

NUNAVUT IMPACT REVIEW BOARD

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

HEARING

VOLUME 4

Iqaluit, Nunavut

November 5, 2019

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1 Proceedings taken at Cadet Hall, Iqaluit, Nunavut

2

3 November 5, 2019 Morning Session

4

5 NUNAVUT IMPACT REVIEW BOARD

6 K. Kaluraq Chair of Hearing

7 M. Qumuatuq Panel Member

8 G. Alikut Panel Member

9 C. Emrick Panel Member

10 U. Puqiqnak Panel Member

11

12 NUNAVUT IMPACT REVIEW BOARD STAFF

13 T. Meadows Legal Counsel

14 R. Barry Executive Director

15 T. Arko Director, Technical Services

16 S. Amuno Technical Advisor

17 C. Baker Technical Advisor

18

19 PROPONENT

20

21 BAFFINLAND IRON MINES CORPORATION

22 C. Kowbel Legal Counsel

23 B. Armstrong Legal Counsel

24 L. Duke Legal Counsel

25 B. Penney President, Chief Executive

26 Officer

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

1	M. Settingington	EDI Environmental Dynamics
2		Inc.
3	A. Van Buren	Stantec
4	S. Wallace	Stantec
5	P. Glenen	Stantec
6	M. Winterbottom	Hemmera
7	B. Wheeler	Hemmera
8	J. Prno	Jason Prno Consulting
9	T. Keane	Fednav Limited
10	C. Legault	Fednav Limited
11	S. Douville	Fednav Limited
12	D. Del Cardo	Genessee Wyoming Canada
13	R. Cook	Knight Piesold
14		
15	INTERVENORS	
16		
17	NUNAVUT TUNNGAVIK INCORPORATED	
18	M. Belleau	Legal Counsel
19	A. Kotierk	President
20	P. Irgaut	Director Wildlife and
21		Environment
22	H. Uniuqsaraq	Chief Operating Officer
23	D. Lee	Wildlife Biologist
24	J. Maurice	Director for Policy
25		
26		

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

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

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

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

1	HALL BEACH HUNTERS AND TRAPPERS ORGANIZATION	
2	D. Arvaluk	HTO Representative
3	T. Kuppaq	Hamlet Representative
4	P. Siakuluk	Elder Advisor
5	C. Pikuyak	Youth Representative
6	I. Qanatsiak	Youth Representative
7		
8	NUNAVUT INDEPENDENT TELEVISION NETWORK	
9	L. Lipsett	Technical Advisor
10	Z. Kunuk	Founder and Director
11	B. Kunuk	Youth Representative
12	T. Haynes	Audio Technician
13	T. Leblanc-Murray	Camera Technician
14		
15	HAMLET OF POND INLET	
16	F. Tester	Technical Advisor
17	T. Soucie	Hamlet Representative
18	I. Akpaliapik	Elder Advisor
19	D. Irngaut	Elder Advisor
20		
21	MITTIMATALIK HUNTERS AND TRAPPERS ORGANIZATION	
22	E. Ootoovak	Chair
23	E. Inuarak	Vice Chair
24	C. Sangoya	Secretary/Treasurer
25	O. Quaraq	Elder Advisor
26	A. Hanson-Main	Technical Advisor

1 OCEANS NORTH
2 C. Debicki Vice President Policy
3 Development and Counsel
4 K. Westdal Director Arctic Field
5 Research
6 A. Ootoowak Research Technician
7 J. Jones Scripps Institution of
8 Oceanography
9
10 WORLD WILDLIFE FUND
11 A. Dumbrille Senior Specialist Sustainable
12 Shipping
13 P. Okalik Senior Advisor Arctic
14 Conservation
15 B. Laforest Senior Specialist Arctic
16 Species and Ecosystems
17
18 INTERPRETERS/TRANSLATORS
19 J. Tucktoo Language Translator
20 L. Kilabuk Language Translator
21 V. Dewar Language Translator
22
23 J. Albert, CSR(A) Official Court Reporter
24 C. Longacre, RPR, CSR(A) Official Court Reporter
25
26 _____

1 (PROCEEDINGS COMMENCED AT 9:08 AM)

2 Opening Remarks

3 THE CHAIR: Good morning.

4 My name is Kaviq Kaluraq. I'm the Acting
5 Chairperson of the Nunavut Impact Review Board or NIRB.

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

11 There are sign-in sheets at the table. As you
12 enter the room, please sign in before, if you have not
13 already done so.

14 The washrooms are located outside this room in the
15 lobby area exit. There is coffee and tea located in
16 the back of the room as well.

17 Please turn off your cell phones before we begin
18 and put it on mute.

19 Now, let's begin these proceedings with an opening
20 prayer.

21 Leah Kalluk.

22 Opening Prayer

23 THE CHAIR: Thank you, Leah.

24 Welcome to Day 4 of the Nunavut Impact Review
25 Board's final hearing regarding Baffinland Iron Mine's
26 Phase 2 development amendment proposal.

1 As indicated at the close of our session
2 yesterday, the Igloolik Working Group has brought a
3 motion to keep the record for the public hearing open
4 so that they can provide the Board with additional
5 information from the five most directly affected
6 communities following a workshop amongst the
7 communities to take place at the end of November.

8 Before I turn the microphone to the Board's legal
9 counsel to poll the parties regarding this motion, I
10 would first like to provide some direction to the
11 community representatives who have been in attendance
12 throughout the hearing so far and comment about a
13 change to the agenda for this afternoon.

14 First, as you can see from the agenda, we are very
15 far behind in terms of the technical session agenda and
16 are not at the point where we can formally convene the
17 community roundtable as scheduled. However, the Board
18 appreciates that many of you will have been holding
19 your questions while Baffinland provides its
20 presentations and formal intervenors ask their
21 questions, so from this point forward in the public
22 hearing, the Board will be giving an opportunity to
23 community representatives to ask their questions about
24 the presentations provided by Baffinland.

25 To assist the Board, we ask that if you would like
26 to ask questions, that you let the Board staff -- Mark

1 in the back, Cory -- know that. They will write your
2 name down and give it to me so that you can -- so that
3 we can make sure we have your name for the court
4 reporters, and we can make a microphone available to
5 you.

6 When you speak, please start by stating your name
7 and your home community. Also, as you will remember
8 from the Board's rulings on Sunday, there is an
9 addition to the agenda today to allow the presentation
10 of the paper of John Loxley, and Dr. Loxley's 15-minute
11 presentation is to proceed following the Hamlet of Pond
12 Inlet's presentation. The Board advises that these two
13 presentations will proceed as planned this afternoon,
14 even though Baffinland's technical presentations have
15 not yet concluded.

16 And, lastly, the Board has been fielding many
17 questions from parties regarding how best to complete
18 the remaining items on the agenda over the course of
19 the next two days. During the lunch break, the Board
20 will be meeting to deliberate regarding the request to
21 keep the public hearing record open and will be
22 providing further guidance on that matter and any
23 changes to the agenda when we return after the lunch
24 break.

25 The Board's legal counsel has asked that all legal
26 counsel and a representative from the intervenors who

1 do not have legal counsel present meet her back here at
2 the hall at 1:00, 15 minutes before we reconvene, so
3 that the parties can have a brief discussion of the
4 Board's procedural direction, and now I would like to
5 turn the floor over to our legal counsel to discuss the
6 motion from the working group of -- from Igloolik.

7 Teresa.

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

11 So, Madam Chair, I will now turn to a brief
12 discussion of the motion of the community of Igloolik
13 to keep the Board's public hearing record open to allow
14 additional materials to be received following a
15 workshop amongst the five directly affected
16 communities.

17 When I go to the parties, I will ask that you
18 provide me and the Board with any comments you have
19 with respect to the request to keep the record open,
20 and if you, as a party, also have a request to keep the
21 record open, that you identify it, as well, during
22 these discussions.

23 So I'll now turn to the Qikiqtani Inuit
24 Association.

25 Polling of Interested Parties (Motion) (Igloolik Working
26 Group)

1 Submissions by Qikiqtani Inuit Association
2 (Motion) (Igloolik Working Group)

3 MS. LAND: Good morning. Thank you,
4 Madam Chair. Lorraine Land, legal counsel for the
5 Qikiqtani Inuit Association.

6 The Qikiqtani Inuit Association supports the
7 motion that the record of this hearing remain open for
8 enough time that would allow the affected Inuit
9 communities to meet together and respectfully
10 suggests -- provide some suggestions about how that
11 process may work.

12 We understand that Igloolik is seeking to keep the
13 record -- the hearing record open for at least a month.
14 That would allow sufficient time for additional
15 submissions to come from the five most affected
16 communities after they've had a chance to come together
17 and discuss what they've heard in this hearing process.

18 The Qikiqtani Inuit Association recognizes that
19 it's an unusual situation to keep the hearing record
20 open for a period of time, extended period of time;
21 however, the Qikiqtani Inuit Association submits that
22 it would be procedurally fair in this situation and
23 should be accommodated.

24 We point out that the enabling legislation, the
25 Nunavut Planning and Project Assessment Act explicitly
26 recognizes that the Board's rules should give due

1 regard and weight to Inuit traditions regarding oral
2 communications and decision-making and also that the
3 Act recognizes that the Board's rules should emphasize
4 flexibility and informality consistent with the rules
5 of procedural fairness and natural justice, and we note
6 that the Board's rules should particularly admit
7 evidence that is not normally admissible under normal
8 Rules of Evidence.

9 Those provisions in the enabling legislation
10 reflect the provisions in the Nunavut Land Claim
11 Agreement in Section 12.2 that also emphasize the
12 procedural flexibility of the institutions of public
13 government. Those provisions are important to Inuit as
14 they reflect the unique Inuit cultural context of
15 Nunavut and the authority of the Boards, including the
16 Nunavut Impact Review Board, to make processes
17 accessible and fair to Inuit.

18 The Board's own rules also allow for procedural
19 flexibility in Rule 4.1, 4.2, 4.3, 4.4, and 4.5 all
20 touch on this , about how the Board can adapt its own
21 processes, and the provisions that speak to the closure
22 of the record for an oral hearing do allow that the
23 record be closed right after the oral hearing, unless
24 the Board directs otherwise, so it explicitly
25 recognizes the authority of the Board to direct
26 otherwise.

1 In this particular situation, the Qikiqtani Inuit
2 Association submits that it's appropriate for the Board
3 to emphasize procedural flexibility for several
4 reasons. Primarily, all of the Inuit parties in this
5 process have consistently indicated that the pace of
6 the review, combined with the volume of evidence and
7 late introduction of multiple project changes and new
8 evidence have created fundamental challenges for Inuit
9 to properly review, understand, and respond about
10 anticipated project impacts. Allowing the record to
11 remain open would allow the communities to have an
12 opportunity to come together to ensure that they can
13 review what they have heard, confirm for themselves
14 that they understand the impacts of the project, and
15 provide any necessary supplemental submission to the
16 Board to help inform your decisions, based on what
17 their assessment, as well, of the impacts of the
18 project is.

19 Allowing that process to happen would certainly
20 not resolve the full scope of concerns that Inuit have
21 expressed about the process issues for properly
22 consulting with Inuit, nor would it address the wide
23 scope of substantive issues that still can remain about
24 impacts on Inuit, but it would be important
25 procedurally in terms of allowing another opportunity
26 in this process for Inuit to meaningfully participate.

1 Therefore, the Qikiqtani Inuit Association,
2 respectfully suggests that it would be appropriate for
3 the Board to allow the record of the hearing to remain
4 open until shortly after the Inuit communities have met
5 at the end of November and have had a chance to provide
6 an additional submission to the Board based on that
7 community dialogue, and that consistent with the rules
8 of procedural fairness, that the other parties in this
9 matter would be allowed a subsequent period, perhaps 72
10 hours, to provide a supplemental final written
11 argument.

12 Thank you.

13 THE CHAIR: Legal counsel.

14 MS. MEADOWS: Thank you, Madam Chair.

15 Teresa Meadows, legal counsel for the Nunavut Impact
16 Review Board.

17 Madam Chair, I would like to poll next Nunavut
18 Tunngavik Incorporated.

19 Submissions by Nunavut Tunngavik Incorporated
20 (Motion) (Igloolik Working Group)

21 MS. UNIUSARAQ: Thank you. Hannah Uniuqsaraq.

22 The Qikiqtani Inuit Association indicated, under
23 the Nunavut Agreement, 2.2 allows for procedural
24 flexibility for the institutions of the public
25 government in Nunavut. Nunavut Tunngavik Incorporated
26 supports the record remaining open for the sole purpose

1 of allowing the community working groups that did not
2 receive their participant funding until just before
3 this hearing to provide a written submission, if they
4 haven't already done so. We also ask that parties be
5 given the opportunity to provide responses to those
6 written submissions, perhaps 72 hours.

7 Qujannamik.

8 THE CHAIR: I'll just go through the list.

9 Pond HTO.

10 Submissions by Mittimatalik Hunters and Trappers
11 Organization (Motion) (Igloolik Working Group)

12 MS. HANSON-MAIN: Thank you. Amanda
13 Hanson-Main, Mittimatalik Hunters and Trappers
14 Organization.

15 With respect to the Igloolik Working Group motion
16 to have the record remain open following the close of
17 proceedings this week and next, the Hunter and Trapper
18 Organization supports this motion in principle to allow
19 us more time to convene with other communities and,
20 perhaps, file additional materials to this process for
21 the Impact Review Board's consideration.

22 We're happy to participate in this convention of
23 the communities in whatever way we can; however, we do
24 feel that moving into sessions two weeks after the
25 close of these proceedings may be difficult in terms of
26 organize -- organizing ourselves appropriately to

1 meaningfully consider and develop our collective input.
2 We recognize that if the Board finds in favour of this
3 motion, all parties may be able to file materials with
4 the Board.

5 We're not sure what the process is for the Nunavut
6 Impact Review Board to allow or disallow written
7 materials from any other party to be included during
8 this time, and we're concerned that the volume of
9 information that may be filed could be prohibitive,
10 given our limited resources to review and comment
11 further, and that the intention of this period would be
12 to reflect on materials already on the record.

13 We also note that this week's schedule, as you've
14 mentioned, is constrained or is -- in terms of what
15 information we've been able to provide, and so we would
16 advise support for this extension of the hearing record
17 with additional in-person days added to the hearing
18 process that would then respect and allow Inuit to
19 participate in line with our tradition of oral
20 decision-making.

21 Qujannamik.

22 THE CHAIR: Hamlet of Pond Inlet.
23 Submissions by Hamlet of Pond Inlet (Motion) (Igloolik
24 Working Group)

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

1 The Hamlet is in accord with the comments just
2 made by the MHTO. We also have one question, and that
3 is we -- we'd like clarification on what this means for
4 the 45-day timeframe within which NIRB has to make a
5 decision and respond to the results of this particular
6 process.

7 Other than that, we are in support of the motion.

8 THE CHAIR: Legal counsel.

9 MS. MEADOWS: Thank you, Madam Chair.

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

12 For the benefit of all parties, the answer is that
13 until the public hearing record closes, the Board is
14 not in decision-making, and so the Board's
15 decision-making timeframe would not commence until all
16 materials are received and the Board has indicated that
17 the record is closed.

18 Thank you, Madam Chair.

19 THE CHAIR: Community of Hall Beach

20 Hunters and Trappers Organization.

21 Submissions by Hall Beach Hunters and Trappers

22 Organization (Motion) (Igloodik Working Group)

23 MR. ARVALUK: Dan Arvaluk from Hall Beach

24 Hunters and Trappers Organize -- Organization.

25 We are in favour of the motion, just to be brief.

26 Thank you.

1 THE CHAIR: Government of Nunavut.
2 Submissions by Government of Nunavut (Motion) (Igloodik
3 Working Group)

4 MR. PINKSEN: Thank you, Madam Chair. Steve
5 Pinksen, Government of Nunavut.

6 We would first note that un -- it's difficult to
7 speak to this right now because we understand that
8 legal counsel will be meeting after lunch, and
9 decisions will be made subsequent to that on how the
10 Board is going to proceed with completing the agenda,
11 so at this point, we are so far behind, it's really
12 difficult to see how we could complete the hearing
13 in -- in the time allotted, so it's almost like we need
14 to hear about that first; however, I just put that out
15 there.

16 The GN does support the motion for the limited
17 purpose of the five affected communities to be allowed
18 the opportunity to have this discussion and make a
19 submission to the Board, and, similarly, to other
20 commentators, that the other parties should be provided
21 the opportunity to review that submission and be given
22 a reasonable amount of time to -- to make a -- a reply
23 to that.

24 Thank you.

25 THE CHAIR: CIRNAC.
26 Submissions by Government of Canada (Motion) (Igloodik

1 Working Group)

2 MR. KOHNENBERG: Dale Kohnenberg, counsel for
3 Justice Canada.

4 On behalf of all the federal departments, the
5 Government of Canada takes the position that it has no
6 objection to the motion.

7 THE CHAIR: Oceans North.
8 Submissions by Oceans North (Motion) (Igloolik Working
9 Group)

10 MS. WESTDAL: Kristin Westdal with Oceans
11 North.

12 Oceans North supports the motion by the Igloolik
13 Working Group for the record to remain open.

14 Thank you.

15 THE CHAIR: World Wildlife Fund.
16 Submissions by World Wildlife Fund (Motion) (Igloolik
17 Working Group)

18 MR. OKALIK: Paul Okalik, World Wildlife
19 Fund.

20 Yes, we are in favour of the motion as well. To
21 the most -- five most affected by the impacts as we
22 move forward, we are in favour of the motion.

23 Thank you, Madam Chair.

24 THE CHAIR: Nunavut Independent Television
25 Network.

26 Submissions by Nunavut Independent Television Network

1 (Motion) (Igloolik Working Group)

2 MR. LIPSETT: Good morning. Lloyd Lipsett
3 for Nunavut Independent Television Network.

4 We also support this motion, and we are happy to
5 participate and support in the meeting in Igloolik.

6 Thank you.

7 THE CHAIR: Baffinland Iron Mines.
8 Submissions by Baffinland Iron Mines Corporation
9 (Motion) (Igloolik Working Group)

10 MS. KOWBEL: Thank you, Madam Chair. I
11 just need one moment to confer. Thank you, Madam
12 Chair.

13 Baffinland supports the Igloolik Working Group's
14 motion to keep the record open until December 16th,
15 2019, for the limited purpose of permitting the
16 communities to report back to the Board on the outcome
17 of the workshop that is planned for late November.
18 Baffinland is not objecting to intervenors filing
19 limited submissions on the reports from the workshops
20 by December 19th, 2019.

21 The process for final written submissions provided
22 for all parties to file final written submissions with
23 time for Baffinland to respond. Again, Baffinland
24 should have a chance to respond to all submissions
25 before the Board makes its decision -- begins its
26 decision-making process. On that basis, we would like

1 to ask that the record be further kept open for the
2 limited purpose of allowing Baffinland, until December
3 23rd, 2019, to respond to the additional submission
4 reporting on the workshop and any comments filed by
5 intervenors.

6 For all other purposes, the record should be
7 closed at the end of this public hearing on November
8 10th, 2019. For clarity, no other submissions or
9 additional effort -- evidence should be accepted by the
10 Board after that date.

11 Baffinland appreciates the Igloolik Working
12 Group's efforts to organize the November workshop and
13 commits to providing a translated summary of the rail
14 alignment report to Igloolik Working Group in advance
15 of the meeting in order to help facilitate those
16 discussions. Baffinland is also open to working with
17 Igloolik Working Group to provide further support to
18 help ensure that the November meetings occur as
19 planned.

20 Qujannamik.

21 THE CHAIR: Thank you.

22 And now we're going to return to questions to
23 Baffinland from the intervenors and the community
24 representatives on the alternatives assessment and
25 terrestrial environment presentations.

26 Starting with Nunavut Tunngavik.

1 Nunavut Tunngavik Incorporated Questions Baffinland
2 Iron Mines Corporation

3 MS. UNIUQSARAQ: Qujannamik, Iksivautalik.
4 Hanna Uniuqsaraq, Nunavut Tunngavik Incorporated. We
5 have several questions.

6 The United Nations Agency for the safety and
7 security of shipping and prevention of pollution, the
8 International Maritime Organization is calling for the
9 phasing out of the use of heavy fuel oil by ships
10 traversing in the Arctic. Nunavut Tunngavik
11 Incorporated, at its 2018 annual general meeting,
12 passed a unanimous resolution calling for the ban of
13 heavy -- the use of heavy fuel oil, and this is further
14 supported by the Inuit Circumpolar Council, including
15 Greenland.

16 With the number of ships required to implement
17 Phase 2, does Baffinland have plans or intent to move
18 away from the use of heavy fuel oil?

19 Qujannamik.

20 THE CHAIR: Baffinland.

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

23 The first point I'd like to note is that
24 Baffinland contracts all of its vessels, and many of
25 the operational decisions made with respect to the
26 vessels are -- are by those charter companies.

1 On the topic of heavy fuel oil, in January 1st,
2 2020, the International Maritime Organization will be
3 implementing the 2020 sulfur cap, which will require
4 marine fuel to have less than 0.5 percent sulfur
5 content, so that will change the dynamics of the fuel
6 availability to the ships serving our project.

7 Whether or not there is a -- continues to be a
8 heavy fuel oil that can be used that meets that
9 standard or our ships implement scrubbers, closed-loop
10 scrubbers that could also be used to -- to offset or
11 ensure the sulfur cap is met, is yet to be determined.
12 We'll see how that shapes up in 2020.

13 Transport Canada is also leading an initiative
14 looking into what a ban on heavy fuel oil would mean in
15 the Arctic. Baffinland's participating in that review,
16 and we've -- we've supplied information to Transport
17 Canada, but that -- the results of that process are --
18 are yet to be seen, but Baffinland is committed to
19 working within that process and meeting the
20 regulations, should they be issued.

21 Thank you.

22 THE CHAIR: Nunavut Tunngavik
23 Incorporated.

24 MS. UNIUQSARAQ: Thank you, Madam Chair. Hanna
25 Uniuqsaraq, Nunavut Tunngavik Incorporated.

26 If there were to be a spill of heavy fuel oil, can

1 you please describe Baffinland's capacity, or perhaps
2 the -- the capacity of the chartered companies, to
3 respond to spills?

4 Qujannamik.

5 THE CHAIR: Baffinland.

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

8 Baffinland has a spill-at-sea response plan which
9 outlines the capacity we have at Milne Port to respond
10 to a spill. We also contract OSLR, which is a
11 third-party contractor to respond to a spill, in the
12 event that one occurs in the regional study area, and
13 each ship would also have their own spill-response
14 capabilities, and we'd be happy to discuss this further
15 during the marine session.

16 Thank you.

17 THE CHAIR: NTI.

18 MS. UNIUQSARAQ: Thank you. I'll defer to my
19 colleagues.

20 MR. IRNGAUT: Thank you, Madam Chair. Paul
21 Irngaut from NTI. English.

22 Before I ask the question -- well, before I -- I
23 ask the question about the Phase 2 proposal, first, I
24 would like to ask if there's evidence of caribou
25 crossing the tote road?

26 THE CHAIR: Baffinland.

1 MR. SETTERINGTON: Mike Setterington for
2 Baffinland.

3 The question was about evidence of caribou
4 crossing the tote road, and we did -- the last time we
5 saw caribou interacting with the tote road was in 2013,
6 based on our height-of-land surveys, and caribou did
7 cross the road at that time, and we have had incidental
8 sightings over the years of caribou on the project, but
9 no evidence of them crossing the road as we're seeing
10 so few caribou right now.

11 THE CHAIR: NTI.

12 MR. IRNGAUT: Thank you. Was -- was that
13 before the -- the heavy haul trucks were moving, that
14 you saw the evidence of caribou crossing?

15 THE CHAIR: Baffinland.

16 MR. SETTERINGTON: Madam Chair, yes, those
17 observations were before the heavy haul, and that was
18 during the first year of construction, and if I might
19 take this opportunity to review some of the earlier
20 baseline information about the caribou population cycle
21 that we learned from the harvesters, hunters, and
22 Elders about the 60- to 70-year population cycle, and
23 we started that work in -- in 2008, and I do have a
24 graph and a map that I would like to show that has been
25 in our baseline report, if I can take that opportunity
26 to help explain part of the answer that I'd like to

1 give to NTI, and this information is already in the
2 baseline report.

3 THE CHAIR: Legal counsel.

4 MS. MEADOWS: Thank you, Madam Chair.

5 So in the interest of time, I'm going to just
6 suggest that you keep it very brief, in terms of the
7 context to the answer to your question, as you -- as
8 brief as you can.

9 Thank you.

10 THE CHAIR: Will someone put up the graph.

11 MR. SETTERINGTON: Thank you, Madam Chair.

12 I'm just going to get a written section out of our
13 baseline report that summarizes the traditional
14 knowledge about the caribou population.

15 Yes, we'll put up the graph. Sorry, Madam Chair.

16 While my colleague is going to put the graph on
17 the computer, I'm just going to read this section.

18 This is from page 9 of TSD 10 about the cyclical
19 abundance of caribou on North Baffin Island. So: (as
20 read)

21 Synthesis of harvest data, observations, and
22 Inuit Qaujimanituqangit dating back to 1879
23 suggests that North Baffin Island caribou
24 follow population cycles. The North Baffin
25 Island caribou abundance peaked in the 1920s
26 to 1930s, after a low in the 19th century,

1 and was followed by a noteworthy decline
2 starting in the 1940s.

3 And that was noted also by the Pond Inlet caribou focus
4 working group in 2008.

5 So, Madam Chair, this graph that you see on the
6 left, this was in -- I'm just going to change.

7 This graph that we see on the left, this is the
8 harvest statistics going back to 1920s, 1930s from the
9 North Baffin communities. These are based on RCMP
10 records and some harvest studies in the past. So going
11 back to the 1920s, 1930s, we see a high in the peak
12 matching what I just read, a very low through the '40s
13 and '50s.

14 The Qikiqtani Inuit Association, then known as the
15 Baffin Island Inuit Association, did a harvest study in
16 the early 1980s, and then there was a period where
17 there were no harvest records; and then for the Nunavut
18 wildlife harvest study, again, starting in 1999 through
19 the early 2000s, caught the end of the last peak of
20 abundance in caribou, and this agreed with the
21 traditional knowledge that we received.

22 We also received knowledge about how the caribou
23 actually move in relation to abundance, what we feel is
24 related to the lichen abundance. We can see in this
25 figure here, that was part of our TSD 10 as well as our
26 original FES [sic] publication, was that decadal

1 changes in the years as the caribou are abundant.

2 Here's the Mary River Project. This is when they
3 were last abundant through the late '80s, through the
4 early 2000s in Pond Inlet, and then the hunters and
5 trappers tell us that the caribou went somewhere else,
6 so there's clearly a movement of caribou.

7 Although harvest higher numbers were higher in the
8 1980s than the 1990s, cari -- caribou abundance and
9 range use were at a peak in the 1990s. The
10 Mittimatalik Hunters and Trappers Organization told us
11 in 2006. Approximate spatial distribution of the
12 caribou varied according to the abundance of caribou,
13 and Pond Inlet hunters might have been travelling
14 further to harvest caribou in the 1980s and the 1990s,
15 and that's reflected where they would have gone to hunt
16 here. However, the North Baffin Island caribou
17 population started decreasing in the late 1990s, before
18 exploration on the project even started again, and
19 people were finding dead caribou across the land.
20 That's from the Mittimatalik Hunters and Trappers
21 Organization information and the Piksiksik working
22 group in 2006.

23 So to get back to the question about caribou
24 crossing the road and evidence of caribou crossing the
25 road, Madam Chair, the population is so low of caribou
26 now, we do have some caribou in the area, but they are

1 at very low abundance. The latest population estimate
2 of caribou in the North Baffin is anywhere from 152 to
3 just over 600 animals across the 136,000-square-
4 kilometre North Baffin Island caribou range. So to get
5 evidence of caribou either crossing or not crossing the
6 road is an extremely challenging exercise for us, so
7 when we're asked for evidence of caribou crossing the
8 road, they may or may not be, but we are looking at
9 individual caribou in small groups that may be doing
10 it.

11 Thank you.

12 THE CHAIR: NTI.

13 MR. IRNGAUT: (OTHER LANGUAGE SPOKEN)

14 Thanks for that information, but we have already
15 known this quite a -- quite a while ago. A simple
16 "yes" or "no" would have been sufficient.

17 According to IQ, caribou are very sensitive to
18 objects, trails, and movements. For example, cari --
19 caribou can stop when they come across snowmobile
20 tracks. It's like they hit a wall, so it's not
21 surprising that there's hardly any evidence of caribou
22 crossing the tote road, so if you build a railroad,
23 that's two barriers for caribou to cross.

24 So my question is how do you conclude that caribou
25 will cross the proposed railway?

26 Qujannamik.

1 THE CHAIR: Baffinland.

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

4 As you can see on this chart, that between the
5 '80s and the '90s, there was a movement of caribou from
6 the west to the east across where the tote road did
7 exist at that time. The tote road was built in the
8 '60s and has been there since then, so that is evidence
9 that caribou have moved across that linear
10 infrastructure.

11 As for Phase 2, Phase 2 is proposing a significant
12 decrease in activity along that transportation
13 corridor. It is an additional piece of linear
14 infrastructure, but the level of activity will
15 substantially decrease as we shift ore haulage from ore
16 haul trucks to railway.

17 As we discussed yesterday, that the maximum
18 transits in any given day would be 20 for the rail
19 operation, and, right now, we are working with about
20 240 truck transits per day, so that is a -- a truck
21 passing by any fixed point every few minutes to -- to
22 what you could average out 21 transit per hour for the
23 train.

