inuit leadership program". Through this process,
7 Baffinland's human resource department is working with
8 site supervisors and managers to identify potential
9 Inuit candidates interested in joining Baffinland's
10 supervisory and management team at Mary River. It is
11 hoped that through this program, by identifying
12 individuals interested in progressing into management
13 roles with the company, we will increase the number of
14 managers and supervisors who are Inuit at the project.

15 I'll turn it over to Megan, who would like to add.
16 Thank you, Madam Chair.

17 MS. LORD-HOYLE: Megan Lord-Hoyle with
18 Baffinland.

19 Madam Chair, I would also like to add that we
20 don't believe that any positions with the company are
21 low-class jobs. We believe that all jobs provided are
22 valuable. They're gainful employment, and they provide
23 for people's livelihoods.

24 Andrew has outlined some of the actions taken or
25 programs in place to help with career advancement for
26 those individuals who wish to go through those steps,

1 but we believe that all jobs with Baffinland are
2 meaningful, and we treat them as such.

3 Qujannamik.

4 THE CHAIR: HTO Mittimatalik.

5 MR. OOTOOVAK: Thank you. Eric Ootoovak,
6 Mittimatalik Hunters and Trappers Organization. Thank
7 you, Andrew and Megan.

8 Second question, as you go down -- Madam Chair,
9 the second is on Slide 29, yeah.

10 Is that slide confirming for this audience that
11 Steensby route will be built?

12 Thank you.

13 THE CHAIR: Baffinland.

14 MS. LORD-HOYLE: Megan Lord-Hoyle with
15 Baffinland.

16 Thank you for the question. Madam Chair, it is
17 Baffinland's intention to build Steensby. It has
18 always remained a part of our project plan. This will
19 be dependent on financing, but it is still our
20 intention to construct Steensby.

21 Qujannamik.

22 THE CHAIR: Mittimatalik HTO.

23 MR. OOTOOVAK: Thank you. Eric Ootoovak,
24 Mittimatalik Hunters and Trappers Organization. Thank
25 you, Megan.

26 So there's -- my understanding, Megan, is that

1 confirming you're not going to build the Steensby, or
2 is it -- is this just up in the air?

3 THE CHAIR: Baffinland.

4 MS. LORD-HOYLE: Megan Lord-Hoyle with
5 Baffinland. Qujannamik, Eric.

6 Madam Chair, this is our intention. I cannot
7 guarantee that Steensby will be constructed between
8 Year 3 to 6 following project approval. We believe
9 there's a good case for further investment and
10 financing. There's a good utilization of construction
11 crews that are already on the site, but I cannot
12 guarantee that phase of the project at this time.

13 Qujannamik.

14 THE CHAIR: HTO Mittimatalik.

15 MR. OOTOOVAK: Thank you, Madam Chair. Eric
16 Ootoovak, Mittimatalik Hunters and Trappers
17 Organization. Thank you, Megan. It's my last question
18 for Baffinland.

19 Can Baffinland Iron Mines clarify require why it
20 requires a shipping window to November 15th if it has
21 asked for increased ship numbers, increased size of
22 ships, and a second ore dock?

23 If you can load two ships at once, and they are
24 larger than current ships, why do you also need such an
25 extension to ship -- shipping season?

26 Qujannamik.

1 THE CHAIR: Baffinland.

2 MS. LORD-HOYLE: Megan Lord-Hoyle with
3 Baffinland. Qujannamik for the question.

4 Madam Chair, the extension to the shipping season
5 was based on the fact that we are looking at bringing a
6 larger number of vessels in as well as larger vessels,
7 and we do need an extended season to ensure that those
8 vessels can be brought in safely and under the given
9 ice conditions that may be present during those
10 different times of year.

11 We understand that the Mittimatalik Hunters and
12 Trappers Organization has put forward a request to
13 reduce the shipping season to October 15th. This is
14 something that in our final written submission we have
15 responded back that we would like to discuss with the
16 HTO around this. We remain open to these discussions,
17 and we are hoping that that discussion can happen
18 throughout these hearings and that we can come back to
19 the Board with our final approach.

20 Qujannamik.

21 THE CHAIR: HTO Mittimatalik.

22 MR. OOTOOVAK: Thank you, Madam Chair. Eric
23 Ootoovak, Mittimatalik Hunters and Trappers
24 Organization.

25 I'm -- I'm going to turn the mic over to Amanda
26 Main.

1 MS. HANSON-MAIN: Qujannamik, Eric. Qujannamik,
2 Iksivautalik. I have one additional question for
3 Baffinland.

4 In Slide 51, Baffinland presents the statement
5 about indicators. (as read)

6 Baffinland has a comprehensive monitoring
7 program that includes indicators for all of
8 the valued ecosystemic components and valued
9 socio-economic environmental components
10 perhaps that were identified in consultation.
11 From final written submissions, many organizations,
12 including the Mittimatalik Hunters and Trappers
13 Organization, identified a need for Baffinland to
14 develop indicators and thresholds to inform on impacts,
15 specifically that these are not in place.

16 Within Baffinland's own response to final written
17 submissions, it commits to continuing to work with
18 members of their various working groups to develop
19 these indicators. The Hunters and Trappers
20 Organization would like to clarify or is concerned with
21 the accuracy of the statement.

22 Is Baffinland's presentation suggesting in the
23 statement that it has indicators in place for all
24 ecosystemic and socio-economic components within the
25 assessment?

26 Qujannamik.

1 THE CHAIR: Baffinland.

2 MR. KAMERMANS: Thank you, Madam Chair. Lou
3 Kamermans, Baffinland.

4 Thanks for allowing the clarification here on this
5 point. In our response to the Mittimatalik Hunters and
6 Trappers Organization, I believe you're speaking about
7 the early warning indicators and how we've begun
8 engagement with the Mittimatalik Hunters and Trappers
9 Organization directly and through their participation
10 in the marine environment working group.

11 So on that point, I just want to clarify that we
12 are interested in -- in developing those
13 collaboratively and we are developing a work plan for
14 consideration that -- that we will -- we would like to
15 put on the record during the hearing; but as for the
16 remainder of our monitoring programs, we believe we do
17 have indicators in place, and what the question is do
18 we have thresholds and triggers in place for adaptive
19 management, and that's why we've developed the adaptive
20 management plan, and that will apply to all of our
21 management and monitoring programs.

22 We will systematically update all of them to
23 conform with the requirements of that management plan,
24 but that's not to say that we don't have indicators in
25 place and existing already in each of those plans.
26 That will be for the application of triggers and

1 thresholds.

2 Thank you very much. Thank you, Madam Chair.

3 THE CHAIR: HTO Mittimatalik.

4 MR. OOTOOVAK: Thank you, Madam Chair. Eric
5 Ootoovak, HTO, Mittimatalik.

6 Lou mentioned that Baffinland -- and Megan -- they
7 are working cooperatively, collab -- working with the
8 communities. How do I say this properly?

9 You said you're working with the communities.
10 Mittimatalik Hunters and Trappers Organization does not
11 like the idea of your proposed railroad -- railroad
12 alignment. We have been saying this from the start.
13 Why are you not listening to us when you say, Yes, we
14 are working with them?

15 Qujannamik.

16 THE CHAIR: Baffinland.

17 MS. LORD-HOYLE: Megan Lord-Hoyle with
18 Baffinland. Qujannamik, Eric, for the question.

19 Madam Chair, we do believe that we are working
20 collaboratively with the communities, and we have spent
21 a considerable -- a considerable amount of time in Pond
22 Inlet. We also have to understand that working
23 collaboratively does not always mean that we share the
24 same views or that we can accept each other's
25 positions.

26 We have been working very hard to understand the

1 views of the community and the concerns related to the
2 rail line. At a workshop held at the mine site in
3 July, we heard further from community members about
4 specific concerns related to the rail alignment, and we
5 understand that there's broader views on the rail
6 alignment as a whole and opinions on it, but we have a
7 number of different perspectives that we have to take
8 into consideration in our decision-making, as well; and
9 not moving forward with Phase 2 is not an agreeable
10 solution for Baffinland at this time, and part of that,
11 moving to a more financially stable operation includes
12 constructing a rail line.

13 As Mr. Penney mentioned in his opening remarks, a
14 rail line is required for mines, bulk commodity mines,
15 that have a long haul road or a long length of
16 transportation. A railway makes a more efficient and
17 effective operation, and so although we hear those
18 views, and we appreciate the communication between the
19 community and Baffinland, we've been working very hard
20 to find solutions so that this can move forward
21 together.

22 Route 3 was one of the two options put forward by
23 the community at the proposed -- or at the
24 rail-alignment workshop, and we are willing to
25 construct Route 3 in response to the opposition that
26 we've heard around Route 1. We'll continue to work

1 with the community to find solutions as much as we can
2 together.

3 Qujannamik.

4 THE CHAIR: Mittimatalik Hunters and
5 Trappers Organization.

6 MR. OOTOOVAK: Eric Ootoovak, Mittimatalik
7 Hunters and Trappers Organization. Thank you, Madam
8 Chair. At this time, we have no further questions.

9 THE CHAIR: Okay. We're going to take a
10 break until 3:30. When we come back, we will address
11 the motions and a preliminary matter that we postponed
12 from this morning, and then we will continue around the
13 table with questioning of the proponent once the motion
14 and other matters have been addressed. Let's take a
15 break.

16 (ADJOURNMENT)

17 Identification of Motion (Oceans North)

18 THE CHAIR: To address the three written
19 motions before the Board and the request to add a
20 presentation to the agenda, I will now turn the mic
21 over to our legal counsel to facilitate these
22 discussions.

23 Teresa.

24 MS. MEADOWS: Thank you, Madam Chair.
25 Teresa Meadows, legal counsel for the Nunavut Impact
26 Review Board.

1 So, Madam Chair, in the interests of time, we are
2 now going to discuss each of the three written motions
3 and the preliminary matter separately, and following
4 the conclusion of our brief discussions, the Board will
5 adjourn over the dinner break to consider these
6 matters, and when we return, we intend to provide the
7 Board's decisions and direction as applicable.

8 To facilitate the discussions, I will start with a
9 quick summary of the motion or the matter before the
10 Board. I will also summarize any written responses
11 parties have provided in respect of the matters to
12 date. And then following that summary, I will provide
13 the party bringing the motion with an opportunity to
14 present any additional information to the Board with
15 respect to their motion. Then we'll go around the
16 table to poll the parties regarding their positions
17 with respect to the matter.

18 Having said that, the Board does recognize some of
19 the intervenors may not have a position in respect of a
20 specific motion or matter, but we do ask them to advise
21 the Board even if that is the case so that the Board is
22 assured we are not missing anyone in these discussions.

23 The first written motion I propose to address is
24 the notice of motion from Oceans North supported by an
25 affidavit from a researcher, Georgia MacDonald filed
26 this past Monday, October 28th. In this motion, Oceans

1 North requested that the Board suspend the Board's
2 review of the Phase 2 Development Proposal because
3 Oceans North had identified inconsistencies between
4 information provided by Baffinland Iron Mines
5 Corporation during the Board's assessment of this
6 proposal when compared to a preliminary offering
7 circular for investors dated June 18th, 2018.

8 Specifically, Oceans North referenced that
9 Baffinland had included in the circular plans to
10 increase project shipping through Milne Port to
11 18 million tons per year, but Oceans North noted the
12 scope of the Phase 2 Development Proposal before the
13 Board is limited to an increase in shipping of
14 12 million tons of ore per year.

15 In the motion, Oceans North indicated this
16 discrepancy means that Baffinland withheld relevant
17 information in the final environmental impact statement
18 addendum and the Board's hearing should be suspended
19 until the additional information in the preliminary
20 offering circular is translated and filed on the
21 Board's public registry and parties are given an
22 opportunity to review and consider the information.
23 Alternatively, Oceans North, in the motion, requested
24 the Board identify subsequent dates to hold additional
25 hearings in order to allow parties more time to
26 consider the information in the preliminary offering

1 circular.

2 On Monday, very shortly after the Nunavut Impact
3 Review Board posted the notice of motion and the
4 affidavit of Ms. MacDonald and the preliminary offering
5 circular on the Board's public registry, Baffinland
6 contacted the Board and advised the Board that parts of
7 Ms. MacDonald's affidavit referencing the preliminary
8 offering circular and the circular in its entirety were
9 confidential documents that should not be publicly
10 disclosed. The Board immediately removed the affidavit
11 and preliminary offering circular pending Baffinland
12 supplying the Board with information to support this
13 assertion.

14 Upon review, Ms. MacDonald's affidavit was
15 reposted to the registry, but the preliminary offering
16 circular was not reposted, pending the Board's
17 direction after hearing this motion at the public
18 hearing.

19 On Thursday of this week, Baffinland filed both
20 their response to the Oceans North motion and
21 information to support their assertion that the
22 preliminary offering circular document provided by
23 Oceans North should be kept confidential.

24 With respect to the confidentiality claim,
25 Baffinland provided the affidavit of the chief
26 financial officer of Baffinland who had personal

1 knowledge about the preliminary offering circular. In
2 that affidavit, Baffinland indicated that the
3 preliminary offering circular provided by Oceans North
4 was an unfinalized draft of a document which was
5 ultimately released on June 22nd, 2018.

6 The officer went on to say that the circular is a
7 confidential document provided solely for the purpose
8 of offering to a limited number of private investors
9 the opportunity to purchase bonds in the Mary River
10 Project. The document was provided under strict terms
11 of confidentiality and under applicable securities laws
12 for issuers of private bonds.

13 With respect to the substance of the Oceans North
14 motion, Baffinland's position was that the inconsistent
15 reference to "ore shipping in any given year" was
16 reflective of a discussion of the base case that is
17 under assessment in the scope of the Phase 2
18 Development Proposal and a projected scenario that
19 would involve shipping of 18 million tons per year and
20 that is not before the Nunavut Impact Review Board in
21 this assessment.

22 In conclusion, Baffinland's position was stated to
23 be that the preliminary offering circular is a
24 confidential document that should not be relied upon or
25 posted to the Board's public registry and that the
26 motion by Oceans North to suspend or delay the Board's

1 review is without foundation and should be dismissed.

2 Also on Thursday, the Government of Canada
3 provided a written response to the Oceans North motion
4 indicating the following: (as read)

5 There may be merit to allowing Oceans North
6 to file the affidavit of Georgia MacDonald
7 and the excerpts of the preliminary offering
8 circular that are relevant to the Phase 2
9 Development Proposal on the public record.

10 The Government of Canada identified that the current
11 scope of the Board's assessment of the Phase 2
12 Development Proposal is clearly stated and is limited
13 to an increase in shipping to 12 million tons per year.

14 The Government of Canada also recognized that any
15 future requested increases would need to be assessed
16 under the Board's assessment and reconsideration
17 authority under the Nunavut Agreement and the Nunavut
18 Planning and Project Assessment Act.

19 On this basis, the Government of Canada concluded
20 that the Oceans North motion to suspend or delay the
21 Board's review of the Phase 2 Development Proposal on
22 the basis that Baffinland may not have disclosed future
23 plans to seek an increase to shipping is without merit
24 and should be dismissed.

25 So, Madam Chair, with that summary of the motion
26 of Oceans North and the current written responses to it

1 that we have received, I now turn to those parties
2 who -- whose summaries I have just provided to ask
3 whether or not they have additional information that
4 they would like to present in support of the motion.

5 So now I turn to Oceans North, who was the mover
6 of this motion.

7 MR. DEBECKI: Christopher -- excuse me.

8 THE CHAIR: Oceans North.

9 MR. DEBECKI: Yeah. Sorry. Christopher
10 Debecki for Oceans North.

11 Submissions by Oceans North (Motion) (Oceans North)

12 If I can, Ms. Meadows, just -- just at the
13 outset -- I've been approached by a number of
14 parties -- I -- I can see there's a lot of tension with
15 respect to this motion and -- and some of the
16 suggestion -- suggested outcomes that we provide, and
17 at the outset, I -- I -- I just want to make clear
18 because I -- I -- I think narratives suggesting the
19 opposite are circulating.

20 Oceans North recognizes the importance of the Mary
21 River resource and understands that its development
22 entails disturbances, and -- and we have and always
23 and -- and continue to be supportive of responsible
24 development of -- of that resource. There's -- with
25 respect to additional materials, we provided translated
26 copies of the notice of motion and the supporting

1 affidavit. In addition to that, we've also provided a
2 legal opinion by Mr. John Myers with respect to the --
3 to the privacy issue, as well as copies of the Supreme
4 Court case, which he references. We provided copies
5 for the Board, and a -- a number of other copies are
6 available at the back of the room, and we're happy to
7 make any additional copies available to anyone who
8 wants one or -- or circulate that electronically.

9 In addition -- and I -- and I apologize. I --
10 I -- I don't have a copy, but we would also rely on
11 Waheed and Walter, the Ontario Securities Commission
12 case about insider trading; Baffinland was a party.
13 That's an Ontario Securities Commission case, I
14 believe, from 2013. And I can provide the citation. I
15 presume the Board is well aware of -- of that decision.

16 And, in addition, just at the outset, we've had a
17 chance to review the affidavit of -- the supporting
18 affidavit of -- excuse me -- Mr. -- one -- Fernando
19 Ragone, and we would request leave to cross-examine
20 this individual. It's being suggested -- suggested in
21 that document that we've obtained these materials by
22 unscrupulous or illegal means, and we take great
23 offence to that and would like an opportunity to
24 cross-examine this individual, especially with respect
25 to -- to those insinuations. Thank you.

