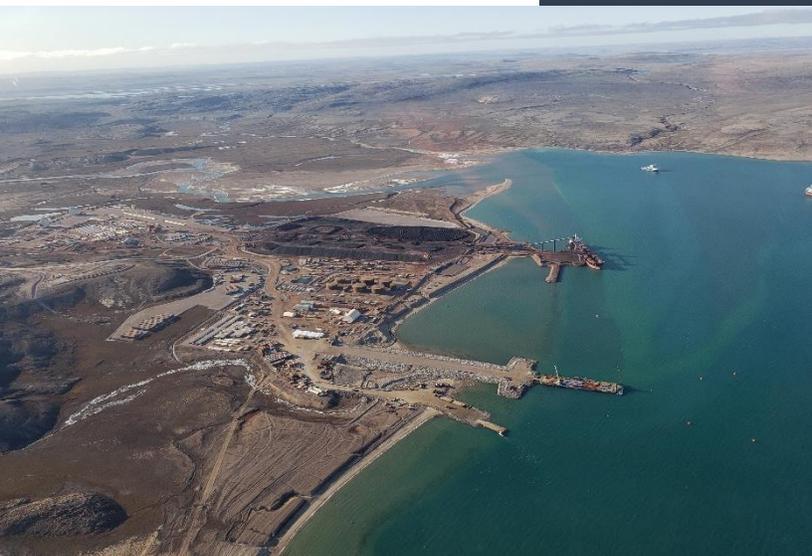


Record of Proceedings and Disposition of Motions Report for the November 2019 Public Hearing

Phase 2 Development Proposal

Baffinland Iron Mines Corporation

NIRB File No. 08MN053



December 2019



COVER LETTER

NIRB File No.: 08MN053

December 16, 2019

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EXECUTIVE SUMMARY

This Record of Proceedings and Disposition of Motions Report (Report) is provided by the Nunavut Impact Board (NIRB or Board) to provide a written summary of process and procedure to date in respect of the Board's assessment of Baffinland Iron Mines Corporation's (Baffinland or Proponent) proposed Phase 2 Development Proposal (the Proposal), a modification to the previously-approved Mary River Project and the associated reconsideration by the Board of the terms and conditions in NIRB Project Certificate No. 005. This Report also provides the Board's direction regarding the process, procedure and timeline to govern the next steps in the continuation of the Board's assessment of the Proposal. The Board emphasizes that the focus of this Report is procedural only and the Report does NOT address the substance of the Board's assessment of the Proposal and reconsideration of the terms and conditions of Project Certificate No. 005.

Reflecting this focus, the Report is provided to all parties for the following purposes:

- To provide an up to date record of the procedural history and Record of Proceedings associated with the technical sessions of the Public Hearing conducted by the Board on November 2-6, 2019 in Iqaluit to consider the potential ecosystemic and socio-economic impacts of the Proposal (the Hearing);
- To provide a written summary of the Board's direction with respect to the disposition of motions and preliminary matters that were dealt with at the Hearing;
- To provide the Board's disposition with respect to the motion of Nunavut Tunngavik Incorporated (NTI) presented at the Hearing on November 6, 2019 to suspend the continuation of the Hearing for a period of nine to twelve (9-12) months;
- To provide all parties with the Board's procedural direction regarding the future processes and timing associated with the Board's continued assessment of the Proposal; and
- To provide a summary listing of the outstanding questions deferred by participants during the Hearing, with the expectation that parties will follow up to file written responses to the questions that remained unanswered as of the adjournment of the Hearing on November 6, 2019.

First and foremost, the Board notes that it is regrettable that the time for the technical sessions conducted during the Public Hearing in Iqaluit (November 2-6) was insufficient to facilitate a full and fair discussion of all technical issues associated with the assessment of the Proposal. As the technical record was incomplete, with less than half of the technical presentations and questioning having concluded by the end of the Hearing on November 6, as requested by several parties, the Board cancelled the subsequent Community Roundtable in Pond Inlet scheduled for November 8 and 9. While the Board recognizes that the community of Pond Inlet may have been disappointed with the cancellation of this session on such short notice, the Board agreed with the parties requesting the cancellation that there was limited utility in conducting the Community Roundtable on the basis of the incomplete technical record coming out of the Hearing.



1. INTRODUCTION

1.1 Purpose of this Report

On November 2-6, 2019 the Nunavut Impact Board (NIRB or Board) held an in-person Public Hearing focused on the technical assessment of Baffinland Iron Mines Corporation’s (Baffinland or Proponent) proposed Phase 2 Development Proposal (the Proposal), a modification to the previously-approved Mary River Project and the associated reconsideration by the Board of the terms and conditions in NIRB Project Certificate No. 005 (the Hearing). In the two weeks leading to the Hearing, and during the Hearing, several parties brought formal motions or made requests to alter the Board’s process and procedure associated with the Hearing in Iqaluit and the subsequent Community Roundtable component of the Hearing scheduled to take place on November 8 and 9 in Pond Inlet. The Board emphasizes that the focus of this Report is procedural only and the Report does NOT address the substance of the Board’s assessment of the Proposal and reconsideration of the terms and conditions of Project Certificate No. 005.

The Report is provided to all parties for the following purposes:

- To provide an up to date record of the procedural history and Record of Proceedings associated with the technical sessions of the Public Hearing conducted by the Board on November 2-6, 2019 in Iqaluit to consider the potential ecosystemic and socio-economic impacts of the Proposal (the Hearing);
- To provide a written summary of the Board’s direction with respect to the disposition of motions and preliminary matters that were dealt with at the Hearing;
- To provide the Board’s disposition with respect to the motion of Nunavut Tunngavik Incorporated (NTI) presented at the Hearing on November 6, 2019 to suspend the continuation of the Hearing for a period of nine to twelve (9-12) months;
- To provide all parties with the Board’s procedural direction regarding the future processes and timing associated with the Board’s continued assessment of the Proposal; and
- To provide a summary listing of the outstanding questions deferred by participants during the Hearing, with the expectation that parties will follow up to file written responses to the questions that remained unanswered as of the adjournment of the Hearing on November 6, 2019.

1.2 Procedural History

As noted above, the Board’s assessment of the original version of the Phase 2 Development Proposal (involving increased trucking of ore along the existing Tote Road, but not including the construction and operation of the North Railway line) and associated reconsideration of the Mary River Project Certificate No. 005 commenced in October 2014. In February, 2016, prior to submitting the Final Environmental Impact Statement (FEIS) Addendum, Baffinland provided notice to the NIRB that the Phase 2 Development Proposal had been modified to change the preferred ore transportation option from the increased use of



trucking along the existing Tote Road to transport by a Northern Railway line. The Phase 2 Development Proposal that is the subject matter of this Report involves ore transport via a proposed Northern Railway line (the Proposal).