24 So we think Phase 2 introduces a substantial
25 decrease in activity along the corridor, which we think
26 will assist in caribou crossing, but we're also fairly

1 confident that caribou have already shown the ability
2 to cross linear infrastructure in the North Baffin.

3 Thank you.

4 THE CHAIR: NTI.

5 MR. IRNGAUT: (OTHER LANGUAGE SPOKEN)

6 I -- I agree that caribou crossed way before the
7 operation -- operation took place. With heavy haul
8 trucks going back and forth every few minutes, as you
9 indicated, and the dust coming out of that tote road,
10 of course, caribou will not cross.

11 So my next question is some areas of the railroad
12 line seems to be at -- in the areas identified by Inuit
13 as calving grounds or migration routes. Can you commit
14 to avoiding any con -- construction or disturbance of
15 these areas?

16 THE CHAIR: Baffinland.

17 MR. KAMERMANS: Lou Kamermans, Baffinland.

18 Thank you, Madam Chair.

19 The railway is -- the -- the alignment is
20 currently set, and where we are planning to construct
21 is fixed, and I want to highlight that it -- it is
22 largely within a hundred metres of the existing tote
23 road, so -- so a very much established corridor where
24 there is a linear disturbance; but where we identify
25 that there are sensitive areas, we are open to
26 identify -- identifying and implementing site-specific

1 mitigation measures for the operation as well as
2 post-construction modification to the embankment,
3 should it be required, so establishing gentler slopes
4 or implementing speed restrictions in those areas or to
5 ensure horn blasts are not made in those areas.
6 There -- there's options that we can implement as we
7 identify these sensitive areas.

8 Thank you.

9 THE CHAIR: NTI.

10 MR. LEE: Thank you. Thank you, Madam
11 Chair. David Lee for Nunavut Tunngavik.

12 Firstly, thank you for that response. I have
13 about six or seven questions that I'll try to keep as
14 pointed as possible. I may have a few follow-up.

15 Following up on the response that you provided to
16 my colleague and the response that you provided to QIA
17 about some of the assumptions used to conclude upon the
18 permeability of the proposed rail line, given the
19 gradient of 2-to-1, which you've cited is considered a
20 general guide used in the NWT for roads and not
21 specific for caribou crossings, and given that the
22 Ekati Diamond Mine used gradients that are 4-to-1 and
23 3-to-1, and Agnico Eagle uses a gradient of 4-to-1 as
24 the standard to facilitate caribou crossings on their
25 roads, what evidence did Baffinland then rely upon that
26 a gradient of 2-to-1 on, generally, much higher

1 embankments is comparable or best practice?

2 Qujannamik.

3 THE CHAIR: Baffinland.

4 MR. KAMERMANS: Lou Kamermans, Baffinland.

5 Thank you, Chair.

6 So for Phase 2, what we had initially proposed was
7 general slopes of 1-to-1.5, and that was consistent
8 with what was accepted under the Steensby component of
9 our project and approved in 2012.

10 The 1-to-1 -- the 1-to-4 and the 1-to-3, speaking
11 specifically to Agnico, we understand they are using
12 gentler slopes, but we also understand that that is
13 actually a technical requirement for their ore haul
14 trucks, and not specifically designed for caribou
15 crossing, while, of course, caribou will cross over
16 that slope, or that is the intention.

17 We believe 1-to-2 is -- is in keeping with the
18 best practices that we've proposed for this project and
19 what's implemented elsewhere in Canada, and in addition
20 to those -- that general build design, we have, through
21 the crossing-selection workshop, through ongoing
22 community engagement, we are very much focused on
23 determining where additional crossing areas are where
24 we can implement gentler slopes, if they're required or
25 inconsistent with the -- the local railway design in
26 that area.

1 Right now, the slopes we're working with at
2 established crossings is 1-to-5, but we've also --
3 we're looking at -- at adding plate-arch culverts so
4 caribou can actually cross under the rail where it's
5 been indicated that that would be a preferable crossing
6 option, so we're -- we're very much adaptable here, and
7 we're looking forward to a process that can be built on
8 the continued collection of IQ and data to influence
9 where we install further crossings, should they be
10 demonstrated to be required.

11 Thank you.

12 THE CHAIR: NTI.

13 MR. LEE: Thank you, Madam Chair. David
14 Lee for Nunavut Tunngavik.

15 I would like to provide a response or a point of
16 clarification, but I remain at your discretion, if --
17 if this is acceptable.

18 Just that some of the other examples cited, except
19 for Agnico Eagle, is based on expert advice on the
20 gradient and not simply a -- a technical requirement.
21 It was based on a group of experts discussing what
22 would be the best gradient for -- to facilitate caribou
23 crossing.

24 I'll move on to my next question. In your revised
25 cumulative effect assessment addendum, could you please
26 confirm that there were no values specifically for the

1 zone of influence that were generated from data that
2 are specific to this project area; that is, values used
3 in this analysis are actually based on values from
4 other studies for the zone of influence?

5 Thank you.

6 THE CHAIR: Baffinland.

7 MR. SETTERINGTON: Madam Chair, Mike Setterington
8 for Baffinland.

9 That is true. We did not have any values that we
10 could derive from information based on North Baffin
11 Island. The theoretical zone of influence came from
12 studies at the diamond mines, and the disturbance
13 coefficients came from numerous studies as summarized
14 and studied in -- in the cumulative effects assessment.

15 And as I noted in my presentation, Madam Chair,
16 you'll note that I did point out that this is an
17 evolving science, as well, too, and there is some
18 uncertainty with it.

19 Thank you, Madam Chair.

20 THE CHAIR: NTI.

21 MR. LEE: Thank you, Madam Chair. David
22 Lee for Nunavut Tunngavik. Thank you for that
23 response, Mike.

24 In the other studies, what is typically provided
25 or what is optimal is that when the zone of influence
26 is generated, that the confidence limit, a significance

1 of the estimate, and the goodness of fit is also
2 provided because that is used to evaluate the zone, the
3 result, specifically the zone of influence.

4 The confidence interval or limit is -- is quite
5 important because it provides the level of certainty
6 and uncertainty in the estimate.

7 Given the limitations that you've described, how
8 did you assess, then, the validity of using values from
9 other case studies for this project, and, more
10 importantly, where are the confidence limits that would
11 be associated for any typical scientific analysis?

12 Thank you.

13 THE CHAIR: Baffinland.

14 MR. SETTERINGTON: Madam Chair, Mike Setterington
15 for Baffinland.

16 Madam Chair, this was not a scientific study to
17 define the zone of influence. As I described in my
18 presentation, a zone of influence is a theoretical area
19 of disturbance that is used in environmental assessment
20 practice.

21 Again, this is not a study. We tried to estimate
22 the extended effects of sensory disturbances on animals
23 beyond direct habitat loss, so we don't have things
24 like confidence intervals on our disturbance
25 coefficients. They -- they just don't exist because,
26 specifically, for North Baffin Island, we don't have

1 the caribou data to collect for information on a zone
2 of influence. These are long-term studies that, again,
3 our zone of influence estimate came from the diamond
4 mines where they had over 11 years of aerial
5 monitoring, multiple collar studies, collaboration with
6 the Government of the Northwest Territories and
7 industry at the time to look at that during intense
8 studies and other studies throughout. We took the
9 findings from that and -- and used it to estimate the
10 potential impacts.

11 So, again, I identified that is an area of
12 uncertainty. That's why we have moderate levels of
13 confidence in our impact predictions. That's why we
14 have monitoring programs in place. That's why, when
15 the time comes, we will be supporting regional
16 monitoring programs that may provide the data to give
17 us better information on what our zone of influence is,
18 but, again, that's when our monitoring and our
19 mitigation that we have in place turns into an academic
20 study, Madam Chair.

21 THE CHAIR: NTI.

22 MR. LEE: Thank -- thank you, Madam
23 Chair. David Lee, wildlife biologist for Nunavut
24 Tunngavik. Thank you, Mike, for that response.

25 I -- I may be out of line here. I -- I guess I'm
26 concerned, then, about the emphasis placed on these

1 studies in providing what their significance is and
2 Level 2 or Level 3 significant impacts when levels of
3 uncertainty have not been incorporated into this
4 modelling exercise. It appears, to me, that you're
5 suggesting that because this is a largely theoretical
6 exercise, that the confidence that we place on these
7 models should, therefore, be very low. Is that what
8 you're suggesting?

9 Thank you.

10 THE CHAIR: Baffinland.

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

13 We think the studies we've provided and our
14 conclusions are valid, and the level of certainty does
15 meet the criteria of expectation for environmental
16 assessment.

17 The uncertainty that we're speaking about here is
18 something we acknowledge and we're willing to work on.
19 In response to the Government of Nunavut, we have
20 committed to undertake research to estimate the zone of
21 influence for the area and disturbance coefficients and
22 report this to the Nunavut Impact Review Board on a
23 five-year basis, and we think that will continue the
24 contributions Baffinland is making to the understanding
25 of the North Baffin caribou.

26 Thank you.

1 THE CHAIR: NTI.

2 MR. LEE: Thank -- thank you, Madam
3 Chair. David Lee for NTI, and thank you, Lou, for that
4 response.

5 Within the recommended revisions to the project
6 certificate, Baffinland has recommended removing the
7 tonnage limit and replaced it with the number of truck
8 transits that would presumably apply for the duration
9 of the Phase 2 construction period.

10 Could you confirm if you are also seeking
11 operational flexibility in the construction period of
12 the rail?

13 I guess, more specifically, for example, is there
14 a scenario where increased traffic on the road could
15 occur because rail construction extends beyond six,
16 seven, or more years?

17 Thank you.

18 THE CHAIR: Baffinland.

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

21 With our responses to information requests in
22 December 2018, we provided a sensitivity analysis on
23 our assessment to account for the possibility that we
24 encounter unforeseen permitting or construction delays,
25 in which case we would and we are seeking approval to
26 continue trucking up to 6 million tons of ore during a

1 construction period for a period of six years. We
2 think that's a reasonable limit to account for our
3 proposed construction timeline and to account for
4 potential delays in that process.

5 Thank you.

6 THE CHAIR: NTI.

7 MR. LEE: Thank you, Madam Chair. David
8 Lee for Nunavut Tunngavik.

9 Yesterday, you responded or a representative
10 responded that there was no significant difference in
11 the assessment between 10 or 16 and 20 round-trips.
12 These are the rail trips.

13 Just for clarification, in Appendix C of the
14 technical service document, it's indicated that there
15 will be eight round-trips daily or 16 transits. In
16 your effects assessment for caribou, that is Technical
17 Service Document 10, you indicate that this rate is for
18 16 transits, and not 20, that was used for your
19 assessment.

20 We've heard repeatedly that you are seeking
21 operational flexibility to run up to 20 train transits
22 daily, which does represent 25 percent more than
23 actually assessed. Could you explain how this
24 additional level was accounted in your assessment?

25 Thank you.

26 THE CHAIR: Baffinland.

1 MR. KAMERMANS: Thank you, Madam Chair. Lou
2 Kamermans, Baffinland, and thank you for the
3 opportunity to clarify that. I understood it was a
4 little confusing when I spoke about it.

5 So the five to eight round-trips are based on
6 whether we use a two- or three-train system. The eight
7 trips are based on the three-train system, which gives
8 you 16 transits, but those are averages. So adding on
9 two trips or -- or four transits is -- is just covering
10 a potential maximum on any given day, and so we've
11 suggested that limit as a daily maximum to -- to not
12 constrain us to the average, understanding some days
13 there could be more, and some days they could be less.

14 Our approach towards the assessment is what this
15 translates into, this low volume of traffic, a train
16 car, a set of 65, so a train with 65 cars would take
17 about one minute to pass a fixed point, so that's --
18 under the 16 transits, that's 16 minutes in a given day
19 of peak disturbance standing next to the rail line.

20 Obviously, you can hear the train coming for some
21 time before and after, but the differences between 10,
22 16, and 20 are -- do not create a significant --
23 significantly marginal increase, so thank you.

24 THE CHAIR: NTI.

25 MR. LEE: Thank you, Madam Chair. David
26 Lee for NTI. One final question.

1 Yesterday, QIA had asked if you had included some
2 of the potential sensory disturbance that may occur on
3 caribou in your cumulative effects assessment.

4 Just to clarify, my understanding is that the
5 cumulative effects assessment only considered the
6 exposure of caribou to a train passing by, should the
7 caribou be located within the zone -- the zone of
8 influence, but there was no consideration of noise and
9 other type of sens -- sensory cues that caribou would
10 be expected to detect.

11 Is that, in fact, the case for the analysis of the
12 cumulative effects assessment?

13 And, also, thank you, Lou, for responding to my
14 question.

15 THE CHAIR: Baffinland.

16 MR. SETTERINGTON: Madam Chair, Mike Settingerton
17 for Baffinland.

18 I'd like to thank my colleague, David, for the
19 question on what was incorporated in the cumulative
20 effects assessment, and the way that we address
21 cumulative effects assessment is grouping sensory
22 disturbances all together -- visual, vibration,
23 smell -- and incorporating that within the zone of
24 influence estimate; and the studies from other areas on
25 zones of influence, we aren't quite sure exactly what
26 creates the zone of influence. It might be -- it might

1 noise. It might be vibration. It's probably a
2 combination of the things, and that's -- and that's,
3 again, what we got out of the workshops that we had
4 working with the local Inuit.

5 So what was included in the cumulative effects
6 assessment was caribou response to rail, caribou
7 response to road, caribou response to mining, caribou
8 response to helicopter overflights, caribou response to
9 communities, the noises, the smells, the vibrations
10 associated with all of those things from helicopter
11 overflights to an exploration project to trying to
12 encompass any human presence on the landscape.

13 We did not do separate analyses as a response to
14 noise, vibration, dust, visual. It's all grouped
15 together in the concept of a zone of influence where
16 habitat becomes less likely to be used the closer you
17 are to a disturbance.

18 Matna.

19 THE CHAIR: Nunavut Tunngavik
20 Incorporated.

21 MR. LEE: Thank you, Madam Chair. David
22 Lee for Nunavut Tunngavik.

23 That concludes our questioning.

24 THE CHAIR: A question from a community
25 representative, Mark Amagoalik. Can someone please
26 bring him a mic.

1 THE TRANSLATOR: Mark Amagoalik.

2 THE CHAIR: He's not here right now.

3 We're going to start with the community representative
4 question after the break.

5 (ADJOURNMENT)

6 THE CHAIR: Please take your seats.

7 We're going to start with a question from a
8 community representative, Mark Amagoalik. If someone
9 can please bring him a mic.

10 Questions for Baffinland Iron Mines Corporation by
11 Resolute Bay Community Representatives

12 MR. M. AMAGOALIK: Thank you, Madam Chair. My
13 name is Mark Amagoalik, Hunters and Trappers from
14 Resolute.

15 Question is for Baffinland. Shipping corridor.
16 Do you guys have any charts for the corridors you guys
17 been using and all the equipment that you guys been
18 getting for the number of years?

19 THE CHAIR: Baffinland.

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

22 Yeah. We do have these charts. They will be in
23 our marine presentation, and we report on our ship
24 tracks every year to the Nunavut Impact Review Board in
25 our annual monitoring report. Thank you.

26 THE CHAIR: Mark Amagoalik.

1 MR. M. AMAGOALIK: Thank you, Madam Chair.

2 For the northwest passage, on the chart it said
3 it's not going to be used for a shipping corridor. For
4 number of years we've been watching some equipment
5 being moved over to Baffinland. The four big tugboats
6 and the big hauls, the big lift, being -- passing
7 through our passage. Wondering why you guys are
8 passing through without notifying Nunavummiut that the
9 passage is being used.

10 THE CHAIR: Baffinland.

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

13 This was the first year we used a big lift in
14 support of the project, and those ships did not travel
15 through the northwest passage; they travelled in
16 through Baffin Bay and into Eclipse Sound. It's
17 possible that other ships have been using that passage,
18 but it hasn't been to support the Baffinland project.
19 Thank you.

20 THE CHAIR: Mark Amagoalik.

21 MR. M. AMAGOALIK: Thank you, Madam Chair.

22 The big crusher you guys just got during the
23 summer, that passed through our passage. We watched it
24 pass through. A number of people been filming it. And
25 we've been keeping an eye on the passage for a number
26 of years, keeping track of all the ship and boats

1 coming in and out, and -- yeah.

2 Going through that passage and not notifying
3 Nunavummiut and other notified community, we might be
4 another affected community by Baffinland. Might be
5 Number 6. And if you guys are going to use the
6 northwest passage, there's more other communities that
7 you're going to have to worry about too. Thank you.

8 THE CHAIR: Baffinland.

9 MR. KAMERMANS: Thank you, Madam Chair. Lou
10 Kamermans, Baffinland.

11 The crusher brought to Milne Port this year came
12 from a port in Germany, and that transit route would
13 have been direct across the Atlantic through Baffin Bay
14 and into Eclipse Sound. That crusher did not transit
15 the northwest passage. I'd be happy to speak with the
16 representative outside of this to understand what ship
17 may have been seen. But I'd like to confirm that any
18 shipping Baffinland would ever do through the northwest
19 passage -- our intentions towards that have been
20 clarified in a letter to the Nunavut Impact Review
21 Board, and should we develop plans to use it in the
22 future, we would, of course, consult with any
23 communities along that corridor. Thank you.

24 THE CHAIR: Any further questions, Mark
25 Amagoalik?

26 MR. A. AMAGOALIK: (NO VERBAL RESPONSE)

1 THE CHAIR: Continuing with questions from
2 registered intervenors. Pond Inlet Hunters and
3 Trappers Organization.

4 Mittimatalik Hunters and Trappers Organization
5 Questions Baffinland Iron Mines Corporation

6 MR. INUARAK: Madam Chair. Enookie Inuarak,
7 Pond Inlet HTO. I have two or three questions, and the
8 rest of my members will ask other questions.

9 First of all, my first question, the plans that
10 you have in place for the transportation corridor for
11 the railway, if there's caribou present within the
12 vicinity of the -- of the train, you had said that you
13 would slow down if there's a caribou present on the
14 railroad and that you would say that the railroad --
15 the train would stop.

16 The North Baffin region, the caribou tend to
17 migrate -- I mean, the -- the North Baffin region gets
18 dark in the early fall season. Now, if there was a
19 caribou present, how would you be able to see
20 caribou -- that there's caribou present on the railroad
21 and that the train would travel at a certain speed?
22 How would you know that there's caribou on -- right on
23 their -- on the tracks? How would you -- how would you
24 know that?

25 THE CHAIR: Baffinland.

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

1 Kamermans, Baffinland.

2 With the lighting system on the trains, you can
3 see a distance of 250 metres or 820 feet in front of
4 the train. So that -- we would be using that lighting
5 system during periods of darkness. And also when there
6 are periods of higher caribou abundance in the area, we
7 are proposing to implement additional monitoring
8 measures such as the use of a hi-rail car with
9 dedicated wildlife monitors inside to -- to ensure
10 speed restrictions are applied to mitigate any possible
11 negative interactions between the train and caribou.
12 Thank you.

13 THE CHAIR: Mittimatalik Hunters and
14 Trappers Organization.

15 MR. INUARAK: Thank you, Madam Chair.
16 Enookie Inuarak, Pond Inlet HTO.

17 When the rail -- when the -- when the train is
18 going to have a heavy tonnage on each of the -- of --
19 of -- of the -- on -- on -- on the train, how fast can
20 the train come to a halt should something occur while
21 you're hauling iron ore?

22 THE CHAIR: Baffinland.

23 MR. INUARAK: Can I make a comment?

24 THE CHAIR: Go ahead.

25 MR. INUARAK: Yes. Thank you. I think our
26 interpreter is -- I want to make myself clear. I'll

1 speak in English. How long does it take a loaded train
2 to stop travelling at speed and not loaded?

3 THE CHAIR: Baffinland.

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

6 We just had to pull up a table because the
7 response doesn't have a single answer. It depends how
8 fast the train is travelling and the incline or decline
9 that it's on. So on a flat -- while a loaded train is
10 travelling over a flat surface at 40 kilometres an
11 hour, it could be 268 metres to stop. And on a loaded
12 downhill with a 2-and-a-half percent gradient, it could
13 be 1,300 metres. So that's why we have additional
14 mitigation measures tied to the caribou decision
15 framework, which is a reduced speed to ensure that
16 during periods of high caribou abundance, the trains
17 are able to respond to the requirements to stop if need
18 be. Thank you.

19 THE CHAIR: Mittimatalik Hunters and
20 Trappers Organization.

21 MR. INUARAK: Thank you. Enookie Inuarak,
22 Pond Inlet HTO.

23 You say -- you mention for -- at 40 kilometres an
24 hour, that it would reduce speed. When it's travelling
25 faster, how soon -- how -- how soon can -- if -- when
26 the train is travelling 60, 70, 80 kilometres an hour,

1 how soon can the train come to a stop or reduce speed?

2 Thank you.

3 THE CHAIR: Baffinland.

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

6 I just want to clarify. The -- the average speed
7 our trains will travel at would be 40 kilometres an
8 hour. There's limited areas where they would be going
9 faster than that, and 60 kilometres is the absolute max
10 on -- on the speed we're expecting.

11 And then, applying that, you would -- we would
12 never have a train travelling 60 kilometres an hour
13 loaded downhill. So that really represents the -- the
14 worst possible scenario. I hope that answers your
15 question.

16 THE CHAIR: Mittimatalik Hunters and
17 Trappers Organization.

18 MR. INUARAK: Thank you. Enookie Inuarak.

19 (OTHER LANGUAGE SPOKEN)

20 I'm going to move to another question -- my next
21 question. There is a lot of dust that's going to be
22 present once you start to stockpile and to transport
23 the iron ore. How do you -- how are you -- how do you
24 intend to suppress dust so that it doesn't spread into
25 the environment as much? Thank you.

26 THE CHAIR: Baffinland.

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

3 I'll defer a more full response to this to the
4 atmospheric section, but I would just highlight that
5 the transition to transportation by rail instead of ore
6 haul trucks is a mitigation by -- design feature of
7 Phase 2 where that will substantially reduce dust along
8 the transportation corridor.

9 As for dust mitigation measures at Milne Port
10 around stockpiling, we would be continuing to implement
11 the same mitigation measures we apply to the current
12 project but look forward to -- to responding to more
13 questions like this during the atmospheric session.

14 THE CHAIR: Mittimatalik HTO.

15 MR. INUARAK: Thank you. I'm going to --
16 I'm looking forward to hearing your response.

17 The last question that I have -- the rail -- the
18 railroad track is not -- it's -- it's not in favour of
19 the -- of being installed by the -- our community of
20 Pond Inlet. What have you heard from the communities?
21 Are the Inuk in opposition of the -- of -- of -- of the
22 company building the railway? Thank you.

23 THE CHAIR: Baffinland.

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

26 There's been limited official input into support

1 or objection to the rail. We have received a lot of
2 support from Arctic Bay in relation to Route 3 and that
3 selection, and I just want to clarify that is limited
4 to -- to that decision point, whether we -- we go with
5 Route 1 or Route 3.

6 We understand the Mittimatalik Hunters and
7 Trappers Organization and the Hamlet of Pond Inlet have
8 positions they've submitted to the Nunavut Impact
9 Review Board, but from our own consultation activities,
10 we have heard a mix of input on sentiment towards the
11 railway, and I just want to reiterate that Phase 2 is a
12 rail project. It's -- it is -- there's no Phase 2
13 project without a railway. So our intent has always
14 been to move forward to work with the communities to
15 implement mitigations to make the project acceptable.
16 Thank you.

17 THE CHAIR: Mittimatalik HTO.

18 MR. INUARAK: Thank you. Enookie Inuarak
19 from HTO in Mittimatalik.

20 I will -- I'm talking about Kanajjuk, the -- the
21 place. It's sort of curved, the railway route
22 proposed. I'm just talking about that. If you have
23 any plans or considerations from people of Pond Inlet,
24 and people of Arctic Bay have -- says they're
25 supporting the project. Do they go up into that area
26 that I'm talking about? People of Pond Inlet are not

1 happy with that area -- the proposal, but do these
2 people from other communities go up into that area?

3 THE CHAIR: Baffinland.

4 THE TRANSLATOR: The curve.

5 MR. KAMERMANS: Thank you, Madam Chair. Lou
6 Kamermans, Baffinland.

7 I'll just reiterate Arctic Bay -- Hamlet of Arctic
8 Bay has issued a letter of support for Route 3 over
9 Route 1. We haven't had any other official
10 correspondence stating support or objection to Route --
11 Route 1 or Route 3, but we have had conversations with
12 groups from all of the North Baffin communities, and,
13 again, we -- we have heard a -- mixed reviews on it.
14 And we're looking forward to hearing more on this
15 subject through the community roundtable tied to this
16 public hearing.

17 And I just want to note that in Pond Inlet itself,
18 we -- we've heard mixed reviews on -- on Route 3.
19 Thank you.

20 THE CHAIR: Mittimatalik HTO.

21 MR. INUARAK: Enookie Inuarak, HTO
22 Mittimatalik.

23 Lastly -- last, the Kanajjuk area is always
24 discussed by you and -- whenever you go up to Pond
25 Inlet, there are concerns from -- are from the -- are
26 given to the environment people, and there's caribous

1 that have calves in that area and pass through that
2 area and the caribou particularly and the hunters that
3 are coming to -- out of Igloolik people and Hall Beach
4 go through that area as well on the route, and that has
5 been used very often -- quite often to pass through
6 there. Thank you, Madam Chairperson.

7 THE CHAIR: Baffinland.

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

10 In the IQ studies we carried out in support of the
11 original project and also in 2015 and 2016, we
12 understood that caribou generally calved in the area of
13 higher altitude or at the tops of mountains,
14 essentially, and the hills in the area. So for the
15 most part, the railway and the transportation corridor
16 follows valleys that are adjacent to areas believed to
17 be caribou calving grounds. And essentially our plan
18 and our approach to managing the transportation
19 corridor takes into account that when the population of
20 North Baffin caribou return, that we'll be managing our
21 transportation corridor with those sensitivities known
22 to occur throughout -- throughout the transportation
23 corridor.

24 And just to speak briefly about the -- the travel
25 route between Pond Inlet and Igloolik, Route 3 and the
26 switch between Route 1 and Route 3 reduces the overlap

1 of that travel route between those two communities, and
2 that's specifically why that modification is being
3 made. Thank you.

4 THE CHAIR: HTO Mittimatalik.

5 MS. HANSON-MAIN: Qujannamik, Iksivautalik.

6 Amanda Hanson-Main, consultant to Mittimatalik Hunters
7 and Trappers Organization. I'd just like to follow up
8 on a response that Mr. Kamermans gave to Enookie
9 regarding stopping distances.

10 So we heard that the lights allow the conductor,
11 the train engineer to see 250 metres in darkness ahead
12 and that on a flat stretch for a well-loaded train
13 travelling the average speed of 40 kilometres per hour,
14 that the stopping distance would be 268 metres. I'm
15 not an engineer, but when I think about travelling, if
16 I must put on the brakes and it takes me 268 metres to
17 come to a stop but I can only see 250 metres ahead of
18 me, I think there's 18 metres of difference where if an
19 animal or another object on the track doesn't move,
20 there may be an impact, a collision.

21 I'd like to clarify what percentage of track for
22 this proposed route -- choose either Route 1 or
23 Route 3 -- what percentage of that track is on this
24 flat grade that you refer to for a 40 -- sorry, for a
25 260-metre -- 68-metre stopping distance?

26 THE CHAIR: Baffinland.

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

3 My apologies. I only told half the story about
4 the lights. What I was referring to was ditch
5 lights -- and that's being at the sides of the train to
6 see what's at the side of the track -- give a sight of
7 250 metres. Headlights give a sight of 800 metres in
8 front. So thank you for letting me clarify that.

9 THE CHAIR: HTO Mittimatalik.

10 MS. HANSON-MAIN: Qujannamik, Iksivautalik.
11 Amanda Hanson-Main.

12 Thank you for the clarification. The question
13 was: What percentage of track is on a flat grade?

14 THE CHAIR: Baffinland.

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

17 We'll have to defer that to get you the number.
18 Thanks.

19 THE CHAIR: HTO Mittimatalik.

20 MS. HANSON-MAIN: Thank you, madam train --
21 Madam Chair -- madam train conductor. Amanda
22 Hanson-Main again.

23 One more quick clarification. When you refer to
24 the flat track with a well-loaded train travelling the
25 average speed, what is the well loaded? What number
26 are you using to inform "well loaded"? How many tons,

1 or how many cars?

2 THE CHAIR: Baffinland.

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

5 I may have misspoke when I said "well loaded".
6 The trains are either loaded or not loaded. Thank you.

7 THE CHAIR: HTO Mittimatalik.

8 MS. HANSON-MAIN: Qujannamik, Iksivautalik.
9 Amanda Hanson-Main again.

10 That leads into the next questions that we have,
11 which are with respect to the loading. We assume
12 they'll all be loaded well by caring people. The --
13 the train car length and the -- sorry. The number of
14 train cars and the number of train configurations is
15 confusing for us. So we understand there may be up to
16 90 cars per train. There may be as few as 60. There
17 may be configurations of two or three trains. I would
18 like to confirm that each car that we're talking about,
19 whether they are 60 cars or 90 cars, they carry
20 108 tons per car and that we're looking at up to ten
21 loads per day. I'd like clarification on the total
22 tonnage that can be hauled per train per load.

23 Qujannamik.

24 THE CHAIR: Baffinland.

25 MS. PITTMAN: Thank you, Madam Chair. Fay
26 Pittman, Baffinland.

1 The calculations that were used for our
2 simulations were using a 106-ton load per car, and with
3 a 64-car train, that would be approximately 6,800 tons.

