

NUNAVUT IMPACT REVIEW BOARD

PHASE 2 DEVELOPMENT PROJECT PROPOSAL - MARY RIVER IRON
ORE MINE NIRB FILE NUMBER 08MN053

HEARING

VOLUME 1

Pond Inlet, Nunavut

January 25, 2021

1	TABLE OF CONTENTS		
2			
3	Description		Page
4			
5	January 25, 2021	Morning Session	19
6	Opening Remarks		21
7	Roll Call		52
8	Roll Call Continued		64
9	Directional Update by Nunavut Impact Review Board		68
10	Legal Counsel (Motions)		
11	Opening Remarks by Baffinland Iron Mines		69
12			
13	January 25, 2021	Afternoon Session	79
14	Opening Statements by Qikiqtani Inuit Association		79
15	UDLU HANSON, MEGAN LORD-HOYLE, JOE TIGULLARAQ,		92
16	LOU KAMERMANS, ANDREW MOORE, CONNOR DEVEREAUX,		
17	FAY PITTMAN, Affirmed		
18	STEPHEN DOUVILLE, FANUS VAN BILJON,		93
19	TIMOTHY KEANE, Affirmed		
20	Presentation by Baffinland Iron Mines		93
21	Corporation (Introduction and Project Overview)		
22	Qikiqtani Inuit Association Questions Baffinland		110
23	Iron Mines Corporation		
24	Hamlet of Pond Inlet Questions Baffinland Iron		112
25	Mines Corporation		
26	Mittimatalik Hunters and Trappers Organization		113

1	Questions Baffinland Iron Mines Corporation	
2	Mittimatalik Hunters and Trappers Organization	126
3	Questions Baffinland Iron Mines Corporation	
4	Igloolik Working Group Questions Baffinland	142
5	Iron Mines Corporation	
6	Hamlet of Sanirajak Questions Baffinland Iron	154
7	Mines Corporation	
8	Hamlet of Arctic Bay Questions Baffinland Iron	158
9	Mines Corporation	
10		
11	January 25, 2021	Evening Session 161
12	Ikajutit Hunters and Trappers Association	
13	Questions	162
14	Baffinland Iron Mines Corporation	
15	Hamlet of Clyde River Questions Baffinland Iron	166
16	Mines Corporation	
17	Amaruq Hunters and Trappers Association	167
18	Questions Baffinland Iron Mines Corporation	
19	Oceans North Questions Baffinland Iron Mines	173
20	Corporation	
21	World Wildlife Fund Questions Baffinland Iron	193
22	Mines Corporation	
23	Nunavut Impact Review Board Staff Questions	199
24	Baffinland Iron Mines Corporation	
25	Nunavut Impact Review Board Questions Baffinland	202
26		

1	EXHIBITS	
2	Description	Page
3		
4	EXHIBIT 1 - Hard copy PowerPoint presentation	91
5	entitled "Introduction and Project Overview" by	
6	Baffinland Iron Ore Mines Corporation	
7	(English and Inuktitut)	
8		
9		
10		
11		
12		
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1 Proceedings taken at Atakaalik Community Hall,
2 Pond Inlet, Nunavut.