[Table 3](#) below highlights key procedural steps associated with the Board’s assessment of the Proposal and associated reconsideration of the terms and conditions of the Mary River Project Certificate No. 005, commencing with the referral of the Phase 2 Development Proposal from the Nunavut Planning Commission, and concluding with the completion of the NIRB’s four-day Public Hearing in Baker Lake. Please refer to [Section 2](#) of this Report for the detailed record of proceedings for the Hearing and [Appendix A](#); for the list of exhibits presented at the Hearing.

As this summary is not exhaustive, parties wishing to develop a more complete understanding of the activities associated with the NIRB’s’ assessment of the Proposal are encouraged to consult the complete listing of all documentation available from the NIRB’s online public registry at: <http://www.nirb.ca/project/123910>.

Table 3: Procedural History of the Board’s Assessment of the Proposal to Date

| Date | Party | Process Steps | Notes |
|------------------|-----------------------------|--|--|
| October 29, 2014 | Nunavut Planning Commission | Proposal received from Proponent, NIRB received copy | Baffinland Iron Mines Corporation (Baffinland) submitted Phase 2 Development proposal and additional referrals received from Fisheries and Oceans Canada and Nunavut Water Board on January 8, 2015. On April 8, 2015 the Commission provided notice that the proposal did not conform to the North Baffin Regional Land Use Plan. |
| May 21, 2015 | Baffinland | Applied to Minister for Exemption from Land Use Plan | Minister of Aboriginal Affairs and Northern Development grants exemption to North Baffin Regional Land Use Plan under section 11.5.11 of the <i>Nunavut Agreement</i> on July 13, 2015 and Phase 2 Development referred to the NIRB for assessment. |
| July 13, 2015 | Responsible Minister | Exemption granted and proposal referred to NIRB for assessment | Minister of Aboriginal Affairs and Northern Development grants exemption to North Baffin Regional Land Use Plan for the Phase 2 Development proposal under section 11.5.11 of the <i>Nunavut Agreement</i> . |
| | | | |



| Date | Party | Process Steps | Notes |
|--------------------|-----------------------------|--|--|
| December 19, 2016 | NIRB | Issued notice of scope change; proposal referred to Commission | NIRB determines that the change to scope for the Phase 2 Development is a significant modification and refers Baffinland to the Commission as required under NuPPAA s. 141. |
| May 29, 2018 | Nunavut Planning Commission | Conformity determination issued with referral to the NIRB for assessment | Phase 2 Development proposal received positive conformity determination to North Baffin Regional Land Use Plan. Proposal determined to be a significant modification to project and required amendment to Project Certificate No. 005. |
| June 11, 2018 | NIRB | Notice of Assessment and confirmation of applicability of Amended Guidelines | NIRB provided direction to parties on the processing of modification applications including the Phase 2 Development proposal, confirmed previous Guidelines were still adequate in providing direction on requirements of the FEIS Addendum. |
| August 23, 2018 | Baffinland | FEIS Addendum submitted with request for NIRB/ NWB coordinated assessment | Following the original request for a coordinated assessment process, on September 10, 2018 Baffinland clarified that it was seeking coordination in the form of a joint technical meeting and separate but consecutive public hearings. |
| September 14, 2018 | NIRB | FEIS Addendum not accepted | NIRB provided notice that the submission did not fulfill the requirements of the Guidelines; specifically, additional information required on Environmental Management Plans, increased accuracy of references in concordance table, and ambiguity in content. |
| October 3, 2018 | Baffinland | Submission date for revised FEIS Addendum provided | Additional detail on updates to the Addendum provided with submission; NIRB received complete document by October 5, 2018 and initiated internal conformity check discussions with NWB. |
| October 10, 2018 | NIRB | Internal conformity check of FEIS Addendum | NIRB provided Baffinland additional direction on conformity check of FEIS Addendum. |



| Date | Party | Process Steps | Notes |
|--------------------|-------------|--|---|
| August 29, 2019 | NIRB | Notice of Site Visit for the NIRB's Board and Intervenors | Baffinland provided a tour of the Mary River site on September 21, 2019; report issued October 22, 2019. |
| September 6, 2019 | Parties | Request for Intervenor status submitted to the NIRB | Intervenor applications received from Nunavut Independent Television Network (NITV), Oceans North, World Wildlife Fund; NIRB grants Intervenor Status to these organizations on September 6, 2019. |
| September 16, 2019 | NIRB | <i>Draft</i> Public Hearing Agenda circulated | Draft agenda provided to parties for comment; final agenda released October 10, 2019. |
| September 24, 2019 | NIRB | Request for community representatives to attend the Public Hearing | Correspondence sent to Pond Inlet, Resolute Bay, Grise Fiord, Arctic Bay, Igloolik, Clyde River, Hall Beach, and Iqaluit seeking nomination of 5 representatives per community. |
| September 27, 2019 | Intervenors | Final written submissions (FWS) submitted to NIRB | FWS received from QIA, Hamlet of Pond Inlet, Mittimatalik HTO, GN, CIRNAC, ECCC, DFO, HC, NRCan, PC, TC, ON, WWF, and NITV. |
| October 17, 2019 | Baffinland | Responses to FWS provided | |
| October 29, 2019 | NIRB | Procedural Guidance provided | As a result of Oceans North and Mittimatalik HTO submitting separate motions for the Hearing, as well as the Hamlet of Pond Inlet and Oceans North requesting additional time for Dr. J. Loxley to present his paper, the NIRB provided clarification to parties on expectations for the Hearing. In addition, NTI requested additional time to present at the hearing. |