4 Thank you.

5 THE CHAIR: HTO Pond Inlet.

6 MS. HANSON-MAIN: Qujannamik, Iksivautalik.

7 Thank you for that.

8 And how about at the highest number of cars per
9 train load, if we were looking at a 90-car
10 configuration?

11 MS. PITTMAN: Our simulation -- oh. Sorry.

12 Thank you, Madam Chair. Fay Pittman, Baffinland.

13 Our simulations show that with the present
14 alignment and the locomotives that we are procuring,
15 that a 90-car train doesn't work with the present
16 simulations. Thank you.

17 THE CHAIR: HTO Mittimatalik.

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

19 Amanda Hanson-Main.

20 The Technical Supporting Document Number 2 refers
21 to 108-ton cars, and it also indicates that we're
22 considering per this assessment between 60 and 90 cars
23 to be used. So I'd like to clarify with Baffinland
24 that 68 -- was it 6,800 tons is the total maximum
25 configuration that this assessment is considering per
26 train load? Qujannamik.

1 THE CHAIR: Baffinland.

2 MS. PITTMAN: Thank you, Madam Chair. Fay
3 Pittman, Baffinland.

4 The total train that the assessment would've
5 considered would have been a 90-car train. At that
6 time, simulations showed that the -- that the train
7 alignment and locomotives could pull a 90-car train,
8 but through detailed engineering, as we developed more
9 information on the alignment, that's what changed the
10 simulation to three 64-car trains.

11 A simulation is theoretical, so as we get into
12 operation, then we will understand if -- if a few
13 additional cars or even a few less cars will be
14 required to do the train makeup. And that's also why
15 we've gone from two longer trains to three shorter
16 trains as we've gone through detailed engineering and
17 design. Thank you.

18 THE CHAIR: Mittimatalik Hunters and
19 Trappers Organization.

20 MS. HANSON-MAIN: Qujannamik, Iksivautalik.
21 Amanda Hanson-Main. I note from also the technical
22 supporting document that it refers to -- I think it's
23 been mentioned a number of times -- only eight loads
24 per day. We're hearing now at the hearing we're
25 actually looking at ten loads per day. And by my basic
26 math, at 6,800 tons per train load for ten transits per

1 day, we're looking at 68,000 tons per day of ore moved.

2 Can Baffinland clarify -- it stated yesterday
3 that there are constraints and limits on what it can
4 crush and process and, of course, what it can
5 transport. So understanding that the possible daily
6 limit to transportation is 68,000 tons per day, what is
7 Baffinland's current maximum crushing and processing
8 rate at site now? And please clarify what would it be,
9 a daily crushing and processing rate, with Phase 2
10 infrastructure in place? Qujannamik.

11 THE CHAIR: Baffinland.

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

14 These descriptions provided in Technical
15 Supporting Document 2 were to support the key facts for
16 assessment purposes to relay this information into our
17 biophysical assessments. Also, the numbers -- as Fay
18 mentioned, we are still modelling the configurations.
19 Those models also have to take into account downtime.
20 So doing straight calculations of what's possible each
21 day isn't necessarily what could be feasible for a
22 given year in our production rate.

23 To get you those specific numbers on our current
24 processing rates and those we anticipate under Phase 2,
25 we'll have to defer that response to get those numbers.

26 But I also want to come back to the revisions

1 we've suggested to Project Certificate 5 for 179A is --
2 those 20 transits per day are -- are -- you know, we
3 are anticipating eight round-trips under a three-car
4 system, and the ten is just recognizing a potential
5 maximum in a given day. It's not something we're
6 trying to create as our average. We're -- I'm very
7 clearly saying that eight round-trips is our average,
8 and ten would be a maximum that we just want to make
9 sure we don't require a project certificate amendment
10 to go beyond. Thank you.

11 THE CHAIR: Mittimatalik Hunters and
12 Trappers Organization.

13 MS. HANSON-MAIN: Qujannamik, Iksivautalik.

14 I've noted a deferred response. Thank you.

15 The -- the -- the line of questioning really is --
16 I think Baffinland has made it, you know, evident that
17 you're a for-profit company, and I'm not sure how
18 likely we can trust that Baffinland would be satisfied
19 to operate at an average. We've seen with the
20 production increase proposal recently that Baffinland
21 has looked to move as much ore as it possibly can each
22 year. And it's not a fault of Baffinland; you need to
23 increase efficiencies. The more efficiencies you have,
24 the greater your profit, and that's your job. We
25 recognize that. But we want to understand the total
26 throughput, and I think it's a fair question for the

1 Hunters and Trappers Organization to have those answers
2 and to expect that if you're asking for ten return
3 trips per day, that that's what we're going to be
4 considering.

5 So I'll ask again in a different strain. We've
6 asked for the crushing numbers. I'd also like to know
7 the current capacity built at Milne Port for ore
8 stockpiles, and I'll -- I'll leave it there for now.
9 Qujannamik.

10 THE CHAIR: Baffinland.

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

13 We'll have to defer the number on our current ore
14 stockpile capacity. But under Phase 2, it is
15 7.8 million tons.

16 And I would also mention that any time that
17 Baffinland has needed to modify the -- the stockpile we
18 have at site, we have gone through a water licence
19 modification process; that's a public review process.
20 And what is put forward in the Phase 2 proposal is
21 based on a 12 million ton production design.

22 As for the use of conservative numbers in
23 environmental assessment, that's a standard methodology
24 to use. We want to use the most conservative numbers
25 to present the version of our project that, you know,
26 maximizes the potential effects so we can assess those

1 and mitigate to that level. That -- that's -- you
2 always build conservatism into your assessment. So
3 that's a very standard practice. Thank you.

4 THE CHAIR: Mittimatalik Hunters and
5 Trappers Organization.

6 MS. HANSON-MAIN: Qujannamik, Iksivautalik.
7 Amanda Hanson-Main.

8 Just to clarify, when you say "conservative", are
9 you meaning that you use the smaller number of train
10 transits and -- and ore loads, or are you saying
11 "conservative" in terms of looking at the largest
12 number to make sure that the assessment covers all
13 aspects of the impact? Qujannamik.

14 THE CHAIR: Baffinland.

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

17 And thanks for that opportunity to clarify. When
18 I say "conservatism", I mean the larger -- the larger
19 number that's possible is generally what we use in our
20 assessments. Thank you.

21 THE CHAIR: Mittimatalik Hunters and
22 Trappers Organization.

23 MS. HANSON-MAIN: Qujannamik, Iksivautalik.
24 Amanda Hanson-Main again with Mittimatalik Hunters and
25 Trappers.

26 I appreciate and note the deferred response on

1 information related to crushing and ore stockpile. I
2 don't think that you answered both of those, so we'll
3 note.

4 Given restrictions on activity like ships and
5 train transits, as Lou has just mentioned, that you've
6 proposed, would Baffinland be able to mine and ship
7 18 million tons per year using ten train hauls per day
8 and some configuration of 176 yet-to-be-determined size
9 of ore carriers per year from Milne Port? Qujannamik.

10 THE CHAIR: Baffinland.

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

13 176 ships, if each one were to be a cape-size
14 vessel, would be a very large amount of ore that -- but
15 that's not what we've proposed in our assessment. What
16 we've proposed -- proposed is a certain mix based on a
17 certain understanding of the tonnage each type of ship
18 can transport. So we're confined by the limits of --
19 of that assessment and that vessel mix.

20 Similarly with the train, could we do more than
21 12? I believe so. We could add cars onto each train.
22 There are physical barriers to this with the way we're
23 building the railway, particularly the sidings and how
24 trains pass one another on a -- on a single-track
25 system. One train needs to move over every once in a
26 while. And if -- the way we've designed our sidings,

1 they can only be so long. So trains can only be so
2 long. So there's limits there.

3 Could it be done? Yes. But that is not within
4 the confines of our assessment, and that's not what
5 we're seeking approval for here today. Thank you.

6 THE CHAIR: Mittimatalik Hunters and
7 Trappers Organization.

8 MS. HANSON-MAIN: Thank you, Madam Chair.
9 Amanda Hanson-Main.

10 Speaking to the alternatives assessment and
11 consideration of different configurations of ship, of
12 ore carriers, ore vessels, can you tell me how far in
13 advance Baffinland needs to contract its ore carriers
14 for the project? Qujannamik.

15 THE CHAIR: Baffinland.

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

18 We have a range of contracts in place already,
19 multiyear contracts, so those don't require
20 year-to-year negotiation. Other contracts, we begin
21 negotiating as soon as the -- the current season's done
22 and right up until the beginning of the next season.
23 But for ice-class vessels, we do require substantial
24 lead time to get those. So any vessels that would be
25 calling on the project in the shoulder seasons require
26 preplanning. Thank you.

1 THE CHAIR: Mittimatalik Hunters and
2 Trappers Organization.

3 MS. HANSON-MAIN: Thank you, Madam Chair.
4 Amanda Hanson-Main.

5 So what is that advance timing for ice-class
6 vessels? How far in advance would you need to be
7 contracting projects to call during shoulder season?
8 Qujannamik.

9 THE CHAIR: Baffinland.

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

12 As I previously said, the ice-class vessels --
13 many of them we have long-term contracts with, so those
14 are arranged and pre-negotiated year to year.

15 As for the ones that we do negotiate year to year,
16 there's no fixed amount of time required. Generally,
17 what I understand is it takes months to -- to a year to
18 negotiate. There is a limited supply on the market.
19 We have committed to the Nunavut Impact Review Board to
20 supply data on this. So I hope that satisfies your
21 request.

22 THE CHAIR: Pond Inlet HTO.

23 MS. HANSON-MAIN: Qujannamik, Iksivautalik.
24 Amanda Hanson-Main, again with Mittimatalik Hunters and
25 Trappers.

26 I appreciate that. It doesn't clarify the request

1 because we've heard that you -- you may need to plan in
2 advance for ships to call to port, especially when
3 they're ice class that need to come in during shoulder
4 season. We've also heard that you can't tell us what
5 the configuration or the arrangement of ore carriers
6 will be for Phase 2 because it could be a mix of any
7 number of different sized vessels. There's also
8 information in media about Baffinland taking options to
9 add additional vessels to its -- to its fleet.

10 So we'd like to know specifically: What are the
11 vessels that Baffinland has contracted to call for port
12 for the next five years, the sizes of each?

13 Qujannamik.

14 THE CHAIR: Baffinland.

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

17 I would just advise the Board that our assessments
18 are based on a specific mix of ships, so we looked at
19 a -- it's not just any mix of ships. It's based on a
20 certain amount of cape-size vessels and a certain
21 amount of Panamax vessels. We have not preplanned
22 our -- our shipping routes for the next -- or their --
23 our shipping schedule for the next five years, and I
24 would ask that we, you know, defer further questions on
25 this to the marine session when we've been able to
26 present our -- our marine materials. Thank you.

1 THE CHAIR: Pond Inlet HTO.

2 MS. HANSON-MAIN: Qujannamik, Iksivautalik. I
3 can appreciate that. We'll look forward to that
4 presentation.

5 Given the answers that we've just received and I
6 think your speculation that, yes, Baffinland could
7 advance tonnage through the infrastructure it's
8 requested and potentially may have at site and the need
9 for your -- your request to have activity-based
10 constraints on development, that is the number of ships
11 transiting, the number of trains transiting, and not a
12 hard cap on tonnage, can you clarify why Baffinland,
13 within its alternatives assessment, hasn't indicated a
14 need for additional throughput above 12 million tons
15 per year if, essentially, that's what you're looking to
16 build, is that capacity through this assessment?
17 Qujannamik.

18 THE CHAIR: Baffinland.

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

21 Madam Chair, I think I'm going to provide as
22 direct a response as I can to -- to what seems to be
23 being inferred. It is theoretical that this project
24 can be scaled. That is accurate. It would require
25 additional infrastructure in order to scale the
26 project, as Lou has alluded to already, additional

1 train configurations, different sizes of ships, which
2 at this point in time is all theoretical.

3 We have based this assessment on a 12 million ton
4 project and included the assumptions on this assessment
5 in the assessment documents. We have provided clarity
6 on what those assumptions were when there was confusion
7 related to the documents.

8 But it should be noted that, as I indicated
9 yesterday, this project in particular, as our other
10 projects not new to phase development, we have been
11 transparent about that process. We have been
12 transparent about the fact that there are other
13 deposits available to us that, at one day, we would
14 like to resource. All of those would require us coming
15 back to the Nunavut Impact Review Board to seek
16 approval to do so.

17 But that is our intention, to continue exploring
18 other deposits, to continue operating this project. We
19 will look at avenues to make this a more efficient
20 operation in which to do so. We have switched -- or --
21 or not switched, but we are asking for a switch in our
22 project certificate to be consistent which -- with what
23 was already approved for the Steensby Project, a limit
24 on activities which allows the company to be able to
25 find efficiencies within that process. We have
26 recognized that we will stay within our tonnage limits

1 at this time, and that's what we're requesting. But we
2 would like the ability to be able to manage the project
3 in the most efficient means possible without having to
4 come back to a regulatory process for minor changes
5 which would be encompassed within the assessment.
6 Qujannamik.

7 THE CHAIR: Pond Inlet HTO.

8 MS. HANSON-MAIN: Qujannamik, Iksivautalik.
9 Amanda Hanson-Main.

10 Thank you for the clarification or the -- the
11 statement. It doesn't necessarily satisfy us. If --
12 if -- you're looking for flexibility in activity limits
13 that will theoretically allow you more tonnage, and
14 you've continued to state that every one of your
15 effects assessment covers this operational flexibility
16 that you're seeking, up to 176 transits for ships, up
17 to ten round-trips per day for boats, 20 transits --
18 sorry, for trains -- 20 transits for trains. The
19 Mittimatalik Hunters and Trappers Organization is
20 having a hard time thinking that this is an oversight
21 or I guess maybe understanding why you're not looking
22 to scale up now if what is needed is infrastructure at
23 the rail and a reconfiguration of -- of ships and
24 train. We don't imagine a world where a company would
25 want to apply for less than the maximum amount it would
26 be able or capable to produce. And I think if we

1 better understood the economic applications of scaling
2 up from 12 to something greater, specifically to
3 something greater that your project infrastructure
4 would currently -- as currently proposed would support,
5 we may understand more fully.

6 We also have concerns with the activities and the
7 limits that you've set, as I think our final written
8 submission has provided -- and I apologize, Madam
9 Chair; this is more of a statement following those
10 questions just to say that we do not have faith in the
11 impact assessment in the findings of significance or, I
12 should say, nonsignificance for the ecosystemic
13 components that you considered at these maximum rates.
14 Qujannamik.

15 THE CHAIR: Baffinland.

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

18 Madam Chair, I will go back to the statement that
19 this is our defined project. We have outlined the
20 constraints within the environmental statement. We
21 have put forward what we are seeking approval for. We
22 have stated that we want to continue learning by doing
23 and finding efficiencies, increasing knowledge on
24 environmental management through operations. And I
25 recognize the comment that there is no faith in the
26 impact statement outcomes in relation to significance,

1 but we are confident that we have provided evidence to
2 the contrary. Qujannamik.

3 THE CHAIR: Pond Inlet HTO.

4 MS. HANSON-MAIN: Qujannamik, Iksivautalik.
5 Amanda Hanson-Main again.

6 Thank you for the -- the note -- the -- the
7 response. Leading into some of the terrestrial
8 comments that we have, we're not in agreement with
9 Baffinland's finding of no significant impact from rail
10 and road infrastructure, specifically to caribou, even
11 with mitigation as proposed.

12 During the crossing selection workshop, we
13 understand you invited one member of the Kivalliq
14 region to join the six representatives present from the
15 North Baffin. What was the purpose of inviting the
16 Kivalliq attendee? We understand that he is Agnico
17 Eagle mine's environmental monitor. Could you outline
18 for us the purpose of his attendance and the
19 information that he provided? Qujannamik.

20 THE CHAIR: Baffinland.

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

23 We invited the -- the individual that was just
24 referred to to share information on another project or
25 another mine in Nunavut that has experience with
26 interactions between linear infrastructure and caribou

1 movements. That was the -- the purpose of why we
2 invited him. This was an outcome of the risk
3 assessment workshops that we conducted where it was
4 suggested to us that we ask Inuit who have experience
5 in other places to provide information that can help us
6 in determining potential mitigation and monitoring
7 programs. So that was the intention behind the -- the
8 invitation.

9 And some of the information that was shared at
10 that -- during that workshop was that caribou do, in
11 fact, move across the road at Agnico Eagle in large
12 numbers. He also shared some of his experiences around
13 monitoring during those time periods and their very
14 close relationship with the Hunters and Trappers
15 Organization, that during times of caribou migration,
16 the Hunters and Trappers Organizations send individuals
17 to the mine site for an extended period of time to help
18 in the observations and monitoring and provide feedback
19 to Agnico Eagle on the behaviour of caribou and on how
20 to influence operations during those time periods.

21 Qujannamik.

22 THE CHAIR: Pond Inlet HTO.

23 MS. HANSON-MAIN: Qujannamik, Iksivautalik.

24 Amanda Hanson-Main.

25 That's right. We understand from the crossing
26 selection workshop report that he is Agnico Eagle's

1 environmental monitor, and I think, from the report,
2 that he provided discussion with attendees and
3 reflected that the embankment was in many ways like the
4 structure of the Meadowbank road.

5 Had this individual clarified the grade and slope
6 and the size of materials used at Baffinland's site was
7 similar to that in his experience at the Meadowbank
8 project? Qujannamik.

9 THE CHAIR: Baffinland.

10 MR. SETTERINGTON: Mike Settingerton for
11 Baffinland.

12 Madam Chair, I'd like to thank our colleague
13 across the table for the question. And the statement,
14 as in the report, is -- is as the environmental monitor
15 from Agnico summarized; that structure is very similar
16 to the road that he monitors.

17 THE CHAIR: Pond Inlet HTO.

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

20 I appreciate that, but the question was: Did he
21 clarify that the grade and slope and size of materials
22 used at this road at the Mary River site was similar to
23 his experience with Meadowbank?

24 And I'd also like to follow that with a question:
25 Was he provided with the technical specifications of
26 the road and rail embankment before offering that

1 opinion? Qujannamik.

2 THE CHAIR: Baffinland.

3 MR. SETTERINGTON: Madam Chair, Mike Setterington
4 for Baffinland.

5 The comment on the slope, the rock size were based
6 on firsthand observations of the mock embankment
7 that -- that I showed on screen. I was -- it was
8 firsthand observation, both from his observations at
9 Meadowbank and the firsthand observations of how the
10 embankment was proposed to be built given the mock
11 embankment, standing right there telling us that it's
12 very much similar to what the Meadowbank road looks
13 like.

14 Did we provide him design criteria beforehand?
15 I -- I don't think there's any reason to because we
16 were standing right there on the mock embankment as it
17 was -- as it was to be built.

18 So I'm not sure I understand the question.
19 Perhaps I haven't answered it.

20 THE CHAIR: (OTHER LANGUAGE SPOKEN)

21 MS. HANSON-MAIN: Qujannamik, Iksivautalik.
22 Amanda Hanson-Main again.

23 I don't think you understood the question.
24 Perhaps you did. I -- I think the point I would like
25 to make is that his personal observations, which in
26 your report notes he gave, is very subjective. And,

1 that language, we take issue with. The fact that
2 something is very similar doesn't indicate to me that
3 it's the same in any way. And if it were, you would be
4 able to clarify that, indeed, the slope, the grade, the
5 size of material had been confirmed.

6 Leading into my next question: Has Baffinland
7 considered the relevance of information from the
8 Meadowbank mine and the associated all-weather
9 approximately 100-kilometre-long road and any findings
10 with regard to caribou deflection or treatment of that
11 road as a permeable or semipermeable barrier in terms
12 of Mary River? Qujannamik.

13 THE CHAIR: Baffinland.

14 MR. SETTERINGTON: Madam Chair, Mike Setterington
15 for Baffinland.

16 The question is -- is referring to whether we've
17 looked at the experience and lessons learned at the --
18 the Meadowbank site, and I -- I did stress in my
19 presentation that we have used lessons learned from --
20 from all mining sites across the north that could be
21 relevant to our project.

22 The Meadowbank project in particular, like our
23 project, produces annual reports every year on their
24 environmental monitoring programs. As part of that
25 program, they have caribou observations. They also
26 report regularly on the collaring program that Agnico

1 collaborates on with the Government of Nunavut.

2 This is a road that comes directly out of Baker
3 Lake, approximately 100 kilometres north to the mine
4 site. It could be a very similar road. So, yes, we
5 have looked at lessons there, and we have found that
6 some years the caribou are being diverted from that
7 road, and sometimes they aren't. But it doesn't mean
8 it's an entire diversion based on what they're
9 observing. And, again, this is -- this is some of the
10 information that we're having from the environmental
11 monitor that we invited to come to our crossing
12 workshop. Thank you.

13 THE CHAIR: Lunchtime. We'll be back at
14 1:15. It's 12:00. Let's break for lunch and reconvene
15 at 1:15.

16

17 PROCEEDINGS ADJOURNED UNTIL 1:15 PM

18

19 (PROCEEDINGS COMMENCED AT 1:24 PM)

20 THE CHAIR: Good afternoon.

21 We have the environmental technology program
22 students here observing the proceedings. Thank you for
23 taking time to observe.

24 Ruling (Motion) (Igloolik Working Group)

25 THE CHAIR: As we indicated at the close
26 of our session this morning, the Board has deliberated

1 with respect to the motion of the community of Igloolik
2 requesting that the public hearing record be kept open
3 so that the Board can be provided with additional
4 information following a workshop amongst the five most
5 directly affected communities currently planned for the
6 end of November.

7 Recognizing that the funding required to conduct
8 this important workshop was only just awarded, and
9 noting the support for the motion by all participants
10 here, the Board has granted the motion to keep the
11 public hearing record open. The Board has adopted the
12 timelines proposed by Baffinland as follows:

- 13 - the five Baffin communities participating
14 in the November workshop will have until
15 December 16 to provide additional written
16 materials they wish to file with the Board in
17 relation to the workshop;
- 18 - the registered intervenors will have until
19 December 19 to provide their written
20 responses to any materials filed by the
21 communities on December 16, if desired; and
- 22 - Baffinland will have until December 22
23 [sic] to file a final response to the
24 materials filed by other parties in
25 accordance with this motion.

26 While we considered this motion, we also considered the

1 observations of the registered intervenors and other
2 attendees that not only are we very behind in the
3 agenda, but also that there are substantive discussions
4 of many unresolved technical issues that have been
5 underway over the past three -- three-and-a-half days
6 and that have yet to take place.

7 The Board has concluded that these discussions on
8 the remaining unresolved issues cannot realistically be
9 completed in the remaining days scheduled for this
10 public hearing in a manner that is consistent with the
11 Nunavut Impact Review Board's mandate that is fair to
12 all parties.

13 A number of the parties have formally expressed
14 that they are unable to support the proposed amendment
15 based on the available information at this time. Late
16 changes or delays in delivering information and
17 fundamental components of the project and the
18 assessment of effects have resulted in lengthy
19 documents being provided without translation and have
20 resulted in intervenors and communities dedicating
21 [sic] they have not had time to review or consider this
22 information, a significant number of motions requiring
23 input from parties and careful consideration by the
24 Board at the public hearing.

25 The Board recognizes and appreciates the efforts
26 of all participants and the willingness of many parties

1 to put forward suggestions as to how to present their
2 materials more concisely and streamline their
3 participation here; however, it is apparent to the
4 Board that with the sheer number and complexity of
5 understanding and unresolved technical issues, the
6 challenges associated with late filing of information
7 and the importance of the information yet to come from
8 the most directly affected communities, the public
9 hearing component of this assessment will not be
10 successfully concluded at this time.

11 As a result, the Board has taken the rare step of
12 directing that the in-person public hearing component
13 of the Board's assessment of the Phase 2 Development
14 Proposal be continued to another in-person session to
15 be scheduled in the future. The scheduling of this
16 additional session will be contingent on the Board's
17 getting confirmation of getting additional funding,
18 discussions regarding potential extensions to
19 participant funding, and determining the time and
20 logistics.

21 The Board recognizes that the continuation of the
22 public hearing after November 9 will strain the
23 resources of parties and may create challenges to
24 Baffinland's proposed development schedule. The Board
25 is mindful of these issues and the desirability of
26 concluding the in-person component of the public

1 hearing on November 9 in Pond Inlet, but, regrettably,
2 that is not realistic.

3 The Board also recognizes the importance of
4 conducting a thorough, fair, and flexible process with
5 appropriate community engagement that reflects our
6 obligations under the Nunavut Agreement and the Nunavut
7 Planning and Project Assessment Act. The Board has
8 decided that the public hearing record is incomplete
9 and will not be sufficient to allow the Board to
10 commence decision-making on the file.

11 In the coming days, the Board staff will attempt
12 to confirm the required funding and logistics for the
13 subsequent in-person public hearing. The Board will
14 provide further direction to all parties on the
15 scheduling of this event just as soon as it is
16 available.

17 As for the agenda for the remaining proceedings in
18 Pond Inlet later this week, the Board is intending to
19 maintain the focus of these sessions on the community
20 roundtable session and will keep to the agenda as
21 issued with the addition of ten minutes for intervenors
22 wishing to provide a summary of their interventions to
23 the community.

24 And now we will return to questions to Baffinland
25 in respect of their alternatives assessment and
26 terrestrial environment presentation.

1 Going back to Mittimatalik (OTHER LANGUAGE
2 SPOKEN).

3 Mittimatalik Hunters and Trappers Organization

4 Questions Baffinland Iron Mines Corporation

5 MS. HANSON-MAIN: Qujannamik, Iksivautalik.

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

8 We left off with questions to Baffinland regarding
9 inclusion of information from an environmental monitor
10 employed with Agnico Eagle mines during its
11 crossing-selection workshop held at Mary River.

12 Can Baffinland confirm if it had other attendees
13 present to advise on the acceptability of crossings?
14 Specifically, the Government of Nunavut or other
15 biologists, were they present?

16 Qujannamik.

17 THE CHAIR: Baffinland.

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

20 Madam Chair, I'd just like to clarify that the --
21 the purpose of the individual who was invited from the
22 Kivalliq or from Agnico Eagle was to share information
23 on environmental management on that site related to
24 caribou, but in addition to community representatives
25 from Pond Inlet, Igloolik, the individual from Agnico,
26 QIA staff were present as well with their regional --

1 or with their terrestrial biologist Susan Leech, and
2 the Government of Nunavut regional biologist had --
3 their regional biologist was also in attendance.

4 Qujannamik.

5 THE CHAIR: Pond Inlet HTO.

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

8 So we understand that you invited this Agnico
9 Eagle staff person who was an environmental monitor,
10 perhaps a technician or a technical expert. Was he
11 invited to provide Inuit Qaujimanituqangit, personal
12 opinion, or technical advice?

13 Thank you.

14 THE CHAIR: Baffinland.

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

17 He was invited to share his experiences working at
18 Agnico Eagle with linear infrastructure and caribou
19 management.

20 Qujannamik.

21 THE CHAIR: Pond Inlet HTO.

22 MS. HANSON-MAIN: Thank you. Amanda Hanson-Main
23 again.

24 Did Baffinland consider inviting or perhaps did it
25 invite any members of the Baker Lake Hunters and
26 Trappers Organization to attend this crossing workshop

1 and share Inuit Qaujimanituqangit or experience with
2 their expertise or experience exposure to linear
3 infrastructure and caribou crossings?

4 Qujannamik.

5 THE CHAIR: Baffinland.

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

8 No, we did not reach out to the Baker Lake HTO for
9 participation, Madam Chair.

10 THE CHAIR: Pond Inlet HTO.

11 MS. HANSON-MAIN: Qujannamik, Iksivautalik.

12 I'm going to introduce Caleb, who is the Hunters
13 and Trappers Organization, I believe, secretary
14 treasurer to briefly explain what he heard from the
15 crossing workshop and from the Agnico Eagle staff
16 person in attendance.

17 Qujannamik.

18 MR. SANGOYA: Thank you. Thank you, Madam
19 Chair. I'm Caleb Sangoya. I am on the Pond Inlet HTO.
20 I am becoming an Elder, as well, and the things that we
21 hear and the knowledge that we know.

22 We had first knowledge from the employee from
23 Agnico Eagle who came to talk to us about what he knew
24 about caribou. They -- they -- they said that they
25 had -- that the hunters are not aware of coming close
26 to the road when there's vehicles passing by, the --

1 the rail -- the railroad and the tote road. Up to
2 today, we have not heard caribou crossing on either of
3 those areas.

4 I want to ask if there's going to be caribou
5 crossings? Inuit -- through Inuit knowledge, has Inuit
6 knowledge -- has there been studies on Inuit knowledge
7 up to today or IQ -- IQ studies?

8 THE CHAIR: Baffinland.

9 MR. SETTERINGTON: Mike Setterington for
10 Baffinland, and, Caleb, just so I understand your
11 questions, you were wondering if there have been Inuit
12 knowledge studies about caribou crossing the tote road?
13 Is that correct?

14 MR. SANGOYA: (NO VERBAL RESPONSE)

15 MR. SETTERINGTON: And by nod of your head,
16 you -- you're -- you're telling me that you're
17 wondering if traditional-knowledge work had been done
18 on caribou crossing the tote road?

19 Madam Chair, our traditional-knowledge work,
20 again, started in 2008 when we were considering the
21 southern rail and the use of the tote road for shipping
22 in goods to the mine site, so we knew that both the
23 rail and the tote road would be used.

24 One of the first lessons I learned about caribou,
25 when caribou return, is that they'll be using the same
26 trails, and you can see those trails worn into the

1 landscape, certainly south of the mine site along the
2 rail, and that was some of the information that we
3 presented based on the knowledge shared with us about
4 how we would mitigate caribou crossing the tra --
5 the -- the southern railway, based on those well-worn
6 trails.