3

4 NUNAVUT IMPACT REVIEW BOARD

5 K. Kaluraq Chair of Hearing

6 M. Qumuatuq Panel Member

7 C. Emrick Panel Member

8

9 NUNAVUT IMPACT REVIEW BOARD STAFF (POND INLET)

10 T. Meadows Legal Counsel

11 K. Costello Executive Director

12 K. Gillard Manager, Project Monitoring
13 and Acting Director Technical
14 Services

15 C. Barker Technical Advisor

16 P. Evalik Environmental Administrator

17 B. Beattie Environmental Technologist

18 F. Emingak Junior Technical Advisor

19

20 NUNAVUT IMPACT REVIEW BOARD STAFF (IQALUIT)

21 K. Morrison Manager, Impact Assessment

22 G. Daoust Technical Advisor

23 E. Adjun Outreach Coordinator

24 O. Evalik Senior finance Officer

25

26

1 NUNAVUT IMPACT REVIEW BOARD STAFF (BY PHONE)
2 T. Arko Technical Services
3 S. Amuno Technical Advisor
4
5 PROPONENT
6
7 BAFFINLAND IRON MINES CORPORATION (IQALUIT)
8 B. Armstrong Legal Counsel
9 C. Kowbel Legal Counsel
10 M. Lord-Hoyle Vice-President, Sustainable
11 Development
12 L. Kamermans Director, Sustainable
13 Development
14 J. Tigullaraq Head of Northern Affairs
15 A. Moore Manager, Government Relations
16 and Public Affairs
17
18 BAFFINLAND IRON MINES CORPORATION (POND INLET)
19 B. Penney President, Chief Executive
20 Officer
21 U. Hanson Vice President, Community and
22 Strategic Development
23
24 BAFFINLAND IRON MINES CORPORATION (REGISTERED SPEAKERS)
25 L. Duke Legal Counsel
26 A. McLeod EDI Environmental Dynamics Inc.

1	E. Malcolm	Sustainability Specialist
2	C. Murray	Baffinland Iron Mines Corporation
3	C. Moore	Intrinsic
4	C. Devereaux	Baffinland Iron Mines Corporation
5	C. Merkosak	Baffinland Iron Mines Corporation
6	C. Legault	Fednav Limited
7	D. Jarrat	Stantec
8	D. Del Cardo	Genessee Wyoming Canada
9	E. Malcolm	Baffinland Iron Mines Corporation
10	F. van Biljon	Hatch Engineering
11	F. Pittman	Baffinland Iron Mines Corporation
12	J. McClintock	Wood Plc
13	J. Krizan	EDI Environmental Dynamics Inc.
14	M. Winterbottom	Golder Associates Ltd.
15	M. Clark	Baffinland Iron Mines Corporation
16	M. Austin	JASCO Applied Sciences
17	M. Settingington	EDI Environmental Dynamics Inc.
18	P. Abgrall	Golder Associates Ltd.
19	P. Osbourne	Golder Associates Ltd.
20	P. Rouget	Golder Associates Ltd.
21	R. Cook	Knight Piésold
22	S. Wallace	Stantec
23	S. Borcsok	Baffinland Iron Mines Corporation
24	S. Douville	Baffinland Iron Mines Corporation
25	T. Keane	Fednav Limited
26	T. Sewell	Baffinland Iron Mines Corporation

1	V. Corning	Stantec
2		
3	INTERVENORS	
4		
5	NUNAVUT TUNNGAVIK INCORPORATED (REGISTERED SPEAKERS)	
6	A. Yuan	Legal Counsel
7	N. Gonzalez	Legal Counsel
8	J. Eetoolook	Interim President
9	D. Lee	Wildlife Biologist
10	P. Irngaut	Director
11	B. Dean	Assistant Director
12	D. Kunuk	Chief Operating Officer
13	H. Uniugsaraq	Chief Administrative Officer
14	C. Lyall	Executive Assistant
15		
16	QIKIQTANI INUIT ASSOCIATION (REGISTERED SPEAKERS)	
17	L. Land	Legal Counsel
18	P.J. Akeeagok	President
19	J. Ottenhof	Director, Lands and Resource
20		Management
21	R. Paton	Director, IQ & Engagement
22	S. Williamson-Bathory	Special Advisor
23	L. Barnabas	Portfolio Lead
24	A. Macdonald	The Firelight Group
25	R. Olsen	The Firelight Group
26	S. Leech	The Firelight Group

1	J. Higdon	Freshwater and Marine Specialist
2	B. Stewart	Freshwater and Marine Specialist
3	J. Ash	Arktis Solutions
4	N. Jewitt	Arktis Solutions
5	M. Hemp	Qikiqtani Inuit Association
6	C. Spencer	Qikiqtani Inuit Association
7		
8	HAMLET OF POND INLET (REGISTERED SPEAKERS)	
9	J. Arreak	Mayor of Pond Inlet
10	F. Tester	Technical Advisor
11	C. Sangoya	Pond Inlet Hunters and
12		Trappers Organization
13	J. Merkosak	Resident Advisor in IQ
14	J. Alooos	Elder Advisor
15	L. Quassa	Community Representative
16	J. Kiyoopik	Youth Representative
17		
18	MITTIMATALIK HUNTERS AND TRAPPERS ORGANIZATION	
19	(REGISTERED SPEAKERS)	
20	E. Murphy	Legal Counsel
21	K. Julta	Legal Counsel
22	M. Bradley	Legal Counsel
23	J. Zyla	Woodward & Company
24	L. Mar	Woodward & Company
25	E. Ootoovak	President
26	E. Inuarak	Vice President