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| NIRB Staff: | R. Barry, Executive Director T. Arko, Director, Technical Services Solomon Amuno, Technical Advisor II Cory Barker, Technical Advisor I Mark Ings, Director, Finance and Administration |
| NIRB Legal Counsel: | T. Meadows, Meadows Law |
| Interpreters: | J. Tucktoo, Interpreter (NIRB) Leah Kilabuk, Interpreter (NIRB) Veronica Dewar, Interpreter |
| Court Reporters: | Julie Albert, CSR(A), Dicta Court Reporting Inc. Christy Longacre, RPR, CSR(A), Dicta Court Reporting Inc. |
| Sound Technician: | B. Beattie, Environmental Technologist (NIRB) |
| Parties: | |
| Proponent: | |
| Baffinland Iron Mines Corporation | C. Kowbel, Legal Council B. Armstrong, Legal Council L. Duke, Legal Council B. Penney, President, Chief Executive Officer M. Lord-Hoyle, Vice President, Sustainable Development L. Kamermans, Director, Sustainable Development A. Moore, Manager, Government Relations and Public Affairs U. Hanson, Vice President, Community and Strategic Development J. Tigullaraq, Head of Norther Affairs E. Malcolm, Sustainability Specialist K. Johnson, Environmental Assessment Specialist F. Pittman Rail Manager C. Devereaux, Environmental Superintendent T. Sewell, Director, Health, Safety, Environment & Security A. Sira, Director, Corporate Human Resources M. Austin, JASCO Applied Sciences P. Osborne, Golder Associates Ltd. T. Thomas, Golder Associates Ltd. C. Moore, Intrinsic F. Van Biljon, Hatch Engineering M. Lepage, RWDI A. Macleod, Environmental Dynamics Inc. M. Settingington, Environmental Dynamics Inc. A. Van Buren, Stantec |



| | |
|---------------------------------------|--|
| | <p>S. Wallace, Stantec P. Glenen, Stantec M. Winterbottom, Hemmera B. Wheeler, Hemmera J. Prno, Jason Prno Consulting T. Keane, Fednav Limited C. Legault, Fednav Limited S. Douville, Fednav Limited D. Del Cardo, Genessee Wyoming Canada R. Cook, Knight Piesold</p> |
| <i>Intervenors:</i> | |
| Nunavut Tunngavik Incorporated | <p>M. Belleau, Legal Council A. Kotierk, President P. Inngaut, Director, Wildlife and Environment H. Uniuqsaraq, Chief Operating Officer D. Lee, Wildlife Biologist J. Maurice, Director for Policy</p> |
| Qikiqtani Inuit Association: | |
| | <p>B. McRae, General Council L. Land, Legal Council P.J. Akeeagok, President, L. Barnabas, Community Director for Arctic Bay and Mary River Project Portfolio Lead J. Groves, Executive Director E. Aariak, Chief Negotiator J. Ottenhof, Director of Major Projects S. Sahar Zerehi, Director of Communications C. Spencer, Regulatory Manager R. Olson, Firelight Research Group A. MacDonald, Firelight Research Group S. Leech, Firelight Research Group B. Stewart, Arctic Biological Consultants J. Higdon, Higdon Wildlife Consulting N. Jewitt, Arktis Piositippaa</p> |
| Government of Nunavut | <p>E. Stockley, Legal Council N. O’Grady, Avatiliriniq Coordinator J. Onalik, Associate Deputy Minister S. Pinkson, Assistant Deputy Minister A. Robinson, Manager, Land Use and Environmental Assessment D. Haney, Project Manager — Impact Assessment E. Taylor, Project Manager, Socio-economic Monitoring B. Pirie, Project Manager, Research and Monitoring S. Atkinson, Wildlife Consultant</p> |



that the change meets the requirements of procedural fairness remains on the party or parties making the request. If the Board determines that the normal practice is fair, and the requested change is merely favored by the requested party, the Board may reject the requested change and continue with its normal practice. This is the general approach underlying the Board's specific disposition of the preliminary matters and motions detailed below.

3.1 Preliminary Matter Request by Hamlet of Pond Inlet to Add a Speaker to the Hearing Agenda

On Friday, October 25, 2019, the Board received a request from the Hamlet of Pond Inlet (supported by Oceans North) to add to the Agenda a presentation by John Loxley (an academic at the University of Manitoba) of his paper entitled "the Assessment of the Mary River Project: Impacts and Benefits". This paper had been appended to the Hamlet of Pond Inlet's Final Written Submissions filed with the Board on September 20, 2019.¹ In correspondence on October 25, the NIRB advised parties of the joint request and proposed to add 15 minutes to the Agenda following the Hamlet of Pond Inlet's presentation to allow for this presentation on Sunday, November 3, 2019 after which questioning on both presentations would be permitted. The Board also invited parties to provide their comments with respect to the addition by the end of the day on October 28.

3.1.1 Views of the Parties

On October 28 Baffinland responded,² objecting to the request being made jointly by Oceans North with the Hamlet of Pond Inlet and querying the role of Oceans North in proffering a witness addressing socio-economics, notwithstanding that the scope of the Oceans North intervention being on the potential for ecosystemic effects in the marine environment. Baffinland further noted that this information was better placed as part of the Hamlet of Pond Inlet's presentation on socio-economics, but indicated that even if that was the context within which the information was placed, Baffinland had serious reservations about the paper being presented, as it contained many inaccuracies.

On October 29, the Hamlet of Pond Inlet responded in writing to Baffinland's submission:

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

¹ Final Written Submission of the Hamlet of Pond Inlet, dated September 20, 2019, circulated by the Board on September 30, 2019 (NIRB document ID No. 327046).

² Correspondence submitted by Baffinland Iron Mines Corporation in response to the joint request of Oceans North and the Hamlet of Pond Inlet to add a presentation to the Public Hearing Agenda, dated October 28, 2019, circulated by the Board on October 29, 2019 (NIRB document ID No. 327339).



Loxley's work during their questioning of him following the presentation. On November 5, 2019, John Loxley appeared before the Board, made his presentation and was questioned by the parties.

3.2 Written Motion by Oceans North

On Monday, October 28, the Board received for filing a Notice of Motion from Oceans North, supported by an Affidavit from a researcher, Georgia Macdonald, who indicated she was working with Oceans North in respect of the Baffinland file (the Oceans North Motion).¹⁴ In the Motion Oceans North requested that the Board suspend the Board's review of the Proposal because Oceans North had identified inconsistencies between information provided by Baffinland during the Board's assessment of the Phase 2 Development Proposal and a Preliminary Offering Circular dated June 18, 2018 that Oceans North indicated was provided by Baffinland to private investors in an effort to raise approximately \$550 million in project funding. Specifically, Oceans North highlighted that Baffinland had suggested to potential investors that they had plans to increase project shipping through Milne Port to 18 million tonnes per year, but the scope of the Proposal under assessment involves an increase to 12 million tonnes of ore shipped per year. Oceans North indicated that this discrepancy meant that Baffinland withheld relevant information in the Final Environmental Impact Statement Addendum (FEIS Addendum) and that the Hearing should be suspended until the additional information provided in the Preliminary Offering Circular was translated and filed on the Board's public registry and parties had been given an opportunity to review and consider the information.