7 We don't find those same well-worn trails going
8 north of the mine site. Even though it's a similar
9 landscape in many ways, we don't find those worn-in
10 trails where many caribou were following one another.
11 However, we did find up to 15 spots where we've had
12 caribou trails, and those were spots that we were
13 focused on, told to look for, the trails; and then I've
14 also walked that road route in the past during our
15 baseline work with Inuit and Inuit hunters from Pond
16 Inlet, as well, trying to identify spots where we'd
17 want to focus on crossings, so we have done a lot of
18 traditional-knowledge work on movement. It's in the
19 map books that are around here. You can see that.

20 And we also followed up with more contemporary
21 knowledge after the traditional-knowledge work. We
22 came back to Pond Inlet and Arctic Bay in 2015 and
23 2016, one of those years, to learn about how caribou
24 movement had changed, and so your -- in answer to
25 Caleb's question, yes, there was, I feel, quite a bit
26 of Inuit-knowledge work on caribou movement.

1 THE CHAIR: Pond Inlet HTO.

2 (UNREPORTABLE SOUND)

3 THE TRANSLATOR: Someone's phone. Oh, my gosh.

4 MR. SANGOYA: Thank you, Madam Chair. Caleb
5 Sangoya, Pond Inlet, HTO.

6 When we were there with Michael Settingington, yes,
7 we did look at the caribou trails and the landscape.
8 We had shown on a map that we had -- that we have --
9 what are they going to do -- what are they going to do
10 if the -- if the -- if the train track is going to
11 cover the migration route of the caribou?

12 THE CHAIR: Baffinland.

13 THE TRANSLATOR: If the old migration trails
14 are going to be covered.

15 MR. SETTERINGTON: Madam Chair, Mike Settingington
16 for Baffinland.

17 So, Caleb, I'll just clarify again. You were
18 talking about our workshop on-site?

19 Caleb, you're talking about our workshop on-site
20 when -- when I was there with you for the crossings
21 workshop and we were looking where caribou trails are
22 along the tote road or could be, and then you were
23 asking what we're going to do if the railway track is
24 put on top of those trails?

25 Madam Chair, in response to that, I -- I -- I
26 think we've got over the mitigation of -- of what we're

1 doing for the caribou, including the embankment slope,
2 embankment height, the mitigation that we have for a
3 more gradual slope for the embankment up to 13-feet
4 high, finer fill material; and then also to accommodate
5 human movement, which caribou will more than likely
6 also use, is up to 30 snow-machine ramps and up to 15
7 plate-arch culverts to accommodate travel both over and
8 under the railway.

9 We would have focal areas where the caribou trails
10 have known to have been, and then Baffinland has also
11 committed to running a similar workshop again with
12 Elders and harvesters before construction of the
13 railway to ensure that we're getting the right
14 locations, very similar to what we just did in the
15 crossing workshop, Madam Chair.

16 THE CHAIR: HTO Mittimatalik.

17 MR. SANGOYA: Thank you, Madam Chair. Caleb
18 Sangoya, HTO from Mittimatalik.

19 We looked at those, some of the things, and I
20 would like to find out, for the area that are area for
21 hunting caribou that were used in the past and that we
22 looked at, when they were making the -- the route, when
23 they were taking out, when are they going to do the
24 reclamation of these old routes that were used? Is
25 that included in your project?

26 THE CHAIR: Baffinland.

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

3 Could I request clarification on what -- what
4 routes you're referring to as being reclaimed?

5 MR. SANGOYA: Thank you, Madam Chair. Caleb
6 Sangoya, HTO, Pond Inlet.

7 These we showed. We were showing you -- to
8 Baffinland -- the old area where they hunted caribou in
9 the inukshuks, the catch areas for caribou when you
10 were doing the tote road, building the tote road,
11 outside of it, so these were taken out.

12 Did you do the -- reclaim the area and put it back
13 to the way it was before? Thank you very much. That's
14 my question.

15 THE CHAIR: Baffinland.

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

18 I'm going to respond to this question to speak to
19 archaeological sites that we've found along the
20 existing tote road and how they've been managed, and
21 I'm also going to talk about our intentions towards
22 reclamation in general.

23 Is that a fair capturing of what you were asking
24 us?

25 MR. SANGOYA: Thank you, Madam Chair. Caleb
26 Sangoya, HTO, Mittimatalik.

1 These -- in your preparation, we want to hear the
2 archae -- archaeologies that were taken out from that
3 area, and what are you going to put in there? Are you
4 going to reclaim the -- the site after you finish
5 working on it, and you also include in the tote road
6 that you have collected?

7 THE CHAIR: Baffinland.

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

10 So our approach towards the management of
11 archaeological sites that we've found within the
12 vicinity of our project is in line with how it is
13 managed by the Government of Nunavut, Department of
14 Culture and Heritage, so we have carried out
15 archaeological studies within the proposed development
16 area, and we've identified a number of archaeological
17 sites for both the existing project and Phase 2.

18 We have already carried out the mitigation work
19 where that's necessary, so where the archaeological
20 sites were too close to the tote road or the proposed
21 railroad, they have been studied, excavated, collected,
22 and sent to a repository, and they're held in trust by
23 the Government of Nunavut. They're owned by the
24 Government of Nunavut on behalf of Inuit.

25 For archaeological sites that aren't directly
26 overlapping project infrastructure, our goal is to

1 protect them, so we will either rope them off and make
2 sure nobody goes close to them and that nobody disturbs
3 them.

4 The location of all these sites is kept
5 confidential as a requirement of the Government of
6 Nunavut, and that information is all reported to the
7 Government of Nunavut and their Department of Culture
8 and Heritage.

9 Thank you.

10 THE CHAIR: Pond Inlet.

11 MR. SANGOYA: Thank you, Madam Chair. Caleb
12 Sangoya, Mittimatalik HTO.

13 Like I said earlier, I'm an Elder now. My father
14 told me, When you become an Elder, and hearings are --
15 are happening today, I want to really find out my other
16 communities to hear exact words for safety reasons for
17 wildlife and also for the people of Pond Inlet before
18 the hearings. I want to hear exactly and in -- and our
19 people should be informed properly ahead of time for
20 safety purposes for the tote road because we weren't --
21 we weren't supposed to use it, but after it was
22 approved, and where is going to be -- how are you going
23 to do the safety areas, because some of the -- the
24 things were returned. We're not supposed to use the
25 area, the route, anymore when there's non-safety issues
26 in that area.

1 And Phase 2 criteria, if it's approved, there
2 should be safety for hunters to cross. Will you be
3 able to produce those in paper?

4 For example, the hunters, when they're going
5 through that route and hunt for caribou inside the
6 route in the Mary River and the Baffinland, maybe, you
7 could stop your work when hunters are crossing so that
8 they're not in -- not safe to cross while you're
9 working.

10 Thank you.

11 THE CHAIR: Baffinland.

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

14 I'll start by just clarifying how the crossings
15 along the railway. They're -- they're regulated by
16 Transport Canada, and so they'll be marked for
17 crossing. There's certain procedures that the railway
18 operators will have to implement when they're
19 approaching these crossings, and that's all with the
20 intent to keep land users safe.

21 In terms of using the infrastructure moving
22 forward with Phase 2, we're implementing a program
23 already to have dedicated transport available to bring
24 hunters up and down the tote road while there's still
25 ore haul trucks tran -- transiting, and that is for
26 safety purposes. That is -- that is strictly for the

1 safety of our employees and land users, just given the
2 intensive use of the road right now.

3 When the railway becomes fully operational, and
4 all ore is transported by rail, and we discontinue ore
5 haulage by truck, we want to work on a program with the
6 Mittimatalik Hunters and Trappers Organization so that
7 we can implement a -- a safe-use program so that you
8 are free to access the road with certain safety
9 provisions, and then so you wouldn't require the
10 dedicated transport and -- and Baffinland employees to
11 escort you. You would be able to -- to navigate the
12 road on your own vehicles, so -- but we have to work on
13 that program with the Mittimatalik Hunters and Trappers
14 Organization to ensure everyone is safe moving forward.
15 That's always the primary goal.

16 Thank you.

17 THE CHAIR: Mittimatalik Hunters and
18 Trappers Organization.

19 MR. SANGOYA: Thank you, Madam Chair. Caleb
20 Sangoya, Pond Inlet HTO.

21 Thank -- I want to clarify myself. From Milne
22 Inlet, and between Milne Inlet and Mary River, that
23 used to be the area where the hunters used to go and
24 hunt. After that -- after the tote road was built, we
25 were told not to use that -- that particular area to go
26 hunting area -- area anymore for safety reasons. The

1 hunters go hunting between those two places that I had
2 mentioned.

3 I wonder if there could work stoppage so that the
4 hunters can safely cross the roads? There should be
5 signs up indicating that there are people going through
6 that area to go out hunting. Can work --

7 THE CHAIR: Baffinland.

8 MR. SANGOYA: -- can you work -- can you
9 stop -- get your -- your employees to stop so that the
10 hunters can go through that passage in a safe manner?

11 Thank you.

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

14 At -- at present, we have a right-of-way policy,
15 so if there looks to be a -- a hunter or land user
16 looking to cross at one of the -- the crossing areas,
17 these areas are marked. We have signs, and our
18 employees know to -- to give right-of-way to the land
19 users.

20 Moving forward with Phase 2, when there's no
21 longer ore haul trucks on the road, it'll be a shared
22 use of the tote road. So, essentially, hunters will be
23 able to access the road and drive it while Baffinland
24 employees are also driving it for work purposes, and so
25 work stoppages wouldn't be required. We would be
26 sharing the use of the road at that time.

1 Thank you.

2 THE CHAIR: (OTHER LANGUAGE SPOKEN)

3 MR. SANGOYA: Thank you for that
4 clarification. The reason why I asked those questions,
5 because in Meadowbank, they have an agreement in place
6 that there should be work stoppage when they see
7 caribou in the vicinity of the road that they have
8 built for haul trucks. That should have -- that should
9 also -- may be a good idea to include it in your -- in
10 your -- in your plans.

11 Thank you.

12 THE CHAIR: Baffinland.

13 MR. KAMERMANS: Thank you, Madam Chair. Lou
14 Kamermans, Baffinland.

15 We have that program in place already where if
16 caribou are seen within a certain distance of the road,
17 approaching in a certain direction, then there is a
18 stoppage on -- on use of the road until the caribou
19 move out of the area. We just haven't had that
20 experience just yet. The caribou have not come in --
21 in the numbers in the same way they -- they are in the
22 Kivalliq.

23 Moving forward with Phase 2, we're proposing the
24 same type of requirements for stoppage when caribou are
25 in the area, so -- so now and in the future, we're --
26 that's absolutely what we're planning to do.

1 Thank you.

2 THE CHAIR: Pond Inlet HTO.

3 MS. HANSON-MAIN: Thank you. Amanda
4 Hanson-Main, Mittimatalik Hunters and Trappers
5 Organization.

6 I appreciate Caleb Sangoya's questions and
7 comments, and -- and getting back to the questions that
8 we were asking about the workshop, the crossing
9 workshop, Baffinland has spoken at length about
10 involving Inuit in adaptive management, specifically,
11 to ensure that the railway does not pose a barrier to
12 caribou movement.

13 Were the results or the input received from the
14 crossing workshop indicative, in Baffinland's opinion,
15 that Inuit agree that the embankment, as provided at
16 the workshop as proposed, would pose -- would pose a
17 barrier to caribou movement?

18 Qujannamik.

19 THE CHAIR: Baffinland.

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

22 May I ask for the question to be repeated for
23 clarity?

24 Qujannamik.

25 THE CHAIR: Pond Inlet HTO.

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

1 Were the results or input gleaned from the
2 crossing workshop indicative that Inuit were in
3 agreement that the embankments, as proposed to be built
4 as described during this session, would pose a barrier
5 or a potential barrier to caribou movement?

6 Thank you.

7 THE CHAIR: Baffinland.

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

10 Madam Chair, this was not the impression we were
11 left with for those participating in the workshop, but
12 I would like to acknowledge that these were views
13 shared by individuals at the workshop, and that is not
14 the impression that we received, that the embankment,
15 as shown in the physical embankment, would pose a
16 barrier to caribou movement.

17 Qujannamik.

18 THE CHAIR: Pond Inlet HTO.

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

20 There were a lot of negatives in there, so just
21 clarify. Did Inuit give the impression or any input at
22 the workshop that the embankment you proposed would
23 pose a barrier?

24 Thank you.

25 THE CHAIR: Baffinland.

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

1 Baffinland.

2 No, we did -- we're not left with the impression
3 that those who spoke about it would feel that this
4 posed a barrier to caribou, and the reflection -- or
5 our summary of the workshop is as provided in the rail
6 alignment summary report.

7 THE CHAIR: Pond Inlet HTO.

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

9 So they didn't indicate that the embankments, as
10 proposed, would pose a barrier, and I note from the
11 report that despite requesting specific feedback on
12 whether height or slope would pose a potential barrier,
13 there were no comments from participants --
14 participants that, as built, the embankment would pose
15 a barrier. The -- the flip of that is did Inuit or
16 participants at the workshop indicate that caribou
17 would be likely to cross this embankment?

18 Qujannamik.

19 THE CHAIR: Baffinland.

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

22 Yes, I did hear from participants at the workshop
23 that caribou would be able to cross the embankment.

24 Qujannamik.

25 THE CHAIR: Mittimatalik Hunters and
26 Trappers Organization.

1 MS. HANSON-MAIN: Amanda Hanson-Main.

2 So you heard the caribou, according to
3 participants, would be able to. That makes me think
4 that, in terms of their agility, their biology, they're
5 capable of climbing up and over an embankment. Did any
6 Inuit specifically say that they -- the caribou would
7 cross it? Not would they be able to cross it, but
8 would they cross it?

9 Qujannamik.

10 THE CHAIR: Baffinland.

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

13 I think I've provided the answer. I did hear
14 Inuit participants speaking about caribou passing
15 the -- or passing over the embankment, and, again, I
16 think this is reflected -- our summary is reflected in
17 the rail alignment workshop report.

18 THE CHAIR: Pond HTO.

19 MS. HANSON-MAIN: Just one moment, please,
20 Iksivautalik, if I may.

21 Qujannamik, Iksivautalik. If I may, Amanda
22 Hanson-Main, Mittimatalik Hunters and Trappers.

23 I appreciate the point that Baffinland is making;
24 however, we have a different interpretation of what
25 caribou will do, caribou behaviour, based on Inuit
26 Qaujimanituqangit, knowledge and experience, and I'd

1 like to turn it over to the chairman for the Hunters
2 and Trappers Organization to give some context, perhaps
3 something that he, in fact, has told Baffinland.

4 Thank you.

5 MR. OOTOOVAK: Thank you, Mr. [sic] Chairman.
6 Eric Ootoovak.

7 I'm going to give you an example of my own
8 experience with caribou personally.

9 I've gone caribou hunting in that area near the --
10 near your project. I've gone to -- with my snowmobile
11 hunt looking for caribou. I didn't have much success.
12 I -- then I returned.

13 While returning to that camp, there were caribou
14 tracks. The caribou were coming -- and here's my
15 Ski-Doo tracks. They stopped at my Ski-Doo track, went
16 back, so that's not a significant impact, only by
17 snowmobile tracks.

18 MS. HANSON-MAIN: Qujannamik, Eric. I think the
19 point is -- we're trying to make -- that while caribou
20 would be able to cross over a Ski-Doo track in the
21 snow, it -- it chose not to. They chose not to. And
22 what would impact caribou behaviour, especially from an
23 Inuit perspective, I think is important to -- to
24 confirm and clarify that Baffinland has given adequate
25 consideration of.

26 Discussion (Admissibility of Evidence)

1 MS. HANSON-MAIN: So, Madam Chair, we've --
2 we've also left a document with legal counsel for the
3 Nunavut Impact Review Board as well as an excerpt from
4 that document with most parties to the table, including
5 Baffinland's legal counsel. We'd like to request that
6 that be entered into evidence at this point.

7 The document itself is a report on wildlife tabled
8 at the legislature, the Government of Nunavut
9 legislature, showing a -- a map within that's relevant
10 to the Agnico Eagle Meadowbank mine and the all-weather
11 access road, which shows caribou behaviour around the
12 road specifically.

13 If you'll give me a moment, I'll -- I'll check for
14 the -- the page-number reference in the main document,
15 and it should be the last page of the document that was
16 filed with the parties.

17 Madam Chair, I'm not sure what's required to
18 formally enter that in to evidence, so I'll leave it
19 with you to clarify for me what further is needed.

20 Qujannamik.

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 Madam Chair, I have the document, the excerpt of
26 the document in hard copy, but I would like to poll the

1 parties as to whether or not they have any objections
2 to this material being entered as an exhibit. Given
3 that it is the Government of Nunavut's document and is
4 publicly available, there are no confidentiality issues
5 arising from it, but there may be objections from
6 parties, that they have not had an opportunity to
7 consider it or in this context.

8 So, Madam Chair, if you can poll the parties with
9 respect to their perspective of whether or not this
10 should be entered as an exhibit in this public hearing.

11 Thank you, Madam Chair.

12 Polling of Interested Parties (Admissibility of
13 Evidence)

14 THE CHAIR: QIA.
15 Submissions by Qikiqtani Inuit Association
16 (Admissibility of Evidence)

17 MS. LAND: Thank you, Madam Chair.
18 Lorraine Land, legal counsel for the Qikiqtani Inuit
19 Association.

20 We were made aware of this document, and it is a
21 document that we have seen before. It is a statutory
22 report that was delivered to the legislative assembly,
23 so a fully public document that was meant for public
24 distribution, and we fully support its entrance into
25 evidence.

26 Thank you.

1 THE CHAIR: Nunavut Tunngavik.

2 Submissions by Nunavut Tunngavik Incorporated

3 (Admissibility of Evidence)

4 MS. BELLEAU: Marie Belleau, legal advice
5 for NTI, and we agree that it should be tabled.

6 THE CHAIR: Pond HTO.

7 Submissions by Hamlet of Pond Inlet (Admissibility of
8 Evidence)

9 MR. TESTER: Frank Tester, technical
10 advisor, Hamlet of Pond Inlet.

11 We're in full agreement and have no objections.

12 THE CHAIR: Igloolik.

13 Submissions by Igloolik Working Group (Admissibility of
14 Evidence)

15 MR. IVALU: Thank you, Madam Chair. Peter
16 Ivalu from Igloolik.

17 Likewise, we agree that it should be tabled as
18 evidence so we have more information to be
19 well-informed.

20 THE CHAIR: HT -- Hall Beach HTO.

21 Submissions by Hall Beach Hunters and Trappers

22 Organization (Admissibility of Evidence)

23 MR. ARVALUK: Hall Beach HT -- Hunters and
24 Trappers Organization, hunter, Dan Arvaluk.

25 I myself in -- in full support of tabling this
26 document.

1 Thank you, Madam Chair. I'd like to say
2 something.

3 THE CHAIR: Nunavut Government.
4 Submissions by Government of Nunavut (Admissibility of
5 Evidence)

6 MR. PINKSEN: Thank you, Madam Chair. Steve
7 Pinksen, Government of Nunavut.

8 It is a public document, and we defer to the
9 Board, if you choose to accept it as evidence. If you
10 do choose to accept it as evidence, we would appreciate
11 the opportunity to explain the -- the context of the
12 document to, perhaps, give a little better
13 understanding of what -- what it's about.

14 Thank you.

15 THE CHAIR: Federal Government.
16 Submissions by Government of Canada (Admissibility of
17 Evidence)

18 MR. KOHNENBERG: Dale Kohnenberg, counsel,
19 Government of Canada.

20 Government of Canada has no objection to admission
21 of this document.

22 THE CHAIR: Oceans North.
23 Submissions by Oceans North (Admissibility of Evidence)

24 MS. WESTDAL: Kristin Westdal, Oceans North.

25 We have no objections.

26 THE CHAIR: World Wildlife Fund.

1 Submissions by World Wildlife Fund (Admissibility of
2 Evidence)

3 MR. OKALIK: Paul Okalik, World Wildlife
4 Fund.

5 And you have to have all the necessary documents
6 submitted to you to get a -- to have an informed
7 decision, and I believe that tabling this document as
8 evidence will help in being informed.

9 Thank you.

10 THE CHAIR: Nunavut Independent Television
11 Network.

12 Submissions by Nunavut Independent Television
13 (Admissibility of Evidence)

14 MR. LIPSETT: Lloyd Lipsett, Nunavut
15 Independent Television Network.

16 We have no objections.

17 THE CHAIR: Baffinland Iron Mines.
18 Submissions by Baffinland Iron Mines Corporation
19 (Admissibility of Evidence)

20 MS. KOWBEL: Thank you, Madam Chair. I
21 just need one moment to confer.

22 Thank you, Madam Chair. Christine Kowbel, legal
23 counsel for Baffinland.

24 Baffinland -- it's true it's been sent to us. We
25 haven't had an opportunity to review it properly, and
26 so we'd request that it not be entered at this time,

1 that it -- that it be marked, but not entered, and we
2 would suggest that -- that the MHTO, if they wish to
3 present this document and enter it as an exhibit, they
4 could do that as part of their presentation time, and
5 that would give us enough time to read it and -- and
6 understand the context of the document.

7 Thank you, Madam Chair.

8 THE CHAIR: Legal counsel.

9 Ruling (Admissibility of Evidence)

10 MS. MEADOWS: Thank you, Madam Chair.

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

13 Given that there are some limits, perhaps, that
14 intervenors may -- may not be able to present at -- in
15 this -- in this session, I think we will allow a
16 deferral while you take a look at it. I will mark it,
17 but not enter it at this point, but we will be back to
18 you likely before the Mittimatalik -- Mittimatalik
19 Hunters and Trappers Organization presentation, in --
20 in case we don't have time to get to it during this
21 session in Iqaluit.

22 EXHIBIT 18 - Hard copy excerpt from
23 Government of Nunavut Report Research and
24 Management Initiatives by Region and Species;
25 Statutory Report on Wildlife 2018; Excerpt:
26 Barren-ground Caribou Seasonal Range

1 Analysis, Pages 52-55

2 MS. MEADOWS: So, Madam Chair, with that, I
3 urge Baffinland to -- to take a look at it, and we will
4 probably reconvene and -- and ask you for direction
5 when we come back at the -- after the supper break
6 tonight.

7 Thank you, Madam Chair.

8 THE CHAIR: Pond HTO.

9 MS. HANSON-MAIN: Qujannamik, Iksivautalik.

10 With that, I'm going to ask your permission to
11 defer questions on the -- that exhibit was being
12 entered to further questioning to the proponent.

13 May I have your permission, then, to defer
14 those -- that short line of questioning until after a
15 decision is made or until the item is entered?

16 Qujannamik.

17 THE CHAIR: You may defer those questions
18 specific to that document.

19 Do you have any further questions?

20 Mittimatalik Hunters and Trappers Organization

21 Questions Baffinland Iron Mines Corporation

22 MS. HANSON-MAIN: Qujannamik.

23 Can Baffinland confirm that it has consulted with
24 communities, and, specifically, the Mittimatalik
25 Hunters and Trappers Organization -- Qujannamik, Amanda
26 Hanson-Main -- about their preference for Option 2 in

1 the railway?

2 We've heard, at this process, Baffinland is no
3 longer considering Option 2. It has limited its
4 consideration to Option 1 and Option 3. Previously, I
5 believe those were titled "Option A" and "Option B" in
6 the final environmental impact statement. Just for
7 clarification, if you need to correct that, please --
8 please do. But we've heard this week that Baffinland
9 has removed Route 2 from consideration as a proposed
10 alternative. Can I ask why Route 2 was removed?

11 Qujannamik.

12 THE CHAIR: Baffinland.

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

15 Madam Chair, I would just like to clarify a few
16 points. Option A and 'B', as referred to in the final
17 environmental impact statement, were as included in the
18 alternatives analysis presentation where Option B was a
19 route that was more than 10 kilometres away from the
20 tote road, and Option A is the current proposed
21 alignment and the alignment that we are moving forward
22 with within the 10-kilometre transportation corridor.

23 Within the other routes that are being referred
24 to, it was consideration of additional routes brought
25 forward for the 20-kilometre section that Baffinland
26 refers to as the "deviation".

1 Route 1 is the -- within that deviation is the
2 option that Baffinland had first put forward. Just to
3 clarify, Route 1 is the option Baffinland put
4 forward -- and our consideration is not limited to
5 Route 1 and Route 3. We have selected Route 3 as the
6 alignment we are seeking approval for, and as discussed
7 previously, we have eliminated consideration of Route 2
8 further because of the environmental footprint of that
9 design with the very large embankments and cuts and the
10 safety considerations and operational considerations of
11 such.

12 Qujannamik.

13 THE CHAIR: Pond HTO.

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

16 I appreciate the confirmation and clarification
17 that that Route 2, if I'm correct, is more than 10
18 kilometres away from the transportation corridor. I'm
19 wondering about the consultation that Baffinland had
20 conducted ahead of its filing for the northern
21 transportation project in the integrated regulatory
22 regime, specifically, the land use plan amendment
23 process. If that is an out-of-bounds question , we
24 don't need to go there.

25 I -- I'm not sure why Baffinland didn't consider
26 revising its amendment application with the planning

1 commission when it received numerous submissions from
2 communities opposed to that location and routing.

3 Baffinland has said during this hearing that it's
4 constrained to consider two routes from Mary River to
5 Milne Port. These are the same routes that were
6 included within its application to amend the North
7 Baffin Regional Land Use Plan; however, the Phase 2
8 impact statement stated: (as read)

9 Baffinland believes the community preference
10 is Option A, but Option B would likely be
11 acceptable if Option A was not a viable
12 option.

13 The Hunters and Trappers Organization took great
14 offence to this complete misrepresentation of the fact
15 and their opinion, which had been stated numerous
16 times.

17 We're unclear if Baffinland was, perhaps, unaware
18 of community opposition raised to that route via
19 Kanajjuq in the Nunavut Planning Commission process and
20 that is why it has pressed forward to the environmental
21 assessment. Baffinland's environmental assessment
22 materials have stated that additional routes might have
23 been preferable to the community of Pond Inlet for
24 Phase 2, but that Baffinland faced many administrative,
25 technical, economic, and environmental limitations to
26 what it was able to select for assessment.

1 I'm aware, in the alternatives assessment, that we
2 must consider technical feasibility, economic
3 feasibility, environmental, and community
4 acceptability. Can you clarify for me what that
5 administrative limitation was to selecting alternative
6 routes for this assessment?

7 Qujannamik.

8 THE CHAIR: Baffinland.

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

11 May I just ask for a repeat of the last sentence,
12 which I believe was the question in that comment.

13 Qujannamik.

14 THE CHAIR: Pond HTO.

15 MS. HANSON-MAIN: Amanda Hanson-Main.

16 Sure. There were two questions. One was
17 embedded, and it asked: If Baffinland was unaware of
18 community opposition to the route via Kanajjuq prior to
19 entering the environmental assessment process?

20 The last sentence, the question was: In
21 Baffinland's materials, it indicated that other routes
22 may have been preferable to the community of Pond
23 Inlet, but it faced many administrative, technical,
24 economic, and environmental limitations to what it was
25 able to select for assessment. That question was: Can
26 you explain to me what the administrative limitation

1 was?

2 Thank you.

3 THE CHAIR: Baffinland.

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

6 To the first question, was Baffinland aware of the
7 opposition to the route proposed before the
8 environmental assessment?

9 It was. It was stated through the public review
10 process of the Nunavut Planning Commission. Baffinland
11 took the information provided through that public
12 process and has worked very hard to try to address the
13 concerns as stated in there to determine if community
14 acceptability had changed, and as for the question
15 related to administrative considerations, Lou Kamermans
16 will provide that answer.

17 THE CHAIR: Mittimatalik Hunters and
18 Trappers Organization.

19 MR. KAMERMANS: Sorry, Madam Chair. I still
20 have a response to -- to provide. Thank you.

21 The administrative element referred to in that
22 response has to do with the amendment we received in
23 the North Baffin Regional Land Use Plan, which would
24 have required us to -- to go back for an additional
25 amendment, should we have selected an alternative route
26 that was outside of the 10-kilometre width approved

1 through that process, so that -- that's the
2 clarification on that point.

3 Thank you.

4 THE CHAIR: Mittimatalik Hunters and
5 Trappers Organization.

6 MS. HANSON-MAIN: Qujannamik, Iksivautalik.
7 Amanda Hanson-Main.

8 I appreciate that. We did hear yesterday -- Lou,
9 you noted in your presentation -- that other routes
10 were deemed unacceptable because they would require
11 additional amendment to the North Baffin Regional Land
12 Use Plan, and I believe we heard also that the
13 amendment process took somewhere close to two years.

14 We find it very unfortunate that Baffinland
15 proceeded with such a lengthy administrative land use
16 planning process when it was indicative very early on
17 that there was zero community acceptability for these
18 routes. We also heard just now that Route 2 was
19 deselected because of environmental footprint, safety,
20 and operational concerns, so it seems there's some
21 inconsistency coming from Baffinland with respect to
22 what -- what the communities are being told, or what we
23 are being told at this hearing.

24 I do have a -- a short question: In -- in
25 response to questions from the Qikiqtani Inuit
26 Association yesterday, Baffinland assured us that it

1 remains a hundred percent committed to working with
2 Inuit to find a path forward on Route 3 for Phase 2,
3 which I think we're aware of as, for years, Inuit have
4 been saying "no thanks", and, yet, we are still here
5 with Baffinland looking for a path forward on a project
6 with no community acceptability on a -- on an aspect.