26 THE CHAIR: Legal counsel.

1 MS. MEADOWS: Thank you, Madam Chair.

2 Teresa Meadows, legal counsel.

3 So now I would turn to Baffinland for any
4 additional comments that they may have. And I note for
5 all the parties present that the Board has not yet seen
6 the materials -- the brief that you referenced and the
7 case materials that you've referenced, so we will -- we
8 will defer whether or not we consider that to be
9 relevant materials in this case until I've had an
10 opportunity to actually look at them. But in the
11 interim, Mr. Armstrong, if you would like to provide
12 any follow-up comments that you may have in respect of
13 either the summary of your written comments and/or what
14 was just raised by Oceans North.

15 Submissions by Baffinland Iron Mines Corporation
16 (Motion) (Oceans North)

17 MR. ARMSTRONG: Thank you, Ms. Meadows. Brad
18 Armstrong, legal counsel for --

19 THE CHAIR: Please wait until I tell you
20 to speak, as I'm also listening to the interpreters, so
21 that everyone has the opportunity to understand what's
22 being said in both languages.

23 Baffinland, you may proceed.

24 MR. ARMSTRONG: Thank you, Madam Chair. Brad
25 Armstrong, legal counsel for Baffinland.

26 I'll just comment briefly on these new materials

1 that Mr. Debecki has referred to. We've been provided
2 with the legal opinion from Mr. Myers. We certainly
3 object to that document going in. Mr. Myers is, in
4 fact, citing facts and information about how Oceans
5 North came into possession of the document, and that
6 evidence can't go in by way of a legal opinion from a
7 lawyer.

8 Secondly, the case which they cite, which is a --
9 a case of the Supreme Court of Canada involving Sierra
10 Legal Defence Fund was a case in which the confidential
11 information of a proponent, in that case a nuclear
12 power plant in China -- their request for
13 confidentiality was actually upheld because they were
14 able to show that this was confidential commercial
15 information.

16 The Supreme Court of Canada says the -- the test
17 is relatively easily met: If it's commercial
18 information, it is -- it is presumed to be
19 confidential.

20 Our position, Madam Chair, is that the -- the
21 Board should decline to accept this preliminary
22 information circular in evidence. There are a number
23 of grounds for that. It is not a final document; it's
24 a draft document. And it is a document which clearly,
25 on its face, was intended to be confidential. So
26 however it was obtained by Oceans North, there were

1 breaches of confidentiality requirements in that -- in
2 that chain of circumstances.

3 Thirdly, Madam Chair, under your Rules of
4 Procedure, anyone looking to rely on a document is
5 required to be able to attest that they were either --
6 it was either prepared by them or under their direction
7 and control and is accurate. And, of course, Georgina
8 [sic] MacDonald neither prepared the document, nor can
9 she attest to it being accurate. I'm looking at Rule
10 38.5.

11 I do understand that, in affidavits, documents can
12 be supplied on information and belief. That's in
13 Rule 15. But, more importantly, if someone is relying
14 on documentary evidence, they have to have confirmed
15 that they authored it or -- or -- or it was done under
16 their control and it's accurate. And we don't have
17 that with respect to this document, and it's a draft.

18 Thirdly, Madam Chair, Oceans North is an
19 environmental group asked to be a participant in these
20 proceedings because of their interest in the
21 environment. They now want to simply throw a document
22 on the table which is a very detailed financial
23 document, which is entirely outside of their interest
24 and outside of their expertise. And so for all of
25 those reasons, it should not be accepted.

26 In the alternative, if it was to be accepted, it

1 should be accepted under terms of confidentiality
2 pursuant to Rule 13, and that protects it from being
3 broadly distributed.

4 We -- we say as well, Madam Chair, in -- in
5 addition to that, that the motion should be dismissed.
6 Oceans North knows full well, Madam Chair, that the
7 application -- the proposal before you, the Phase 2
8 proposal is a proposal based on 12 million tons per
9 annum. The document which they rely on -- the
10 information circular was a document prepared for banks
11 and other investors who might want to lend money to the
12 company. The document -- and I should go back to say
13 that the -- that the affidavit of the chief financial
14 officer of Baffinland clearly establishes that this
15 document was intended to be confidential. Nobody was
16 supposed to have it unless they signed an eligibility
17 letter. It says "confidential" on it, and -- and it --
18 and it should remain confidential.

19 What the chief financial officer does point out --
20 and it's clear in this document -- that the information
21 circular tells the potential investors that the
22 application before the Nunavut Impact Review Board is
23 for Phase 2, and it's based on 12 million tons per
24 annum. There is some reference in the document that
25 the company had studied or was looking at a later
26 expansion to 18 million tons. But that's not what the

1 information circular says to the investors. It --
2 it's -- it's -- it's clear and truthful and transparent
3 that the application is for 12 million tons per annum.

4 And, Madam Chair, the application before you and
5 the Board is the Phase 2 application. So Oceans North
6 is asking you to suspend your review of Phase 2 because
7 the company -- and you heard Mr. Penney this morning --
8 the company had -- had studied potentially going to 18.
9 That's not a ground for suspending this -- this
10 proposal. It's -- it's perfectly sensible and --
11 and -- and regular for a mining company to be thinking
12 a few steps ahead about where it will go after -- after
13 an application has been processed for its -- for its
14 current plans.

15 So -- so clearly -- and we don't hear Mr. Debecki
16 saying anything different than that. We have, in the
17 affidavit of the chief financial officer, given you an
18 excerpt from the final information circular at page 95
19 or 96, which clearly sets out the strategy of the
20 company to proceed with Phase 2 based on 12 million
21 tons per annum.

22 And I will just say in -- in -- just briefly,
23 Madam Chair, the -- the -- Baffinland, in proposing
24 amendments to the current certificate, is proposing
25 amendments which limit the number of ships to 176 but
26 allowing some operational flexibility with respect to

1 tonnage. And that matter can be addressed as we go
2 forward during the hearing.

3 But -- but clearly an -- the application of Oceans
4 North to suspend this review is really without
5 foundation and should be dismissed, and -- and we also
6 ask that -- that -- that the Board should not accept an
7 affidavit of Georgina McDonald, who doesn't know
8 anything -- there's nothing in her affidavit indicating
9 she knows anything about information circulars or -- or
10 mining finances, et cetera, and wants to just attach an
11 affidavit that she found somewhere and -- and wants to
12 bring it before you without any expertise.

13 And the last point, Madam Chair, I want to make is
14 this: It's not the mandate of the Board to actually
15 get into these issues of finances of things like
16 interest rates and financial rates of return, operating
17 costs, revenues. All of those -- those internal
18 financial matters -- they're not part of your mandate
19 under the Nunavut Agreement or the provisions now in
20 the Nunavut Planning and Project Assessment Act.
21 They're not matters which are in the EIS guidelines.
22 The EIS guidelines do not say -- ask the company to
23 provide full financial disclosure of all of its
24 commercial interests.

25 And in this technical session, Madam Chair, there
26 is no session -- because it's not an issue -- for --

1 for the Board to consider all those matters. The
2 Board's mandate is to determine whether the project in
3 front of you is beneficial to the well-being of the
4 people of Nunavut and is protective of the ecosystem,
5 not for the Board to act like the Securities and
6 Exchange Commission or the -- or the Auditor General
7 and -- and delve into the -- deeply into the financial
8 matters of the company.

9 So those -- those are all of my submissions.

10 Thank you, Madam Chair.

11 THE CHAIR: Legal counsel.

12 MS. MEADOWS: Thank you, Madam Chair.

13 Teresa Meadows, legal counsel for the Nunavut Impact
14 Review Board.

15 I see that -- that Oceans North is wanting to
16 respond to that, but before I recommend that the
17 microphone be turned over to them, I just want to
18 advise you that the Board understands your position.
19 You've stated your position quite clearly. This is not
20 intended to be a back-and-forth in terms of -- of a
21 discussion between Baffinland and Oceans North on this
22 point. And so I advise you to keep your submissions to
23 any further comment, not a back-and-forth engagement
24 with -- with Baffinland's legal counsel.

25 Thank you, Madam Chair.

26 THE CHAIR: Oceans North.

1 Submissions by Oceans North (Motion) (Oceans North)

2 MR. DEBECKI: Thank you, Madam Chair.

3 Just -- sorry. And I apologize; I was waving
4 furiously. Simply a point of order. My understanding
5 was that Ms. Meadows had asked us whether or not we
6 were providing any additional materials, and I was
7 responding to that. I can see that counsel for -- for
8 Baffinland has gone into his argument. I'm happy to do
9 that now. I'm also happy to disclose -- to provide to
10 the Board all correspondence by which we obtained these
11 documents. We disclosed that as well to counsel,
12 Mr. Myers, our counsel on this matter.

13 And, I mean, I find it a -- it's a curious
14 strategy, frankly, even from -- in the proponent's own
15 interest to -- to say to the community and to say to
16 the Board, You can't see information that we're happy
17 to share with potential investors and to take a -- a
18 position to try to oppose that and diminish that.

19 I would also suggest that what counsel is saying
20 is inconsistent with the regulations that apply to --
21 to those materials. And I'm happy to go into that at
22 greater length 'cause I -- I think it is extremely
23 important that the Board understand the context in
24 which a circular like this is made and -- and the
25 regulatory requirements around it.

26 Now, to -- to go back to our main argument -- and

1 I'll -- and I'll try not to touch on things that we've
2 already provided in paper, but in terms of why, from --
3 from our perspective -- counsel's correct; we are a
4 conservation organization, and we focus on marine
5 conservation protecting both ecosystems and -- and the
6 socio-economic well-being of people who depend upon
7 them. And I would suggest that entering this bond
8 circular as evidence is squarely relevant to those
9 questions, to those determinations.

10 What we have in that document is a clear
11 indication -- clear indication communicated to the
12 investment public -- and -- and -- and from a -- from a
13 legal perspective, there is no special category of
14 investors that make them more important or more special
15 so they can see a company's bond information and --
16 and -- and normal citizens can't, right? That doesn't
17 exist.

18 And -- and as I indicate, I'm happy to provide
19 correspondence as to how I got those documents, and I
20 think it'll be clear to all that we did this in a
21 transparent and an open way and in no way breached any
22 confidentiality.

23 Now, it's -- it just -- it doesn't follow -- if --
24 if one picks up a document -- any document and it says
25 "confidential" on it, there's no rule that says I'm
26 going to stop reading, right? That's absurd. And it's

1 not a legal argument. That's just a scare tactic, and
2 this is bullying.

3 With -- with respect to -- to -- to the notion
4 this is a -- a preliminary document, well, this
5 document was tendered to -- to solicit \$550 million of
6 bonds. So I'm happy to also be able to review the --
7 the final document that -- that counsel alludes to, and
8 I agree that that would be probative, and I suggest
9 that also be entered as an exhibit in this process.

10 Now, the reason that Oceans North began its
11 investigation looking for information like this was
12 that -- it was perhaps from a lesson -- and this is --
13 I alluded to Waheed and Walter, the -- this is an
14 Ontario Securities Commission case in which -- and
15 this -- this case unfolded -- had to do with insider
16 trading and -- and the -- the ultimate takeover of
17 Baffinland. That case was unfolding at the same time
18 that Baffinland in -- the Board will be more familiar
19 than I -- but roughly twenty -- 2009 to 2012 was going
20 through its review process with respect to its initial
21 application to ship 18 million tons out of Steensby.

22 Now, what that case shows -- it's a long case, and
23 not all of it is relevant to questions of impact, but
24 what that case shows is that as early as 2010,
25 Baffinland had internally decided --

26 MS. MEADOWS: Excuse me, Madam Chair.

1 THE CHAIR: Legal counsel.

2 MS. MEADOWS: Thank you, Madam Chair.

3 So we've not yet ruled on the -- on whether or not
4 this case that you've provided -- we've not had an
5 opportunity to see it. We've not yet had an indication
6 that it's relevant in these proceedings. So I would
7 suggest that you conclude and not get into that case,
8 as it's not properly before the Board.

9 And with respect to the contents of the
10 information circular, it is also not yet properly
11 before the Board, and so I -- I would simply ask that
12 you confine your comments to the material that is
13 currently before the Board.

14 THE CHAIR: Oceans North.

15 MR. DEBECKI: Thank you, Madam Chair. I'm
16 at a -- something of a disadvantage in not being able
17 to discuss the contents of a circular in terms of
18 arguing why they're important in this process, but
19 perhaps I can do that just by way of giving the Board a
20 number of citations. I understand from reviewing notes
21 from this morning -- and I apologize that I wasn't
22 here -- but there have been attempts to -- to -- to
23 minimize the representations made in that circular, as
24 well as to suggest another narrative, which I think
25 also is at the heart of talking about some of the
26 financial information in the circular, and that's

1 the -- the threat looming over this process that this
2 mine will close at 6 million tons a year and that Inuit
3 will lose their jobs and will lose benefits and there
4 will be a tremendous social and economic impact. So
5 this is right at the heart of what we're talking about.

6 Now, the discrepancies -- and I'm going to go into
7 them -- between what the proponent has provided in the
8 process, also the -- the production scale that the
9 proponent has suggested is the scale in this -- in this
10 process is, as we've discussed, 12 million tons shipped
11 through Milne Inlet is followed by -- and the timeline
12 is important -- an additional 18 million tons through
13 Steensby.

14 Now, the production sequence provided to investors
15 in an attempt to solicit \$550 million of funds was
16 18 million tons through Steensby -- excuse me --
17 through Milne followed by an additional 18 million tons
18 through Steensby. Now, both -- both provide -- both
19 documents provide hypothetical expansion beyond that,
20 but this is the -- this is --

21 THE TRANSLATOR: You're going too fast.

22 MR. DEBECKI: Sorry. With respect to the
23 port, the discrepancies are clear in, again, 12 million
24 tons through Milne, 18 million tons shipped through --
25 by rail through Milne in the bond circular. It's clear
26 from that document that the capacity that is presently

1 being built and planned is -- is for that 18 million
2 ton volume. We also see in the --

3 MR. ARMSTRONG: Madam Chair, may I -- may I
4 intervene, please.

5 MR. DEBECKI: Excuse me. I didn't --

6 THE CHAIR: Hold on.

7 MR. DEBECKI: Excuse me.

8 THE CHAIR: NIRB legal counsel.

9 MS. MEADOWS: Thank you, Madam Chair.

10 Teresa Meadows, legal counsel for the Nunavut Impact
11 Review Board.

12 So, Mr. Debecki, we've heard that. That
13 information was provided in your notice of motion, and
14 that information was summarized in our summary of the
15 notice of motion. My question is whether there is
16 any -- anything additional -- any additional comments,
17 not just reiterating what was already provided in the
18 notice of motion and in the affidavit of Ms. MacDonald.

19 THE CHAIR: Oceans North.

20 MR. DEBECKI: Yes. Thank you, Madam Chair.

21 I'm going to provide the following pages from
22 the -- the -- the bond memorandum, and I can -- so PDF
23 pages 21, Document page 3; PDF page 109, Document
24 page 91 is reference to 18 million tons through Milne
25 Inlet by rail; PDF Document 123, page 105, primary
26 models and mine plans have been developed around the

1 rail expansion work to support rail haulage of up to
2 18 million tons per annum of iron ore through to Milne
3 Inlet -- Milne Port. Excuse me. PDF Document 300,
4 page 1-1 of the RPA report, BIM plans to increase the
5 production rate of the mine to 12 million tons per
6 annum shipping the output through Milne Port, the rail
7 expanse Milne base case. This includes construction
8 and operation of a rail line connecting the mine site
9 to Milne Port to transport the ore. Following
10 completion of this expansion, BIM plans to increase
11 production through Milne Port to 18 million tons per
12 annum, the rail expansion Milne expanded case.
13 Following this, BIM plans to complete the original
14 permitted rail to and port at Steensby Inlet adding an
15 additional 18 million tons per annum of potentially
16 year-round shipping capacity for a total of 36 million
17 tons per annum. RPA is currently preparing an
18 independent report on this option to be completed in
19 2018.

20 As an aside, I would suggest that that report be
21 disclosed and was -- is very probative in this process.

22 Page 302, page 1 -3 of RPA report, again, the
23 expansion to 18 million tons per annum rail expansion
24 Milne expanded case --

25 MR. ARMSTRONG: Madam Chair, I'm going to
26 intervene again. Madam Chair --

1 THE CHAIR: NIRB legal counsel.

2 MS. MEADOWS: Thank you, Madam Chair.

3 Teresa Meadows, legal counsel for the Nunavut Impact
4 Review Board.

5 So, again, this is -- these are references to a
6 document that is not yet before the Board, and the
7 Board will be making a decision as to whether or not
8 that document will (a) become public and (b), if not,
9 be referenced in these proceedings.

10 So I believe you've established the general
11 foundation for your views of relevance in this matter.
12 I ask you again to refrain from referencing a document
13 that is not before the Board. And I recognize that you
14 have established what you believe to be the relevance
15 of this document in these proceedings, so I ask you to
16 please move along with the remainder of your remarks.

17 THE CHAIR: Oceans North.

18 MR. DEBECKI: Thank you, Madam Chair.

19 I will just note that this document is in the
20 public domain. Community members can go to Nunatsiaq
21 News and see that they're hosting this document.

22 And -- and so I think that is fairly material and
23 important for the Board to consider. The public has
24 access to this document. This is a public document.

25 To avoid further objections and interruptions,
26 I'll just read the page numbers because I think this is

1 material.

2 Again, page 1-3 of the RPA report --

3 MS. MEADOWS: I -- I believe that this has
4 already been covered, and so I ask you not to do that.
5 The Board will make a ruling as to whether or not this
6 document is something that will be considered in these
7 proceedings. The fact that Nunatsiaq has posted it
8 does not actually make it present and before the Board,
9 and it does not make Baffinland having -- have waived
10 confidentiality, if there is confidentiality that
11 attaches to the Board -- to the document.

