

NUNAVUT IMPACT REVIEW BOARD

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

HEARING

VOLUME 3

Iqaluit, Nunavut

November 4, 2019

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1 Proceedings taken at Cadet Hall, Iqaluit, Nunavut

2

3 November 4, 2019 Morning Session

4

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24 L. Duke Legal Counsel

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8		Strategic Development
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5	P. Glenen	Stantec
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7	B. Wheeler	Hemmera
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9	T. Keane	Fednav Limited
10	C. Legault	Fednav Limited
11	S. Douville	Fednav Limited
12	D. Del Cardo	Genessee Wyoming Canada
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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
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7		Portfolio Lead
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10	J. Ottenhof	Director of Major Projects
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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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26		Environmental Assessment DOE

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2		Assessment DOE
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4		Socio-economic Monitoring EDT
5	B. Pirie	Project Manger, Research and
6		Monitoring DOE
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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
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17		Specialist
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4		Assessment Specialist
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10		Management
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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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3		North
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5		Assessment Coordinator
6	K. Wells	Senior Air Quality Analyst
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11	W. Wilson	Environmental Assessment
12		Coordinator
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14		Specialist
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24		Specialist
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26		Specialist

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3	J. Chisholm	Nunavut Field Unit Ecologist
4	L. Jonart	Nunavut Field Unit Manager for
5		the Tallurutiup National
6		Marine Conservation Area
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10		Services
11	J. Johar	Manager Marine Safety and
12		Security
13	J. Cram	Manager Rail Safety
14		Engineering
15	J. Barker	Environmental Advisor
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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

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23 E. Inuarak Vice Chair

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25 O. Quaraq Elder Advisor

26 A. Hanson-Main Technical Advisor

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20	L. Kilabuk	Language Translator
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23	J. Albert, CSR(A)	Official Court Reporter
24	C. Longacre, RPR, CSR(A)	Official Court Reporter
25		
26		

1 (PROCEEDINGS COMMENCED AT 9:06 AM)

2 Opening Remarks

3 THE CHAIR: Good morning.

4 Before we start with opening prayer, David
5 Irngaut, can you pray, please.

6 Opening Prayer

7 THE CHAIR: Thank you, David Irngaut, for
8 opening in prayer.

9 I think you remember I'm the Chair of the NIRB,
10 and I would like to welcome everybody this morning on
11 the third day of our meetings for the Phase 2 last
12 final hearings for the mining ore in Baffinland and
13 their request to extend Baffinland, the NIRB-08053
14 number.

15 Thank you to Iqaluit for welcoming us during our
16 meetings here. Be aware, there's always interpreters
17 during our hearings, and there's Channel 0, floor;
18 English; Channel 2 in Inuktitut, as well; and there's
19 also you have to sign in before you sit down.

20 Thank you for the media television people for
21 allowing the -- have Nunavut, Igloolik, and
22 Mittimatalik to be hearing the broadcast here,
23 broadcasting here, and for those that are not able to
24 be here will be able to hear us through media, through
25 the internet.

26 As we are drawing increasingly behind in our

1 agenda, the Board has asked Baffinland to group its
2 remaining presentations to the extent possible. We
3 will -- they -- they will be combining some of their
4 presentations as the following: The alternatives
5 assessment with the terrestrial assessment; (2) the
6 atmospheric freshwater and human health, (3) marine
7 environment; and (4) management plans.

8 Today, we will complete the -- aim to complete the
9 technical sessions with the remaining presentations
10 from registered intervenors, and I would like to remind
11 all those in attendance that we have scheduled an
12 evening session from 6:30 PM to 9 PM.

13 For all speakers, when you are speaking, please
14 speak directly into the microphone at a reasonable pace
15 and state your name and your community or organization
16 before you provide comment. Please be respectful of
17 other speakers and do not interrupt. The Board
18 appreciates everyone's commitment to establishing a
19 respectful and productive atmosphere at this hearing.

20 We will now continue on to questions to the public
21 consultation and Inuit Qaujimanituqangit presentation
22 from the Hamlet of Pond Inlet.

23 MS. KOWBEL: Madam Chair.

24 Hamlet of Pond Inlet Questions Baffinland Iron Mines
25 Corporation

26 MR. TESTER: Frank Tester, technical

1 advisor, Hamlet of Pond Inlet.

2 Madam Chair, my first question is directed at
3 Ms. Lord-Hoyle, and it does need a little bit of
4 prefacing.

5 For decades, I've taught at six Canadian and
6 international universities from Edinburgh to the
7 Maori-centred University of Waikato, New Zealand; and
8 one of the subjects I've taught is organizational
9 management and human behaviour.

10 If I piled the amount of research that's been done
11 on advisory groups on the table in front of you, you
12 would -- you would disappear from view. This research
13 shows that the average lifespan of community-based
14 advisory groups, other than those mandated by the state
15 or with decision-making authority is, on average, two
16 to four years.

17 The research on Indigenous advisory groups, most
18 of which, admittedly, is concentrated in the area of
19 health and social services, reveals that without
20 decision-making power, such groups become increasingly
21 hostile and oppositional in their relationship with
22 governing bodies.

23 My question is this: Given the centrality of an
24 IQ advisory group to your IQ management strategy, what
25 is it that's unique about how you plan to structure and
26 operate this advisory group that might ensure its

1 survival and utility? Otherwise NIRB, being an
2 organization whose decisions are based on fact, may be
3 left to conclude that the document you've submitted on
4 IQ management is really not worth the paper it is
5 written on.

6 THE CHAIR: Baffinland.

7 Baffinland, before you respond, Ms. Kowbel, were
8 you going to say something?

9 MS. KOWBEL: Madam Chair, it's okay. It's,
10 sorry, Christine Kowbel, legal counsel, Baffinland.

11 I just wanted to clarify we also have a
12 socio-economic presentation, and I just wanted to know
13 when you'd like Baffinland to deliver that
14 presentation?

15 THE CHAIR: NIRB legal counsel.

16 MS. MEADWOS: Thank you, Madam Chair.
17 Teresa Meadows, legal counsel for the Nunavut Impact
18 Review Board.

19 So the Board will provide direction on when that
20 will go in the agenda and whether or not it will be
21 grouped with something as things progress.

22 Thank you, Madam Chair.

23 THE CHAIR: Baffinland, you may proceed.

24 MS. LORD-HOYLE: Ullaakut. Megan Lord-Hoyle
25 with Baffinland. Qujannamik for the question.

26 Madam Chair, this group has been proposed as a way

1 to ensure a central body can work with the communities
2 and report to Baffinland on the incorporation of Inuit
3 views and perspectives in our decision-making. The
4 intent of this group is to be collaborative, to be
5 based on the Inuit societal value of consensus-based
6 decision-making and not focused on going potentially
7 through an arbitration or a mediation process that
8 often comes when third parties are provided with
9 decision-making authority.

10 We have been running working groups since the
11 start of the project. These are based on environmental
12 working groups and the socio-economic environment.

13 This body will, instead, take the information
14 provided from each of these different groups and look
15 at a more holistic approach to the project. This body
16 will be offered compensation for their time and efforts
17 that are put towards it.

18 And I think it's also important to note that the
19 idea's that this body can direct its own work. Funds
20 will be made available to hire technical support to
21 provide advice to the group, it will report directly to
22 the executive, and there will be a public and
23 transparent reporting system.

24 It's also important to note that in our
25 decision-making processes, Inuit are embedded in those
26 processes by hiring Inuit into executive and management

1 positions within the company, and by the company
2 maintaining its decision-making authority, those
3 positions can influence decisions that are made.

4 Qujannamik.

5 THE CHAIR: Mittimatalik Hamlet.

6 MR. TESTER: Thank you for that response.

7 It doesn't address the observation that I made that
8 regardless of what the mandate and function of advisory
9 groups have been and hundreds and hundreds that have
10 been studied with many, many different mandates and
11 functions and resources and so forth and so on, the
12 fact remains that the outstanding characteristic of
13 organizations is that if it isn't mandated by statute
14 and doesn't have decision-making authority, these
15 groups and organizations, ultimately, start to come
16 apart, and few of them survive beyond four years; and
17 the feedback that I have with regard to the working
18 groups that you currently have is, in fact, they are
19 experiencing some of these problems at the present
20 time.

21 My next question has to do with the key
22 environmental and socio-economic issues raised, Figure
23 16, in the document that you presented.

24 The word that you use is "key", and when I look at
25 what's been included, I'm impressed with the fact that
26 many of these elements are, in fact, environmental and

1 that the socio-economic issues raised, one of them,
2 which takes up considerable space, is Inuit training,
3 employment, and business opportunities, concerns which
4 are, understandably, the property of Baffinland and its
5 commitments, and then you have something related to
6 community benefits.

7 I want to ask you about what's missing because
8 when I look at this word "key", and I look at what's
9 missing, I see two things that -- that we're more than
10 familiar with that are not mentioned here at all, and
11 those, again, have to do with issues that are important
12 to women in relationship to Baffinland, and, also, the
13 absence of any of the concerns that are associated with
14 youth and young people, and if you've been having
15 meaningful consultation, and meaningful consultation is
16 the basis for establishing what the key environmental
17 and socio-economic issues raised are, and given that I
18 was told you've had some meetings with women -- by the
19 way the meeting that you had at the mine, I found out
20 that that was attended by three women and that the
21 meeting in Arctic Bay, you did much better. There were
22 six women at that meeting, but my point is that in
23 light of meaningful consultation, why is it that there
24 are no issues listed here that are of specific
25 importance to women, other than concerns they may have
26 about employment opportunities, and absolutely nothing

1 in relationship to Inuit youth?

2 THE CHAIR: Baffinland.

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

5 I'll make a -- a first note and then pass it to my
6 colleague Andrew, but what I want to emphasize is that
7 Phase 2 is a modification to an existing project. The
8 final environmental impact statement addendum looks at
9 the differences brought -- brought forward as a result
10 of Phase 2. The issues that -- that Frank mentions are
11 very much tied to the existing project in which we feel
12 we have a wealth of understanding with and
13 understanding through the existing mechanisms of
14 socio-economic monitoring and participation in regional
15 socio-economic monitoring groups.

16 Because those items are not listed on this slide
17 does not mean they're not considered by Baffinland, and
18 they're not attempted to be managed by Baffinland.
19 Those are ongoing issues.

20 I'd note that the pathway that I believe Frank
21 believes those concerns stem from are employment and
22 that whether Phase 2 moves forward or not, Baffinland
23 has clear targets to increase Inuit employment at the
24 mine site, and that will continue to be our goal,
25 whether Phase 2 is approved or not.

26 So at this point, I'd pass it on to my colleague

1 Andrew to speak about what we've heard through our
2 monitoring programs to date.

3 MR. MOORE: Thank you, Madam Chair.
4 Andrew Moore with Baffinland.

5 First, I'd like to correct the statement about the
6 Arnait action plan meeting that took place at the Mary
7 River mine site. There was 15 women who participated
8 in that meeting.

9 Through our ongoing community engagement, which is
10 supported by Baffinland's participation in the
11 Qikiqtaaluk socio-economic monitoring committee and the
12 Mary River socio-economic working group, we have heard
13 concerns related to a work-and-family balance both from
14 men, women, and youth, specifically in relation to the
15 two-weeks-on/two-weeks-off rotational schedule that is
16 available to Baffinland employees working at Mary
17 River; we've heard from youth about skills development,
18 being youth with few educational opportunities
19 post-high school in their home communities and how that
20 leads to their potential entrance into the Baffinland
21 workforce; and we have heard about substance abuse and
22 issues surrounding an increase in -- in wages to
23 individuals and what that might transfer to in their
24 purchasing decisions in the -- their home community.

25 As it relates to the scheduling, so the impact of
26 scheduling on -- on familial relationships, Baffinland

1 does take into account Inuit cultural aspects into its
2 scheduling, and if employees speak to the human
3 resource department about issues they're experiencing
4 related to this, Baffinland does have steps that it
5 will take to modify or work with that individual to
6 change their work schedule. We certainly don't want a
7 family relationship to impact an individual's ability
8 to continue working at the Mary River mine site, so
9 those considerations are certainly given in scheduling
10 of employees' rotations.

11 Further in that regard, we have several programs
12 in place, including our employee and family assistance
13 program, which is available 24 hours a day in English,
14 French, and Inuktitut, to provide support to employees
15 in -- in various areas, including family relationships
16 and counselling services.

17 We have Inuit cultural advisors on site, or
18 formerly known as "Elders", who support Inuit employees
19 who need assistance with family problems or issues
20 related to work scheduling or other issues. That,
21 again, is -- is made available at the Mary River
22 Project, both at the mine and port sites. We've
23 expanded that program through the renegotiation of the
24 Mary River Inuit Impact Benefit Agreement.

25 As it relates to youth who have spoken to
26 Baffinland about skills development, the company has

1 made very important financial commitments and -- and
2 developed programs to increase training, including
3 running our work-readiness training program in the
4 North Baffin communities, where that was not done in
5 the past. That is done in the communities, so Inuit do
6 not have to travel outside of their communities for
7 that specific training program.

8 We also, as I mentioned a few days ago, visit high
9 schools to speak to students and youth about career
10 opportunities, training opportunities, and to answer
11 questions they may have about the Mary River Project.

12 As it relates to substance abuse, this is,
13 certainly, a concern the company has heard, in
14 particular, in the community of Arctic Bay. Baffinland
15 has taken steps to address this by instituting a
16 community counsellor program, which is in partnership
17 with the Ilisaksivik Society.

18 I will note that the Ilisaksivik Society is
19 conducting training right now related to that program
20 to increase the number of trained counsellors, trained
21 Inuit counsellors available for this program, including
22 individuals in -- from Pond Inlet and Arctic Bay who
23 are in the training program. We feel that this is a
24 very important training program as it's being run by an
25 Inuit-led community based organization, and it's
26 training by -- pardon me, it's counselling services by

1 Inuit for Inuit.

2 Further, the company has offered, in instances
3 where it was brought to the company's attention, that
4 an issue such as alcohol may have contributed to -- to
5 an unfortunate incident in the community, the company
6 has, through its partnership with the Ilisagssivik
7 Society, funded counselling support to be sent
8 immediately to communities. That has happened several
9 times this year where crisis counsellors were sent
10 through Baffinland's programs, fully financed by
11 Baffinland, to support communities when they need it.

12 We also provide, as requested, financial
13 management training for employees who may require --
14 who may request it. That is intended so to help
15 individuals who may be new to the wage economy and
16 learn about budgeting and ways that they can help their
17 decision-making around how to spend their wages.

18 And -- and, certainly, Madam Chair, the company
19 takes those issues extremely seriously and has made
20 significant improvements, introducing many of the
21 programs I just mentioned, and continues to work with
22 the Government of Nunavut, other community-based
23 organizations through our socio-economic working groups
24 to look for new ways that the company can partner to
25 address some of the issues that Mr. Tester has raised,
26 and, certainly, it's the company's intention to

1 continue doing that well into the future.

2 Thank you, Madam Chair.

3 THE CHAIR: (OTHER LANGUAGE SPOKEN)

4 MR. TESTER: Well, not unlike the wordiness
5 of your documents, your -- your answer really doesn't
6 address my question. My question was really
7 straightforward and simple.

8 There are lots of questions, and critical
9 questions, that can be raised about all the things
10 you've just listed, and I -- I'm not here to do that.
11 I was simply asking that why, in a public document like
12 this, which everyone is referring to at this meeting
13 where you've listed key environmental and
14 socio-economic issues that have been raised, why is
15 there nothing in here, other than a bleak ref -- an
16 oblique reference to Inuit training, employment, and
17 business opportunities? There's nothing in here that
18 lists the issues that women and young people face in
19 the community.

20 I'm not saying that you're not aware of what those
21 issues are, but in terms of giving prominence and
22 attention to them, what's missing from this is quite
23 revealing. That's my concern, and that was my
24 question: Why is none of what you've just gone through
25 been noted under key environmental and socio-economic
26 issues raised?

1 THE CHAIR: Baffinland.

2 MS. LORD-HOYLE: Megan Lord-Hoyle with
3 Baffinland.

4 Madam Chair, to -- to answer the question, what
5 this presentation is focused on is the Phase 2 proposal
6 and its assessment. Although we recognize and
7 appreciate the importance of what has just been raised
8 and the comments, what we are reporting on here are key
9 comments that have come up through our consultation
10 activities directly related to Phase 2.

11 Andrew provided an answer on how we are addressing
12 issues specific to women through other means, through
13 our ongoing operations. What has been provided here is
14 specific to our Phase 2 proposal and the key issues
15 that have been raised in engagement activities related
16 to that.

17 Qujannamik.

18 THE CHAIR: Hamlet of Pond Inlet.

19 MR. TESTER: Thanks for that. The increase
20 in employment and the resources that go with it raise a
21 lot of the issues that -- that have not been mentioned
22 in here, so this is not just a matter of something
23 that's relevant only to the original proposal. There
24 are things that have changed and things that have
25 happened in the community in relationship to resources
26 and employment and social impacts that just simply

1 aren't noted here.

2 I have one last question: Given your intent --
3 attention to IQ and the importance of it, we would like
4 to know why it is that "Inuit Qaujimajatuqangit" is
5 misspelled in all of your documents; and the other
6 thing that we'd like to know is why, if you are really
7 in touch with IQ, is the inukshuk, which is featured on
8 the cover of your rail alignment summary report -- if
9 you talk to Inuit Elders who are familiar with
10 inukshuks, in fact, when an inukshuk which is patterned
11 after a human being is present on the land, what it
12 conveys to the person viewing it is that someone died
13 here. This is the same mistake that the Vancouver
14 Winter Olympics made a number of years ago and were
15 thoroughly criticized for in their use of an inukshuk
16 that looks like a human being. I have a hard time
17 believing that if you really understood Inuit culture
18 and had consulted with Inuit Elders, that you would --
19 although maybe it's appropriate, given the issues
20 around the rail alignment, you would have on the cover
21 of a document an inukshuk which sends the message
22 somebody died here. Why is that the case?

23 THE CHAIR: Baffinland.

24 MS. MEADOWS: Madam Chair.

25 THE CHAIR: NIRB legal counsel.

26 MS. MEADOWS: Thank you, Madam Chair.

1 Teresa Meadows, legal counsel for the Nunavut Impact
2 Review Board.

3 That is, largely, more of a comment and a
4 statement than a genuine question in terms of relevance
5 on the Phase 2 project proposal, and so I would request
6 that we move on.

7 THE CHAIR: Moving on with questions to
8 Baffinland on public consultation and Inuit
9 Qaujimanituqangit, we're going to go back to
10 Mittimatalik (OTHER LANGUAGE SPOKEN).

11 Mittimatalik Hunters and Trappers Organization
12 Questions Baffinland Iron Mines Corporation

13 MS. HANSON-MAIN: Qujannamik, Iksivautalik.
14 Amanda Hanson-Main representing Mittimatalik Hunters
15 and Trappers Organization.

16 Yesterday, Baffinland mentioned benefits to the
17 community of Pond Inlet in the amount of -- I believe,
18 if I didn't hear incorrectly, it was \$1.8 million per
19 year. Can you please provide us with a breakdown of
20 that figure?

21 Qujannamik.

22 THE CHAIR: Baffinland.

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

25 The correct value was up to \$1.18 million, Madam
26 Chair, and the breakdown on that figure is an agreement

1 with the Tasiuqtiit working group that has been
2 established in Pond Inlet for \$10,000 per ship over the
3 number of ships required to move 4.2 million tons.

4 Qujannamik.

5 THE CHAIR: Pond HTO.

6 MS. HANSON-MAIN: Qujannamik, Iksivautalik.

7 Amanda Hanson-Main again for Mittimatalik Hunters and
8 Trappers Organization.

9 Can Baffinland confirm for me the title of the
10 workshop that was held at Mary River regarding caribou
11 crossings -- I believe it was in August 2019 -- and can
12 you confirm how many members from the community of Pond
13 Inlet attended that workshop?

14 THE CHAIR: Baffinland.

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

17 I think the workshop title was often referred to
18 as the "crossing-selection workshop", and there were
19 four individuals from Pond Inlet present, two from
20 Igloolik, and one individual from the Kivalliq who
21 works at Agnico Eagle Mines to provide insight into
22 caribou management at that mine.

23 Qujannamik.

24 THE CHAIR: HTO Pond Inlet.

25 MS. HANSON-MAIN: Qujannamik, Iksivautalik.

26 Amanda Hanson-Main, Mittimatalik Hunters and Trappers

1 Organization.

2 So the purpose of the crossing-selection workshop
3 was to have participants familiar with the area select
4 or identify areas that could be preferable for caribou
5 or human crossings?

6 Qujannamik.

7 THE CHAIR: Baffinland.

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

10 The -- that is correct. The intention of the
11 workshop was to identify what would be considered
12 suitable locations to put in crossings for both human
13 and wildlife. Another intention of the workshop was to
14 discuss other potential mitigation measures that could
15 be used along the rail alignment.

16 Qujannamik.

17 THE CHAIR: Pond Inlet HTO.

18 MS. HANSON-MAIN: Qujannamik, Iksivautalik.

19 I appreciate that clarification. We heard last
20 night that new routes were -- and I'll use air
21 quotes -- brought forward and, quote, identified by
22 communities during this workshop.

23 I have a couple of questions on that, and I'll
24 group them together, in the interest of going back and
25 forth.

26 Did Baffinland advertise or invite participants on

1 the grounds that this workshop would be used to
2 identify new rail routing or preferences? And,
3 secondly, was the community at large, including Pond
4 Inlet, and I'll throw Igloolik into this as well, since
5 you mentioned there were members from that community,
6 were they made aware that alternative route selection
7 would be undertaken by attendees at the workshop? And,
8 third, was this session open to interested members of
9 the public?

10 Qujannamik.

11 THE CHAIR: Baffinland.

12 MS. LORD-HOYLE: Megan Lord-Hoyle with
13 Baffinland.

14 Madam Chair, in regards to the first question, did
15 we invite participants based on the grounds of finding
16 new routes or looking at new routes? No, the
17 invitation letters that were sent to both communities
18 outlined the intentions, as I've mentioned before, to
19 identify crossing locations, and we invited land users
20 who were knowledgeable of the area at the communities'
21 discretion to invite those. So in regards to the
22 second question, if the communities were specifically
23 aware that the intention -- or if there was an
24 intention to discuss alternative routing at this
25 workshop was included, no, that was not part of the
26 initial invitation so would not have been communicated

1 to the communities.

2 Qujannamik.

3 THE CHAIR: Pond HTO.

4 MS. HANSON-MAIN: Qujannamik, Iksivautalik.

5 With Mittimatalik Hunters and Trappers Organization,
6 Amanda Hanson-Main.

7 So we're concerned that Baffinland has relied
8 perhaps inappropriately on this crossing-selection
9 workshop to have informed project selection, and we've
10 heard, also, that you're not planning any additional
11 consultation on the new routing, Route 3, which really
12 has just been introduced in the last number of weeks
13 and at this hearing.

14 Can you confirm that you're moving forward using
15 this route identified during the crossing-selection
16 workshop going forward and with no additional public
17 consultation planned?

18 Qujannamik.

19 THE CHAIR: Baffinland.

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

22 I believe one of the questions was to confirm if
23 we are moving forward with Route 3, and that is
24 correct. That is what we have stated, that we are
25 moving forward seeking approval for the construction of
26 Route 3, and that is based largely not only on the

1 workshop, but other evidence to provide that there is
2 opposition to Route 1, so that is largely why, with the
3 second route that has been selected by community
4 members at this workshop, we have elected to move
5 forward with that.

6 And, too, I would just like to correct the
7 statement. I did not say that no more consultation on
8 Route 3 would move forward. I said that no more
9 consultation on other alternative routes would take
10 place in this NIRB process, so more consultation on
11 Route 3, and generally the -- the alignment of the
12 railway will take place post-EA in regards to the
13 locations of the crossings. Baffinland has identified
14 approximate locations, based on the workshop that was
15 held, but, again, those are subject to change either
16 based on further consultation or the on-the-ground
17 activities, which I discussed yesterday, of having
18 members from the Hunters and Trappers Organization or
19 other designates follow in advance of construction
20 crews and identify where those crossing locations
21 should be selected.

22 I believe I answered all the questions. Please
23 let me know if not.

24 Qujannamik.

25 THE CHAIR: Pond HTO.

26 MS. HANSON-MAIN: Qujannamik, Iksivautalik. I'm

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

3 I'll just divert from the conversation around the
4 railway for a moment.

5 With regard to Slides 5, 6, and 10 in this
6 presentation, the Mittimatalik Hunters and Trappers
7 Organization, we recognize that Baffinland is free to
8 use Inuit knowledge and Qaujimanituqangit from many of
9 the meetings it holds with Inuit, but we note in these
10 slides outlining the number of consultations,
11 specifically the title of the slide is "Phase 2, Public
12 Consultation" in 2018 and '19, meetings of the various
13 marine, terrestrial, and socio-economic working groups,
14 and regional socio-economic monitoring committee bodies
15 are included within Baffinland's list of Phase 2 public
16 consultation.

17 As Baffinland and parties at the table may be
18 aware, the Mittimatalik Hunters and Trappers
19 Organization has not been able to provide significant
20 written comment on most documentation that has been
21 circulated by the proponent to the working groups, and
22 we've also provided limited input during the in-person
23 meetings, owing to the fact that we do not have
24 adequate resources to participate fully in the
25 technical considerations that take place at these
26 sessions.

1 So with these limitations in mind, we're concerned
2 that Baffinland has included these meetings within its
3 accounting of specific Phase 2 consultations. We're
4 also concerned that a lot of the information discussed
5 during these working-group meetings pertains
6 specifically to the approved project, ongoing
7 operations, mitigations, and related monitoring.

8 We just heard from Baffinland that these slides in
9 this presentation is recognizing specifically what
10 Baffinland has heard related to Phase 2, so what
11 factors does Baffinland use to determine whether a
12 meeting can be deemed a consultation with potentially
13 affected groups; and, Madam Chair, could Baffinland
14 confirm that it qualifies sessions of the working
15 groups, first, as focusing sufficiently on Phase 2,
16 and, second, that they provide the same level of
17 consultative input to be qualified as Phase 2
18 consultation?

19 Qujannamik.

20 THE CHAIR: Baffinland.

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

23 Madam Chair, I'd, first, like to recognize some of
24 the comments that were put forward in relation to the
25 Hunters and Trappers Organization in the working groups
26 and some of the challenges experienced.

1 We are aware of the challenges that may be
2 experienced with participating in a technical working
3 group where, largely, information, technical
4 information, is provided in English, although we do
5 provide Inuktitut presentations and summaries of
6 technical reports as well; but to help facilitate that
7 process, we also hold individual meetings with the
8 Hunters and Trappers Organizations with topics that may
9 be discussed in the working groups in advance or
10 following the working groups so we can get more
11 individualized feedback from the Hunters and Trappers
12 Organizations, rather than just in the -- or solely in
13 the larger setting.

14 Baffinland also considers any time that we can
15 have a dialogue about a subject or a topic, meaningful
16 and important, and these working groups, the
17 socio-economic and marine and terrestrial environment
18 working group are part of that process; and although
19 the marine and terrestrial environment working groups
20 are largely based on operational or current approved
21 operations, we have held specific meetings related to
22 Phase 2 activities with these working groups. Also,
23 the information shared about the current and approved
24 project has helped inform our mitigation or monitoring
25 intentions moving into the Phase 2.

26 Qujannamik.

1 THE CHAIR: Mittimatalik Hunters and
2 Trappers Organization.

3 MS. HANSON-MAIN: Thank you, Madam Chair. May I
4 have just one moment.

5 Iksivautalik, qujannamik. Amanda Hanson-Main with
6 Mittimatalik Hunters and Trappers Organization. I
7 appreciate the responses from Ms. Lord-Hoyle.

8 Referring to a few slides, 12 -- starting at 12,
9 speaking about 2015, '16, references are these -- this
10 references Baffinland's -- the last bullet there,
11 increased focus on northern transportation corridor
12 beginning in 2015/'16. Slide 14 references 2019
13 workshops discussing rail alignment and evaluation.
14 This whole section is prefaced on Slide 15 with the
15 header "What We Heard". I'd also like to point out
16 Slide 22 references the Mittimatalik Hunters and
17 Trappers Organization suggested an alternate
18 route/deviation in the last bullet -- qujannamik, to
19 the slide-flipper.

20 I'm wondering if Baffinland can direct us in the
21 final environmental impact statement addendum, or
22 perhaps just reference for the record here, where
23 they've addressed the opposition of community
24 organizations to the overall development of a railway?

25 We see a lot of information about issues with
26 route alignment, but nothing with regard to community

1 input that has been raised in public process of the
2 overall opposition to a railway development, and I -- I
3 say this with respect and recognizing Baffinland's
4 comment yesterday that without a rail, Phase 2 doesn't
5 exist. If you could indicate for us where we would
6 find that information? I had a hard time finding it.

7 Thank you. Qujannamik.

8 THE CHAIR: Baffinland.

9 MS. LORD-HOYLE: Megan Lord-Hoyle with
10 Baffinland. Qujannamik for the question.

11 On page 2 of the rail alignment summary report,
12 the paragraph starting under Table 1, Baffinland
13 recognizes that the MHTO and some North Baffin
14 community members still do not currently support the
15 development of the north railway.

16 Qujannamik.

17 THE CHAIR: Mittimatalik Hunters and
18 Trappers Organization.

19 MS. HANSON-MAIN: Thank you, Madam Chair.
20 Amanda Hanson-Main with the Mittimatalik Hunters and
21 Trappers Organization.

22 I believe that that rail alignment summary report
23 was filed on October 24th, 2019. I'm just noting that
24 nowhere else in the final environmental impact
25 statement that I could locate was reference made to
26 public opposition to a north railway.

1 I also note that the Nunavut Impact Review Board
2 guidelines for that document for Phase 2 require that
3 Baffinland include public concerns about the project
4 and public opinions and preferences be taken into
5 account as a criterion in the assessment of alternative
6 options.

7 The filing we made with the Board last night was
8 meant to provide additional clarification of community
9 positions to this railway and the Phase 2 project
10 overall. These submissions were made to the Nunavut
11 Planning Commission during its consideration of
12 Baffinland's application to amend the North Baffin
13 regional land use plan for the northern transportation
14 corridor to include the rail component, among other
15 project activities.

16 Specifically, I'd like to draw the Board's
17 attention to the first document within the Mittimatalik
18 Hunters and Trappers Organization submission, which
19 indicates that the amendment to build a railroad was
20 not supported or approved by the Board at this very
21 initial land use planning stage. We recognize this
22 isn't the time or place to debate findings from the
23 Nunavut Planning Commission's process, and that's not
24 the intention. That submission says -- I'm quoting:
25 (as read)

26 Ever since mining started, the caribou have

1 steadily declined and sometimes are
2 completely absent, and Kanajjuq doesn't form
3 ice anymore, and it is frequented by caribou.
4 The caribou calve there.

