

NUNAVUT IMPACT REVIEW BOARD

Baffinland Iron Mines Corporation's Mary River Phase 2 Proposal

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NOTICE OF MOTION

FROM IKAJUTIT ARCTIC BAY HUNTERS AND TRAPPERS ORGANIZATION  
("IABHTO")

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**NOTICE OF MOTION**

1. The Ikajutit Arctic Bay Hunters and Trappers Organization ("IABHTO") submits this motion to the Nunavut Impact Review Board ("NIRB") on January 30, 2021 via email to [info@nirb.ca](mailto:info@nirb.ca) and to [tmeadows@meadowslaw.ca](mailto:tmeadows@meadowslaw.ca).
2. THE MOTION IS FOR an order by the Board to:
  - a. Extend the January 25, 2021 to February 6, 2021 Final Public Hearing, technical sessions and Community Roundtable to February 13, 2021 or alternatively;
  - b. Recess starting February 6, 2021 and reconvene on or about from March 8, 2021 to March 20, 2021.

**THE GROUNDS FOR THE MOTION ARE**

1. NIRB may, on its own initiative or on a motion by a party, adjourn a hearing on any terms that the NIRB considers appropriate, according to Rule 31.1 of the NIRB Rules of Procedure;
2. NIRB primary functions according to NIRB Rules of Procedure are:
  1. to screen project proposals in order to determine whether or not a review is required;
  2. to gauge and define the extent of the regional impacts of a project;
  3. to review the ecosystemic and socio-economic impacts of project proposals;
  4. to determine, on the basis of its review, whether project proposals should proceed and if so, under what terms and conditions, and then report its determination to the Minister; and
  5. to monitor projects in accordance with the provisions of the NLCA.

In carrying out its functions, the primary objectives of NIRB are at all times to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, and to protect the ecosystemic integrity of the Nunavut Settlement Area. NIRB is also required to take into account the well-being of residents of Canada outside the Nunavut Settlement Area.

3. The January 25, 2021 to February 6, 2021 Final Public Hearing:

- a. have disadvantaged participation by limiting numbers of people able to attend at both hubs in Pond Inlet and Iqaluit, due to Public Health Restrictions based on COVID-19, remaining in Nunavut;
- b. have disadvantage elder participation by leaving microphone available only at the front of the room, rather than at the tables where elders are sitting;
- c. has fallen 4 days behind schedule, due to questions raised by the parties being evaded by the proponent, as a result of intervenors requiring more questions to seek responses which should inform NIRB;
- d. the limits set by NIRB to three questions in the first round and two questions in the final round does not allow for full questioning of the proponent, therefore resulting in NIRB not being fully informed to make its recommendation to the appropriate Ministers;
- e. have allowed the proponent to consistently evade responses and not providing sufficient information for the NIRB to make an informed recommendation;
- f. the presentation material used by the proponent raises more questions than inform NIRB, which will result in NIRB not being able to make an informed recommendation;
- g. the proponent has consistently evaded answers by saying information is in the NIRB Public Registry and it is extremely challenging to find all referenced materials, resulting in time being spent looking for the additional details as NOT provided by the proponent during the hearing;
- h. NIRB has now instructed that the rest of the presentations to be provided by the proponent will have to be summarized further, in the interest of time. The parties and especially the elders are not able to completely analyse the presentation material given the lack of information contained in each powerpoint presentation.

4. If NIRB grants the alternative motion, the community representatives must not be split between hubs. This current setting prevents the communities from caucusing and coordinating their questions.

THIS NOTICE OF MOTION IS SUPPORTED BY an affidavit of Moses Koonoo made on January 30, 2021.

January 30, 2021



Counsel for Ikajutit Arctic Bay  
Hunters and Trappers Organization

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AFFIDAVIT

OF MOSES KOONOO

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**I, MOSES KOONOO**, of Arctic Bay, Nunavut, make oath and say as follows:


1. I am the Vice-Chair of the Ikajutit Arctic Bay Hunters' and Trappers Organization (Ikajutit) and I make this affidavit based on my own knowledge.
2. I have been present every day at the NIRB Public Hearings on Baffinland Iron Mines application on the Phase 2 proposal, since the first day on January 25, 2021.
3. As an Inuk, I am a beneficiary of the Nunavut Land Claim Agreement, which confirmed the protection of my rights as an Inuk, including harvesting rights, all of which remain central to my community's existence.
4. I have personal knowledge that Inuit continue to rely heavily on caribou, seal, narwhale, beluga, fish and other wildlife, all of which I understand will be significantly impacted by Baffinland's proposed expansion in Phase 2 of the Mary River Mine (the Project).
5. The Ikajutit has the responsibility to manage harvesting rights among our members. Our members are the residents of Arctic Bay. As such, we take our role very seriously. The Project is the largest resource development in Nunavut and also has the longest proposed lifespan of any project, and is within the area we reside and exercise our rights in.
6. The decision by the Nunavut Impact Review Board (NIRB) to reconvene the hearing for the Project during the COVID-19 pandemic creates significant challenges for Inuit participation, some of which, call to question the fairness of the proceedings.
7. Our members engagement has been severely limited since the beginning of the hearing on January 25, 2020.

8. I make this affidavit in support of the Notice of Motion filed on January 30, 2021 with the Board on January 30, 2021.

Sworn before me at the  
City of Iqaluit in the  
this 30<sup>th</sup> day of January, 2021

  
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A Notary Public  
in and for NUNAVUT

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Moses Koonoo

**LORI IDLOUT**  
**Barrister, Solicitor & Notary Public**  
**in and for Nunavut.**  
**My commission is of unlimited duration.**