12 So, with that, if you have any summary
13 positions -- do not provide us with additional
14 references to a document that is not before the Board.
15 If you have any final summary submissions, please do so
16 now, and then we will get to polling the parties at the
17 table. Thank you.

18 THE CHAIR: Oceans North.

19 MR. DEBECKI: Thank you, Madam Chair.

20 Christopher Debecki for Oceans North.

21 I'm going to formally object to an approach that
22 suggests that a Board shouldn't be given citations in a
23 document when it's assessing the probative value and
24 whether or not this document should be admitted because
25 it's exactly those points in the document that will
26 assist the Board in determining whether or not this

1 should be admitted as evidence, and I'm not finished
2 highlighting those. And I -- I appreciate that the
3 Board is welcome to peruse the document at its own
4 discretion, but this -- we're talking about hundreds of
5 pages, and this could be of assistance.

6 THE CHAIR: NIRB legal counsel.

7 MS. MEADOWS: Thank you, Madam Chair.

8 Oceans North, your motion is for this document to
9 be considered, and as part of your motion, the Board
10 has not yet made a ruling on that. So the document is
11 not properly before the Board, so referencing a
12 document that is not properly before the Board does not
13 benefit anyone at this point.

14 If you wish to release publicly the information so
15 that members of the public can take a look at the
16 sections on Nunatsiaq, that is your willingness to do
17 so, but do not do it in the hearing venue.

18 Thank you, Madam Chair. I believe we will move on
19 now to the Government of Canada, who has provided a
20 written submission in respect of Oceans North motion.

21 Thank you, Madam Chair.

22 Submissions by Government of Canada (Motion) (Oceans
23 North)

24 THE CHAIR: Government of Canada.

25 MR. KOHNENBERG: Thank you, Madam Chair. Dale
26 Kohnenberg, Department of Justice Canada. I intend to

1 speak only to those matters of interest to the
2 Government of Canada intervenors in this hearing.

3 First of all, with all due respect to my learned
4 friend, Ms. Meadows, I would submit that her summary of
5 Canada's position on the motion was somewhat
6 overstated. Canada does not actually express and wish
7 that the motion be dismissed. Our position is more
8 accurately stated to reflect that it is entirely within
9 the jurisdiction and mandate of the Board to dismiss
10 the motion and that we see that there are reasonable
11 grounds for the Board to dismiss the motion.

12 Second point that I would like to make is perhaps
13 to correct one sentence in Canada's written submission.
14 In paragraph 5, we write that: (as read)

15 The proposed increase of production and
16 shipment from Milne Port to 12 million tons
17 per year will require increased frequency of
18 shipping vessels from this port.

19 We understand now that Baffinland wishes to have some
20 flexibility in the amount of ore that it would ship
21 from that port.

22 This expression of flexibility has caused some
23 concern amongst the federal departments and agencies,
24 and we simply wish to have it clarified to the Board
25 that this flexibility does not involve an increase in
26 production or shipment from the Milne Inlet Port of

1 more than 12 million tons per year. If Baffinland's
2 intention in having additional operational flexibility
3 beyond 12 million tons per year, our submission would
4 be that that is not the proposal before the Board and
5 that many of the intervenors have not had an
6 opportunity to assess that. Thank you, Madam Chair.

7 THE CHAIR: NIRB legal counsel.

8 MS. MEADOWS: Thank you, Madam Chair.

9 Teresa Meadows, legal counsel for the Nunavut Impact
10 Review Board.

11 So now I'd like to turn to the intervenors who are
12 here but did not have an opportunity to provide written
13 comments to the Board in respect of the motion of
14 Oceans North to suspend or delay the Board's review of
15 the Phase 2 Development Proposal to allow further
16 consideration of this information.

17 So, first, to the Qikiqtani Inuit Association,
18 whether or not you have any comments with respect to
19 the motion.

20 Polling of Interested Parties (Motion) (Oceans North)

21 THE CHAIR: Qikiqtani Inuit Association.

22 Submissions by Qikiqtani Inuit Association

23 (Motion) (Oceans North)

24 MR. OTTENHOF: Thank you, Madam Chair. Jared
25 Ottenhof for the Qikiqtani Inuit Association.

26 The Qikiqtani Inuit Association is aware of the

1 information presented by Oceans North to the Nunavut
2 Impact Review Board, including documents now removed
3 from the public -- public registry regarding
4 Baffinland's Phase 2 proposal. However, our
5 association has not had adequate time to independently
6 review these documents. Qikiqtani Inuit Association
7 has engaged in the Baffinland Phase 2 review process in
8 good faith. Our association has put a great deal of
9 trust into the Nunavut Impact Review Board as an
10 institution of public government under the Nunavut
11 Agreement. In the upcoming days, Qikiqtani Inuit
12 Association's team will be closely reviewing new
13 material presented to the Nunavut Impact Review Board
14 to ensure that the interests of Qikiqtani Inuit are
15 protected and respected by all parties. Thank you,
16 Madam Chair.

17 THE CHAIR: NTI.

18 Submissions by Nunavut Tunngavik Incorporated
19 (Motion) (Oceans North)

20 MS. BELLEAU: NTI. Thank you, Madam Chair.
21 Marie Belleau, legal lawyer at NTI.

22 Nunavut Tunngavik Incorporated believes that the
23 comanagement regime created by the Nunavut Agreement
24 must always be implemented in a transparent manner that
25 inspires trust by all and that is conducive to full
26 participation by Inuit. Inuit have the right to have

1 access to and be presented with all relevant
2 information and in Inuktitut. Information presented by
3 all parties needs to be accurate and truthful.

4 NTI has -- sorry, Nunavut Tunngavik Incorporated
5 has not had the opportunity to review the lengthy
6 preliminary offering circular or other documents that
7 were distributed this afternoon. Today we've heard
8 further from both parties on this. If it is deemed
9 that the information provided to support the Oceans
10 North motion, 1, is admissible as evidence and, 2,
11 would lead to any necessary revisions or amendments to
12 this current project proposal assessment, then it would
13 follow that Inuit would require more time to review and
14 take this information into account.

15 Nunavut Tunngavik Incorporated is confident that
16 the Nunavut Impact Review Board will ultimately make
17 the appropriate decision on this motion based on the
18 current project proposal information on the record,
19 written responses to the motion that have been
20 provided, and the comments that are -- are being made
21 today on this motion. Thank you, Madam Chair.

22 THE CHAIR: Mittimatalik Hunters and
23 Trappers Organization.

24 Submissions by Mittimatalik Hunters and Trappers
25 Organization (Motion) (Oceans North)

26 MS. HANSON-MAIN: Thank you, Madam Chair.

1 Amanda Hanson-Main, Mittimatalik Hunters and Trappers
2 Organization.

3 With respect to the motion filed by Oceans North
4 to admit the circular affidavit and supporting
5 materials, the Hunters and Trappers Organization agrees
6 that materials filed by Oceans North within their
7 notice as they relate to Baffinland's approach to
8 project development and as provided to its
9 funders/investors should be allowed without restriction
10 on the Nunavut Impact Review Board's public registry.
11 We would like to know more about the profitability of
12 the mine and the project as it currently is approved
13 now and also in terms of any future Phase 2
14 development.

15 Baffinland continues to say without expansion it
16 is not profitable, but we have seen limited evidence to
17 support that justification. Baffinland also asserts a
18 need for phase development and continued growth at Mary
19 River. We have not been able to ascertain what the
20 Baffinland position is with regard to plans for future
21 expansion despite asking outright. If the circular and
22 supporting documents filed by Oceans North shine any
23 light on this, we encourage the filing to be accepted.

24 With respect to the second item, to suspend the
25 review of the hearing, the Mittimatalik Hunters and
26 Trappers Organization agrees with this motion. We find

1 that there may be inconsistencies in information coming
2 out of the information that has been filed, and we need
3 certainty in the answers Baffinland gives to simple
4 questions about project scope so that we can be
5 confident in its answers to more significant questions
6 about impacts and commitments that it makes to our
7 community for mitigation and project development.

8 We are concerned with proceeding with the hearing
9 if we cannot confirm, based on documents submitted by
10 Oceans North, what Baffinland is considering to be the
11 ultimate project scope for this development, and we're
12 concerned that the Nunavut Impact Review Board may be
13 limited in its assessment of the entire project during
14 the proceeding. We support a postponement until such
15 time as materials can be properly reviewed, including
16 translation and procedural next steps determined.

17 Finally, we find that the written materials
18 submitted to the Nunavut Impact Review Board over the
19 past week leading into this hearing has been very
20 onerous for a small organization that is underresourced
21 to participate. We do require additional time to
22 properly consider and inform our intervention.
23 Quajannamik.

24 THE CHAIR: Hamlet of Pond Inlet.
25 Submissions by Hamlet of Pond Inlet (Motion) (Oceans
26 North)

1 MR. TESTER: Frank Tester, technical
2 advisor, Pond Inlet. Our position parallels exactly
3 that just stated by the MHTO.

4 Legalities aside, what's happened here
5 is something that seriously undermines the trust that
6 Mittimatalingmiut have in -- in Baffinland. It would
7 appear very clearly, given the timing of this, that
8 Baffinland was, in fact, considering seriously the
9 possibility of exporting 18 million tons a year from
10 Milne Inlet at almost exactly the same time as it was
11 applying to NIRB for a proposal to ship 12 million tons
12 a year.

13 We see no reason why Inuit should be treated as
14 second-class citizens with respect to this sort of
15 information. It has nothing to do necessarily with a
16 document that we can debate at great length as to
17 whether or not it is confidential and should've been
18 released and so forth and so on. The truth of the
19 matter is that Baffinland, given that it was
20 considering this, should've made that information
21 available at the time. We can see no reason why they
22 didn't, and the result has been to mislead -- mislead
23 Inuit considerably and treat them, in fact, as less
24 than the investors who were privy to this information.

25 This is two things. It's treating Inuit as
26 second-class citizens, and it's also violating their

1 trust. For that reason, we support that -- the motion,
2 and we also support the motion to suspend these
3 hearings as the result of information which changes and
4 undermines all of the considerable research and --
5 and -- and critical analysis that has been undertaken
6 by everybody sitting around this table.

7 The implications of 18 million tons a year being
8 shipped out of Milne Inlet has very significant
9 consequences for marine mammals. It has very
10 significant consequences for any human being or any
11 animal trying to cross the railway tracks, given that
12 more trains would be barrelling down the track,
13 presumably carrying 50 percent more ore to the port of
14 Milne Inlet. It has serious implications for all of us
15 in this room. Our considerable work, time, effort, and
16 energy has been undermined by something that Baffinland
17 has been doing behind the backs of all of us. We
18 simply find this offensive.

19 THE CHAIR: Hamlet -- or citizens of
20 Igloolik.

21 Submissions by Igloolik Working Group (Motion) (Oceans
22 North)

23 MR. RECINOS: Thank you, Madam Chair.
24 Merlyn Recinos on behalf of the Igloolik Working Group.

25 First of all, I would like to say that when we
26 first started, the Igloolik Working Group was reviewing

1 and working with Baffinland and all the intervenors in
2 good faith and trust. We stated at the beginning that
3 we wanted this to work as in -- in a partnership to
4 make sure that we were able all to make an informed
5 decision. We wanted to work open and transparent in
6 every way to develop the project. That way, it had
7 very to little or no impact on environment, culture,
8 language, impact -- especially in the communities that
9 were most affected.

10 We then found out by ways of news that -- and also
11 when we did a mine visit that Baffinland had already
12 shipped product and construction equipment to the mine
13 site for Phase 2 that had been approved by the
14 Nunavut -- Nunavut Impact Review Board with approval of
15 the Qikiqtani Inuit Association. We then found out
16 once again by way of news in regards to this document
17 that had been floating around.

18 The Igloolik Working Group had stated that we had
19 a lot of paperwork to review and a lot of
20 documentation, and it really took a lot of our
21 resources to review this documentation and being able
22 to truly engage our community. We went from 4 million
23 tons to 6 million tons to 8 million tons to now
24 12 million tons and potentially 18 million tons. We're
25 still not -- been able to truly review the
26 documentation to 12 million tons.

1 It was on my presentation tomorrow that I was
2 going to request for additional timing and for the
3 record to be open, and I will make that motion tomorrow
4 as well because we feel that the five northern
5 communities most affected should've been coming
6 together and should've been engaged by all participants
7 at this meeting.

8 It is with this that we are in agreement with
9 Oceans North Motion 1 and 2. We feel that we need all
10 of the documentation in front of the Igloolik Working
11 Group for the Igloolik Working Group to make an
12 informed decision on behalf of Igloolik. We feel that
13 even though there was a lot of documents being
14 reviewed, we were trying to do our best to review them,
15 but now we have learned that there's additional
16 documentation that hasn't even been submitted that is
17 truly relevant to the project at hand. Thank you,
18 Madam Chair.

19 THE CHAIR: Hamlet of -- the Hamlet of
20 Hall Beach.

21 Are you from Igloolik?

22 MR. IVALU: Thank you, Madam Chair. I
23 also wanted to add that the five northern communities
24 most affected all have different definitions for
25 "significant adverse effects", and Baffinland hasn't
26 really provided the definition for "significant adverse

1 effects". It's subject to interpretation. We can
2 interpret it the other -- another way as you do.

3 So if Baffinland -- if we were to suspend this, I
4 would request that Baffinland define "significant
5 adverse effects" so we will know -- we will all have
6 the same understanding of the effects that might
7 potentially happen. Thank you, Madam Chair.

8 THE CHAIR: Hall Beach HTO.

9 Submissions by Hall Beach Hunters and Trappers
10 Organization (Motion) (Oceans North)

11 MR. ARVALUK: HTO. Danny Arvaluk. Yes, the
12 proposed Phase 2 -- we worked on it a number of times,
13 and we weren't able to all come together to meet such
14 as this, but we thought -- and people from Pond Inlet
15 weren't able to come together with us, but -- and we
16 are also an affected community and try to be involved
17 at these kinds of meetings and locally.

18 And the railway route -- and the railway route --
19 route that is being requested and the railway -- and
20 we, at the same time, we went to Quebec for meetings
21 and met with the people at the railway station down in
22 Quebec, and it -- it was in wintertime that it was
23 running, and the route had to be shovelled 'cause there
24 was too much snow and bad weather, and it was able to
25 run perfectly in that condition. And it didn't bother
26 me too much to see it that way.

1 But with the wheels with trucks in the
2 communities -- they're not able to make any dust float
3 around like the -- the trucks like they do. But in the
4 community, maybe it was the first time that I saw it
5 down in Quebec, and it didn't seem to have any problems
6 running in the wintertime. Thank you, Madam Chair.

7 THE CHAIR: NWT -- Nunavut Government.
8 Submissions by Government of Nunavut (Motion) (Oceans
9 North)

10 MS. O'GRADY: Thank you, Madam Chair.
11 Natalie O'Grady, Government of Nunavut.

12 We defer to the Nunavut Impact Review Board
13 whether the preliminary offering circular should be
14 made available as a decision-maker as well in
15 considering evidence. As an institution of public
16 government, the Board sets the process in conformity
17 with the Nunavut Agreement. As such, the GN --
18 Government of Nunavut looks forward to their decision
19 for certainty on the process. (OTHER LANGUAGE SPOKEN)

20 THE CHAIR: World Wildlife Fund. And
21 they're together -- Government of Canada with -- we
22 oversighted you. Then to World Wildlife Fund to speak.
23 To Paul Okalik.

24 Submissions by World Wildlife Fund (Motion) (Oceans
25 North)

26 MR. OKALIK: Thank you, Madam Chairperson.

1 Yes, for the motion that was -- we believe it.
2 And, particularly, as a Board member for -- as NIRB,
3 you have to review it and look at it, and if you're
4 going to implement things properly. And you are the --
5 the deciders for Nunavut. And for that motion, that is
6 to be looked at very carefully by you in the near
7 future and some of those things that were not given out
8 by the government. And it's okay if there's less names
9 written or signed. As Inuit, we have to be enough --
10 we have to know many things and not hide behind your
11 work, but Inuit can do implements -- implement things
12 and do their own work, and the NIRB Board -- it's okay
13 if you don't speak in Inuktitut, but there has to be
14 change. This has passed. It's not new anymore. So --
15 and today, you have -- we have to run better and do
16 better in the future and to work with -- in partnership
17 with other people.

18 And this is the problem I see today, not working
19 together. This has to be rectified by the government.
20 And now, today -- and we are supporting the -- the
21 motion. And so now you can see -- and if they have to
22 be translated properly with the documents that are
23 dispersed to the community and not just to be seen by
24 the non-Inuit to read, but also Inuit need to see all
25 the documents translated. Thank you.
26 THE CHAIR: Nunavut Independent Television

1 Network.

2 Submissions by Nunavut Independent Television Network
3 (Motion) (Oceans North)

4 MR. LIPSETT: Thank you, Madam Chair. Lloyd
5 Lipsett, advisor for Nunavut Independent Television
6 Network.

7 We do not take a formal position on the motion
8 because we have not had a chance to review a number of
9 the documents that have been cited, and we defer to the
10 Nunavut Impact Review Board to make the determination.
11 However, we do support the general points made by a
12 number of intervenors about the importance of trust and
13 transparency as fundamental components to inform
14 consultation with Inuit, and we also underscore the
15 point made by the Government of Canada about the need
16 to clarify what operational flexibility implies for the
17 proponent. Thank you.

18 THE CHAIR: NIRB legal counsel.
19 Identification of Motion (Baffinland Iron Mines
20 Corporation)

21 MS. MEADOWS: Thank you, Madam Chair.
22 Teresa Meadows, legal counsel for the Nunavut Impact
23 Review Board.

24 So, Madam Chair, I will proceed to the next
25 motion, recognizing that the Board will be adjourning
26 shortly to consider the motions.