5 The proposed route, we go hunting
6 caribou in May, and there are always caribou
7 there in May. During the spring, during the
8 early spring, caribou always go there. It is
9 like their traditional area. After they give
10 birth, they then begin to leave. We want
11 that area to be protected, as it is our
12 caribou-hunting area.

13 The proposed railway will be very high,
14 and there will be barriers alongside it. The
15 barriers take away their routes, and the
16 caribou will be unable to get across if
17 barriers are put up. They won't be able to
18 cross and not pass through anymore.

19 Many people did not like it and didn't
20 believe them when they said that the caribou
21 would have no problems, as they can climb
22 over them. They said it was not an issue,
23 but we don't believe that.

24 Baffinland Phase 2 review committee of the Hamlet of
25 Mittimatalik also provided a submission opposing the
26 construction of a railway in this corridor specifically

1 stating that the committee did not support Baffinland's
2 request to build a railway and that there had been no
3 proper consultations with the community in relation to
4 the North Baffin regional land use plan amendment
5 proposal.

6 I would note, as well, that Mittimatalik, Hall
7 Beach, and Resolute Bay Hunters and Trappers
8 Organizations all made similar submissions in
9 opposition to the project within that process.
10 We also provided an exhibit from the Hamlet of
11 Mittimatalik expressing serious concerns with the Phase
12 2 proposal.

13 These submissions illustrate the numerous and
14 longstanding public expressions of dissatisfaction with
15 the proposed development project with the Nunavut
16 integrated regulatory regime.

17 Did the Nunavut Planning Commission amendment
18 process and input received by Baffinland inform its
19 final impact statement submission to the Nunavut Impact
20 Review Board? And, Madam Chair, can I ask why
21 Baffinland's presentation given last night, as well as
22 its final impact statement, do not include any of the
23 information heard during the Planning Commission
24 process considering this amendment to the regional land
25 use plan for the northern railway?

26 Qujannamik.

1 THE CHAIR: Baffinland.

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

4 Madam Chair, these submissions that were filed
5 through the Nunavut Planning Commission process did, in
6 fact, influence the design of the Phase 2 proposal
7 where -- where items were identified that Baffinland
8 could address. As I stated last night, the Phase 2 is
9 related to a rail proposal.

10 The NPC, or the Nunavut Planning Commission,
11 process is a corridor review which, upon amendment,
12 allowed us to enter into the environmental assessment
13 phase, at which point the -- some of the information
14 contained in these documents could be addressed for the
15 environmental assessment process.

16 We will be discussing the rail line and mitigation
17 measures that have been developed further in the
18 alternatives assessment and terrestrial presentation,
19 so I imagine there will be more opportunity to discuss
20 more fully after our presentation on the mitigations
21 that have been developed and the approach to addressing
22 concerns brought forward in these documents has been
23 provided.

24 Qujannamik.

25 THE CHAIR: Mittimatalik Hunters and
26 Trappers Organization.

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

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

4 I appreciate the response and would like to remind
5 the proponent that the Hunters and Trappers
6 Organizations' final written submission also provided
7 an indication of non-support for the railway, restating
8 a motion from our Board that was passed in November
9 2017 opposing the railway.

10 We find it interesting that this presentation does
11 not highlight or discuss any community dissatisfaction
12 with rail development in general, specifically given
13 our submission to the Nunavut Planning Commission which
14 states that, and I'll quote: (as read)

15 Even when Inuit traditional knowledge
16 practices are in place, Elders' statements
17 don't seem to be remembered. For that
18 reason, Inuit hunters and/or Elders not being
19 taken into consideration, issues will always
20 occur.

21 We think it's fair to say that we are seeing those
22 issues play out here this week. Members of the
23 Mittimatalik Hunters and Trappers Organization Board
24 have routinely said, Baffinland invites us to meetings
25 and only wants to speak about the railway it wants and
26 the routing it wants to locate it on. This is

1 unacceptable.

2 Does Baffinland have any reason to believe that
3 community support for the northern railway has
4 increased or changed from these voices that it heard in
5 2017? Can it also confirm that it is aware of the
6 opposition highlighted since 2017 when these materials
7 were filed?

8 Qujannamik, Iksivautalik. I have one follow-up
9 after their response.

10 THE CHAIR: Baffinland.

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

13 Madam Chair, may I have the second question? I
14 think -- I believe I heard two questions. May I have
15 the second one repeated?

16 THE CHAIR: Mittimatalik Hunters and
17 Trappers Organization.

18 MS. HANSON-MAIN: Qujannamik, Iksivautalik.
19 Amanda Hanson-Main.

20 Does Baffinland have reason to believe that
21 community support for the northern railway component
22 has changed or that it has increased, that the
23 opposition has gone away since these filings and
24 throughout this process?

25 Thank you.

26 THE CHAIR: Baffinland.

1 MS. LORD-HOYLE: Since the time of the Nunavut
2 Planning Commission process and Baffinland has been in
3 the community discussing the effects assessment, since
4 that time, we have heard, through employee support
5 letters, that there is support for the project. We've
6 received a support letter from Arctic Bay, as well,
7 around the Phase 2 proposal, including the rail
8 alignment and Route 3, so we do believe that in this
9 time community voices have changed. We acknowledge and
10 recognize the final written submission put forward by
11 both the Hamlet and Hunters/Trappers Organization
12 repeat the same position that was held or that was
13 stated at the time of the Nunavut Planning Commission
14 process.

15 I'd also like to correct that the Arctic Bay
16 letter provides support for the change to Route 3, not
17 on the entire Phase 2. I believe I said that
18 incorrectly.

19 Qujannamik.

20 THE CHAIR: Mittimatalik Hunters and
21 Trappers Organization.

22 MS. HANSON-MAIN: Thank you, Madam Chair.
23 Mittimatalik Hunters and Trappers Organization.

24 So could you -- could you clarify for me, was that
25 a letter from the Hamlet of Arctic Bay or from the
26 Hunters and Trappers Organization? And also clarify

1 what support or financial benefit is being offered for
2 Arctic Bay through the Phase 2 development.

3 Qujannamik.

4 THE CHAIR: Baffinland.

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

7 It was -- it came -- the letter came from the
8 Hamlet of Arctic Bay, and in terms of what finances are
9 being proposed to Arctic Bay as part of the Phase 2,
10 Madam Chair, it is the same summary of opportunities
11 that has been provided to all five communities, the
12 \$1.2 million commitment to each community annually.

13 Qujannamik.

14 THE CHAIR: Mittimatalik Hunters and
15 Trappers Organization.

16 MS. HANSON-MAIN: Thank you, Madam Chair.
17 Mittimatalik Hunters and Trappers Organization.

18 So two -- three clarifications that I'd like to
19 ask for Baffinland, and feel free to defer if you need
20 until a later time.

21 Was there a council resolution attached with the
22 letter from the Hamlet of Arctic Bay in support? Which
23 railway-route options were presented to the Hamlet?
24 And through which venue, as in did Baffinland attend a
25 public meeting, attend a meeting with Hamlet and
26 Council to explain their route options? And, finally,

1 you reference support letters from Baffinland staff
2 that are in support of or supportive of Phase 2 and the
3 rail. Could you please clarify the number of letters
4 that were received? And I noted from the document that
5 was filed with the Nunavut Impact Review Board, you had
6 staff check off whether they were Inuit, non-Inuit,
7 Nunavut resident, or non-Numavummiut. Could you break
8 down the number of letters you received based on the
9 number of Inuit and non-Inuit, Numavummiut, and
10 non-Numavummiut resident.

11 Finally, Iksivautalik, one last question. In
12 Baffinland's opinion, do these continued and
13 long-standing positions of opposition that I've
14 highlighted during this period of questioning,
15 opposition to the northern railway project that span
16 multiple processes, in your opinion, does that
17 constitute significant public concern?

18 Qujannamik.

19 THE CHAIR: Baffinland.

20 Baffinland, are you prepared to respond?

21 MS. LORD-HOYLE: Megan Lord-Hoyle with
22 Baffinland. Qujannamik and apologies for the delay.

23 The -- in regards to the questions posed, a
24 council resolution is mentioned on the letter. All
25 three routes were presented, and the venue at which
26 they were presented took different formats. We had

1 several meetings with Arctic Bay in Iqaluit. Members
2 from Arctic Bay were present in our Iqaluit meetings,
3 but most recently and about two weeks ago, we held
4 meetings with both council and Hunters and Trappers
5 Organization, followed by a public meeting.

6 And in regard, Madam Chair, to the last question
7 of do these long-standing positions of opposition
8 constitute significant public concern, I believe that
9 this is why we are here, as part of this process, so
10 the significance of those concerns can be brought
11 forward and all views can be shared. Qujannamik.

12 There was one other question around the employee
13 letters. We don't have that breakdown right now. We
14 note that letters are still coming in and will be
15 continue to be uploaded to the registry.

16 I'd also like to state that we are submitting all
17 letters that we receive from employees and that some of
18 those acknowledge that there isn't support for Phase 2,
19 but there are also ones that do emphasize support for
20 Phase 2.

21 Qujannamik.

22 THE CHAIR: Mittimatalik.

23 MS. HANSON-MAIN: Qujannamik, Iksivautalik.

24 Amanda Hanson-Main.

25 Only one follow-up point which is -- I -- I
26 clarify it's not a question.

1 The Mittimatalik Hunters and Trappers Organization
2 is interested in the breakdown of the number of letters
3 that has been submitted. We appreciate that Baffinland
4 needs to drum support for the Phase 2 proposal. Our
5 main interest is Inuit and Numavummiut support or
6 non-support, and we feel that the answer to this
7 question should be provided during this hearing.

8 Qujannamik.

9 THE CHAIR: We will defer a response to
10 that comment, and we're going to take a 15-minute
11 break.

12 (ADJOURNMENT)

13 THE CHAIR: Please return to your seats.
14 If you can please quiet down, and we can reconvene.

15 Continuing on with questions and comments to
16 public consultation and Inuit Qaujimajatuqangit.

17 Baffinland, do you have a response?

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

20 I'd like to provide a response to the statement
21 provided by the Hamlet of Pond Inlet technical advisor.
22 He implied that we had misspelled the term "Inuit
23 Qaujimanituqangit" in our presentation. That is, in
24 fact, the correct term we intend to use. That term was
25 brought forward into this process by the Qikiqtani
26 Inuit Association in their Inuit Qaujimanituqangit

1 statement.

2 We also clearly defined how we interpret that term
3 and the other term the technical advisor may be more
4 used to "Inuit Qaujimajatuqangit" in our IQ management
5 framework. This IQ management framework is also where
6 we described our approach to the Inuit advisory panel.
7 And Baffinland is very concerned that it does not
8 appear that this document was read by the Hamlet of
9 Pond Inlet technical advisor, yet has not prevented
10 them from putting forward very strong statements on our
11 approach to the development of that panel. Thank you
12 very much.

13 THE CHAIR: Questions, comments, Igloolik?
14 Igloolik Working Group Questions Baffinland Iron Mines
15 Corporation

16 MR. IVALU: Thank you, Madam Chair. Peter
17 Ivalu, Igloolik Working Group. I would like to state
18 for the record that Mr. Tester's comment about the
19 inukshuk was taken out of context. It just shows how
20 out of touch Baffinland is with North Baffin Inuit
21 societal values.

22 Does Baffinland ever vet its translated documents
23 into Inuktitut?

24 THE CHAIR: Baffinland.

25 MR. KAMERMANS: Thank you, Madam Chair. Lou
26 Kamermans, Baffinland.

1 Yes, we do do that whenever possible. Thank you.

2 THE CHAIR: Igloolik.

3 MR. IVALU: Thank you, Madam Chair. Peter
4 Ivalu working group.

5 The word "deviation" -- we understand it as such
6 in English, but in Inuktitut, it says "postponement" or
7 "delay". Why is there such a big discrepancy in the
8 translation for "deviation"? Has it ever been edited
9 or looked -- looked at? 'Cause when we look at
10 "deviation", we understand it to mean going away from a
11 route -- selected route, but in Inuktitut, it says
12 "postponing". Why is that the case?

13 THE CHAIR: Baffinland.

14 MR. KAMERMANS: Sorry, Madam Chair. We're
15 just pulling up a slide to adequately respond to this
16 statement. We'll just be a minute.

17 Lou Kamermans, Baffinland.

18 This term would have gone in front of -- would
19 have been seen or -- or vetted through a North Baffin
20 interpreter translator several times, and this is the
21 first time we've heard this issue. We'd be happy to
22 discuss that interpretation outside of this table and
23 try to understand what the difference is there and
24 report back to the Board if necessary. Thank you.

25 THE CHAIR: Igloolik.

26 MR. IVALU: Thank you, Madam Chair. Peter

1 Ivalu, Igloolik Working Group.

2 Slide 16, deviation effects. In Inuktitut, it
3 says: (as read)

4 Does the postponement affect hunting areas
5 and travel routes?

6 And that's way different from "deviation".

7 And Slide 24, alternative deviation route. Again,
8 "deviation" is translated to be either "postponement"
9 or "delay". So I'm seriously questioning whether you
10 even, in fact, care that you're sharing the same
11 information in English and Inuktitut. I'm seriously
12 questioning our Elders' understanding of the project
13 proposal as to how we English speaking people
14 understand it. So there's a big difference -- big
15 discrepancy in the translations, so you need to vet the
16 translations for accuracy and for -- for transparency
17 sakes.

18 Thank you, Madam Chair. That's my line of
19 questioning. Our technical advisor will have more
20 questions. Thank you, Madam Chair.

21 THE CHAIR: Baffinland.

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

24 Madam Chair, the comment is understood in that
25 this is a very important topic for discussion. I will
26 reiterate that these are vetted, and this is the first

1 time that we've heard that concern. We -- we do care
2 that the same information is being provided in both
3 languages and in instances where this has been brought
4 forward before, we've worked to correct that. We
5 acknowledge that it has happened before, and this is
6 the first that we've heard of it, specifically in this
7 instance but we do acknowledge it and thank you for the
8 comment and happy to discuss. Quajannamik.

9 THE CHAIR: Igloolik.

10 MR. RECINOS: Thank you, Madam Chair.

11 Merlyn Recinos, Igloolik Working Group technical
12 advisor. I'm going to go slow. I was told this person
13 typing up that I got to speak a little bit slower.

14 I have -- my first question is both to the Nunavut
15 Impact Review Board and Baffinland. And I'll give a
16 little bit of background on my question. So the Oceans
17 North motion in regards to the primary offering
18 circular was put forward, and it was said that they had
19 no merit because the document was confidential. And
20 that's fair.

21 Where I come to is that Brian Penney, CEO and
22 president for Baffinland said on the opening remarks
23 that Baffinland had spent over \$100 million to maximize
24 its output. Last night, working the numbers and just
25 following through what was said yesterday, I came to
26 the realization that: Why would they lie to their

1 investors saying that they had -- they were going to
2 ship 36 million tons of iron ore from -- from
3 Baffinland? But they didn't.

4 And my question is this, okay, because with the
5 flexibility that Baffinland asks in each one of their
6 projects on the first one, Phase 1, 18 million tons,
7 they ask for a 20 percent flexibility, which was [sic]
8 been approved. So that's 21 million tons, in reality.
9 They're asking pretty much for the same flexibility
10 with Phase 2. So 12 million tons with flexibility,
11 that comes to 14.4 million tons. So, in reality, their
12 plan is to ship 36 million tons from Baffinland once
13 Phase 1 and Phase 2 has been moved to -- to -- to the
14 full project. Why are we not talking about the real
15 numbers? Why are we talking about 12 and 18 when the
16 reality is it's 21.6 and 14.4? Just to put into
17 context, the extra 6 million tons that we're talking
18 about is what's currently being produced at Baffinland
19 right now. Thank you.

20 THE CHAIR: Baffinland.

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

23 I want to start by just making a small
24 clarification about the statement made by Brian Penney
25 where he said Baffinland has spent over \$100 million on
26 engineering and feasibility studies exploring

1 opportunities to maximize the value of the Mary River
2 deposit.

3 As for the statement regarding 36 million tons, we
4 would refer to our previous response on this subject
5 and indicate that the project in front of the Board
6 today is a 12 million ton Phase 2 proposal. Thank you
7 very much.

8 THE CHAIR: Igloolik.

9 MR. RECINOS: Thank you, Madam Chair.
10 Igloolik -- Merlyn Recinos, technical advisor for the
11 Igloolik Working Group.

12 So you're not requesting the flexibility or as it
13 was stated yesterday -- and give me one second here.
14 You're not requesting your production limits to be
15 based on impact and the flexibility to be able to
16 maximize that output? Also, did you request the
17 flexibility on Phase 1, your 18 million tons, to be 20
18 percent?

19 So my question again: Phase 1, what is the
20 maximum allowed -- that you're allowed to ship under
21 the current certificate? Phase 2, what would be the
22 maximum allowed for you to ship under that certificate?

23 So we can talk about real numbers here because we
24 know, as the community, that what the maximum allowed
25 you're going to be to ship [sic], that's going to be
26 your goal to ship. We want to talk real numbers. We

1 don't want to talk insignificant numbers.

2 Again, going back, Phase 1, 18 million tons. Do
3 you have an allowance of 20 percent over that? So are
4 you allowed to ship 21.6 million? Phase 2, again,
5 you'll ask for flexibility. So what are you looking
6 for flexibility, or is it -- are you capped at
7 12 million dollars [sic]? That means you will not be
8 allowed to ship beyond 12 million tons? Because we
9 need to make an understanding and an informed decision
10 for our communities. And when we talk about 18 and --
11 and 12 million tons or 21.6 and 14.4, there is a huge
12 difference. 6 million tons is what's currently being
13 produced at the mine right now with the extension that
14 you have requested. And we already know that there has
15 been a significant impact on our communities and our
16 land. So your request -- what are the real numbers?

17 And, first of all -- second of all, to the Nunavut
18 Impact Review Board, I had mentioned you had that on
19 your Board as well, why are we not discussing those
20 numbers? We were not aware of the 20 percent
21 flexibility that has been given to Baffinland. The
22 communities were not, until yesterday when it was
23 mentioned. Thank you.

24 THE CHAIR: Baffinland.

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

1 I will provide a bit of background and reiterate
2 what was said yesterday by Nunavut Impact Review Board
3 staff. Operational flexibility has been built into
4 both the original project, the Steensby Project, and
5 the Early Revenue Phase. The original project
6 certificate allowed Baffinland to ship 18 million tons
7 per annum with 20 percent operational flexibility
8 providing for 21.6 million tons per annum. The terms
9 and conditions related to that project put a limit on
10 the number of ships that Baffinland could use per year.

11 The Steensby Project had a term and condition
12 limiting Baffinland to use 240 ships per year or
13 20 vessels per month.

14 The Early Revenue Phase has also allowed for
15 operational flexibility originally requested at
16 3.5 million tons with the 20 percent operational
17 flexibility, bringing that to 4.2 million tons. The
18 terms and conditions written for the Early Revenue
19 Phase put a limit on tonnage based on transportation.
20 That is Term and Condition 179A and B, which refer that
21 Baffinland cannot haul by truck more than 4.2 million
22 tons in a given year or ship more than 4.2 million tons
23 per year. Included in those terms and conditions,
24 there was no limit on the number of trucks or ships
25 that could be used to move that tonnage.

26 What we are proposing as an amendment for the

1 Phase 2 proposal is a limit on the transportation
2 activity levels, which is similar to the original
3 Steensby Project, so a maximum of 176 ship calls per
4 year for the ore carriers and 20 rail trips per day and
5 that Baffinland will not exceed those limits. This is
6 consistent with the approach in the project certificate
7 issued for the original final environmental impact
8 statement in 2012.

9 Any increase above the amount outlined in the
10 project certificate project description, should Phase 2
11 be approved, would require Baffinland to carry out a
12 self-assessment of the activities proposed and submit
13 it through the regulatory process to consider whether
14 or not those activity increases proposed constitutes a
15 significant modification. Quajannamik.

16 THE CHAIR: (OTHER LANGUAGE SPOKEN)

17 MR. RECINOS: Thank you, Madam Chair.
18 Merlyn Recinos, Igloolik Working Group technical
19 advisor.

20 Okay. When you were -- Early Revenue Phase, you
21 said you got a certificate for 3.5, plus 20 percent
22 flexibility, so 4.2. What was the amount of iron ore
23 that you shipped? Thank you.

24 THE CHAIR: Baffinland.

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

1 Under the Early Revenue Phase, Baffinland shipped
2 up to 4.1 million tons. Baffinland then applied for
3 the production increase proposal, which allowed
4 Baffinland to ship up to 6 million tons annually and
5 which expires December 31st, 2019. Quajannamik.

6 THE CHAIR: (OTHER LANGUAGE SPOKEN)

7 MR. RECINOS: Thank you, Madam Chair.

8 Merlyn Recinos, Igloolik technical advisor for the
9 Igloolik Working Group.

10 So you tried to maximize your output, and you will
11 do the same thing on Phase 1 and Phase 2; therefore,
12 the true numbers that we should be talking about is
13 36 million tons of iron ore. You put Phase 2 in
14 conjunction with Phase 1. So why are we talking about
15 all of these different numbers: 12, 18, 21.6, 14.4? We
16 should really be concentrating and talking about the
17 36 million tons that you -- are going to be shipped
18 that you told your investors on your primary offering
19 circular. It's 36 million tons. Why don't we talk
20 about that? Let's -- let's really look at the impact
21 36 million tons are going to have on our environment,
22 on our culture, on our land, on our wildlife.

23 The biggest problem with what has been happening
24 is that we continue to change -- and I said this two --
25 two days ago. We went from 4 to 6 to 12, 18. Our
26 communities are having a hard time understanding what's

1 going on with this project. We have so many documents
2 to review, and our capacity as communities is so
3 limited. We don't have a ton of money to spend on
4 reviewing documents, properly translating documents to
5 make sure that our community understands what -- the
6 impact and what is actually being proposed. So much
7 more when it changes every couple of years. We need to
8 truly understand what the project is, and we need to be
9 able to give that information so we can consult our
10 communities because we have been asking for the duty to
11 consult by everyone here, and Baffinland is the only
12 one that has been coming to the community. And,
13 again -- to consult, so -- more in a presentation-wise
14 than -- than true consultation. It is the reason that
15 the Igloolik community decided to work the -- create
16 the Igloolik Working Group.

17 The Igloolik Working Group was created so local
18 politics had no input into the community understanding.
19 The community working group is designed and made of
20 Hamlet representatives, HTA representatives, Elder
21 representative, an adult female, adult male
22 representative, a youth representative, and a technical
23 advisor. And the whole thing is to understand what the
24 project is.

25 But how can we understand what the project is when
26 we're not getting true numbers? We're -- we're not

1 getting what it actually is. Why are we not being told
2 what the actual project is? And it's not 12 million
3 tons. Let's be realistic. You're going to maximize
4 your output. It's going to be 14.4. It's not going to
5 be 18 million tons. It's going to be 21.6.

6 And why is the Nunavut Impact Review Board
7 allowing this flexibility without really allowing the
8 communities to be consulted on it? Thank you.

9 THE CHAIR: Ryan?

10 MR. BARRY: Thank you, Madam Chair. Ryan
11 Barry, Nunavut Impact Review Board staff. And thank
12 you, Merlyn, for those questions.

13 From the Nunavut Impact Review Board's
14 perspective -- excuse me -- the questions that we've
15 had around operational flexibility are to ensure that
16 we have certainty in this assessment. This is a line
17 of questioning I had yesterday -- which I thank
18 Baffinland for summarizing well -- was around that.
19 Very similarly, in the previous assessments for the
20 original Mary River Project and the assessment for the
21 Early Revenue Phase proposal, questioning from the
22 Board and other parties around the issue of operational
23 flexibility helped us to get the certainty that was
24 required to ensure that we were accurately assessing
25 the proposals and had the true numbers in front of us.

26 The Nunavut Impact Review Board certainly

1 understands and appreciates the frustration of
2 communities in following the numbers and ensuring they
3 understand what's actually being put in front of them.
4 I think from our -- the staff's perspective in
5 assessing this proposal, we have been assessing the
6 impact predictions that are based on the Phase 2
7 proposal at 12 million tons operating in addition to
8 the approved original proposal, which is that 18 to 21
9 million tons, so in addition to it.

10 And, further, our questions over the -- the last
11 day about operational flexibility were to understand
12 whether the production rate for this proposal is
13 subject to any additional change or flexibility.

14 So I hope that helps to clarify. At least from
15 the Review Board's perspective, we have had clarity on
16 the numbers in the previous assessments, and just like
17 everyone else, we're trying to ensure we have clarity
18 and certainty around the actual production numbers for
19 this assessment.

20 Thank you, Madam Chair.

21 THE CHAIR: Baffinland.

22 MS. KOWBEL: Christine Kowbel, Madam Chair,
23 legal counsel for Baffinland.

24 Mr. Barry accurately summarized Baffinland's views
25 on this as well, and we have nothing further to add.

26 THE CHAIR: Teresa.

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

4 With respect to the point about, you know, the
5 Board allowing operational flexibility or not in
6 respect of the Phase 2 Development Proposal and/or a
7 question of how that threshold would be considered by
8 the Board, I need to remind everyone in the room that
9 the Board has made no decision with respect to the
10 Phase 2 project proposal, that the requests of
11 Baffinland with respect to how that threshold is
12 intended to be brought forward in terms of operational
13 flexibility, that is not defined yet. The Board has
14 considered that. The Board will consider the comments
15 of parties that are made around the table. And the
16 Board will consider the written materials that have
17 been filed by all of the parties in this room as well.
18 So the Board has made no decisions with respect to
19 that.

20 However, I do remind everyone in the room that the
21 Board has made a decision with respect to the
22 information circular. They do not consider that to be
23 relevant information. So the information that has been
24 filed by other parties, including Baffinland, in terms
25 of the final environmental impact statement addendum,
26 the Board considers all of that information to be

1 relevant. We consider the questions to be relevant.
2 But we do not consider the information in that circular
3 to be relevant, and I request that parties refrain from
4 referencing it or relying on it.

5 Thank you, Madam Chair.

6 THE CHAIR: (OTHER LANGUAGE SPOKEN)

7 MR. RECINOS: Thank you, Madam Chair.

8 Merlyn Recinos, technical advisor for the Igloolik
9 Working Group. That's fair.

10 Okay. So the communities are somewhat concerned
11 in regards to the socio-economic impact and how
12 shipping 30 million tons of iron ore -- the impact it's
13 going to have on the communities, especially when it
14 comes to Inuit benefitting from employment, life of the
15 mine, et cetera.

16 Baffinland, you're asking, with that flexibility,
17 that every five years we lose an extra year of life of
18 mine. You're asking that every five years we lose one
19 year of wages. You're asking every five years we lose
20 benefits that we have been talking about in regards to
21 programming to the schools, in regards to, you know,
22 mental health, in regards to all of those things. How
23 can this be okay for the communities to be okay with
24 it? And this is going back to that flexibility that is
25 being allowed. Why are we not putting that information
26 to the communities to make an informed decision? Every

1 five years that the mine operates with this
2 flexibility, the communities lose one year of benefits.
3 Thank you, Madam Chair.

4 THE CHAIR: Baffinland.

5 MR. KAMERMANS: Lou Kamermans, Baffinland.

6 Thank you, Madam Chair.

7 Could I request that the representative from the
8 Hamlet of Igloolik clarify the calculation they're
9 using to make their statement? Thank you.

10 THE CHAIR: (OTHER LANGUAGE SPOKEN)

11 MR. RECINOS: Thank you, Madam Chair.

12 Merlyn Recinos, technical advisor for the Igloolik
13 Working Group.

14 With Phase 1, you have flexibility of 20 percent,
15 18 million to 21.6. With Early Revenue Phase, you had
16 the same flexibility. You're asking pretty much the
17 same flexibility with Phase 2. So, again, we're going
18 to the one -- instead of 18, we're talking about 21.6;
19 and instead of 12, we're talking about 14.4. That's
20 36 million tons of iron ore per year. You have stated
21 on papers 30. So that's extra 6 million tons per year
22 being shipped out. 6 times 5 equals 30, which is a
23 yearly benefits to the communities. Simple math.

24 Thank you, Madam Chair.

25 THE CHAIR: Baffinland.

26 MR. KAMERMANS: Thank you, Madam Chair. Lou

1 Kamermans, Baffinland. And thank you for that
2 clarification.

3 I'll just reiterate what my colleague Megan
4 Lord-Hoyle has said about our approach to operational
5 flexibility, which is that for us to go beyond the
6 12 million tons, which we've included in our project
7 description for Phase 2 and which our assessments are
8 all based on and we're -- we're here to discuss today
9 and tomorrow and the following day -- to go beyond
10 those limits, we acknowledge that there's processes in
11 the Nunavut Planning and Project Assessment Act for the
12 determination of significant modification, and we would
13 respect those requirements of the legislation. So to
14 be clear, we -- we are looking and discussing a project
15 that's based on 12 million tons here today.

16 But I also want to acknowledge the concerns raised
17 related to the mine life, and I believe I mentioned
18 this yesterday or the day before, you know, whether we
19 do 4.2 million tons per annum or 6 or 12 or 18 or 30,
20 the Mary River Project is a very rich reserve. We have
21 much still in the way of resources that we can transfer
22 over into our reserve calculations, and that will
23 greatly extend the life of mine.

24 Right now, Deposit Number 1 has a 390 million ton
25 reserve, and it has a much greater resource that we
26 will transfer over into that reserve calculation, and

1 that will extend the mine life.

2 And so just to explain, the reserve is the part of
3 our ore body that we have done a sufficient amount of
4 study on to understand with a great amount of certainty
5 that it is there and it is mineable under certain -- or
6 the present economic conditions, whereas the resource,
7 there is less certainty. There is field work done to
8 calculate that, but the feasibility studies have not
9 yet occurred that would provide us that certainty to
10 group it in with the reserve calculation.

11 And so I'd also like to highlight that we have ten
12 other properties that we are actively exploring to
13 greater and lesser degrees, these are always increasing
14 our resource estimates, and that, over time, we will
15 transfer these into even greater reserves and we will
16 use to operate the Mary River Project for as long as
17 possible. Thank you, Madam Chair.

18 THE CHAIR: (OTHER LANGUAGE SPOKEN)

19 MR. RECINOS: Thank you, Madam Chair.

20 Merlyn Recinos, technical advisor for the Igloolik
21 Working Group.

22 You're right, Cameron -- Baffinland. It is a rich
23 resource. It's a resource that is owned by Inuit and
24 Inuit generations. And we need to get this right for
25 our future generations. And when we're telling our
26 future generations that we are giving away one year of

1 socio-economic benefits to the -- to them for every
2 five years that we mine this life, it's not -- it
3 doesn't compute. We are thinking -- you're right.
4 This mine is there for a long time; therefore, we have
5 to get it right. And if we don't have proper
6 information, how can we get it right for our future
7 generations?

8 And it is a rich resource that is owned by Inuit,
9 and they have to see benefits. But when their benefits
10 are being chipped off and chipped off and chipped off
11 of, it minimizes the benefits that they're going to get
12 from -- from -- from this rich resource.

