



NIRB File No.: 08MN053
NWB File No.: 2AM-MRY1325
QIA File No.: LUA-2008-008
DFO File No.: 2008 MR

September 21, 2020

To: Mary River Distribution List

Sent via email

Re: Final Agenda for the Upcoming NIRB Community Roundtable and Pre-Hearing Conference for Baffinland Iron Mines Corp.'s "Phase 2 Development" Proposal

Dear Parties:

On September 9, 2020 the Nunavut Impact Review Board (NIRB or Board) distributed the *Draft* Agenda for the upcoming in-person Community Roundtable and Pre-Hearing Conference to be held on **September 28-October 1, 2020** as part of the Board's assessment of Baffinland Iron Mines Corporation's (Baffinland or Proponent) "Phase 2 Development" project, a proposed amendment to the approved Mary River Project (NIRB File No.: 08MN053). As part of the correspondence, the NIRB requested that interested parties confirm their planned attendance and provide comments or suggestions on the agenda and any specific logistical arrangements required during the Meeting.

On or before September 14, 2020 the NIRB received comments on the *Draft* Agenda from the following parties:

- Baffinland Iron Mines (Doc ID: 331524);
- Qikiqtani Inuit Association (Doc ID: 331540);
- Nunavut Tunngavik Incorporated (Doc ID: 331527);
- Mittimatalik Hunters & Trappers Organization (Doc ID: 331528);
- Hall Beach Hunters and Trappers Association (Doc ID: 331535);
- Hamlet of Sanijarak (Doc ID: 331535);
- Government of Canada (Doc ID: 331525);
- Nunavut Independent Television (Doc ID: 331526); and
- Oceans North (Doc ID: 331541).

The submissions can also be accessed from the NIRB's online public registry at www.nirb.ca/project/124701. The NIRB has considered the changes and revisions to the draft meeting agenda proposed by the above-mentioned parties and has updated the agenda to

accommodate the feedback and suggestions to the extent practicable. The revised Pre-Hearing Conference agenda has been attached as [Appendix A](#) for the information of all parties.

COMMUNITY ROUNDTABLE

The Community Roundtable is being held in Pond Inlet and will be connected by an audio/visual feed to another location in Nunavut (Iqaluit) to allow for greater participation, as well as two southern “hubs” (Ottawa and Winnipeg) for parties represented by individuals not able to travel into Nunavut. The NIRB will be working with a professional Audio/Visual company to ensure that the locations are connected through video feed, with backups provided by audio feed, to ensure that all hubs are linked throughout the proceedings and that simultaneous Inuktitut interpretation remains available to all participants. This audio/visual feed will also be accessible by other designated representatives not able to be at in either Pond Inlet or other hubs.

The purpose of the Community Roundtable is to provide time for representatives from communities identified as potentially impacted by the proposed amendment to be at the table to discuss the proposal and participate in the Board’s assessment. The NIRB has invited up to three (3) representatives from each of the affected communities in the North Baffin Region to attend the Community Roundtable Sessions and Pre-Hearing Conference in Iqaluit, as nominated by key community organizations. Members of the public from Pond Inlet are also invited to participate by attending the session in-person sessions, and spaces have been reserved per session, and in compliance with public health orders.

All in-person meeting sites will be managed in accordance with the NIRB’s protocol for holding meetings laid out in respect of personal distancing requirements, accommodations made for personal protective equipment, and conducting proceedings to balance attendance with facility occupancy rates, and in compliance with Public Health Orders in place for each location. Non-medical masks have been provided to the Hamlet office for each designated community representative to use for travel and meetings; please coordinate with the hamlet office to pick them up prior to travelling. Those attending the session from the Winnipeg hub will require non-medical masks for use in the hallways of the venue.

COMMUNITY ORIENTATION TRAINING SESSIONS

All participants expecting to attend the proceedings at either the Pond Inlet or Iqaluit locations will be required to participate in a training session on **Sunday September 27, 2020 (6:30 p.m. - 9:00 p.m. ET)** to demonstrate how proceedings will be conducted.