1 The second motion that was filed and received by
2 the Board on Monday, October 28th, was a notice of
3 motion, an affidavit of Brian Penney, the chief
4 executive officer at Baffinland. The notice of motion
5 requests the Board consider receiving an 11-page
6 document summarizing information contained in
7 Baffinland's audited financial statements to address
8 the financial viability and continued economics of the
9 Mary River Project to be considered in confidence by
10 the Board without posting on the public registry and
11 broad circulation.

12 The basis for Baffinland's assertion of
13 confidentiality of this economic summary document is
14 that public disclosure of the economic summary could
15 have a negative impact on Baffinland's negotiating
16 leverage with financiers or underwriters; could limit
17 Baffinland's marketing efforts to potential investors
18 if viewed out of context; contains sensitive
19 information that could affect Baffinland's competitive
20 position with respect to other market participants; may
21 compromise Baffinland's negotiating position with goods
22 and service suppliers, as well as customers; and may
23 compromise Baffinland's negotiating position with
24 respect to hiring at the executive level.

25 On Thursday, the Government of Canada filed a
26 written response indicating that the Government of

1 Canada does not oppose the confidentiality order if the
2 Nunavut Impact Review Board is satisfied that the
3 information should be kept confidential in accordance
4 with Section 13 of the NIRB's Rules of Procedure.

5 The Government of Canada further noted that
6 although the Government of Canada has not yet requested
7 to be provided with a copy of the economic summary, the
8 Government of Canada reserves the right to do so if
9 such information would be useful to the Government of
10 Canada in its review of the Phase 2 development
11 project.

12 So with that summary of the written motion of
13 Baffinland and the written response of the Government
14 of Canada to it, I now turn to those parties to see if
15 they have any additional comments to add to the
16 summaries of their positions I've just outlined.

17 So, Madam Chair, Baffinland Iron Mines Corporation
18 would be first to respond.

19 THE CHAIR: Baffinland.
20 Submissions by Baffinland Iron Mines Corporation
21 (Motion) (Baffinland)

22 MR. ARMSTRONG: Thank you, Madam Chair, and
23 thank you. Ms. Meadows has summarized the motion quite
24 clearly, given the grounds for requesting
25 confidentiality.

26 THE CHAIR: NIRB legal counsel.

1 MS. MEADOWS: Thank you, Madam Chair.

2 Teresa Meadows, legal counsel for the Nunavut Impact
3 Review Board. Sorry, Madam Chair. We got our signals
4 crossed. I'm fine.

5 THE CHAIR: Baffinland.

6 MR. ARMSTRONG: Thank you, Madam Chair. Brad
7 Armstrong, legal counsel for Baffinland.

8 Yes. Ms. Meadows has summarized the motion. This
9 financial information, as Mr. Penney indicates, is
10 designed to demonstrate the need for the project to
11 expand and the question of sustainability if the
12 project is -- is not able to -- to expand, I -- I think
13 information which is of interest to all parties.

14 We're asking for confidentiality. That means it's
15 not posted on the registry and generally available to
16 the public. I note that the rules -- it's Rule 13.4 --
17 provides that where documents are confidential, they
18 may be reviewed by parties on undertakings. And we
19 would want to be very careful about the terms of those
20 undertakings. So -- and perhaps Ms. Meadows could
21 explain that part of the rule -- it's 13.4 -- rather
22 than -- rather than me. So confidentiality would be
23 subject to 13.4 and would provide some important
24 information about the current economics of the project
25 and the -- and the need to expand. Thank you, Madam
26 Chair.

1 THE CHAIR: NIRB legal counsel.

2 MS. MEADOWS: Thank you, Madam Chair.

3 Teresa Meadows, legal counsel for the Nunavut Impact
4 Review Board.

5 So, Madam Chair, as referenced by legal counsel
6 for Baffinland, there are provisions in the NIRB's
7 Rules of Procedure that would allow for information
8 that is considered to be confidential to be provided to
9 other participants in the public hearing venue, subject
10 to confidentiality requirements, so signing
11 undertakings, also providing nondisclosure agreements
12 or -- or other further reassurances of maintaining
13 confidentiality within the group of participants who
14 would be able to access that information.

15 And as -- as legal counsel for Baffinland also
16 noted, as part of that order, the Board could also --
17 would -- would also indicate that the documentation
18 would not be available on the normal process which
19 would be posted on the public registry and/or, if it
20 was entered as an exhibit in these proceedings, again,
21 there would be a notification only on the registry that
22 that information has been maintained in confidence and
23 is subject only to disclosure under an undertaking.
24 Thank you, Madam Chair.

25 And perhaps next turn to the Government of Canada
26 to discuss their written submissions on this point.

1 THE CHAIR: There's an Elder sitting at
2 the left corner here that would like to speak. Can
3 someone please bring him a mic before the Government of
4 Canada's response?

5 Comments by Elder of Iqaluit

6 MR. KAKEE: Thank you. I want to speak to
7 the people that are here in Iqaluit. We came -- for
8 those of us that are older and are unilingual, we --
9 being kind of left out on some pertinent information
10 that we should have heard before. I was tired earlier
11 this morning, but I'm here now, and I want to speak a
12 little about myself.

13 I'm an Elder, and we were told that we could raise
14 any of our concerns that we have and make comments at
15 any given time. The Elder that was supposed to be here
16 was unable to attend, and I've been asked to represent
17 the Elders. I am -- I catch on easy with information
18 that is given to me. As Inuit, we were given this --
19 we were given the grace to -- to do -- to represent our
20 people. It was a good idea to have the hearing here
21 and that we had heard Baffinland was going to be in
22 attendance. And it's my first time to attend a
23 hearing, and I am pleased that I was invited.

24 We have to hear all types of evidence that are
25 presented before us because if we don't hear
26 everything, it's not going to be right. As those of us

1 that live up north, we are always last to hear
2 important information around the nineteen -- around 60
3 years, we -- we didn't have a government back then when
4 our parents were alive. And once the government came,
5 they were preparing us to learn from development that's
6 gone up here to the north, and I'm pleased to -- that I
7 was able to witness this. Sometimes perhaps some
8 information may not be relevant, but we have to hear
9 all types of evidence. We have -- we are protectors of
10 our land. We need to know and be informed about what
11 types of development are happening up north even though
12 we've lost part of our culture. But aside from that,
13 we are very proud of our land. We -- we have -- you
14 have -- we have to see -- we have to be seen as
15 sensitive people. Thank you.

16 THE CHAIR: Yes. It's almost 5. We're
17 going to stop for supper and then come back at 6:00 --
18 so let's break for supper and reconvene at 6:30
19 continuing with responses to the motion.

20 _____

21 PROCEEDINGS ADJOURNED UNTIL 6:30 PM

22 _____

23 (PROCEEDINGS COMMENCED AT 6:30 PM)

24 THE CHAIR: We're going to continue with
25 comments to the motion starting with the Government of
26 Canada.

1 Submissions by Government of Canada (Motion)
2 (Baffinland Iron Mines Corporation)

3 MR. KOHNENBERG: Thank you, Madam Chair.

4 My learned friend Ms. Meadows has very accurately
5 and admirably summarized Canada's position on the
6 motion, and Canada has nothing further to add.

7 THE CHAIR: NIRB legal counsel.

8 MS. MEADOWS: Teresa Meadows, legal counsel
9 for the Nunavut Impact Review Board. Thank you, Madam
10 Chair.

11 So now I would recommend that the parties be
12 polled with respect to Baffinland Iron Mines
13 Corporation's motion to provide an economic summary
14 document in confidence for the Board's review.

15 Thank you, Madam Chair.

16 Polling of Interested Parties (Motion) (Baffinland Iron
17 Mines Corporation)

18 THE CHAIR: Qikiqtani Inuit Association.
19 Submissions by Qikiqtani Inuit Association
20 (Motion) (Baffinland Iron Mines Corporation)

21 MR. OTTENHOF: Thank you, Madam Chair. Jared
22 Ottenhof for the Qikiqtani Inuit Association.

23 The QIA has -- sorry, the Qikiqtani Inuit
24 Association has no position on the confidentiality
25 order requested by Baffinland Iron Mines. It does
26 request that the right to be able to review a copy of

1 Baffinland's proposed economic summary as a directly
2 impacted party with an interest in reviewing relevant
3 economic information that affects Qikiqtani Inuit, and
4 that would also validate Baffinland's previous public
5 statements regarding financial viability. QIA has
6 faith in the Nunavut Impact Review Board as an
7 institution of public government to make the
8 appropriate decision.

9 Thank you, Madam Chair.

10 THE CHAIR: Nunavut Tunngavik
11 Incorporated.

12 Submissions by Nunavut Tunngavik Incorporated
13 (Motion) (Baffinland Iron Mines Corporation)

14 MS. BELLEAU: I'm Marie Belleau with NTI.

15 I will preface Nunavut Tunngavik's comments on
16 this motion based on what we have heard earlier in the
17 comments made on the Oceans North motion.

18 Baffinland was of the opinion that it is not part
19 of the Nunavut Impact Review Board's mandate to deal
20 with or concern itself with questions of corporate
21 revenues and internal financial matters.

22 Meanwhile, we have a motion before us from
23 Baffinland requesting to file a summary of their
24 audited financial statements that they say speak to the
25 financial viability and the economics of the Mary River
26 Project; and to the motion, Nunavut Tunngavik

1 Incorporated advocates for transparency in all
2 co-management affairs. It is also most beneficial for
3 the Nunavut Impact Review Board to have access to all
4 relevant information to take into account and
5 consideration when making their decisions in the most
6 comprehensive way.

7 Nunavut Tunngavik Incorporated trusts that NIRB
8 will make the appropriate decision with regards to the
9 admissibility of the evidence and the confidentiality
10 of the documents referred to in this motion.

11 Qujannamik.

12 THE CHAIR: Pond Inlet Hunters and
13 Trappers Organization.

14 Submissions by Mittimatalik Hunters and Trappers
15 Organization (Motion) (Baffinland Iron Mines
16 Corporation)

17 MS. HANSON-MAIN: Qujannamik, Iksivautalik.
18 Amanda Hanson-Main. Mittimatalik Hunters and Trappers
19 Organization.

20 We do not disagree with Baffinland's request to
21 have submitted this 11-page financial summary, economic
22 summary; however, we are not certain that this will
23 alleviate the concerns that we have regarding the
24 aforementioned issues with project scope and questions.
25 With that said, we welcome any further information that
26 will provide clarity around the Phase 2 project,

1 Baffinland's intentions, and the financial viability of
2 this project.

3 We do not believe or agree that the financial
4 summary document, if providing justification for
5 project development, should be treated confidentially
6 by NIRB, by the Nunavut Impact Review Board.

7 The Hunters and Trappers Organization has a vested
8 interest in understanding constraints on the project as
9 proposed, including the viability of the project going
10 forward. However, if Baffinland is able to submit this
11 economic summary, and the Nunavut Impact Review Board
12 is able to treat it with the limited confidentiality
13 that would allow all parties to the proceeding to
14 review, the Hunters and Trappers Organization would
15 support that.

16 I would also like to advise the Nunavut Impact
17 Review Board that the Hunters and Trappers Organization
18 is without legal counsel, so any legal instrument or
19 legal requirement for an undertaking may need special
20 consideration for our participation in such a review.

21 Qujannamik.

22 THE CHAIR: Hamlet of Pond Inlet.
23 Submissions by Hamlet of Pond Inlet (Motion) (Baffinland
24 Iron Mines Corporation)

25 MR. TESTER: Frank Tester, technical
26 advisor, Hamlet of Pond Inlet.

1 The Hamlet of Pond Inlet is in favour of and
2 supports Baffinland submitting this document; however,
3 we do so conditionally. We would like to see NIRB
4 undertake a critical evaluation of what has been
5 submitted by sharing what has been submitted in
6 confidence with a -- someone who is a credible third
7 party who can evaluate the content and then publicly
8 offer an opinion with a certain degree of confidence
9 that -- about the accuracy and reliability of the
10 information that has been provided that is without
11 revealing the content of the document, per se; but we
12 are concerned that Baffinland, without having someone
13 take a critical look at this, may be unduly influenced
14 by the content, and we ask that you seek a credible
15 third party to evaluate the content and offer you their
16 best opinion on it. That's the condition under which
17 we agree with this.

18 THE CHAIR: Igloolik.
19 Submissions by Igloolik Working Group
20 (Motion) (Baffinland Iron Mines Corporation)

21 MR. RECINOS: Merlyn Recinos, technical
22 advisor for Igloolik Working Group.

23 We echo the position of the Mittimatalik HTA. We
24 always said that we would like to work open and
25 transparent with this group in -- and everybody on --
26 on this floor, so we -- we are also on -- on favour.

1 We do also echo the legal-counsel issue that the
2 Mittimatalik HTA has. We do not have legal counsel.
3 Our budget is really small and only enabled us to do as
4 much as we can, and so it's something that we also had
5 to consider.

6 Thank you.

7 THE CHAIR: Hall Beach HTO.
8 Submissions by Hall Beach Hunters and Trappers
9 Organization (Motion) (Baffinland Iron Mines
10 Corporation)
11 MR. ARVALUK: (OTHER LANGUAGE SPOKEN) Danny
12 Arvaluk (OTHER LANGUAGE SPOKEN) also in support of the
13 motion that was made and that it has to be transparent.

14 Thank you, Madam Chair.

15 THE CHAIR: Government of Nunavut.
16 Submissions by Government of Nunavut
17 (Motion) (Baffinland Iron Mines Corporation)

18 MS. O'GRADY: Thank you, Madam Chair.
19 Natalie O'Grady, Government of Nunavut.

20 We take no position on Baffinland's motion, and we
21 have faith in the Nunavut Impact Review Board's ability
22 to make a decision pursuant to Rule 13.2 of the Board's
23 Rules of Procedure.

24 Thank you.

25 THE CHAIR: Oceans North.
26 Submissions by Oceans North (Motion) (Baffinland Iron

1 Mines Corporation)

2 MR. DEBICKI: Thank you, Madam Chair.

3 I guess at the outset, I have some reservations as
4 to the secrecy of that process and feel that
5 transparency and public participation and -- and public
6 review is warranted, given the inconsistencies that
7 we've raised.

8 I also have several questions which I'd prefer to
9 be answered by the affiant and not by -- indirectly
10 through counsel.

11 The affiant, at line 5 in the affidavit, indicates
12 that Baffinland is a privately held company, doesn't
13 have any public reporting obligations. I -- I don't
14 accept that, and so that the -- the question -- the
15 first question I would pose is to what extent would
16 this additional financial information be compliant with
17 the securities regulations that they're bound by in --
18 in materials such as the preliminary offering circular,
19 which we've submitted as at Appendix A to our
20 affidavit.

21 I have more comments, but that -- that's a
22 question.

23 THE CHAIR: NIRB legal counsel.

24 MS. MEADOWS: Thank you, Madam Chair.

25 Teresa Meadows, legal counsel for the Nunavut Impact
26 Review Board.

1 So this is not a cross-examination on affidavit,
2 but if you do have other questions -- because the
3 affiant is not available to be able to respond, so if
4 you do have other questions for Baffinland, perhaps you
5 can list them now, and go through them now, and then
6 Baffinland can determine whether or not the extent to
7 which they can respond to those questions right now.

8 Thank you, Madam Chair.

9 THE CHAIR: Oceans North.

10 MR. DEBICKI: Thank you, Madam Chair.

11 Christopher Debicki, Oceans North.

12 The follow-up questions to that, what,
13 specifically -- to what extent is it compliant with
14 National Instrument 43-101, to what extent is
15 Baffinland's spending on the expansion addressed in
16 these materials? The next question would be how are
17 these materials different from financial information in
18 the preliminary offering? And -- and, finally, we
19 would ask, in terms of -- what additional information
20 sheds light on -- I think the argument here is about
21 viability of -- of the project.

22 Thank you.

23 THE CHAIR: Baffinland.

24 MR. ARMSTRONG: Madam Chair, Brad Armstrong,
25 legal counsel for Baffinland.

26 We'll consider responses to those questions and --

1 and come back to it.

2 THE CHAIR: World Wildlife Fund.

3 Submissions by World Wildlife Fund (Motion) (Baffinland
4 Iron Mines Corporation)

5 MR. DUMBRILLE: Thank you, Chair. This is
6 Andrew Dumbille from the World Wildlife Fund.

7 WWF supports the filing of further financial
8 information from Baffinland, but disagrees it should be
9 confidential. It is in the public interest to have an
10 open and transparent discussion to weigh the costs and
11 benefits of the Phase 2 project.

12 The Phase 2 project will have socio-economic and
13 environmental costs and impacts. Whether the benefits
14 outweigh those costs and impacts is a key aspect of the
15 public hearings. A public filing of the information is
16 essential for those discussions, so we support the
17 filing, but not that it's confidential.

18 Thank you.

19 THE CHAIR: Nunavut Independent Television
20 Network.

21 Submissions by Nunavut Independent Television Network
22 (Motion) (Baffinland Iron Mines Corporation)

23 MR. LIPSETT: Thank you, Madam Chair. Lloyd
24 Lipsett, advisor for the Nunavut Independent Television
25 Network.

26 We defer to the NIRB on this question, but with

1 the proviso, at a minimum, all parties would have
2 access to the information through a confidentiality
3 undertaking.

4 Thank you.

5 THE CHAIR: NIRB legal counsel.
6 Identification of Motion (Mittimatalik Hunters and
7 Trappers Organization)

8 MS. MEADOWS: Thank you, Madam Chair.

9 So with that, and subject to the responses to
10 deferred questions, we will move on to the third
11 written motion the Board is now considering, which is
12 the motion by the Mittimatalik Hunters and Trappers
13 Organization.