13 I'm going to have one more question on this, and
14 then I'm going to move on. I think I sort of made my
15 point and everybody's aware of it. But how much -- how
16 much of your public consultations indicated flexibility
17 of both projects? Thank you, Madam Chair.

18 THE CHAIR: Baffinland.

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

21 I just want to clarify for the Board that we have
22 done extensive consultation on the project as
23 described, and that includes a 12 million ton
24 production operation serviced by a maximum of 20 daily
25 train transits per day and served by 176 vessels
26 calling on Milne Port. Those are hard numbers that we

1 are putting forward for consideration in our project
2 certificate. Thank you.

3 THE CHAIR: Igloolik.

4 MR. RECINOS: Thank you, Madam Chair.
5 Merlyn Recinos, Igloolik Working Group.

6 That is correct. But the -- I spent two days out
7 of every week for the past while -- I volunteer for the
8 Igloolik Working Group as technical advisor. I spent
9 two days downloading information from the Nunavut
10 Impact Review Board website, which, by the way, is
11 horrible, and trying to comb through as much
12 information as I can to be relevant so our community
13 can make an informed decision. And this is the first
14 time I ever heard flexibility. I have met several
15 times with the proponent. I have met -- attended
16 every -- every meeting for the past year, and this is,
17 again, the first time I ever heard about flexibility.
18 And it really concerns me because we were trying to
19 make an informed decision as -- as the community of
20 Igloolik.

21 Working with development -- and, again, I have
22 said this to the mine -- to Baffinland many of times.
23 We want development as a partnership. We want open and
24 transparent communications. We want to -- to develop
25 in a way that it doesn't or has minimum effect on our
26 wildlife, marine, on our cultural, on our language.

1 And the reason why we want that development is because
2 over 60 percent of our population is under the age of
3 18. And right now in our communities, we're
4 experiencing crisis, housing crisis, mental health
5 crisis, health crisis, transportation crisis, water
6 crisis, sewage crisis. We're experiencing all of this
7 crisis. And we have been waiting for the Government of
8 Nunavut, Government of Canada to come and do something
9 about it, but they haven't. Therefore, we rely on our
10 natural rich resources to hopefully being able to fix
11 some of these crises that we have in our communities.
12 But when we lose one year of benefit every five years,
13 it really, really concerns me. And, again, we didn't
14 even know about it. How can our community know about
15 this? It is very concerning.

16 I am going to move on, as I had stated. You had
17 talked about Inuit knowledge studies 2006, 2010 on
18 Slide Number 9. And then, again, you talked about
19 workshops that you had done -- and give me a second; I
20 was -- 2015, 2006. Okay. So that's about three years
21 ago. We have said before that IQ is not systematic.
22 It's not put in place.

23 This year, in Igloolik, actually, our ocean hasn't
24 even frozen. Our ocean -- people are still going out
25 boating as of yesterday. IQ changes. It's not okay
26 for you to do a study every three, four years apart.

1 You should be doing IQ studies every year with the
2 communities involved. Why is this not happening? Do
3 you understand that IQ is not systematic and is --
4 it's -- it's alive. It's part of every day. It moves
5 every day. Thank you, Madam Chair.

6 THE CHAIR: Baffinland.

7 MR. KAMERMANS: Thank you, Madam Chair. Lou
8 Kamermans, Baffinland.

9 I think this just requires a clarification on our
10 intentions towards the culture, resource, and land use
11 monitoring program. I've previously said that it would
12 include a three-year periodic formal IQ collection,
13 which is correct. But it's also to be supplemented by
14 ongoing and continuous engagement with the communities
15 that doesn't necessarily have to be in a formal setting
16 supported by a Nunavut research institute research
17 licence, recognizing that IQ does change, it's fluid,
18 the conditions that shape it will be different year to
19 year, and we need to be responsive to concerns year to
20 year. And that's -- you know, that's in line with how
21 we've operated to date. Community feedback, community
22 involvement is fundamental to how we manage our
23 project, and we've demonstrated on multiple times how
24 responsive we are to that information. I believe
25 you'll -- you'll see it throughout our presentations
26 today and through the remainder of this hearing, and I

1 just want to be absolutely clear that, you know, just
2 because a formal event is not occurring doesn't mean we
3 are not continuously relying on the IQ of the North
4 Baffin communities to better understand the environment
5 we're operating in and how we can better manage our
6 operations. Thank you.

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 On Slide 21, crossing selection workshop -- and I
12 read the report, and it sort of concerned me because
13 when -- after members of Igloolik had participated at
14 this workshop, they came back and -- HTO -- because we
15 are in the working group, they share all the
16 information with the working group. They said that
17 members that had attended had raised a number of
18 concerns.

19 One was that the rock that was being used was too
20 large, and they were afraid that the caribou would
21 break their legs if they tried to climb on a different
22 section. They also indicated that it was very steep
23 for caribou to go and cross. They had also indicated
24 that it was a bit high, the height of -- of the
25 embankments. They also indicated that where the
26 crossings were, when not enough snow had been formed,

1 it would be issues for Ski-Doos. But I don't see any
2 of that in your report. Is there a reason why that was
3 left out? Thank you, Madam Chair.

4 THE CHAIR: Baffinland.

5 MS. LORD-HOYLE: Megan Lord -- Megan Lord-Hoyle
6 with Baffinland. Qujannamik. Thank you for those
7 comments.

8 That is also what we acknowledge and hear that we
9 heard in those workshops, and on page 35 of the rail
10 alignment workshop report, it identifies rail design
11 mitigation that has been put in place as a result of
12 this workshop. To clarify, we will be speaking more
13 about this in the terrestrial presentation, and the
14 mitigations will be presented.

15 The embankment presented at the workshop was the
16 embankment as Baffinland has proposed. Since that
17 workshop, Baffinland has committed to different design
18 elements, including decreasing the size of rock that
19 would be used to build the embankment, flattening the
20 slopes of the embankment, an inclusion of multiple
21 crossings in a fairly confined area so that if there is
22 not enough snow on one crossing area, there would be
23 another area or opportunity to cross within a given
24 area.

25 So each of those comments that came up at the
26 workshop, Baffinland has responded to and has changed

1 the design as originally proposed. Quajannamik.

2 THE CHAIR: Igloolik.

3 MR. RECINOS: Thank you, Madam Chair.

4 Merlyn Recinos, technical advisor for the Igloolik
5 Working Group.

6 On Slide 30, you mention Inuit training,
7 employment, and business opportunities. Business
8 capacity startup fund. We keep seeing that, and we
9 have said several of times that the current model does
10 not work; it's not benefitting local businesses. Why
11 are we even seeing it as a benefit to the communities
12 when it's not working? The communities have been
13 telling you that it's not working.

14 We had a -- a consultant come up to Igloolik
15 with -- with seven participants took place -- the
16 consultant was hired by -- a Kakivak consultant came
17 up, and he taught two weeks of classes to exactly the
18 same thing that an economic development officer in the
19 community is doing. Why are we not utilizing those
20 resources in the community to support the economic
21 development officer instead? We continue to see this,
22 but it's not working.

23 Also, businesses -- small business in the
24 community. You know, we have been telling you, Pond
25 Inlet, Igloolik, Hall Beach -- everybody has been
26 telling you there's no opportunities for small

1 businesses at Baffinland. And when you're telling us
2 that the biggest --

3 (UNREPORTABLE SOUND)

4 MR. RECINOS: Sorry. When you tell us that
5 the biggest opportunities is employment and business
6 opportunities and then we again -- just to go back
7 to -- to your flexibility -- are going to be losing a
8 year, but it's not currently working, what are you
9 going to do to fix some of these issues?

10 We want small Inuit businesses in the communities
11 to develop because when they develop, the first thing
12 they do is hire local people. Where are they going to
13 spend their money? Locally. That creates an ecosystem
14 in the community for self-development.

15 When you hire large corporations from outside, a
16 lot of the time, a lot of the benefits leave the
17 region, but, in instance, leaves the territory as in
18 general. And we're left with, yes, employment, which
19 is good, but are you also aware that one of the biggest
20 issue with Nunavut Housing Corp. is that they charge
21 with the amount of salary made every year? So their
22 rent of an individual goes by the amount of salary that
23 they make. And I have heard this from several people
24 in the community that, you know, they are happy to get
25 employment at Mary River, but when they come home, they
26 have bill from local housing that is outrageous, and,

1 yeah, they're leaving their families for two weeks
2 every month. We need to find solutions to this.

3 And, again, we have said, we are open and
4 transparent. We are here. We want to truly be
5 engaged, but we feel that we're not. We want to work
6 together to develop this project. You know, we don't
7 want this project not to happen, but we want it to
8 happen in partnerships with the communities to make
9 sure that the communities are benefitting from the rich
10 resources to making sure that Inuit and future
11 generations are going to be benefitting from those
12 resources.

13 I have mentioned many of times the crisis that we
14 face in our communities, which we do. You know, you
15 see it on the news, multi houses, et cetera. And we
16 feel that we have all of these resources that can
17 really help us out. As I mentioned it to -- to you
18 before, we feel that we are in a bus and this huge
19 opportunity is right there almost at our reach, but
20 we're just driving by without taking advantage of this
21 opportunity.

22 Thank you, Madam Chair. That'll be all from me.

23 THE CHAIR: Baffinland.

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

26 In the interests of time, Madam Chair, I would

1 like to acknowledge the comments that were just brought
2 forward, and this will be covered further -- each of
3 the topics discussed will be discussed further in our
4 socio-economic presentation. Quajannamik.

5 THE CHAIR: Community of Igloolik.

6 MR. RECINOS: That's it for us, Madam Chair.
7 Thank you. And thank you, Baffinland.

8 THE CHAIR: Hall Beach Hunters and
9 Trappers Organization.

10 Hall Beach Hunters and Trappers Organization Questions
11 Baffinland Iron Mines Corporation

12 MR. ARVALUK: Thank you, Madam Chair. Hall
13 Beach Hunters and Trappers Organization.

14 I'm going to speak a little bit to this. We don't
15 have much time. I know it's going to be impossible for
16 us to go to Pond Inlet, but while I'm here, I want to
17 speak about the Mary River Project and to Milne -- and
18 there is iron ore being transported to Milne Inlet.

19 I want to ask the proponent: Do you haul a
20 minimum amount of iron ore? I recall that if you were
21 approved for the Phase 3 [sic] project, that you would
22 haul more tonnage.

23 And is there going to be a -- did I -- did I
24 say -- did I hear correctly that you were going to
25 build another crushing facility?

26 THE CHAIR: Baffinland.

1 MS. LORD-HOYLE: Megan Lord-Hoyle with
2 Baffinland.

3 Madam Chair, I believe the question that I heard
4 was: Are we building another crushing facility?
5 Please correct me if there were additional questions in
6 there.

7 And it is correct under the Phase 2 proposal that
8 we are changing the method by which we crush the ore
9 from the mine. Once ore is blasted from the mine site,
10 it will be hauled to an outdoor primary crushing
11 facility at the mine site, as is currently done now.
12 30 percent of the ore from the mine will be crushed and
13 then loaded onto the railcars down to Milne Port where
14 we'll be -- we will be constructing an indoor crushing
15 facility -- or using, excuse me, an indoor crushing
16 facility to crush the run-of-mine ore into the sellable
17 products of lump and fines. Quajannamik.

18 THE CHAIR: Hall Beach Hunters and
19 Trappers Organization.

20 MR. ARVALUK: [LOST TRANSLATION] --

21 THE CHAIR: (OTHER LANGUAGE SPOKEN)

22 MR. ARVALUK: [LOST TRANSLATION] -- there's
23 going to be plumes of dust as well once you start using
24 the railway --

25 THE CHAIR: (OTHER LANGUAGE SPOKEN)

26 UNIDENTIFIED SPEAKER: Hello? Can you hear me?

1 THE CHAIR: Can you repeat yourself,
2 please.

3 MR. ARVALUK: Thank you. I apologize. I
4 didn't realize I didn't press the button --

5 THE TRANSLATOR: Is what the old man was
6 saying.

7 MR. ARVALUK: ... the iron ore that's going
8 to be crushed into small pieces. So they're going to
9 be hauled if the project for Phase 2 is approved. Once
10 their train starts to haul the iron ore, there's going
11 to be -- and then it's not going to be topped over. I
12 think that dust is still going to -- it's going to
13 spread to the environment. And I've seen that for
14 myself, that it does -- that the -- that the iron ore
15 fines spread to the environment. So what do you
16 plan --

17 THE TRANSLATOR: I guess he's trying to say:
18 What do you plan to do about that?

19 THE CHAIR: Baffinland.

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

22 I'll just clarify how I understood the question,
23 which is that there's a concern about the ore dust from
24 the ore -- from the cars -- the train cars? Okay.

25 MR. ARVALUK: Yes.

26 MR. KAMERMANS: So we modelled the -- the

1 project based on the -- the run-of-mine ore being
2 loaded onto railcars and transported between Milne
3 Port -- or between the Mary River mine site and Milne
4 Port. We have a very good understanding of what that
5 will look like. We do not expect a significant amount
6 of dust or -- or even a -- a measurable amount of dust
7 to be created along the -- the railway. The ore will
8 actually be quite large compared to what's transported
9 now on the haul trucks. I believe it's 6 inches or
10 less in size. And then with the secondary crushing
11 occurring at Milne Port, that's where you'll have
12 the -- the lump and the fines product.

13 What we've found to date is that the majority of
14 dust along the Tote Road comes from the wheels of the
15 trucks making contact with the road and that the dust
16 there is actually from the road, not from the ore. So
17 with that being said, we believe there will be
18 substantially less dust created along that
19 transportation corridor from -- from the ore and from
20 the road contact. Thank you.

21 THE CHAIR: Hall Beach Hunters and
22 Trappers Organization.

23 MR. ARVALUK: I'm going to speak a little
24 bit more. My grandchildren -- my
25 great-grandchildren -- and we're trying to prepare them
26 for -- to have them a better future. The people that

1 used to live at -- at Steensby Inlet are no longer
2 here, but we are their generation. We're their --
3 we're their future generation.

4 You had spoken -- we live around Foxe Basin. If
5 there is a railway built to Steensby Inlet, we're going
6 to have no way of travelling for those of us that live
7 in Igloolik, and it's going to probably -- no way to
8 travel on the sea ice once you start shipping. So we
9 got to think very carefully.

10 From Foxe Basin to Milne Inlet, it's going to
11 be -- the sea ice is going to be impacted. We need
12 to -- I think that it would be better if you built the
13 southern railway rather than the north railway because
14 we have to think of employment and better a future for
15 our -- our youth. Thank you. I'll stop there for now.

16 THE CHAIR: It's almost lunch hour. Let's
17 go for lunch. We'll return at 1:15.

18 _____

19 PROCEEDINGS ADJOURNED UNTIL 1:15 PM

20 _____

21 (PROCEEDINGS COMMENCED AT 1:16 PM)

22 THE CHAIR: We can resume.

23 If you can please take your seats, I'd like to
24 reconvene.

25 Before we continue with the questioning of
26 Baffinland with respect to their public consultation

1 and Inuit Qaujimajatuqangit presentation, I would like
2 to remind all parties that out of respect for the
3 Board's process and the time of all parties present,
4 this time in the agenda is to be spent on asking
5 technical questions directly of the proponent. If you
6 need to provide a statement to give context, please
7 keep it brief, hold your evidence, statements, and
8 commentary until your presentations.

9 We have many participants with strongly held
10 views, but we still ask everyone to respect the time
11 and the perspectives of all and the Board's process for
12 a productive time together.

13 To Baffinland, please keep your answers short and
14 to the point, and if you wish to defer to subsequent
15 presentations or for more time to answer, please do so.

16 Continuing with the response to the comment from
17 Hall Beach, Baffinland.

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

20 Madam Chair, we appreciate the comments, and we
21 look forward to continuing work with the community of
22 Hall Beach. It is still our intention to construct
23 Steensby, and we hope that should Phase 2 be approved,
24 that will help secure that in the future.

25 Qujannamik.

26 THE CHAIR: Hall Beach HTO.

1 Hall Beach Hunters and Trappers Organization Questions

2 Baffinland Iron Mines Corporation

3 MR. ARVALUK: Hall Beach HTO, Dan Arvaluk.

4 I kind of forgot about what I was asking earlier,
5 but I did get the appropriate response that I was
6 seeking, and my next question will be -- if you don't
7 have an answer right away, you can get back to me
8 concerning heavy equipment.

9 Though there's a lot of heavy equipment that --
10 that is going back and forth on the -- the road. If
11 I'm mistaken, correct me if I'm wrong, and the -- the
12 vehicles going -- keep going back and forth on the road
13 day in, day out, and during the evening as well, and I
14 think -- I think the highest road is 69, and the --
15 because of the -- the steepness of the vehicle -- or
16 the hills on the road, sometimes these heavy equipment
17 operators have a hard time going up the hill because --
18 because of the steepness of the road, so that's my last
19 question.

20 Are the vehicles, heavy equipment, having a hard
21 time going up the hill at times?

22 THE CHAIR: Baffinland.

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

25 The answer is, yes, the ore haul trucks do have a
26 difficult time moving up the road, especially in the

1 area where the hill was mentioned for the deviation.
2 Oftentimes, the ore haul trucks have to be pushed up
3 that road.

4 Qujannamik.

5 THE CHAIR: HTO, is there any more
6 questions?

7 MR. ARVALUK: No, I don't have any more
8 questions. There's a lot of other people who'd like to
9 ask questions. That's all I have.

10 THE CHAIR: Nunavut Government.

11 MR. PINKSEN: Thank you, Madam Chair. Steve
12 Pinksen, Government of Nunavut. We have no questions
13 on this component of the presentation. Thank you.

14 THE CHAIR: CIRNAC.

15 MR. DEWAR: Qujannamik, Madam Chair.
16 Spencer Dewar, Crown-Indigenous Relations and Northern
17 Affairs Canada. No questions on this aspect.

18 THE CHAIR: Department of Environment.

19 MS. WILLISTON: Thank you, Madam Chair.
20 Georgina Williston with Environment and Climate Change
21 Canada. We have no questions.

22 THE CHAIR: Department of Fisheries and
23 Oceans Canada.

24 MR. D'AGUIAR: Thank you, Madam Chair. Mark
25 D'Aguiar with Fisheries and Oceans Canada. We have no
26 questions regarding this topic, but if I may, I have

1 another individual to introduce.

2 We have with us, who has just joined us today,
3 Kevin Knapp. He's a senior advisor with the Canadian
4 Coast Guard for the Arctic region.

5 Thank you.

6 THE CHAIR: Department of Health Canada.

7 MR. GALE: Thank you, Madam Chair.

8 Matthew Gale, Health Canada. No questions at this
9 time.

10 THE CHAIR: Resource Canada.

11 Natural Resources Canada Questions Baffinland Iron
12 Mines Corporation

13 MR. UNGER: Peter Unger, Natural Resources
14 Canada. Matna, Madam Chair. I have a couple quick
15 follow-up questions, based on earlier responses. It's
16 about the railway routing.

17 So in the original geotechnical recommendations
18 for the northern railway, Route 1 was chosen, at least,
19 partly based on having better subsurface conditions.
20 Was this a factor in choosing Route 3?

21 THE CHAIR: Baffinland.

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

24 That is correct. We have done preliminary studies
25 on the geotechnical conditions of Route 3, and it
26 appears that they are similar to Route 1, but we will

1 be conducting further geotechnical studies.

2 Qujannamik.

3 THE CHAIR: (OTHER LANGUAGE SPOKEN)

4 MR. UNGER: Peter Unger, Natural Resources
5 Canada. Thank you very much for that response.

6 You had mentioned that a team is going out in
7 approximately three weeks. Would this be the
8 pre-drilling program that was referred to in your
9 responses to NRCan's comments, and if so, would this
10 also include the thermistor installation for baseline
11 conditions?

12 Thank you.

13 THE CHAIR: Baffinland.

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

16 The geotechnical work that will begin will be
17 pre-drilling before construction. The thermistors
18 would be installed during construction.

19 Qujannamik.

20 THE CHAIR: Natural Resource Canada.

21 MR. UNGER: Peter Unger, Natural Resources
22 Canada. Thank -- thank you very much for that response
23 as well.

24 So in our final submission, we had recommended the
25 thermistors to go in during the pre-drilling program in
26 order to get baseline conditions. Will the thermistors

1 then be installed with enough time before construction
2 to get baseline conditions?

3 Thank you.

4 THE CHAIR: Baffinland.

5 MS. LORD-HOYLE: Megan Lord-Hoyle with
6 Baffinland. I'm going to defer this response at this
7 time, and we'll provide a -- a written submission from
8 our rail engineer.

9 THE CHAIR: Natural Resource Canada.

10 MR. UNGER: Peter Unger, Natural Resources
11 Canada. Thank you, Madam Chair, and thank you for that
12 reply.

13 I guess my -- my last question, then, is will the
14 Route 3 alignment affect any of the commitments made in
15 response to our comments and will it affect the
16 likelihood of following any of the recommendations in
17 the Hatch geotechnical recommendations for the northern
18 railway report?

19 Thank you.

20 THE CHAIR: Baffinland.

21 MS. LORD-HOYLE: Megan Lord-Hoyle with
22 Baffinland. Everything that we've committed to is
23 still valid. All would -- all that would be needed is
24 to update the areas with the Route 3 alignment, Madam
25 Chair.

26 Qujannamik.

1 THE CHAIR: Natural Resource Canada.

2 MR. UNGER: Peter Unger, Natural Resources
3 Canada. Thank you, Madam Chair, and thank you very
4 much for that response. I have no further questions.

5 THE CHAIR: Parks Canada.

6 MS. STODDART: Thank you, Madam Chair.
7 Allison Stoddart with Parks Canada. We have no
8 questions at this time.

9 THE CHAIR: Department of Transport
10 Canada.

11 MS. GUDMUNDSON: Thank you, Madam Chair. Anita
12 Gudmundson with Transport Canada. We will reserve our
13 questions to the topics' specific presentations. Thank
14 you.

15 THE CHAIR: Oceans North.
16 Oceans North Questions Baffinland Iron Mines
17 Corporation

18 MR. DEBICKI: Good afternoon, Madam Chair.
19 I have one line of questions, and then my colleague,
20 Ms. Westdal, has another short line of questions.

21 Ms. -- just excuse me. Yeah, Ms. Lord-Hoyle made
22 reference to employee consultations, and I think this
23 was the filing from Baffinland. I see a letter dated
24 October 29 of this year, and attached to that letter is
25 something called "Share Your Thoughts". It's a form.
26 It says: (as read)

1 The Nunavut Impact Review Board is holding
2 public hearings on the Phase 2 proposal, and
3 we want to let them know what our employees
4 think about the proposed project. Please
5 fill out this form and place it in the drop
6 box located at security of each camp.
7 Baffinland will submit this to Nunavut Impact
8 Review Board on your behalf.

9 I'm just going to read a few -- so I -- I'm going to
10 read just a few of the -- the submissions that have
11 been filed. I'm going to omit the names attached to
12 them. I don't think there's any point in -- in naming
13 individuals who aren't participating directly in this
14 process. Here are some examples: "More work, more
15 jobs, job security"; the next one, "Job security"; the
16 next one, "Longer chance for mine to stay open and more
17 job security"; the next one, "Phase 2 means continuous
18 employment for myself and my colleagues"; the next one,
19 "Phase 2 railway will ensure the long-term viability of
20 the mine"; the next one, "Long-term employment,
21 long-term job security for everyone , long-term
22 commitment to Inuit". It says "Ensuring employment and
23 training for Inuit to continue, would like to see", et
24 cetera.

25 I guess my first question is what materials were
26 provided to employees along with the form that I --

1 that I just referenced?

2 THE CHAIR: Baffinland.

3 MS. LORD-HOYLE: Megan Lord-Hoyle with
4 Baffinland.

5 The materials provided to employees include
6 presentations on the Phase 2, employee town hall
7 meetings, information provided in employee town hall
8 meetings. A fact sheet was also provided to all
9 employees on site as well as posters have been posted
10 on-site as well.

11 Qujannamik.

12 THE CHAIR: Oceans North.

13 MR. DEBICKI: Thank you, Madam Chair.

14 I would suggest that just in the interest of
15 transparency and so that we can really assess the value
16 of this non-anonymous employee input, it would be
17 helpful to see the materials that were put in front of
18 the employees, but we can -- we can, I think, probably
19 guess the themes, but, certainly, a fact sheet would
20 be -- would be important.

21 I'll read just a few more to illustrate my point:
22 "Creating more jobs, long-term work"; the next one, "If
23 the rail line is not approved, I would find myself
24 concerned for the future of Baffinland and less
25 concerned for the future of my family". "Lost -- lost
26 employment would force people back into income support

1 system"; the next one, "A longer mine life means a
2 longer career, so having a permanent position here is
3 what I think Phase 2 would ensure".

4 So the only reasonable interpretation is that in
5 much of this feedback, these are -- you know, these are
6 opinions of people who are under the impression that
7 their livelihoods are at risk if Phase 2 doesn't
8 proceed, and so the messaging -- the messaging that
9 went along with this would be, I think, helpful, and,
10 otherwise, I'm not really sure what the relevance of
11 these submissions are whatsoever.

12 And so just to be clear, by way of a question, is
13 the proponent prepared to then attach to these
14 materials -- or either retract them or attach to these
15 materials these fact sheets and posters referenced so
16 that we can understand the context of these seemingly
17 compulsory non-anonymous submissions?

18 THE CHAIR: Baffinland.

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

21 I would like to correct the last statement there.
22 These fact -- or these support letters or information
23 letters provided were not compulsory. They were
24 completely voluntary. Those who chose to do so chose
25 to write whatever they would want to on those pieces of
26 paper, and we have committed to supplying everything

1 that we receive to the Nunavut Impact Review Board, and
2 we would be happy to supply the fact sheet and enter
3 that into this process as well.

4 Qujannamik.

5 THE CHAIR: Oceans North.

6 MR. DEBICKI: Yes, thank you, Madam Chair.

7 When I look at a -- at a note from an employer
8 that says, "Please fill out this form", and it doesn't
9 have the word "voluntary" on it anywhere, and it has a
10 spot for an employee's name, I come to -- to different
11 conclusions, and it certainly has the look of a
12 compulsory form and -- and allows an employer to -- to
13 keep a list of who's participated, and so I think, from
14 an HR perspective, it certainly doesn't qualify in
15 terms of any, sort of, best practice in terms of the
16 reliability of that information; and, again, it seems
17 to be, just looking at the responses, highly influenced
18 by -- by certain themes that I imagine were presented,
19 and I would welcome a chance to review the materials
20 that were provided to those employees.

21 I'll turn now to my colleague, Ms. Westdal.

22 MS. WESTDAL: From the public consultation
23 presentation, page 14 says: (as read)

24 Inuit consultation has been informed -- has
25 informed mitigation measures.

26 Page 16, that lower narwhal numbers -- lower narwhal

1 abundance observed in 2017 and 2018 in Pond Inlet by
2 community members.

3 I'd like to know what, specifically, Baffinland
4 did with this consultation information, knowing that
5 the 9-knot speed limit that's often talked about as a
6 mitigation measure was discussed three years ago, so
7 isn't a -- isn't a response to anything we've seen in
8 the marine environment, and holding ships offshore when
9 there's still ice in the area is really a courtesy to
10 community members who are still hunting in the region
11 and doesn't really address any concerns about lower
12 narwhal numbers.

13 THE CHAIR: Baffinland.

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

16 Can I clarify if there was a question included in
17 that statement?

18 THE CHAIR: Oceans North.

19 MS. WESTDAL: Yes. The question was what
20 specifically did you do with the consultation
21 information you noted twice in the presentation, once
22 on page 14 and once on page 16, that Inuit consultation
23 has informed mitigation, and, secondly, that lower --
24 lower narwhal abundance was observed twice, two years
25 in a row by Pond Inlet community members. What did you
26 do with that information?

1 THE CHAIR: Baffinland.

2 MS. LORD-HOYLE: Megan Lord-Hoyle with
3 Baffinland.

4 Qujannamik for the question. Madam Chair, with
5 that information, we instituted a number of additional
6 mitigation measures in the 2019 season, and we did this
7 in response to what we were hearing from the
8 communities, but I would like to highlight that our
9 monitoring programs have shown no decline in abundance
10 and distribution of narwhal in the Eclipse Sound area.

11 Preliminary results from the 2019 season have been
12 provided to the Nunavut Impact Review Board as part of
13 our final written submission. The specific measures
14 that we took in 2019 included additional aerial
15 surveys, both pre-shipping and right after shipping had
16 began. The 9-knot speed limit referred to is correct.
17 That is the speed limit we request all vessels to go
18 through. We did include a buffer zone to ask ships to
19 wait outside the area so that there would be less
20 interference with narwhal staging at the floe edge
21 before entering into Eclipse Sound.

22 We also introduced a mitigation measure whereby we
23 limited the number of vessels transiting the area in
24 heavier ice conditions. We also have hired shipping
25 monitors directly in the community of Pond Inlet who
26 work out of the Baffinland office in Pond Inlet to act

1 as liaisons between the community and the company and
2 share information daily in a variety of forms about the
3 shipping season and are available to discuss any
4 concerns that are brought forward by the community, and
5 then we can respond to that.

6 Qujannamik.

7 THE CHAIR: Oceans North.

8 MS. WESTDAL: Thank you for that response.

9 So, basically, there was no new mitigation
10 measures, is what I'm hearing? Aerial surveys, that's
11 not mitigation. That's monitoring. 9 knots, that's
12 something that was planned three years ago, so that's
13 not mitigation. Any new mitigation --

14 MS. KOWBEL: Madam Chair ... Madam
15 Chair ...

16 THE CHAIR: Ms. Kowbel.

17 MS. KOWBEL: I just wanted to go back to
18 your direction about asking questions, not -- not
19 giving presentation time. I think it is important to
20 be respectful of this process, and I'd ask that Oceans
21 North be asked to -- I understand that some questions
22 might need a few sentences of context, but -- but this
23 doesn't sound like a question. This sounds like a
24 response.

25 Thank you, Madam Chair.

26 THE CHAIR: Oceans North, can you say your

1 question? Reserve your commentary and say your
2 question, please.

3 MS. WESTDAL: Yeah. Thank you.

4 I'm actually trying to clarify an answer to my
5 question, which was what specifically, since -- since
6 this is part of the presentation that was given on
7 consultation, what specifically did the proponent do
8 with the information?

9 The answer that was given was not mitigation
10 measures, so I was trying to clarify by going through
11 the -- the answers that were given. All of them aren't
12 new mitigation measures based on the consultation done
13 with Inuit in the last year or two. I think that's a
14 relevant question.

15 THE CHAIR: Baffinland.

16 MS. LORD-HOYLE: To answer, Megan Lord-Hoyle
17 with Baffinland. Qujannamik.

18 Madam Chair, to answer the point directly, there
19 were two new mitigation measures that were added in the
20 2019 season: The introduction of reducing vessel
21 transits in heavier ice conditions is a mitigation
22 measure to reduce noise levels in the Eclipse Sound and
23 Milne Inlet area, as well, the introduction of a buffer
24 zone whereby vessels wait 40 kilometres outside of the
25 Nunavut settlement area also is a mitigation measure to
26 reduce noise fields around narwhal that are staging at

1 the floe edge before entering into Eclipse Sound.