1	A. Hanson-Main	Technical Advisor
2	Dr. V. Vergara	Marine Expert
3	E. Solomon	IQ Expert
4	S. Elverum	IQ Expert
5	J. Simonee	Community-Based Monitoring Witness
6	V. L'Hereault	Community-Based Monitoring Witness
7		
8	IGLOOLIK WORKING GROUP AND IGLOOLIK HUNTERS AND	
9	TRAPPERS ASSOCIATION (REGISTERED SPEAKERS)	
10	P. Ivalu	Chairperson, Igloolik Working
11		Group
12	M. Recinos	Igloolik Working Group
13	J. Quassa	Igloolik Working Group
14	J. Malliki	Igloolik Hunters and Trappers
15		Association
16	D. Irngaut	Igloolik Hunters and Trappers
17		Association
18	P. Awa	Hamlet of Igloolik
19	N. Piugattuk	Elder Advisor
20	M. Ivalu	Community Representative
21	W. Immaroitok	Youth Representative
22		
23	HAMLET OF SANIRAJAK (REGISTERED SPEAKERS)	
24	J. Audlakiak	Mayor of Sanirajak
25	L. Primeau	Chief Administrative Officer
26	V. Curley	Hamlet of Sanirajak

1	D. Arvaluk	Hamlet of Sanirajak
2	T. Kuppaq	Hamlet of Sanirajak
3	J. Kaernerik	Community Representative
4		
5	HAMLET OF ARCTIC BAY AND IKAJUTIT HUNTERS AND TRAPPERS	
6	ASSOCIATION (REGISTERED SPEAKERS)	
7	L. Idlout	Legal Counsel
8	O. Eegeesiak	Hamlet of Arctic Bay
9	M. Koonoo	Arctic Bay Hunters and
10		Trappers Association
11	O. Naqitarvik	Elder Advisor
12		
13	HAMLET OF CLYDE RIVER AND CLYDE RIVER HUNTERS AND	
14	TRAPPERS ASSOCIATION (REGISTERED SPEAKERS)	
15	J. Natanine	Hamlet of Clyde River
16	W. Bernauer	Hamlet of Clyde River
17	S. Aipellee	Clyde River Hunters and
18		Trappers Association
19	O. Audlakiak	Clyde River QIA Women
20	S. Palituq	Elder Advisor
21	J. Palituq	Youth Community Representative
22		
23	AMARUQ HUNTERS AND TRAPPERS ASSOCIATION (REGISTERED	
24	SPEAKERS)	
25	M. Mike	Amaruq Hunters and Trappers
26		Association

1	Jeetaloo Kakee	Elder Advisor
2		
3	HAMLET OF RESOLUTE BAY (REGISTERED SPEAKERS)	
4	M. Idlout Amarualik	Resolute Bay Hunters and
5		Trappers Association
6	S. Idlout	Hamlet of Resolute Bay
7		
8	GOVERNMENT OF NUNAVUT (REGISTERED SPEAKERS)	
9	E. Stockley	Legal Counsel
10	M. Kinney	Legal Counsel
11	N. O'Grady	Avatiliriniq Coordinator
12	G. Karlik	Assistant Deputy Minister
13		Department EDT
14	J. Onalik	Deputy Minister EDT
15	S. Pinksen	Assistant Deputy Minister DOE
16	J. Elliott	Project Manager Impact Assessment
17		DOE
18	J. Ringrose	Qikiqtani Regional Wildlife
19		Biologist
20	E. Zell	Manager, Environmental Assessment
21		and Regulation EDT
22	A. Robinson	Manager, Land Use and
23		Environmental Assessment DOE
24	S. Atkinson	Wildlife Consultant
25	A. Cyr-Parent	Senior Advisor
26		