Alternatively, Oceans North requested that the Board identify subsequent dates to hold additional hearings in order to allow parties more time to consider the information in the Preliminary Offering Circular in comparison to the information provided in Baffinland's FEIS Addendum filed for the Proposal. These additional hearing dates would provide Oceans North and other intervenors more time to adequately review the previously unavailable information provided in the Preliminary Offering Circular to prepare updated questions and comment submissions.

The Preliminary Offering Circular dated June 28, 2018 was attached as an Appendix to Ms. Macdonald's Affidavit. Although the Affidavit noted that the Preliminary Offering Circular was not publicly available, Ms. Macdonald indicated that in September 2019, Oceans North obtained a "commercially-available copy from a New York-based service which makes this type of information available to the investment community." Oceans North did not provide any further information regarding the source of the Preliminary Offering Circular and did not identify that the Preliminary Offering Circular was provided under the terms of a confidentiality agreement. The NIRB posted the Notice of Motion from Oceans North, Affidavit of Ms. Macdonald and appended Preliminary Offering Circular on the registry. A short time later, Baffinland contacted the Board and advised that the Preliminary Offering Circular, in its entirety, was a confidential document that should not be publicly disclosed. In response, the NIRB removed the Affidavit and Preliminary Offering Circular from the NIRB's registry, pending Baffinland supplying the Board with information regarding Baffinland's assertion that the Circular was a confidential document. Upon review

¹⁴ Notice of Motion and Affidavit filed by Oceans North dated October 28, 2019 circulated by the Board on October 29, 2019 (NIRB document ID No. 327332).



Ms. Macdonald's Affidavit was reposted to the registry but the Preliminary Offering Circular was not reposted pending the Board's direction after hearing the Motion at the Public Hearing.

3.2.1 Views of the Parties

On October 31, 2019 the Government of Canada (GoC) provided a written response to the Oceans North Motion,¹⁵ indicating the following:

- There may be merit to allowing Oceans North to file the Affidavit of Georgia Macdonald and excerpts of the Preliminary Offering Circular relevant to the Proposal on the public record;
- However, based on the GoC's recognition that phased development is becoming an increasingly common practice, in all project development and that this approach to development is contemplated by the *Nunavut Agreement* and the *Nunavut Planning and Project Assessment Act*, and noting that the scope of the current Proposal under assessment by the NIRB is clearly stated and is limited to an increase to 12 Mt/a, the Oceans North application to suspend or delay the Board's review on the basis that Baffinland may be considering possible plans to seek a further increase to shipping in future is without merit.

It should be noted that the GoC's response was filed before the Baffinland response, so the Government of Canada did not have the benefit of having reviewed Baffinland's excerpt of the Preliminary Offering Circular.

Late in the afternoon of October 31, Baffinland filed both their response to the Oceans North Motion and their assertion that the version of the Preliminary Offering Circular document provided by Oceans North is a confidential document.¹⁶ With respect to the confidentiality claim, Baffinland provided the Affidavit of Fernando Ragone, the Chief Financial Officer of Baffinland who had personal knowledge about the Preliminary Offering Circular.¹⁷ Mr. Ragone indicated that the version of Preliminary Offering Circular provided by Oceans North was an unfinalized draft of the Preliminary Offering Circular which was ultimately released on June 22, 2018. He indicated the Circular is a confidential document which was provided solely for the purpose of offering to a limited number of private investors the opportunity to purchase Bonds in the Mary River Project and was provided under strict terms of confidentiality and securities laws applicable to issuers of private bonds.

With respect to the substance of the Oceans North Motion regarding the inconsistent reference to ore shipping in any given year, appended to Mr. Ragone's was a redacted section of the June 22, 2018

¹⁵ Government of Canada written comments to Oceans North and Baffinland Iron Mines Corporation Notices of Motion dated October 31, 2019, circulated by the Board on November 1, 2019 (NIRB document ID No. 327375).

¹⁶ Baffinland Iron Mines Corporation Response to Motion of Oceans North, dated October 31, 2019, circulated by the Board on November 1, 2019 (document ID number: 327373)

¹⁷ Affidavit of Fernando Ragone (NIRB document ID No. 327372).



The Government of Canada stated the following: “Our position is more accurately stated to reflect that it is entirely within the jurisdiction and mandate of the Board to dismiss the motion and that we see that there are reasonable grounds for the Board to dismiss the motion.”²⁴ With respect to the concern expressed by Oceans North that Baffinland is planning to ship 18 Mt/a via Milne Port, the Government of Canada stated the following:

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

*This expression of flexibility has caused some concern amongst the federal departments and agencies, and we simply wish to have it clarified to the Board that this flexibility does not involve an increase in production or shipment from the Milne Inlet Port of more than 12 million tons per year. If Baffinland’s intention in having additional operational flexibility beyond 12 million tons per year, our submission would be that that is not the proposal before the Board and that many of the intervenors have not had an opportunity to assess that.*²⁵

The Qikiqtani Inuit Association indicated QIA had not had adequate time to review the documents proposed to be filed by Oceans North, and did not express an opinion about the Oceans North Motion, but indicated: “In the upcoming days, Qikiqtani Inuit Association’s team will be closely reviewing new material present to the Nunavut Impact Review Board to ensure that the interests of Qikiqtani Inuit are protected and respected by all parties.”²⁶ Nunavut Tunngavik Incorporated similarly noted that NTI had not had sufficient time to review the documentation filed in support of the Oceans North Motion. Nunavut Tunngavik Incorporated expressed confidence in the Board’s ability to decide what information is relevant to the assessment of the Proposal, but advised the Board that if the Board did subsequently find the documents to be admissible as evidence that would lead to revisions to the Proposal, then Inuit would require more time to review this information and take it into account.²⁷

The Mittimatalik Hunters and Trappers Organization (MHTO) supported the disclosure of the Preliminary Offering Circular, noting:

...the Hunters and Trappers Organization agrees that materials filed by Oceans North within their notice as they relate to Baffinland’s approach to project development and as provided to its funders/investors should be allowed without restriction on the Nunavut Impact Review Board’s public registry. We would like to know more about the profitability

²⁴ D. Kohlenberg, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at p. 155, lines 7-11.

²⁵ D. Kohlenberg, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at pp. 155-156, lines 19-26 and lines 1-6.