2 And, once again, I will state that this is all
3 included in multiple materials filed with our final
4 written submission, and a summary of the mitigations is
5 included in the final written submissions submitted on
6 October 16th.

7 Qujannamik.

8 THE CHAIR: Oceans North.

9 MS. WESTDAL: Thank you.

10 That answers my question. So there's no
11 season-long mitigation measures put in place based on
12 consultation with Inuit?

13 Thanks.

14 THE CHAIR: Baffinland.

15 MS. LORD-HOYLE: Qujannamik, Madam Chair.

16 Megan Lord-Hoyle with Baffinland.

17 That is an incorrect statement. These mitigation
18 measures have been introduced in direct response to the
19 information that has been shared with us through
20 community feedback. These are two examples that I've
21 provided that have been introduced in the 2019 season.
22 We have other examples of mitigation measures that have
23 been included from past seasons, but in the interest of
24 time, the question was around the 2019 season, so I
25 will leave it there.

26 Qujannamik.

1 THE CHAIR: Oceans North.

2 MS. WESTDAL: No further questions at this
3 time. We can discuss this in -- in the marine
4 monitoring section.

5 THE CHAIR: World Wildlife Fund.
6 World Wildlife Fund Questions Baffinland Iron Mines
7 Corporation

8 MR. OKALIK: Qujannamik, Iksivautalik.
9 Paul Okalik, World Wildlife Fund.

10 When I was in Kuujjuaq [phonetic] this spring,
11 there was a -- the -- the hunters over there catch
12 narwhal and then they migrate towards Pond Inlet. They
13 used to tell us -- or tell myself that they were
14 concerned about impacts to whales, especially around
15 the Eclipse Sound area. Yes, I was -- the whales that
16 they catch over in Kugaaruk migrate to -- to -- to
17 their community. This should be known by the NIRB and
18 by the company itself, that there may be addition -- I
19 mean impacts to whales and to bowhead whales as well.

20 Thank you.

21 THE CHAIR: Baffinland.

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

24 Thank you for your comment, and more information
25 regarding our monitoring assessment on the marine
26 environment will be included in our marine environment

1 presentation.

2 Qujannamik.

3 THE CHAIR: World Wildlife Fund.

4 MR. OKALIK: Paul Okalik.

5 You didn't give me an answer. The hunters in
6 Kugaaruk, will you be speaking to the hunters in
7 Kugaaruk? Are you going to speak to their concerns
8 because they are not in attendance. You should go to
9 their community and inform or -- or listen to their
10 concerns.

11 THE CHAIR: Baffinland.

12 MS. LORD-HOYLE: Megan Lord-Hoyle with
13 Baffinland.

14 Madam Chair, to clarify, we have -- or to -- yes,
15 to clarify, we have not been to Kugaaruk to consult
16 with hunters. Should that be desired in the future, we
17 would be open to discussing that, but further
18 information around the marine mammal assessment will be
19 included in the marine environment presentation.

20 Qujannamik.

21 THE CHAIR: World Wildlife Fund.

22 MR. OKALIK: As Inuit, they are also
23 concerned about food security. There are more and
24 more -- more bodies, such as the HTO, taking companies
25 to court. The people that should be here that have
26 very serious concerns should be here in attendance. I

1 am telling you again, and I have a question as well.

2 The hunters and -- the member from the Hall Beach
3 HT -- HTO, the -- the member from that organization is
4 concerned about damaging migration routes of caribou.

5 You're already in preparation to build your
6 railway. It's -- if it's going to impact caribou and
7 their migrate -- migration route, it's not going to --
8 it's not going to look good. I think that you
9 should -- I think that maybe just consider, for now,
10 just to build the north railway and not build the
11 southern route. I think I made myself clear.

12 Thank you.

13 THE CHAIR: Baffinland.

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

16 I believe that was a statement, but just to
17 clarify Baffinland's intentions, what we are here
18 discussing today is the Phase 2 proposal, which
19 includes the construction of the northern railway.
20 That's our immediate intention right now, to construct
21 the northern railway, the approval for the Steensby
22 Project. The southern railway is already acquired and
23 that it is our future intention to conduct [sic] --
24 construct the southern railway.

25 Qujannamik.

26 THE CHAIR: World Wildlife Fund.

1 MR. OKALIK: That's going to be a concern.
2 The -- it's going to be a concern for terrestrial
3 wildlife. I would like you to rethink. It's going to
4 be very difficult for the wildlife to cross, if you --
5 if this company wants to build a railroad.

6 Food security has to be here for Inuit. If food
7 security is impacted, then it's going to impact Inuit.
8 I -- I would consider you not to build the railway at
9 all. Is that one of the -- you could have -- would
10 that be one of the things or one of the choices that
11 you would maybe consider?

12 THE CHAIR: Baffinland.

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

15 The -- the question of whether we would consider
16 not building a railway at all will be covered in the
17 next presentation in the alternatives assessment.

18 Qujannamik.

19 THE CHAIR: World Wildlife Fund.

20 MR. DUMBRILLE: Andrew Dumbrille with the
21 World Wildlife Fund.

22 I wanted to clarify the exchange yesterday between
23 NIRB and Baffinland around the market analysis for
24 Phase 2 ships, and it wasn't clear if there was a
25 commitment to undertake that market analysis and make
26 it public. I just need some clarification if that's --

1 if Baffinland was committing to do that?

2 Thank you.

3 THE CHAIR: Baffinland.

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

6 I'm still working on this internally, and I will
7 get back with an answer on that.

8 Qujannamik.

9 THE CHAIR: World Wildlife Fund.

10 MR. DUMBRILLE: Thank you, Chair. Andrew
11 Dumbrille with the World Wildlife Fund.

12 I think there's still -- it's still unclear, you
13 know, how many icebreaker transits, tugs, resupply
14 vessels are included or not, and I -- I've been pointed
15 to a couple of documents since yesterday, and it's
16 still fairly unclear, so I think this is a package.
17 It's -- it's the market analysis as well as some
18 clarity around the transits of -- of all the vessels
19 for Phase 2, and the analysis that -- that we've
20 submitted showing, you know, low and high numbers of
21 transits still seems to be accurate and relevant, but
22 it would be good to -- to have a -- a lot more clarity
23 on -- on this.

24 My second question is around Slide 33. I think it
25 was -- it's this discussion of indicators with IQ and
26 community engagement, and my understanding -- and this

1 came up yesterday, too. My understanding is that there
2 are early warning indicators and thresholds, that
3 there's term and condition around the development and
4 implementation of early warning indicators and
5 thresholds, and Baffinland has -- has admitted that
6 they haven't met that term and condition, but are
7 working on it, and they've -- they've -- they've said
8 that for a couple of years now, but it -- but that's --
9 that's on the record.

10 What I heard yesterday was there seems to be
11 another category of indicators, and I just -- I'm sure
12 it's -- it's pointing to something, but that seems to
13 be getting mixed up about what exactly. It -- it
14 sounds like there's something called an "indicator",
15 there's something called an "early warning indicator",
16 and then there's something called a "threshold", and so
17 I'm wondering if Baffinland can just explain that a
18 little bit in relation to the development through IQ
19 and through other groups on that issue.

20 Thank you.

21 THE CHAIR: Baffinland.

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

24 I will pass this over to Lou Kamermans to provide
25 the rest of the answer, but I just want to clarify, and
26 I -- I urge anyone who is stating uncertainty that --

1 around the number of vessels, to please look at the
2 overview of marine operations that was submitted in
3 December of 2018 to the Nunavut Impact Review Board for
4 the number of vessels outlined for each type or
5 carrier, tugs, and resupply vessels, and if there are
6 any further questions, I'm happy to discuss outside of
7 the public process as well.

8 Qujannamik.

9 THE CHAIR: World Wildlife Fund.

10 MR. DUMBRILLE: I think -- I think Lou was
11 going to come in there, but actually thanks.

12 I think -- you know, yesterday, Megan, you said,
13 you know, 176 ore carriers and two icebreakers, and --
14 and in the context of ore carriers, you know, that's a
15 voyage, so it's double that for transits, but for
16 icebreakers, obviously there's not two voyages per
17 season for icebreakers, so it's -- there's still
18 lots -- lots of unknown around that, but back over to
19 you, Lou, if you were going to add on indicators,
20 thresholds, and early warning indicators.

21 Thanks.

22 THE CHAIR: Baffinland.

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

25 I think this is a good point of clarification.
26 When we do talk about "early warning indicators", I

1 think what -- what is being referred to those is
2 actually a threshold. We have many indicators in our
3 monitoring programs.

4 Just to list a few, in our -- our marine programs
5 for water quality, an indicator would be something like
6 a change in total suspended solids or change in
7 salinity. With marine fish, it could be Arctic char
8 catch-per-unit effort. And with marine mammals, it
9 could be change in habitat caused by dock footprint or
10 change in relative abundance. So those are indicators
11 of change, and that's what we monitor.

12 The "early warning" part is right of the term
13 "early warning indicator", but really what we're
14 talking about is a threshold, is understanding a point
15 of change that might indicate we need to take action or
16 investigate our operations and understand what is
17 causing that change and how to prevent further change.

18 I talked yesterday about how we released an
19 adaptive management plan and the approach we're taking
20 towards the integration application of thresholds and
21 triggers for action, but those would be -- essentially,
22 an indicator will have a threshold or trigger level, so
23 the -- this "early warning indicator" term is -- is a
24 bit dated, and I -- I thank -- thank WWF, or World
25 Wildlife Fund, for being able to provide that
26 clarification.

1 THE CHAIR: World Wildlife Fund.

2 MR. DUMBRILLE: That's it. Thank you.

3 THE CHAIR: Nunavut Independent Television
4 Network.

5 Nunavut Independent Television Network Questions
6 Baffinland Iron Mines Corporation

7 MR. LIPSETT: Thank you, Madam Chair. Lloyd
8 Lipsett for Nunavut Independent Television Network.

9 Just a few brief questions about the portion of
10 the presentation about ongoing engagement, Slide 37. I
11 believe this was prefaced as some lessons learned, and
12 as we stated yesterday in our previous questions, we
13 welcome the commitment to develop community specific
14 engagement guidelines for each community, and so the
15 first question is could we -- could Baffinland briefly
16 explain how they intend this process to develop the
17 community engagement guidelines, how that is intended
18 to work?

19 THE CHAIR: Baffinland.

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

22 The idea is to develop a standard set of
23 guidelines for consideration to engage each of the
24 communities with and then to modify them based on
25 conversation and dialogue with the communities until
26 they're satisfied with the product, and then we would

1 integrate that into our community engagement and
2 stakeholder management plan. This came out of a
3 discussion with the Hamlet of Igloolik, and they were
4 helpful in producing our -- some initial points, and we
5 intend to build on that process moving forward.

6 Thank you very much.

7 MR. LIPSETT: Thank you for that
8 clarification, and, again, we're glad to hear that that
9 will be done in a participatory manner with the -- the
10 communities and their representatives, and just one
11 follow-up: Is there any reference about this
12 commitment that has been included in the documents
13 before the NIRB?

14 THE CHAIR: Baffinland.

15 MR. KAMERMANS: Thank you, Madam Chair. Lou
16 Kamermans, Baffinland.

17 This was reflected in our disposition tables we
18 were releasing leading up to and following our
19 technical meetings, and it will be reflected in our
20 final commitment register we'll be submitting to the
21 Nunavut Impact Review Board through this public
22 hearing.

23 Thank you.

24 MR. LIPSETT: Okay. Thank you for that
25 clarification.

26 Just one other short line of questions. We -- we

1 welcomed the statement about continuing or
2 communicating through various methods, and you've
3 listed meetings, open houses, Facebook, local radio,
4 Baffinland community liaison officers, and radio.

5 Just a short question about are there any lessons
6 learned about which media or methods have been most
7 effective to date, particularly in the context of
8 information and public meetings intended for general
9 community members? That's the first part.

10 And, secondly, I believe it was mentioned
11 yesterday that you intend to strengthen or to recruit
12 additional community liaison officers, and if you could
13 provide a little bit more detail about -- about that?

14 Thank you.

15 THE CHAIR: Baffinland.

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

18 Madam Chair, in -- in response, we've learned and
19 have been told that visuals, anything that helps the
20 communities visual -- or representatives visualize what
21 the project will look like is very helpful. We
22 actually have an example of something that has been
23 created as part of this. The 3-D model that is in the
24 centre of the room right now which shows both the
25 approved project and the Phase 2 infrastructure.
26 That's something that we have been taking to our

1 community meetings since we had it produced.

2 We've also learned, in terms of media, Facebook is
3 very helpful in getting messages out. The public radio
4 shows have been quite successful. And my colleague Joe
5 has commented on, following radio shows, we see an
6 increase in -- in attendance at meetings. I would also
7 say that informal sessions, such as sitting in the
8 Co-Op, has been very helpful so that people can just
9 drop in, say hello, or ask a few questions within their
10 day.

11 And the comment related to the community liaison
12 officers, I'll ask Andrew Moore to respond to that.

13 MR. MOORE: Thank you, Madam Chair.
14 Andrew Moore, Baffinland.

15 I believe it was mentioned by Joe that we would be
16 increasing our teams that work in the North Baffin
17 communities. This includes a plan to hire a second
18 part-time Baffinland community liaison officer. This
19 is in recognition of the fact that as we increase
20 our -- as we continue to increase our engagement
21 activities, the efforts of the community liaison
22 officers are naturally increased by staff from -- from
23 Baffinland being in the communities and holding more
24 community events.

25 It was also mentioned earlier that this year,
26 Baffinland created a new department called the

1 "community and strategic development department". This
2 department will include the hiring of a -- what we call
3 a community resource coordinator in each of the North
4 Baffin communities with the main focus on assisting
5 communities in building capacity as it relates to
6 business opportunities, training opportunities as that
7 relates to the Mary River Project.

8 Thank you, Madam Chair.

9 THE CHAIR: Nunavut Independent Television
10 Network.

11 MR. LIPSETT: Thank you, Madam Chair. No
12 more questions at this time.

13 THE CHAIR: NIRB Staff.
14 Nunavut Impact Review Board Staff Questions Baffinland
15 Iron Mines Corporation

16 MR. BARRY: Thank you, Madam Chair. Ryan
17 Barry, Nunavut Impact Review Board Staff. We do have a
18 few questions which we'll move through as quickly as we
19 can.

20 Following up first on the questioning from Oceans
21 North regarding the forms and process used by
22 Baffinland to canvass opinions from its staff on this
23 Development Proposal: Can Baffinland clarify whether
24 it also encouraged its employees to provide comments to
25 the Nunavut Impact Review Board directly for
26 consideration and communicated available options for

1 doing so such as through email, fax, regular mail, or
2 online comment forms?

3 THE CHAIR: Baffinland.

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

6 If you could just give us a moment. We're pulling
7 up the fact sheet that was used in communications, but
8 perhaps we can get back to that, if you want to move on
9 to the next question first.

10 Qujannamik.

11 THE CHAIR: NIRB Staff.

12 MR. BARRY: Thank you, Madam Chair. Ryan
13 Barry, Nunavut Impact Review Board Staff. Yes, thank
14 you, of course, that's fine.

15 So our next question is regarding the offer of
16 direct funding to local communities made by Baffinland
17 and referenced in your presentation. Can Baffinland
18 clarify whether the provision of this funding is
19 contingent on the Phase 2 Development Proposal being
20 approved to proceed or whether any other specific
21 conditions or contingencies are involved? And,
22 further, how have the communities reacted to these
23 offers of funding support?

24 THE CHAIR: Baffinland.

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

1 The funding is contingent upon the Phase 2 being
2 approved, and the reasons for such is the finances that
3 would be available to do so. Baffinland has confirmed
4 that this funding will be provided to all communities,
5 regardless of support shown throughout this process.

6 And to get back to the first question, on the fact
7 sheet, which we will enter, there is a -- a box on the
8 fact sheet that says "Comments about Phase 2 Proposal",
9 and it does say directly "email info@nirb.ca" on the
10 fact sheet itself.

11 Qujannamik.

12 THE CHAIR: NIRB Staff.

13 MR. BARRY: Thank you, Madam Chair. Ryan
14 Barry, Nunavut Impact Review Board Staff.

15 Thank you for those responses. There was a final
16 point to that last question, and I apologize. I know
17 multipart questions are hard to follow.

18 Can you describe for us how the communities
19 reacted to these offers of funding support from
20 Baffinland?

21 THE CHAIR: Baffinland.

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

24 The only formal correspondence which we have
25 received was from the community of Arctic Bay, which
26 illustrated that the value put forward was too low,

1 and, informally, we have heard the same from -- from
2 other communities as well in discussions, and even as
3 most recently as a few weeks ago on community tours, we
4 have heard that the -- the value put forward is too
5 low.

6 THE CHAIR: NIRB Staff.

7 MR. BARRY: Thank you, Madam Chair. Ryan
8 Barry, Nunavut Impact Review Board Staff. Again, thank
9 you for that response.

10 The next will be my most direct question: In the
11 view of Baffinland Iron Mines Corporation, do the North
12 Baffin communities currently support the Phase 2
13 Development Proposal proceeding?

14 THE CHAIR: Baffinland.

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

17 I think that that is really a question best for
18 the North Baffin communities to share themselves. In
19 the view of Baffinland, I personally have heard both
20 support within each community as well as those who are
21 opposed. We have seen formal submissions of
22 opposition. We have not yet seen any formal support
23 for the Phase 2 proposal, but I do believe within each
24 community, there are those who are both supportive of
25 Baffinland now and the Phase 2 proposal and those who
26 are opposed.

1 THE CHAIR: NIRB Staff.

2 MR. BARRY: Thank you, Madam Chair. Ryan
3 Barry, Nunavut Impact Review Board Staff. Again, thank
4 you for that direct response.

5 Madam Chair, my -- my final question has a little
6 bit more preamble. As noted by Baffinland's president
7 and chief executive officer in his opening remarks, the
8 Phase 2 Development Proposal was initially brought
9 forward by Baffinland approximately five years ago.
10 Can you help us understand why the selection of the
11 rail routing and identification of required crossing
12 locations has been ongoing until very recently and what
13 effect could this uncertainty have for the accuracy of
14 your impact predictions?

15 Also, can you clarify if there was similar
16 uncertainty in the rail routing and crossing locations
17 for the railway to Steensby Inlet during the final
18 stages of the Nunavut Impact Review Board's review for
19 the original Mary River Project?

20 MS. LORD-HOYLE: Megan Lord-Hoyle with
21 Baffinland. Qujannamik for the question.

22 Madam Chair, it is true that the Phase 2 proposal
23 was first put forward five years ago; however, the
24 project description did change through the period of
25 2014 to 2016. When first put forward, this was
26 envisioned as a trucking operation going up to 12

1 million tons, and in 2016, the project description
2 changed to a rail operation.

3 Upon that project-description change where rail
4 was included, we then were required to amend the North
5 Baffin Regional Land Use Plan through the Nunavut
6 Planning Commission process, which took approximately
7 one year -- two years, excuse me, before we could
8 complete the environmental assessment and move into the
9 Nunavut Impact Review Board process.

10 In terms of why the selection of rail crossings
11 has been going on -- ongoing until recently and if this
12 impacts our -- or if this adds uncertainty to the
13 outcomes of the impact statement, we do not believe
14 that the selection of the rail line does impact the
15 outcome of the assessment or add additional
16 uncertainty. This will be covered in the terrestrial
17 environment presentation as well. It should be noted
18 that these two routes are within 1 kilometre from each
19 other, Route 1 versus Route 3, so the outcomes of the
20 impact statement do not change.

21 And I believe the second part was a question
22 regarding Steensby. If I could just have that
23 repeated?

24 THE CHAIR: NIRB Staff.

25 MR. BARRY: Thank you, Madam Chair. Ryan
26 Barry, Nunavut Impact Review Board Staff, and, again,

1 thank you, Megan, for that response.

2 The latter part of the question was looking for
3 you to contrast the level of detail provided in the
4 final environmental impact statement addendum for this
5 proposal with the level of detail specific to routing
6 and identified railway crossings for the final
7 environmental impact statement for the original Mary
8 River Project and explain any differences.

9 THE CHAIR: Baffinland.

10 MS. LORD-HOYLE: Megan Lord-Hoyle with
11 Baffinland. Qujannamik for repeating the question and
12 clarifying.

13 To contrast the level of detail that's been
14 provided in this assessment in comparison to the
15 Steensby Project or the approved project, the level of
16 detail is greater included in this final environmental
17 impact statement addendum.

18 For the approved project, things like
19 issued-for-construction drawings of the rail alignment
20 were not included, but have been included in this
21 assessment.

22 Further, moving to the level of information of
23 having something like an on-site workshop or a workshop
24 did not occur for the approved project and where there
25 could be discussions around the granular material to be
26 used with visual examples was not included in the

1 approved project, so the level of detail is greater for
2 this.

3 Qujannamik.

4 THE CHAIR: (OTHER LANGUAGE SPOKEN)

5 MR. BARRY: Thank you, Madam Chair. Ryan
6 Barry, Nunavut Impact Review Board Staff. Thank you
7 for the response, and no further questions.

8 THE CHAIR: NIRB Board.

9 Nunavut Impact Review Board Questions Baffinland Iron
10 Mines Corporation

11 MR. ALIKUT: Thank you, Madam Chair. Guy
12 Alikut, Nunavut -- Nunavut Impact Review Board member.

13 I think I asked this question about five years
14 ago, if I remember correctly, and that is that you were
15 going to be supporting Inuit small business or start-up
16 funding for small businesses? And, to date, do you
17 have any idea how many small businesses' start-ups have
18 been established since you started funding for small
19 businesses? Do you have any numbers?

20 Thank you.

21 THE CHAIR: Baffinland.

22 MR. MOORE: Thank you, Madam Chair.
23 Andrew Moore, Baffinland Iron Mines. Thank you for the
24 question.

25 So in Baffinland's annual socio-economic
26 monitoring report, which is submitted to the Nunavut

1 Impact Review Board, Baffinland reports on the total
2 number of Inuit firms registered in the local study
3 area. In our 2018 socio-economic monitoring report, we
4 indicated that the number of active Inuit firms
5 registered in the North Baffin local study area
6 communities has increased by 22 since 2013, while the
7 number of active Inuit firms registered in Iqaluit has
8 increased by 59 since 2013. Baffinland can certainly
9 not take credit for the creation or establishment of
10 those firms; however, the indicator shows an upward
11 trend in business development throughout the region
12 since Baffinland began its operations.

13 Further, since project development, Baffinland has
14 engaged in business with Inuit firms totalling
15 approximately \$1 billion, so that's \$1 billion of
16 contract spending with Inuit firms, Inuit firms such as
17 Arctic Co-Ops, Nuna Logistics. These are obviously
18 bigger firms.

19 To your specific point about small firms,
20 Baffinland has contracts in place with several small
21 firms in the North Baffin communities. As of today,
22 that's mainly related to ground transportation, so the
23 provision of transportation for employees. We are,
24 however, actively engaged in a number of present
25 opportunities. Those contract negotiations are ongoing
26 with a couple of firms located in the North Baffin

1 communities, and they would be small businesses.

2 We also have, as was mentioned earlier, the
3 business capacity and start-up fund within the IIBA.
4 This is a fund that is available to small businesses to
5 support their development that Baffinland contributes
6 funds to that fund; however, the administration of that
7 fund is controlled by the Qikiqtani Inuit Association,
8 so, unfortunately, I'm not able to comment on the
9 expenditures from that fund.

10 Thank you, Madam Chair.

11 THE CHAIR: Guy.

12 MR. ALIKUT: Thank you, Madam Chair. Guy
13 Alikut, Nunavut Impact Review Board.

14 Thank you for your response, and I don't quite
15 believe that -- that billions have -- the funding
16 that -- in the billions have not been directly
17 attributed to Inuit businesses. I apologize for that
18 comment, but I don't think all that money has gone to
19 the Inuit, and the -- there was programs for student
20 and high school, when we go -- when we encourage them
21 to stay in school so they can gain employment through
22 the mining companies or other work programs, and
23 it's -- we have a lot of social issues going on, and
24 those people who go to work have to pay their rent to
25 social housing, and they sue their -- they end up owing
26 a lot of rent because of the -- getting behind in their

1 rent when they're working for Baffinland, and they --
2 sometimes when they start working, they're not used to
3 paying -- paying -- paying rent, and they end up owing
4 a lot of rent to arrears to the housing association
5 because of a lack of support from housing cooperation.

6 Do you have some kind of program that you can help
7 your employees to be able to pay their rent, because a
8 lot of times when they get behind in rent and have
9 rental arrears, they end up quitting their jobs and go
10 back to social services or social assistance. Can you
11 respond to that, please?

12 THE CHAIR: Baffinland.

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

15 We do provide a northern living allowance for
16 Inuit residing in Nunavut of \$15,000 annually to go
17 towards living, but the other program that we have in
18 place is financial literacy, which is included in our
19 work-readiness training. That program is included in
20 the work-readiness program, and we look at other
21 proposals in concert with the Qikiqtani Inuit
22 Association under our employment committee that has
23 been formed under the Inuit Impact Benefit Agreement to
24 look for other opportunities for support for financial
25 literacy.

26 In regards to the \$1 billion of contracts, we can

1 provide to the Nunavut Impact Review Board a breakdown
2 of all contracts by service to support the overall
3 spend to help inform what makes up that \$1 billion
4 figure.

5 We also -- in regards to financial management, we
6 do have financial-management training provided to any
7 employee upon request.

8 Qujannamik.

9 THE CHAIR: NIRB Board, Madeleine.

10 MS. QUMUATUQ: Thank you. Madeleine
11 Qumuatuq, NIRB Board member, a comment and question as
12 well.

13 We hear from communities, in particular, that the
14 railroad track that will affect one individual, and not
15 only one individual, but a whole -- whole lot of
16 people. It's going to have a great impact on Inuit
17 because we're not -- we're going to be introducing
18 routes for caribou on this railroad track, but our
19 cari -- caribou is our social and economic and a great
20 importance to Inuit because it's our food. It's our
21 social network, and the railroad track will have a
22 tremendous impact on our caribou routes and, in
23 particular, for Igloolik and Hall Beach communities who
24 will lose their routes on ice.

25 And we have to think about our descendants, our
26 next generations who -- who will be impacted the most

1 with the decisions we make today. Is there any other
2 options or any other compensation that you can think of
3 that will compensate our next generations or our -- the
4 way our -- our way of life because our wildlife and our
5 environment directly impacts our culture and our Inuit
6 principles that we -- we rely on our environment and
7 our wildlife. Have you thought of any alternatives at
8 all on how you can adequately compensate Inuit when you
9 disrupt the flow of our environment and wildlife?

10 Thank you.

11 THE CHAIR: Baffinland.

12 MS. LORD-HOYLE: Megan Lord-Hoyle. If I could
13 just have a moment to compose my thoughts.

14 Qujannamik.

15 THE CHAIR: Baffinland, do you need to
16 defer a response?

17 MS. LORD-HOYLE: No. I think I'm ready.

18 Megan Lord-Hoyle with Baffinland. Qujannamik for
19 the question.

20 I would like to state that our first goal is to
21 ensure that we can build this project and protect the
22 environment and Inuit culture. Our desire is to build
23 a project where both can co-exist. We're confident in
24 the assessment that we've provided that both can
25 co-exist and that Inuit way of life can be retained and
26 impacts to wildlife can be reduced.

1 We have committed, through this process, several
2 mechanisms to ensure that we can respond to adaptations
3 if they change in the future, should our monitoring
4 programs be telling us that our predictions are
5 incorrect, should Inuit be telling us that our
6 predictions are incorrect. There are responses and
7 measures that we can take to minimize those effects.

8 The alternative for this project, as was discussed
9 by Mr. Penney, mainly in a significant reduction in the
10 viability of this company if a railway is not
11 constructed. That is why the Phase 2 has been
12 proposed. It's been modelled on other mining
13 operations that have a long haul distance between the
14 mine and the method of transportation where rail is a
15 requirement to make it a more efficient operation, and
16 the compensation that could be provided, ideally, is in
17 the jobs that this company will employ and provide,
18 further opportunities for the communities in terms of
19 building businesses and the indirect benefits that
20 could be felt in the communities for those not wishing
21 to work in a fly-in/fly-out operation, and in instances
22 if our predictions turn out to be wrong, there are
23 mechanisms in place.

24 Under the Inuit Impact Benefit Agreement, we have
25 a wildlife compensation fund that speaks to
26 compensation, but our Number 1 goal is to prevent that

1 from happening. We have listened as much as we can
2 throughout this process to put forward a project that
3 we believe can co-exist to ensure both Inuit and
4 wildlife and the project can move forward.

5 Qujannamik.

6 THE CHAIR: Madeleine.

7 MS. QUMUATUQ: Thank you for your response.

8 And slightly different from my question, the
9 compensation Inuit Impact Benefits Agreement
10 compensation and appears the compensation for
11 communities, we keep hearing from communities say
12 compensation agreement for economic development for the
13 communities is way too low. There's not enough
14 funding, that be -- it's being provided for the
15 communities for economic development.

16 There's not a lot of females working at the mines
17 because of good reasons, for being the primary
18 caregiver to their children, the community, and they
19 have such responsibilities in their own homes; and I'd
20 like for you to consider, not just for the mine, but
21 for the communities themselves. For example, Hall
22 Beach don't have offices where -- there's not a lot of
23 building. There's -- there's social housing and
24 government house -- have housing, and there's not a lot
25 of small buildings that can be utilized by the
26 communities for economic development opportunities, and

1 the -- when you want to have a sustainable way of life
2 and good food and to be able to have enough food to eat
3 for the whole family through social assistance for
4 people, it doesn't even nearly cover the cost of living
5 in the communities, and the compensation you provide
6 through IIBA to the communities doesn't even cover the
7 cost of any start-up business for Inuit.

8 I think I -- I -- I think you should be offering
9 more funding to the communities for start-up businesses
10 and mostly are common [phonetic].

11 Thank you.

12 THE CHAIR: Baffinland.

13 MS. LORD-HOYLE: Megan Lord-Hoyle with
14 Baffinland. Qujannamik and thank you for the
15 clarification.

16 In terms of the -- the \$1.2 million being too low
17 to support community needs, first we recognize that the
18 communities do have needs, but to put this in context,
19 the \$1.2 million is in response from the communities
20 saying they need support now, but there's context for
21 that as well, and there's other revenue flows to Inuit
22 through this project.

23 \$45 million has been provided in royalties or
24 through the IIBA to the Qikiqtani Inuit Association,
25 and the socio-economic monitoring presentation will
26 provide funds that have gone to other Inuit

1 organizations.

2 In terms of the 1.2 million offer, this is what
3 Baffinland feels comfortable committing to at this
4 time, understanding the financial situation that we're
5 in, but it is our desire that as we grow, the
6 communities grow, too. As we have increasing financial
7 stability, so, too, will the fund -- funds be able to
8 flow directly into the communities.