7 My question is two-fold: Was Baffinland less than
8 a hundred percent committed to working with Inuit in
9 its application for amendment to the North Baffin
10 Regional Land Use Plan -- again, land use planning,
11 which is supposed to inform environmental assessment --
12 and if so, what is different today from that
13 commitment, that percentage?

14 The second question is does Baffinland feel that
15 it has the social licence to develop and operate this
16 Phase 2 project, inclusive of a route with such low
17 community acceptability?

18 Qujannamik.

19 THE CHAIR: Baffinland.

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

22 I first want to reiterate that we have been
23 consistent in our messaging around the selection of
24 Route 2. Megan was very clear when she explained this
25 yesterday, as was I during the presentation, and as
26 Megan was just again previously.

1 Trappers Organization.

2 MS. HANSON-MAIN: Thank you, Madam Chair. I
3 note that as a non-response from Baffinland on the
4 "yes" or "no" to that question.

5 Baffinland stated on Sunday that a benefit -- and
6 again today, a benefit of moving from a truck haul to a
7 rail haulage with Phase 2 would result in substantially
8 less dust generation, and Lou also mentioned yesterday
9 that moving to rail would eliminate the concern with
10 respect to dust.

11 The Hunters and Trappers Organization has concerns
12 with that assertion as we understand from the
13 alternatives assessment and information put forward
14 that Baffinland is actually looking for permission to
15 haul ore via the truck on the tote road by up to 560
16 round-trips or 1,120 transits per day along the tote
17 road as the northern rail is completed.

18 Can you confirm for me -- we recognize your
19 response to the Government of Nunavut's final written
20 submission suggesting that six years is a reasonable
21 time limit to place on that haulage along the tote road
22 without modification.

23 The Government of Nunavut's comment references
24 some numbers of vehicles travelling per hour on the
25 tote road during different stages of Phase 2
26 construction. Can you please clarify the number of

1 round-trips expected per day during the initial years
2 of project construction and during the latter stage?
3 So once the development of the transfer loading point
4 at Kilometre 57 is operational, what are the number of
5 trucks going to the transfer station, and if there are
6 others that continue on to the -- to the port site,
7 what are the numbers of those round-trips per day?

8 Qujannamik.

9 THE CHAIR: Baffinland.

10 MR. SETTERINGTON: Our mics just died.

11 MS. PITTMAN: We need a technician.

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

14 I'll start with an initial correction. I'm not
15 certain where it's written or where you got your
16 initial reference from, but it should have said 560
17 transits, so 280 trips, and that is what we put forward
18 as being required for the -- the halfway commissioning
19 option, so those trucks would -- that's -- that's the
20 number of trucks that would be required to road haul 12
21 million tons per annum to a midway point. It would
22 happen between Kilometres 60 and 110, roughly. That is
23 anticipated for a very short period of time, if it
24 occurs at all. The time that it would take to build
25 the second half of the railway would be roughly a year,
26 so one -- one year is the only -- is the period of time

1 we're really seeking that for.

2 In response to the Government of Nunavut, they
3 wanted some security that that activity would not
4 continue for a long period of time, and we think that's
5 a reasonable request, and so we're willing to entertain
6 time limits and come to agreement on those to ensure
7 those activities do not continue.

8 Thank you.

9 THE CHAIR: Mittimatalik Hunters and
10 Trappers Organization.

11 MS. HANSON-MAIN: Thank you, Madam Chair.
12 Matna. Thank you. If I may, Amanda Hanson-Main,
13 Mittimatalik Hunters and Trappers Organization.

14 I may be reading this wrong, but I'm going to
15 present, for the information of Baffinland, the numbers
16 that you asked about.

17 In the key-facts table in Technical Supporting
18 Document Number 2, it's in Appendix C, the table at the
19 bottom of page 1 of 3 talks about Milne Inlet tote road
20 facilities infrastructure and activities. Under "Ore
21 Transportation of Traffic", it lists the quantity and
22 then round-trips per day. For 2019 and '20, it states
23 280 trips per day, round-trips per day, for 6 million
24 tons. In 2021, the numbers listed under "Quantity" are
25 12 million tons per year, round-trips per day, 560.

26 I'm not sure if this is a typo for you or if the

1 intention was simply that it's 560 transits period. If
2 you could clarify?

3 Thanks.

4 THE CHAIR: Baffinland.

5 MR. KAMERMANS: Thank you, Madam Chair. Lou
6 Kamermans, Baffinland.

7 That row should say "transits" and not
8 "round-trips", so it's an editing error.

9 Thank you.

10 THE CHAIR: Pond Inlet HTO.

11 MS. HANSON-MAIN: Amanda Hanson-Main.

12 So to be clear, we were unsure of what
13 Baffinland's definition of "short term" might be for
14 this road-haul option to continue at the level of 12
15 million tons per year. The Mittimatalik Hunters and
16 Trappers Organization has significant concern about
17 Baffinland's indication within its impact statement
18 addendum that the trucking of ore remains a viable
19 alternative, should difficulties arise with the
20 development and operation of the north railway.

21 First off, it's asking us to approve a six-year
22 operation to truck-haul up to 12 million tons per year
23 along the tote road. We consider this a significant
24 change from the current level of operations and
25 represents much too great a risk for the HTO. We also
26 have limited confidence in Baffinland's plans or

1 intentions for this project development. Baffinland
2 has said repeatedly that -- made promises, such as the
3 Early Revenue Phase would enable funds to move and
4 begin construction of the Steensby route, which has not
5 happened to date.

6 Can Baffinland clarify what it envisions or what
7 it has -- suspects difficulties that could arise with
8 the operation of the north railway and why the
9 agreement to a six-year term when operational
10 difficulties could arise at any time throughout the
11 project life?

12 Qujannamik.

13 THE CHAIR: Baffinland.

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

16 Some of the possible causes for delay following a
17 project certificate amendment, should it be approved,
18 there's several post-environmental assessment permits
19 we have to receive related to Fisheries, Fisheries
20 authorizations. We need to get approval from the
21 Canadian transportation agency for the railway
22 construction. We need permits from Transport Canada to
23 operate the railway. There's a number of permits
24 there, and those will take one to two years to procure,
25 following this process.

26 Construction in the north is -- you know, there

1 are inherent issues to consider there, sea lift being
2 one, limited time to bring in equipment, so if staging
3 and permitting don't line up correctly, you could wind
4 up with -- with unanticipated delays, so that's really
5 what we were trying to cover in that area; and as for
6 the six years, that was put forward to us by the
7 Government of Nunavut, which we agreed to.

8 In this case, where it's apparent the Mittimatalik
9 Hunters and Trappers Organization has concerns with
10 this, we would be happy to commit to a single year of
11 elevated trucking to support the midway rail transfer
12 component of Phase 2.

13 Thank you.

14 THE CHAIR: We are getting close to the
15 afternoon break, and there have been several community
16 representatives that have been waiting patiently
17 throughout the hearing to also ask questions, so before
18 the afternoon break, we're going to have the community
19 representatives have a chance to ask questions and make
20 comments.

21 First is Jeetooloo Kakee.
22 Questions for Baffinland Iron Mines Corporation by
23 Iqaluit Community Representatives

24 MR. KAKEE: Jeetooloo Kakee, HTO
25 representative for the city of Iqaluit.

26 First of all, I wanted to ask the atmospheric

1 presentation still hasn't been presented as of yet. We
2 would like to hear about -- I would like to hear that
3 presentation. We oftentimes have to stay put
4 because -- while we wanted to go out hunting, or if
5 we're stranded -- stranded out there. When is this
6 presentation going to be made?

7 THE CHAIR: Baffinland.

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

10 My understanding is that the atmospheric
11 presentation is the next on the schedule.

12 Qujannamik.

13 THE CHAIR: Jeetooloo Kakee.

14 MR. KAKEE: (LOST TRANSLATION)

15 THE CHAIR: Can you repeat that, please?
16 Can you, please, repeat yourself? I couldn't hear it.

17 MR. KAKEE: Madam Chair, I'm Jeetooloo
18 Kakee, Elder. I am also a member of the HTO here in
19 this community.

20 It's very difficult, sometimes, when we want to go
21 out hunting or come back to our community. There's
22 high winds at times. I wonder if climate and climate
23 change, or when is the atmospheric presentation going
24 to be presented ?

25 THE CHAIR: Baffinland.

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

1 Baffinland.

2 The atmospheric presentation is next on the
3 schedule, from my understanding.

4 Qujannamik.

5 THE CHAIR: Jeetooloo.

6 MR. KAKEE: My receiver's no good. Can
7 someone hand me a receiver, please, better headset?

8 Thank you, Madam Chair.

9 THE TRANSLATOR: He's repeating himself.

10 MR. KAKEE: We have high winds. It's
11 very -- it gets very stormy here, blizzards come, very
12 high winds. I want to know when the atmospheric and
13 climate change information or presentations are going
14 to be presented. Thank you, Madam Chair.

15 THE TRANSLATOR: Third time.

16 MR. KAKEE: I'm going to give it to this
17 lady over here. I'm going to see if she can be as
18 clear -- or be clearer than what I'm trying to say.

19 MS. MIKE: Madam Chair, I'm Meeka Mike.
20 I'm also on the Amaruq HTO, just a Board member,
21 regular Board member. I'm not a Board member, I'm with
22 Amaruq HTO.

23 Considering the average weather we usually have,
24 average climate and winds and blizzards in the winter,
25 have that been put into consideration for the
26 development of Phase 2 and the project?

1 THE CHAIR: Baffinland?

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

4 Yes, the effects of the environment -- or the
5 impact of the environment, including weather, has been
6 taken into consideration into the project design and
7 into engineered design for the project, and just to
8 clarify, the atmospheric presentation will be next on
9 the schedule.

10 Qujannamik, Madam Chair.

11 THE CHAIR: Any further questions?

12 MR. KAKEE: Madam Chair, Jeetooloo Kakee,
13 Iqaluit HTO, and I'm also here representing the Elders.
14 I just don't want to go away from this top -- topic.

15 The ship that was -- the ships that are going to
16 be used -- ballast water -- or the -- oh, the ships
17 that carry ballast water, how are they going to get
18 cleaned, and we are -- we have concerns over ball --
19 ballast water just being dumped out into our ocean.

20 THE CHAIR: Baffinland.

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

23 In regards to ballast water, any of the ships that
24 are contracted by Baffinland are required to follow
25 international and Canadian regulations in relation to
26 the exchange or treatment of ballast water. What that

1 currently involves, for most of the -- the vessels
2 calling on port, is that there is a mid-ocean exchange
3 of ballast, so water is exchanged in the Atlantic
4 before entering into Canadian waters, and that water is
5 discharged at Milne Port where Baffinland conducts a
6 salinity test to ensure that that exchange happened
7 before the water is discharged.

8 Treatment of ballast water is another alternative
9 to that, and the regulations are in development on
10 that, but all Baffinland vessels contracted to
11 Baffinland will continue to follow both regulations or
12 all regulations in regard to ballast water.

13 Qujannamik.

14 THE CHAIR: Jeetooloo.

15 MR. KAKEE: Thank you, Madam Chair.

16 Supplementary to that, I haven't heard that the --
17 the ballast water that is used in ships are being
18 monitored as to where they're dumping the ballast
19 water. In particular, if the ships have garbage or old
20 water away from the ship, they've been dumping it in
21 the ocean, and we're very concerned about that, and --
22 and there is other ships that have been dumping garbage
23 into the ocean, so we started assuming that they might
24 be dumping ballast water near to the communities,
25 especially if it's contaminated from this dust from
26 the -- the mine.

1 Thank you.

2 THE CHAIR: Baffinland.

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

4 Baffinland. Qujannamik for the question.

5 So, to clarify, there are regulations that prevent
6 us -- or prevent the discharge of sewage from the
7 vessels, and Baffinland also asks all vessels under
8 contract to Baffinland to not discharge grey water
9 either. So grey water is the water that is collected
10 from cooking or from showering. That will also not be
11 discharged within the shipping corridor when operating
12 for Baffinland.

13 And then, again, the ballast is exchanged in the
14 mid-Atlantic before coming into Canadian waters and
15 only discharged at Milne Port, and we've conducted
16 modelling assessments for the Phase 2 proposal so we
17 understand how that ballast water may move within the
18 environment. And we have an ongoing monitoring program
19 for current operations. Qujannamik.

20 THE CHAIR: Jeetooloo.

21 MR. KAKEE: Thank you, Madam Chair.

22 Jeetooloo Kakee from Iqaluit, HTO Board member and
23 Elder.

24 And Iqaluit -- as the Iqaluit residents, as a
25 gateway to the north, we don't want to be left behind
26 in -- in any of this -- being involved in these

1 processes. And sometimes we don't get any information
2 at all about what you're doing in -- at the mines, even
3 though it directly affects our community. And a lot of
4 the information we've received have been way behind,
5 and at times we -- we're not sure whether Inuktitut was
6 going to be part of the process. I don't have much to
7 add, but my colleague, who -- who is female -- and
8 she's from Iqaluit as well, so I'm giving her the
9 microphone.

10 MS. MIKE: Thank you, Madam Chair. Meeka
11 Mike from Iqaluit. I'm a hunter, and I'd like to be
12 able to ride a caribou before I die. I don't know if I
13 can do that anymore.

14 Caribou is so important to us, for my family.
15 We're generally from Pangnirtung. My father taught me
16 everything about caribou, and my father observed the
17 caribou and the kinship between ourselves and the
18 wildlife. The caribou have been so close, and we grew
19 up in Pangnirtung area directly related to caribou. We
20 have -- I've been living in Iqaluit for some time, but
21 the only thing I haven't observed is Nettiling River.
22 And my brothers and sisters and their descendants still
23 go hunting in September to Nettiling. September was so
24 hot right up until middle of September, which was
25 unusually high.

26 And I'm going to speak now in English. I'm going

1 to have question for you after. I just wanted to let
2 you know where I'm from.

3 The railroad track and the route. I have
4 questions regarding the railway and the -- the train.
5 And I know for -- from our ancestors' teachings that's
6 the only crossing that allows caribou to come to this
7 area, to South Baffin. And it's been impacting us
8 already Peregrine Exploration was impacting us already.
9 But those of us who travelled on our own -- on our own
10 economic -- little what we have, and considering we
11 have to support our nephews -- a lot of my nephews
12 taken out of school to be hunters and travel the area,
13 all of -- most of South Baffin to keep our knowledge
14 going. What measures will you have when the three main
15 migrations that always come down to south Baffin are
16 crossing? That's one question.

17 The other question, which is in regards to
18 terrestrial environment, I -- I reviewed some of the
19 documents, but he [sic] needed a technical support, so
20 I only recently got on last week. I have thick binders
21 to read in less than four days -- less than three days.
22 We're not supported. Our Elders and Board members and
23 HTO DIOs are not supported for that. And that's an
24 Inuit organization's responsibility and Government of
25 Nunavut responsibility. So my question is to Inuit
26 Qaujimagatunqangit panel. In respect to our Elders

1 being here, that seems to be a new stream. When
2 there's articles outlined in the land claim for Inuit
3 representation and Inuit right, my Inuit right, those
4 knowledge are not for -- not to be under an
5 international corporation. I don't believe in that.
6 If that's going to be the case, give us \$1 billion
7 right now.

8 When I checked the rate for iron ore yesterday and
9 iron ore in south Baffin -- we called it Kowtuk -- the
10 rate was \$83.55 US, about 120 -- 150 yesterday.
11 12 million tons. You multiply that, what does it come
12 with?

13 I feel for those communities, those Elders who are
14 being offered an amount that seems a lot compared to
15 what Hall Beach had when there was dual-line activity.
16 What guidelines and protocols are you following for
17 that IQ panel? That's my question. There -- there
18 will be more. Qujannamik, (OTHER LANGUAGE SPOKEN).

19 THE CHAIR: Baffinland. Before you
20 provide a response, it's now 3:15. Let's take a
21 15-minute break.

22 (ADJOURNMENT)

23 THE CHAIR: Please return to your seats.

24 Before the break, we left off waiting for a
25 response from Baffinland.

26 Baffinland.

1 MR. KAMERMANS: Thank you, Madam Chair. Lou
2 Kamermans, Baffinland. And thank you for the comments
3 from the audience.

4 On the permeability of the railway and crossing,
5 we are committed to building a railway that is
6 permeable and will be crossed by caribou. We've put
7 forward a number of mitigation measures that we're
8 confident will work, and we want to work with the
9 communities to ensure that the monitoring around that
10 project and around that element of the project
11 specifically is robust and able to determine if
12 follow-up action is required. But we are committed to
13 building a railway that caribou can cross.

14 On the matter of the profitability of the Phase 2
15 proposal, we've been very clear that Phase 2 will be
16 profitable and will stabilize our finances and our
17 operation, and through that stabilization and the
18 continued operation of the Mary River Project, not
19 1 billion, but \$2 million will go to Inuit
20 organizations over the life of the mine. That's to
21 Nunavut Tunngavik Incorporated and the Qikiqtani Inuit
22 Association.

23 That's in addition to the direct benefits we've
24 proposed for the North Baffin communities,
25 understanding they need help now to support their
26 community infrastructure and other spending

1 requirements, as well as the employment benefits
2 associated with our project.

3 As for the Inuit advisory panel we've described
4 through this hearing, our intent is to develop a terms
5 of reference with the Inuit of the North Baffin to
6 ensure that that panel is run in a way that respects
7 Inuit societal values and ensures we integrate Inuit
8 perspectives into our environmental management systems.
9 Thank you.

10 THE CHAIR: On Sunday, the Board made a
11 motion to allow the Hamlet of Pond Inlet to present
12 their intervention today along with Dr. John Loxley.
13 In keeping with that motion, we're going to move
14 forward with the presentation and continue with
15 questions.

16 I have a list of community representatives who
17 have identified that they would like to ask questions
18 or make comments, and we still have to get around the
19 table with the presentation that Baffinland presented
20 earlier.

21 So in keeping with the motion that we made, please
22 understand that there are several parties who would
23 like to ask questions, but before we get to questions
24 to Baffinland, we will go into questioning to the
25 Hamlet of Pond Inlet and Dr. John Loxley.

26 Legal counsel.

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

4 If I can have the witness state and spell his name
5 for the record, please.

6 MR. TESTER: Frank Tester, F-R-A-N-K
7 T-E-S-T-E-R, like battery tester without the battery.

8 MR. SOUCIE: Tim A-N-A-V-I-A-P-I-K, Soucie,
9 S-O-U-C-I-E.

10 DR. LOXLEY: John Loxley, L-O-X-L-E-Y.

11 MS. MEADOWS: Thank you, Madam Chair.
12 Teresa Meadows, legal counsel for the Nunavut Impact
13 Review Board. Do the witnesses wish to be sworn or
14 affirmed?

15 MR. TESTER: I wish to be affirmed.

16 MR. SOUCIE: Affirmed.

17 DR. LOXLEY: Affirmed.

18 FRANK TESTER, TIM SOUCIE, AND JOHN LOXLEY, Affirmed

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

22 Madam Chair, it's my understanding that these
23 witnesses have this presentation in electronic form
24 only and that presentation notes will -- or speaking
25 notes will be provided following Dr. Loxley's
26 presentation, but other than that, those are the only

1 exhibits to be filed in advance of these speakers
2 presenting to the Board. Thank you, Madam Chair.
3 Those are my procedural matters.

4 EXHIBIT 19 - Electronic copy of PowerPoint
5 presentation Hamlet of Mittimatalik (Pond
6 Inlet) Public Hearing Baffinland Phase 2
7 Expansion (English)

8 THE CHAIR: You can proceed.
9 Presentation by Hamlet of Pond Inlet

10 MR. TESTER: Thank you, Madam Chair.

11 I want to start just briefly by acknowledging a
12 comment that Lou Kamermans made with regard to the
13 spelling of Inuit Qaujimajatuqangit. The problem would
14 seem to be that the changes in the orthography and
15 differences in the word in order to designate past,
16 present, and future concepts with regard to IQ are not
17 ones that all Elders and all Inuit of Mittimatalik are
18 familiar with, and, therefore, I was asked to point out
19 that there was a misspelling, and I accept the
20 explanation that you offered and acknowledge what you
21 said.

22 Secondly, we want to make one thing clear, and
23 this applies to me in particular. The -- the issue in
24 doing things like this is one of voice. I want to make
25 it clear that when I am presenting my part of this, the
26 voice that's being used is the voice of -- of the

1 Hamlet council, Elders, and others we've spoken to in
2 the community. I'm presenting information that I put
3 together based on conversations with our then mayor
4 Joshua Katsak, members of council, Elders, and
5 others --

6 (UNREPORTABLE SOUND)

7 THE CHAIR: You need to slow down.

8 MR. TESTER: So the voice you're hearing --
9 I want to make it really clear -- is not my voice.

10 Tim Soucie will present the first half.

11 MR. SOUCIE: Qujannamik. Tim Anaviapik
12 Soucie, Pond Hamlet -- Pond Inlet rep.

13 The duty to consult has been developed as a legal
14 requirement as determined by a number of important
15 Supreme Court decisions in relation to the Section 35
16 of the Canadian constitution. The word "meaningful" is
17 important. What does it mean? The Hamlet is stating
18 clearly that this means communicating in ways
19 consistent with Inuit culture and traditions. This
20 requires that Baffinland have a good understanding of
21 IQ, Inuit Qaujimagatugangit, and what this means for
22 what consult -- consultation looks like.

23 The Hamlet claims Baffinland has not demonstrated
24 an understanding of -- or appreciation of IQ. This is
25 reflected in how Baffinland has communicated with our
26 community and Baffinland's very recent adoption of a

1 strategy for integrating IQ.

2 Baffinland has had a presence since 2012. We can
3 find no information about the principles, values,
4 guidelines, or approaches that Baffinland has adopted
5 in the use of and attention it pays to IQ until the
6 release of Baffinland IQ management framework September
7 2019. But the framework page 1 makes no mention of IQ
8 informing how Baffinland will conduct meaningful
9 consultation with our community going forward.

10 The problem of meaningful consultation in relation
11 to IQ has still not been addressed to this day. None
12 of our Elders or others in our most affected community
13 were consulted about the content of this document
14 before it was released, another example of a failure to
15 meaningfully consult us.

16 We find the use of the word "management" in
17 relation to IQ to be very worrisome. Elders and others
18 have said IQ is not something to be managed. It's
19 something we live.

20 Baffinland has had a lot of meetings with QIA,
21 technical committees, and working groups. They have
22 met with the Hamlet and MHTO many times. The style of
23 communication has typically been to arrive with a
24 PowerPoint celebrating Baffinland's plans and
25 activities. We are then asked if we have any
26 questions. We don't feel listened to or understood,

1 and there's no negotiation. This is not meaningful
2 consultation.

3 Baffinland has never created a special event for
4 youth so that they can ask questions and be better
5 informed with what's going on. The same is true for
6 women who have unique and important experiences with
7 mining operations. Women in Mittimatalik have never
8 been addressed as a group respecting their unique needs
9 and issues.

10 We have calculated the average percentage of the
11 adult population for 2018 attending public meetings
12 held with regard to the Phase 2 proposal, and that
13 average is 2.6 percent of the adult population.
14 This -- this number here, this percentage, it's a good
15 example of -- because it can be significant or not
16 significant. Next.

17 I have been attending these meetings since 2012,
18 and this is a quote: (as read)

19 Locals are tired of lies and changing plans
20 and have lost interest because Baffinland
21 says one thing but does the opposite.
22 Less people attend meetings nowadays. I bet a huge
23 percentage of people go to the meetings for free food
24 and stuff. They -- they have really nice stuff. And
25 90 percent or more did not get the message of each
26 consultation. Lining people up in chairs and sitting

1 across the front to talk to us is -- makes it clear who
2 is important and who is in charge in the room. A good
3 facilitator knows this, not Baffinland. Circles do
4 away with this. We also use them to have fun, like the
5 picture.

6 Many Inuit are not likely to offer comments or
7 criticisms following a presentation, especially if the
8 other person is defensive. In this case, Baffinland.
9 That invites disagreement and conflict, something that,
10 for many Inuit, especially older Inuit and Elders, is
11 to be avoided.

12 Again, this is not consultation. It is
13 presentation, what Baffinland is planning to do and how
14 good it will be for everyone; it is not a workshop
15 where we identify and solve problems. Baffinland's
16 workshops, when they offer them, mine Inuit for data.

17 Consultation starts by asking us what we would
18 like, what we need, what are our -- our experiences and
19 difficulties we may have, what we would prefer, how we
20 are feeling. This is not the way Baffinland conducts
21 its meetings with us. We have never been consulted
22 about how we would like to have public meetings or
23 negotiate.

24 Trust is necessary for consultation -- for
25 meaningful consultation. We trust people who tell the
26 truth. So is it 12 million or 18 million tons a year

1 that Baffinland would like to ship through Qingua,
2 Milne Inlet? If you tell us 176 ships will be passing
3 through Eclipse, what you really mean and don't say is
4 352 trips, ships going in and then out of Qingua, plus
5 icebreakers, supply ships, tugs, other vessels. We
6 could have an average of four to five vessels passing
7 through our community every day. In talking to us,
8 Baffinland constantly refers to 176 ships.

9 Trust means getting to know people. It means
10 staying awhile, at least a week or two, having tea with
11 Elders and youth at the Co-Op, talking about your
12 children, asking about ours, letting us show you what
13 it is like to live in our community, being able to live
14 in -- laugh at yourself, showing an interest in who
15 we -- who we are and how we live.

16 Baffinland's relationship with our community is
17 mostly about business. It's a fly-in for a meeting,
18 fly out. Baffinland has not developed a trusting
19 relationship with Mittimatalingmiut and the Hamlet of
20 Pond Inlet.

21 MR. TESTER: Consultation was the first
22 issue that we were asked to speak to.

23 The second one concerns evidence for ratings given
24 to socio-economic considerations. So what I'm going to
25 do is walk through this, and I want you to understand
26 that this is only an example. We don't have the time

1 to go through all of the categories in the
2 socio-economic section. And this relates especially to
3 Figure 10.5 in the addendum document where ratings
4 are -- are given with regard to cumulative impacts,
5 whether they were significant or not.

6 So what we found disturbing is that for every
7 category --

8 (UNREPORTABLE SOUND)

9 THE TRANSLATOR: You're going too fast.

10 THE CHAIR: If you can go back two
11 sentences, and please slow down with your pace.

12 MR. TESTER: Thank you.

13 What we want to talk about is related to
14 Section -- the Chart 10.5 in the addendum document, and
15 we're going to focus on some of the elements of the
16 socio-economic considerations. But we want it
17 understood that we are using this simply as an example
18 of the problems that we have with the rating system; in
19 other words, this is somewhat generalizable to other
20 categories.

21 So for every category dealing with biophysical
22 elements, the residual effects are determined to be not
23 significant. We noticed this. For every category
24 dealing with the human environment, the residual
25 effects are either not significant or significant and
26 positive. So we looked at this and asked, Well, what

1 are the odds of this being true? It's too good to be
2 true.

3 Significance, for example, the residual effects --
4 and this is what we're going to focus on -- on human
5 health and well-being are not significant. The
6 residual effects on culture, resources, and land use,
7 not significant. We understand that ratings take into
8 consideration mitigation measures, but -- and, by the
9 way, this is a -- a problem with the whole process. We
10 would like to know what ratings were given to elements
11 before mitigation measures were applied and then after.
12 That would certainly have made a lot of the discussion
13 that's taken place here a lot easier.

14 So to illustrate what is generally true of
15 Baffinland's research, let's look at issues related to
16 ratings for health and well-being. Baffinland, we
17 maintain, has done practically no original research
18 related to socio-economic impacts. Important elements
19 of its socio-economic analysis rely on government data
20 that has not been updated since 2016. The research it
21 has done -- a community survey, for example -- is
22 questionable. The survey has a return rate, including
23 answers to individual questions, so low that the
24 results are not statistically reliable.

25 For dealing with social issues, Baffinland has not
26 used participatory research as recommended for

1 Indigenous communities by the tri-council -- that is
2 the three research councils -- federal government
3 research councils, and ITK. And with regard to the
4 community survey, no copy of the survey instrument
5 seems to be available, so the results might not only be
6 not reliable; they may not be valid.

7 When we pointed this out, Baffinland responded to
8 our observations by stating that it was most respectful
9 of community members to respond. This is undoubtedly
10 true, but it's irrelevant to the point we were trying
11 to make. The same is true of an in-house survey done
12 with Baffinland employees. The return rate was not
13 large enough to make the results statistically
14 reliable.

15 We have concerns about ethics. There were things
16 that were done in the community survey which were --
17 let me just make sure I haven't mis -- yes. That's
18 true. There was an in-house -- there was
19 a community -- the community survey that was done
20 involved issues. We have questions about the ethics.
21 The survey would not been approved by the Nunavut
22 Research Institute.

23 What happened was a Baffinland employee helped
24 people who were filling out hard copies of this survey
25 made available at checkout counters of the Co-Op and
26 Northern store. The Baffinland employee helped people

1 to fill out the form. So people in a case like this
2 could feel intimidated. They might fear that the
3 company for whom they might work --

4 (UNREPORTABLE SOUND)

5 THE CHAIR: If you can pause between
6 sentences so that the interpreters can keep up, please.

7 MR. TESTER: People could feel intimidated,
8 fear that the company for whom they might work would
9 know what they said, not want to say anything negative
10 that might upset the company employee who's helping
11 them, et cetera.

12 Baffinland's response when this was pointed out to
13 them was defensive suggesting that, quote: (as read)

14 The person helping was Inuk and a resident of
15 Pond Inlet.

16 And the implication was that, therefore, things were
17 okay.

18 Baffinland also suggested that how things are done
19 here are different than how they are done in the south.
20 None of this changes the fact that what was done was
21 unethical and is not an acceptable social science
22 research method anywhere with anyone. The research
23 guidelines dealing with this had input from Inuit
24 Tapiriit Kanatami. In other words, Inuit, in fact,
25 were involved in putting the guidelines to which we are
26 referring together.