1 NORTHERN PROJECTS MANAGEMENT OFFICE (REGISTERED
2 SPEAKERS)

3 L. Dyer Director General, Northern Projects
4 Management Office

5 A. Shafi Technical Support, Northern
6 Projects Management Office

7 S. Qazi Technical Support, Northern
8 Projects Management Office

9 S. Hitchcox Northern Projects Management
10 Office

11

12 DEPARTMENT OF JUSTICE (REGISTERED SPEAKERS)

13 S. Gruda-Dolbec Legal Counsel

14

15 CROWN-INDIGENOUS RELATIONS NORTHERN AFFAIRS CANADA
16 (REGISTERED SPEAKERS)

17 S. Dewar Director, Resource Management

18 K. Henrikson Regional Director General

19 F. Ngwa Manager, Impact Assessment

20 A. Chaikine Senior Environment Assessment
21 Specialist

22 D. Abernethy Regional Socio-economic Analyst

23 M. Hopkins Director General, Natural
24 Resources and Environment

25 K. Pawley Manager, Environmental Assessment

26

1	J. Walsh	Senior Environmental
2		Assessment Analyst
3	J. Neary	Environmental Assessment Analyst
4	K. Ma	Regional Environmental
5		Assessment Coordinator
6		
7	FISHERIES AND OCEANS CANADA (REGISTERED SPEAKERS)	
8	G. Bernard-Lecaille	Senior Biologist, Fish and
9		Fish Habitat Program, Arctic
10		Region
11	A. Sorckoff	Fish and Fish Habitat Protection
12		Biologist
13	A. Beattie	Team Lead, Mining Oil and Gas
14		North
15	M. Marcoux	Marine Mammal Expert, DFO Science
16	K. Howland	Aquatic Invasive Species Expert,
17		Oceans Canada Science Group
18	T. Hoggarth	Regional Director, Aquatic
19		Ecosystems
20	C. Matthews	Research Scientist
21	J. Paulic	Science Advice Liaison
22	J. Shead	Aquatic Invasive Species Biologist
23	K. Hedges	Research Scientist
24	P. Hall	Environmental Specialist
25	S. Bailey	Research Scientist
26	S. Nudds	Physical Scientist (Oceanographer)

1	S. Ferguson	Research Scientist
2	S. McLennan	Manager, Arctic Projects and
3		Governance
4	T. Seal	Junior Project Officer
5		
6	PARKS CANADA (REGISTERED SPEAKERS)	
7	A. Stoddart	Environmental Assessment
8		Scientist
9	J. Chisholm	Ecologist Team Leader
10	A. Maher	Resource Conservation Manager,
11		Nunavut Field Unit
12	J. Bastick	Environmental Assessment
13		Specialist
14	J. Boon	Field Unit Superintendant,
15		Nunavut Field Unit
16	L. Jonart	Project Manager, Tallurutiup
17		Imanga National Marine
18		Conservation Area, Nunavut
19		Field Unit
20		
21	TRANSPORT CANADA (REGISTERED SPEAKERS)	
22	J. Barker	Regional Environmental Advisor
23	A. Gudmunson	Regional Manager Environmental
24		Programs
25	J. Johar	Manager Marine Safety and Security
26	J. Cram	Manager Rail Safety Engineering

1 M. O'soup Bushie Major Resource Development
2 Projects & Aboriginal Consultations
3
4 ENVIRONMENT AND CLIMATE CHANGE CANADA (REGISTERED
5 SPEAKERS)
6 A. Graham Environmental Coordinator
7 M. Fairbairn Regional Director
8 B. Asher Technical Expert, Air Quality
9 R. Holt Technical Expert, Air Quality
10 M. Parsons Technical Expert, Air Quality
11 C. Kabanguka Environmental Emergencies Expert
12 J.F. Dufour Technical Expert, Water Quality
13 K. Patel Technical Expert, Water Quality
14 M. Tobin Technical Expert, Water Quality
15 A. Wilson Technical Expert, Water Quality
16 R. Ejeckam Senior Mining Project Officer
17 N. Cote Executive Director
18
19 HEALTH CANADA (REGISTERED SPEAKERS)
20 M. Gale Regional Manager
21 K. Buset Impact Assessment Program
22 Manager
23 W. Wilson Impact Assessment Coordinator
24 T-T. Nguyen Engagement Specialist
25 N. Lyrette Environmental Specialist
26