PRE-HEARING CONFERENCE

The Pre-Hearing Conference will focus on determining the specific steps and processes required to reconvene the Public Hearing, and will provide parties with an opportunity to confirm agreement to the list of commitments and identify issues resolved during the September 2020 teleconference Technical Meetings, and those issues which remain outstanding, which the Board will consider when issuing a Pre-Hearing Conference Decision and providing direction to the Proponent and parties on what steps are required to reconvene the Public Hearing for this assessment.

PRESENTATIONS & COMMUNITY ENGAGEMENT

During the Community Roundtable, Baffinland will be expected to present an overview of its proposed project amendment to community representatives, including a brief discussion on each project component and associated impact assessment findings, and outline its response to community concerns raised to date. The presentation should be organized by project component and include findings of the assessment as well as issues identified/resolved to date for each component). The NIRB reminds Baffinland that digital copies of the presentation in English and Inuktitut translations must be provided to the NIRB by **September 23, 2020** to ensure that all parties can access it via the NIRB's online public registry in advance of the meetings. Baffinland must notify the NIRB as soon as possible if any of the materials they wish to present are larger than 10MB to coordinate transfer of the materials between the NIRB and the AV support provider.

In order to ensure that the additional resources required to directly support community engagement are available during these events, the NIRB expects Baffinland to supply print copies of its presentations at both the Pond Inlet and Iqaluit hubs in sufficient numbers for the community representatives and public (approximately 30 copies of each presentation in each language).

As previously noted, responsible authorities will not be formally presenting at the Community Roundtable but should be prepared to speak several important topics such as their role in the assessment, information on their interventions, and generally be prepared to respond to questions from community representatives regarding the technical assessment of the amendment. Although the Board recognizes that Intervenor have requested an opportunity to present their technical review comments to the community representatives during the Community Roundtable, the Board has structured the current sessions to maximize the time available for Community Representatives to ask questions, provide comments, express concerns, and generally discuss the assessment of the Phase 2 Project and we do not wish to reduce the time available for that feedback. Rather than formal presentations, the NIRB encourages Intervenor to be prepared to answer questions from Community Representatives on the topics raised by communities, including topics for which Intervenor have provided comments and their technical expertise.

MEETING LOGISTICS

The NIRB has made the following logistical arrangements for the Community Roundtable and Pre-Hearing Conference:

Interpretation: Simultaneous English and Inuktitut interpretation will be provided to the extent practicable through the audio feeds.

Seating (in-person meeting only): Seating will be assigned at each location based on the numbers of parties in each location and requirement to maintain space in Pond Inlet for public participation. There will be no flexibility for last minute substitutions as registration will be required at some of the hubs under their facility operations. In Pond Inlet once the 50 person maximum meeting number is reached then no more admissions can occur for that session (a session is the morning, afternoon, and evening time slots for the meetings, separated by breaks longer than a health break). The NIRB will

be providing confirmation to each agency about the location or alternate stream assigned to their representatives.

Facilitator: The Community Roundtable and Pre-Hearing Conference will be facilitated by the NIRB chairperson.

Materials: The NIRB will provide access to the digital copy of all materials contained within the Board's public registry for the Mary River project, including the FEIS Addendum, transcript and exhibits from the November 2019 Public Hearing, and any additional submissions received up to and throughout the meetings.

Meeting times: Meetings start at 9:00 a.m. and run until 5:00 p.m. daily (ET), with an hour break for lunch and two 15-minute health breaks throughout the day. Under the new NIRB protocols, refreshments will not be served so participants must bring their own. Meals will not be provided.

Audio Details: Coordinates to access the audio line will be provided prior to the meeting to designated individuals not able to participate through the hubs.