14 Yesterday, the Board received a notice of motion
15 from the Mittimatalik Hunters and Trappers Organization
16 to amend the final hearing agenda to add time for
17 presentations by intervenors during the community
18 roundtable part of these proceedings on November 5th
19 and 6th and to add time for presentations by
20 intervenors at the community hall in Pond Inlet on
21 November 8th and 9th.

22 As an alternative to including presentations by
23 intervenors during the community roundtable sessions,
24 the Mittimatalik Hunters and Trappers Organization
25 requests the removal of Baffinland's scheduled
26 presentations during the community roundtable. Also,

1 yesterday, Oceans North provided a letter in support of
2 the Mittimatalik Hunters and Trappers Organization's
3 motion.

4 Madam Chair, as this motion was received
5 relatively late in the day yesterday while most parties
6 were travelling, no other parties had the opportunity
7 to provide a written reply.

8 Before I turn to the comments of the parties with
9 respect to this motion, I would just like to give the
10 parties a little background on the purpose and
11 organization of the community roundtable session.

12 The purpose of the community roundtable sessions
13 are to solicit feedback from the representatives of the
14 communities in attendance, including giving community
15 representatives an opportunity to ask questions of the
16 parties, including the proponent and formal intervenors
17 regarding the assessment.

18 The time is also set up to allow community
19 representatives to express their views, to share the
20 views of the community that they represent, to share
21 information, perspectives, and their experience with
22 the Board in respect of matters that are relevant to
23 the Board's consideration of the project proposal,
24 including sharing Inuit Qaujimajatuqangit or other
25 community knowledge.

26 I now turn to the Mittimatalik Hunters and

1 Trappers Organization to see if they have any
2 additional comments to add to the summary of their
3 motion.

4 THE CHAIR: Mittimatalik Hunters and
5 Trappers Organization.

6 MS. HANSON-MAIN: Qujannamik, Iksivautalik.
7 Amanda Hanson-Main representing Mittimatalik Hunters
8 and Trappers Organization.

9 Just a point of clarification before I begin with
10 some additional comment. The letter referred to by the
11 Nunavut Impact Review Board legal counsel from Oceans
12 North was not in response to the motion filed. It was
13 a letter filed with the NIRB -- sorry, with the Nunavut
14 Impact Review Board on October 2nd, 2019, in respect of
15 the final hearing agenda I believe, specifically,
16 requesting time to present during community roundtable.
17 Forgive me if that's incorrect, if that summary was
18 incorrect. This letter was refiled with the Nunavut
19 Impact Review Board, along with the Hunters and
20 Trappers Organization's motion to demonstrate the
21 support that was requested prior to the receipt of
22 motions.

23 The Hunters and Trappers Organization, as a party
24 to a modern land claim, is concerned that the hearing
25 agenda, as it is proposed, may not allow for adequate
26 consultation with potentially affected Inuit. The

1 members here, and myself, represent not only the
2 current Board members of the Hunters and Trappers
3 Organization, but all harvesters in Pond Inlet and the
4 Inuit there who depend on harvested wildlife for
5 sustenance.

6 Without an ability to present and speak directly
7 to our fellow Inuit, these attendees at the community
8 roundtable may not fully understand the range and depth
9 of issues we are concerned about regarding the Phase 2
10 development.

11 We respect the Nunavut Impact Review Board's
12 jurisdiction and the authority to set its own agenda;
13 however, we have concerns that the current ordering may
14 unfairly benefit Baffinland. Our intervention is
15 centred on Inuit knowledge and Inuit experience.
16 Without an ability to speak to fellow Inuit, we are not
17 confident that the Nunavut Impact Review Board's agenda
18 will allow for adequate information to be presented to
19 roundtable representatives, nor for the commentary to
20 come from representatives back to the Hunters and
21 Trappers Organization, to Baffinland, and to all the
22 other intervenors who should receive the same fair
23 treatment throughout this process, especially if the
24 Nunavut Impact Review Board intends to use commentary
25 from community roundtable representatives engaging
26 public concern and making its recommendation about this

1 project, those representatives, we feel, should have
2 the same right of access to information from all
3 intervenors as that from the proponent.

4 We submit that it is unreasonable to ask community
5 roundtable participants and the audience here to listen
6 to highly technical presentations from 17 intervenors
7 over a period of three days and then rely on memory
8 recall to ask questions to those intervenors on their
9 presentations.

10 It is also unreasonable to expect community
11 representatives in Pond Inlet to observe these
12 technical proceedings via the internet or on cable
13 television and reserve their questions for four to
14 seven days from now.

15 We submit that the Nunavut Impact Review Board
16 cannot guarantee that community members attending the
17 roundtable proceedings in Pond Inlet have, in fact,
18 seen the presentations from intervenors, and we,
19 therefore, cannot agree that they've received fair and
20 equal treatment in this process.

21 I would like to direct a point or a question to
22 the Federal Government for clarification: As an
23 Indigenous group, we have a right to know if the Crown
24 intends to rely on the Nunavut Impact Review Board's
25 process to satisfy its duty to consult. Is the Federal
26 Government depending on this process to fulfill its

1 constitutional obligations? And I may just add one
2 further point to that, as it's the Crown's duty to
3 consult when, ultimately, it must make a decision on
4 this project, the Hunters and Trappers Organization
5 request direct engagement, if it does rely on this
6 process, to ensure roundtable participants are offered
7 an opportunity to hear evidence and testimony from all
8 intervenors to this process prior to being asked to
9 provide comment, question, or testimony before the
10 Nunavut Impact Review Board.

11 Finally, while we understand and respect that the
12 NIRB -- the Nunavut Impact Review Board has a very full
13 agenda ahead and likely wishes us to respect timeliness
14 of proceedings to enable a possible record closure by
15 the end of hearing, we maintain that it is unfair to
16 constrain what a tribunal or its delegates will be
17 permitted to hear, in this case that's commentary from
18 roundtable participants, that is fully informed by all
19 interventions based on time or other resource
20 limitations.

21 Qujannamik.

22 THE CHAIR: NIRB legal counsel.

23 MS. MEADOWS: Thank you, Madam Chair.

24 Teresa Meadows, legal counsel for the Nunavut Impact
25 Review Board.

26 So Madam Chair, a point of clarification. The

1 Mittimatalik Hunters and Trappers Organization is
2 correct. My apologies. I did not realize that the --
3 the documentation that was being provided yesterday,
4 fairly hastily, had already been filed with the Board,
5 so Oceans North had, indeed, filed on October 2nd. The
6 documentation that I incorrectly referred to as "in
7 support of the motion", it was filed earlier and not in
8 support of the motion. It was refiled again with the
9 motion of the Mittimatalik Hunters and Trappers
10 Organization.

11 So with that, Madam Chair, the -- I would now
12 suggest that the parties be polled with respect to
13 this -- this motion and, also, that the Government of
14 Canada, having been put on notice of the question, if
15 they can reply to the question when it comes their turn
16 to provide comments.

17 Thank you, Madam Chair.

18 Polling of Interested Parties (Motion) (Mittimatalik
19 Hunters and Trappers Organization)

20 THE CHAIR: Qikiqtani Inuit Association.
21 Submissions by Qikiqtani Inuit Association
22 (Motion) (Mittimatalik Hunters and Trappers
23 Organization)

24 MR. OTTENHOF: Thank you, Madam Chair. Jared
25 Ottenhof for the Qikiqtani Inuit Association.

26 The Qikiqtani Inuit Association supports Point 1

1 of the Mittimatalik Hunter and Trapper Organization's
2 motion to allow intervenors to present to the public at
3 the Pond Inlet community roundtable portion of this
4 public hearing; however, in the interest of equal
5 representation and transparency, the Qikiqtani Inuit
6 Association recommends the Nunavut Impact Review Board
7 permit Baffinland to proceed with their presentation as
8 scheduled. The Qikiqtani Inuit Association recommends
9 that the Nunavut Impact Review Board provide flexible
10 scheduling to permit intervenors interested in
11 presenting information to the residents of Pond Inlet.

12 It is important that the Mittimatalingmiut are
13 able to weigh information not just from Baffinland, but
14 also the Inuit organizations and other intervenors who
15 have participated fully in this review process.

16 Thank you, Madam Chair.

17 THE CHAIR: Nunavut Tunngavik
18 Incorporated.
19 Submissions by Nunavut Tunngavik Incorporated
20 (Motion) (Mittimatalik Hunters and Trappers
21 Organization)

22 MS. BELLEAU: Qujannamik, Iksivautalik.
23 Marie Belleau, Nunavut Tunngavik Incorporated.

24 Nunavut Tunngavik Incorporated advocates for Inuit
25 rights under the Nunavut Agreement. This includes the
26 Inuit right to be adequately informed and have an

1 opportunity to participate fully and fairly in the
2 regulatory processes in Nunavut.

3 Nunavut Tunngavik supports providing the
4 Mittimatalik Hunters and Trappers Organization the
5 opportunity to present to the community roundtable
6 representatives.

7 Nunavut Tunngavik is scheduled to present on Day 2
8 of the technical sessions here Iqaluit. If this motion
9 is approved by the Nunavut Impact Review Board, Nunavut
10 Tunngavik is prepared to present and receive comment --
11 questions at the two community roundtables in Iqaluit
12 and Mittimatalik.

13 Thank you.

14 THE CHAIR: Mittimatalik Hamlet.
15 Submissions by Hamlet of Pond Inlet
16 (Motion) (Mittimatalik Hunters and Trappers
17 Organization)

18 MR. SOUCIE: Okay. Qujannamik,
19 Iksivautalik. Tim Soucie, Hamlet of Pond Inlet.

20 We support and are in favour for HTO's motion.
21 Qujannamik.

22 THE CHAIR: Igloolik (OTHER LANGUAGE
23 SPOKEN) .
24 Submissions by Igloolik Working Group
25 (Motion) (Mittimatalik Hunters and Trappers
26 Organization)

1 MR. RECINOS: Thank you, Madam Chair.

2 Merlyn Recinos, technical advisor, Igloolik Working
3 Group.

4 First of all, I would like to applaud the
5 Mittimatalik for their reply to the Government of
6 Canada. I have said it twice at the last two technical
7 meetings, and now this was going to be the third time
8 where I have asked the Government of Nunavut, in each
9 one of their departments, the Government of Canada, in
10 each one of their departments, and any other intervenor
11 at this table to come to our communities and consult
12 with our representatives in our community. It is very
13 important for you, here, to hear from our communities.
14 What you're getting here is sometimes not all that our
15 community has to offer in -- in matters of opinion for
16 this hearings, so, therefore, this is going to be my
17 third time that I say this to you all: You are welcome
18 to come to our communities. We want you to come to our
19 communities and engage our communities in consultation.

20 Having said that, I'm also going -- we -- the
21 Igloolik Working Group is in full favour of the
22 proposed agenda amended.

23 Thank you.

24 THE CHAIR: Hall Beach HTO.

25 Submissions by Hall Beach Hunters and Trappers

26 Organization (Motion) (Mittimatalik Hunters and Trappers

1 Organization)

2 MR. ARVALUK: I understand what everybody is
3 saying concerning Mary River when we -- they come to
4 Hall Beach, they meet with us and meet with Hamlet at
5 the Hamlet office to meet together and discuss after
6 the discussions and meetings and they go to public
7 meetings after the meetings with the Hamlet council and
8 as the people from Hall Beach, we do the same work, and
9 we want to work with you, with everything in order, and
10 everything that needs to proceed, proceed, and all of
11 us here, there's many of us here, and it seems like
12 we're stalling.

13 Thank you, Madam Chairperson.

14 THE CHAIR: Nunavut Government.
15 Submissions by Government of Nunavut
16 (Motion) (Mittimatalik Hunters and Trappers
17 Organization)

18 MS. O'GRADY: Thank you, Madam Chair.
19 Natalie O'Grady, Government of Nunavut.

20 We have no objections, and, again, we defer to the
21 Nunavut Impact Review Board's decision on this matter.
22 We would like to note that we believe in the rights of
23 the parties to be heard in procedural matters, and we
24 would, thus, support other parties, inclusive of the
25 proponent, having an opportunity to reply as parties
26 may deem appropriate.

1 Thank you.

2 THE CHAIR: Government of Canada.

3 Submissions by Government of Canada

4 (Motion) (Mittimatalik Hunters and Trappers

5 Organization)

6 MR. KOHNENBERG: Thank you, Madam Chair. Dale

7 Kohnenberg, Federal Department of Justice.

8 In response to the question of the Mittimatalik
9 question on consultation, yes, the Government of Canada
10 will consider the matters and processes in this hearing
11 as part of its consultation obligations to the Inuit.
12 It will not be the only matter that is considered for
13 the Crown's obligation for consultation, and Canada is
14 not opposed to the motion.

15 Thank you, Madam Chair.

16 THE CHAIR: Oceans North.

17 Submissions by Oceans North (Motion) (Mittimatalik

18 Hunters and Trappers Organization)

19 MR. DEBICKI: Qujannamik, Madam Chair.

20 Christopher Debicki, Oceans North.

21 We're in support of this motion with the
22 reservation that it -- it remains our position that
23 additional time within the schedule afforded to
24 intervenors is not sufficient to address many of the
25 issues that have arisen. In particular, of course, the
26 inconsistencies that we've raised with respect to

1 the -- the true scope or the true nature of -- of this
2 project, and in light of the proponent's position
3 that -- that current volumes are -- are not viable
4 economically, we continue with our position that more
5 time is required, more analysis is required, not only
6 by us, but we suspect by many parties, to be able to
7 assess that position put forth by the proponent and to
8 voice any disagreement and put together an adequate
9 argument with respect to this issue of viability.

10 Thank you.

11 THE CHAIR: World Wildlife Fund.

12 Submissions by World Wildlife Fund

13 (Motion) (Mittimatalik Hunters and Trappers
14 Organization)

15 MR. DUMBRILLE: Thank you, Chair. Andrew
16 Dumbrille from the World Wildlife Fund.

17 WWF agrees with the motion from the Mittimatalik
18 Hunters and Trappers Organization asking for equal time
19 to be given to intervenors at the Iqaluit and Pond
20 Inlet community roundtables. Allowing Baffinland the
21 opportunity to directly address the community
22 roundtables, but not providing the same opportunity to
23 intervenors, will result in one-sided information from
24 Baffinland being the only perspective presented and
25 will lead to an uninformed discussion and equally
26 uninformed and even misinformed eventual decision by

1 the NIRB Board, so WWF is in support of the
2 Mittimatalik Hunters and Trappers Organization motion.

3 Thank you.

4 THE CHAIR: Nunavut Independent Television
5 Network.

6 Submissions by Nunavut Independent Television Network
7 (Motion) (Mittimatalik Hunters and Trappers
8 Organization)

9 MR. LIPSETT: Thank you, Madam Chair. Lloyd
10 Lipsett, advisor for Nunavut Independent Television
11 Network.

12 We support the motion on the basis that community
13 members should benefit from having the perspectives of
14 all parties and intervenors who wish to express
15 themselves, while at the same time ensuring that
16 there's sufficient time for community members to give
17 their own perspectives and to ask questions.

18 And just on the -- the point about Pond Inlet, we
19 reiterate that we are very appreciative of the chance
20 to work with the Nunavut Impact Review Board to
21 broadcast the hearings, but we are also aware of the
22 limitations of this. And just as an example, we know
23 that there have been some internet outages in Pond
24 Inlet today, so we don't want to say that the fact that
25 we are helping to broadcast this will give the parties
26 full information because that might not be the case.

1 Thank you, Madam Chair.

2 THE CHAIR: Baffinland.

3 Submissions by Baffinland Iron Mines Corporation

4 (Motion) (Mittimatalik Hunters and Trappers

5 Organization)

6 MR. ARMSTRONG: Thank you, Madam Chair. Brad

7 Armstrong, legal counsel for Baffinland.

8 We leave to the Board the determination of how the

9 community consultation workshops will be -- will be

10 arranged. Baffinland would like to have the

11 opportunity to speak to explain the project and the

12 mitigation monitoring measures, et cetera, that have

13 been developed so they can be presented to the

14 communities at these workshops.

15 Thank you.

16 THE CHAIR: NIRB legal counsel.

17 Identification of Motion (Preliminary Matter) (Hamlet

18 of Pond Inlet)

19 MS. MEADOWS: Thank you, Madam Chair.

20 So now I'd like to turn to the remaining

21 preliminary matter, which was a request from the Hamlet

22 of Pond Inlet, supported by Oceans North, to add time

23 to the agenda tomorrow for the presentation of a paper

24 that was already filed on the Board's public registry

25 and is entitled "The Assessment of the Mary River

26 Project Impacts and Benefits" by John Loxley.

1 On Friday, October 25th, the Board received the
2 joint request for this addition. The Nunavut Impact
3 Review Board subsequently advised parties of the joint
4 request and proposed to add 15 minutes to tomorrow's
5 agenda, following the Hamlet of Pond Inlet's
6 presentation, to allow for this additional presentation
7 to take place. After the presentation by the Hamlet of
8 Pond Inlet and the additional presentation, the Board
9 would allow questioning on both presentations.

10 In the Board's correspondence on October 25th, the
11 Board also invited parties to provide written comments
12 with respect to the addition to the agenda.

13 On Monday, Baffinland filed a written response
14 indicating objections to Oceans North adding this item
15 to the agenda. Baffinland advised that this
16 information may be better placed as part of the Hamlet
17 of Pond Inlet's presentation on socio-economics, but
18 noted that Baffinland had serious reservations about
19 the paper being presented during the hearing as
20 Baffinland questioned assumptions and identified
21 inaccuracies in the paper.