1 NATURAL RESOURCES CANADA (REGISTERED SPEAKERS)
2 P. Unger Senior Environmental
3 Assessment Officer
4 R. Johnstone Deputy Director, Explosives
5 Safety and Security Branch,
6 Lands and Minerals Sector
7
8 IMPACT ASSESSMENT AGENCY OF CANADA (REGISTERED
9 SPEAKERS)
10 Y. Stoimenova Policy Analyst
11 T. Frezza Manager, Legislation
12
13 NUNAVUT INDEPENDENT TELEVISION NETWORK (REGISTERED
14 SPEAKERS)
15 I. Gilles Legal Counsel
16 L. Tulugarjuk Chairperson, Executive Director
17 Z. Kunuk Founder and Director
18 C. Kunnuk Nunavut Independent Television
19 Network
20 L. Lipsett Technical Advisor
21 M. Malliki Jr. Nunavut Independent Television
22 Network
23
24 WORLD WILDLIFE FUND (REGISTERED SPEAKERS)
25 A. Dumbrille Lead Specialist, Marine Shipping
26 and Conservation

1	P. Okalik	Lead Specialist, Arctic
2	B. Laforest	Senior Specialist, Arctic
3		Species and Ecosystems
4	E. Keenan	Specialist, Eastern Arctic
5		
6	OCEANS NORTH (REGISTERED SPEAKERS)	
7	C. Debicki	Legal Counsel
8	A. Joynt	Senior Policy Advisor
9	G. MacDonald	Arctic Research Specialist
10	J. Jones	Scripps Institution of Oceanography
11		
12	INTERPRETERS/TRANSLATORS	
13	V. Dewar	Language Translator
14	R. Katsak	Language Translator
15	T. Arnajaallak	Language Translator
16	J. Peter	Language Translator
17	J. Tucktoo	Language Translator (Iqaluit)
18		
19	A. Vidal, CSR(A)	Official Court Reporter
20	S. Burns, CSR(A), RPR,	Official Court Reporter
21	CRR	
22	<hr/>	
23		
24		
25		
26		

1 (PROCEEDINGS COMMENCED AT 9:02 AM)

2 THE CHAIR: Welcome. Good morning.

3 My name is Kaviq Kaluraq, and I am the chairperson
4 of the Nunavut Impact Review Board. On behalf of the
5 Board, I would like you -- welcome you to the Nunavut
6 Impact Review Board resumed public hearing associated
7 with the assessment of the Baffinland Iron Mines
8 Corporation Phase 2 development proposal related to the
9 Mary River Iron Ore Project.

10 For those of you attending in Pond Inlet, welcome
11 to Pond Inlet. For those of you attending in the hub
12 in Iqaluit, welcome. For those of you joining us
13 through the audiovisual feeds, welcome and thank you
14 for your participation as well.

15 Please turn off your cell phones or put them to
16 the silent setting.

17 We'll do an opening with a prayer. Joshua Arreak
18 will guide us doing a prayer.

19 MR. ARREAK: Let us pray.

20 Opening Prayer.

21 THE CHAIR: Thank you, Joshua, for the
22 opening prayer.

23 I would like to give the mayor of Pond Inlet the
24 opportunity, Joshua Arreak, to give opening remarks.

25 MR. ARREAK: Thank you, Madam Chair.

26 I would like to welcome everyone to the beautiful

1 Pond Inlet and you'll be here for two weeks, and by the
2 time you leave, we will have the sun back and maybe
3 next -- if not the end of this week but next week, and
4 you will notice the anticipation that we -- we -- we
5 have after return of the sun.

