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**Re: Baffinland Phase 2 Proposal  
Outstanding Issues and Concerns of the 5 Affected North Baffin Communities**

Introduction

The following list of concerns and outstanding issues have been identified by the Hamlet Councils and the Hunters and Trappers Organizations of Pond Inlet (Mittimitalik), Igloolik, Clyde River (Kangiqtugaapik), Sanirajak and Arctic Bay (Ikpiajuk).

We have an overarching concern. This is a proposal that involves ***infrastructure and environmental and social changes that are huge***. There are implications for future generations and Inuit as a culture built around hunting, and a relationship with land and resources.

Land and resources have the potential to be significantly impacted by this Proposal. We Inuit from these five communities are being asked to change our ways of life forever. We need to make sure that Inuit understand this proposal and the choices they have to make.

We are not convinced that enough time or resources have been set aside for this purpose. We maintain that the hearing process has been driven by the economic interests of the proponent, evidenced by their submissions to NIRB with regard to the process, and not the wisdom, knowledge and understanding of Inuit living in the affected communities.

The concerns listed in what follows relate to aspects of the Phase Two Proposal of Baffinland Iron Mines Corporation (BIMC), the *Inuit Impact Benefits Agreement (IIBA)* and the recently negotiated *Inuit Certainty Agreement (ICA)*.

The list does not identify issues by community. The five affected communities are working together. Representatives of the HTOs and Hamlet Councils have agreed that this list is a compilation of issues and concerns they share. They have been organized by area of concern. While this is a joint submission, individual organizations are expected to more fully represent their positions on the matters listed in this document.

(1) General Concerns

- a) We remain concerned about what it is that we are assessing and evaluating. At the hearings in November, there was confusion around Baffinland's proposed production rates for Phase 2. Documents filed with NIRB indicated 12 million tonnes per year. However, there was discussion that Baffinland might ship up to 18 million tonnes per year through Milne Inlet and we have now submitted further evidence of this intention. A recent submission from the Government of Nunavut noted that Baffinland's proposed infrastructure for Phase 2 could support shipping up to 25 million tonnes of ore through Milne Inlet.
- b) Baffinland has already been given approval for a rail line and development of a port at Steensby Inlet. The approval of the Phase 2 proposal has direct implications for the well-being of Igloolik Inuit and their interests.
- c) These have not received much consideration in this hearing. If the Phase 2 Proposal is approved, Baffinland will build a railway to Steensby Inlet. They will start shipping 18M metric tons of ore through that port. With marine traffic equal to six times the early pre-revenue phase levels through Eclipse Sound, it is highly probable that the adverse effects, after the Steensby Inlet port is in operation, could be far greater in the Foxe Basin area than those occurring in the Eclipse Sound area.
- d) There are systemic implications of this proposal for the environment and ecosystems of North Baffin Island. This one proposal is intended to lead – automatically if it generates the anticipated level of company revenues – to further construction and development to Steensby Inlet and areas south of the Mary River mine site.

(2) Marine Mammals and Environment

- a) In its final EIS for Phase 2, Baffinland indicated that there are no significant effects on marine mammals that result from its Project. There is no credible evidence to support this claim. It is contrary to the IQ of Pond Inlet Inuit.
- b) In fact, even at the pre-revenue phase, and subsequent early revenue phase shipping levels, Inuit of Pond Inlet were observing many adverse effects on marine mammals resulting from shipping. Protection of marine mammals from shipping traffic is a major concern of all communities.
- c) Hunters have stated that both Narwhal and seal, caught this season, are skinny - with not much body fat. Therefore, when killed, they can sink immediately.

- d) We are concerned about the impact of dust on the sea ice, and its impact on the marine environment and sea mammals frequenting Milne Inlet.
- e) With regard to the Qikiqtani Inuit Association's (QIA) Final Written Submission for Phase 2 Proposal (Sept. 27, 2019) 2(4), 'Incomplete Data Set with Respect to Marine Mammals', this issues remains outstanding.

(3) Access to Our Land

- a) Mittimatalingmiut have lost their hunting rights on the tote road. The road is 100 km long and we cannot hunt within 3.21 (2 miles) of the tote road and beyond Mary River to the mountain.
- b) Hunters and Mittimatalingmiut who used to use this area are not getting any compensation for this loss. QIA is receiving compensation for this loss, but not the community and hunters of Mittimatalik.
- c) Historically, this was a major caribou hunting area.

(4) Food Security

- a) Baffinland has no data with respect to the role that the harvesting and consumption of country food plays in the life of Inuit, and the likely impacts of its activities on Inuit and their ability to continue with traditional harvesting practices.
- b) There is risk involved here, despite the 'not significant' or 'significant, but positive' ratings given to every element that NIRB requested Baffinland to examine. The mine activities have the potential of destroying Inuit culture as we know it today.
- c) Caribou are scarce. While this cannot be entirely associated with the presence of the mine, we remain concerned that recovery and the return of caribou to areas they used to occupy will be greatly affected by the presence of the mine, the tote road and Milne Port.
- d) Communities – especially Arctic Bay, Pond Inlet and Clyde River – do not have adequate access to country food, especially to caribou. Sanirajak and Igloolik have more access to caribou, but may need help in transporting and receiving other country foods.
- e) We need help in dealing with access to country foods as a regional (North Baffin) issue, in light of the caribou shortage and what may be serious effects of the mine on the recovery of caribou populations in the North Baffin Region. We should get compensation by way of shipping caribou meat to these communities.

