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Municipality of Pond Inlet
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Sent via Email: info@nirb.ca

August 11, 2020

Karen Costello
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU
X08 0C0

Re: Updates to technical issues/themes of outstanding issues associated with next steps in assessment of BIMC's Phase 2 Development Proposal.

Dear Karen Costello,

The Hamlet of Pond Inlet makes the following observations regarding outstanding technical issues/themes of relevance to next steps.

The Hamlet has outstanding concerns in five areas of importance to the Hamlet. These are:

- unresolved issues and concerns involving shipping, sea mammals, ballast water and invasive species;
- unresolved concerns with respect to railroad routing and construction and impacts on caribou habitat, movement, Inuit land use and areas of cultural and historical significance;
- ongoing and persistent issues with respect to dust and the environmental implications of dust on our environment and species we depend on for food;
- food security and the need, for future reference and before construction starts on the Phase 2 Project (should this be recommended), to have credible data on the extent to which Mittimatalingmiut depend on country foods, not only as a food source, but with implications for our mental health and the social and cultural well-being and social relations;
- the social and cultural well-being of Mittimatalingmiut and a better understanding and insight into not only the benefits of wage employment with Baffinland, but the social costs and problems that arise as a result of having more disposable income, time away from family and children - with possible implications for school attendance, family relations, increased substance use – etc.;

- the significance and role of the Inuit Certainty Agreement in determinations to be made by NIRB relative to the data and information submitted by Baffinland in its *Addendum to the Final Environmental Impact Statement, Mary River Project – Phase 2 Proposal*.

Marine Environment

Baffinland has claimed that 92% of the outstanding issues related to technical concerns have been resolved. We dispute this claim. As noted in previous correspondence with NIRB, this statistic is without significance. Some issues are more complex and of greater importance than others. Issues with marine mammals and their protection in relation to shipping and ice-breaking are still outstanding.

This is despite claims by Baffinland made in Megan Lord-Hoyle's letter to NIRB of July 8, 2020. Our concern is with possible impacts on sea mammals, and ballast water discharge and invasive species. Despite claiming that many of these issues have been resolved, the wording of elements in Attachment 2 of Ms. Lord-Hoyle's communication indicate that many issues classified as "resolved" were, at the time, pending a response from DFO that was "expected" to be accepting of the rationale advanced by Baffinland. We invite NIRB to take a closer look at the texts accompany these claims that issues have been resolved.

In relation to the monitoring and adaptive management schemes advanced by the Inuit Certainty Agreement (ICA), we will make the point that monitoring and management, 'after the fact' is not a substitute for NIRB knowing the likely impacts on sea mammals (and caribou) in making its recommendation to Federal Ministers.

At technical hearings, we expect to hear, at length, and to question officials representing DFO and Parks Canada. We wish to hear their outstanding concerns related to the protection of sea mammals in light of existing government policies, plans and initiatives for Sirmilik National Park and Parks Canada's long standing relationship with the Hamlet.

The Hamlet is interested in the possibility of developing a high-end hotel in Pond Inlet, attracting a class of tourists who are interested in taking Inuit culture and cultural knowledge and experience seriously in relation to enjoying and developing an intimate knowledge of our surroundings, and our relationship with the area. This concept is severely challenged by the prospect of over 170 iron ore carriers a season, transiting through Eclipse Sound and the further development of Milne Port.

Railroad Routing and Caribou Habitat

We recognize the efforts of Baffinland to deal with concerns related to the routing of the railroad and likely impacts on caribou movements on north Baffin Island. We acknowledge the possibility that changes made to embankments and crossings may mitigate impacts on caribou movement may mitigate problems related to caribou movements.

However, an Arctic railroad in this location is a 'first ever' undertaking. Despite the 'not significant' claims made by Baffinland with regard to this and related elements affected by its Proposal, we maintain that a considerable risk to caribou remains. Risk assessment would have

been a far better way of approaching these matters. What level of risk remains even after mitigation measures have been introduced? The claim of 'no significance' is not credible.

Matters related to caribou and culturally-significant features of the impacted landscape are further complicated by the IQ research attempted by Baffinland. It was pointed out that the methods used were methodologically questionable; that the use of 1:1,000,000 scale maps, in working with elders cannot produce results that any researcher with experience in this field would consider to be valid. It is generally accepted that maps of 1:50,000 are suitable to capturing details related to caribou habitat, use of space and features of cultural significance to Indigenous peoples. In light of this, we wish to better understand how Baffinland's plans going forward have been informed by the IQ study conducted by Firelight Consultants, for QIA. They appear to play the role of a footnote in what Baffinland has referenced going forward.

We need to hear further from the Nunavut Government about conversations it has held with Baffinland regarding caribou, in the period since cessation of the last round of technical hearings.

Dust and CO₂ Emissions

Dust is an ongoing concern to Mittimatalingmiut. The extent of the dust problem, as noted by hunters and other land users, is a serious consideration going forward. There are ongoing issues related to the measurement of amounts and the area affected by dust.

We expect to hear more from Climate Change and Environment Canada with regard to whether or not issues related to measurement of amounts and areas affected have truly been resolved. We remain concerned about rail cars loaded with ore as a future source of dust. We are worried about the implications of shipping fines, collected from the enclosed crusher at Milne Port, and the dust implications of loading these finer particles on ships at Milne Port.