9 We provide funding currently through community
10 support and donation programs as well. We don't
11 envision that that will change in the future, even with
12 the 1.2 million. The 1.2 million was meant to go
13 directly to the communities for them to support
14 initiatives of their choosing and to direct to funds
15 that are based on their community's priorities.

16 Qujannamik.

17 THE CHAIR: NIRB Board Member Catherine.

18 MS. EMRICK: Thank you, Madam Chair.

19 Catherine Emrick, Nunavut Impact Review Board.

20 Baffinland representatives have spoken a number of
21 times to the importance of community consultation and
22 to how Baffinland has responded to what has been heard.

23 In reflection, how effective does Baffinland
24 believe their Phase 2 consultation has been in
25 resolving the concerns raised by the affected
26 communities?

1 Thank you.

2 THE CHAIR: Baffinland.

3 MS. LORD-HOYLE: Megan Lord-Hoyle with
4 Baffinland.

5 I think there are areas that we have been very
6 effective in resolving concerns based on consultation.
7 I think, as I mentioned earlier, there is opposition to
8 a rail line being brought forward, and that issue
9 cannot be resolved through what it is that we're
10 proposing as the Phase 2 right now.

11 A rail line is consistent with the continued
12 operation and the proposal of Phase 2, and in that
13 regard, we may have disagree -- or differing views on
14 the path forward.

15 Qujannamik.

16 THE CHAIR: Going back to what was asked
17 earlier in terms of the routing and the final
18 environmental impact statement, I have a question.

19 Did the uncertainty in the final routing of the
20 proposed railway and the railway crossings limit the
21 accuracy or the completeness of the impact predictions
22 and management plans you presented to the Nunavut
23 Impact Review Board for this assessment?

24 UNIDENTIFIED SPEAKER: (OTHER LANGUAGE SPOKEN)

25 THE CHAIR: Baffinland.

26 MR. KAMERMANS: Thank you, Madam Chair. Lou

1 Kamermans, Baffinland.

2 Attached to our rail alignment summary report,
3 Appendix K includes an environmental review of Route 3,
4 and it looks at all the different components of our
5 assessment, so -- so, like, archaeology, for instance,
6 atmospheric, terrestrial, and basically provides an
7 understanding of what the modification means for the
8 integrity of those assessment conclusions and confirms
9 that given the close proximity of the alternate
10 deviation route, that none of those conclusions
11 would -- would change as a result of -- of the -- of
12 electing to go with Route 3.

13 Thank you.

14 THE CHAIR: 3:00. Break for 15 minutes.

15 A 15-minute break.

16 (ADJOURNMENT)

17 THE CHAIR: Please take your seats.

18 We just got through the presentation on public
19 consultation and Inuit Qaujimajatuqangit, which, as you
20 know, was Item Number 2 on Day 1 of the agenda. In the
21 interest of time, we're going to be combining
22 presentations. The next presentations are on the
23 alternatives assessment, as well as atmospheric
24 environment. Both presentations will be combined, and
25 questions will be directed to both topics when we get
26 to the round of questions.

1 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, it's my understanding that
6 alternatives assessments and terrestrial environment
7 are the two that will be combined in terms of
8 presentation materials, and there are additional
9 witnesses for this -- for this segment.

10 So if I can have the additional witnesses state
11 and spell their name for the record, please.

12 MR. SETTERINGTON: Michael Setterington,
13 M-I-C-H-A-E-L S-E-T-T-E-R-I-N-G-T-O-N.

14 MS. PITTMAN: Fay Pittman, F-A-Y
15 P-I-T-T-M-A-N.

16 MS. MEADOWS: Thank you, Madam Chair.
17 Teresa Meadows, legal counsel for the Nunavut Impact
18 Review Board.

19 Do the witnesses wish to be sworn or affirmed?

20 MR. SETTERINGTON: Madam Chair, Michael
21 Setterington. I will be affirmed.

22 MS. PITTMAN: Fay Pittman. I will be
23 affirmed as well.

24 Michael Setterington and Fay Pittman, Affirmed

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

1 Review Board.

2 Madam Chair, I have three copies of the
3 alternatives analysis hard copy PowerPoint
4 presentations that I propose to file as the next three
5 exhibits in this hearing, and I will also file at this
6 time as well the terrestrial environment presentation,
7 which consists of the terrestrial environment
8 presentation in English, Inuktitut, and French. And,
9 with that, those are my procedural matters, Madam
10 Chair.

11 EXHIBIT 12 - Hard copy PowerPoint
12 presentation Alternatives Analysis Final
13 Hearing Iqaluit and Pond Inlet November 2019
14 (English)

15 EXHIBIT 13 - Hard copy PowerPoint
16 presentation Alternatives Analysis Final
17 Hearing Iqaluit and Pond Inlet November 2019
18 (Inuktitut)

19 EXHIBIT 14 - Hard copy PowerPoint
20 presentation Alternatives Analysis Final
21 Hearing Iqaluit and Pond Inlet November 2019
22 (French)

23 EXHIBIT 15 - Hard copy PowerPoint
24 presentation Terrestrial Environment Final
25 Hearing Iqaluit and Pond Inlet November 2019
26 (English)

1 EXHIBIT 16 - Hard copy PowerPoint
2 presentation Terrestrial Environment Final
3 Hearing Iqaluit and Pond Inlet November 2019
4 (Inuktitut)

5 EXHIBIT 17 - Hard copy PowerPoint
6 presentation Terrestrial Environment Final
7 Hearing Iqaluit and Pond Inlet November 2019
8 (French)

9 THE CHAIR: Baffinland, you may proceed.
10 Ms. Kowbel.

11 MS. KOWBEL: Thank you, Madam Chair. I
12 just wanted to note there was a small change to one of
13 the slides on the terrestrial presentation. The
14 electronic copy is the correct copy, and these were
15 also all corrected in the -- in the presentations you
16 might have picked up at the back. Mr. Setterington,
17 when he gets to that slide in the terrestrial
18 presentation, will note which slide had changed just in
19 case anybody printed out the one on the registry.
20 Thank you.

21 THE CHAIR: Legal counsel.

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

25 Thank you for the clarification, Ms. Kowbel. For
26 the benefit of the parties who are here, the -- my

1 understanding is the change will be in the projected
2 versions of the presentation and the filed versions of
3 the presentation compared to those that are on the
4 public registry and have already been filed, so a
5 slight modification, and the witness can identify for
6 us where that slide is.

7 Thank you, Madam Chair. Those are my procedure
8 matters.

9 THE CHAIR: Baffinland, you may proceed.
10 Presentation by Baffinland Iron Mines Corporation
11 (Alternatives Analysis and Terrestrial Environment)

12 MR. KAMERMANS: Thank you, Madam Chair. My
13 name is Lou Kamermans, Baffinland's director of
14 sustainable development, and I'll be describing the
15 alternatives analysis for Phase 2 found in Technical
16 Supporting Document 1 of our addendum.

17 This presentation will describe our approach to
18 the assessment of alternatives. We'll touch on both
19 the alternatives to the project, as well as the
20 alternative means of carrying out the project. Final
21 written submissions and Baffinland's recent
22 supplemental submissions related to the assessment of
23 alternatives will also be described.

24 As has been discussed in previous presentations,
25 Baffinland has contemplated different paths forward for
26 growing the Mary River Project. As part of this

1 consideration, Baffinland undertook a comprehensive
2 alternatives assessment, examining alternatives for
3 project development and contemplating options for
4 project design that would be both technically and
5 economically feasible, while still minimizing effects
6 of the project on the environment and local
7 communities.

8 Four performance criteria were applied in the
9 assessment, including technical feasibility, which was
10 whether or not a given alternative will achieve the
11 required outcome; cost effectiveness considered the
12 life cycle costs of an alternative. In some instances,
13 the question is whether or not the alternative can be
14 financially supported by the project. Environmental
15 acceptability is the third criteria, and this
16 considered whether an alternative will have an
17 unnecessarily large environmental footprint or cause
18 unacceptable effects. Community acceptability was the
19 fourth criteria, and it was based on the feedback
20 Baffinland received during community meetings,
21 workshops, and Inuit knowledge studies and included a
22 qualitative determining of the balance of perspectives
23 that have been shared.

24 Each of the alternatives that will be discussed in
25 the remainder of this presentation were qualitatively
26 rated relative to these performance criteria, and any

1 alternatives that were not technically feasible or
2 economically viable were not carried forward in the
3 assessment for further examination.

4 Since the submission of the Phase 2 final
5 environmental impact statement addendum in October of
6 2018, Baffinland has received information requests from
7 intervenors seeking a more detailed description of how
8 community acceptability was determined and used in the
9 alternatives analysis.

10 Notwithstanding an acknowledgement that community
11 perspectives are inherently diverse in nature,
12 Baffinland's understanding of community acceptability
13 was largely derived from the extensive public
14 consultation and IQ study efforts Baffinland has
15 undertaken. Some of the key consultation activities
16 that informed the analysis have been listed in this
17 slide and in other presentations given today. However,
18 we note that our understanding of community preference
19 continues to evolve as we further deepen our
20 relationships with the community and new perspectives
21 are brought forward.

22 In addition to prior work, following completion of
23 the alternatives analysis and the development of the
24 final project design for Phase 2, Baffinland consulted
25 extensively on the proposal to better understand local
26 communities' concerns related to key aspects of the

1 project. Through these consultation efforts, we have
2 refined project management and mitigations with the aim
3 of increasing community acceptability and to minimize
4 potentially negative adverse effects of these project
5 components on local land users.

6 As previously mentioned, when the price of iron
7 ore dropped in 2014, Baffinland realized that
8 alternatives to the originally proposed Steensby
9 Project needed to be considered to ensure the viability
10 of the project. Ultimately, this need informed the
11 development of the Phase 2 proposal.

12 The following alternatives to the project were
13 considered: ceasing production altogether, maintaining
14 the current production rate of 4.2 million tons per
15 annum, advancing the improved Steensby Project to the
16 south, or undertaking the Phase 2 proposal.

17 Implementing the Phase 2 proposal is Baffinland's
18 preferred alternative, and this option is superior for
19 several reasons. Based on operational experience,
20 Baffinland knows that the development of a railway is
21 required to sustain higher production levels and to
22 ensure economic viability of the project while offering
23 a number of environmental benefits over road haulage.

24 Building on existing infrastructure through the
25 northern transportation corridor offers an opportunity
26 to increase viability of the project with a lower

1 initial capital expenditure than would be required for
2 immediate development of the Steensby phase of the
3 project.

4 The Phase 2 proposal also minimizes expansion of
5 the project footprint, both spatially in terms of new
6 land that will need to be disturbed and temporally with
7 limited icebreaking required to support the moderate
8 extension of the shipping season.

9 Lastly, and most importantly, the Phase 2
10 expansion allows Baffinland to continue unlocking
11 the -- the potential of this project and delivering
12 meaningful benefits to local communities and Nunavut
13 for generations to come.

14 Several alternative means of carrying out the
15 Phase 2 proposal were considered and include shipping
16 route alternatives, shipping season periods, options
17 for transporting ore from the mine to the port between
18 road and rail, and railway routing.

19 Two primary alternatives were considered with
20 respect to the shipping component of the project,
21 including the shipping route and the timing of the
22 shipping window.

23 In regard to the shipping route, Baffinland
24 considered maintaining the current shipping route
25 through Milne Inlet, Eclipse Sound, and Baffin Bay. It
26 also considered the option of shipping through Navy

1 Board Inlet. The Navy Board Inlet route was considered
2 following feedback received during the 2015 and 2016 IQ
3 collection workshops when some participants expressed
4 that this option could potentially reduce interference
5 with local hunters from Pond Inlet.

6 However, since that time, community members and
7 other intervenors have expressed concerns with using
8 this shipping route, and therefore Baffinland did not
9 carry it forward in this assessment and has only put
10 forward the use of Eclipse Sound as a proposed shipping
11 corridor. Clarity on this issue was put forward to the
12 Nunavut Impact Review Board on September 20th, 2019.

13 Regarding the shipping season, Baffinland
14 considered a number of shipping season options. The
15 first was open water. This alternative appears to have
16 more community support but seriously limits the
17 economic viability of the project. The required
18 tonnage cannot be delivered in this shorter season.
19 And this has implications on the cost effectiveness of
20 the project, as well as the commercial impacts
21 regarding the reliability of supply of ore to our
22 customers.

23 Eight-and-a-half month shipping was also looked
24 at. This was the shipping season originally considered
25 by Baffinland when the Phase 2 proposal was first
26 proposed in late 2014. After hearing feedback from the

1 community of Pond Inlet, Baffinland decided not to
2 pursue this alternative. It was also not carried
3 forward, as there are greater technical challenge --
4 challenges related to icebreaking and ice management,
5 as well as trans-shipping activities and facilities and
6 the required seasonal fuel storage at sea.

7 Ultimately, Baffinland's preferred option is an
8 extended season with icebreaking escort vessels. This
9 would involve shipping between the nominal dates of
10 July 1st to November 15th, but always as ice conditions
11 permit. To clarify, Baffinland puts forward an option
12 that would be limited by the presence of land-fast ice
13 and is not directly linked to these dates. Icebreaking
14 vessels in this scenario will be required at the
15 beginning and end of the season for escort. This
16 option is technically feasible since icebreaking will
17 only be required for a short amount of time, and fewer
18 high ice-class vessels to transport ore will be needed
19 compared to year-round shipping or eight-and-a-half
20 month shipping.

21 For Baffinland, this option presents the best
22 compromise between the needs of the project with the
23 concerns raised by the communities. Baffinland has
24 also committed to several mitigation and management
25 measures that will limit the effects of this shipping
26 window on local hunting activities and marine mammals,

1 which you will hear more about in the presentations
2 given later today on the marine environment.

3 Baffinland considered options of shipping
4 12 million tons per annum by truck using the existing
5 tote road and also by rail. The option by rail has
6 been identified as our preferred alternative.

7 The construction and operation of a railway will
8 provide Baffinland with a lower operating cost,
9 increased operational certainty, as road operations can
10 be interrupted as a result of weather or maintenance
11 and allows for increased public and wildlife safety by
12 greatly reducing the number of transits along the
13 transportation corridor each day.

14 Another key factor that was considered in the
15 analysis was community feedback and the results of our
16 environmental monitoring which show that dust generated
17 from transporting ore by road was higher than initially
18 predicted in the final environmental impact statement
19 addendum for the Early Revenue Phase. The development
20 of the railway presents both a technically and
21 economically feasible option that would eliminate an
22 environmental concern that is continued to be raised by
23 community members since the Early Revenue Phase
24 operations began.

25 As mentioned in the project description
26 presentation or overview given yesterday and the day

1 before, a critical consideration in selecting the final
2 railway alignment put forward in the final
3 environmental impact statement addendum was the
4 identification of an option within Baffinland's
5 established transportation corridor. The intention of
6 transportation corridors is to confine all linear
7 features such as roads, railways, pipelines, or
8 transmission lines to a common corridor to minimize
9 environmental impacts.

10 Between 2017 and '18, the Phase 2 proposal was
11 subject to a public review by the Nunavut Planning
12 Commission resulting in Amendment Number 3 to the North
13 Baffin Regional Land Use Plan. This amendment allowed
14 for a railway to be built within the northern
15 transportation corridor and set a 10-kilometre limit to
16 its width.

17 As described in the rail alignment summary report
18 submitted on October 15th, investigating any other
19 alternatives outside the northern transportation
20 corridor was unacceptable as it would have required an
21 additional amendment to the North Baffin Regional Land
22 Use Plan and the associated review process.

23 Within the northern transportation corridor,
24 consideration of routing to the greatest extent
25 feasible was given to minimizing additional land
26 disturbance and keeping the project footprint as small

1 as possible.

2 As described in the alternatives analysis of
3 Technical Supporting Document 2, Baffinland considered
4 its preferred routing alongside the tote road, as well
5 as a historical rail alignment option that had been
6 previously considered by Baffinland during
7 pre-feasibility studies in 2006.

8 Option A on this map, which would be the hatched
9 line to the left, is the preferred location adjacent to
10 the tote road and within the existing northern
11 transportation corridor as defined under the North
12 Baffin Regional Land Use Plan.

13 In order to minimize the environmental footprint
14 of the railway, the original design work was to keep
15 the rail alignment within 100 metres of the tote road.
16 However, the final alignment of Option A was determined
17 through geotechnical studies to approximate the
18 alignment. This was then refined through further
19 geotechnical investigation work and will be further
20 refined during the construction, should Phase 2 be
21 approved.

22 Option B was considered by Baffinland in 2006
23 during the development of the original project
24 proposal, and while high-level studies indicated it
25 could be technically feasible, there was much less
26 certainty with ground conditions compared to Option A.

1 It also required additional access roads for
2 construction and could have required additional
3 archaeological mitigations that were yet to be
4 determined.

5 Also, there are portions of the alignment that are
6 greater than 10 kilometres from the tote road, and this
7 would have required an additional amendment to the
8 North Baffin Regional Land Use Plan and associated
9 review process.

10 During community meetings in early 2019, community
11 members in Pond Inlet expressed concern regarding the
12 proposed rail deviation. The deviation refers to the
13 area where the railway departs from running parallel to
14 the tote road at the Kilometre 67 hill. It is
15 approximately 20 kilometres in length and, at the
16 greatest extent, approximately 7 kilometres away from
17 the tote road near Kanajjuk. The deviation is a
18 technical requirement to build the railway. Unlike ore
19 haul trucks, trains cannot safely navigate sharp
20 corners or travel up and down steep hills.

21 Phase 2, as it has been proposed to the Nunavut
22 Impact Review Board, includes Route 1 as shown in red
23 on this map. The community concerns raised during
24 consultation on the rail alignment were twofold: The
25 route intersected the main travel route between Pond
26 Inlet and Igloolik, and the area is an important

1 hunting area for caribou.

2 As was planned, Baffinland held a workshop at the
3 mine site to discuss the rail alignment and crossings
4 for both land users and wildlife. At this workshop,
5 two subsequent routes were put forward for Baffinland
6 to consider. Baffinland was asked to consider both
7 options and return to the communities of Pond Inlet and
8 Igloolik with a determination on the feasibility of
9 either alignment. Baffinland undertook further
10 engineering studies in August and returned to the
11 communities several times in September and October to
12 discuss the outcomes. As an alternative to Route 1,
13 the two other rail alignments were proposed by workshop
14 participants.

15 Route 2, shown on this map in yellow here -- or --
16 my apologies. The speaking notes are mistaken.

17 Route 1 shown on this map in red was the preferred
18 route -- no. I'm mistaken again about my speaking
19 notes. I apologize. I will start again.

20 Okay. Route 2 was, in fact, shown on this map in
21 yellow, and this was the preferred route of Pond Inlet
22 at the time of the workshop. However, following
23 further investigation, it was determined that Route 2
24 presents unacceptable risks for the safe operation and
25 maintenance of the railway. Deep cuts and high
26 embankments also pose risks to land users and wildlife

1 that we found to be unacceptable.

2 Route 3, shown on this map in blue, was another
3 preferred alternative to Route 1. Based on community
4 feedback, it is Baffinland's understanding that Route 3
5 would minimize interference with the travel route
6 between Igloolik and Pond Inlet.

7 Unlike Route 2, Route 3 does not present any
8 immediate concerns for the safe operation and
9 maintenance of the railway; however, there is still
10 uncertainty related to ground conditions and what would
11 be required to technically build the railway.

12 On October 15th, Baffinland released a rail
13 deviation -- a rail alignment summary report and a rail
14 deviation alignment decision work plan which outlined
15 the process it proposed to determine the final rail
16 alignment, which included consideration of the results
17 of geotechnical field work planned for this winter.

18 Today, Baffinland is pleased to confirm that it
19 will build Route 3 regardless of the conditions it
20 counters [sic] along the alignment, acknowledging Pond
21 Inlet's relative preference for this alternative route.

22 Baffinland has received a letter from the
23 community of Arctic Bay in support of the construction
24 of Route 3 on October 24th, which it will file as
25 evidence.

26 It is important to note that, irrespective of the

1 final alignment, Baffinland has committed to extensive
2 mitigation measures to ensure the safe passage of land
3 users and wildlife across the railway. Baffinland has
4 also committed to the development of a safety protocol
5 and communication plan and the construction of hunters
6 cabins and snowmobile crossings along the selected
7 alignment based on community feedback.

8 A detailed description of this undertaking has
9 been provided in the rail alignment summary report that
10 was submitted on October 15th and is located in Tab 1
11 of the binder for the Board.

12 In conclusion, the Phase 2 proposal is necessary
13 to ensure the sustained economic viability of the
14 project. Baffinland has given thoughtful consideration
15 to the alternatives to the project and to carrying out
16 the project. The company has listened and responded to
17 concerns raised by the communities through the process,
18 and we remain committed to continuing to work with
19 regulators and communities to ensure the environmental
20 effects of the Phase 2 proposal are effectively
21 managed. That concludes this presentation.

22 We'll now load up the terrestrial presentation.

23 Madam Chair -- okay. Our next presenters have
24 several years of experience working on the Mary River
25 Project, both on-site conducting baseline and
26 monitoring surveys, working with community

1 knowledge-holders to incorporate traditional Inuit
2 knowledge, and analyzing and authoring volumes of this
3 in previous impact assessments.

4 Michael Setterington is a registered professional
5 biologist with Environmental Dynamics Incorporated, or
6 EDI, in Whitehorse. He's been the discipline lead for
7 the terrestrial environment on the Mary River Project
8 since 2007 and has been on-site numerous times during
9 baseline work and through construction and operations
10 for monitoring work. He has worked with community
11 members since 2007 and has continued to be engaged with
12 the project, both on-site and working with local
13 knowledge-holders.

14 Anne MacLeod is also a registered professional
15 biologist with Environmental Dynamics and has been
16 working on the project since 2011. She's the author of
17 the original bird baseline and impact assessment.
18 She's been on-site several times conducting shoreline
19 and terrestrial habitat bird surveys for baseline and
20 monitoring programs. She has also been involved in
21 recent community meetings discussing the Phase 2
22 proposal.

23 The terrestrial environment presentation will take
24 approximately 60 minutes. Like other presentations,
25 the terrestrial presentation provides an overview of
26 the impact assessment, a summary of the environmental

1 protection measures, a review of technical comments
2 that Baffinland has addressed, and conclusions about
3 project certificate conditions related to the
4 terrestrial environment. We will highlight the updates
5 that have been made in response to the changes in the
6 Mary River Project from the Phase 2 proposal.

7 MR. SETTERINGTON: Good afternoon. (OTHER
8 LANGUAGE SPOKEN). Mike Setterington with Environmental
9 Dynamics for Baffinland.

10 Good afternoon, Madam Chair, intervenors, and
11 community members. The terrestrial environment is the
12 land-based assessment that considers potential impacts
13 on vegetation and habitat, wildlife, and birds.

14 While the baseline studies and ongoing monitoring
15 programs include many species and ecosystems, the
16 Phase 2 proposal's impact assessment focused on
17 specific key indicators that were identified either by
18 the Nunavut Impact Review Board, by regulator interest,
19 by public concern, or as were made apparent by our
20 ongoing monitoring programs. These key indicators are
21 the same that have been used since the approved
22 project.

23 The impact assessment on vegetation in Technical
24 Supporting Document 9 focused on the Phase 2 proposal's
25 potential impact on plant diversity and abundance,
26 plant health, and culturally valued vegetation such as

1 edible berries.

2 The assessment of the project's potential impacts
3 on wildlife in Technical Supporting Document 10 focused
4 on caribou and wolf. Most comments, information
5 requests, and demands for more information were focused
6 on caribou, which formed the bulk of the terrestrial
7 impact assessment.

8 The impact assessment on birds in Technical
9 Supporting Document 12 includes 14 key indicators.
10 Seabirds such as the very abundant colony-nesting
11 thick-billed murre and threatened Ross's and endangered
12 ivory gulls were assessed to determine the potential
13 impacts from shipping.

14 Waterbirds such as the abundant snow goose and the
15 less common red-throated loon were assessed to consider
16 the project's potential impacts on adjacent wetland,
17 foraging, and nesting habitat.

18 Species at risk are included in the impact
19 assessment to address the federal Species at Risk Act.
20 The species at risk that are not otherwise addressed
21 include several small shorebirds such as the red knot
22 and the ground-nesting raptor short-eared owl.

23 Cliff-nesting raptors, including peregrine falcon,
24 were considered because of their long-term presence at
25 specific nesting locations that may be impacted by
26 project activities.

1 Additionally, one of the more common songbirds
2 around the project, Lapland longspur, was considered to
3 determine the project's potential impacts on
4 terrestrial nesting habitat.

5 Other components of the terrestrial environment
6 such as landforms, soil, and permafrost were addressed
7 in Technical Supporting Document 8; however, there were
8 few comments on and no outstanding issues about the
9 physical terrestrial environment, so they are not
10 discussed in this presentation.

11 Madam Chair, please note that this is the slide
12 which is a revised version from the one filed, so I
13 direct your attention to the screen.

14 Additional to the information in the technical
15 supporting documents, Slide 5 lists some of the
16 additional materials that were submitted to address
17 intervenor and community requests since the impact
18 assessment was submitted in August 2018.

19 For the physical environment, there were some
20 additional reports about borrow sources and
21 geotechnical considerations for the railway that were
22 submitted to address those concerns.

23 For the biological environment, through further
24 community engagement, meeting with regulators, data
25 analysis, and reporting, Baffinland prepared several
26 additional reports and analytical results to address

1 both broad and specific information requests about the
2 Phase 2 proposal.

3 Baffinland held community risk assessment
4 workshops from January through May 2019 to better
5 incorporate Inuit perspectives on the impacts of the
6 project and protection measures for the terrestrial
7 environment. The reports of those workshops were
8 submitted to the Nunavut Impact Review Board in October
9 2019.

10 In response to concerns from the Mittimatalik
11 Hunters and Trappers Organization and requests from the
12 Government of Nunavut, Baffinland built a section of
13 the railway on-site to ensure that community members
14 and regulators understand exactly what the railway will
15 look like and what risk it may pose to caribou
16 movement. That mock railway was visited as part of a
17 crossings workshop with a report on the workshop
18 submitted as additional assessment information.

19 The Government of Nunavut department of
20 environment wanted more information on the railway
21 embankment and operation. To address those questions,
22 we provided a sensitivity analysis about embankment
23 height alternatives as a criterion of caribou crossing
24 and predicted noise of train operation. Also, at their
25 request, we provided a detailed analysis of potential
26 impacts based on varying levels of disturbances

1 providing an unprecedented level of information on
2 possible impact outcomes across all Nunavut impact
3 assessments.

4 The Qikiqtani Inuit Association wanted specific
5 information on habitat areas used to calculate
6 cumulative habitat disturbance and requested further
7 information on how we determined impact significance.
8 That information was provided throughout the review
9 process and in the final written submission in October.

10 The terrestrial environment reports assessed the
11 impacts related to changes from the Phase 2 proposed
12 development and activities. The re-evaluation of the
13 impact assessment to address the changes from the
14 Phase 2 proposal included: updated baseline reports to
15 include data from six years of monitoring vegetation,
16 wildlife, and birds; updated information from regional
17 monitoring programs and a collection of contemporary
18 Inuit knowledge about wildlife; updated impact
19 assessments to include lessons learned from 14 years of
20 on-the-ground work and 6 years of project operation;
21 and an updated terrestrial environment monitoring plan
22 based again on lessons learned and to incorporate
23 changes as requested by regulators and others during
24 the review of this proposal.

25 The Phase 2 proposal adds some additional loss to
26 vegetation and habitat from some changes to the

1 footprint of Milne Port, some realignment of the road,
2 and infrastructure construction for the rail where it
3 deviates from the existing tote road corridor and
4 associated quarries, cuts, and fills.

5 The Phase 2 proposal also includes additional
6 sensory disturbances at Milne Port associated with
7 expanded ore handling from the current 6 million tons
8 and the proposed indoor secondary crushing.

9 However, the Phase 2 proposal also results in
10 reduced disturbance in certain project areas as
11 compared to the current operations.

12 Most notably, while the railway will be a new
13 disturbance, ultimately with the ore being moved by
14 rail, there will be much less traffic from the mine to
15 Milne Port with, at most, 10 to 20 rail transits per
16 day.

17 While there will still be some traffic on the
18 road, there will be less disturbance associated with
19 the northern transportation corridor under the Phase 2
20 proposal than there is with the current tote road ore
21 haul operation.

22 Additionally, the switch to rail transport will
23 result in less dust generation along the northern
24 transportation corridor as compared to the current
25 truck haul operations.

26 Ultimately, the Phase 2 additions resulted in a

1 re-evaluation of vegetation and habitat loss from the
2 changing footprint, the potential for reduced habitat
3 effectiveness from some changes, both positive and
4 negative to sensory disturbance, and a re-evaluation of
5 a potential barrier to caribou movement from the
6 railway embankment structure and revised northern
7 transportation corridor traffic patterns.

8 The Phase 2 proposal's land-based activities are
9 encompassed within the same terrestrial regional study
10 area used from the start of the Mary River Project's
11 impact assessment. All direct project impacts such as
12 habitat loss and the highest disturbance from things
13 such as noise, vibration, and dust will occur within
14 the potential development area, also referred to as the
15 "project footprint", although difficult to see the
16 scale of this figure, is shown in black through the
17 middle of the red regional study area.

18 Potential cumulative impacts were considered at
19 the scale of the North Baffin Island caribou range.
20 Considering potential project and cumulative impacts of
21 these scales are biologically relevant to the key
22 species of interest, caribou.

23 It is important to study both the impacted area
24 within the footprint of the project itself and outside
25 of the footprint to put disturbance in perspective so
26 that we can determine what the impacts are relative to

1 regional conditions.

2 The Phase 2 proposal is a marginal increase in
3 footprint at approximately 14 square kilometres or
4 0.01 percent of the North Baffin Island caribou range.
5 We summarize those numbers in Technical Supporting
6 Document Number 27, Addendum Number 2 submitted to the
7 Nunavut Impact Review Board in August and in
8 Baffinland's response to the Qikiqtani Inuit
9 Association's Final Written Submission Number 1, Part 3
10 that requested detailed area calculations used in the
11 terrestrial environment impact assessment.

12 The vegetation, birds, and wildlife technical
13 supporting documents all consider the potential impacts
14 from the footprint of the project itself and the
15 potential for disturbance outside of the footprint.
16 For example, what are the additional impacts of dust
17 and emissions outside of the potential development area
18 on vegetation, or how might noise from the mining and
19 trucking impact caribou use outside of the potential
20 development area?

21 Direct impacts on habitat were quantified by
22 assuming that the potential development area is, for a
23 relatively long term, a complete loss of usable
24 habitat.

25 Baffinland also assessed effects within a zone of
26 influence, the assumption being that the mine, road,

1 and rail and port will somehow affect bird and wildlife
2 distribution and abundance outside of the potential
3 development area. Indirect impacts were quantified by
4 estimating a zone of influence, which is a common
5 approach in impact assessment for arctic mines. The
6 zone of influence is a theoretical area within which
7 animals or plants are potentially disturbed by project
8 noise, activity, and emissions. The science is still
9 developing in this area, so the predictions of a zone
10 of influence used in the Phase 2 assessment were
11 conservative; that is, they likely overestimate an
12 impact.