(5) Dust

- a) Dust is still a major issue. This is true in an area surrounding mining operations at Mary River, along the tote road and in the area of Milne Inlet and exceeds the areas currently included within Baffinland's assessments.

- b) In the winter and spring, the snow and lakes in these areas are covered with dust. We cannot melt snow or use the ice for drinking. We are concerned about the safety of drinking water from these areas.
- c) We are concerned about the effect dust has on vegetation and on animals in these areas. It would be good to see some long-term studies on the effects of large quantities of iron ore dust on humans, animals and plants, and to have IQ on the matter adequately considered.

(6) Shipping and Ice Breaking

- 1) We agree that there should be no ore shipping as long as there is land-fast ice; (tuvaq) in the spring and fall. But there should be no shipping as long as the ice – whether it is land fast or not – is still safe to travel on and being used by hunters. We do not support shipping at times when ice-breakers are necessary.
- 2) The issue of ice-breaking remains an outstanding issue, especially for the MHTO, and its potential impacts have been glossed over, not adequately considered or determined.
- 3) The spill assessment does not take into account information filed by WWF, indicating the likelihood of a major spill at 33% over the life of the project.
- 4) Baffinland has indicated its intentions to use Cape-sized ore carriers in future. It has not submitted any credible evidence on the impacts of using such large ore carriers on marine mammals.
- 5) Adverse effects on marine mammals are already being observed when they are using smaller ore carriers; such effects are likely to become much worse if they move to the much larger, Cape-sized vessels.
- 6) Baffinland has not submitted credible evidence with respect to cumulative effects of its shipping, combined with all the other marine traffic in the area. The cumulative effects assessment in relation to shipping is unacceptable.

(7) Ballast Water

- a) We remain concerned about discharge from ballast tanks and the introduction of invasive species and are concerned about the introduction heavy metals and contaminants into our marine environment.
- b) We are not convinced that the monitoring of ships, ballast tanks and hulls of vessels that may be coming from distant and very different marine environments will be thorough enough to ensure that invasive species from other marine environments will not be introduced.

- c) With regard to QIA's Final Written Submission for Phase 2 Proposal (Sept. 27, 2019) 2 (44), while the dispersion of ballast water may address concerns we have about salinity, if treatment is not to be implemented, then we have ongoing concerns about ballast water discharge and dispersion.
- d) We are aware of the very serious impact that invasive species have had on other marine environments as a result of shipping.

(8) Railway

- a) It is not clear, even given the ICA and BIMC's commitments, and QIA's list of outstanding concerns, that the selection of route is an issue that has been resolved. At present we are unsure which route Baffinland plans to use. The MHTO does not support the development of a railway.
- b) Credible evidence, including IQ, on the likely effects on caribou of having to navigate railway crossings has not been submitted.
- c) The impacts of a railway on caribou recovery and movement are still not clear. The cumulative effects of multiple forms of disturbance are inadequately documented.
- d) The approval of a railway to Milne Port and further development, according to Baffinland, makes possible the funding of a railway to Steensby Inlet. This is a cumulative impact that must be addressed in the current assessment.
- e) The Mary River – Milne Inlet railway cannot be considered by itself. It has implications for blocking off the entire north end of the Baffin Island with a rail line running from one coast to the other.

(9) Economic Benefits to Communities

- a) Inuit content and the awarding of contracts to communities under the current IIBA do not ensure that the five affected communities will benefit in any substantial way from economic opportunities associated with mining operations.
- b) The five affected communities agree that Pond Inlet will be most impacted by the Phase 2 Proposal and should benefit or be compensated accordingly. But all five North Baffin communities must be compensated and benefit from any further development.

(10) Social, Cultural and Economic Impacts

- a) Ratings given to likely socio-economic and cultural impacts found in Table 10-5 of the Addendum to the Final Environmental Impact Statement, Mary River Project – Phase 2 Proposal, 'Summary of Residual Effects' are without foundation.
- b) This is particularly true of the ratings given to Education and Training, Economic Development and Self-Reliance, Human Health and Well-being, Community

Infrastructure and Public Services, Culture, Resources and Land Use, and Governance and Leadership.