We wish to further examine claims made about the implications of dust deposition on fish eggs in Phillips Creek and related waterways affected by the Phase 2 Project.

With regard to CCEC and the current federal government's apparent commitment to addressing carbon emissions nationally, we want to better understand how CCEC will address the fact that with regard to shipping, the best Baffinland can do is acknowledge the commitment of international shipping organizations to taking this problem into consideration and considering options going forward. We want to hear from CCEC how it deals with trade-offs between industrial development and carbon emissions in cases like this. This situation reminds us of the compromise made with regard to federal support for the Trans-Mountain pipeline development affecting Alberta and British Columbia.

Food Security

Food security was not an element that received any significant attention from Baffinland in the Addendum document. It is noted only in reference to school lunch programmes, and in two short paragraphs commenting on retail foods. At Table 10-5, under 'Human Health and Well-Being' it is claimed that an earned income will improve Inuit food security.

Baffinland conducted no research and provided no evidence in support of this claim. Its 'take' on food security is entirely economic, and speculative. It ignores the cultural and mental health elements of Mittimatalingmiut as a hunting culture with social, cultural and mental health elements in procuring country food, being of vital importance to the well-being of the community. This, despite food security being an issue throughout Nunavut that has made national headlines.

We acknowledge that the issue of food security is to be addressed by means of the ICA and research to take place *if* the Phase 2 Project is approved. We wish to explore the implications of not investigating the impacts on food security, and of not having the baseline data that would shed some light on these implications until 'after the fact'. We expect to hear from QIA and its consultants in this regard. We want to better understand how and why Baffinland so seriously underplayed an element of vital concern to all Inuit communities – including Mittimatalik – in the research and data it provided to NIRB.

We invite Health Canada to contribute its position on this issue to a Technical Meeting going forward. The Hamlet remains concerned about this issue, accepting that there are risks to our land and resources associated with Phase 2, that should not be underestimated.

Social and Cultural Well-Being

Social and cultural well-being is not a category that received adequate attention from Baffinland. Baffinland's approach, rather than researching the experience of Mittimatalingmiut and the impact of mine-related employment on families and youth, assumed that earned income has an entirely positive effect on all aspects of family life. There is no data or information to support this claim. The minimal data and information referenced by Baffinland in the Addendum document is out of date and of marginal, if any, relevance to current conditions and concerns in our community.

We acknowledge that this matter has been addressed in the ICA. Rather than researching current conditions and experiences, so that results can inform the recommendation to be made by NIRB, social and cultural impacts and implications for well-being have been relegated to monitoring, and interventions to take place 'after the fact', if and when problems arise. How does NIRB respond to the fact that data and information useful to its mandate with regard to this matter is inadequate or not available? What role does the fact that monitoring will now take place 'after the fact' play in the assessment of impacts?

We want an opportunity to question QIA on the details of the approach to addressing matters of social and cultural well-being, and how problems that may be identified will be addressed by Baffinland. We also want to better understand the consultations that may have taken place with Nunavut Social Services, the RCMP, teachers and others in developing this approach.

The Inuit Certainty Agreement

We want to use the Technical Meetings to better understand the significance of the Inuit Certainty Agreement in relation to the elements that Baffinland was required to respond to, as recorded in the Addendum document. We appreciate that some progress has been made with

QIA in resolving outstanding technical issues. We need time to examine these carefully to see if we agree with their resolution. We cannot do this in the time afforded by the original schedule NIRB has put forward for the resumption of Technical Meetings. As noted in our response to Brian Penney's affidavit, we have not had adequate time to review this document.

Our concern is that Baffinland sees the ICA as a substitute for matters that the technical hearings have revealed to have been inadequately or not at all addressed by Baffinland in its application for Phase 2 approval. We want the opportunity to address the monitoring and adaptive management provisions of the Agreement at a Technical Meeting in relation to Baffinland's obligation to address the elements contained in the Addendum application for this project.

Baffinland and QIA have introduced a further element into these proceedings. The matter of adaptive management needs to be critically examined as a means for protecting the interests of our Hamlet.

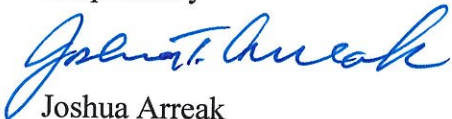
I have been told that adaptive management has been around since the 1970s. There are people who both support it as a way of dealing with problems created by development projects and others who have reported problems. One of these is in trying to use both IQ and western science in making decisions about what problems are, and in dealing with them. I have been told that DFO has some experience in trying to use adaptive management in managing fisheries on the east and west coasts of Canada. Perhaps they could contribute their experience to the technical meetings going forward.

Concluding Remarks

This submission makes it clear that the date suggested for resumption of technical hearings is prejudicial to our interests. We have a lot of work to do. On top of this, we have been asked, in the same time-period to do the following. We have been asked to respond to a NIRB monitoring report, an affidavit submitted by Brian Penney, to deal with a recently released ICA (without an Inuktitut translation), presumably to meet with QIA to hear their explanation of its content, and prepare for technical hearings.

We appreciate the pressures put on NIRB and the difficulties associated with its mandate, but this is not doable. In all fairness, we cannot meet until the end of September at the earliest.

Respectfully



Joshua Arreak
Mayor, Hamlet of Pond Inlet

cc: Mayors and HTOs, Igloolik, Hall Beach, Arctic Bay, Clyde River