1 Inuit are entitled to the same considerations
2 given to human subjects in the south or wherever they
3 may be. This is the sort of thing -- and it's
4 getting -- I want to emphasize that it's only an
5 example. This is the sort of thing that raises issues
6 of trust.

7 So we're going to give an example of how ratings
8 were dealt with with regard to one of the elements of
9 health and well-being. And one of the elements were
10 changes in parenting; in other words, what has the
11 presence of Baffinland done for parenting in our -- in
12 the community of Mittimatalik?

13 Baffinland used charges laid against youth in the
14 local study area, the five North Baffin communities, as
15 an indicator. And they admit there are limits to
16 relating charges against youth to the effects of the
17 mine on parenting, and we would agree with that. But
18 if that's the case, why not talk to parents and get
19 their impressions and opinions about the impact that
20 Baffinland might be having on their abilities to
21 parent? In other words, research can also be
22 meaningful consultation. Now, charges against youth,
23 in fact, in the study period have been declining in
24 Nunavut, that is, over the period that was examined by
25 Baffinland. However, in the LSA, that is, the five
26 affected communities, there has been virtually no

1 change in charges laid against youth.

2 So if you use this as an indicator, you can't say
3 that Baffinland has had any positive impact on
4 parenting, given that it's dropping everywhere, but, in
5 fact, in the LSA it's the same -- in fact, it was
6 risen -- problems risen slightly. If anything, the
7 data suggests that the impact has been a negative one.

8 Baffinland handles this reality in this way. I
9 would call -- we called it "wordsmithing" the results.
10 This is a quote. (as read)

11 Regardless, there are positive indications
12 the project is contributing to the enhanced
13 well-being of children by providing residents
14 and parents with opportunities to obtain
15 meaningful employment incomes.

16 Simply put, there's no evidence to support this and
17 none presented. No positive indications that -- were
18 language that they used -- I just quoted. But no
19 positive indications are provided.

20 The pattern and way of responding to data that
21 contradicts what Baffinland would like to believe is
22 common throughout this section of their text.
23 Variations on this quoted sentence, in fact, are
24 repeated throughout. I can give an example. It might
25 be, for example, that the -- the money made available
26 by employment made it possible for someone with -- a

1 parent with perfectly good intentions to give 20 or \$40
2 to their teenager, and, for all we know, the teenager
3 may have gone and spent that money on drugs or alcohol.
4 I mean, it's not necessarily the case that in any
5 straightforward way access to an employment and money
6 produces good outcomes in terms of the relationships
7 between parents and their children.

8 Baffinland, however, would like to regard mine
9 employment as contributing -- this is another
10 example -- to great -- greater food security -- this
11 was another indicator they used -- something that
12 Baffinland advanced as an outcome of mine development.

13 There's also no evidence that employment at
14 Baffinland has reduced social assistant [sic] rates in
15 the region -- in fact, Baffinland noted this -- and,
16 therefore, had a positive impact on the issue of food
17 security. Baffinland also wordsmiths its way around
18 this conclusion. In other words, they found -- there
19 was no evidence that employment at Baffinland was
20 having an impact overall on the employee -- the
21 statistics related to social assistance. So they said
22 this: (as read)

23 There is currently no indication that [the
24 prediction made by Baffinland about food
25 security] is not being met.

26 The problem with this statement is there's clearly no

1 evidence that it is being met. Baffinland deals with
2 this by repeating the same sentence used elsewhere.

3 Quote: (as read)

4 In fact, there are positive indications the
5 project continues to improve household income
6 and food security in the LSA. This has
7 occurred by providing LSA residents with
8 meaningful employment opportunities and
9 through contributions to community wellness
10 initiatives.

11 And, again, there's just no evidence to support any of
12 these claims.

13 So what do we know? Well, we know this from
14 conversations that we've had around the community. The
15 RCMP in Mittimatalik tell us that they know when the
16 two-week shifts are over and Inuit have returned to the
17 community because they have an increase in domestic
18 callouts that involve alcohol and drugs. In fact,
19 30 percent now of all callouts involve domestic
20 violence. There's been a dramatic increase in the use
21 of shatter by teens in the community as a substitute
22 for smoking pot. And anybody who knows anything about
23 shatter will recognize the seriousness of that
24 observation.

25 Youth in Mittimatalik have identified to us -- and
26 I spent two days in the school talking to classes about

1 this process and the whole business of reviewing
2 Baffinland's proposal and what a public inquiry looked
3 like, et cetera, et cetera. The one thing that I heard
4 over and over again was that what they were really
5 worried about and had experience with was an increase
6 in the use of alcohol and drugs being something that
7 comes with incomes from mine employment. They also
8 said that no one from Baffinland has surveyed their
9 experiences, worries, fears, or concerns.

10 Our point is, as we -- as Tim pointed out earlier,
11 that youth who are presumably potentially future
12 employees of Baffinland, in terms of meaningful
13 communication, have been left out of the picture
14 altogether.

15 Research on the impacts of mining elsewhere in
16 Nunavut tells us that school attendance, in fact, of
17 children in mine-involved families is an issue. It
18 often declines as a result of one or more parents being
19 absent affecting the attention paid to making sure
20 children get to school. So if the woman in the family
21 is working at Baffinland and the man left behind in the
22 community has a job which starts at 7:00 in the morning
23 or has to be there at 7:30, that leaves the children,
24 if they're older children, to get to school on their
25 own. The conversations with teachers and principals
26 suggest that the results on school attendance and

1 education are not as positive as Baffinland would like
2 to believe.

3 And this is another important point. Household
4 income in Inuit culture is often not household income.
5 It most often goes to support a wide network of
6 extended family members in need. In other words, it's
7 treated in very much the same way as caribou meat or
8 seal meat or narwhal.

9 This has implications for the impact of employment
10 on an individual family's food security and other
11 things, including a statement that was made about its
12 hope that Inuit families will be able to save so that
13 they can purchase their own home. The money goes like
14 this. Baffinland does not seem to be aware of this
15 cultural reality.

16 So as I said before -- well, what we've done here
17 in looking at things that have been used to create
18 these significance ratings is only illustrative, and,
19 you know, I could go on for the next two days with an
20 analysis of this. Very similar issues can be raised
21 with respect to research that has or hasn't gone in to
22 not only elements in the socio-economic analysis, but
23 also the evidence brought to bear on biophysical
24 concerns. I'm simply saying that the Hamlet council,
25 Elders, others in the community, when we discussed
26 this, all had serious concerns about everything being

1 not significant or certain elements in particular being
2 rated as significant and positive when the impression
3 that people had in their understanding of their reality
4 was that it was anything but.

5 Baffinland has not talked to teachers, principals,
6 the RCMP, social service workers, nurses, et cetera.
7 And this is really important. It's not just talking to
8 them or meeting with them to see how the school lunch
9 program is going or to deal with a particular problem
10 with regard to an individual with the RCMP. It is
11 talking to people about their perceptions and
12 experiences with the impact that Baffinland is having
13 on the health and well-being of people in Mittimatalik.

14 And that's not to deny that some people don't have
15 positive experiences. But positive experiences are not
16 a problem. Negative ones are. And they deserve
17 special attention. So visiting, as I said, to check
18 out a lunch program is not really doing the same sort
19 of thing.

20 So, in conclusion, Baffinland has really done no
21 originable -- original and reliable research on
22 socio-economic impacts in any of the LSA communities.
23 The very little that it has done -- and it has done
24 some -- is ethically and scientifically questionable.
25 Baffinland's use of IQ and IQ-related research I think
26 was -- already been questioned and, in some cases,

1 thoroughly discredited by the Tusaqtavut project.

2 Baffinland cannot support many of its claims in
3 the ratings that it's given with regard to
4 significance. There's what we would call a lot of
5 "fudging" it. In many ways, especially with regard to
6 understanding socio-economic impacts, Baffinland is
7 ill-informed and, we maintain, ill-prepared for Phase 2
8 expansion.

9 Baffinland appears to have determined what
10 significance rating it wanted to give elements and then
11 worked backwards to present things and, as we've tried
12 to illustrate, things in a way to support their
13 predetermined outcome. Taken together with how Pond
14 Inlet has and has not been engaged in meaningful
15 consultation, the Hamlet of Pond Inlet is clearly
16 opposed to the Phase 2 expansion. Qujannamik.

17 The other concern that the community has and
18 constantly asking about: What's wrong with what
19 Baffinland is doing now? Why -- why do they want this
20 Phase 2 expansion? Why do they want to build a
21 railroad which is going to have huge impact, not only
22 on an area that is important to us for hunting, but an
23 area that is travelled to that is a rich biological
24 region with birds and mammals that are important to us
25 that make us feel good when we're out on the land, when
26 we're camping, when we're travelling with our families?

1 There are very few areas on the northern tip of
2 Baffin Island that are as biologically rich and as
3 pleasant to be in as this particular area. And so the
4 economics of Baffinland's operations and the question
5 of how viable Baffinland is in light of comments that
6 Baffinland has made about maybe shutting down its
7 operation if it doesn't get approval for the Phase 2
8 expansion is -- is something that -- that is of concern
9 and has been discussed considerably. And for that
10 reason, the work that has been done by -- and the
11 opinions, impressions, and information that Dr. John
12 Loxley can offer is important.

13 I'm not an economist. I -- I have some capacity
14 in that regard, but I think Dr. Loxley, who has an
15 international reputation for his work as a social
16 economist and someone who's looked at these kinds of
17 things before internationally was -- is very important
18 to the -- the presentation that Pond Inlet wants to
19 make. So I'm now going to pass the mic to him.

20 DR. LOXLEY: Thank you.

21 I'd like to thank Madam Chair and the Board for
22 allowing me to speak today.

23 My name is John Loxley. I'm a professor of
24 economics at the University of Manitoba and a Fellow of
25 the Royal Society of Canada. I'd like to begin by
26 acknowledging the support of Pond Inlet and a former

1 mayor Joshua Katsak and the council in encouraging me
2 to make this presentation.

3 Through its director of sustainable development,
4 Lou Kamermans, Baffinland accuses me of using outdated
5 and inaccurate data on profitability to -- and I quote:
6 (as read)

7 To draw conclusions regarding the current
8 project's profitability to justify a
9 predetermined outcome which is to maintain
10 production at current levels [unquote].

11 Let me just repeat that. This is in correspondence
12 with -- with the Board. That we're using outdated and
13 inaccurate data: (as read)

14 To draw conclusions regarding the current
15 project's profitability to justify a
16 predetermined outcome which is to maintain
17 production at current levels.

18 These are shameful accusations of unprofessional
19 conduct.

20 My report comments only on the two studies
21 available publicly on profitability. It nowhere
22 mentions that they reflect current operations or
23 profitability. On the other hand, my estimates of
24 profitability under the only two scenarios available at
25 that time were extremely conservative. The price of
26 iron ore used in recent documents is well above the

1 price estimate that I used by 18 percent in 2017,
2 28 percent in 2018, and fully 41 percent in 2019 and
3 after. So the current prices that are being used are
4 well above what I was using. Adjusting for this would,
5 obviously, greatly increase the profit in my
6 calculations well above the already very high estimates
7 that you achieve.

8 My forecast also used a very low exchange rate
9 after 2018, which now seems unlikely. Adjusting for
10 this also raises a profitability of my calculations,
11 which were made in Canadian dollars.

12 The huge profit rate estimated for Phase 2 said to
13 be 60 percent per annum after tax in US dollars
14 reflects the enormous profitability of this project.
15 Claiming that I am seeking to justify a predetermined
16 outcome of maintaining current levels in -- in my
17 report demonstrates a deliberate misreading of this
18 report or a simple failure to read it at all, since the
19 report puts forward two potential solutions to address
20 Baffinland's failure to meet employment targets.
21 That's what this report is all about, failure to meet
22 employment targets. And it puts forward two possible
23 solutions.

24 The first one is -- and, yes, this was pointed
25 out. But the first one is to limit expansion until
26 employment commitments have been met. The second

1 option the report proposes, however, is that Baffinland
2 pay financial compensation for not meeting targets.
3 This latter assumes that output will be allowed to
4 increase. So there's nowhere in this report that says
5 output shouldn't increase. On the second scenario, the
6 second proposal, output would increase, but there would
7 be compensation paid if the company does not meet its
8 committed employment targets. So there's two -- two
9 options I put forward. This option is not mentioned by
10 Baffinland in its correspondence with the Board.

11 So I think this response, arguing that I'm
12 supposedly trying to keep output at a current level, is
13 an unjustified slur on my work.

14 Baffinland has prepared a confidential financial
15 submission to the Board that, I quote: (as read)

16 Demonstrates the need for and purpose for
17 this proposed expansion [unquote].

18 Since Baffinland has shared with its bondholders the
19 enormous profits it expects to reap from Phase 2, there
20 seems to be no good reason to suppress this submission
21 to the Board from public view. I would request -- I
22 would request that if it is submitted to the Board,
23 then the Board share this information with interested
24 parties and especially with the Inuit affected by the
25 mine.

26 Baffinland argues correctly that it's been in

1 existence for only five years, while other mines with
2 impact benefit agreements have been around much longer.
3 But in doing so, it seeks to play down its employment
4 commitments to QIA. The company voluntarily signed an
5 agreement to reach a minimum Inuit employment goal of
6 25 percent in 2016 and set a midterm goal of 50 percent
7 in 2018. It has not even come close to meeting the
8 25 percent since that time.

9 In its response to the Board, it is now saying
10 that no employment goals were set in Phase 2, and I
11 quote: (as read)

12 To avoid overstating the positive employment
13 effects of the project.

14 Its use of an employment target of only 20 percent in
15 its economic impact model was for purely forecasting
16 the fiscal impact of the mine, or so it says. It
17 appears that Baffinland is seeking to avoid its
18 employment commitments.

19 Baffinland claims that my data is out of date, and
20 I should use the final environmental impact statement,
21 FEIS, addendum. I'm familiar with that document, and
22 what it tells me on page 811 is that, in 2017, only 155
23 out of a total of 1,181 full-time equivalent workers at
24 Mary River or only 13 percent were residents of the
25 LSA. It seems to me that the FEIS is simply supporting
26 my findings.

1 I should point out that there is no single set of
2 employment numbers issued by Baffinland, so it's
3 extremely difficult to follow exactly what they are
4 accomplishing. Thus, while the FEIS talks of 155 Inuit
5 jobs in 2017, the Technical Support Document 25 by
6 Eco-Tech puts Nunavut employment in 2017 at 255 and
7 direct employment at 179. That's on page 13. Other
8 documents put direct Inuit employment at only 93 in
9 2017 rising to 140 in two thousand --

10 (UNREPORTABLE SOUND)

11 DR. LOXLEY: Sorry. Let me go back.

12 Thus, while the FEIS talks of 155 Inuit jobs in
13 2017, the Technical Support Document 25 by Eco-Tech
14 puts Nunavut employment in 2017 at 255 and direct
15 employment at 179. That's on page 13.

16 Other documents put direct Inuit employment at
17 only 93 in 2017 rising to 140 in 2018.

18 Now, there may be sound reasons for the
19 differences in numbers, but if there are, these are not
20 transparent. And my advice would be that until they
21 are, caution should be exercised in reaching agreements
22 on MIEGs -- the minimum Inuit employment goals that are
23 subject to agreement.

24 My final question is: What is Baffinland's
25 position on providing financial compensation to the
26 Inuit from not meeting employment targets when

1 expansion takes place? This proposal draws on
2 experience elsewhere where compensation might be paid
3 so that if the Inuit wish to pursue activities other
4 than mining, they could do so. They might have a
5 blended economy building up traditional activities.
6 They might invest in other than mines. But the point
7 is if the employment goals are not going to be met,
8 this proposal requires Baffinland to compensate them
9 for lost wages, and then Inuit could decide what they
10 want to do with that. But Baffinland has ignored this
11 proposal in my report, and I wonder why, and I wonder
12 what Baffinland's position is on that proposal.

13 Thank you.

14 MR. TESTER: Thank you, Madam Chair. That
15 concludes our presentation.

16 THE CHAIR: Questions to the Hamlet of
17 Pond Inlet and Dr. Loxley. We're going to start with
18 Baffinland.

19 Baffinland Iron Mines Corporation Questions Hamlet of
20 Pond Inlet

21 MR. ARMSTRONG: Madam Chair, thank you. Brad
22 Armstrong, legal counsel for Baffinland. I want to
23 start with a few -- just a few questions, Madam Chair,
24 for Dr. Loxley.

25 Dr. Loxley, I think you confirmed, really, that,
26 in fact, the information that you used on your

1 financial analysis of the project -- I think we can
2 agree on that, that the information you used is not
3 necessarily up to date. You don't have the current
4 mining costs or financial costs for the company. So
5 you were trying your best, I think, to reach the
6 financial analysis, but hampered by the fact that the
7 latest information you had was from a document from
8 2011. So can we just agree that while you were doing
9 an analysis based on that document, you aren't able to
10 say that that is an accurate reflection of today's
11 costs or today's profitability for the project?

12 THE CHAIR: Dr. Loxley.

13 DR. LOXLEY: Thank you, Madam Chair.

14 Yes. That's accurate.

15 THE CHAIR: Baffinland.

16 MR. ARMSTRONG: Thank you, Madam Chair.

17 Dr. Loxley, with respect to the -- the numbers
18 of -- of those employed, you -- you recognize that
19 there is this very important agreement between the
20 Qikiqtani Inuit Association and the company, which is a
21 negotiated agreement under the provisions of the
22 Nunavut Agreement. And, under that agreement, the
23 parties sit down on an annual basis to decide what is
24 the minimum Inuit employment goal, and the goal which
25 they have set is -- there's a long-term goal of
26 50 percent now in the -- in the -- in the renewed

1 agreement, and the -- the short-term goal or the annual
2 goal is -- is 25.

3 You questioned some of the numbers, but I just
4 want to confirm with you that under the agreement it's
5 important that the company reports to the Qikiqtani
6 Inuit Association about how many are employed, and, of
7 course, the association would be very careful and they
8 would know what those numbers are. So although you may
9 be a little confused about what the numbers are, as
10 between the company and the association, those would be
11 quite clear.

12 And in the -- in the response to your paper that
13 was made by Baffinland, they provided some numbers
14 here. And so the numbers indicate -- the number of
15 Inuit employees -- and this -- these are in -- sorry,
16 Inuit employees of Baffinland and contractors as
17 well -- rose from 144 in -- in Quarter 1 of 2017 to 402
18 in August '19. And -- and we're advised that -- that,
19 as of now, as of the end of October, the number's
20 actually about 471.

21 So I just want you to agree with -- with the
22 obvious, Dr. Loxley, that -- that, in fact, some
23 significant progress has been made in increasing the
24 number of Inuit employees working for Baffinland or its
25 contractors at the mine. We can agree on that, I
26 think?

1 THE CHAIR: Dr. Loxley.

2 DR. LOXLEY: Thank you, Madam Chair.

3 No. I wouldn't necessarily agree with that
4 statement. I would need to look very carefully at the
5 nature of that employment. I mean, Baffinland's been
6 under quite a lot of pressure on increasing employment.
7 I'd like to see what kinds of jobs have enabled you to
8 reach these high numbers before I comment on that. I'd
9 also like to see where you are in terms of percent of
10 employment.

11 MR. ARMSTRONG: Thank you, Dr. Loxley.

12 Understood.

13 You do, in your report, note that in 2018 -- it
14 was October 2018, about a year ago -- the Qikiqtani
15 Inuit Association and Baffinland renegotiated the
16 Inuit -- the -- the Inuit Impact and Benefit Agreement,
17 and you generously confirmed that there were some
18 substantial improvements made in the agreement with
19 respect to training programs and providing a training
20 centre in Pond Inlet, I think about \$10 million, et
21 cetera.

22 Will you agree with me that having signed the --
23 the renewed impact -- Inuit Impact and Benefit
24 Agreement, that between the Qikiqtani Inuit Association
25 and the company, which have joint responsibility for
26 trying to achieve these targets -- that they've

1 actually worked hard since 2017 to turn things around
2 and really improve the number of employees engaged at
3 the project? Can you agree with me on that?

4 THE CHAIR: Dr. Loxley.

5 DR. LOXLEY: Thank you, Madam Chair.

6 I can agree, as I said in the report that progress
7 was made in 2018. I have my views as to why it took
8 you so long when part of what you've been planning has
9 been done since 2008. But, alas, in 2018, there was
10 some significant progress.

11 THE CHAIR: Baffinland.

12 MR. ARMSTRONG: Thank you, Madam Chair.

13 Dr. Loxley, I just want to talk to you about your
14 two proposals that you've put forward with respect to
15 the -- the target. You understand that under the
16 Nunavut Agreement there's a requirement for a mining
17 company like Baffinland, before they can commence their
18 project, to negotiate an Inuit Impact and Benefit
19 Agreement with the Inuit association, in this case the
20 Qikiqtani Inuit Association, and you would understand
21 that that responsibility to negotiate for impacts and
22 benefits is deliberately given to the Inuit association
23 under the Nunavut Agreement.

24 So the agreement we have here is one which they
25 have mutually come to terms with, and I think I -- you
26 would accept my suggestion that there were very hard

1 negotiations on both sides in reaching this agreement
2 and that they have mutual responsibilities for meeting
3 employment targets, et cetera.

4 Your first proposal is to link production to
5 meeting targets. And Section 14 of your report, which
6 is at page 39, is headed -- the title is "Forcing
7 Employment and Other Goals by Regulating the Expansion
8 of Output". Do you mean by that, Dr. Loxley, that --
9 that the government or some other body should step in
10 and start regulating this -- this kind of output, and
11 if that's the case, are you not proposing a regulatory
12 structure which is entirely inconsistent with the
13 Nunavut Agreement which gives to the Qikiqtani Inuit
14 Association the job and the mandate and the
15 responsibility for dealing with Inuit impacts and
16 benefits?

17 I think you're -- you're proposing a regulatory
18 structure here under which -- and I presume it would
19 apply to all mines or operations in -- in Nunavut --
20 but under which their production levels would be linked
21 to about ten factors that you list on page 40. Isn't
22 that entirely inconsistent with the Nunavut Agreement?

23 THE CHAIR: Dr. Loxley.

24 DR. LOXLEY: Thank you, Madam Chair.

25 The problem that this paper is attempting to deal
26 with is the failure of the company to meet its

1 employment commitments, and the proposals that I put
2 forward could well be applied by QIA if they wish to do
3 that in future. So what I'm looking at is what is it
4 that's going to make the company deal with commitments
5 which it's failing to deal with? And that's what this
6 is all about.

7 And these other proposals are twofold. If you
8 can't meet these commitments or if you -- if it's
9 taking you too long to meet these commitments, just
10 stand pat, and work on training and employment. And
11 then once you've got that in order, then look at
12 expansion. The alternative I've mentioned earlier.
13 Thank you.

14 THE CHAIR: Baffinland.

15 MR. ARMSTRONG: Thank you, Madam Chair.

16 So, Dr. Loxley, I was suggesting that you were
17 proposing what you say in your own paper is a
18 regulatory solution, and -- and now I hear you saying,
19 Well, actually -- you're maybe giving advice to the
20 Qikiqtani Inuit Association or the company in how they
21 might negotiate different terms in the IIBA. Is that
22 it, that you're -- are you -- are -- in -- in
23 recommending negotiating, are -- you don't mean to be
24 disrespectful of the Qikiqtani Inuit Association in the
25 way they negotiated this agreement, do you? They --
26 they negotiated hard at the bargaining table with the

1 company, and you seem to be coming -- and I just -- I
2 don't think you mean to be disrespectful of -- of them,
3 but you're now giving negotiating advice, I think, in
4 terms of the agreement? Is that -- is that your
5 suggestion?

6 THE CHAIR: Dr. Loxley.

7 DR. LOXLEY: Thank you, Madam Chair.

8 That's a nice attempt to divide and conquer, which
9 I will not rise to. I think I'm giving advice. You
10 have a problem. You have a big problem. And if that
11 problem is going to persist, you need to find another
12 way to deal with it. And I'm suggesting that there are
13 a couple of ways. The details can be worked out. But
14 there are a couple of ways which you can improve on
15 what you're doing. Thank you.

16 THE CHAIR: Baffinland.

17 MR. ARMSTRONG: Thank you, Madam Chair. Brad
18 Armstrong, legal counsel for Baffinland.

19 Just -- I think just really one final question on
20 this, Dr. Loxley. You do, in your paper, note that
21 it's important to set what you say are "reasonable
22 employment targets". And -- and I think you do
23 recognize as an economist that there -- there is a
24 challenge with labour supply; that is, can -- can you
25 actually meet the target despite all of your best
26 efforts?

1 The agreement -- under the agreement, the parties
2 set these targets, and then the agreement specifies
3 that the company is to use its best efforts to achieve
4 them. And I -- and I think you would agree with me,
5 Dr. Loxley, that, given labour supply and the fact that
6 there are other opportunities for -- for Inuit people
7 to take employment outside the company, they may not --
8 they may not want to work for the company. They may
9 take other jobs. And, of course, with a project like
10 the Baffinland project, there -- in -- in your -- in --
11 in your terms, there are spin-off -- there -- jobs that
12 that come on the multiplier effect that you would call
13 it as an economist, that when a project like Baffinland
14 is started, there's a multiplier effect; that is, there
15 are jobs that are not at the project but spin-off to
16 hotels and transportation and -- and catering. There
17 are significant financial payments made to both the
18 Qikiqtani Inuit Association and to government, which
19 enable them to build schools and roads and public
20 infrastructure, and that creates jobs as well.

21 So I'm just suggesting to you that at some point
22 you have to address reality in terms of what is a
23 realistic employment target, and what are the limits
24 that even with best efforts -- you'll agree with me
25 even with best efforts, if the company bumps up against
26 the labour supply, they won't be able to achieve the

1 target necessarily, and you may have to adjust the
2 target? Can you agree with me on that?

3 THE CHAIR: Dr. Loxley.

4 DR. LOXLEY: Thank you, Madam Chair.

5 My report deals at length with the issue of labour
6 supply and the problems that might be encountered.

7 This is not a problem about which I'm ignorant, and
8 it's in the report.

9 Your reports make it clear that if you cannot hire
10 Inuit, you will hire contractors or non-Inuit to reach
11 your output targets. What that means is that the
12 benefits which should've been accruing in Inuit wages
13 will accrue in wages probably elsewhere. And -- but
14 you will expand on that basis.

15 And what I'm arguing is that, yes, there will
16 be -- it's not easy to increase employment. I think
17 you started very late, to be honest, in your training,
18 what have you, but, nevertheless, you're getting there.
19 If you do not meet employment targets that you think
20 are reasonable -- you're the one setting the targets --
21 then I think there ought to be compensatory mechanisms
22 in the form I -- one, of not expanding until you do,
23 or, two, giving compensation to Inuit to offset their
24 lost wages. Thank you.

25 THE CHAIR: Baffinland.

26 MR. ARMSTRONG: Thank you, Madam Chair.

1 I just am advised that -- to be precise with
2 respect to the target, I mentioned 25 percent. But,
3 actually, under the Inuit Impact and Benefit Agreement,
4 there are different targets for different skill levels
5 that are now -- that are now built into the -- built
6 into the agreement.

7 Dr. Loxley, you mentioned three or four different
8 projects and benefits agreements, et cetera, under
9 those projects. Your report doesn't indicate you have
10 any -- is it correct to say you didn't have any
11 personal involvement in any of those particular
12 projects, negotiating benefits or -- or otherwise? Is
13 that correct?

14 THE CHAIR: Dr. Loxley.

15 DR. LOXLEY: Thank you, Madam Chair.

16 No, I have no investments in any one of these
17 companies. I have had no professional involvements. I
18 do not own bonds of Baffinland either. Thank you.

19 THE CHAIR: Baffinland.

20 MR. ARMSTRONG: Thank you, Madam Chair.

21 And, no, Dr. Loxley, I didn't mean to suggest that
22 you might have that kind of interest. I meant that you
23 might, as a professional, have done some work for the
24 companies. But -- but you haven't.

25 You indicate that in some of those cases the --
26 the benefits might be greater than under the Inuit

1 Impact and Benefits Agreement, but I think you haven't
2 done a full analysis of -- of comparison. But one
3 comparison might be that -- you -- you mentioned at
4 Voisey's Bay. The -- the -- the -- the -- the people
5 there get 3 percent of the -- in your report, 3 percent
6 of the royalties from the Voisey's Bay project.

7 Whereas, quite a big difference here is -- and this is
8 part of both the Nunavut Agreement and the Inuit Impact
9 and Benefit Agreement -- that in Nunavut, the -- the --
10 the Inuit collectively get 100 percent of the
11 royalties. That's quite a big difference, isn't it,
12 between this, and Voisey's Bay?

13 THE CHAIR: Dr. Loxley.

14 DR. LOXLEY: Thank you, Madam Chair.

15 I think the issue of royalties would need to be
16 looked at very carefully. I'm fully aware of the
17 royalty pattern that Baffinland is paying, and I would
18 leave it at that. Thank you.

19 THE CHAIR: Baffinland.

20 MR. ARMSTRONG: Madam Chair, Brad Armstrong,
21 legal counsel. Thank you. Those are all of our
22 questions for the Pond Inlet panel. Thank you.

23 THE CHAIR: QIA.

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

26 Thank you to the Hamlet for your presentation and

1 to Dr. John Loxley for being here today. Thank you.