13 The potential cumulative impacts with other
14 projects and disturbances that overlap or are within
15 the North Baffin Island region were assessed in
16 Technical Supporting Document 27. In this figure on
17 Slide 8 taken from the cumulative effects addendum, you
18 can see that Arctic Bay, Pond Inlet, the Ege Bay
19 exploration project in the bottom right, helicopter
20 flight corridors, and associated estimated zones of
21 influence were considered in the cumulative effects
22 assessment.

23 Learning and knowledge gathering have been a key
24 aspect of our long-term involvement in the Mary River
25 Project's baseline and environmental impacts
26 determinations.

1 This is not a greenfield project. We have years
2 of baseline data gathering and six years of operational
3 monitoring. We are no longer working on a project with
4 a lack of environmental data, knowledge, or
5 information.

6 The Mary River Project has triggered study in
7 North Baffin Island. There has been near continuous
8 baseline assessment monitoring and research since at
9 least 2007. This is in addition to the long-term
10 historical understanding of the terrestrial environment
11 from the Inuit traditional knowledge shared with us.

12 Regulators now have more information available to
13 them than ever would've been collected without this
14 project. From baseline assessment through to current
15 monitoring and by establishing collaborative
16 relationships with some regulators, Baffinland has
17 addressed many uncertainties about vegetation,
18 wildlife, and birds that could interact with the
19 project.

20 Part of our knowledge gathering was to address
21 community concerns about the terrestrial environment.

22 As we can see from this figure on Slide 10, that
23 most concerns were about wildlife and wildlife habitat
24 followed by birds and vegetation with a few specific
25 comments that were readily addressed for landforms,
26 soil, and permafrost.

1 At the beginning of the project, realizing that
2 not much scientific data had been collected in the
3 region and the short-term nature of that scientific
4 data, Baffinland engaged with Inuit knowledge-holders
5 to learn about the region and to discuss concerns of
6 potential impacts of the Mary River Project.

7 Public engagement on the terrestrial environment
8 started in 2007 when our botanist engaged with Inuit to
9 gather traditional knowledge about plants so that we
10 could determine and focus on, if necessary, plants that
11 were culturally valued. That information has been
12 incorporated into our ongoing efforts on vegetation
13 abundance monitoring and monitoring metals uptake in
14 some plants important to Inuit, including willow and
15 lichen.

16 Also early in the project, after several of our
17 Baffinland regional surveys found very few caribou, we
18 had to ask the community and knowledge-holders, Where
19 are and what happened to the caribou?

20 In 2008, Baffinland convened a caribou focus group
21 workshop so that we could learn from the Inuit about
22 the caribou. Thanks to -- thanks to traditional
23 knowledge shared with us, we have a better
24 understanding of the caribou population cycles and
25 movements on North Baffin Island.

26 The contemporary knowledge workshop that was

1 conducted in 2015 provided a detailed overview of the
2 impact assessment and monitoring results up to that
3 point in time. We reviewed how community knowledge had
4 been incorporated into the baseline impact assessment
5 and follow-up monitoring programs. We went back to the
6 communities and presented this information to share
7 with the participants that we had interpreted their
8 information correctly.

9 Baffinland held risk assessment workshops from
10 January through May 2019 to better incorporate Inuit
11 perspectives on the impacts of the project and
12 protection measures for the terrestrial environment.
13 Reports of those workshops were submitted to the
14 Nunavut Impact Review Board in October.

15 Also, in 2019, Baffinland conducted a railway
16 crossing workshop that included an on-site visit of the
17 proposed rail route and a viewing of the proposed
18 railway embankment.

19 Additional to those workshops, Baffinland has
20 held -- has had Elder participation in terrestrial
21 monitoring programs, and the Mittimatalik Hunters and
22 Trappers Organization are formal members of the
23 terrestrial environment working group.

24 Baffinland recognizes the importance of continued
25 monitoring, and continued emphasis will be placed on
26 Inuit involvement, collaboration, and discussion as an

1 adaptive approach to managing project impacts in a way
2 that incorporates the principles of Inuit
3 Qaujimajatuqangit.

4 Madam Chair, science does not have all of the
5 answers, nor are we able to predict exactly what will
6 happen in the future. Inuit do not have all the
7 answers. There is and always will be some level of
8 uncertainty regarding exactly what will or could
9 happen.

10 To address this, Baffinland has taken several
11 approaches to addressing uncertainty. We strive to get
12 more data and model more potential outcomes. We
13 discuss and incorporate information that has been
14 shared with us by Inuit knowledge-holders to get their
15 perspectives on risks and solutions. We have ongoing
16 monitoring programs. There is continual regulator,
17 community, and Nunavut Impact Review Board oversight.
18 We are learning by doing. This is the essence of
19 adaptive management. And, ultimately, for the Phase 2
20 proposal, Baffinland actually built part of the
21 project, the mock rail embankment, so people could see
22 exactly what it will look like.

23 To our modelling, we've run multiple iterations of
24 caribou habitat and population models. We developed
25 habitat models based on the best available information.
26 Baffinland was the first project in Nunavut to develop

1 and use resource selection probability function models
2 to quantify an impact assessment. No other project has
3 quantified potential habitat impacts to the level of
4 detail that this project has.

5 At the request of the Government of Nunavut, we
6 provided a variety of outcomes for the permeability of
7 the railway embankment by analyzing the permeability
8 based on variable criteria of height, and that was in
9 Baffinland's response to the Government of Nunavut's
10 Technical Comment Number GN-TRC 12 submitted to the
11 Nunavut Impact Review Board in March 2019.

12 You'll see in the presentations coming up that the
13 Government of Nunavut and the Qikiqtani Inuit
14 Association lack certainty in our cumulative impacts
15 analysis. In response to that issue, we have conducted
16 a sensitivity analysis related to cumulative
17 disturbances by increasing and decreasing disturbance
18 levels by 25 percent. That additional analysis was
19 submitted to the Nunavut Impact Review Board in August
20 2019 in the second addendum to the Technical Supporting
21 Document Number 27.

22 Seasonal habitat predictions, including
23 underestimate, reasonable, and overestimate impact
24 scenarios, resulted in nine potential outcomes.

25 We also considered caribou population estimates
26 that considered low to high levels of disturbance with

1 and without harvest, with and without the existence of
2 the project, resulting in eight potential population
3 outcomes.

4 In addition to the multiple scenarios we have
5 provided for the Phase 2 proposal impact assessment,
6 this is the third time that this project has been part
7 of an intense technical and public review of project
8 interactions and potential outcomes.

9 Madam Chair, this project is not new. This is a
10 continued development of an already approved operation
11 where we have learned lessons, and we have incorporated
12 those lessons in the Phase 2 proposed development.

13 Generally, the proposed mitigations outlined here
14 on Slide 14 follow standard practices that are applied
15 across all mine -- all northern mining projects adapted
16 specifically for the Mary River Project site.

17 By design, Baffinland minimizes habitat loss by
18 planning a project footprint to fit in as small an area
19 as possible. By switching from road to rail, effects
20 from dust, and the physical presence of repeated
21 vehicle passes are substantially reduced.

22 By operation, Baffinland is working towards
23 reclamation planning to return habitat to a natural
24 state and continues to modify dust control measures to
25 better address dust deposition and resulting impacts.

26 In operations, wildlife has the right of way to

1 ensure movement through the project area. Inuit tell
2 us that this is important, to let the caribou leaders
3 pass so that others will follow. To further protect
4 movement, Baffinland keeps snowbanks low along the
5 road, and the rail will also have low snowbanks.

6 Hunting is not allowed by non-Inuit staff. Speed
7 limits are the best mitigation to avoid collisions, and
8 those are enforced on the project and modified when
9 necessary.

10 Baffinland finds that employee awareness is
11 important to ensure management and implementation of
12 these protection measures.

13 Specific to the Phase 2 proposal, Baffinland
14 introduces a northern railway mitigation of which we'll
15 discuss in more detail shortly.

16 Madam Chair, to ensure that community members,
17 land users, and hunters and trappers understand the
18 proposed Phase 2 development, we held several workshops
19 on the land to discuss points of concern to determine
20 what the issues are and to discuss what Baffinland can
21 or cannot do to address those concerns for the
22 terrestrial environment.

23 In July of 2019, Baffinland again engaged with
24 knowledge -- with knowledgeable community members in a
25 crossing workshop where we visited the site and
26 discussed the community concerns and, with them,

1 suggested some solutions. We visited key points along
2 the rail route, mapped and documented concerns,
3 listened, and proposed some engineered solutions both
4 on-site and as a follow-up reporting and planning.

5 The crossings report summarizes the points of
6 interest and the potential engineered solutions.
7 Potential solutions include underpass and level
8 crossings for human and wildlife crossing. There was
9 also an assessment of the overall permeability of the
10 alignment to caribou.

11 For instance, this figure on Slide 16 includes a
12 proposed snow-machine trail, a potential hunter and
13 trappers cabin, and a proposed snow-machine crossing to
14 ensure that travel is not impacted by the railway
15 embankment.

16 Baffinland understands the results of that
17 workshop to not necessarily represent all points of
18 interest or concern, and that is why Baffinland
19 proposes and strongly supports a continuous and engaged
20 adaptive management approach involving Inuit to ensure
21 that the rail does not pose a barrier to human or
22 wildlife movement.

23 The mock railway embankment on Slide 17 was built
24 by Baffinland to ensure that community members and
25 regulators had a clear idea of what was being proposed.
26 Baffinland built this in response to the Government of

1 Nunavut department of environment's suggestion that
2 community members may not be aware of the structure
3 based on the proposal's engineering drawings alone.

4 The structure was built so that we could have
5 on-site discussions about the risk to human and caribou
6 crossing. It was built specifically to address
7 firsthand the concerns of both community and
8 regulators.

9 The mock embankment includes a design slope of
10 1 to 1.5; the coarser ballast material, which is the
11 larger rock in the top right photo, which, on
12 embankments under 4 metres or 13-feet high, will be
13 covered by fine in-fill material, which is the Type 8
14 material in the bottom right.

15 Slide 17 also illustrates a typical level crossing
16 ramp for snow-machine travellers to move easily over
17 the rail. That ramp is partially shown in the larger
18 photo on the left.

19 Madam Chair, this is the same embankment that you
20 saw during your site tour with other Board members and
21 staff on your September 21st site tour.

22 Community members twice visited the mock
23 embankment during the crossings workshop in July 2019.
24 Although we feel that it was generally accepted amongst
25 the community participants that the structure would not
26 be a barrier to caribou movement, Baffinland will be

1 using a finer Type 8 material as seen in the bottom
2 right photo along the entire rail to ensure more even
3 ground for caribou and wildlife travelling up and over
4 the rail.

5 Baffinland will also be creating a 1-to-2 slope
6 where the embankment is up to 13-feet high. The 1-to-2
7 slope that Baffinland is proposing is gentler than a
8 typical set of stairs.

9 Slide 18 illustrates how Baffinland protects
10 caribou along the tote road. When caribou are near the
11 tote road, specific operating procedures are followed
12 to ensure that caribou can move freely. These measures
13 are part of the approved project and have been in place
14 for several years.

15 In the following Slide 19, I would like to
16 demonstrate how these measures will be adapted to rail
17 operations.

18 The caribou decision framework for rail is very
19 similar to the caribou decision framework for road but
20 with a response at greater distances to allow for
21 adjustments to the longer stopping distances required
22 for a train. The greater visual distance is possible
23 due to the greater visibility from the locomotive
24 operators.

25 The rail traffic controller can immediately
26 contact all personnel currently on the track. As such,

1 the controller can stop all rail traffic, issue speed
2 restrictions to all movements approaching an area where
3 caribou have been spotted, or simply inform all
4 personnel on the track of caribou presence.

5 Instructions will be given to all track personnel
6 to systematically report to the controller any caribou
7 sighting. And when caribou are near and approaching
8 the track, operators will apply a reduced speed rule,
9 which means that the train must be able to stop within
10 half the distance that an obstacle being seen in front
11 of the train.

12 When caribou start coming back and are observed on
13 a more regular basis, additional measures such as
14 special inspections in front of trains can be performed
15 with the use of a truck that runs on rail, also known
16 as a "hi-rail truck".

17 During limited daylight, the ditch lights located
18 in the front of the locomotive allow train drivers to
19 see approximately 820 feet in the surrounding area. In
20 those conditions, track speed restrictions would be
21 immediately implemented as a preventative --
22 preventative measure during periods of low visibility
23 if caribou are noted near the track.

24 So, in summary, Baffinland has identified a suite
25 of mitigation by design and operational mitigation
26 measures to minimize the effects of rail construction

1 and operation on wildlife.

2 As a component of the rail alignment summary
3 report, which is in your binders as well as Appendix P
4 of the final written submission responses, Baffinland
5 assessed the ability of caribou to cross the proposed
6 rail structure, assuming the use of a Type 8 embankment
7 material, which is the finer material, and an
8 embankment slope of 1 to 2 for sections up to 13-feet
9 high. To be conservative, we assumed that caribou were
10 unable to cross in areas where a cut or a fill is
11 greater than 13-feet high or deep.

12 The analysis found that based on those simple
13 criteria alone, approximately 66 percent of the
14 proposed rail alignment will be permeable to caribou,
15 including some sections up to 3 kilometres or about 2
16 miles long. Notably, this analysis describes the
17 ability of caribou to move across the proposed rail
18 structure without further mitigation such as specific
19 crossing structures. However, Baffinland can build at
20 least 45 crossing structures, including 13 level
21 crossings and 15 plate-arch culverts, along the
22 proposed alignment to further improve the ability of
23 wildlife and people to cross if necessary.

24 Baffinland has also committed to numerous
25 operational mitigation measures building on what we had
26 developed for the approved southern rail operation.

1 This includes letting the leaders pass, constant
2 vigilance and monitoring, speed limits, and reasonable
3 stopping distances.

4 Prior to construction, an on-site review of
5 caribou trail crossing will be conducted with Elders
6 and hunters to identify the location of crossing
7 structures.

8 Additionally, Baffinland has proposed a formalized
9 process where land users can request from Baffinland
10 additional crossing areas where future observations
11 show that they are required.

12 In current operations, Baffinland is already
13 engaged in a series of robust monitoring programs
14 looking at vegetation, birds, and wildlife, and these
15 are described in the terrestrial environment mitigation
16 and monitoring plan, which is in Technical Supporting
17 Document 28. Many of these monitoring programs have
18 been in place since the beginning of mine operations at
19 Mary River and already have several years of baseline
20 and operational monitoring data.

21 We have reviewed the terrestrial monitoring
22 program and by incorporating enhancements that were
23 proposed through this review process, we've determined
24 that the current programs encompass the proposed
25 project changes.

26 Our monitoring includes a variety of programs that

1 both document project disturbance and assess how it is
2 impacting the surrounding environment. Project
3 disturbance monitoring includes tracking the project
4 footprint and various project activities such as road
5 traffic volumes, helicopter overflights, and dust
6 dispersal.

7 Baffinland's vegetation monitoring is likely the
8 most labour-intensive of the terrestrial monitoring
9 programs. It includes a variety of programs looking at
10 vegetation abundance, diversity, and metals uptake.
11 Specific indicators include the occurrence of exotic
12 invasive plant species, percent plant cover, and metal
13 concentrations in soils and vegetation. Much of this
14 monitoring is conducted at a very fine scale. For
15 example, our vegetation health monitoring can detect
16 minute changes in the concentration of metals in
17 vegetation, including lichen that are eaten by caribou.

18 Baffinland conducted extensive bird surveys in the
19 early days of monitoring for the approved project.
20 This includes shoreline surveys for nesting birds to
21 study the potential impacts from ship wakes, more
22 intensive and focused surveys for species at risk, and
23 an experimental design to determine if road traffic
24 could impact birds.

25 After data were collected and the results
26 discussed with the terrestrial environment working

1 group, many of those surveys were discontinued because
2 ultimately they would not inform on impact -- on
3 project impacts due primarily to very low numbers of
4 birds.

5 Ongoing regional monitoring for birds includes
6 collaboration with the Canadian Wildlife Service. This
7 includes annual contributions to seabird research
8 programs and Arctic shorebird surveys.

9 Additionally, our cliff-nesting raptor monitoring
10 requirements are met by a collaborative research
11 initiative that has involved several research projects
12 looking at nest site use and nesting success for
13 peregrine falcon relative to distance from project
14 infrastructure.

15 Our wildlife monitoring is conducted at a variety
16 of spatial scales that includes both site-specific
17 monitoring and regional level studies.
18 Project-specific monitoring includes height of land
19 surveys to examine caribou habitat use and behaviour
20 near the project footprint, snow track surveys looking
21 at the movement of caribou and other wildlife along the
22 tote road, and tracking of on-site wildlife
23 observations and harvesters. Baffinland can conduct
24 these surveys on our own with the help of local
25 monitors.

26 Regional monitoring of wildlife, particularly for

1 caribou, is more complicated and must be looked at in
2 the long term. These programs are best run as a
3 collaborative effort. It is not as simple to state
4 that Baffinland alone must collect regional caribou
5 information.

6 Baffinland recognizes that several intervenors,
7 including the Government of Nunavut and the
8 Mittimatalik Hunters and Trappers Organization,
9 identified the need for Baffinland to support or
10 conduct regional level monitoring for caribou.

11 Madam Chair, Baffinland has been conducting or
12 supporting regional surveys for caribou since 2006.

13 During the project baseline data collection
14 period, Baffinland conducted seasonal aerial surveys to
15 look at caribou distribution and abundance in the
16 regional study area. In addition to those surveys,
17 Baffinland provided funding for the Government of
18 Nunavut's regional caribou collaring program from 2008
19 to 2011.

20 Baffinland has continued to support regional
21 caribou monitoring through contributions to the
22 Government of Nunavut department of environment's
23 regional caribou surveys. Most recently, this has
24 included support for caribou composition surveys of the
25 North Baffin caribou herd in the fall of 2015 and 2016
26 and the spring of 2018.

1 Baffinland will continue -- will continue to
2 conduct or support regional caribou studies or
3 monitoring programs to inform project impacts and
4 mitigation.

5 Since the start of our work on this project, Inuit
6 have worked on all terrestrial monitoring programs.
7 This participation has ranged from training
8 opportunities, to young Inuit monitors, to having an
9 Elder from the Mittimatalik Hunters and Trappers
10 Organization come on surveys to verify methods of
11 looking for and observing caribou response to the
12 project.

13 In addition to Inuit employment on specific
14 terrestrial monitoring programs, Baffinland currently
15 employs three full-time Inuit environmental technicians
16 who conduct regular environmental monitoring on-site.

17 Madam Chair, Baffinland would like to introduce
18 Mick Kappaq from Sanikiluaq. As you will hear, he
19 was a student from the Nunavut Sivuniksavut program and
20 a student of the environmental technology program at
21 Nunavut Arctic College. He worked with Baffinland as a
22 summer student in 2018 and, since 2019, has been
23 working as an on-site environmental monitor.

24 (VIDEO PLAYED)

25 MR. SETTERINGTON: The Phase 2 project will have
26 impacts. It is impossible to have a human presence on

1 the landscape and not have an impact. For instance,
2 vegetation and habitat will be lost in the potential
3 development area. Species abundance and habitat use
4 may be altered in areas adjacent to the project
5 footprint. Some wildlife movement through the project
6 area may change.

7 With mitigation, monitoring, oversight, and
8 adaptive management, the Phase 2 project will have
9 impacts that are not significant.

10 Regardless of presence of the project, the caribou
11 population will continue to grow. As described earlier
12 in this presentation, to address uncertainty about
13 possible impacts, we have provided nine different
14 scenarios on cumulative habitat impacts and eight
15 different scenarios on energetics and population
16 recovery. Regardless of the scenario, impacts are not
17 significant.

18 Slide 25 outlines some key issues that we have
19 continued to focus on throughout our assessment.

20 The Mittimatalik Hunters and Trappers Organization
21 and Qikiqtani Inuit Association are concerned about the
22 impacts of the railway alignment and potential impacts
23 on human travel routes. Towards addressing that
24 concern, Baffinland convened the crossings workshop and
25 has since followed up with many community meetings to
26 address those concerns and provide engineered solutions

1 as discussed in this and other presentations.

2 The Government of Nunavut has low confidence in
3 our cumulative impacts on caribou habitat from the
4 project and our human disturbances in the North Baffin
5 Island caribou range. To address their uncertainty,
6 Baffinland has created up to 17 different scenarios to
7 illustrate potential outcomes, all of which we consider
8 to be not significant impacts. We are also committed
9 to continued local and regional monitoring and a
10 research program to address some of the fundamental
11 scientific interests of possible mining impacts on
12 caribou and a zone of influence.

13 The Qikiqtani Inuit Association has suggested that
14 Inuit Qaujimajatuqangit has not been properly
15 considered in our significance determination. To
16 address that, Baffinland has engaged knowledge-holders
17 on several occasions to review the Phase 2 assessment
18 to help us better understand Inuit perception of risk
19 and how that applies to the Phase 2 proposal and the
20 Mary River Project as a whole.

21 Additional study is not going to reduce
22 uncertainty any further. For full certainty, we must
23 do the project and continue to learn by doing.
24 Adaptive management is, in part, based on lessons
25 learned.

26 Baffinland is continually making improvements to

1 terrestrial mitigation and monitoring programs through
2 discussions with regulators, the Mittimatalik Hunters
3 and Trappers Organizations, and local assistance. For
4 example -- as examples, due to variability, we have
5 increased the frequency of many of our sampling
6 programs. This includes work for vegetation,
7 snowbanks, snow tracks, and height of land surveys.

8 Through our robust dust monitoring program,
9 Baffinland has learned that they must pay more
10 attention to dust mitigation along the tote road and at
11 Milne Port. They have taken many steps to address that
12 issue and continued monitoring will determine the
13 effectiveness of those measures.

14 Baffinland has learned many lessons about caribou
15 from the hunters and trappers, Baffinland's regional
16 surveys, and some more contemporary knowledge from the
17 Government of Nunavut's regional caribou surveys and
18 caribou collaring program. We have learned a great
19 deal about the long-term population trend, the expected
20 recovery of the herd, and their current distribution in
21 the North Baffin Island area away from the project.

22 Collaboration by all parties and following the
23 principles of Inuit Qaujimajatuqangit in our
24 terrestrial environment working group have allowed us
25 to understand things in a broader context about
26 vegetation, birds, caribou, and habitat.

1 We have learned the value of continual engagement
2 within the work, and feedback has resulted in multiple
3 revisions to the terrestrial environment mitigation and
4 monitoring plan, revisions to monitoring programs, and
5 a direct route to feedback from regulators and Inuit on
6 the successes and areas of our programs that need
7 further attention.

8 Additionally, we are learning lessons from other
9 Nunavut and northern mining projects. We have
10 incorporated best practices, including adapting the
11 caribou decision framework for road and rail
12 operations, embankment design to accommodate caribou
13 crossing, and investigated the need for, or not, where
14 deterrence may or may not be required for caribou.

15 There is constant vigilance on this project from
16 working group meetings, to regulatory inspections, to
17 Inuit involvement as either executive staff for
18 Baffinland, as full or short-term employees on-site, as
19 community monitors, as Elder advisors on the monitoring
20 programs, and as advisors in the terrestrial
21 environment working group.

22 Baffinland has provided seven annual reports on
23 the terrestrial environment monitoring work. Those
24 reports have all gone through a rigorous review from
25 the terrestrial environment working group before being
26 presented to the Nunavut Impact Review Board, where it

1 goes under further review by regulators and staff of
2 the Board itself.

3 There are frequent inspections and site audits by
4 regulators and by Nunavut Impact Review Board staff.
5 Baffinland responds to and takes corrective actions
6 where required.

7 To enhance Inuit participation, Baffinland is
8 proposing the involvement of an Inuit advisory panel
9 that will help to address Inuit concerns and better
10 incorporate the principles of Inuit Qaujimajatuqangit.

11 Madam Chair, this oversight and the Nunavut Impact
12 Review Board's process already facilitates an adaptive
13 management approach based on continual oversight beyond
14 this hearing and project certificate amendment.

15 So like what you will see in other presentations,
16 Slide 29 summarizes the number of final written
17 submissions Baffinland received by valued ecosystem
18 component. In grey are the number of commitments
19 Baffinland has developed with intervenors to resolve
20 outstanding concerns. For the terrestrial environment
21 in blue, Baffinland received 22 final written
22 submissions, and up to this hearing, we have addressed
23 most of them with further commitments.

24 Several new and confirmation of existing
25 commitments were made during the Phase 2 proposal
26 review. Baffinland always has been and continues to be

1 supportive of the Government of Nunavut's regional
2 monitoring surveys. The project -- the baseline work
3 of this project started by Baffinland contributing to
4 the North Baffin Island caribou collaring program, and
5 the work will continue with a memorandum of
6 understanding and collaboration. Baffinland recognizes
7 that regional monitoring of caribou is a mandated
8 government responsibility, and we value them sharing
9 that information to inform on our project impacts and
10 mitigation.

11 Baffinland has made many changes to the design of
12 the railway to facilitate caribou and human movement.
13 We are at the point that without further mitigation, up
14 to two-thirds of the rail is already permeable to
15 caribou movement. Regardless, there is a process in
16 place to further facilitate movement as required.

17 Baffinland always has been committed to a
18 harvesters' study, and that is already an existing
19 project term and condition. Baffinland has been
20 recording harvesters travelling through and stopping at
21 the project. The Qikiqtani Inuit Association requests
22 a more formalized study, and Baffinland looks forward
23 to working with them to find a program that informs
24 project impacts and mitigation.

25 So, Madam Chair, Baffinland already has a
26 stringent project certificate that includes 39 terms

1 and conditions and 27 commitments related to the
2 protection of the terrestrial environment. They
3 address a variety of requirements for Baffinland to do
4 things such as minimize the project footprint, ensure
5 there is a program in place to track metals in soils
6 and plants, to support regional and community-based
7 monitoring programs, and to ensure that the programs
8 are detailed and robust enough to support management
9 decision-making.

10 Those terms and conditions are incorporated within
11 the terrestrial environment mitigation and monitoring
12 plan, Technical Supporting Document 28, Appendix U, and
13 that plan has been in place since 2012. The latest
14 rounds of revisions to that plan were made to address
15 intervenor interest during the Phase 2 review. The
16 plan is a living document that shows how Baffinland is
17 addressing the Nunavut Impact Review Board's project
18 certificate requirements for the protection of the
19 terrestrial environment.

20 On August 23rd, 2019, Baffinland suggested to the
21 Nunavut Impact Review Board some changes to some of
22 those terms and conditions. Those suggested changes
23 were to reduce redundancy, avoid conflicts among
24 conditions, and to provide greater clarity and
25 certainty in reporting content and frequency.

26 There is nothing about the Phase 2 proposal that

1 suggests that the Mary River Project needs new terms or
2 conditions related to the terrestrial environment.
3 What Baffinland has in the Mary River Project
4 certificate is sufficient for robust mitigation,
5 monitoring, and follow-up, all of that considering the
6 oversight discussed earlier.

7 So, Madam Chair, thank you. Thank you for your
8 patience and time in allowing us to describe over
9 14 years of work on this project, including the recent
10 and intense work addressing community and intervenor
11 questions about the Phase 2 proposal.

12 To conclude, I would like to summarize that the
13 terrestrial environment outside of the project
14 development area is adequately protected from project
15 disturbance.

16 Switching from truck ore haul to ore haul by rail
17 has substantial positive mitigation potential for the
18 terrestrial environment. It will reduce dust and other
19 sensory disturbances along the northern transportation
20 corridor.

21 And, finally, to ensure the terrestrial
22 environment is protected, it is important that the
23 Mittimatalik Hunters and Trappers Organization, the
24 Qikiqtani Inuit Association, regulators, and the
25 Nunavut Impact Review Board remain engaged and
26 collaborate on the oversight of the terrestrial

1 environment.

2 That presentation is complete.

3 THE CHAIR: It's almost -- it's 5:00.

4 Let's go for supper, come back at 6:30.

5 It's now 5:00. We'll break for supper, reconvene
6 at 6:30.

7

8 PROCEEDINGS ADJOURNED UNTIL 6:30 PM

9

10 (PROCEEDINGS COMMENCED AT 6:36 PM)

11 THE CHAIR: We're going to reconvene.

12 Welcome back. Questions to the alternative assessment
13 as well as terrestrial.

14 Qikiqtani Inuit Association.

15 Qikiqtani Inuit Association Questions Baffinland Iron
16 Mines Corporation

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

19 The Qikiqtani Inuit Association has asked its
20 technical team to keep its questions as pointed as
21 possible, focusing only on new evidence provided by
22 Qikiqtani Inuit Association or issues where there's
23 lack of technical resolution.

24 Given the wide scope of the Qikiqtani Inuit
25 Association's unresolved concerns about the project, we
26 cannot deal with all the issues we would like to

1 canvass and point the Board to the 245-page final
2 written submission which provides extensive detail
3 about the 53 different -- different technical areas
4 that were unresolved -- sorry, 32 areas that were
5 unresolved at the time of filing that document three
6 weeks ago.

7 A number of issues have arisen from the thousand
8 or so pages of new technical evidence which Baffinland
9 filed two weeks ago. More technical questions arose
10 from the technical presentations we just heard. We
11 have asked the Qikiqtani Inuit Association team to
12 focus only on the highest-priority issues, given the
13 time constraints in this process. Three people will be
14 asking questions for the Qikiqtani Inuit Association
15 starting with Nick Jewitt, one of QIA's technical
16 advisors.

17 Thank you, Madam Chair.

18 MR. JEWITT: Thank you, Madam Chair. Nick
19 Jewitt for QIA.

20 To support understanding of proposed changes to
21 Project Certificate Condition 179(b), are ore haul
22 truck transits along one or both directions along the
23 tote road?

24 Thank you.

25 THE CHAIR: Baffinland.

26 MR. KAMERMANS: Thank you, Madam Chair. Lou

1 Kamermans, Baffinland.

2 Can I confirm that the number you are asking for
3 clarification on is the 560?

4 THE CHAIR: QIA.

5 MR. JEWITT: Thank you, Madam Chair.

6 That would be my second question. For my initial
7 question I asked was I was just clarifying that
8 transits are one way or both ways along the tote road?

9 THE CHAIR: Baffinland.

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

12 Yes, transit is a single-direction trip. Thank
13 you.

14 THE CHAIR: QIA.

15 MR. JEWITT: Thank you, Madam Chair. Nick
16 Jewitt for QIA.

17 Baffinland has taken the position of 560 ore truck
18 transits down to 280 ore truck transits. Where is the
19 impact assessment of the ramp-up from approximately
20 180, which relates to 4.2 metric tons per annum, to 280
21 and 560 ore haul truck transits in terms of freshwater
22 and permafrost?