²⁶ J. Ottenhoff, Qikiqtani Inuit Association, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at p. 157, lines 11-15.

²⁷ M. Belleau, Nunavut Tunngavik Incorporated, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at p. 157-158.



*any human being or any animal trying to cross the railway tracks, given that more trains would be barreling down the track, presumably carrying 50 percent more ore to the port of Milne Inlet. It has serious implications for all of us in this room.*³⁰

The Igloolik Working Group also indicated that communities have been challenged to review all the information exchanged as part of the NIRB assessment of the Proposal to date. The Igloolik Working Group further stated:

*... we are in agreement with Oceans North Motion 1 and 2. We feel that we need all of the documentation in front of the Igloolik Working Group for the Igloolik Working Group to make an informed decision on behalf of Igloolik. We feel that even though there was a lot of documents being reviewed, we were trying to do our best to review them, but now we have learned that there's additional documentation that hasn't even been submitted that is truly relevant to the project at hand.*³¹

The Government of Nunavut (GN) indicated that the GN would defer to the Board as to whether the Preliminary Offering Circular should be made available. The World Wildlife Fund (WWF) indicated that the WWF is supportive of the Oceans North Motion, but noted that any additional documents admitted as evidence should be “*translated properly, with the documents that are dispersed to the community and not just to be seen by the non-Inuit to read, but also Inuit need to see all the documents translated.*”³²

The Nunavut Independent Television Network did not take a formal position on the Oceans North Motion, but stated:

*However, we do support the general points made by a number of intervenors about the importance of trust and transparency as fundamental components to inform consultation with Inuit, and we also underscore the point made by the Government of Canada about the need to clarify what operational flexibility implies for the proponent.*³³

3.2.2 Disposition by the Board

Based on the Board’s consideration of the Affidavits of Ms. Macdonald and Mr. Ragone, and the oral and written submissions of the parties in advance of, and during the Hearing, the Board concluded the following:

- based on the evidence of Mr. Ragone, Baffinland had established that the Preliminary Offering Circular was a confidential document provided under the

³⁰ F. Tester, Hamlet of Pond Inlet, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at p. 162, lines 1-15.

³¹ M. Recinos, Igloolik Working Group, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at p. 164, lines 8-17.

³² P. Okalik, WWF, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at p. 167, lines 21-25.

³³ L. Lipsett, Nunavut Independent Television Network, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at p. 168, lines 7-17.



On Monday, October 28 the Board received a Notice of Motion and Affidavit of Brian Penney, the Chief Executive Office at Baffinland.³⁵ The Notice of Motion requested that the Board consider receiving an 11 page document summarizing information contained in Baffinland’s audited financial statements which explains the financial viability and economics of the Mary River Project (the Economic Summary) in confidence for the Board’s consideration only and without posting on the public registry. The basis for Baffinland’s assertion of confidentiality is that the public disclosure of the Economic Summary:

- Could have a negative impact on Baffinland’s negotiating leverage with financiers or underwriters
- May limit Baffinland’s marketing efforts to potential investors if viewed out of context;
- Contains sensitive information that could affect Baffinland’s competitive position with respect to other market participants;
- May compromise Baffinland’s negotiating position with goods and service supplies, as well as customers; and
- May compromise Baffinland’s negotiating position with respect to hiring at the executive level.

3.3.1 Views of the Parties

On October 31, 2019, the Government of Canada (GoC) filed a written response to Baffinland’s Notice of Motion³⁶ indicating that the GoC does not oppose the confidentiality order if the Board is satisfied that the information should be kept confidential in accordance with the NIRB’s Rules of Procedure. However, the GoC notes that the GoC has not requested to be provided with a copy of the Economic Summary to be kept in confidence, but preserves the right to do so if such information would be useful to the GoC in its review of the Phase 2 Development Project.

In addition to the receipt of the GoC written submission, during the Hearing on November 3, 2019 the Board invited the Proponent and Intervenors to provide the Board with their views regarding the motion.³⁷

Baffinland clarified during the Hearing the implications for Intervenors if the Board granted the requested for confidentiality:

*We're asking for confidentiality. That means it's not posted on the registry and generally available to the public. I note that the rules -- it's Rule 13.4 --provides that where documents are confidential, they may be reviewed by parties on undertakings. And we would want to be very careful about the terms of those undertakings.*³⁸

³⁵ Notice of Motion and attachment in support of Baffinland Iron Mines Corporation dated October 28, 2019, circulated by the NIRB on October 29, 2019 (NIRB document ID No. 327333)

³⁶ Government of Canada written comments to Oceans North and Baffinland Iron Mines Corporation Notices of Motion dated October 31, 2019, circulated by the Board on November 1, 2019 (NIRB document ID No. 327375).

³⁷ The full transcript of the discussion of the Baffinland Motion at the Hearing is found in the NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at pp. 169-184.

³⁸ B. Armstrong, Baffinland Iron Mines Corporation, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at p. 169, lines 14-20.



Legal counsel for the NIRB clarified how confidential documents may be considered by the Board and parties, as follows:

there are provisions in the NIRB's Rules of Procedure that would allow for information that is considered to be confidential to be provided to other participants in the public hearing venue, subject to confidentiality requirements, so signing undertakings, also providing nondisclosure agreements or -- or other further reassurances of maintaining confidentiality within the group of participants who would be able to access that information.

And as -- as legal counsel for Baffinland also noted, as part of that order, the Board could also -- would -- would also indicate that the documentation would not be available on the normal process which would be posted on the public registry and/or, if it was entered as an exhibit in these proceedings, again, there would be a notification only on the registry that that information has been maintained in confidence and is subject only to disclosure under an undertaking.³⁹

In response, to Baffinland's Motion, an Elder from Iqaluit, indicated: "*Sometimes perhaps some information may not be relevant, but we have to hear all types of evidence.*"⁴⁰

During the Hearing, the Government of Canada indicated their position was as stated in the written submission. The Qikiqtani Inuit Association took no position on the confidentiality request of Baffinland, but did request "*the right to be able to review a copy of Baffinland's proposed economic summary as a directly impacted party with an interest in reviewing relevant economic information that affects Qikiqtani Inuit, and that would also validate Baffinland's previous public statements regarding financial viability.*"⁴¹

Nunavut Tunngavik Incorporated did not take a position with respect to the Baffinland Motion, but stated:

... Nunavut Tunngavik Incorporated advocates for transparency in all co-management affairs. It is also most beneficial for the Nunavut Impact Review Board to have access to all relevant information to take into account and consideration when making their decisions in the most comprehensive way.⁴²

Mittimatalik Hunters and Trappers Organization (MHTO) indicated that they would welcome the submission of further information that provides clarity around Baffinland's intentions and the financial viability of the Proposal, but noted: "*We do not believe or agree that the financial summary document, if*

³⁹ T. Meadows, Nunavut Impact Review Board, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at p. 172, lines 6-23.