22 On October 29th, the Hamlet of Pond Inlet
23 responded in writing to Baffinland's response providing
24 the following clarification: (as read)

25 We wish to make it clear the request to have
26 Dr. Loxley present at the hearing is not

1 solely an Oceans North initiative. While
2 Oceans North supported the research that
3 informed Dr. Loxley's paper, the Hamlet's
4 technical advisor has had a long-standing
5 familiarity with Dr. Loxley and his work, and
6 he has consulted with Dr. Loxley in relation
7 to the Baffinland expansion.

8 With respect to the substance of the basis for the
9 requested addition, the Hamlet of Pond Inlet stated:
10 (as read)

11 Whether this is in relation to Oceans North
12 or the Hamlet of Pond Inlet is irrelevant.
13 We have asked that the speaker be given 20
14 minutes to speak to the matter of the
15 profitability of Baffinland's operations. If
16 Baffinland wishes to question Dr. Loxley or
17 counter his information, it is free to do so.

18 So with that, I turn now to the parties who made the
19 request for the addition to the agenda, the Hamlet of
20 Pond Inlet and Oceans North, to see if they have
21 additional comments to add to the summaries of their
22 positions I've just outlined.

23 THE CHAIR: Qikiqtani Inuit Association.
24 Submissions by Qikiqtani Inuit Association (Preliminary
25 Matter) (Hamlet of Pond Inlet)

26 MR. OTTENHOF: Jared Ottenhof, for the

1 Qikiqtani Inuit Association.

2 The Qikiqtani Inuit Association would like to see
3 John Loxley present his information. We feel it would
4 be a good addition to the discussion in this review
5 period.

6 Thank you.

7 THE CHAIR: Nunavut Tunngavik.
8 Submissions by Nunavut Tunngavik Incorporated
9 (Preliminary Matter) (Hamlet of Pond Inlet)

10 MS. BELLEAU: Thank you, Madam Chair. Marie
11 Belleau, advisor for NTI.

12 I'm sorry, we have nothing to give at this time.
13 Thank you.

14 THE CHAIR: We'll go back to Mittimatalik
15 HTO, if you have any additional comments to the
16 request.

17 Submissions by Hamlet of Pond Inlet (Preliminary
18 Matter) (Hamlet of Pond Inlet)

19 MR. TESTER: Just a point of clarification,
20 we are asking that Dr. Loxley present on Tuesday, not
21 tomorrow. He will not be in -- here tomorrow, and he's
22 available on Tuesday, so the time that we wish to have
23 him speak should be in the agenda for -- for Tuesday,
24 not -- not for tomorrow.

25 Dr. Loxley is one of Canada's best-known social
26 economists, and Baffinland has constantly, in its --

1 its meetings with Hamlet and with the MHTO and with
2 others, indicated that without the Phase 2 expansion,
3 its operations are not economically viable, and we have
4 no opportunity -- with someone who has a considerable
5 amount of expertise that's required to question this,
6 we have no other opportunity to critically examine this
7 claim; and given that this claim has been so prominent
8 and -- and featured so prominently in meetings that
9 Baffinland has held with -- with all of the
10 communities, it's important that we have some basis on
11 which to critically examine and consider the claims
12 made by the proponent.

13 THE CHAIR: Oceans North, do you have any
14 additional comments to the request?
15 Submissions by Oceans North (Preliminary Matter) (Hamlet
16 of Pond Inlet)

17 MR. DEBICKI: Thank you, Madam Chair.
18 Christopher Debicki, Oceans North.

19 I'll just note at the outset that the proponent
20 has -- it appears to have used the -- the Hamlet's
21 request as an opportunity to attack us. I don't think
22 it's helpful in this process. There are a number of
23 accusations. I appreciate that time is limited, and we
24 don't want, sort of, a tit-for-tat back and forth to
25 occur, but I take serious issue with the attacks made
26 by the proponent. We stand behind our work, and we

1 stand behind the statements that we make, and I don't
2 think there's any place in the process for the kinds of
3 accusations that they're making, and as and when
4 they're appropriate throughout the course of this
5 review, they may come up, and we'll address them at
6 that point, but I -- I think it's an abuse of the
7 process, to be attacking us in this way.

8 For clarity, we have maintained the position that
9 we have very real concerns about expanded shipping and
10 output out of Milne Inlet and have been attempting to
11 address this issue, the, sort of, gun-to-the-heads of
12 communities that if -- if expansion is not permitted,
13 that the -- the mine will fail; and so we did turn to
14 an economist in -- in the spring to assist us in some
15 analysis, which we provided at the -- at the technical
16 review.

17 The Hamlet of Pond Inlet approached us and asked
18 if we would support their motion to have Dr. Loxley
19 present at -- in this process, and -- and it was the
20 Hamlet also who refiled Dr. Loxley's report.

21 I agree. I, frankly, agree with the proponent
22 that there are some holes in that analysis, many of
23 which because of the lack of public information, until
24 very recently, in terms of many of the issues
25 addressing viability, but we certainly support -- we
26 certainly support the Hamlet's position that Dr. Loxley

1 be afforded an opportunity to speak.

2 THE CHAIR: Continuing with comments to
3 the request, Mittimatalik Hunters and Trappers
4 Organization.
5 Submissions by Mittimatalik Hunters and Trappers
6 Organization (Preliminary Matter) (Hamlet of Pond Inlet)

7 MS. HANSON-MAIN: Qujannamik, Iksivautalik.
8 Amanda Hanson-Main representing Mittimatalik Hunters
9 and Trappers Organization.

10 We support the request by Hamlet and Oceans North
11 to include time in the agenda for Dr. Loxley to present
12 his findings. As stated in previous discussions to
13 motions today, the matter of the financial necessity of
14 the current Phase 2 proposed expansion going forward
15 and as a publicly stated claim on Baffinland's behalf,
16 it deserves public examination, and we also agree that
17 this is in the interest of our community and all
18 parties to this process.

19 Qujannamik.

20 THE CHAIR: Igloolik (OTHER LANGUAGE
21 SPOKEN)
22 Submissions by Igloolik Working Group (Preliminary
23 Matter) (Hamlet of Pond Inlet)

24 MR. RECINOS: Thank you, Madam Speaker.
25 Merlyn Recinos, technical advisor to Igloolik Working
26 Group.

1 I'm going to say a comment that I had said
2 previous when I asked the Government of Nunavut and the
3 Government of Canada to consult, and it is that this
4 project is a huge project, and it has implications, not
5 just now or for the next few years. It has
6 implications for generations to come for all of the
7 Inuit communities in the North Baffin.

8 This project is a project that is doing things
9 that we have never seen in this region. We're talking
10 about building a rail. We're talking about breaking
11 ice. We're talking about bringing cape-sized ships
12 into the area. We're talking about a lot of things
13 that have not been previously done.

14 It is the reason that I had requested the
15 Government of Nunavut and Government of Canada to
16 consult with the communities directly and is the reason
17 that we also say open and transparent, so all
18 information associated with this project needs to be
19 presented to the intervenors, especially the
20 communities, for them to make an informed decision on
21 what and where they stand with this project, and it is
22 for that reason that, once again, we are in full
23 support of giving time for the presentation as all
24 information associated with the projects will help all
25 intervenors, especially the communities, make an
26 informed decision.

1 Thank you, Madam Chair.

2 THE CHAIR: Hunters and Trappers.
3 Submissions by Hall Beach Hunters and Trappers
4 Association (Preliminary Matter) (Hamlet of Pond Inlet)

5 MR. ARVALUK: Thank you. You know my name
6 by now.

7 Yes, local hunters and trappers and Hamlet of Hall
8 Beach are in support of the project. That's -- we --
9 we work with Mittimatalik HTO. We work with the same
10 files and with the same ...

11 Thank you. I have so much more to say.

12 THE CHAIR: Government of Nunavut.
13 Submissions by Government of Nunavut (Preliminary
14 Matter) (Hamlet of Pond Inlet)

15 MS. O'GRADY: Thank you, Madam Chair.
16 Natalie O'Grady, Government of Nunavut.

17 We have no objections. Thank you.

18 THE CHAIR: Government of Canada.
19 Submissions by Government of Canada (Preliminary
20 Matter) (Hamlet of Pond Inlet)

21 MR. KOHNENBERG: Thank you, Madam Chair. Dale
22 Kohnenberg, Federal Department of Justice.

23 Canada takes no position on the motion -- on the
24 request.

25 THE CHAIR: World Wildlife Fund.
26 Submissions by World Wildlife Fund (Preliminary

1 Matter) (Hamlet of Pond Inlet)

2 MR. DUMBRILLE: Thank you, Chair. Andrew
3 Dumbrille from the World Wildlife Fund.

4 WWF fully supports time being given to Dr. John
5 Loxley to give a presentation at the public hearings in
6 Iqaluit. His research will allow a fulsome discussion
7 on the profitability of Baffinland's mining operations
8 and have direct relevance to proposed production
9 levels, timelines, Inuit employment, and future
10 scenarios. We're in support of Dr. John Loxley giving
11 his presentation.

12 Thank you.

13 THE CHAIR: Nunavut Independent Television
14 Network.

15 Submissions by Nunavut Independent Television Network
16 (Preliminary Matter) (Hamlet of Pond Inlet)

17 MR. LIPSETT: Thank you, Madam Chair. Lloyd
18 Lipsett, advisor for Nunavut Independent Television
19 Network.

20 We support the inclusion of this presentation. It
21 is relevant to the theme of benefits that we identified
22 as a priority from our review of community comments and
23 questions in various public meetings over the past
24 months.

25 Thank you.

26 THE CHAIR: Baffinland.

1 MR. ARMSTRONG: Madam Chair, Brad Armstrong,
2 legal counsel.

3 Could we just have one moment just to confer
4 before we respond?

5 Thank you, Madam Chair.

6 THE CHAIR: Okay. It's 7:30 right now.
7 Let's take a 15-minute break, and we'll reconvene.

8 (ADJOURNMENT)

9 THE CHAIR: Please return to your seats so
10 we can reconvene.

11 We will continue with a response from Baffinland
12 to the request.

13 Submissions by Baffinland Iron Mines Corporation
14 (Preliminary Matter) (Hamlet of Pond Inlet)

15 MR. ARMSTRONG: Thank you, Madam Chair. Brad
16 Armstrong, legal counsel for Baffinland.

17 We just want to -- Madam Chair, the request came
18 in last Friday or at least we got an email from the
19 Board last Friday indicating that the Hamlet wanted to
20 add 15 minutes to their presentation tomorrow during
21 the technical -- during the technical session. All of
22 the parties here, to the -- to the extent that they
23 need technical consultants, have known of this
24 technical session for many weeks and should've had
25 their technical experts here for that session. Only
26 five minutes ago or so did we hear that the -- and we

1 have our technical experts here, Madam Chair, who would
2 be able to assist us in -- in responding to this. Only
3 this evening have we heard that the Hamlet is now
4 asking for this 15 minutes to go on Tuesday, which, as
5 you know, Madam Chair, is part of the community
6 workshop, so eating more time out of the community's
7 time to -- to respond. So ...

8 The overall position of Baffinland is set out in
9 the Baffinland letter of October 25. We wish to say
10 this: If some time is given to the Hamlet for this
11 purpose on Tuesday, that should not be additional time;
12 that is, the Board's being asked to provide intervenors
13 with time to present during the community workshops.
14 The Hamlet can use its time with Dr. Loxley, but they
15 shouldn't be given additional time to eat into the
16 community sessions on Tuesday. That's Baffinland's
17 position. Thank you, Madam Chair.

18 THE CHAIR: NIRB legal counsel.

19 MS. MEADOWS: Thank you, Madam Chair.

20 Teresa Meadows, legal counsel for the Nunavut Impact
21 Review Board.

22 So, Madam Chair, there were four deferred
23 responses from the questions that Oceans North directed
24 to Baffinland with respect to their motion for
25 financial information to be received by the Board in
26 confidence. I do not know if Baffinland is prepared to

1 respond, but that is what I would suggest go next on
2 the -- on the agenda. Thank you, Madam Chair.

3 THE CHAIR: Baffinland.

4 MR. ARMSTRONG: Thank you, Madam Chair. Brad
5 Armstrong.

6 We need more time to consider our responses, if we
7 could take more time. Thank you, Madam Chair.

8 THE CHAIR: NIRB legal counsel.

9 MS. MEADOWS: Thank you, Madam Chair. So
10 that concludes the -- for now, the information with
11 respect to the three motions and the request for an
12 addition to the agenda. And, Madam Chair, recognizing
13 that we left off questioning in the -- as we went to
14 the motions and also that there are still additional
15 submissions outstanding from Baffinland with respect to
16 a response and that the information that was presented
17 in respect of the motions is quite considerable, Madam
18 Chair, I suggest that I will close off, for now, the
19 motions discussion and leave it to you as to the next
20 steps in the -- in the hearing, being picking up where
21 we left off and the Board possibly adjourning to
22 deliberate in respect of this matter to tomorrow.

23 THE CHAIR: We are going to continue with
24 questions to the presentation that started off this
25 morning, and we'll use the morning session to
26 deliberate on the motions presented to the Board and

1 reconvene at 1:00. We still have time in our evening
2 session to continue with questions and comments to
3 Baffinland from their first presentation. And we'll
4 start with the Pond Inlet Hamlet. Hamlet of Pond
5 Inlet.

6 Hamlet of Pond Inlet Questions Baffinland Iron Mines
7 Corporation

8 MR. TESTER: Frank Tester, technical
9 advisor, Hamlet of Pond Inlet.

10 I'll try and -- given the time of day and the
11 state that people undoubtedly find themselves in, kind
12 of, you know, starting to nod off maybe or yawn
13 slightly, I'll try and be blunt, straight to the point,
14 and ask the sharpest questions that I possibly can.

15 There's been a lot of talk about young people and
16 training young people and involving young people in --
17 in Baffinland's activities, and, of course, that
18 includes not only Inuit youth in the here and now, but
19 it involves considering Inuit youth down the road, so
20 to speak. So my question is this: Given the
21 importance of this project to young people who are
22 going to have to live with it for the next 'X' number
23 of years, how many workshops have you done explicitly
24 with youth in the LSA communities to explain
25 specifically to them in a -- in a way and manner that
26 they can understand and appreciate what the project is

1 all about, and to what extent have you then solicited
2 their concerns and interests with regard to the Phase 2
3 proposal?

4 THE CHAIR: Baffinland.

5 MR. KAMERMANS: Thank you, Madam Chair. Lou
6 Kamermans, Baffinland.

7 We did not carry out any explicit workshops with
8 youth in support of our Phase 2 addendum to the final
9 environmental impact statement. Explicit workshops
10 were carried out in support of the original project,
11 and Baffinland does do a tremendous amount of work in
12 the communities and through our Inuit human resource
13 strategy to engage youth in the ongoing operation of
14 the project. But there was, as you asked, no explicit
15 youth-based workshops in support of the Phase 2
16 proposal.

17 Thank you, Madam Chair.

18 MR. TESTER: My second question is a
19 parallel one. It -- it's with regard to --

20 THE CHAIR: If you can wait 'til I flag
21 you to speak. I follow interpretation.

22 You can continue.

23 MR. TESTER: My second question is a
24 parallel one to the first. To what extent and how many
25 workshops have you organized explicitly for women in
26 the communities, including women who are not directly

1 employed but maybe have issues and concerns by virtue
2 of having a family member, including an extended family
3 member, who may be employed at the mine? And given the
4 particular problems which Baffinland itself has
5 identified that women experience getting employed and
6 benefitting from employment with Baffinland, how many
7 workshops in the LSA communities that deal specifically
8 with and which are specifically directed at women have
9 you held?

10 THE CHAIR: Baffinland.

11 MS. LORD-HOYLE: Megan Lord-Hoyle with
12 Baffinland.

13 We're just putting our final response together.

14 Thank you.

15 MS. HANSON: Thank you. Udlu Hanson,
16 Baffinland.

17 Thank you for your question. We have held three
18 specific gatherings to discuss how and to understand
19 better the barriers for women entering into the
20 workforce, into more specifically mining industry
21 with -- with Baffinland. We've looked at means and
22 ways to increase recruitment, increase retainment and
23 advancement of women -- Inuit women in -- with
24 Baffinland.

25 We've had a workshop in March of 2019 at the Mary
26 River site. We met with women in Arctic Bay in June.

1 And most recently, we met with women and other
2 representatives in Iqaluit on October 24th, all with
3 the intent to inform our Arnait action plan.

4 Quajannamik.

5 MR. TESTER: So you held --

6 THE CHAIR: Hamlet of Pond Inlet.

7 MR. TESTER: So you held one meeting at the
8 mine -- I presume that would have been with women who
9 were employed and working at the mine -- another in
10 Arctic Bay, and another in Iqaluit. I'm wondering why
11 you haven't held open public meetings with women,
12 employed at the mine or not, given that women who are
13 not employed are nevertheless impacted when, for
14 example, they're left having sole responsibility for
15 their kids while their partner may be away working at
16 the mine. Why haven't you bothered to hold meetings in
17 the communities open to all women in the community who
18 may have any concerns, questions, or interests in what
19 Baffinland is doing?

20 THE CHAIR: Baffinland.

21 MS. HANSON: Qujannamik, Madam Chair. Udlu
22 Hanson.

23 The meetings that we hold are open to all public.
24 We don't turn anybody away. The intent of the March
25 meeting on-site was to get an understanding from Inuit
26 women as to what they think would help them in

1 advancement and for retainment to make sure they're
2 supported, to get some ideas on how we can better
3 support them. This is jointly with QIA -- sorry,
4 Qikiqtani Inuit Association.

5 The one in June in Arctic Bay was specifically
6 intended to ask Inuit women from the public who are not
7 already employees -- to ask them what we could do to
8 help them get a job with Baffinland. We wanted to know
9 what their employment barriers were, if they've applied
10 before, or, you know, why -- do they plan on applying
11 in the future just to get a good understanding as to
12 what it is that would -- that may be holding them back
13 from working for Baffinland. So the June was -- June
14 one was specifically around the -- the -- the broader
15 public with Inuit women to ask how was it we can help
16 them -- how is it we can increase Inuit women in our
17 workforce.