23 Thank you.

24 THE CHAIR: Baffinland.

25 MR. KAMERMANS: Thank you, Madam Chair. Lou
26 Kamermans, Baffinland.

1 On the subject of permafrost, given the short-term
2 duration of the activity over roughly a two-year
3 construction period -- or actually even just a year
4 while this would have occurred to support the midway
5 rail-transfer option, which was to have ore hauled in
6 quantities up to 12 million tons to a midway point
7 along the railway while the railway is being built and
8 to be transferred there and would allow the first half
9 of the railway to be commissioned prior to the entire
10 railway being built, so with that short-term duration,
11 we didn't feel a -- an assessment of the -- the
12 permafrost was required, but how this would have
13 factored into the freshwater assessment was there are
14 appendices to the atmospheric assessment that cover the
15 short-term increase in ore haul truck trips along that
16 first half of the -- of the tote road, and the
17 freshwater impacts along the tote road were,
18 essentially, qualitatively assessed, and the decision
19 was also made that this would not have a meaningful
20 impact on freshwater either.

21 Thank you very much.

22 THE CHAIR: QIA. QIA.

23 MR. JEWITT: Thank you, Madam Chair. Nick
24 Jewitt for the Qikiqtani Inuit Association.

25 I would like to reiterate, from the Qikiqtani
26 Inuit Association's Technical Comment 22, that there

1 have been multiple exceedances of water-quality
2 criteria in 2016 and 2018. This may be due to the tote
3 road not being constructed to the approved design for
4 4.2 million tons per annum, or approximately 180 ore
5 trucks, as Baffinland has inferred.

6 Will Baffinland commit to limiting ore haul truck
7 transits to 180 ore truck transits in line with the
8 approved design?

9 THE CHAIR: Baffinland.

10 MR. KAMERMANS: Thank you, Madam Chair. Lou
11 Kamermans, Baffinland. We're just looking at some data
12 here to prepare a response. We'll be very quick.

13 My apologies, Madam Chair. Lou Kamermans,
14 Baffinland.

15 Our intent is to continue -- is to continue to
16 maintain the Milne Inlet tote road to adequately -- or
17 for the adequacy of our current operation. This occurs
18 as required throughout the operating season, and I
19 would suggest that any further comments related to the
20 freshwater environment wait for that -- to follow that
21 presentation, when we can present that information.

22 Thank you very much.

23 THE CHAIR: QIA.

24 MR. JEWITT: Thank you, Madam Chair.

25 Just to clarify, Baffinland is not making that
26 commitment?

1 Thank you.

2 THE CHAIR: Baffinland.

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

5 We are not willing to make or discuss that
6 commitment right now. This is not the version of the
7 project we are discussing. We are here to discuss the
8 Phase 2 operation so we'd like to keep discussions to
9 that subject.

10 Thank you.

11 THE CHAIR: QIA.

12 MR. JEWITT: Thank you, Madam Chair. Nick
13 Jewitt for the Qikiqtani Inuit Association.

14 We do consider this to be part of the Phase 2
15 consideration as Baffinland is requesting to increase
16 ore haulage along the tote road that has not been built
17 to the approved design; therefore, we understand that
18 Baffinland won't be making that commitment, so we'll
19 leave that there.

20 As Baffinland has indicated that impacts from
21 hauling ore along the tote road are projected to
22 decrease following the commissioning of the north
23 railway, will Baffinland commit that upon commissioning
24 the north railway, to decrease the ore haul transits to
25 zero along the Milne Inlet tote road?

26 Thank you.

1 THE CHAIR: Baffinland.

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

4 We can commit that when the railway were to come
5 operational, we would discontinue ore haulage to a
6 quantity of zero. We would, of course, continue to use
7 the road for service purposes, so would continue to
8 haul freight, fuel, and personnel along it -- thank you
9 -- and water.

10 THE CHAIR: QIA.

11 MR. JEWITT: Thank you, Madam Chair. I
12 will now pass it to my colleague. Thanks.

13 MS. LEECH: Thank you, Madam Chair. My
14 name is Susan Leech, and I am the terrestrial biologist
15 for the Qikiqtani Inuit Association.

16 I'm going to go to the terrestrial assessment
17 questions now, and then I will continue some questions
18 for the alternatives analysis.

19 My first set of questions on the terrestrial
20 assessment is about the permeability of the rail route
21 to caribou and the remaining uncertainty with that
22 assessment.

23 Baffinland's presentation says that approximately
24 66 percent of the rail is passable by caribou without
25 further mitigation. This is in Slide 20 of
26 Baffinland's terrestrial presentation, and they base

1 this on the assumption that caribou will cross
2 embankments that are between 2 to 4 metres in height if
3 they are built at a slope of 2 to 1 and with a
4 finer-grain material.

5 My questions are what is this based on, and how
6 does this assessment consider the impact that noise,
7 smells, vibration, and visual disturbances from the
8 railway will have on caribou?

9 THE CHAIR: Baffinland.

10 MR. SETTERINGTON: Madam Chair, thank you for the
11 question, the question being our criteria for cari --
12 Mike Setterington for Baffinland. I apologize.

13 The question was about the permeability assessment
14 that we did for caribou with embankments up to 13-feet
15 high with a 2-to-1 slope covered with a finer Type 8
16 material.

17 That information is coming from experience
18 starting with the diamond mines that determined a
19 1-to-2 slope would be suitable, and that was originally
20 based, based on reports that were cited in our
21 documentation on workshops with Elders in that area.
22 It's based on monitoring reports that they've had from
23 camera studies looking at caribou responding to
24 different slopes and different grain sizes, and it's
25 also from some preliminary experience we're seeing at
26 other mine sites in Nunavut, including the TMAC's site

1 in the Kitikmeot and the Agnico Eagle site for caribou
2 crossings in Baker Lake in the Kivalliq region.

3 THE CHAIR: QIA.

4 MS. LEECH: Thank you, Madam Chair. Susan
5 Leech for the Qikiqtani Inuit Association.

6 I have a follow-up question on your response: Can
7 you clarify if those studies that you mentioned and
8 those sources of information include a similar
9 embankment for a similar length that we're discussing
10 for this project and also includes migra --
11 non-migratory caribou as we currently have on North
12 Baffin Island in the low numbers that are present?

13 And I would also ask for the respondent to please
14 answer the question, the second question I had, which
15 was does your assessment consider the impact that
16 noise, smells, vibration, and visual disturbances from
17 the railway will have on caribou?

18 THE CHAIR: Baffinland.

19 MR. SETTERINGTON: Madam Chair, Mike Setterington
20 for Baffinland.

21 I apologize for not answering the second part of
22 the question, does our assessment account for the
23 impact of noise, smell, and vibration from the railway.

24 Madam Chair, if you recall in our presentation, I
25 mentioned the theoretical zone of influence and its
26 potential impact on habitat. That is a way that we

1 assess, quantitatively, the potential effects of noise,
2 vibration, smells, and other things we call "sensory
3 disturbances" and how wildlife may respond away from
4 the project before they approach and cross through and
5 over the project, so, yes, we did quantify that aspect.

6 THE CHAIR: QIA.

7 MS. LEECH: Thank you, Madam Chair. Susan
8 Leech for the Qikiqtani Inuit Association.

9 Thank you for asking my second question --
10 answering my second question the second time. Now I'm
11 going to re-ask you my -- my third question, which was
12 did that assessment that you mention, which mentioned
13 several other mines, including diamond mines, include a
14 similar kind of caribou, North Baffin Island caribou as
15 well as a similar length of embankment? So the
16 embankment in this case is 2 to 4 metres in height for
17 the height that we're discussing and expanding about
18 300 kilometres across the entire island.

19 Thank you.

20 THE CHAIR: Baffinland.

21 MR. SETTERINGTON: Thank you, Madam Chair. Mike
22 Setterington with Baffinland.

23 There are no other comparisons of caribou similar
24 to North Baffin Island caribou, which are, right now,
25 in low numbers and non-migratory. They don't move very
26 much. There is no comparison to a -- if we looked from

1 Steensby to Milne for a railway embankment of 300
2 kilometres.

3 There are site-specific comparisons of caribou
4 crossing over high embankments in some of the studies
5 that we have cited in our assessment. I don't have
6 those citations with me now, but we have seen caribou;
7 but, most importantly, most of the foundation of our
8 assessment on caribou being able to cross this railway
9 embankment come from some of our earliest workshops
10 when we were considering the southern rail, and that is
11 a 1-to-1.5 slope that's been approved down there.

12 We suggested some crossing mitigation there, as
13 well, but we asked the Elders and the harvesters down
14 there about how caribou could -- would use the railway
15 and cross it, and the comparison that -- that I
16 received and the knowledge that I understood from
17 talking to the -- from talking to the hunters and
18 trappers and information that was shared with us was
19 comparing it to the surrounding landscape and how these
20 caribou walk up the sides of mountains, the sides of
21 hillsides, and I just did not get the impression that
22 this railway embankment, as proposed in the south and
23 now particularly in the north, will be a barrier to
24 caribou movement. It was coming directly from the
25 Inuit involved in our workshops.

26 THE CHAIR: QIA.

1 MS. LEECH: Thank you, Madam Chair. Susan
2 Leech for the Qikiqtani Inuit Association.

3 We have some questions about the caribou-crossings
4 workshop and the rail alignment summary report, which
5 is the report that was filed with the Nunavut Impact
6 Review Board on October 15th as part of Baffinland's
7 response to final written submissions. On page 21 of
8 this report, Baffinland says: (as read)

9 Despite requesting specific feedback from
10 participants on whether the height or slope
11 of the embankment would pose a potential
12 barrier to caribou movement during both
13 field -- during both field visits, there were
14 no comments from participants that, as built,
15 the embankment would pose a barrier.
16 You conclude that there were no expressed concerns from
17 participants.

18 My question is do you consider the format of the
19 crossings workshop to be a rigorous, ethical, and
20 standardized method for getting input from Inu --
21 Inuit, and do you take silence to mean consent from
22 Inuit?

23 THE CHAIR: Baffinland.

24 MR. SETTERINGTON: Madam Chair, Mike Setterington
25 for Baffinland.

26 The two parts of the question, do we consider it

1 an ethical workshop, and do we consider silence to be
2 agreement.

3 So, Madam Chair, yes, I do consider it to be an
4 ethical workshop. I've been working with the community
5 members and knowledge-holders on this project since
6 2008 continually, and I find engagement with Inuit to
7 be a very ethical way to get information.

8 Following that, I've never assumed silence to be
9 agreement, and that's why during the crossings
10 workshop, we went on one day to the mock embankment. I
11 asked questions and was trying to get feedback, and
12 then we went a second time to the mock embankment, when
13 we had the opportunity to go again, to make sure that I
14 heard everything, and I was just expressing in this
15 report honestly what I heard. I can't say anything
16 about what I did not hear, so this is a true reflection
17 of what I heard in the workshop.

18 I'd like to point out that regardless of the
19 comments about not hearing about it being a particular
20 barrier to caribou movement, Baffinland is already
21 committing to make it a more gradual slope with finer
22 material as well, too.

23 Thank you.

24 THE CHAIR: QIA.

25 MS. LEECH: Thank you, Madam Chair. Susan
26 Leech for the Qikiqtani Inuit Association.

1 Did you get informed consent from participants in
2 that workshop?

3 THE CHAIR: Baffinland.

4 MR. KAMERMANS: Thank you, Madam Chair. Lou
5 Kamermans, Baffinland. We're just pulling up the form
6 to -- to use to respond to this question. Apologies
7 again, Madam Chair. Lou Kamermans, Baffinland.

8 To organize this workshop, we sent letters to the
9 Hunters and Trappers Organization, both in Pond Inlet
10 and Igloolik. The intent of the workshop was clear and
11 what -- what we had planned and what we were trying to
12 accomplish with it and the types of decisions we were
13 trying to inform. This was a very pointed workshop.
14 It was meant to take those with knowledge of the area
15 and to point out crossing areas they were aware of so
16 that we could mark them down as areas to build future
17 crossings at.

18 We did a similar exercise in August 2018. We took
19 the Mittimatalik Hunters and Trappers Organization to
20 the mine site for the expressed purpose of travelling
21 the tote road and understanding where land users cross
22 so that we could modify those crossings wherever there
23 was a barrier to crossing, so we took very similar
24 approach.

25 Participants were aware of how that information
26 was going to be used, and when it came to developing

1 the report, we were careful not to take any personal
2 quotes and use them or names in -- in that report for
3 that purpose, and we think that is within the confines
4 of the research licence we have that spans 2018 and
5 2019 to collect information on our railway and marine
6 transportation components for Phase 2.

7 Thank you.

8 THE CHAIR: QIA.

9 MS. LEECH: Thank you, Madam Chair. Susan
10 Leech for the Qikiqtani Inuit Association.

11 Just one last follow-up question on that: Are you
12 aware that there are best practices for collecting
13 Indigenous knowledge in those types of settings, and
14 have -- have you -- are you aware of that and have you
15 used those in your own practices for organizing this
16 workshop?

17 Thank you.

18 THE CHAIR: Baffinland.

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

21 I did not use any best-practice manual in the
22 development of this workshop methodology, but we did
23 share this workshop methodology with the Qikiqtani
24 Inuit Association and the Government of Nunavut
25 beforehand and took comments received and used that to
26 modify it so that we understood it to be acceptable

1 before carrying out the workshop.

2 Thank you.

3 THE CHAIR: 'Q' -- QIA.

4 MS. LEECH: Thank you, Madam Chair. Susan
5 Leech, Qikiqtani Inuit Association.

6 If you do have signed consent forms or (LOST
7 TRANSLATION) would you be able to share those with the
8 NIRB Board, please?

9 THE CHAIR: Baffinland.

10 MR. KAMERMANS: Lou Kamermans, Baffinland.

11 We can supply the (LOST TRANSLATION) signed by the
12 individuals -- (LOST TRANSLATION).

13 THE CHAIR: QIA.

14 MS. LEECH: Thank you, Madam Chair. Susan
15 Leech for the Qikiqtani Inuit Association.

16 We'll leave those questions there, and we'll leave
17 it to communities to comment on whether the crossings
18 report accurately reflects their concerns about caribou
19 being able to cross the structure.

20 My next question is about the construction of the
21 crossings. We have, before us, a proposal for combined
22 300 kilometres of rail bisecting Baffin Island from sea
23 to sea right across caribou range. We must make sure
24 that we get the construction of this railway right to
25 reduce the risk for caribou as much as possible.

26 Baffinland has described their mitigation measures

1 for caribou permeability on Slide 20 of their
2 terrestrial presentation. Specific to the rail
3 crossings, the caribou crossings, they will be 8 metres
4 across, and from a safety perspective, because they
5 will be used by people and by caribou, possibly, they
6 will require the trains to sound their horns three
7 times as they approach these sites. There may be other
8 safety measures requested as well.

9 So my questions for you on these crossings are how
10 did you determine the appropriate width of these
11 crossings at 8 metres, and what studies did you base
12 these on, and can you submit copies of these studies to
13 the hearing?

14 THE CHAIR: Baffinland.

15 MR. KAMERMANS: Thank you, Madam Chair. Lou
16 Kamermans, Baffinland.

17 These established crossings are, first and
18 foremost, for human crossing. That's why they're built
19 at the slopes that they are. The 1 to 5 is to
20 facilitate a snow machine or a komatik to get across.
21 The ability for caribou to cross these is secondary to
22 land users. Again, we defer to the general
23 permeability of up to 66 percent of the railway line as
24 being passable by caribou.

25 Thank you.

26 THE CHAIR: QIA.

1 MS. LEECH: Susan Leech for the Qikiqtani
2 Inuit Association. Thank you, Madam Chair.

3 To follow up on that, does Baffinland believe that
4 caribou will readily use these crossings if they're
5 covered in ATV and Ski-Doo tracks, and can you clarify
6 if that opinion is informed by Inuit Qaujimanituqangit?

7 THE CHAIR: Baffinland.

8 MR. SETTERINGTON: Madam Chair, thank you for the
9 interesting question from my colleague across the table
10 about what do we think if caribou would actually use
11 these crossings if they were covered by ATV and
12 snow-machine trails.

13 It would be difficult to find evidence of that in
14 the science, but I -- I believe there's also a
15 reference to caribou potentially using the road or the
16 rail in the -- from a quotation in the QIA's Tusaqtavut
17 study as well, so that would imply that if caribou are
18 using the road or rail, they have gotten up where ATV
19 and snow-machine trails are, so, again, I -- I would
20 defer again to Inuit input on that.

21 THE CHAIR: QIA.

22 MS. LEECH: Thank you, Madam Chair. Susan
23 Leech from the Qikiqtani Inuit Association.

24 I'm really glad to hear that you're going to defer
25 to Inuit perspectives and opinions on this. I would
26 request that you've -- that you do answer the question

1 about if there are any citations, if you can supply
2 those.

3 Is it fair to say, then, that you're relying
4 primarily on the grade, the slope, and the materials to
5 ensure that the rail is passable by cari -- caribou?

6 THE CHAIR: Baffinland.

7 MR. SETTERINGTON: Madam Chair, Mike Setterington
8 for Baffinland.

9 The question was is it fair to state that we're
10 relying on the slope and the material to ensure the
11 caribou cross the railway?

12 Madam Chair, that's only one consideration in
13 our -- in our consideration of whether caribou will
14 cross the railway. I listed a number of mitigation
15 measures about the railway during operation. You can
16 see it up on this slide itself. This is a series of
17 design measures. The fact that there will be a process
18 in place to install extra crossings, as well, policies
19 about wildlife have the right-of-way, an overall
20 philosophy of letting the leaders pass to ensure that
21 the other caribou will follow, and when caribou are
22 present in greater numbers again, as we're told they'll
23 return -- [UNREPORTABLE SOUND] is that me? Sorry. --
24 and when caribou numbers return and in -- in greater
25 numbers, there -- there could be additional
26 observations, such as on a wildlife monitor in a

1 high-rail vehicle monitoring the railway line. So, no,
2 just the slope and fill material alone is not our only
3 consideration.

4 THE CHAIR: QIA.

5 MS. LEECH: Thank you, Madam Chair. Susan
6 Leech for the Qikiqtani Inuit Association.

7 So I've identified that we have some uncertainty
8 with whether the -- the measures that have been taken
9 are sufficient to ensure that the rail will be
10 permeable to caribou, so given the uncertainty that we
11 have about whether the caribou will use level crossings
12 with snowmobiles, which I just note is listed as a
13 mitigation, so although you're saying that they're
14 built primarily for human crossing, you have listed it
15 as a mitigation for wildlife as well. We also have
16 uncertainty about whether caribou will use culverts and
17 whether enough of the railway, as a whole, is permeable
18 to caribou.

19 Will Baffinland commit to doing a more thorough
20 assessment of what might work for these specific
21 caribou, and, specifically, will Baffinland commit to
22 working with Inuit and the terrestrial environment
23 working group to identify the best possible
24 construction of the rail embankment to ensure that
25 there are long areas where caribou can cross, including
26 the use of viaducts and bridges in key locations where

1 you are advised by Inuit and by the terrestrial
2 environment working group members.

3 THE CHAIR: Baffinland.

4 MR. KAMERMANS: Thank you, Madam Chair. Lou
5 Kamermans, Baffinland.

6 We are, in fact, proposing an adaptive management
7 approach to the installation of smoother embankments or
8 gentler slopes at embankments, should that be required.
9 That would be based on input provided through IQ or
10 through monitoring data.

11 We've been in discussions with the Government of
12 Nunavut about a long-term agreement for support to the
13 regional monitoring program. We think that is a -- one
14 of the best ways to get empirical data on the potential
15 barrier to crossing that the railway could ever
16 present. This would also be supplemented by our
17 project-specific data. We believe the terrestrial
18 environment working group would be a necessity in that
19 process for determining the scope of investigation,
20 should that be necessary, and follow-up mitigation
21 measures.

22 Whether or not Baffinland could consider viaducts
23 or bridges would really have to be a product of the
24 circumstances. To consider those at this point right
25 now, Baffinland cannot commit to those specifically as
26 mitigation measures, understanding the -- the

1 engineering considerations that have to go into such --
2 such undertakings.

3 Thank you.

4 THE CHAIR: (OTHER LANGUAGE SPOKEN)

5 MS. LEECH: Thank you, Madam Chair. Susan
6 Leech for the Qikiqtani Inuit Association.

7 So just to clarify, we appreciate that you have an
8 adaptive management process, but I believe all of those
9 mitigations you're suggesting would happen
10 post-construction. What we're looking for is a
11 commitment that you would -- that you would consider
12 these options pre-construction based on Inuit knowledge
13 and on input from the terrestrial environment working
14 group.

15 THE CHAIR: Baffinland.

16 MR. KAMERMANS: Thank you, Madam Chair. Lou
17 Kamermans, Baffinland.

18 I would ask the Qikiqtani Inuit Association what
19 data they believe we would use or would the terrestrial
20 environment working group use to inform this decision
21 pre-construction?

22 Thank you.

23 THE CHAIR: QIA.

24 MS. LEECH: Thank you, Madam Chair. Susan
25 Leech for the Qikiqtani Inuit Association.

26 There are two key sources of data you can use for

1 this assessment. There is Inuit knowledge, and
2 knowledge-holders can tell you which areas need to be
3 left intact, which trails, which locations need to be
4 left intact so there is no human disturbance of those
5 areas. So that's one source of data.

6 The other source of data modelling to look at the
7 areas that are most likely to be permeable to wildlife,
8 and that is a modelling exercise that can be carried
9 out for this type of rail.

10 THE CHAIR: Baffinland.

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

13 Through the presentation, we've already committed
14 to a process to re-engage with the hunters to confirm
15 the locations of crossings. The intent of the
16 crossing-selection workshop was to derive the selection
17 of crossing areas based on Inuit perspectives and
18 input, so we fully support that process.

19 I'm uncertain what data would drive the model.
20 I'm sure the Qikiqtani Inuit Association would have
21 suggestions. Our preference would be to observe how
22 caribou interact with the railway when we have and are
23 properly set up with regional monitoring that
24 complements the project that can give us that data that
25 will let us know specifically where these crossings
26 need to be put in.

1 Also, as caribou come back into the area, our
2 project-specific monitoring will be able to tell us a
3 lot more about the locations where caribou may be known
4 to cross more specifically.

5 THE CHAIR: QIA.

6 MS. LEECH: Thank you, Madam Chair. Susan
7 Leech for the Qikiqtani Inuit Association.

8 I believe what we were looking for was a
9 commitment on the specific types of structures you
10 would consider, but I'm going to move on now.

11 My next set of questions is about caribou
12 monitoring. The current monitoring program for caribou
13 includes height-of-land surveys, which failed to
14 observe any caribou from 2014 to 2018. The record for
15 the hearing shows that based on Inuit
16 Qaujimanituqangit, caribou are avoiding the mine site,
17 but we have no complementary data from Baffinland's
18 monitoring efforts to show that.

19 My question is what will Baffinland do to make
20 sure that the monitoring program, going forward, is
21 designed to answer the question of what the effect of
22 the rail is on caribou, particularly in this period of
23 time while caribou numbers are low in the North Baffin
24 region?

25 THE CHAIR: Baffinland.

26 MR. SETTERINGTON: Madam Chair, Mike Setterington

1 for Baffinland.

2 The question about what will Baffinland do to
3 provide survey information to study the -- the
4 potential impact of the mine on caribou numbers, as
5 they are particularly low right now.

6 Madam Chair, if you'll recall, I emphasized in my
7 presentation a few times about Baffinland's earlier
8 regional study-area-level surveys, and then we
9 discontinued those surveys in 2008 due to low numbers
10 of caribou being observed. We would fly for three days
11 on a standardized survey and see 19 caribou. We felt
12 it wasn't worth the helicopter overflight disturbance
13 to continue with those surveys at low disturbance, so
14 then we switched into supporting the Government of
15 Nunavut's collaring program to learn more about
16 regional caribou distribution. We received much
17 information about that based on the collar information
18 for three years, and then Baffinland has also continued
19 to support the Government of Nunavut's regional
20 composition surveys, which has shown us and told us
21 about the distribution of caribou away from the
22 project.

23 We know that there are caribou near the project.
24 We know that -- we know that few caribou will interact
25 with the project. In order to conduct this kind of
26 study, to have a robust monitoring program or a robust

1 study to determine if caribou are avoiding the project,
2 we would need intensive surveys and simply more caribou
3 to interact with the project. The same kind of studies
4 that we see being done with mainland caribou, those
5 kind of studies cannot be done at Mary River on North
6 Baffin Island right now.

7 We know, from the Elders, the caribou will come
8 back. Elders have told me we will eventually have a
9 caribou problem on-site when they do return and come
10 through the Mary River site. That will be the time
11 when we will have enough caribou response and enough
12 data points to prove scientifically on the caribou
13 avoidance or attraction to the site and, more
14 specifically, studies around the zone of influence of
15 the project.

16 Thank you.

17 THE CHAIR: QIA.

18 MS. LEECH: Thank you, Madam Chair. Susan
19 Leech for the Qikiqtani Inuit Association.

20 I'm glad to hear that Baffinland is supportive of
21 a regional monitoring program, and if -- if a regional
22 monitoring program at this point, with these low
23 numbers, is the only way to understand the project
24 effects on caribou, shouldn't Baffinland be taking full
25 responsibility to fund this regional monitoring effort?

26 Thank you.

1 THE CHAIR: Baffinland.

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

4 I don't follow the logic. I don't see how the
5 existence of our project in the region necessitates us
6 to fund 100 percent of an initiative that is clearly in
7 the mandate of the Government of Nunavut. There is
8 other value in understanding the regional caribou herd,
9 and there is need for the Government of Nunavut to have
10 that information. I think it is appropriate for us to
11 contribute to that, understanding we are in the area,
12 but I don't think it is appropriate for the Qikiqtani
13 Inuit Association to suggest we should fund the entire
14 program, a program that's administered by another
15 organization.

16 Thank you.

17 THE CHAIR: QIA.

18 MS. LEECH: Thank you. Thank you, Madam
19 Chair. Susan Leech from the Qikiqtani Inuit
20 Association.

21 What I've been trying to identify is that the
22 local monitoring program isn't able to show what the
23 project effects are right now and that a regional
24 monitoring program is the only way to get the data that
25 is needed to understand what the project effects are.
26 I will direct more questions later at the -- if we have

1 an opportunity -- to the Government of Nunavut on --
2 after their -- their presentation to understand if
3 there is a need to incrementally fund the regional
4 monitoring program over and above what they would
5 normally do in the course of the work that they -- that
6 they -- the surveys that they perform.

7 I have a further follow-up question, and that is
8 the record shows that Inuit have already observed that
9 caribou are avoiding areas, including near the road and
10 around the mine site. This is reported in Tusaqtavut.

11 Will Baffinland commit to a regional
12 Inuit-Qaujimanitugangit-based approach to monitoring
13 impacts that includes early warning triggers that are
14 based on what Inuit say is acceptable and incorporates
15 Inuit observations of impacts, and will Baffinland
16 commit to ensuring this program is properly funded with
17 full freedom for Inuit to develop it and Baffinland
18 fully responsible to respond to it?

19 Thank you.

20 THE CHAIR: Baffinland.

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

23 Baffinland is willing to -- to continue to fund
24 community-based monitoring programs and would certainly
25 support such an initiative, if that were the desire of
26 the Inuit in the affected communities. We are willing

1 to talk about the design of this program and how it
2 might fund such initiatives, but, ultimately, when the
3 community is being asked to do something or to lead
4 something, we have to leave that decision to them.
5 It's not for Baffinland to decide what they do under
6 that program, but we are willing to provide the funds
7 to enable that type of monitoring.

8 The data that comes out of that monitoring would
9 be considered by Baffinland and at the direction of the
10 community and -- and those who collected the
11 information, but would have to be considered in the
12 context of all the other information that we take in so
13 we can make decisions that are inclusive of all the
14 lines of evidence that we have available to us.

15 Thank you.

16 THE CHAIR: QIA.

17 MS. LEECH: Thank you, Madam Chair. Susan
18 Leech for the Qikiqtani Inuit Association.

19 I'm going to move on to talking about local
20 monitoring programs for the rail operation.

21 Based on the monitoring systems you have in place
22 right now, how will you know if caribou are not
23 crossing the railway?

24 Thank you.

25 THE CHAIR: Baffinland.

26 MR. SETTERINGTON: Thank you, Madam Chair. Our

1 colleague across the table -- Mike Settingington for
2 Baffinland.

3 Our colleague across the table is asking, I think,
4 a fundamental scientific question of proving a
5 negative, proving that something doesn't happen.

6 To prove that caribou are not crossing the
7 railway, that would -- I can't even conceive of what
8 the study would be because, certainly, our monitoring
9 would be focused on caribou behaviour as they're
10 approaching the railway, and if they're not crossing a
11 railway, that's where we're looking at diversions of
12 their tracks or trails, behavioural monitoring. That's
13 why we would have our environmental monitor on-site,
14 when the caribou return, looking at the behaviour.
15 That's what our height-of-land surveys were intended to
16 do.

17 We did have caribou behavioural observations last
18 in 2013, when we last saw caribou responding to the
19 road on our height-of-land surveys. That's what those
20 surveys were being -- were -- were being tendered for.
21 That is why we have snow-track surveys that would
22 continue to look at diversions of -- of caribou.

23 When the caribou do return, I think, with the
24 presence of this project, I think we'll have a lot more
25 information if the parties collaborate on caribou
26 research and surveys. If -- if -- if we continue to

1 have traditional knowledge shared with us, that will
2 help as well, too.

3 And, again, the -- the system that we have to
4 discuss these issues further are our terrestrial
5 environment working group. That kind of question is
6 exactly the kind of technical challenge that we try to
7 deal with amongst that work group. Again, the
8 Mittimatalik Hunters and Trappers Organization, the
9 Qikiqtani Inuit Association are members of that group,
10 and that would be the kind of challenging question that
11 we would come up with to see if we could design a
12 survey to determine if caribou are not crossing the
13 railway.

14 Again, that's proving a negative. It's hard to
15 prove absence.

16 THE CHAIR: QIA.

17 MS. LEECH: Thank you, Madam Chair. Susan
18 Leech for the Qikiqtani Inuit Association.

19 Would my colleague across the table please answer
20 the question, if -- if he would, whether a regional
21 monitoring program, at this stage, would help answer
22 the question of whether caribou are being deflected
23 from the rail, and by "deflected", I mean that's when
24 caribou approach, and it can be quite -- quite a long
25 distance away, but then move away in the opposite
26 direction or move north/south instead of crossing or

1 coming closer to the rail.

2 Thank you.

3 THE CHAIR: Baffinland.

4 MR. SETTERINGTON: Mike Setterington for
5 Baffinland.

6 Yes, those studies would most definitely help, and
7 it is an evolving science. We've -- we've seen that
8 kinds of work done at the diamond mines with aerial
9 surveys, with collaring studies. We're seeing some
10 progress on that in the mainland with caribou as well,
11 too. Very similar studies with the Red Dog Mine with
12 collaring studies in Alaska, but, again, Madam Chair,
13 those are being done on a substantial sample size of
14 caribou with migratory caribou.