2 THE CHAIR: NTI.

3 MS. UNIUQSARAQ: Hannah Uniuqsaraq, Nunavut
4 Tunngavik Incorporated. We don't have any questions.
5 NTI.

6 THE CHAIR: Pond Inlet HTO.

7 MS. HANSON-MAIN: Qujannamik. Amanda
8 Hanson-Main, Mittimatalik Hunters and Trappers. No
9 questions at this time. Thank you to Dr. Loxley.

10 THE CHAIR: Igloolik.

11 Igloolik Working Group Questions Hamlet of Pond Inlet

12 MR. RECINOS: Thank you, Madam Chair.

13 Merlyn Recinos for the Igloolik Working Group. I have
14 a couple of questions.

15 This is actually my department that -- until
16 recently, I was economic development in the community.
17 And, Dr. Loxley, I -- and I -- and I heard counsel from
18 Baffinland talking about spin-off jobs from working at
19 the mine, and it's something that I have been
20 discussing for the past while, and I have telled [sic]
21 this to Baffinland.

22 We have -- we're creating employment at the mine
23 site. Until recently, that employment was very low,
24 and it was Igloolik probably one of the lowest ones
25 this year, and it wasn't until my department at that
26 time with the Hamlet economic development that we

1 started to work with the mine in creating more
2 opportunities for our people in Igloolik that we were
3 able to raise that employment level up. It wasn't
4 really from the campaigning of the mine. It was really
5 the interest of the community to do that.

6 What is interesting in -- is that we went from the
7 last two technical meetings in talking about the
8 benefits to Igloolik being employment and contracting.
9 And to now being employment. I've heard several times
10 talking about employment but no more contracting. I
11 have said several of times -- and, Dr. Loxley, you --
12 you -- you can, you know, weighed [sic] in on this --
13 that for every contract that Baffinland gives outside
14 of the five communities to large corporations -- now,
15 we understand that there is some work that cannot be
16 done by local businesses. We're totally understandable
17 of that. But we've been saying for every contract that
18 Baffinland gives out to outside corporations over a
19 certain amount of money, to create a satellite office
20 for that company in one of the five most affected
21 communities and create a job within that community.
22 Because what that would do -- and, Dr. Loxley, I'll ask
23 you to weigh in in a bit -- is -- first of all, there's
24 no infrastructure in the communities. So the first
25 thing those companies are going to say is, We can't
26 find an office, okay? But when you're giving 10s

1 [sic], 20, 30 contracts out, guess what investors are
2 going to say? Oh, we can build an office space in
3 Igloolik and Pond Inlet in one of the company -- in one
4 of the -- the communities, and we know that there's
5 going to be companies that are going to be renting
6 those spaces out.

7 So now you are creating employment in the
8 community in two ways. You're creating employment by
9 ways of construction, and you're creating employments
10 in a way that you're creating a job within those
11 communities.

12 We also continue to say that if those corporations
13 continue to get contracts, that they are told to
14 meaningfully build capacity for those local people, not
15 just the low entry-level jobs, but supervisors and
16 managers.

17 We also continue to say that larger contracts be
18 broken down so small Inuit firms within the North
19 Baffin are able to deliver on those contracts. We know
20 that it is really hard for small businesses in the
21 communities when it comes to space and -- and -- and
22 other things, but if they're able to have an
23 opportunity, they will be able to take advantage of it.

24 And the biggest thing that I would like to say --
25 and that is that when a contract is given in a small
26 community, guess who they're going to be hiring from?

1 The community. Guess where that money's going to be
2 spent? In the community. Guess who's going to be
3 benefitting from that ecosystem? The community. And
4 I've been continually saying this, that we can't just
5 look at jobs because jobs are great. But you're
6 requiring some individuals to leave their homes and
7 their community for two weeks, including their
8 families, which is really hard. So we need to create
9 that ecosystem of opportunities in the communities as
10 well.

11 And, Doctor, I will get you to weigh in on my
12 comments, if you agree with them, or will you disagree
13 with them? Thank you.

14 THE CHAIR: This is a reminder that -- to
15 stick to questions and reserve your comments for your
16 intervention, as we are quite behind in the agenda.

17 Dr. Loxley.

18 DR. LOXLEY: Thank you, Madam Chair.

19 I think the idea of maximizing linkages in local
20 communities is a very important concept. It's a
21 problem that is common in northern Canada not to have
22 those linkages, and if you hire outside contractors and
23 outside workers, the leakage is increased; the linkages
24 don't develop. So I would agree in principle with what
25 was being advocated. Thank you.

26 THE CHAIR: (OTHER LANGUAGE SPOKEN)

1 MR. RECINOS: Thank you, Madam Chair.

2 That will be all for -- for me. Thank you.

3 THE CHAIR: Hall Beach HTO.

4 Hall Beach Hunters and Trappers Organization Questions
5 Hamlet of Pond Inlet

6 MR. ARVALUK: Hall Beach Hunters and
7 Trappers Organization, Danny Arvaluk -- Daniel.

8 Very briefly, two questions, and that the
9 employment opportunities for Inuit -- Inuit employment
10 plan says that we should reach a certain percent, but
11 there's not enough Inuit working as heavy equipment
12 operators, and there's already been a lot of Inuit
13 training in heavy equipment operating who are not
14 working, and they haven't been able to be hired by
15 Baffinland to be heavy equipment operators. There's a
16 lot of Inuit in the communities -- adjacent communities
17 who are able to work as heavy equipment operators who
18 are certified. And just wondering why you haven't been
19 able to reach a certain percentage of heavy equipment
20 operators in the mine. Have you considered hiring
21 those certified from the communities? Thank you.

22 THE CHAIR: Your question is for
23 Baffinland or Dr. Loxley?

24 MR. ARVALUK: Hall Beach HTO, Danny Arvaluk.
25 I'm asking Mary River Project. You're the ones who are
26 hiring the employees. Thank you.

1 THE CHAIR: Baffinland.

2 MS. LORD-HOYLE: Megan Lord-Hoyle with
3 Baffinland. If you could just excuse us for a minute.
4 We're trying to find some numbers.

5 MR. MOORE: Thank you, Madam Chair.
6 Andrew Moore with Baffinland.

7 In response to the question, as was noted earlier,
8 Baffinland has contributed significant amounts into
9 training programs. Most recently and most importantly
10 is our Qikiqtani Skills to Employment and Training
11 Partnership. That program involves a heavy equipment
12 operator training program.

13 As of the end of October 2019, Baffinland had
14 103 Inuit operators, so that is 103 Inuit working for
15 Baffinland and its contractors operating equipment.
16 Much of this increased employment in our operators is
17 directly related to that training program and other
18 efforts Baffinland has made on-site.

19 The company knows that it has to do more, and it
20 is doing more. We've committed to investing
21 \$1.5 million a year for ten years for Inuit training.
22 Further, the company committed \$10 million for the
23 construction of a regional training centre to be built
24 in Pond Inlet. Baffinland has a long-term vision for
25 training, which includes providing training here in
26 Nunavut for prospective employees and Inuit interested.

1 So, once again, thank you to Danny for the
2 comment. Training is -- is certainly an aspect that
3 Baffinland knows it has to have a focus on, and that's
4 why it has increased its focus on training to
5 employment opportunities.

6 Thank you, Madam Chair.

7 THE CHAIR: Hall Beach HTO.

8 MR. ARVALUK: Danny Arvaluk. Thank you for
9 your answer.

10 And the heavy equipment operators, when I look at
11 them today, they're just running things just by pushing
12 a button and things and operating. So if I -- if I'm
13 driving and -- driving it and I'm trying to operate it
14 and that's the only thing -- you have to shift the
15 gear, and then you go -- 'cause you have buttons to
16 push, and that's it. And -- and I've seen some
17 students that have graduated from heavy equipment
18 operators, and they're -- and some of -- and some of
19 the -- all community young people have completed the
20 training with the equipment operator. That's it for
21 me. Thank you.

22 THE CHAIR: It's now 5:00. 6:30 we'll
23 return.

24 _____

25 PROCEEDINGS ADJOURNED UNTIL 6:30 PM

26 _____

1 (PROCEEDINGS COMMENCED AT 6:36 PM)

2 THE CHAIR: Welcome back, everyone. Good
3 evening.

4 As we turn to questioning, I just -- I would like
5 to remind all parties to please keep your questions
6 concise and direct. All participants here have
7 questions they wish to ask, including the Board
8 members, who -- who are also waiting to do so.

9 We have two rounds of presentations that we need
10 to -- that everyone would like to get questions on
11 the -- questions and answers on the record for. First,
12 we'll continue with questioning to the Hamlet of Pond
13 Inlet and Dr. Loxley starting with the Government of
14 Nunavut.

15 MR. PINKSEN: Thank you, Madam Chair. Steve
16 Pinksen, Government of Nunavut. We have no questions
17 to the presentations from the Hamlet of Pond Inlet or
18 Dr. Loxley.

19 Thank you.

20 THE CHAIR: Government of Canada
21 representatives.

22 MR. KOHNENBERG: Thank you, Madam Chair. Dale
23 Kohnenberg, Justice Canada. The Government of Canada
24 has no questions or comments of Pond Inlet.

25 Thank you.

26 THE CHAIR: Oceans North.

1 MR. DEBICKI: Good evening, Madam Chair.
2 Christopher Debicki, Oceans North. I'd love to ask
3 Dr. Loxley some questions about the bond circular, but
4 under the present circumstances, that won't be
5 happening.

6 Thank you very much.

7 THE CHAIR: World Wildlife Fund.

8 MR. DUMBRILLE: Thank you, Chair. Andrew
9 Dumbrille, World Wildlife Fund. No questions. Thank
10 you.

11 THE CHAIR: Nunavut Independent Television
12 Network.

13 MR. LIPSETT: Lloyd Lipsett, Nunavut
14 Independent Television Network. We have no questions.
15 Thank you, Madam Chair.

16 THE CHAIR: NIRB Staff.

17 MR. BARRY: Thank you, Madam Chair. Ryan
18 Barry, Nunavut Impact Review Board Staff. We also have
19 no questions.

20 THE CHAIR: (OTHER LANGUAGE SPOKEN)

21 Madeleine.

22 Nunavut Impact Review Board Questions Baffinland Iron
23 Mines Corporation

24 MS. QUMUATUQ: Thank you. Madeleine
25 Qumuatuq, NIRB Board member.

26 Concerning the employment opportunities, it was

1 brought up earlier from Nunavut and other -- other
2 cities and other community, five communities, and I'm
3 from Pangnirtung, and there used to be some Pang people
4 that went up to work. Like how -- other communities,
5 can they apply for job opportunities? How can they get
6 the information? If their job -- job advertisements
7 are available, how would they know?

8 THE CHAIR: Baffinland.

9 MR. MOORE: Thank you, Madam Chair.

10 Andrew Moore with Baffinland.

11 Thank you for the question. It is true. There
12 are Inuit employees working for -- at Mary River that
13 are from other communities, including Pangnirtung,
14 Sanikiluaq, Grise Fiord. Communicating opportunities
15 in terms of job opportunities, so Baffinland's website
16 provides job opportunities. We also have on that
17 website an Inuktitut job portal, so job postings are in
18 Inuktitut.

19 To your question can Inuit outside of the five
20 communities apply for positions? Absolutely. In the
21 Mary River Inuit Impact and Benefit Agreement, the
22 agreement lays out the priority hiring status, so it
23 begins with the five points of higher communities, the
24 impacted communities, Iqaluit, and then the rest of the
25 Qikiqtani region, and then to Nunavut as a whole.

26 Further, to reduce barriers to employment when

1 travelling from communities outside of the five North
2 Baffin communities, which Baffinland does not have a
3 direct flight to pick up employees, Baffinland will pay
4 all flights and accommodations for employees from those
5 communities to get them to a point of higher community,
6 such as Iqaluit, for example, to board a flight to Mary
7 River. We also are working through -- this was one of
8 a -- this was a big discussion topic at the last
9 socio-economic committee meeting where we talked to all
10 community representatives across the Qikiqtani region
11 about different ways that we could promote job
12 opportunities, so we've been working to send
13 information to the GLOs, the government liaison
14 officers, in the communities to try and show
15 opportunities that exist at Mary River.

16 We've also had requests from several other
17 communities to take our employment-in-training
18 information sessions, which are predominantly in the
19 five North Baffin communities every quarter, to those
20 communities as well, and Baffinland is considering
21 those opportunities to increase our reach to -- to
22 Inuit interested in employment opportunities at Mary
23 River.

24 Thank you, Madam Chair.

25 THE CHAIR: Madeleine.

26 MS. QUMUATUQ: Thank you for your answer.

1 Madeleine Qumuatuq, NIRB Board member.

2 There's been a few days here at our meeting, and
3 we keeping hearing that it's not just here, but other
4 media throughout, and some people do not get enough
5 information as to what's happening with Baffinland
6 issues, and maybe, perhaps, or QIA, Qikiqtani Inuit
7 Association, are working on these issues have
8 responsibility to give out the information, so maybe we
9 could get some paper, pamphlets, or whatever, to get to
10 the people for more information, not just by computer,
11 internet; and if you're going to produce something in
12 paper, maybe give them out to the Hamlet offices or
13 offices to whoever wants to get the pamphlet for
14 information.

15 Do you produce those pamphlets so other people
16 could get the information, not just by media?

17 Thank you.

18 THE CHAIR: Baffinland.

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

21 Qujannamik. Your point is noted, and making sure
22 that we have multiple forms of communication is -- is
23 very important. We've certainly increased use of
24 things like Facebook, radio shows to try and get more
25 information out into the communities and to a broader
26 audience, and we do leave paper pamphlets with the

1 Hamlet or with our community liaison officers in the
2 communities, as well, to share information by paper, as
3 well, and leave posters posted around the communities
4 at this time, mostly within the five most affected
5 communities.

6 Qujannamik.

7 THE CHAIR: Wrong button.

8 The other communities and some of the people here
9 from other communities want to ask a question --
10 identified that they would like to ask questions as
11 well. They can direct their questions either to the
12 Hamlet of Pond Inlet, Dr. Loxley, or Baffinland.

13 Leah Kalluk, (OTHER LANGUAGE SPOKEN).

14 Questions for Baffinland Iron Mines Corporation by
15 Arctic Bay Community Representatives

16 MS. KALLUK: Thank you, Madam Chairperson.

17 A question and also comment concerning -- Leah
18 Kalluk from Arctic Bay. I just want to say I work at
19 the -- member of the Parks Canada, and I also work on
20 environment issues in the community in Arctic Bay, and
21 there's a group that made with -- for the parks up in
22 Arctic Bay area, and it hasn't been discussed for the
23 ships that are going back and forth and the route of
24 the shipping route that is going up to our -- our area
25 and in Pond Inlet area island -- can you show the
26 island of the Mittimatalik up there on the -- the fiord

1 so that we could see what I'm talking about of the
2 park? I would like to see that up in there so that we
3 can see what I'm talking about and what we have
4 decided, that the ships' route going through that and
5 embarking in that area, and we thought it was too close
6 to the shore concerning the -- the marine mammals will
7 be disturbed, and we wanted the -- the hunters go hunt
8 further down in the deeper waters, and the Inuit -- it
9 uses Inuit Qaujimagatuqangit. That -- that's used for
10 those, and there's -- they're not -- they don't hunt
11 just any -- any old way anywhere in the waters, but --
12 and, also, for the calving areas, and it has -- going
13 to be blocking the corridor for the wildlife that are
14 in that area, and maybe they could get a different
15 route where there's a mammal hunting area, we would
16 rather see the transportation shipping --

17 THE CHAIR: Can someone please put the map
18 up.

19 MS. KALLUK: -- further ways out to the
20 sea. We want to see the shipping corridor moved
21 further away from the shoreline because it's too close
22 to the mammal migration route from Grise Fiord --
23 starting from Grise Fiord, Clyde River.

24 The sea is -- we -- we look at possible impacts
25 that may occur out into -- out -- out in the sea.
26 We -- we want to ensure that if -- that area,

1 particularly between Grise and Clyde River, we want to
2 ensure that this area is protected.

3 At this moment, Arctic Bay, there are -- we have a
4 marine working group in a -- in that community.
5 Igloolik, I don't know about them, but I think Clyde
6 River is also going to have a -- a working group to
7 ensure that parts of the ocean is protected so that sea
8 mammals can migrate through that area. It's too close
9 to where the whales and -- are -- are -- are giving
10 birth and migrating through that particular area where
11 the shipping corridor -- transport -- transportation
12 corridor or shipping corridor is.

13 Thank you, Madam Chair.

14 THE CHAIR: Baffinland, do you have a
15 response?

16 MS. LORD-HOYLE: Megan Lord-Hoyle with
17 Baffinland. Qujannamik. Thank you for the question
18 and the -- the comments.

19 Understanding the importance of the marine
20 environment, Baffinland puts in place a number of
21 measures to ensure minimized impacts on the environment
22 and -- and protection of important areas within our
23 shipping corridor, which is from Baffin Bay through
24 Eclipse Sound down through Milne Inlet. The community
25 of Pond Inlet has identified certain areas of
26 protection, including Koluktoo Bay and the western

1 shoreline of Milne Inlet near Saviit Point. These
2 areas, we instruct all of our vessels to avoid entering
3 into these areas, understanding the importance.

4 We look forward to continuing to work with Parks
5 Canada and the Qikiqtani Inuit Association on the
6 implementation of any protection management plans for
7 the area.

8 We have extensive monitoring programs in the
9 marine environment, as well, that will help provide
10 information to us, along with Inuit Qaujimanituqangit
11 from the area on the impacts to marine mammals.

12 We have, also, a wildlife compensation fund as
13 well as, in Pond Inlet specifically, a harvester's
14 compensation fund, should the hunters need to go
15 further or increase their hunting catch or hunting
16 efforts in the area.

17 I'm pleased to hear about the Arctic Bay and Clyde
18 River working groups, and we would be happy to work
19 with those groups in each community if we have the
20 opportunity.

21 Qujannamik.

22 THE CHAIR: Leah Kalluk, do you want to
23 add to that, Leah? Leah Kalluk?

24 MS. KALLUK: Thank you, Madam Chair. Leah
25 Kalluk from Arctic Bay.

26 Also, I also have a great -- I have a feel for

1 saying this while I'm here in attendance at the
2 hearing: Hall Beach, Arctic Bay, Clyde River, Pond
3 Inlet, those communities that I just mentioned, are
4 you -- Baffinland had mentioned that we were in favour
5 of seeing the mine or the Phase 2 to go ahead. We had
6 not said -- the community had not said that. The
7 larger population of Arctic Bay has not said that, just
8 the Hamlet itself.

9 It's better when you have -- if you hold public
10 meetings and workshops. We had not heard that. The
11 company was not in our community holding these
12 meetings, the four communities: Igloolik, Pond Inlet,
13 Hall Beach, Clyde River. It's really going to be
14 difficult for them to say anything. You had already
15 been said that we -- we were in favour of Phase 2 to be
16 approved. We need to -- I think you should hold more
17 meetings prior to being approved for the project.

18 I think that the NIRB staff -- NIRB Board members,
19 before they make a decision, there should be meetings
20 held in our communities.

21 I often go out to -- to meetings and I -- I work
22 as a -- a cultural teacher, and I often go -- I -- I go
23 to Taloyoak, Kimmirut. I -- we work on social issues,
24 so we -- we go and help out wherever we -- we are asked
25 to go and help.

26 The shipping corridor that is being proposed is --

1 is -- it's not in my favour. I want to speak to that
2 once you get to Arctic Bay. Once -- once and before
3 we -- there's a decision made, I would like to voice my
4 concerns with regards to that.

5 We really didn't like to -- hearing about the --
6 about the fact that drugs were being used. Yes, that's
7 a big impact. We need to see the public take social
8 programs. We need to make -- take back our -- our
9 lives the way we used to live.

10 There are people that -- couples that have issues
11 with each other. There are more and more problems that
12 are coming out, and youth are not adhering to what
13 their parents want them to do. We need to see better
14 social programs in place, the government, various --
15 through various government programs. This is going to
16 be a big decision for the Board.

17 We need to ensure that the -- we hear over the --
18 over media, such as the radio, that the suicide rate is
19 very high up north, especially in Nunavut. We need to
20 make sure that there are better social programs so
21 these types of things don't happen. People are just
22 wandering out on the streets. They -- they -- they
23 don't see a -- a better future for themselves. They
24 need to be in a better state, better state of mental
25 health, and that's one of the things that I'm fighting
26 for.

1 Thank you, Madam Chair.

2 THE CHAIR: Baffinland.

3 MS. LORD-HOYLE: Megan Lord-Hoyle with
4 Baffinland. Qujannamik for the comments. I'll try to
5 address everything you've said. Please let me know if
6 I've missed something.

7 You were commenting on that Baffinland should come
8 into Arctic Bay and hold public meetings and share
9 information. We do hold public meetings in Arctic Bay,
10 as we do in the other communities. We were in Arctic
11 Bay two weeks ago holding a public meeting. At the
12 time, we also held a meeting with the Hamlet and the
13 HTO, and we will continue to hold these types of
14 meetings and, as previously mentioned, share
15 information in other formats and venues as well.

16 I would like to clarify that I did not mean to
17 imply or say that all communities are in favour of
18 Phase 2 or that Arctic Bay had mentioned that they were
19 in favour of Phase 2. The letter of support I was
20 referencing was a letter sent from the Hamlet of Arctic
21 Bay, which supported the move from the Proposed Route 1
22 to Route 3 of the deviation only. It did not comment
23 on support from the community for the Phase 2 proposal.

24 In terms of community health and well-being, thank
25 you for your comments, and we appreciate the challenges
26 that are faced by the communities and community

1 members. We've recently started a community counsellor
2 program to bring counsellors in to the communities to
3 work with individuals. This has not started in Arctic
4 Bay or Pond Inlet yet, but the counsellors are
5 currently being trained in Clyde River this week and
6 then will be moving into Arctic Bay and Pond Inlet.

7 For employees who work with Baffinland, there's
8 also access to counsellors through an employee program,
9 assistance program. We've also started a -- a program
10 where we bring doctors into the communities as well.
11 So far, we've had two visits in Pond Inlet, which have
12 seen 72 people, and one visit held in Arctic Bay where
13 the doctor was able to see 30 people.

14 There'll be future engagement for support for
15 workers, along with a doctor, to work on alcohol and
16 addictions issues. We recognize the importance of
17 these initiatives, and we would like to continue
18 working with the communities to better understand how
19 we can support them.

20 Qujannamik -- oh, excuse me.

21 MR. MOORE: Thank you, Madam Chair.

22 Andrew Moore, Baffinland.

23 I just wanted to expand on Baffinland bringing a
24 physician to the North Baffin communities. So as Megan
25 indicated, at present, that is to support
26 pre-employment medicals. We've experienced challenges

1 with scheduling medical appointments, and it was noted
2 as a barrier to employment, so we've taken action to
3 address that.

4 What the company is undertaking now that we've had
5 a few visits, we've developed a relationship with a --
6 a physician and a company. Moving into the new year,
7 Baffinland is trying to plan a schedule with this
8 physician where the physician will conduct business for
9 Baffinland, so doing its necessary pre-employment
10 medicals, but then we would look to make that physician
11 available to communities' members who may need to see a
12 physician. We think this is a -- a -- a good service
13 to provide to the people that live in the North Baffin
14 communities. It's important for community health and
15 well-being, so we're very excited to continue to work
16 on that into the new year.

17 One of the other important things we've done,
18 working with the Ilisqsiq Society from Clyde River
19 in Baffinland, four times this year, has funded
20 interventions of crisis counsellors when communities
21 have expressed a need. We've been able to work with
22 the Ilisqsiq Society to develop a fairly successful
23 partnership to ensure that in times of crisis,
24 professional mental-health support for community
25 members can be made available.

26 Thank you, Madam Chair.

1 THE CHAIR: Charlie Inuiriq.
2 Questions for Baffinland Iron Mines Corporation by Pond
3 Inlet Community Representatives

4 MR. INUIRIQ: All right. I've been sitting
5 around a long time.

6 When I was a younger person, I've been supporting
7 Mary River for -- well, some sort of employment
8 opportunity within Nunavut, and whether it's a mine or
9 oil exploration or any type of economic opportunity for
10 Inuit so we can have employment opportunities for Inuit
11 to support their families and to make sure that our
12 students that are in school to have a better life in
13 trades or employment opportunity and because we didn't
14 have any other employment. There's maybe the public
15 government, but they're not -- there's not many
16 employment opportunities either within the government,
17 only for a handful of people, and I support the Mary
18 River Project, but I do have a lot of questions. Madam
19 Chair, I'd like to be able to ask a few questions to
20 Baffinland.

21 Baffinland makes an exorbitant amount of money
22 through their mines, and I'd like to be able to have
23 half of what you're making put in my pocket, but if
24 you're able to -- if you were able to do that.

25 My first question -- or I'm trying to gather the
26 people in this room to support this, the crossings, the

1 embankments that we're talking about today on the
2 railroad tracks, railway, and the -- we were talking
3 about crossings earlier today. We heard that there's
4 going to be more meetings concerning the embankments
5 and the crossings for caribou and to incorporate Inuit
6 Qaujimaqatunangit methodology, and I think that Nunavut
7 government, in particular, and other experts in -- in
8 geology should be involved in the process and to be --
9 make sure that Inuit techniques and methodologies are
10 incorporated into it because we do have a lot of
11 knowledge.

12 The -- weather, the climate, is always the main
13 reason why caribou migrate the way they are and because
14 our -- during the winter, the land is frozen, and
15 there's ice, and there's total darkness for a certain
16 month of the year, and it's really, really cold during
17 that -- that time up until May, when it starts thawing
18 out. There's a few months of the year that it's total
19 darkness and everything is frozen.

20 Caribou are -- eat vegetation , and -- like other
21 animals, and sometimes during the winter, we have these
22 off seasons where there's rain and slush, and it
23 freezes, house freezes over. When it -- when there's
24 ice on the ground, caribou are directly affected by not
25 be able to access their food on the habitat.

26 I'm from a larger community, but sometimes caribou

1 tend to get closer to areas where -- in the mountains
2 where there's lichen and that they have access way up
3 in the mountains when the land is frozen over from ice,
4 and when the weather changes and freezes over, they
5 have no choice but to move somewhere else to access
6 their food.

7 The railway -- railway -- railroad track from Mary
8 River to the Milne Inlet, what we call Kanajjuk, it's a
9 calving ground for caribou. It's Inuit
10 Qaujimajatuqangit, and when there's a lot of calving in
11 that area, I think we need to do more research and more
12 study on the railway track because it goes directly in
13 between the migration route to -- to the calving
14 ground.

15 Inuit and -- actually if you propose to make a
16 crossing for humans and wildlife in -- on the same --
17 same path, it's going to be impossible because when --
18 caribou will not want to use a -- a crossing where
19 there's Ski-Doo tracks or trans -- transportation
20 tracks or any human activity because the female caribou
21 has a very sensitive -- sensitive smell, sensitive to
22 smell, and they can detect any kind of human activity,
23 just -- just when they're near any tracks, human tracks
24 or transportation tracks; and if you're going to have
25 the same crossing for humans and caribou, it's not
26 going to work because if you have a lower embankment --

1 and, actually, I think it would be better for caribou
2 to cross if you have a different crossing for caribou
3 and a different crossing for humans; and I think that
4 we're going -- we're going to need to be able to have
5 various places for crossing because it has a lot to do
6 with what the weather is like. If -- if they -- the
7 weather is bad, they tend to go into mountains, and as
8 well in the summer, when there's a lot of mosquitos
9 around, they tend to try and -- and flee from
10 mosquitos, and they tend to go somewhere else, again if
11 there's a lot of mosquitos that year, and it's not just
12 from scientific experts that you should be seeking
13 information from. You should be asking these hunter
14 experts who are very familiar with the biology of the
15 caribou and what bothers them and what -- and how they
16 migrate through that area.

17 And when they are migrating toward inland, even if
18 there is some caribou dying en route, they keep moving.
19 They -- they move forward. They have this instinct
20 to -- and need to forward to where their caribou used
21 to migrate for generations. They remember where to go,
22 and they will move forward. No matter what is in their
23 way, they need to move forward.

24 And I have another comment to make or a question
25 to make. The railway, when -- if and when it is up and
26 running, and there's going to be a -- a lot of more

1 mining done, a lot more tonnage being transported, and
2 it's going to be good for you to make more money, but
3 there is going to be other cumulative effects that will
4 come from that.

5 For example, when our whales flee, which usually
6 migrate through our community, and they have to -- and
7 there's more shipping activity going on, they're going
8 to have to find an alternative route; and if that
9 happens and our food is depleted, if -- do you have any
10 compensation plan to -- have you done an evaluation to
11 see how much money will be compensated to replace what
12 we lost in terms of our food?

13 And what about seals? What if our seals are
14 depleted, and they move somewhere else? Have you done
15 evaluation about how much compensation that would be to
16 cover the cost of losing our seal, because it has other
17 effects, in terms of products made from seal.

18 And my wife has a small business. She -- when we
19 had our dog team, and my son had to buy meat to feed
20 the dog team, because it's small business for our
21 region [phonetic], and also we have to feed our family
22 members in our communities; and I know that the people
23 working at Mary River, they need to be fed as well, and
24 if you are -- if you have good meals, you are more
25 healthier and willing to work, and if these -- these
26 cumulative effects have affected our wildlife, and

1 they've been depleted, what kind of compensation plan
2 are you going to replace our food, because the value of
3 the food or the wildlife that we eat doesn't come near
4 to what's being provided.

5 And in Mary River, people go two weeks in, two
6 weeks out to go to work in Mary River. It's a very
7 good system, but on the other hand, it's very
8 detrimental to the younger generation and their
9 social -- social lives, and my question is to the
10 federal government, as well.