18 Andrew wants to add. Thank you.

19 MR. MOORE: Thank you, Madam Chair.

20 Andrew Moore with Baffinland.

21 We'll be covering this in some detail in the
22 following presentation about public consultation.
23 Myself and my colleague, Joe, have spent a considerable
24 amount of time in Pond Inlet through 2019 at the
25 request of both the Hamlet -- but, in particular, the
26 Mittimatalik Hunters and Trappers Organization -- for a

1 desire of further engagement with Baffinland outside of
2 our formal public meetings or our meetings directly
3 with the Hamlet council and the Board of the Hunters
4 and Trappers Organization.

5 Through these less scripted, more informal visits
6 to Pond Inlet, both myself and Joe have been able to
7 engage in informal discussions with youth, women,
8 teachers, the Royal Canadian Mounted Police,
9 administrators at the high school. That's -- that's
10 been through just being in the town. Myself and Joe
11 can often be found at the Co-Op having a cup of coffee,
12 speaking to Elders. These are things we have done.
13 And we've certainly engaged women through those
14 discussions to talk about Baffinland's ongoing
15 operations, issues, and concerns that have been
16 experienced or other questions they may have wanted to
17 raise.

18 Thank you, Madam Chair.

19 THE CHAIR: Hamlet of Pond Inlet.

20 MR. TESTER: Frank Tester, technical
21 advisor, Hamlet of Pond Inlet.

22 I -- I gather, then, that the answer is
23 essentially no, that no special workshops or sessions
24 that were open to all women in a community to deal with
25 any topic that might be of concern to them has been
26 held. It seems to me that what you're talking about

1 are conversations and gatherings of -- of some women
2 where the real concern was with respect to jobs and
3 procuring jobs and entry into the -- the labour force
4 with -- with Pond Inlet.

5 I'm -- I'm concerned about this because the
6 difficulties and problems that women experience as a
7 result of two-week-in/two-week-out, lack of daycare,
8 being left with responsibility for their kids, having
9 to deal sometimes with problems related to money and
10 what that means for alcohol and drugs and domestic
11 conflict and food security and on and on and on are
12 considerable, and it seems to me that Baffinland has
13 failed to really flag this larger socio-economic
14 concern and is focused when it comes to women solely on
15 their employment and primarily on their employment in
16 the mine.

17 And the second observation I want to make -- and I
18 want to make sure --

19 MR. ARMSTRONG: Madam Chair, may I -- Madam
20 Chair, may I intervene?

21 THE CHAIR: We'll let the Hamlet of Pond
22 Inlet finish their question, and then we'll go back to
23 Baffinland.

24 Hamlet of Pond Inlet, please continue.

25 MR. TESTER: I want to just clarify your
26 last remark. You said you'd talked to the RCMP,

1 teachers, and so forth and so on, and I'm having
2 difficulty with that because, as a matter of fact, two
3 days ago I did the rounds, and I talked to the school
4 principal, I talked to teachers, I talked to mental
5 health workers, I talked to the RCMP, and I
6 specifically -- and I have somebody here who can
7 witness this. I specifically asked the RCMP if
8 Baffinland had ever been in touch with them and had sat
9 down and talked with them about some of the experiences
10 they have in relationship to problems arising from
11 two-week-in/two-week-out, cash flow in the community,
12 et cetera, et cetera, and they reassured me that they
13 had never, ever had a visit from Baffinland.

14 So can you clarify again exactly, you know, who
15 you spoke to or when and so forth and so on? Because I
16 got the same response from the principal of the high
17 school, and I got the same response when I visited the
18 nursing station. What's going on here?

19 THE CHAIR: Baffinland.

20 MR. ARMSTRONG: Madam Chair, legal counsel for
21 Baffinland.

22 We just want to be assured that what -- the -- the
23 session here is questions, not the time to make
24 submissions or speeches.

25 We're not sure in the end what the question was,
26 but there was a long statement made by the questioner,

1 which is -- is not really part of this questioning
2 period. It's -- it's time for questions, not for
3 statements.

4 THE CHAIR: NIRB legal counsel.

5 MS. MEADOWS: Thank you, Madam Chair.
6 Teresa Meadows, legal counsel for the Nunavut Impact
7 Review Board.

8 So if I can just have Mr. Tester restate the
9 questions that I believe he asked at the end of the --
10 of his comment.

11 THE CHAIR: Hamlet of Pond Inlet.

12 MR. TESTER: It's important sometimes --
13 and it should be done briefly and succinctly -- to
14 contextualize a question. Otherwise the question
15 doesn't make sense, and you run the risk of the person
16 who's receiving the question misunderstanding what it
17 is you're asking.

18 My question was: What has happened here? You
19 indicated that you have talked to the RCMP, you talked
20 to the principal, you talked to teachers, and you
21 talked to a number of other people. And as I
22 indicated, I had, two days ago, gone around and talked
23 to all of those people and others, and one of the
24 questions that I put to the RCMP, for example --
25 although I asked this of others -- was if they had ever
26 sat down and had -- if they ever had Baffinland come

1 and talk to them and ask them, you know, what kinds of
2 problems they encounter and what's going on in the
3 community, and they reassured me in no uncertain terms
4 that they had never been visited by Baffinland. So
5 what's going on here?

6 THE CHAIR: Baffinland.

7 MR. MOORE: Thank you, Madam Chair.
8 Andrew Moore with Baffinland.

9 I met with Officer Terry Hanlin [phonetic] -- I
10 believe the -- I'd have to confirm the spelling of his
11 last name -- on two separate occasions in -- once in
12 2018 and once in 2019 to discuss matters related to
13 Baffinland.

14 Myself and Joe Tigullaraq routinely visit the Pond
15 Inlet high school. As you may know, Baffinland funds a
16 lunch program in Pond Inlet and other North Baffin
17 communities, both at the high school and the primary
18 school in Pond Inlet. So we certainly have met with
19 the principal and former vice principal, Janice, on
20 several occasions, both in Pond Inlet and running into
21 each other at airports in Iqaluit.

22 Joe and myself also made -- attended a meeting of
23 all North Baffin regional -- pardon me, all Qikiqtaaluk
24 region vice principals at the -- in Pond Inlet. I
25 would have to get the date. But the purpose of that
26 meeting was to discuss numerous issues, the largest

1 being encouraging all vice principals to submit
2 proposals to Baffinland for further lunch programs or
3 support the schools may require from Baffinland if they
4 wanted Baffinland staff to make a presentation in the
5 school. I would have to get -- find the date for that,
6 but that would've been this year in Pond Inlet.

7 Also, when Baffinland conducts its human resource
8 employment and training information sessions,
9 Baffinland staff visit high schools to -- to give
10 presentations and speak to students in Pond Inlet and
11 all North Baffin communities.

12 Thank you, Madam Chair.

13 THE CHAIR: Hamlet of Pond Inlet.

14 MR. TESTER: Well, admittedly, some of the
15 problem might be turnover. Terry Hanlin left the
16 community quite some time ago as the RCMP officer, and
17 that may be also true for some teachers who -- there's
18 quite a considerable turnover among teaching staff and,
19 in fact, others as well, including the staff working in
20 the nursing station.

21 My next question is this: I want to go back to an
22 issue that was raised around the significance levels
23 that are found in -- in the addendum. And I want to
24 get clear on this because the Hamlet feels that, with
25 regard to IQ, what Baffinland has typically done -- and
26 this reflects, perhaps, its understanding of IQ -- is

1 it's mined Elders and others for data. And the Hamlet
2 is of the opinion that this is a misunderstanding of
3 IQ. IQ is not simply a matter of data and information.
4 It involves issues associated with significance, value,
5 meaning, et cetera, et cetera. And given that
6 significance, in fact, is what you were rating, how is
7 Inuit valuing reflected in a -- a no-significant-impact
8 rating? To what extent did you pay deliberate and
9 considered attention to the values and the value placed
10 on the elements that you were looking at in coming up
11 with those -- those ratings?

12 "Significance" you defined as a technical term,
13 but rating significance is -- is -- well, for those
14 that are old enough to remember what this is, Ouija
15 science, and we're interested in knowing to -- how IQ
16 and value and valuing figured in the ratings that you
17 gave to significance in your addendum document.

18 THE CHAIR: Baffinland.

19 MS. LORD-HOYLE: Megan Lord-Hoyle with
20 Baffinland. Quajannamik for the question.

21 Madam Chair, what has been raised, that
22 "significance" is a technical term and that it's been
23 applied as such in the environmental assessment, is
24 correct. We have used significance in this
25 environmental impact statement as per guidelines.

26 In regard to how Inuit knowledge or Inuit views

1 have been incorporated into that significance
2 weighting, we have used information that has been
3 shared with us through many different forums to
4 influence the design of the project, as well as to
5 inform mitigation measures that have been applied.

6 Examples of where Inuit views on significance have
7 been applied in the design are directly related to the
8 choice of the shipping season that has been selected
9 and which we will hear more about in the alternatives
10 assessment presentation. The shortening of the
11 shipping season was a direct reflection of hearing from
12 Inuit that there was a preference to not ship through
13 land-fast ice.

14 Mitigation that has been applied in this Phase 2
15 process based on Inuit knowledge and Inuit views on the
16 significance of impacts to marine mammals include
17 developing a buffer zone at the edge of the Nunavut
18 settlement area where all ships will wait before
19 entering into the shipping corridor at the beginning of
20 the season to reduce interference with narwhal, which
21 we will hear more about in the marine presentation.

22 With the influence of how the design has been
23 shaped and the additional mitigation measures that have
24 been put in place through discussions and ongoing
25 engagement, we arrived at the significance
26 determinations that have been brought forward into this

1 assessment.

2 To further deepen our understanding and to
3 continue working with Inuit and to ensure that their
4 views on significance moving forward continue to be
5 included in our design and operations, we have
6 responded by developing an Inuit Qaujimanituqangit
7 framework that will formalize processes which have been
8 ongoing since before we started operations. We will
9 develop a culture resource and land use monitoring
10 program, and we will establish an Inuit advisory panel
11 which will help provide Baffinland executives advice on
12 how it is that we are using the tools I just mentioned,
13 the Inuit Qaujimanituqangit framework and the CRLU
14 monitoring program.

15 Through this review process, we have also held
16 three risk assessment workshops with all five North
17 Baffin communities or representatives from all five
18 North Baffin communities to understand their views on
19 risks associated with the project as proposed and to
20 help inform mitigation measures or monitoring programs
21 that could be applied in the future. That work was
22 verified, eight consensus statements were adopted from
23 that workshop, and that information has been provided
24 to the Nunavut Impact Review Board October 16th as part
25 of our final written submissions. Quajannamik.

26 THE CHAIR: Mittimatalik Hamlet.

1 MR. TESTER: And would I be correct in
2 saying -- much of what you've said is not particularly
3 relevant to my question. I'm -- I was asking what you
4 used to incorporate how values and valuing was handled
5 and how those were incorporated into the significance
6 ratings in the -- in the table that you put together.
7 I think it's -- in the addendum, it's Table 10 -- 10.5.
8 In other words, I -- I mean, I listened, and you talked
9 about through many different forums and so forth and so
10 on. So is it correct to say that you really -- you
11 haven't had until today, at least, any kind of
12 systematic way of -- of -- for each of those categories
13 that you were rating, you haven't had any systematic
14 way of incorporating this information, a sort of
15 thought-out methodology, a technology, a technique --
16 use whatever word one likes -- of -- of making sure
17 that IQ, that is the values and valuing, that Inuit
18 have with respect to each of the elements and
19 subelements found within those categories got included
20 in and was considered in the ratings that you provided,
21 all -- which are, of course, for biophysical -- all
22 biophysical dimensions of -- of the Phase 2 project,
23 not significant and for the socio-economic are also
24 some not significant and any that are significant are
25 indicated as being significant in a positive direction.
26 Am I correct in saying that you had no, sort of,

1 systematic way of doing this, that it was kind of, you
2 know -- can I use the word "higgledy-piggledy"?

3 THE CHAIR: Baffinland.

4 MR. KAMERMANS: Thank you, Madam Chair.

5 I previously described -- oh. Lou Kamermans,
6 Baffinland.

7 I previously described our approach to the use of
8 IQ in our assessment to the Qikiqtani Inuit
9 Association. I will explain this further, but before I
10 do, I would also suggest that this type of questioning
11 may be better suited to the subject-specific
12 presentations that will follow today's events. But to
13 go back to the rationale that I provided to the
14 Qikiqtani Inuit Association, what we supplied was
15 consistent with the final environmental impact
16 statement, which was ultimately approved in 2012, and
17 we used that same methodology again in 2014 when the
18 Early Revenue Phase was approved.

19 We did not take a systematic approach to the
20 inclusion of IQ in our significance determinations like
21 you're describing. We took a holistic approach. We
22 considered the IQ we collected throughout our various
23 workshops and other initiatives and expanding that to
24 include community feedback to shape every step of our
25 assessment.

26 Further to that, I want to be very clear that our

1 significance determinations are based on the
2 application of mitigation measures that we develop
3 based on the concerns we have heard from Inuit of the
4 North Baffin. And many of these have been developed in
5 conjunction with them. So that's a snapshot of how we
6 came to our significance determinations and how we
7 considered IQ in those determinations.

8 A question I would like to ask back to you would
9 be: Since when is a systematic approach to IQ the
10 preferred approach of Inuit? Thank you.

11 THE CHAIR: Hamlet of Pond Inlet.

12 MR. TESTER: Well, a systematic approach to
13 anything just ensures that there is a regular and
14 considered and that can be counted on approach to
15 considering something in coming up with a rating or
16 coming up with a score or coming to a conclusion of
17 anything and that -- that -- that something is
18 considered in a consistent way and consistently in --
19 in -- in providing a rating or providing a score or
20 arriving at a conclusion.

21 I was asked to ask a question related to the
22 matter of quarrying and rock -- movement of rock in
23 constructing the railway. If I look at the railway
24 routing and I look at the amount of rock that has to be
25 used to create this roadbed and to fill in gullies
26 and -- and deal with stream crossings and so forth and

1 so on, it seems to me that it's considerable. There's
2 a lot of concern in the community -- and not just about
3 the railroad, but about all the activities that are
4 associated with building it, and it seems to me the
5 amount of quarrying for rock -- the amount of quarrying
6 would be considerable.

7 And the other thing that some people are concerned
8 about is -- is the nature of the rock that you're going
9 to be quarrying. How do you deal with the content of
10 that? And this is an issue that might concern Health
11 Canada in terms of the content of the rock. Some
12 analysis has been done, of course, on the mineral
13 content in particular of the rock that you're mining at
14 Mary River, but how do you deal with the possibility of
15 silica, for example, in rock that you're quarrying in
16 order to construct the roadbed and -- and other needs
17 associated with building this railway?

18 THE CHAIR: Baffinland.

19 MS. LORD-HOYLE: Megan Lord-Hoyle with
20 Baffinland. Quajannamik for the question.

21 Madam Chair, we have -- we have a testing program
22 for all quarries before we start using them so we are
23 aware of the materials that are in the quarry before
24 they are blasted.

25 We also have a quarterly ongoing industrial
26 hygiene program in place to test for things such as

1 silica, which was just mentioned. Quajannamik.

2 THE CHAIR: Hamlet of Pond Inlet.

3 MR. TESTER: One last question, which is
4 also, I guess, a request. When you're talking about
5 the number of ships that you are going to need for
6 Phase 2, if I'm not mistaken, you -- you constantly
7 refer to "176". I'm wondering why -- and this is
8 something that is of concern to Elders and others who,
9 you know, often have questions about what you really
10 mean or what you're really saying. What do things
11 really look like?

12 I'm wondering why you don't, in fact, talk about
13 transits instead of the number of ships. Because if
14 you have -- if you're using 176 ships, the truth of the
15 matter is -- and this is what we call "fudging it", I
16 guess. 176 sounds like 176 ships, but in actual fact,
17 in terms of transit, those ships have to come in and
18 out. So we're talking about, during -- if I'm -- my
19 math is correct, during the shipping season that you're
20 proposing, we're talking 352 transits, and that doesn't
21 include icebreakers. That's a minimum of three ships a
22 day passing by the community of Pond Inlet. So you can
23 see that, you know, going from 176 talking about ships,
24 to talking about transits, creates a very different
25 picture about, you know, what is being proposed here.
26 So I'm wondering why you don't do that and -- and

1 trying to make you aware of the impact this has and the
2 understanding that people have of exactly what this
3 Phase 2 proposal means in terms of ship movement and
4 traffic in areas that -- about which they have
5 considerable concern with regard to impact on narwhal
6 and other sea mammals.

7 THE CHAIR: Baffinland.

8 MS. LORD-HOYLE: Megan Lord-Hoyle with
9 Baffinland. Quajannamik.

10 Madam Chair, through our ongoing discussions,
11 particularly with the community of Pond Inlet, the
12 language that we have used since I began with the
13 project has always been around the number of ships.
14 There is an inherent understanding that the number of
15 ships mean they must come and that they must go. It's
16 the language that we've been using to -- to speak about
17 the project. It's what we are often asked about in
18 communities: How many ships are there? How many ships
19 come to Milne Port? So we continue to be consistent
20 with that language.

21 In our assessment, the number of transits has been
22 assessed. So that full number has been assessed based
23 on 176 vessels multiplied by two for the number of
24 transits is what is included in the assessment. So the
25 outcomes of the assessment do not change, regardless of
26 if we describe it as 176 ships or the number of

1 transits. Quajannamik.