Parties having requested seats for representatives in either Ottawa or Winnipeg will be required to send a list of names and phone numbers for those individuals attending from those hubs to the NIRB by end of day **September 23, 2020**. The information is required for contact tracing and will not be posted on the NIRB's registry but will be shared with the respective venue.

MEDIA ACCESS

The NIRB is supportive of planned efforts by public media outlets to cover or record the Community Roundtable and Pre-hearing Conference proceedings and have provided spaces to media representatives expressing interest. The NIRB has established rules for recording of Pre-Hearing Conference and other proceedings, and due to the COVID-19 protocols will require all media outlets that wish to observe, to provide the NIRB with advanced notice to assist in minimizing all disruptions and plan for options should they wish to make either an audio or video recording.

UPCOMING DEADLINES

The NIRB reminds Baffinland of the following deadlines in advance of the upcoming Community Roundtable and Pre-Hearing Conference for the Board's assessment of Baffinland's "Phase 2 Development" project proposal:

- **September 23, 2020:** Deadline for Baffinland to submit copies of presentations and translations to the NIRB.

Should you have questions or require any additional clarification regarding the Community Roundtable and Pre-hearing Conference, please contact Solomon Amuno, Technical Advisor II at (867) 983-4603 or via email at samuno@nirb.ca, or Cory Barker, Technical Advisor I, at (867) 983-4607 or via email at cbarker@nirb.ca.

Sincerely,



Karen D. Costello
Executive Director
Nunavut Impact Review Board

cc: Megan Lord-Hoyle, Baffinland Iron Mines Corporation
Lou Kamermans, Baffinland Iron Mines Corporation

Attachment (2): Appendix A – *Final* Pre-Hearing Conference Agenda for Baffinland's Phase 2 Development Project
Proposal
NIRB COVID-19 Protocols (*August 21, 2020*)

**APPENDIX A:
FINAL COMMUNITY ROUNDTABLE AND PRE-HEARING CONFERENCE AGENDA**

NIRB File No.: 08MN053 – Phase 2 Development Project Proposal
Proponent: Baffinland Iron Mines Corporation
Formats: In-person and video conference (details to be confirmed to participants)
Locations: **Atakaalik Community Hall, Pond Inlet, NU (in-person)**
Koojesee Room, Iqaluit, NU (Northern hub)
Ottawa Conference and Event Centre, Ottawa, ON (Southern hub)
Victoria Inn Hotel and Convention Centre, Winnipeg, MB (Southern hub)
Dates: September 28-October 1, 2020
Times: **All times given are approximate and the order of discussion topics are subject to change at the NIRB's discretion. Additional evening sessions may be scheduled if deemed necessary to complete the agenda.**
Community Roundtable Sessions: 9:00 am – 5:00 pm; 6:30-9:00 pm ET
Pre-Hearing Conference: 9:00 am – 5:00 pm; 6:30-9:00 pm ET

Sunday, September 27, 2020 – Training Session – 6:30-9:00 p.m. ET

Participants in the Pond Inlet and Iqaluit locations will be required to participate in a training session to demonstrate how proceedings will be conducted, starting with the whole group then completing with an update session for community members on their requirements for the meetings.

Monday, September 28, 2020 - Day 1 of Community Roundtable

General Opening

1. NIRB Welcome and Opening Remarks (30 minutes)
 - a. Opening statements from Public Health Nurse
 - b. Opening statements from Mayor
 - c. Objectives of Community Roundtable and Pre-Hearing Conference
 - d. Overview of the NIRB process and status of the reconsideration
 - e. Introduction of Participants
 - f. Overview of Agenda
 - g. Housekeeping Items

Community Roundtable Session

2. Summary presentation by the Proponent – **Introduction and Overview of Project highlighting updated scope items and limits of operational flexibility (45 minutes)**
 - i. Update on community engagement since the Public Hearing was suspended and feedback from communities on the Project Proposal
- Questioning of the Proponent and Intervenor by community representatives