⁴⁰ Mr. Kakee, Iqaluit, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at p. 174, lines 7-9.

⁴¹ J. Ottenhof, Qikiqtani Inuit Association, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at pp. 174-175, lines 26 and 1-5.

⁴² M. Belleau, Nunavut Tunngavik Incorporated, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at pp. 176-177, lines 26 and 1-6.



comments to the communities prior to the short closing comments at the end of the Community Roundtable as set out in the draft Agendas..⁴⁷

During the Hearing on November 3, 2019 the Board invited the Proponent and Intervenors to provide the Board with their views regarding the MHTO's Motion.⁴⁸

The Mittimatalik Hunters and Trappers Organization (MHTO) summarized their position as follows:

The Hunters and Trappers Organization, as a party to a modern land claim, is concerned that the hearing agenda, as it is proposed, may not allow for adequate consultation with potentially affected Inuit. The members here, and myself, represent not only the current Board members of the Hunters and Trappers Organization, but all harvesters in Pond Inlet and the Inuit there who depend on harvested wildlife for sustenance.

Without an ability to present and speak directly to our fellow Inuit, these attendees at the community roundtable may not fully understand the range and depth of issues we are concerned about regarding the Phase 2 development.⁴⁹

The MHTO also expressed concerns about fairness of the process if intervenors are limited in their participation at the Community Roundtables, as follows:

...we have concerns that the current ordering may unfairly benefit Baffinland. Our intervention is centered on Inuit knowledge and Inuit experience. Without an ability to speak to fellow Inuit, we are not confident that the Nunavut Impact Review Board's agenda will allow for adequate information to be presented to roundtable representatives, nor for the commentary to come from representatives back to the Hunters and Trappers Organization, to Baffinland, and to all the other intervenors who should receive the same fair treatment throughout this process..⁵⁰

Further the MHTO indicated that it is unfair for community representatives in attendance at the Hearing during the technical sessions to be required to remember the presentations, questions and comments of Intervenors so that they can ask questions of those e Intervenors later during the Community Roundtable sessions. In addition, the MHTO noted that the Board cannot guarantee that community members participating in the Community Roundtable proceedings in Pond Inlet will have been able to watch the technical sessions broadcast on the internet.

⁴⁷ Oceans North correspondence on Draft Agenda, dated October 2, 2019, circulated by the Board as attached to the MHTO Motion on November 1, 2019 (NIRB document ID No. 327378).

⁴⁸ The full transcript of the discussion of the Baffinland Motion at the Hearing is found in the NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at pp. 184-198.

⁴⁹ A. Hanson-Main, Mittimatalik Hunters and Trappers Organization, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at pp. 186-187, lines 23-26 and 1-10.

⁵⁰ A. Hanson-Main, Mittimatalik Hunters and Trappers Organization, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at p. 187, lines 13-23.



The Qikiqtani Inuit Association supported the MHTO Motion, noting: “*It is important that the Mittimatalingmiut are able to weigh information not just from Baffinland, but also the Inuit organizations and other intervenors who have participated fully in this review process.*”⁵¹ Nunavut Tunngavik Incorporated also supported the MHTO’s Motion, noting the importance of Inuit having the right to be adequately informed and the opportunity to participate fully and fairly in the process. The Hamlet of Pond Inlet and the Igloodik Working Group supported the Motion of the MHTO.

The Government of Nunavut had no objections to the MHTO Motion, noting: “*we believe in the rights of the parties to be heard in procedural matters, and we would, thus, support other parties, inclusive of the proponent, having an opportunity to reply as parties may deem appropriate.*”⁵² The Government of Canada also indicated that the GoC had no objections to the motion.

As indicated in their correspondence of October 2, 2019, Oceans North supported the MHTO’s motion, but noted that: “*...it remains our position that additional time within the schedule afforded to intervenors is not sufficient to address many of the issues that have arisen*”⁵³

The World Wildlife Fund supported the MHTO Motion stating:

*Allowing Baffinland the opportunity to directly address the community roundtables, but not providing the same opportunity to intervenors, will result in one-sided information from Baffinland being the only perspective presented and will lead to an uninformed discussion and equally uninformed and even misinformed eventual decision by the NIRB Board,*⁵⁴

Nunavut Independent Television Network (NITN) advised that there had been intermittent outages of the internet (and therefore access to the streaming of the Hearing by community members in Pond Inlet) during the broadcast, so NITN was aware of the limitations on streaming the proceedings. NITN also indicated support for the MHTO Motion “*on the basis that community members should benefit from having the perspectives of all parties and intervenors who wish to express themselves, while at the same time ensuring that there's sufficient time for community members to give their own perspectives and to ask questions.*”⁵⁵

Baffinland took no position with respect to the Motion of the MHTO, leaving to the Board the determination of how the Community Roundtable sessions should be conducted.

⁵¹ J. Ottenhof, Qikiqtani Inuit Association, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at p. 191, lines 12-15.

⁵² N. O’Grady, Government of Nunavut, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at p. 194, lines 23-26.

⁵³ C. Debicki, Oceans North, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, at p. 195, lines 22-25.

⁵⁴ A. Dumbrille, World Wildlife Fund, Nunavut Impact Review Board, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, pp. 196-197, lines 20-26 and 1.

⁵⁵ L. Lipsett, Nunavut Independent Television Network, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 1, November 2, 2019, p. 197, lines 12-18.



municipal governments in the five North Baffin communities most directly affected by the Proposal to meet, as a collective to discuss the Proposal and the potential for economic benefits and project-effects.⁵⁷ In support of the motion, the Igloolik Working Group noted that although the communities had hoped to receive funding to support this meeting prior to the Hearing, CIRNAC had indicated that the funding requested had been approved during the Hearing. The Igloolik Working Group indicated that the outcome of the meeting would further inform the interventions of communities before the Board and that a summary of any such outcome would be provided to the Board following the meeting.