- c) Baffinland has conducted limited or no original research supporting the ratings given to these elements. In some cases it has made reference to badly out-of-date documents of questionable application to the element in question.
  - d) Baffinland's approach (or lack of approach) to these elements is challenged by the *Tusaqtavut Study*, with some elements of the study (section 4.6) addressing some of the elements neglected by Baffinland.
  - e) We do not accept the 'no residual effects' or 'significant and positive' ratings given to these elements by Baffinland. We maintain that they are unsupported by research of any significance or importance.
  - f) We do not have data on the socio-economic conditions that existed prior to the mine's development to be compared with future socio-economic conditions, making it extremely hard - if not impossible - to determine impacts on socio-economic conditions arising from the mine's development.
  - g) It appears that Baffinland did not regard these as important enough to warrant the time, energy and expense required to do a thorough job of assessing these critical elements. Findings appear to be based on the well-worn and questionable assumption that more money automatically does good things for people and solves most problems.
  - h) Suggesting that any impacts that may occur can be addressed by the adaptive management plan outlined in the ICA is unacceptable. Knowing what the impacts might, or are likely to be, and being able to evaluate the effectiveness of proposed interventions to address these impacts are required for the evaluation of this proposal by the NIRB.
  - i) Contractors to Baffinland are obligated to meet a percentage of Inuit involvement for contracting or procurement. However, contractors are likely to add the penalty to the contract bid and simply pay it out as a way of dealing with this requirement. They can then bring in staff from the south, as has happened in the Nunavummi Nangminiaqtunik Ikajuuti (NNI). Another mechanism is required to deal effectively with Inuit content and to make contractors build capacity and infrastructure in the affected communities.
- (11) The Assessment of Impacts
- a) Future developments are not dealt with in the assessment provided by Baffinland. The idea of QIA and CRLU doing any future assessment of impacts in stages, and allowing major construction based on "milestones" is unacceptable.

- b) The handling of future developments and their impacts is an outstanding issue, not adequately addressed by what is found in the *Inuit Certainty Agreement*.
- c) The mandate of the NIRB, as we understand it, is to determine the potential and likely impacts of the Phase 2 Proposal and the adequacy of mitigative measures in addressing these. Proposing a way of dealing with whatever impacts (unknown or inadequately researched) may arise after the fact – as suggested by the ICA - does not address the mandate of NIRB to determine in advance, based on evidence submitted by the proponent, what the impacts are likely to be.
- d) Our understanding is that NIRB makes its recommendation based on this evidence. NIRB must determine what the impacts are likely to be, whether or not the information and evidence presented is adequate to serving this purpose, and if mitigation measures proposed by Baffinland are adequate in dealing with likely impacts.
- e) There are outstanding issues and potential problems with the idea of “thresholds” and the concept of “adaptive management” that have been overlooked in the ICA, if this is to be considered as relevant to what is considered by NIRB, given its mandate.

(12) The Management of Research and Impacts Going Forward

- a) Every time a particular level of ore shipments is approved, Baffinland files a new plan to increase the amount of shipping rather than being ‘up front’ about what their true intentions are. Almost immediately upon receipt of approval for the Steensby project, Baffinland filed a request for an amendment to support the Early Revenue Phase to ship 3.5 million tonnes per year from Milne Port. Once approved, they again filed an application for an amendment to double output to 6 million tonnes per year. We are now dealing with another application for 12 million tonnes per year, another doubling of output.
- b) What’s next if Phase 2 is approved? Will we ultimately see a proposal to ship 18 MTA from Milne Inlet? Measuring impacts in relation to what exists at the time of the last increase in production, rather than in relation to what was true before any mining activity took place is a problem. Half of a whole may not be a problem. But half of a half, followed by half again, where species are concerned, is a road to extinction.
- c) We acknowledge the good intentions of parts of the ICA. We remain concerned about the role of communities in the ongoing management of research and the handling of impacts going forward.
- d) However, if a green light is given to Phase 2 and the impacts are more than communities can handle, the ICA suggests that it is ultimately QIA that has to power to address these impacts and potentially change or stop practices being undertaken by Baffinland.

- e) The precedent set for this arrangement suggests its limits, and limits to the power of communities to act. The problem is that we had an agreement (IIBA) that also was between the QIA and BIMC. QIA also had the power to activate certain provisions of the agreement. When the communities brought forward many concerns and issues with the current project, rather than acting on our concerns, the communities were bounced back and forth between QIA and Baffinland as to who was responsible and who had the power to address our concerns, and were told there was not much that could be done about them. Ultimately we gave up trying.
- f) The Inuit Committee outlined in the ICA should Phase 2 be approved, should be an entity established independent of the QIA, and directed by the communities with support from the QIA.
- g) An ongoing source of tension between Baffinland and intervening groups has been the way 'significance' is defined in their EIS Addendum. Submissions from the Mittimatalik HTO and others have suggested that the significance thresholds for caribou and marine mammals are inappropriate, because they do not consider Inuit perspectives. Because adaptive management depends on these thresholds as 'triggers', a failure to consider Inuit perspectives in establishing significance thresholds could make Inuit participation in adaptive management meaningless.
- h) The accommodation of indigenous knowledge in systems of adaptive management is an issue. Comments on the 2019 Baffinland Annual Report suggest that the adaptive management working groups are ineffective and dysfunctional. Moreover, we are aware that the Baker Lake Hunters and Trappers Organization has issues with the adaptive management framework at the Whale Tail project in the Kivalliq Region.

Sincerely

The Mayors and HTO Chairpersons of the communities of Mittimatlik, Igloolik, Arctic Bay, Sanirajak, and Clyde River

CC:

PJ Akeeagok, President, QIA  
Brian Penny, CEO, Baffinland