2 THE CHAIR: People of Igloolik.

3 Igloolik Working Group Questions Baffinland Iron Mines
4 Corporation

5 MR. IVALU: Thank you, Madam Chair. Peter
6 Ivalu.

7 Before I ask my question, I would like to take
8 this moment to recognize our youth representative from
9 Igloolik that our technical advisor, Mr. Merlyn [sic],
10 failed to recognize this morning during the community
11 introductions. We have Tyra Qulaut, a youth
12 representative. She was here. I think she left. I
13 just thought I'd recognize her.

14 In terms of your IQ management framework, you -- I
15 know it's still in development stages. I'd be curious
16 to know the makeup of the Inuit advisory panel. Who --
17 who would be in it, and how -- how much -- how involved
18 would they be? I know they provide advice, but my main
19 question is: Who would make up this Inuit advisory
20 panel?

21 And our technical advisor, Mr. Merlyn, will have
22 questions as well. Thank you, Madam Chair.

23 THE CHAIR: Baffinland.

24 MS. LORD-HOYLE: Megan Lord-Hoyle with
25 Baffinland. Quajannamik for the question.

26 The Inuit advisory panel that we have proposed

1 will be developed over a 12-month period post-approval
2 is what we have suggested. We want to ensure that the
3 communities have the time and resources to discuss the
4 establishment of the panel, that the terms of reference
5 can be drafted and finalized, and we want to ensure
6 that the communities are engaged in this process.
7 We've heard positive support for this idea through the
8 discussions we've had to date.

9 We envision that a minimum -- a representative
10 from each community would make up the panel, but those
11 discussions will be ongoing, and we will remain
12 flexible to community feedback on the idea.

13 Quajannamik.

14 THE CHAIR: People of Igloolik.

15 MR. RECINOS: Thank you, Madam Chair, Merlyn
16 Recinos, technical advisor for the Igloolik Working
17 Group.

18 You've just got to bear with me; I'm reading out
19 of my cell phone because my laptop died.

20 This morning, your president/CEO, Brian Penney,
21 made a few opening remarks. One of them was that
22 Baffinland has spent over \$100 million to maximize its
23 output. My question is: How much have you spent to
24 implement IQ?

25 THE CHAIR: Baffinland.

26 MS. LORD-HOYLE: Megan Lord-Hoyle with

1 Baffinland. Qujannamik.

2 That's a very good question. I'm not sure -- or I
3 don't have an exact number. I don't know that we've
4 quantified it in that way. I can say an example of
5 what we are proposing or what we are willing to do as a
6 result from community feedback in moving the proposed
7 route of the rail alignment from our proposed alignment
8 to Route 3 will cost tens of millions of dollars. That
9 is one example.

10 Another example would be in the mitigation design
11 for shipping where we have reduced number of transits
12 during heavier ice conditions. There is a resultant
13 impact on the costs to the operation. I do not have
14 that number quantified. But, again, it could result in
15 millions of dollars.

16 There are other examples of the community
17 engagement efforts that are undertaken, but I do not
18 have a quantifiable number or a fulsome number.
19 Quajannamik.

20 THE CHAIR: People of Igloolik.

21 MR. RECINOS: Thank you, Madam Chair.

22 Merlyn Recinos, technical advisor for the Igloolik
23 Working Group.

24 I just wanted to point out before I move to my
25 next question that, as you see output, Inuit see IQ.
26 As important as to Baffinland output is, that's the

1 same importance that Inuit have to IQ.

2 The next one is -- again, this morning, your
3 president and CEO, Brian Penney, said that with the
4 railroad construction, you have a reduction of
5 60 percent of product cost. So that means a reopened
6 negotiation of the IIBA, royalties, and everything else
7 that has to do with it. Are you open to renegotiate
8 the IIBA to include the communities' working groups in
9 construction [sic] with the QIA? Thank you.

10 THE CHAIR: Baffinland.

11 MS. LORD-HOYLE: Megan Lord-Hoyle with
12 Baffinland. Quajannamik.

13 Madam Chair, the Inuit Impact Benefit Agreement is
14 an agreement directly between the Qikiqtani Inuit
15 Association and Baffinland. I think that question
16 would be best placed for a discussion between
17 Baffinland and the Qikiqtani Inuit Association and with
18 the communities. Quajannamik.

19 THE CHAIR: People of Igloolik.

20 MR. RECINOS: Thank you, Madam Chair.
21 Merlyn Recinos, technical advisor of the Igloolik
22 Working Group.

23 This has been raised in the last three technical
24 hearings -- again about the last two; this has been the
25 third one -- that the IIBA currently does not benefit
26 the communities impacted. Communities have not seen

1 benefits from this IIBA. Communities have started to
2 see some benefits in regards to Baffinland -- so the
3 proponent -- towards the next phase that they have
4 come -- one example being the lunch program; another
5 example being the mental health program with
6 partnership with Clyde River. But, again, prior to
7 this, the communities have seen very little when it
8 comes to benefits or direct benefits from this project.
9 This mine has been in operation for five years, and
10 communities have seen very little.

11 The community that has seen the most benefit:
12 Iqaluit. Again, Iqaluit has the duty of the Government
13 of Canada, Government of Nunavut to invest as the city
14 of -- or the -- the head of Nunavut. You know,
15 it's these opportunities that should be investing in
16 our communities. And, again, we have seen very to
17 little [sic] benefits in the current IIBA, and I have
18 asked the same question the last two times, and this
19 time when Brian Penney opened remarks and he said that
20 it would reduce cost of -- of current product by
21 60 percent, that is huge. As he said, you know,
22 everybody would benefit. How are the communities going
23 to benefit from this?

24 THE CHAIR: Baffinland.

25 MS. LORD-HOYLE: Megan Lord-Hoyle with
26 Baffinland. Quajannamik.

1 Madam Chair, again, I will have to reiterate that
2 conversations related to the renegotiation of the IIBA
3 are a matter for outside of this hearing process and
4 are dependent on both the Qikiqtani Inuit Association
5 and Baffinland.

6 But in regards to the question that was -- or the
7 comment that was just brought forward around not
8 receiving benefits from the Inuit Impact Benefit
9 Agreement, I do want to clarify that the programs that
10 were mentioned, the school lunch program and a
11 counsellor program, are now both entrenched in the
12 renegotiated Inuit Impact Benefit Agreement. And
13 further to that, in recognition of what we have heard
14 from all community engagements that we have been --
15 undertaken, Baffinland has put forward an
16 opportunity -- a summary of opportunities to each North
17 Baffin community in the amount of \$1.2 million direct
18 to the communities to support harvesting efforts,
19 community well-being, and a \$1 million fund to support
20 community initiatives. That will be presented in
21 presentations in our socio-economic presentation in a
22 more fulsome discussion. Quajannamik.

23 THE CHAIR: People of Igloolik.

24 MR. RECINOS: Thank you, Madam Chair.

25 Merlyn Recinos, technical advisor for the Igloolik
26 Working Group.

1 I just want to state that when both QIA and
2 Baffinland have been asked in regards of the IIBA they
3 sent to each other, there haven't been a clear answer
4 in whether or not the communities will be able to take
5 part into the negotiation. It's always brought to the
6 other party but not clear response. So I want that to
7 be noted.

8 My next question goes into a couple of things,
9 actually. So you have talked about construction of
10 Phase 2 -- if it moves forward, one to three years --
11 with material already being at the mine site. If you
12 were to get approved -- I think it's in January -- how
13 fast would you start construction? Thank you.

14 THE CHAIR: Baffinland.

15 MS. LORD-HOYLE: Megan Lord-Hoyle with
16 Baffinland.

17 Madam Chair, could I have the question repeated,
18 please?

19 THE CHAIR: (OTHER LANGUAGE SPOKEN)

20 MR. RECINOS: Thank you, Madam Chair.

21 Merlyn Recinos, Igloolik technical advisor.

22 My question was that: With some equipment and
23 materials already being at the mine site, once approval
24 is made in January -- I believe, that that's when the
25 minister gives their approval -- how long from there
26 would you start construction of Phase 2?

1 THE CHAIR: Baffinland.

2 MR. KAMERMANS: Thank you, Madam Chair. Lou
3 Kamermans, Baffinland.

4 We have a phased approach to the construction of
5 the Phase 2 project based on environmental permits.
6 So, currently, if we were to receive an approval from
7 the Nunavut Impact Review Board by, say, January of
8 2020, you know, we would go on to receive our water
9 licence, and then we would go on to receive other
10 permits and approvals, fisheries offsets, approvals
11 necessary to build the railway and operate the railway.
12 All of those considered, we could be operational --
13 fully operational by 2022. So the -- the shipping
14 season in 2022 would see the full amount of ships.
15 Thank you, Madam Chair.

16 Megan is going to add on to that response.

17 MS. LORD-HOYLE: Megan Lord-Hoyle with
18 Baffinland.

19 Just to clarify, it is based on permitting. It is
20 based on when approvals are received. And upon project
21 certificate issuance, there is limited earthworks that
22 can take place prior to receiving other approvals. So
23 construction will be led by the approval process for
24 other permitting, but upon approval through the NIRB --
25 or the Nunavut Impact Review Board, some limited
26 earthworks could take place fairly shortly thereafter.

1 Quajannamik.

2 THE CHAIR: (OTHER LANGUAGE SPOKEN)

3 MR. RECINOS: Thank you, Madam Chair.

4 Merlyn Recinos, technical advisor for the Igloolik
5 Working Group.

6 Do you have an estimate -- I'm sure you do -- on
7 when construction would begin for Phase 2?

8 THE CHAIR: Baffinland.

9 MR. KAMERMANS: Thank you, Madam Chair. Lou
10 Kamermans, Baffinland.

11 What we have provided in our environmental impact
12 statement in terms of a schedule for construction would
13 see construction on limited activities begin as early
14 as our first -- our approval of the project
15 certificate. So that would be January of 2020. Thank
16 you, Madam Chair.

17 THE CHAIR: (OTHER LANGUAGE SPOKEN)

18 MR. RECINOS: Thank you, Madam Chair.

19 Merlyn Recinos, technical advisor for the Igloolik
20 Working Group.

21 This is very important because in the communities
22 we talk about the biggest benefits being contracting,
23 employment, and then royalties, including some benefits
24 to the communities. But the biggest two are
25 contracting and employment. We have built no capacity
26 in the communities for these works that are about to

1 happen. This is where consult -- duty to consult from
2 the Government of Nunavut and Government of Canada come
3 into play. Do you understand that if this construction
4 starts, most of the people in the communities that
5 could benefit from jobs or businesses that could
6 benefit from contracting are going to be out of luck
7 because they don't have the capacity needed to be able
8 to submit or to get these contracts or this work? This
9 is very concerning for the communities. Extremely
10 concerning for the communities.

11 Do you know what the total amount is going to be
12 for Phase 2, the cost to Baffinland? Thank you.

13 THE CHAIR: Baffinland.

14 MR. KAMERMANS: Thank you, Madam Chair. Lou
15 Kamermans, Baffinland.

16 I first want to clarify that we submitted a
17 construction training plan as part of the review
18 process. This was requested by the Qikiqtani Inuit
19 Association, and it shows how each of the major
20 contractors for -- for the Phase 2 construction have
21 set Inuit employment targets and how they will go about
22 achieving those targets. I just want everyone to be
23 aware that that document has been submitted on the
24 record and is available and, I believe, demonstrates --
25 shows how Baffinland expects their contractors to
26 achieve those targets.

1 On the actual estimate for the construction of
2 Phase 2, we can't supply a precise number right now,
3 and I'm willing to get that information and -- and
4 treat it as a deferred response. But in a ballpark,
5 it's about a billion dollars' investment.

6 Thank you, Madam Chair.

7 THE CHAIR: (OTHER LANGUAGE SPOKEN)

8 MR. RECINOS: Thank you, Madam Chair.

9 Merlyn Recinos, technical advisor for the Igloolik
10 Working Group.

11 Actually, you just brought me, then, to my next
12 question, pretty much. The communities -- and I have
13 talked to all five communities. They have seen very
14 little advertisement when it comes to tendering for
15 contracts at Baffinland. It's something that has been
16 brought forward to the QIA to bring forward to you. We
17 have seen -- as far as we're concerned, there's only
18 one site that is being posted. Very little ever goes
19 and advertised to the community. But you have just
20 said that major construction companies have been, sort
21 of, told how and -- how to achieve these things. So
22 pretty much you have said already that you have already
23 sort of aligned who you're going to be giving those
24 contracts to.

25 Again, where is Inuit local businesses in place?
26 We're talking about -- we told this. We want to work

1 in partnership with you. We want to build our
2 capacity. We want to build that infrastructure. We
3 want to build our capacity with people, with
4 businesses, with the local economy. But if we continue
5 to be left out, how can we work together? We talked
6 about the possibility -- and we both did -- the
7 possibility of taking large contracts and breaking it
8 down to be for small companies in the communities to
9 being able to access those contracts.

10 Again, if you have already sort of talked to your
11 major contracts on how to achieve these goals and what
12 the training is, then it deviates again from, yes,
13 employment is good; contracting, not so good for the
14 Inuit communities. We need to work together to make
15 them both good. Because according to the IIBA, those
16 are the two major benefits to the five Inuit
17 communities. Thank you, Madam Chair.

18 THE CHAIR: Baffinland.

19 MS. LORD-HOYLE: Megan Lord-Hoyle with
20 Baffinland. Madam Chair, can I get clarified if there
21 was a question, or was that a statement?

22 THE CHAIR: (OTHER LANGUAGE SPOKEN)

23 MR. RECINOS: That was a statement to be on
24 record. Thank you.

25 THE CHAIR: Baffinland.

26 MR. KAMERMANS: Thank you, Madam Chair. Lou

1 Kamermans, Baffinland.

2 I just wanted to start by saying we -- we
3 understand your concerns, and -- and we do want to work
4 with you to address these issues. We think a major
5 source of benefits for the communities is, of course,
6 contracting and employment. We talk about it all the
7 time, and we're completely committed to that.

8 We do have to acknowledge that there are processes
9 set out for preferential contracting in the Inuit
10 Impact and Benefit Agreement. That's one of its
11 primary purposes, our -- our establishing targets like
12 those to ensure that Inuit benefit from these
13 developments.

14 So I would just have to leave it there and, you
15 know, confirm that we're continued -- we're committed
16 to continue working with you, and -- and we're happy to
17 work with the Qikiqtani Inuit Association to -- to
18 resolve these issues that -- that you're raising here.
19 Thank you very much.

20 THE CHAIR: (OTHER LANGUAGE SPOKEN)

21 MR. RECINOS: Thank you, Madam Chair.

22 Just one second, please. I hopefully still --
23 still have quite a bit of power here. And, no, I do
24 not.

25 Okay. Madam Chair, it's Merlyn Recinos, technical
26 advisor for the working group for Igloolik.

1 Yes. But in accordance to the IIBA -- and I
2 apologize; my laptop is dead, so I can't give you the
3 specifics -- there's preferential treatment to one
4 special company when this IIBA was negotiated, and that
5 company is associated with the Inuit Association. That
6 company gets preferential treatment over contracts
7 under \$1 million. They have 21 days to negotiate
8 directly with Baffinland before it's even announced or
9 posted to the communities, which never happens.

10 We need that changed. The communities should be
11 the ones benefitting prior to the development
12 corporation arm of the Qikiqtani Inuit Association.
13 This has been raised multiple times, and I did not want
14 to bring it up because I have raised it multiple times
15 in-camera sessions and emails, but I think it needs to
16 be discussed.

17 The benefits primarily at the beginning should be
18 going to the Inuit communities. They need the biggest
19 development. They need investment and infrastructure.
20 They need a better health system. They need a better
21 mental health. My apologies. That's probably the ...

22 We -- and, again, is the reason that I continue to
23 ask that a new IIBA be negotiated with representations
24 from the working groups of the communities to truly
25 represent the interest and benefit of those
26 communities. Thank you, Madam Chair.

1 THE CHAIR: Igloolik, do you have any more
2 questions to the proponent after that comment? Can you
3 please clarify?

4 MR. RECINOS: Thank you, Madam Chair. No,
5 we do not. Feel comfortable with the questions that
6 have been raised and concerns. Thank you.

7 THE CHAIR: Baffinland, do you have a
8 response to the comment?

9 MS. LORD-HOYLE: Megan Lord-Hoyle with
10 Baffinland.

11 Madam Chair, we hear the concern that has been
12 raised. We have heard the concern before. This is a
13 conversation for both the Qikiqtani Inuit Association,
14 who is here present to hear as well, and we can take
15 these matters up through the Inuit Impact Benefit
16 Agreement outside of this hearing process.
17 Quajannamik.

18 THE CHAIR: It is now after 9 PM. We
19 still have questions from the rest of the registered
20 intervenors on the introductory presentation to
21 Baffinland, starting with the Hall Beach Hunters and
22 Trappers Organization. We also need to address the
23 motions that were presented to the Board, so we are
24 going to break for the rest of the evening. The Board
25 is going to deliberate on the motions tomorrow morning,
26 and we will reconvene the hearing at 1 PM. Thank you.

1 _____
2 PROCEEDINGS ADJOURNED UNTIL 1:00 PM, NOVEMBER 3, 2019
3 _____

4 CERTIFICATE OF TRANSCRIPT:
5

6 We, Julie Albert and Christy Longacre, certify
7 that the foregoing pages are a complete and accurate
8 transcript of the proceedings, taken down by us in
9 shorthand and transcribed from our shorthand notes to
10 the best of our skill and ability.

11 Dated at the City of Calgary, Province of Alberta,
12 this 11th day of November 2019.
13



16 J. Macdonald

17 J. Albert CSR(A)
18 Official Court Reporter
19

20
21 Christy Longacre

22
23 C. Longacre, CSR(A), RPR
24 Official Court Reporter
25
26

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