- Questions or statements from the public to the Proponent or Intervenors
- 3. Summary presentation by the Proponent – **Incorporation of Inuit Qaujimaningit into project planning and proposed mitigation** including Incorporation of Inuit Qaujimaningit/Use of Inuit knowledge in developing significance determination, integration of the results of monitoring using western scientific methods with the results of Inuit Qaujimaningit and how these perspectives would be accommodated and communication of findings *(45 minutes; 20 minutes on terrestrial items, and 25 on marine items)*
 - Questioning of the Proponent and Parties by community representatives
 - Questions or statements from the public to the Proponent or Intervenors
- 4. Summary presentation by the Proponent – **Railway components and the Terrestrial Environment including air quality** *(45 minutes)*
 - Questioning of the Proponent and Parties by community representatives
 - Questions or statements from the public to the Proponent or Intervenors

Close of Day 1

Tuesday, September 29, 2020 - Day 2 of Community Roundtable

General Opening (continued from Day 1)

1. Opening prayer
2. Opening Remarks by NIRB

Community Roundtable Session continued

3. **Railway components and the Terrestrial Environment including air quality** cont'd
 - Questioning of the Proponent and Parties by community representatives
 - Questions or statements from the public to the Proponent or Intervenors
4. Summary presentation by the Proponent – **Milne Port development, marine shipping activities, shipping season, and the Marine Environment** *(60 minutes)*
 - Questioning of the Proponent and Parties by community representatives
 - Questions or statements from the public to the Proponent or Intervenors
5. Summary presentation by the Proponent – **Socio-economic effects and maximizing benefits of the proposal, traditional land use considerations, and coordination with communities for monitoring of project-related impacts** *(60 minutes)*
 - Questioning of the Proponent and Parties by community representatives
 - Questions or statements from the public to the Proponent or Intervenors

Close of Day 2

Wednesday, September 30, 2020 - Day 3 of Community Roundtable and start of Pre-hearing Conference

General Opening (continued from Day 2)

1. Opening prayer
2. Opening Remarks by NIRB

Community Roundtable Session continued

3. **Socio-economic effects and maximizing benefits of the proposal, traditional land use considerations, and coordination with communities for monitoring of project-related impacts** cont'd
 - Questioning of the Proponent and Parties by community representatives
 - Questions or statements from the public to the Proponent or Intervenors
4. Summary presentation by the Proponent – **Accidents and Malfunctions, Effects of the Environment on the Project** (45 minutes)
 - Questioning of the Proponent and Parties by community representatives
 - Questions or statements from the public to the Proponent or Intervenors
5. Closing statements from each community

Pre-Hearing Conference starting evening session

1. Identification of any issues preventing the reconvening of a Public Hearing (both NIRB and/or Intervenors)
2. Discussion of commitment list

Close of Day 3

Thursday, October 1, 2020 - Pre-Hearing Conference completion

General Opening

3. Opening prayer
4. Remarks from NIRB, review of Agenda and housekeeping items

Pre-Hearing Conference

5. Identification of any issues preventing the reconvening of a Public Hearing (both NIRB and/or Intervenors)
6. Discussion and facilitation of the Public Hearing processes – parties and intervenors at the table will be given an opportunity to comment on the following:
 - i. Anticipated date, time, form, and location(s) to reconvene the Public Hearing;
 - ii. Timetable for the exchange of additional documents and information requests prior to the Public Hearing;
 - iii. Confirmation of commitments list by Intervenors;

- iv. Finalization of issues for the Public Hearing, and identification of interested parties to attend the Hearing;
 - v. Procedures to be followed for reconvening a Public Hearing including public meeting safety planning for COVID-19 and exposure control plan;
 - vi. Logistics arrangement, equipment, language, interpretation, translation, and transcript requirements; and
 - vii. Other matters that may aid in the simplification of the Public Hearing.
- 7. Closing remarks from Parties
 - 8. NIRB Closing Remarks and Next Steps
 - 9. Closing Prayer

Close of Day 4