3.5.1 Views of the Parties

The Board invited parties to provide a response to the Motion by the Igloolik Working Group to keep the Public Hearing Record Open during the Hearing on November 5, 2019.⁵⁸ The Qikiqtani Inuit Association (QIA) supported the Motion of the Igloolik Working Group, stating:

Allowing the record to remain open would allow the communities to have an opportunity to come together to ensure that they can review what they have heard, confirm for themselves that they understand the impacts of the project, and provide any necessary supplemental submission to the Board to help inform your decisions, based on what their assessment, as well, of the impacts of the project is.⁵⁹

The QIA also indicated that if the Board did grant the Motion, that once the communities had an opportunity to provide an additional submission to the Board to reflect the outcome of their meetings, that all other parties to the process should be given short period (72 hours was suggested) to file a supplemental final written argument if they chose to do so. Nunavut Tunngavik Incorporated echoed their support for the Motion on the same basis as the QIA, and asked for parties to have an opportunity to file supplemental written submissions within 72 hours of the community submission being filed.

The Mittimatalik Hunters and Trappers Organization (MHTO) supported the Motion of the Igloolik Working Group but noted that it may be difficult to organize the meeting of the communities within two weeks of the close of the Hearing. The MHTO also expressed concern that the volume of materials that parties should be permitted to file in their supplemental submissions should be limited, as there are limited resources for parties, such as the MHTO, to review lengthy submissions.

The Hamlet of Pond Inlet indicated support for the Motion but inquired regarding what the implications of keeping the Public Hearing Record open would be for the Board's 45 day decision-making timeline. The

⁵⁷ M. Recinos, Igloolik Working Group, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 3, November 4, 2019, at pp. 642-644.

⁵⁸ The discussion of the Igloolik Working Group Motion can be found in the NIRB Public Hearing File No. 08MN053 Transcript, Vol. 4, November 5, 2019, at pp. 670-680.

⁵⁹ L. Land, Qikiqtani Inuit Association, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 4, November 5, 2019, at p. 673, lines 10-18.



Owned Land then Inuit need to be a part of the process and have meaningful input into project development.⁶²

At the Hearing, registered Interveners expressed unanimous support for NTI's Motion.⁶³ Although Baffinland noted that they would be prejudiced by this unexpected delay in the process, Baffinland requested that the Board defer outlining a revised timeline until Baffinland had the opportunity to provide submissions.⁶⁴

Following a short period of deliberation on November 6, 2019, the Board adjourned the Public Hearing and cancelled the Community Roundtable session in Pond Inlet scheduled for November 8-9, 2019. The Board further requested that parties provide their views with respect to the required length of the suspension of the Public Hearing. Interveners were required to provide a written response to NTI's Motion on or before November 15, 2019 and Baffinland was required to file a response by November 22, 2019 (which was later extended to November 29, 2019 to allow Baffinland time to conduct additional engagement with community representatives).

3.6.1 Views of the Parties

On or before November 15, 2019 the NIRB received written responses from the following Interveners and interested parties:

- Nunavut Tunngavik Incorporation (doc ID no.: 327469);
- Qikiqtani Inuit Association (doc ID no.: 327476);
- Hamlet of Pond Inlet (doc ID no.: 327449 to 327452);
- Mittimatalik Hunters and Trappers Organization (doc ID no.: 327448);
- Igloolik Working Group (doc ID no.: 327466);
- Igloolik Hunters and Trappers Association (doc ID no.: 327492);
- Hamlet of Arctic Bay (doc ID no.:327491);
- Government of Nunavut (doc ID no.: 327469);
- Government of Canada (doc ID no.: 327475);
- Ocean's North (doc ID no.: 327490);
- Nunavut Independent Television Network (doc ID no.: 327467); and
- World Wildlife Fund (doc ID no.: 327463).

⁶² See the statement of A. Kotierk, President, Nunavut Tunngavik Incorporated, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 5, November 6, 2019, at pp. 1019-1023.

⁶³ The oral submissions of the Interveners can be found in NIRB Public Hearing File No. 08MN053 Transcript, Vol. 5, November 6, 2019, at pp. 1024-1038.

⁶⁴ B. Armstrong and M. Lord-Hoyle, Baffinland, NIRB Public Hearing File No. 08MN053 Transcript, Vol. 5, November 6, 2019, at pp. 1038-1041



| Party | Time | Justification | Additional Comments |
|------------------------------|--------------------|--|---|
| Government of Nunavut | None given | <ul style="list-style-type: none"> ▪ Recommend the NIRB expedite the reconsideration process to prevent negative economic effects from layoffs and that the Board schedule a second Public Hearing at the first available dates, unless Intervenors have justified a greater delay. | Request a pre-Hearing teleconference be scheduled 45 days prior to reconvening the Public Hearing and request that the Board allow Intervenors to amend their previously filed final written submissions prior to the continuation of the Public Hearing. |
| Government of Canada | None given | <ul style="list-style-type: none"> ▪ Regardless of the length of the adjournment, the period of adjournment should be used by the parties to resolve or clarify issues | The Government of Canada supported additional discussion on the renewal of the Production Increase Proposal's 6 mt/a ore output. |
| Oceans North | None given | <ul style="list-style-type: none"> ▪ Allow for the completion and dissemination of relevant information as well as clarification of the project scope. | |
| World Wildlife Fund | 12 months | <ul style="list-style-type: none"> ▪ To allow clarification of scope of the project as well as finalizing the preferred railway routing, with justification for selection and including mitigation measures to address potential impacts on caribou. ▪ To allow Proponent to address community concerns regarding Inuit Qaujimagatuqangit. | Request additional technical meetings be held either during adjournment or as part of the continued Public Hearing. |
| NITV | Unspecified | <ul style="list-style-type: none"> ▪ Supports a longer adjournment to help improve dialogue between the Proponent and parties on some of the critical issues related to impact significance and integration of Inuit Qaujimagatuqangit into the impact assessment and | Recommended the need for additional participant funding to support informed and constructive discussion when the public hearings resume |



| Party | Time | Justification | Additional Comments |
|-------------------|-------------------|--|--|
| | | <p>mitigation strategies for the Phase 2 Proposal.</p> <ul style="list-style-type: none"> ▪ The period will also allow time to translate the key information and documentation about the Phase 2 Proposal into Inuktitut. | |
| Proponent | | | |
| Baffinland | 5.5 Months | <ul style="list-style-type: none"> ▪ To allow Baffinland to address concerns raised by parties and consider additional steps requested for consultation or updating of final written submissions. ▪ Baffinland would provide additional info by December 30, Intervenor would provide an update to their final written submissions by January 31 and Baffinland would respond by February 17 ▪ Requested the NIRB to hold a week of technical meetings in late February or early March ▪ Recommended a 2 week in-person public hearing in mid-April 2020, with the NIRB report to be issued to the Minister by end of June 2020. | <p>A failure to schedule public hearings commencing in mid-April 2020 (and completing in time for NIRB to issue its report and recommendation to the Minister at the end of June 2020) will challenge Baffinland’s ability to engage with potential investors and may result in lost financing opportunities for the project.</p> <p>Baffinland will be seeking an extension to the 6 mtpa production increase due to expire on December 31, 2019 in a separate application.</p> |