11 Should -- should there be more infrastructure
12 building built within our communities to provide
13 daycare and also parenting services because the young
14 couples that are just starting off are having a hard
15 time because of the effects of having more money, but
16 on the other hand, there's a lot of social issues that
17 are contributing to breakup of young couples, and --
18 and when that happens, we need to have help for them;
19 and in -- in the old days, the federal government used
20 to be able to provide social -- infrastructure services
21 for people that they provided, and Nanisivik, at that
22 time, they had daycare, community centres, swimming
23 pools. Everything was provided by the federal
24 government, and I think that should be provided, as
25 well, to our communities and to be able to have healthy
26 lifestyles, and we ask Baffinland for money for

1 everything that we need. We seem to be asking all the
2 time.

3 My name is Charlie Inuiriq, and I've been mayor
4 more than one term, and I have worked really hard to be
5 able to -- to have economic development and employment
6 opportunity for our people in the north because there
7 was nothing in the past, and NTI had stated that when
8 there's a mine established, that there's going to be
9 royalties coming from these mines, and that would be
10 able to kick-start our economy for the benefit of the
11 Inuit, and the -- Baffinland shouldn't be the only one
12 profiting from this mine.

13 We should be able to have a same equal opportunity
14 for Inuit to be able to benefit from the mine because
15 it's our land, and I think territorial and federal
16 governments should step in and be able to make sure
17 that these opportunities are available through their
18 public programs because the royalties being provided to
19 the government should be able to provide for our social
20 programs and services for our communities. Something
21 should, at least, be coming up to the communities
22 through all these royalties, and the -- the United
23 Nations of -- of -- of our country should even be
24 involved, I think.

25 When they have to look at Indigenous countries
26 where there's going to be a lot of shipping going on

1 that contributes to the social destruction of our
2 society, I think the United Nations should even step
3 in; and I think Qikiqtani Inuit Association have to
4 have more say and more involved in all these things I'm
5 talking about.

6 Thank you for giving me a chance to speak.

7 THE CHAIR: Just to direct some of those
8 questions and comments, there were several of them to
9 Baffinland. There were also some to the Government of
10 Canada, the Qikiqtani Inuit Association, Nunavut
11 Tunngavik Incorporated, and the Government of Nunavut,
12 so when you get to your intervention, that's an
13 opportunity to answer some of the questions from the
14 participants.

15 Baffinland.

16 MS. LORD-HOYLE: Megan Lord-Hoyle with
17 Baffinland. Qujannamik, Charlie, for the comments and
18 questions.

19 I'm going to try and answer what I think was
20 directed towards Baffinland in, sort of, three -- three
21 main areas, the first being the concerns related to
22 disturbance to caribou or impacts on caribou related to
23 the rail line, and, specifically, the area of Kanajjuq,
24 and then mentioned that we need to do more studies and
25 research on the impacts to caribou.

26 First, one of the intentions of moving from

1 Route 1 to Route 3 was to minimize the impacts on the
2 travel route near Kanajjuq, and in terms of caribou
3 movement in that area, we have agreed to different
4 design measures on the rail line than we were
5 originally proposing, which involves a gentler slope,
6 numerous different crossings; and to your point about
7 having different human and wildlife crossings, we feel
8 that the rail line, as designed, will be 60 percent
9 crossable by caribou as is, but we have also agreed to
10 add -- or have committed to add 30 different crossings
11 at -- at different locations based on feedback that
12 we've received so far on where these crossings should
13 go for both caribou and humans, as well as 15
14 plate-arch culverts which have been referred to several
15 times, but these are very large culverts that you would
16 see under roadways to let water pass. These are very,
17 very large that would allow a snow machine or a caribou
18 to pass through; and we've also agreed to construct the
19 embankment with a finer material to encourage caribou
20 to pass over.

21 We will be conducting more meetings with Inuit in
22 the area around the crossings, including
23 pre-construction and following construction and can
24 always modify parts of the embankment or crossings
25 post-construction, if monitoring with the Government of
26 Nunavut, with the communities, identifies modifications

1 are required.

2 The second area that you spoke about was in the
3 marine environment, and our Number 1 goal in the marine
4 environment is to not cause a large-scale displacement
5 or movement or abandonment of marine wildlife in the
6 area. Our predictions are that there will be some
7 local temporary disturbance, but that this will not
8 lead to abandonment of marine wildlife in the area.

9 We've added additional mitigation measures this
10 year and changed our shipping practices in response to
11 concerns we've heard from Pond Inlet in 2017 and 2018,
12 and we've also held several meetings in Pond Inlet
13 specifically to talk about the impacts of harvesting
14 and what the community has been experiencing over the
15 last couple of years to try to better understand the
16 influence of what the community is experiencing and the
17 impacts of that and how Baffinland can better support
18 the communities.

19 I mentioned earlier that we do have a wildlife
20 compensation fund under the Inuit Impact Benefit
21 Agreement. We've previously stated that we are willing
22 to renegotiate that based on feedback that we've heard
23 in the communities about the efficiency of that
24 program.

25 And, finally, you spoke to benefits and that as
26 Baffinland begins to make money, the communities also

1 need to as well.

2 \$2 billion will be spent -- or will be provided to
3 Inuit organizations, the Nunavut Tunn -- Tunngavik
4 Incorporated, and the Qikiqtani Inuit Association
5 through the realization of the Phase 2 proposal.
6 Baffinland has also recognized and heard from
7 communities that there's a need for money right now,
8 and Baffinland wants to step up and be able to support
9 communities better, so we have made the offer to each
10 community and committed to each community to provide
11 \$1.2 million annually for the life of mine if Phase 2
12 were to be approved.

13 Baffinland recognizes and wants to ensure that as
14 Baffinland grows and benefits, so do the communities.
15 We do have another -- other programs that we're
16 running, sponsorship and donation programs that are
17 outside of the Inuit Impact Benefit Agreement. These
18 will continue in the future and will be able to
19 increase in the future as well.

20 I believe that was all that was directed at
21 Baffinland. Qujannamik.

22 THE CHAIR: Maybe it was missed in the
23 understanding. If there are -- if you notice impacts
24 to narwhal populations and seals on the shipping route,
25 do you have alternative plans for shipping as a
26 mitigation measure?

1 MS. LORD-HOYLE: Qujannamik. Thank you. I did
2 miss that, Madam Chair.

3 At this time, we are not proposing an alternative
4 shipping route. Baffinland has stated in the past that
5 should communities wish us to look into other shipping
6 routes, such as the use of Navy Board Inlet, we would
7 be open to discussing that and looking at that. We've
8 heard pretty clearly right now that that's not desired,
9 so at this time, we are only proposing to continue to
10 use the same shipping corridor that we are, but if this
11 preference changed in the future, based on community
12 input, we would certainly be open to discussing it.

13 Qujannamik.

14 THE CHAIR: Did you get your responses,
15 Charlie?

16 MR. INUIRIQ: I don't like sitting down.
17 Perhaps I sat too long as a mayor. I don't know.

18 Yes, thanks. Thank you for your answers. Yes,
19 there has to be further negotiations and agreements in
20 place.

21 We are happy with the fact that you want to grow
22 your -- grow the economy, but we also, as Inuit and
23 communities, we want to see our communities grow, too.
24 There are many contracts that you -- you have many --
25 you'll have many contractors, your experts -- your
26 expert contractors. I wonder if it's possibly in --

1 sometime down the future that our community members,
2 perhaps, could be given contracts as well? I know that
3 -- that you give contracts out to QIA.

4 I wanted to mention that to Environment Canada.
5 We had sent the petition. We wanted to have our own
6 QIA Board and not a separate Board aside, but a
7 Northern QIA Board, North Baffin Board. There -- there
8 seems to be a lot of money to be used. You have many
9 buildings already, and you -- and your -- your mine
10 site is very big. We need to see more contracts
11 available to Inuit, so we want to be able to bid on
12 those contracts, too. We don't only want to see jobs
13 open.

14 I'm going to go back to my comment, Madam Chair,
15 if I may. The caribou crossings and crossings for
16 human, they cannot be in one particular area for both.
17 They need to be separate. We need walkways for people
18 and a separate one -- and -- and another -- and a
19 crossing for caribou. Caribou are very sensitive.
20 They have a strong sense of smell. They will not tread
21 on caribou [sic] tracks. They stay away from caribou
22 tracks, and female caribou are very sensitive. The
23 crossings should -- should be -- there should be two
24 separate crossings, ones for -- ones -- one for humans,
25 and one for caribou.

26 Caribou cannot think for themselves, Let's go this

1 way; let's go on the human walkway. They will sense
2 and smell and avoid those areas where humans walk along
3 the railway.

4 Some parts of the railway corridor, there's parts
5 where there is no lichen for caribou, and the valleys,
6 there is some, but further down towards Clyde River,
7 there are more lichen, and there's more abundance of
8 lichen towards Clyde River.

9 If Inuit are going to help build the railway, I --
10 I -- I also think this is a very good idea. The
11 Hunters and Trappers Organizations of Pond Inlet, I --
12 I believe that this would be -- perhaps, we need to --
13 we -- we -- we need to see better -- better plans in
14 place. We need the help of both governments, both
15 territorial and federal government to make this a
16 reality.

17 Thank you.

18 THE CHAIR: Baffinland.

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

21 Thanks for providing me the opportunity to add on
22 to your -- your comment.

23 Certainly, Charlie, thank you for the comments
24 that there should be different crossings for caribou
25 and -- and humans. Certainly, we would build different
26 crossings at different locations for human and

1 wildlife, if we're guided by Inuit, and that's the
2 intention that we're trying to take, is to have --
3 we've held the one workshop, but before we move into
4 construction, we want to have Inuit with us to help
5 identify the exact locations on the ground and also
6 come back to follow up to ensure that they were
7 constructed properly, so we look forward to working
8 with you and other hunters or land users in your
9 community who can help guide us in this effort.

10 Qujannamik.

11 THE CHAIR: NIRB Board, Guy.
12 Nunavut Impact Review Board Questions Baffinland Iron
13 Mines Corporation and Transportation Canada

14 MR. ALIKUT: Thank you, Madam Chair. Guy
15 Alikut, NIRB Board member. I just have a question.

16 The trains -- the railroad --

17 THE TRANSLATOR: The trains is what I'm
18 speaking to. We have a different dialect.

19 MR. ALIKUT: Perhaps, maybe, I could maybe
20 direct my question to Transport Canada.

21 There's regulations in place, and there's going --
22 there's going to be -- what do you call that? There's
23 going to be a horn on the train, and they're going to
24 be very loud in the north where it's very cold. It --
25 it gets frosty, and sometimes you could hear certain
26 noises even as far as half a mile when -- when our

1 sirens go off in our communities, sometimes even --
2 perhaps even 50 miles, this -- this train horn could --
3 would be heard.

4 When I was in Kuujjuaq, I used to go on a train.
5 Every 20 minutes, it would -- the -- the train would
6 bellow its horn all the way while we were travelling,
7 and have you considered maybe making noise abatements
8 so that caribou aren't as impacted, but I don't know if
9 there's a regulation or -- or some rule where the train
10 would have to have a -- a horn. I don't know if there
11 is.

12 THE CHAIR: Question for both Baffinland
13 and Transport Canada.

14 MR. CRAM: Thank you, Madam Chair. Jason
15 Cram with Transport Canada.

16 So the answer to your question regarding train
17 horns, there are regulations in place making it a
18 requirement to sound train horns at public grade
19 crossings. That being said, there are also regulations
20 and provisions within the Railway Safety Act where both
21 the rail operator and the local community can come to
22 an agreement and apply for what's called "whistle
23 cessation" so that they would not be required to sound
24 the train horn approaching these crossings.

25 So this application is made to Transport Canada,
26 and Transport Canada considers a number of, I guess,

1 safety concerns around that location, and they would
2 likely speak with both the rail operator and the
3 municipality and come to a decision.

4 Thank you.

5 THE CHAIR: Baffinland.

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

8 As we develop our application to Transport Canada
9 for our rail operator's certificate, we understand
10 we'll be developing those types of rules around the
11 operation of our -- our project, and we'd certainly be
12 interested in working with the communities to
13 understand what their expectations are around the
14 sounding of our horns, understanding there's a safety
15 component -- component to it at crossings, and there
16 are other instances where we may want to use them, if
17 we wanted to deter caribou from coming close to the
18 rail as we pass, but that's a conversation we'd want to
19 have with the communities in the lead-up to that
20 application for a project.

21 Thank you.

22 THE CHAIR: Uriash.

23 MR. PUQIQNAK: Thank you, Madam Chair.
24 Uriash Puqiqnak, NIRB Board member.

25 Madam Chair, today there was a question
26 relating -- relating to -- that's related to our --

1 our -- our climate and how it gets very dark in the
2 winter months. The -- the -- one of the HTO members, I
3 think, if I recall, had said or had asked when it gets
4 dark, 24-hour darkness, the trains will be moving,
5 going back and forth all throughout the year in total
6 darkness and 24-hour daylight.

7 Now, within 24-hour darkness, how will the
8 conductor know when to stop if there's an obstruction
9 in -- ahead?

10 Yes, there was an answer from Baffinland, that
11 they were going to install lights and that they would
12 be able to start to reduce speed at 250 metres within
13 seeing an obstruction.

14 I have seen, and -- and I have worked at a
15 railroad. The -- the -- they are very big engine.
16 They're a very big mode of transportation. I don't
17 think there's any other way possible to maybe transport
18 the iron ore.

19 I wonder -- I wonder if there could be a pickup
20 truck that could travel in advance or alongside the
21 railway, some monitors who could, maybe -- maybe --
22 maybe to warn the conductors in advance, should there
23 be an obstruction that's -- that they're about to come
24 to, an early warning type of a system, I wonder; or if
25 there could be something automated in -- inside --
26 within the train to tell the conductor that there is

1 something up ahead and that they have to reduce speed.

2 THE CHAIR: Baffinland.

3 While Baffinland is coming up with their response,
4 also directing it to Transport Canada to clarify if
5 that's a type of mitigation measure that's seen
6 anywhere else on rail operations.

7 Transport Canada.

8 MR. CRAM: Thank you, Madam Chair. Jason
9 Cram, Transport Canada.

10 So, yes, I have seen this on other railroads. In
11 British Columbia, as an example, they have what's
12 called "rock-fall patrol", where on certain
13 subdivisions where lots of rock falls occur, a truck on
14 hi-rails patrols ahead of every train. On this
15 particular subdivision, they only have two train
16 transits per day, but that being said, they are able to
17 do a patrol ahead of every train. Thank you.

18 THE CHAIR: Baffinland.

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

21 Qujannamik for the question. This type of
22 discussion and -- and comment also came out of our risk
23 assessment workshops that we held, especially when we
24 went to Trois-Rivières and were able to see an
25 operating rail line with what is called a "hi-car"
26 which moves in front.

1 So through those discussions, we have committed
2 that we will be using a hi-rail car, and in times when
3 caribou are known to be in the area in large numbers,
4 then we will have wildlife monitors -- dedicated
5 wildlife monitors -- ideally, hunters or
6 knowledge-holders as wildlife monitors -- in that
7 vehicle in advance of the train to send a signal back.
8 That hi-car train -- or rail -- sorry, that hi-car will
9 be running regular inspections along the rail route as
10 well, so there will be a system whereby information can
11 be filtered back.

12 It's been mentioned that there will be use of the
13 tote road still for what we call "light vehicles" or
14 "passenger vehicles" as well. So there will also be an
15 identification system along the tote road if animals or
16 land users are in the area. So there would be a series
17 of different communication systems to get information
18 to the operator of the train.

19 Part of the discussion at the risk assessment
20 workshop also was around what technology might we be
21 able to use or -- for monitoring purposes, and that's
22 something we've committed to continue looking into.
23 Nothing specific has come up or has been identified
24 that may be a feasible solution right now, but it's
25 definitely something that we will continue looking into
26 and are happy to have more conversations around.

1 Qujannamik.

2 THE CHAIR: Catherine.

3 MS. EMRICK: Thank you, Madam Chair.

4 Catherine Emrick, Nunavut Impact Review Board.

5 I just wanted to follow up on the comment about
6 Baffinland working with the communities as the rules
7 for operating the railway are developed. I was
8 interested to know -- in your presentation, you
9 provided us with the caribou decision framework for the
10 railway, and I'm interested to know how that framework
11 was developed and particular around the consultation
12 that went into developing that framework, whether, for
13 example, the terrestrial working groups were involved
14 or the HTOs were involved. Thank you.

15 THE CHAIR: Baffinland.

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

18 So that decision framework for the rail is based
19 off of the similar decision framework we have for road
20 operation, and that was actually adapted from other
21 projects with -- in similar areas with caribou
22 migrations and that required caribou mitigation
23 measures. We developed that through the terrestrial
24 environment working group and with the Qikiqtani Inuit
25 Association and the Government of Nunavut as members of
26 that group.

1 How we adapted it for the railway is really based
2 on the operating realities of the rail just in terms of
3 lines of sight based on the -- the side lights and the
4 headlights and stopping distances and what's -- what's
5 feasible from a safe rail operation perspective. So
6 those modifications weren't subject to consultation
7 within the communities, but they've also been presented
8 in draft form. So we're certainly interested in having
9 that be the subject of further discussions with the
10 communities as we work on mitigation measures for the
11 railway, including the -- the finalization of
12 crossings. Thank you.

13 THE CHAIR: Madeleine.

14 MS. QUMUATUQ: Thank you, Madam Chairperson.
15 Madeleine Qumuatug, NIRB Board member.

16 Concerning the social issues -- and I worked on
17 the -- dealing with social issues in the community,
18 Baffinland, concerning the alcohol and other substances
19 and for the people that go up to Baffinland to work. I
20 am happy -- I am happy that there's opportunities that
21 there will be -- there are counsellors that go up to
22 assist them.

23 And maybe Qikiqtani Inuit Association question to
24 you and Nunavut Government. How are you contemplating
25 on working on issues of the social issues for healing
26 criterias in your departments? Because government's

1 responsibility for the community people. There's
2 nothing whatsoever, and you know this is very important
3 today with so many concerns. And there's mental
4 health -- people with mental health issues, and it's
5 affecting the communities and all the communities
6 'cause we all know each others. How have you prepared
7 in using and working -- and you know people are going
8 through hardship with -- with alcohol and other
9 substances. Is there anything that you have in place
10 for the people to rehabilitate in the communities or
11 get help? Thank you.

12 THE CHAIR: So questions to the Government
13 of Nunavut and Qikiqtani Inuit Association. If you can
14 provide responses when you give your intervention.

15 We'll take a ten-minute break.

16 (ADJOURNMENT)

17 THE CHAIR: Please take your seats, and we
18 can reconvene.

19 NIRB legal counsel.

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

23 Madam Chair, I just was going to close off a
24 procedural matter that was still remaining open, that
25 Ms. Kowbel has advised me that Baffinland will not
26 object to the excerpt that was offered by the

1 Mittimatalik Hunters and Trappers Organization as an
2 exhibit in this public hearing, being an excerpt from
3 the research and management initiatives by region and
4 species statutory report on wildlife 2018. Government
5 of Nunavut barren ground caribou seasonal range
6 analysis excerpt.

7 So, Madam Chair, I will move that from a marked
8 exhibit to an entered exhibit in this public hearing,
9 and those are my procedural matters, Madam Chair.

10 THE CHAIR: Questions from the community.
11 Madeline Ivalu.

12 Questions for Baffinland Iron Mines Corporation by
13 Igloolik Community Representatives

14 MS. IVALU: Can you hear me? I wanted to
15 say something. Madeline Ivalu from Igloolik.

16 I had some questions this spring when the snow had
17 red marks on the ice. Maybe that was from Baffinland.
18 There was a red colour, and we never had that in our
19 community before outside. Not in our -- in our
20 community level, but further away. And that's my
21 question first.

22 And the walrus, is there any -- no problem with
23 walrus? Are they not sensitive to the noise or
24 whatever? And I am from the area where there's a lot
25 of walruses, and -- and I enjoy the -- the walrus meat.
26 Maybe they will deplete and no more wildlife. And I'm

1 also -- no. Maybe they smell and hear.

2 And there were a lot of good meat from the walrus
3 in our area, and anything that they -- they eat from
4 the clams in the stomach, we consume that. And so --
5 and they had the best taste before the time they --
6 anything happen. So -- and the caribous -- we're quite
7 a ways from the community from Steensby, and one time
8 there was no caribou in our area, and we didn't know --
9 know if there were any helicopters. And -- and there
10 was one time no caribou area. We would've -- have not
11 gone into that area where we went caribou hunting if we
12 had been told ahead of time that there was none.

13 And my question is: The red mark that we saw out
14 on the land, this -- that's my question. I wonder
15 where it came from?

16 And my -- another question: And the route for the
17 dog team races that happens in the winter from Pond
18 Inlet to Igloodik and Igloodik and back again to Pond
19 Inlet, is that going to be destroyed as well? Is that
20 going to be taken away?

21 And the police used to use that -- police, when I
22 was a child, young girl, that route by dog teams. And
23 if that railway should be built, that proposed, is that
24 going to be used as a route that they -- our ancestors
25 use in the dog team races? And that's my question.

26 Thank you, Madam Chairperson.

1 THE CHAIR: Baffinland.

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

4 Concerning the red marks on the snow, I don't have
5 an exact answer for that, not knowing the location
6 which is being discussed.

7 But this year we've heard comments similar to that
8 before, that the dust is travelling great distances
9 from the mine. Our own monitoring program shows that
10 outside of 1 kilometre away from the tote road, dust
11 concentrations decrease down to natural levels.

12 But in regards to comments of seeing dust at
13 greater distances than that, this year we'll be taking
14 some satellite imagery when there's snow on the ground
15 but enough light to be able to see around the mine site
16 so that we'll have some better visuals of how far dust
17 may travel from the mine site. That may not be in
18 great enough quantities to measure, but it may be
19 enough to see. The dust is quite visible on the
20 ground. And with that information, it will help us
21 identify if we need to expand our monitoring programs
22 or take some other measure or just a better
23 understanding of the distance that the dust is
24 travelling visually.

25 In regards to the comment around helicopters being
26 in the area, I'm not sure if I entirely understood the

1 question, but I do want to confirm that we have
2 altitude requirements, so height requirements, when
3 we're flying helicopters in the area to avoid
4 unnecessary disturbance to wildlife.

5 And in terms of the -- the dog sled race,
6 Baffinland has been offering support to this race for a
7 number of years. We provide sponsorship. And when the
8 race is going nearby the mine or may interact with the
9 mine, all operations stop. We're in good communication
10 with the organizers so we know where they are in the
11 race and when they'll be coming close to the area. So
12 all operations will stop so that there's the ability to
13 cross the tote road. And we would continue that
14 practice in the same manner to ensure that there's
15 no -- no barrier to that race route. Qujannamik.

16 THE CHAIR: Perhaps the Environment and
17 Climate Change Canada, when you provide your
18 intervention, if you could provide some information on
19 dust -- dust dispersion with -- from iron.

20 Has Baffinland updated or expanded on their
21 assessment of impacts to marine mammals such as walrus
22 in the Foxe Basin area in relation to Steensby?

23 As well, is the proposed trail for the approved
24 rail and the proposed rail as well as the tote road --
25 are any of the roads on the traditional trails used to
26 travel between Igloolik and Pond Inlet?

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

3 Madam Chair, we have not impact -- updated our
4 impact statement to effects on marine mammals in the
5 Foxe Basin Hudson Strait area. Excuse me. At this
6 time, we are not shipping in the area presently.

7 And in regards to the road or rail being on
8 traditional travel routes, one of the main reasons for
9 moving the deviation from Route 1 to Route 3 is because
10 we understand that that is -- where Route 1 was
11 proposed was a main travel route between Pond Inlet and
12 Igloolik or for Pond Inlet to travel up through to the
13 mine site or the Mary River area to also avoid the
14 large hill that the tote road currently goes through.

15 For the dog team race, last year in 2018, there
16 was no need to cross the tote road; however, in the
17 past, it has. So that route may in the future again
18 need to cross through the tote road between Igloolik
19 and Pond Inlet, in which case very likely it would need
20 to cross the rail as well. So we would use the same
21 procedures of shutting down operations and putting up
22 road blocks to ensure safe travel of the racers as they
23 go through. Qujannamik.

24 THE CHAIR: Madeline, did you get an
25 answer?

26 MS. IVALU: Yes.

1 THE CHAIR: Jeetooloo Kakee.

2 Questions for Baffinland Iron Mines Corporation by
3 Iqaluit Community Representatives

4 MR. KAKEE: Good afternoon, Madam Chair.
5 Jeetooloo Kakee from Iqaluit, HTO Board member and
6 Elder.

7 I have a question. I want to -- it was one of my
8 questions whether -- whether there's a river through
9 that area and right near the -- the -- the tote road.
10 Is there a river near there? Because it -- on -- on
11 the map, there's a valley there that seems to have a
12 river, and does it? Is it a haul-out sight area for
13 walrus?

14 THE CHAIR: Baffinland.

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

17 Could I just clarify. I heard that there was
18 questions about the presence of walrus haul-outs in the
19 area of our project. Is that correct?

20 THE CHAIR: Can you repeat your question.

21 MR. KAKEE: Thank you, Madam Chair.
22 Jeetooloo Kakee, Iqaluit HTO Board member and Elder.

23 What I'm trying to say -- the valley -- is
24 that a -- there's a valley there. Is that a river? Is
25 there a river there? And how -- how long -- or how far
26 is the valley? That's my question.

1 THE CHAIR: Baffinland.

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

4 There are several creeks or rivers in proximity to
5 our existing project. From Kilometre 0 to 17, we have
6 Phillips Creek. So that's -- 0 starts at Milne Port,
7 and 17 is as you head towards the mine site. At
8 Kilometre 63, which is about halfway, we have the Raven
9 River that intersects the corridor. And then at the
10 Mary River mine, we have the Mary River.

11 I hope that answers your question. Thanks.

12 THE CHAIR: Jeetooloo.

13 MR. KAKEE: Thank you, Madam Chair.
14 Jeetooloo Kakee, Iqaluit HTO Board member and Elder.

15 My question -- the river where they're actually
16 doing the mine, we have heard that dust is red coming
17 from that mine. And when there's -- it's obvious from
18 the question earlier that the dust coming from the mine
19 is red, and it obviously had blown away because of
20 blown snow -- blown wind, and it -- it will travel far
21 if there's a blizzard. And if there has been a
22 blizzard, the dust from the mine will blow away to
23 whichever the wind is -- the direction of the wind.
24 And I'm sure the dust, if it's not -- if the particles
25 are not small enough and they're heavy in iron ore
26 content, it will sink -- sink to the bottom of the --

1 the seabed. And when that happens, it will destroy
2 the -- the vegetation on the seabed. And if -- if it's
3 fine particles of dust and it -- it's able to blow away
4 to wherever the wind takes it, it will land on the snow
5 or up further north and land on the snow, and it will
6 affect the -- the surroundings.

7 And if we -- if the caribou has been eating the
8 vegetation that has accumulated dust chemicals and
9 eaten by the caribou, if you open up the caribou, you
10 will notice that they have been eating contaminated
11 dust, and the -- the stomach -- that little pouch that
12 they have in their stomach that digest the vegetation
13 will be contaminated and will deteriorate. And you can
14 actually see it when you open it up.

15 And that's how much we know about the biology of
16 the caribou. Much like a biologist, we are experts at
17 this by observation and by years and years of
18 experience in the anatomy of the caribou. Thank you,
19 Madam Chair.

20 THE CHAIR: Baffinland.

21 MS. LORD-HOYLE: Megan Lord-Hoyle with
22 Baffinland. Qujannamik. Thank you for the -- the
23 questions and comments.

24 There's a few things in relation to dust and the
25 impacts that this may have on the rivers in the area.
26 One notable change that we're making for the Phase 2 is

1 that we're moving the crushing facility, which is --
2 all crushing that occurs for the operation right now
3 happens at an outdoor facility at the mine site. And
4 we're moving -- the secondary crushing we're
5 moving from larger pieces crushing it down to the
6 product that we sell -- that is going to move down to
7 the Milne Port area in an indoor facility, which will
8 reduce windblown dust into the environment.

9 There are other sources of dust at the mine site
10 as well, such as moving equipment on the roads in the
11 area. That also creates dust. So we have programs to
12 suppress dust on the road.

13 And in the rivers near the mine site, we have an
14 aquatic effects monitoring program that we've been
15 running and will continue to run. There's other
16 measures that we can use such as silt fences to reduce
17 land-based runoff into the rivers. And that monitoring
18 program that we run looks at the water quality and the
19 sediment quality, so the bottom of the river, as well
20 as char. And, to date, we've seen no changes in the
21 quality of water or sediment or char for metals --
22 metals that would be dispersed from the mine.

23 For the purposes of the Phase 2 assessment, we've
24 also conducted a country foods risk assessment and
25 found that risks are low for human health for those
26 land users who may be in the area, and we've assessed

1 the health of caribou who would be feeding on lichen in
2 the area, and, again, the risks have been determined to
3 be low. And this will be covered more in the human
4 health exposure presentation. Qujannamik.

5 THE CHAIR: That concludes Day 4 of this
6 public hearing. Thank you all for your contributions
7 to a productive day. We will reconvene again tomorrow
8 at 9 AM continuing with questions and comments to the
9 alternatives assessment as well as the terrestrial
10 environment. But before you leave, we have some draws.

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12 PROCEEDINGS ADJOURNED UNTIL 9:00 AM, NOVEMBER 6, 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.

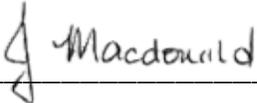
8 Dated at the City of Calgary, Province of Alberta,
9 this 11th day of November 2019.

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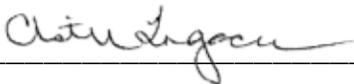
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