15 We have very low numbers. The estimate of the
16 North Baffin Island caribou are very low density, and I
17 think the time will come to conduct that monitoring
18 program through the life of this project, and
19 Baffinland has that commitment in the terrestrial
20 environment mitigation or monitoring plan to support
21 those studies because it will help to answer those
22 questions. We've made that statement many times.

23 THE CHAIR: QIA.

24 MS. LEECH: Thank you, Madam Chair. Susan
25 Leech, Qikiqtani Inuit Association.

26 Thank you for confirming that I think what we

1 heard there is that the regional monitoring program is
2 very helpful to answer project-effects questions.

3 I have some comments on the terrestrial
4 environment working group and the responsiveness of
5 Baffinland, some questions to those, the input that
6 they receive, but I will save that for the adaptive
7 management session.

8 My next question is about how Baffinland will
9 respond in terms from an operational perspective if
10 caribou are interacting with the rail.

11 We've reviewed your decision tree, which we note
12 came after we had a chance to submit our final
13 comments, and we have some questions about it.

14 Specifically, what we understand from other mines
15 is that sometimes the operations of a road -- and
16 presumably this applies to a rail also -- sometimes
17 those operations need to be shut down completely to
18 allow caribou to habituate to the linear feature before
19 they will cross it. This can take several days or even
20 weeks.

21 Does your caribou-crossing decision tree include
22 provisions to stop the operation of the railway for an
23 extended period of time, i.e., up to 40 days so that
24 caribou can cross easily?

25 THE CHAIR: Baffinland.

26 MR. KAMERMANS: Thank you, Madam Chair. Lou

1 Kamermans, Baffinland.

2 I can confirm that there's contingency built in to
3 the rail-modelling exercises that we've done to account
4 for downtime, and should it -- our project be
5 understood to be having an impact on caribou crossing
6 and movement, we would absolutely consider all
7 mitigation measures required to mitigate that impact.

8 Thank you.

9 THE CHAIR: It's 7:45. Let's take a
10 15-minute break.

11 (ADJOURNMENT)

12 THE CHAIR: Please return to your seats.
13 We're going to reconvene questions to Baffinland.

14 QIA.

15 MS. LEECH: Thank you, Madam Chair. Susan
16 Leech for the Qikiqtani Inuit Association.

17 My next question is about Inuit Qaujimanituqangit
18 and caribou. Baffinland summarized Inuit
19 Qaujimanituqangit on North Baffin caribou in Technical
20 Supporting Document 10, and Baffinland also identified
21 in this document that there's very little scientific
22 information about these caribou. Can you provide us
23 with evidence of where you've used Inuit
24 Qaujimanituqangit in your assessment of impacts to
25 caribou? Thank you.

26 THE CHAIR: Baffinland.

1 MR. SETTERINGTON: Madam Chair, Mike Setterington
2 for Baffinland.

3 We've been asked the question for examples of
4 where Inuit Qaujimanituqangit was used in our
5 assessment on caribou. And, Madam Chair, I've -- I've
6 always made the statement that this is an Inuit
7 Qaujimanituqangit-led assessment specifically around
8 how we characterize baseline conditions, how we
9 understand caribou, how they can respond to
10 disturbance. We ask questions about how caribou would
11 respond to a railway. Our participants had no
12 knowledge of how a caribou would respond to a railway.
13 There was no firsthand information.

14 I also ask questions about significance of
15 effects. We move that into risk assessment workshops
16 as well. We incorporated Inuit Qaujimanituqangit and
17 knowledge from people in mitigation. Again, things
18 like let the leaders pass. We've had long discussions
19 about how important it is to let those leading caribou
20 get across things and move through things so the others
21 will follow.

22 I had questions again when we were talking about
23 the railway embankment for the southern rail. How can
24 caribou get up and over an embankment like this? And
25 then the traditional knowledge came back and firsthand
26 observations from people commenting on how they've seen

1 caribou go straight up hillsides, steep hillsides.

2 That information is built into the environment

3 assessment and confidence and predictions.

4 Madam Chair, those are -- those are some of the
5 examples, again, after being involved with Inuit
6 knowledge-holders on this project since 2008 to the
7 present for over 11 years of working and trying to
8 incorporate as much as I can understand about Inuit
9 Qaujimanituqangit.

10 THE CHAIR: QIA.

11 MS. LEECH: Thank you, Madam Chair. Susan
12 Leech with the Qikiqtani Inuit Association.

13 Does Baffinland have any indication that the Inuit
14 are satisfied with how their knowledge is currently
15 used to assess caribou impacts in Technical Supporting
16 Document 10?

17 THE CHAIR: Baffinland.

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

20 Starting first with the 2015, 2016 IQ workshops,
21 the results of those workshops and how the information
22 was characterized was brought back to participants in a
23 verification session. The Qikiqtani Inuit Association
24 was involved in that session.

25 Moving forward to 2019 during the active review,
26 we held three community risk assessment workshops,

1 which looked at the perceived risk of the railway and
2 marine transportation components. The results of those
3 workshops were summarized, translated, and brought back
4 to participants at a verification workshop in Iqaluit.
5 Again, the Qikiqtani Inuit Association was present.

6 We've also taken the results of our assessment to
7 the communities through several tours throughout this
8 review process, having talked about the results and how
9 the results have informed the mitigation and monitoring
10 measures we're putting forward. To date, I have not
11 heard any abject disagreements with the conclusions
12 we've brought forward in those sessions or discontent
13 with the way we had characterized how we had listened
14 to Inuit and used that information in our assessments.
15 Thank you.

16 THE CHAIR: QIA.

17 MS. LEECH: Thank you, Madam Chair. Susan
18 Leech for the Qikiqtani Inuit Association.

19 I'll leave it to the communities to follow up on
20 that line of -- of questioning.

21 My next set of question [sic] is about the
22 cumulative effects assessment for impacts to caribou.
23 When we were out in the field with Baffinland for the
24 crossings workshop in July, it was clear that there was
25 a lot of dust on the lichen and the other plants. If
26 this project is approved, Phase 2, for a period of

1 time, the tote road will be used at double the current
2 level for hauling ore. Has this impact and the
3 persistence of dust in the environment, after you
4 switch to rail, been accounted for in your disturbance
5 coefficients for habitat? Thank you.

6 THE CHAIR: Baffinland.

7 MR. SETTERINGTON: Madam Chair, Mike Setterington
8 for Baffinland. The question being did we adjust our
9 disturbance coefficients to account for the change from
10 ore haul by truck to ore haul by rail?

11 Madam Chair, as a conservative estimate of our
12 cumulative effects as in where we possibly overestimate
13 the impacts, no, we did not adjust the disturbance
14 coefficients for that. There's not enough detailed
15 science to determine the ultimate impacts on habitat
16 from ore haul versus rail haul and how that relates to
17 what we call "disturbance coefficients". So we did not
18 adjust that.

19 THE CHAIR: QIA.

20 MS. LEECH: Thank you, Madam Chair. Susan
21 Leech for the Qikiqtani Inuit Association.

22 My question was actually about whether you -- you
23 changed the disturbance coefficients for the ramp-up
24 period, so it's the period where you're hauling more on
25 the -- the tote road and you're also constructing the
26 rail. I'm going to take your answer to mean that you

1 haven't. So if I am taking that incorrectly, you
2 can -- you can correct that in your next answer.

3 At Technical Meeting 2, Baffinland committed on
4 the record to revising its cumulative effects
5 assessment for caribou habitat loss in time for written
6 submissions. And at that time, they committed to
7 including, Number 1, presently omitted existing and
8 reasonably foreseeable exploration activities at
9 Deposits 2 through 11, as well as existing and
10 reasonably foreseeable helicopter activities; and,
11 Number 2, revised disturbance coefficients informed in
12 consultation with the Government of Nunavut and other
13 interested intervenors.

14 My question is: Can you confirm which parties you
15 met with in the course of revising those materials
16 after Technical Meeting 2 and on which dates? Thank
17 you.

18 THE CHAIR: Baffinland.

19 MR. SETTERINGTON: Madam Chair, Mike Setterington
20 for Baffinland.

21 We did follow up with a revised cumulative effects
22 assessment and change in disturbance coefficients. I
23 don't remember the exact details of the commitment as
24 worded by the Qikiqtani Inuit Association. The changes
25 to our disturbance coefficients were based on a
26 discussion with the Government of Nunavut department of

1 environment that requested this analysis, and we
2 followed up on that and provided the analysis. And
3 that was what I referred to as our "sensitivity
4 analysis" of increasing or decreasing our disturbance
5 by a substantial plus or minus 25 percent to cover a
6 broad range of potential impact on habitat.

7 THE CHAIR: QIA.

8 MS. LEECH: Thank you, Madam Chair. Susan
9 Leech for the Qikiqtani Inuit Association.

10 I believe what we were asking for was -- rather
11 than a 25 percent decrease and a 25 percent increase in
12 the disturbance coefficients across the board, was a
13 real opportunity to consult with community members,
14 with knowledge-holders, with other experts on the --
15 the terrestrial environment working group to redefine
16 what those disturbance coefficients are based on the
17 collective knowledge we have in this -- in this table,
18 in this project.

19 So my follow-up question is: Will Baffinland
20 commit to redoing the caribou habitat effects
21 assessment to integrate the perspectives of all
22 intervenors, including Inuit Qaujimanituqangit as
23 agreed to by Inuit communities to make sure we have
24 some good predictions moving forward that we can use to
25 develop triggers and thresholds for adaptive
26 management? Thank you.

1 THE CHAIR: Baffinland.

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

4 In relation to similar comments from the
5 Government of Nunavut in their final submissions, we
6 are committing to update the terrestrial environment
7 mitigation and monitoring plan to reflect that it will
8 undertake research to estimate the zones of influence
9 and disturbance coefficients exerted by the project on
10 caribou and shall provide this to the Nunavut Impact
11 Review Board -- these updated estimates of cumulative
12 habitat losses for caribou -- at least every five
13 years.

14 What is not explicit in this commitment is that we
15 would, of course, welcome any information that could
16 affect this research or these outcomes from the
17 communities and community input and IQ collection. I
18 would note that we have put forward a culture,
19 resource, and land use monitoring program where we
20 would be collecting periodic IQ in a formal sense and
21 also supplemented by ongoing informal IQ collection,
22 and I believe that is just but one venue where we could
23 collect additional information that may assist us in
24 this area and would eventually be able to assist us in
25 adaptive management. Thank you.

26 THE CHAIR: QIA.

1 MS. LEECH: Thank you, Madam Chair. Susan
2 Leech for the Qikiqtani Inuit Association.

3 Will that re-assessment be available in time for
4 the Board's determination on this project?

5 THE CHAIR: Baffinland.

6 MR. KAMERMANS: Lou Kamermans, Baffinland.

7 No, it will not. Thank you.

8 THE CHAIR: QIA.

9 MS. LEECH: Thank you, Madam Chair. Susan
10 Leech with the Qikiqtani Inuit Association.

11 My next question is also about the cumulative
12 effects assessment. My question is: Will Baffinland
13 commit to conducting a properly designed Inuit
14 Qaujimanituqangit study to identify priority areas for
15 protection and then apply the existing or improved
16 caribou protection measures in those areas? Thank you.

17 THE CHAIR: Baffinland.

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

20 We don't believe that is our role. That
21 requirement comes from the North Baffin Regional Land
22 Use Plan and requires a much wider and diverse group of
23 participants. It is not for Baffinland to set these
24 protection zones that are referred to in the North
25 Baffin Regional Land Use Plan. Thank you.

26 THE CHAIR: Qikiqtani Inuit Association.

1 MS. LEECH: Thank you, Madam Chair. Susan
2 Leech for the Qikiqtani Inuit Association.

3 We're a bit surprised by that answer, but we'll
4 move on.

5 I'm going to switch gears and talk about the
6 alternatives assessment now. My first question is
7 about the ability of Inuit to fully review the new
8 proposed rail route and follows up on questions asked
9 by the Mittimatalik Hunters and Trappers Organization
10 about the route around the area called "Kanajjuk" and
11 the concerns that have been expressed by community
12 members about impacts in this area.

13 At the caribou crossings workshop in late July,
14 Inuit emphasized that for this new route around
15 Kanajjuk -- the route that we're now calling
16 "Option 3" -- they would need to take this option back
17 to their communities to talk to other people about
18 whether this route would be a good option and would
19 address the concerns with Kanajjuk.

20 You mentioned that after the July crossings
21 workshop, several workshops happened with affected
22 communities in September, and, as you know, the actual
23 report from the workshop was finally distributed in
24 English only two weeks ago. Do you think communities
25 have had enough time to do that review and come
26 together as a group to think about whether this route

1 is the best option to address their concerns? Thank
2 you.

3 THE CHAIR: Baffinland.

4 MR. KAMERMANS: Thank you, Madam Chair. Lou
5 Kamermans, Baffinland.

6 It's really important to note that this
7 information was brought back to communities as early as
8 September -- the first week of September, and it was
9 brought back in the form of a translated presentation
10 that went through all the technical considerations for
11 the alternative routes, and the communities of both
12 Pond Inlet and Igloolik have been in receipt of that
13 information since early September. Thank you.

14 THE CHAIR: QIA.

15 MS. LEECH: Thank you, Madam Chair. Susan
16 Leech with the Qikiqtani Inuit Association.

17 I -- I just want to go back to the question. Do
18 you think that this is enough time for the communities
19 to review and come together as a group to think about
20 whether this route is the best option? And that's in
21 consideration of the fact that they would've only
22 received the full report from the crossings workshop as
23 of the middle of October and then, again, only in
24 English. Thank you.

25 THE CHAIR: Baffinland.

26 MR. KAMERMANS: Lou Kamermans, Baffinland.

1 I just want to again reiterate that the
2 information -- the presentations we brought back to the
3 communities in September were translated. They were in
4 both languages. And we also want to recognize that we
5 have committed at this point to move forward with
6 Route 3 based on our understanding of the opposition to
7 Route 1. So that is recognizing that we have not heard
8 back from the communities to date, save for Arctic Bay,
9 who did show a preference for Route 3, and based on a
10 lack of feedback from the other communities, we have
11 gone forward with a decision to build Route 3,
12 understanding there were objections to Route 1.

13 I also want to clarify that there are many
14 mitigations mentioned in the rail alignment summary
15 workshop report that we have discussed for a very long
16 time. It also discusses a rail alignment that we have
17 presented since 2016, and we feel that the effects are
18 well understood for this alignment, that we have been
19 in discussion with communities for a very long time,
20 and we feel that our motion to -- towards Route 3 is a
21 very positive one. It shows that we have taken the
22 information we've received from the communities very
23 seriously, and we are willing to make very real actions
24 to make this railway acceptable to Inuit land users in
25 the area. Thank you.

26 THE CHAIR: QIA.

1 MS. LEECH: Thank you, Madam Chair. Susan
2 Leech for the Qikiqtani Inuit Association.

3 I'm going to leave it with the communities to
4 follow up on any comments on the -- the suitability
5 of -- of -- of Route 3.

6 The next question is about the remaining lack of
7 certainty regarding what rail route will be used,
8 specifically the geotechnical studies that need to be
9 done and what it means for being able to properly
10 assess impacts.

11 So in recognition of what you've just said, that
12 you are moving forward with Route 3, our question is:
13 Will Baffinland's assessment of the suitability of that
14 rail route to Inuit be completed before the Board makes
15 their decision about -- about this project? And if the
16 route isn't confirmed by then or if the route isn't
17 fully assessed by then, how does Baffinland suggest
18 that the Board will be able to estimate the local
19 impacts of the infrastructure to Inuit when the final
20 position is -- basically still hasn't been fully
21 assessed? Thank you.

22 THE CHAIR: Baffinland.

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

25 I just want to put this rail deviation and
26 alternative route in perspective in terms of the

1 integrity of our assessments. It is a 12-kilometre
2 section of the rail line that is being shifted by a
3 kilometre onto the other side of the Raven River. We
4 have -- we have investigated this area for geotechnical
5 feasibility using aerial surveys, LIDAR data, and
6 geotechnical engineers have reviewed parts through a
7 pre-feasibility study. What we're moving forward with
8 is field investigations for geotechnical suitability of
9 the rail line to make sure it can technically be built,
10 but we understand there are mitigations available to us
11 to make sure that whatever we encounter along that part
12 of the rail line we can build that railway.

13 In terms of the integrity of our assessment, I
14 previously explained that Appendix K of the rail
15 alignment summary report includes several statements on
16 the applicability of our current assessment and how the
17 conclusions remain the same.

18 And, finally, I just want to clarify for the Board
19 that there is no other viable route we are
20 investigating right now. What we are proposing at this
21 point through Phase 2 is Route 3, and that is what we
22 will hear from the community members during the
23 community roundtable about. Thank you.

24 THE CHAIR: QIA.

25 MS. LEECH: Thank you, Madam Chair. Susan
26 Leech for the Qikiqtani Inuit Association.

1 If you don't expect any changes to the outcomes of
2 your assessment by moving the route to Option 3 for any
3 of the values that you're looking at, including water,
4 caribou, and Inuit use of that specific area, doesn't
5 that just reveal how nonspecific your assessment has
6 been on the impacts to these values from the proposed
7 Phase 2 project? Thank you.

8 THE CHAIR: Baffinland.

9 MR. KAMERMANS: Lou Kamermans, Baffinland.

10 Thank you, Madam Chair.

11 I previously stated that the distance of the
12 alignment between Route 1 and Route 3 is 1 kilometre.
13 That's actually within the local study area for the
14 majority of our assessments. To talk specifically, we
15 have conducted archaeological surveys in the area. We
16 understand where there are known archaeological sites,
17 and we understand that we will be avoiding them by
18 distances of up to 90 metres.

19 We ran a fisheries assessment in the area at the
20 end of the summer as soon as we were aware that this
21 route was something Inuit were interested in. So we do
22 have detailed understanding of the watercourses in that
23 area and their fish-bearing potential.

24 So this -- I believe the integrity of our
25 assessments remain. I think we've done our due
26 diligence in looking at the alternative route and the

1 applicability of our current assessment, and I
2 encourage the reviewer to -- to take a look at
3 Appendix K of the rail alignment summary report. Thank
4 you.

5 THE CHAIR: QIA.

6 MS. LEECH: Thank you, Madam Chair. Susan
7 Leech for the Qikiqtani Inuit Association.

8 Can Baffinland confirm that any decision to
9 eliminate the community preferred route, so Route 3,
10 based on geotechnical grounds would be entirely a
11 Baffinland decision and not based on any Inuit
12 agreement? Thank you.

13 THE CHAIR: Baffinland.

14 MR. KAMERMANS: Thank you, Madam Chair. Lou
15 Kamermans, Baffinland.

16 Could you clarify which route you are referring
17 to? Thank you.

18 MS. LEECH: Yes. Thank you. Thank you,
19 Madam Chair. Susan Leech from the Qikiqtani Inuit
20 Association.

21 We were actually talking about either Option 2 or
22 Option 3. So any route. In other words, would you
23 make the decision if there are any changes at this
24 point entirely yourselves? Would it be entirely a
25 Baffinland decision and not based on any Inuit
26 agreement?

1 THE CHAIR: Baffinland.

2 MR. KAMERMANS: Lou Kamermans, Baffinland.

3 I -- I don't understand the question. We have
4 committed to Route 3. Route 3 is what we will build.
5 We are not looking for any conditions based on
6 geotechnical investigation to alter that approach.
7 Route 3 is what we are proposing for Phase 2. Thank
8 you.

9 THE CHAIR: QIA.

10 MS. LEECH: Thank you, Madam Chair. We're
11 just going to take a moment to answer the -- to review
12 the question. Thanks.

13 Thank you, Madam Chair. Susan Leech with the
14 Qikiqtani Inuit Association.

15 So if I'm to understand you correctly, you have
16 chosen Route 3; you're not going to change your mind on
17 that. With the geotechnical work not completed for
18 Route 3, if there's anything that comes up that
19 requires you to change the location of the route back
20 to Route 1, what will be the process for consulting
21 with Inuit communities and getting agreement to make
22 that change back to Route 1? Thank you.

23 THE CHAIR: Baffinland.

24 MR. KAMERMANS: Thank you, Madam Chair. Lou
25 Kamermans, Baffinland.

26 We are committed to building Route 3. That is

1 what is proposed as part of the Phase 2 assessment.
2 Should Phase 2 be approved, for us to alter course
3 would require us to come back to the Nunavut Impact
4 Review Board and satisfy all of the consultation
5 requirements set out in the environmental impact
6 statement guidelines. Thank you.

7 THE CHAIR: QIA.

8 MS. LEECH: Thank you, Madam Chair. Susan
9 Leech for the Qikiqtani Inuit Association.

10 Can you confirm the following regarding trail --
11 rail transits: Baffinland originally requested ten
12 rail transits in their proposal, then did some analysis
13 of the impacts of 16 rail transits, and now has clearly
14 stated in its evidence at this hearing that they're
15 planning for 20 rail transits per day. What is the
16 proposed level that Inuit were consulted about in
17 asking about potential impacts, and wouldn't Baffinland
18 anticipate that there would be a significant -- a
19 difference in significance of the impacts between 10,
20 then 16, and then 20 rail transits? Thank you.

21 THE CHAIR: Baffinland.

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

24 I'd like to just first clarify the history
25 provided by the Qikiqtani Inuit Association. So ten
26 transits would have been contemplated for a two-train

1 system. A two-train system, they would've -- would've
2 functioned with 85 to 90 cars each. Where we have
3 16 transits, that would be based on a three-train
4 system with less cars.

5 When we developed the project description for
6 Phase 2, we put that range in. It would either be a
7 two-train system or a three-train system. So we have
8 always put forward either 10 transits to 16 transits.
9 And that's total transits between the two -- or between
10 the -- the trains each day.

11 The rationale for adding 20 to the revised project
12 certificate as suggested by Baffinland is that in
13 certain days, you could have less or more. So that is
14 just to provide operational flexibility in that sense,
15 where some days we may have additional transits, and
16 some days we may have less. So we don't anticipate
17 that we would ever go over 20 transits or 10
18 round-trips in a day. So that's -- that's just to
19 protect that rail operation and give us some
20 flexibility there.

21 Thank you -- or now speaking to the integrity of
22 our assessments and -- and what this difference means,
23 I'll pass it to my colleague.

24 MR. SETTERINGTON: Mike Setterington for
25 Baffinland.

26 The transit times on trains of whether it's

1 10 transits or 20 transits would mean a small
2 proportional difference in time that for our
3 assessment -- terrestrial assessment, considering
4 caribou as a valued component, standing at the side of
5 the rail, how long it would experience disturbance
6 was -- was measured as a proportion of a day. And
7 certainly if there's 20 transits, that would double.
8 But that really has no substantial bearing on -- on the
9 impact assessment as -- as we've calculated it. Both
10 would be not significant amounts of disturbance as a
11 physical disturbance and as a physical barrier to
12 caribou attempting to cross the railway.

13 THE CHAIR: Igloolik, I believe you have a
14 matter to address or a --

15 Introduction of Motion (Igloolik Working Group)

16 MR. RECINOS: Thank you, Madam Chair.
17 Merlyn Recinos with the Igloolik Working Group.

18 Madam Chair, first I'll provide a little bit of
19 background on the motion that I am about to request,
20 and then I will request it. At the technical meetings
21 we had here in June, the communities in attendee [sic]
22 and other communities felt that it would be a
23 great list -- great importance for the communities to
24 come together and have a meaningful discussion. Even
25 though the communities are separated by vast distance,
26 they're very interlinked; we share family with most of

1 the communities in the areas. And we felt that it was
2 very important for the communities to come together and
3 have a meaningful discussion where we would be able to
4 review documentation that has been provided and --
5 and -- and collectively have a -- a conversation around
6 the impact and -- and -- and benefits to the region.

7 Madam Chair, at that time, we requested a few
8 funding from different avenues, and it did not come
9 through. Afterwards, we were invited to attend
10 meetings at Mary River mine the week of September 23rd
11 to 25 where quite a few communities, I guess, were in
12 attendees -- actually, all of them. And, again, the
13 communities were there to meet in regards to
14 Baffinland. And once -- and they met together by
15 themselves for a period of 30 minutes where we had
16 discussions, and we feel that it was extremely
17 important for communities again to come together and
18 have meaningful discussions in regards to this project.

19 Again, we requested participation funding from a
20 few of the agencies that should have brought us
21 together. It wasn't until last week, November 4th
22 [sic], that we were approved for funding by the
23 Crown-Indigenous Relation Northern Affairs Canada
24 [sic]. And we were extremely happy to be approved of
25 this funding, but we wanted to have meetings as a
26 collective prior to this hearing.

1 It is for this reason that we are planning to host
2 these community meetings at the end of November. Let
3 it be in Pond Inlet, or let it be in Igloolik. We are
4 planning to have representatives from all five
5 communities' HTAs and all five communities' municipal
6 governments. The purpose of these meetings will be to
7 truly consult with the communities as a collective and
8 to have a meaningful conversation in regards to the
9 project and the benefits.

10 It is for this reason that we are requesting that
11 the record be kept open until the first week of
12 December when we are able to submit documentation from
13 our collective meeting at that time. Thank you, Madam
14 Chair.

15 THE CHAIR: NIRB legal counsel.

16 Discussion

17 MS. MEADOWS: Thank you, Madam Chair.

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

20 So, Madam Chair, with that background and motion
21 from the working group for Igloolik, I would recommend
22 that all parties think about the motion this evening,
23 and tomorrow when we reconvene, we can go around the
24 table and have a quick discussion about the motion and
25 about parties' views of the request to keep the record
26 open.

1 Also, too, if any parties were contemplating their
2 own motions to keep the record open for very specific
3 purposes, if they can also give some thought to that
4 tonight and consider whether or not they would like to
5 also make a similar request for very specified
6 purposes. Thank you, Madam Chair.

7 THE CHAIR: Continuing with questions to
8 the two presentations, QIA.

9 Qikiqtani Inuit Association Questions Baffinland Iron
10 Mines Corporation

11 MS. LEECH: Thank you, Madam Chair. Susan
12 Leech for the Qikiqtani Inuit Association.

13 During the 2017 Nunavut Planning Commission land
14 use planning amendment process three years ago, Inuit
15 told Baffinland that a rail corridor through Kanajjuk
16 was not acceptable. How come Baffinland only proposed
17 modifications to the rail route in late July? Is that
18 meaningful accommodation of this long-standing
19 never-waivering Inuit perspective? Thank you.

20 THE CHAIR: Baffinland.

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

23 Our approach following the Nunavut Planning
24 Commission was to carefully consider the information
25 provided by all the parties, and we tried, to the best
26 of our ability, to integrate that into our environment

1 impact statement for Phase 2.

2 I'll reiterate what my colleague Megan has
3 reiterated throughout this hearing, that Phase 2 is a
4 rail project. There is no Phase 2 without a railway.
5 So the only option in front of us to move forward with
6 the project was to examine the input of the Hamlet of
7 Pond Inlet and the Mittimatalik Hunters and Trappers
8 Organization and try to accommodate their concerns as
9 best we could.

10 Our approach was to plan to establish crossings
11 and to build the railway in such a way that it did not
12 prevent access issues or barriers to movement for
13 caribou. We think we've put forward a very fair
14 design. As you've seen in our presentation, up to
15 66 percent of the railway could be permeable as built.
16 We're willing to adopt a firm adaptive management
17 process built on support for regional data collection
18 and ongoing IQ collection. We've put forward a draft
19 decision matrix for establishing new crossings based on
20 land-user feedback. We are completely committed to
21 this process and ensuring that this railway does not
22 propose the barrier that was first thought it would in
23 the Nunavut Planning Commission submissions from the
24 Pond Inlet groups.

25 So I would reiterate -- because I feel it's that
26 important -- we are 100 percent committed to working

1 with the community of Pond Inlet to make sure that this
2 railway does not propose the issues that they
3 identified in their submissions to the Nunavut Planning
4 Commission. Thank you.

5 THE CHAIR: QIA.

6 MS. LEECH: Thank you, Madam Chair. Susan
7 Leech for the Qikiqtani Inuit Association.

8 I'm going to pass it back to my colleague for one
9 very short line of questioning that's left on this
10 topic.

11 MR. OTTENHOF: Thank you, Madam Chair. Jared
12 Ottenhof for the Qikiqtani Inuit Association. And
13 thank you, Susan and Nick.

14 My question is based on alternatives assessment.
15 Have any of the three routes at the forefront of this
16 technical review been reviewed yet by the Canadian
17 Transportation Agency as a responsible regulatory body
18 for rail safety and been deemed unsafe to construct and
19 operate? Thank you, Madam Chair.

20 THE CHAIR: Baffinland.

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

23 Route 1 has been subject to preliminary
24 discussions with both the Canadian Transportation
25 Agency and Transport Canada. Thank you.

26 THE CHAIR: QIA.

1 MR. OTTENHOF: Thank you, Madam Chair. Jared
2 Ottenhof, Qikiqtani Inuit Association.

3 Have any actual applications for review been made
4 to the Canadian Transportation Agency? Thank you.

5 THE CHAIR: Baffinland.

6 MR. KAMERMANS: Lou Kamermans, Baffinland.
7 Thank you, Madam Chair.

8 The Canadian Transportation Agency would not
9 accept an application from Baffinland prior to approval
10 of a project certificate by the Nunavut Impact Review
11 Board. Thank you.

12 THE CHAIR: (OTHER LANGUAGE SPOKEN)

13 MR. OTTENHOF: Thank you, Madam Chair. Jared
14 Ottenhof with the Qikiqtani Inuit Association.

15 Can Baffinland then confirm that the decision to
16 eliminate Route 2, the community preferred route, at
17 this point is entirely a Baffinland decision? Thank
18 you, Madam Chair.

19 THE CHAIR: Baffinland.

20 MR. KAMERMANS: Lou Kamermans, Baffinland.

21 Yes. This was an internal decision based on an
22 internal investigation, but it was also influenced by
23 us speaking with our potential rail operator Genessee &
24 Wyoming and them providing their input on the
25 associated risk with the potential design of Route 2.
26 Thank you.

1 THE CHAIR: QIA.

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

4 That's all for our questions on these two
5 presentations. Thank you.

6 THE CHAIR: It's almost 9:00. We'll
7 resume at 9 AM and be starting with the Nunavut
8 Tunngavik Incorporated, but before you leave, we have
9 some draws.

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11 PROCEEDINGS ADJOURNED UNTIL 9:00 AM, NOVEMBER 5, 2019

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1 CERTIFICATE OF TRANSCRIPT:

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3 We, Julie Albert and Christy Longacre, certify
4 that the foregoing pages are a complete and accurate
5 transcript of the proceedings, taken down by us in
6 shorthand and transcribed from our shorthand notes to
7 the best of our skill and ability.

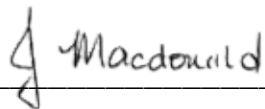
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9 this 11th day of November 2019.

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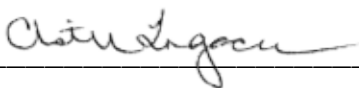
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