| Party | Time | Justification | Additional Comments |
|--|-------------------|--|--|
| Other Parties Participating through Appointed Community Representatives | | | |
| Igloolik Hunters and Trappers Association | None given | Supports the adjournment and delay of the Public Hearing to allow time for the most affected communities to meet and discuss the proposal. | Baffinland should address the concerns of Pond Inlet regarding the railway alignment and the potential project effects on Narwhal and Beluga as well as incorporate the concerns of the most affected communities into the project proposal. |
| Hamlet of Arctic Bay | 4 Months | Provided motion that NIRB resume the Public Hearing before 14 February 2020. | |

3.6.2 Disposition by the Board

Unfortunately, due to a number of circumstances that occurred in the lead up to the Public Hearing and during the Public Hearing, including a significant number of outstanding submissions and a lack of time to translate and review large volumes of information, the Board was unable to ensure the planned Agenda was successfully completed during the in-person Public Hearing conducted November 2-6, 2019 (the Hearing). Throughout the Board’s consideration of the Proposal, the Board has heard that there are significant concerns regarding the impact assessment methodology employed by Baffinland, the use of Inuit Qaujimagatuqangit and limits on the public engagement undertaken by the Proponent to support the Proposal. Parties also expressed that there is a lack of trust between some parties and the Proponent, which appeared to complicate discussions of the technical issues associated with the Proposal during the Hearing.

Further, although there were differences amongst the parties regarding the length of the adjournment and additional steps in the process required to conclude the Hearing associated with the Board’s assessment of the Proposal, there is general consensus amongst all parties that further discussions are required to resolve technical issues associated with the Proposal, with the Proponent and parties generally aligned in identifying the need for additional technical meetings to be scheduled to narrow the outstanding issues to be addressed prior to the continuation of Public Hearing proceedings.

In determining the appropriate next steps for this assessment, the Board’s central objective is to ensure the Proponent and parties are able to participate fully in the Board’s processes and can provide the Board with the evidence, comments and questions necessary to:

- address all the technical issues associated with the Proposal;



31, 2019 until the Board's assessment and Minister's consideration of the Phase 2 Development Proposal has been concluded, the Board will be issuing separate correspondence to address the process and procedure associated with the Board's consideration of the 6 Mt/a Proposal.



| Exhibit | Date of Receipt | Exhibit Description | Party Tendering Exhibit |
|----------------|------------------------|--|-----------------------------------|
| 12. | November 4, 2019 | Hard Copy PowerPoint Presentation Alternatives Analysis Final Hearing Iqaluit and Pond Inlet November 2019 <i>(English)</i> | Baffinland Iron Mines Corporation |
| 13. | November 4, 2019 | Hard Copy PowerPoint Presentation Alternatives Analysis Final Hearing Iqaluit and Pond Inlet November 2019 <i>(Inuktitut)</i> | Baffinland Iron Mines Corporation |
| 14. | November 4, 2019 | Hard Copy PowerPoint Presentation Alternatives Analysis Final Hearing Iqaluit and Pond Inlet November 2019 <i>(French)</i> | Baffinland Iron Mines Corporation |
| 15. | November 4, 2019 | Hard Copy PowerPoint Presentation Terrestrial Environment Final Hearing Iqaluit and Pond Inlet November 2019 <i>(English)</i> | Baffinland Iron Mines Corporation |
| 16. | November 4, 2019 | Hard Copy PowerPoint Presentation Terrestrial Environment Final Hearing Iqaluit and Pond Inlet November 2019 <i>(Inuktitut)</i> | Baffinland Iron Mines Corporation |



| # | Date | Party Requesting/ Party Answering | Question | Answer Received | Comments |
|----|--------|---|---|--|---|
| | | | addresses the viability of the project? | | |
| 5. | Nov. 3 | WWF to Baffinland | Ask that Baffinland clarify what the numbers are expected to be for all transits (i.e. ship traffic) that will occur under the Phase 2 Development Proposal scenario; specifically taking into account: tug activity; resupply vessels, the ore carriers, and fuel tankers altogether (not just the numbers of transits for ore carriers) | On November 4, Baffinland provided a partial response, indicating that the information of the number of vessels for each type of carrier, tugs, and resupply vessels were provided in an overview of marine operations summary provided to the NIRB in December 2018 | Deferred to Marine Overview Presentations |
| 6. | Nov. 3 | Nunavut Impact Review Board staff to Baffinland | Request that Baffinland commit to file any market analysis they have relied on to assess the availability of ships that would meet Polar Code requirements? | | On November 4, World Wildlife Fund requested clarification of Baffinland's commitment to provide the analysis as well |



| # | Date | Party Requesting/ Party Answering | Question | Answer Received | Comments |
|-----|--------|--------------------------------------|--|-----------------|---|
| 16. | Nov. 4 | Guy Alikut to Baffinland | Can Baffinland demonstrate how the \$1 billion in contracts awarded by Baffinland benefitted Inuit? | | Baffinland to provide a breakdown of all contracts by service that collectively resulted in the overall \$1 billion in spending |
| 17. | Nov. 4 | Madeleine Qumuatuq to Baffinland | Has Baffinland thought of any alternatives or models to compensate Inuit when the Project disrupts, the environment, wildlife and Inuit culture and principles? | | |
| 18. | Nov. 5 | Mittimatalik HTO to Baffinland | What percentage of the train track will be located on a flat grade? | | |
| 19. | Nov. 5 | Mittimatalik HTO to Baffinland | What is Baffinland's current maximum daily crushing and processing rate at Milne Port; and what would the daily crushing and processing rate be with the Phase 3 Development Proposal's infrastructure in place? | | |
| 20. | Nov. 5 | Mittimatalik HTO to Baffinland | What is the current capacity built at Milne Port for ore stockpiles? | | |



| # | Date | Party Requesting/ Party Answering | Question | Answer Received | Comments |
|---|------|--------------------------------------|----------|-----------------|---|
| | | | | | Transport Canada may place on Baffinland. |