6 So welcome, Madam Chair, (INUKTITUT SPOKEN - NO
7 TRANSLATION) Nunavut Impact Review Board, and the
8 proponents, QIA, (INUKTITUT SPOKEN - NO TRANSLATION).
9 So I'll thank you, everyone, Nunavut Impact Review
10 Board, Chairperson. If you need help of the hamlet,
11 you can come and help us at the -- ask for help at the
12 hamlet.

13 And just to let you know just recently, there was
14 a death in the community. We're not sure when the
15 funeral will be. Not -- not today but sometimes maybe
16 near the end of this week, just so that you're aware of
17 the funeral services being planned.

18 And thank you for coming to Pond Inlet, and we've
19 met together time and time. Sometimes we smile, but we
20 can't tell with the masks. So for those that are
21 Iqaluit, welcome, and for those that are here in this
22 meeting, welcome to the community. Thank you,
23 Chairperson.

24 THE CHAIR: Thank you, Joshua. We'll
25 remember the family and pray for the people who have
26 lost a loved one before we go to the chairperson's

1 opening remarks, which will start with the meeting
2 safety procedures.

3 Opening Remarks

4 THE CHAIR: Due to the public health
5 directives associated with the COVID-19 pandemic, the
6 Nunavut Impact Review Board has modified options for
7 access to the proceedings as well as implemented
8 additional procedures for those attending in person to
9 keep us all safe and in compliance with local public
10 health requirements.

11 Although things may look different, I can assure
12 you that the Board's objectives in conducting these
13 meetings remains the same as for all of the Board's
14 proceedings for the Mary River Project. Thank you to
15 everyone for showing flexibility, kindness, and
16 patience as we all work together in these exceptional
17 circumstances to make these -- to make this public
18 hearing a success.

19 In response to the feedback provided during the
20 prehearing conference, the Nunavut Impact Review Board
21 has worked with the public health office and the Hamlet
22 of Pond Inlet to secure an exemption to the general
23 maximum group size for meetings with adherence to
24 strict safety protocols.

25 In respect of this exemption, we will now hear
26 statements from Nancy Commander regarding the health

1 and safety protocols for these meetings to make sure we
2 all comply with current public health measures and keep
3 everyone safe and healthy. Karen.

4 MS. COSTELLO: Thank you, Madam Chair, and
5 apologies. It appears the public health representative
6 is not here. That is always a possibility should there
7 be a health emergency that they have to attend to. So
8 with your permission, I would be happy to provide a
9 reminder to everybody of appropriate protocols.

10 THE CHAIR: Yes, you may proceed.

11 MS. COSTELLO: Thank you, Madam Chair.

12 Welcome, everyone. And as the chairperson has
13 indicated, the Nunavut Impact Review Board sought and
14 was granted an exemption to public health orders in
15 order to allow the hearing to proceed with a -- in
16 excess of 50 people for an indoor gathering.

17 It is important that all aspects of the order be
18 respected. The order includes the NIRB's -- the
19 Nunavut Impact Review Board's COVID protocols which
20 have been shared with all participants in advance and
21 which are also posted on the Board's public registry.

22 As a reminder, when you enter each venue, you must
23 check in with staff who are present at the door. We
24 will require your name and a phone number for contact
25 tracing, and that will be for each session, whether it
26 be morning, afternoon, or evening. A requirement of

1 the order is that all participants less -- must wear
2 masks. We ask that you arrive with a mask.

3 You will note that we -- the NIRB is not providing
4 hospitality, and that is something that we cannot do
5 due to the COVID measures.

6 We ask that you make regular use of hand washing.
7 Public health officials always remind us that regular
8 and thorough hand washing is the best way to prevent
9 the transmission of disease and bacteria through your
10 hands. We ask that you take care when you cover -- to
11 ensure that you cover your cough, wash your hands after
12 you touch unusual surfaces. If you are wearing a
13 fabric mask such as the one that I am, please make sure
14 you wash it regularly so that germs don't accumulate on
15 it.

16 As parties enter the room, they will be asked a
17 series of questions. Please don't be offended. It's
18 part of the safety protocols to ensure that if you are
19 feeling unwell, there are other ways that you can
20 participate in this public hearing. Should you have
21 any questions about the Nunavut Impact Review Board's
22 public protocols for -- with respect to COVID-19,
23 please do not hesitate to contact, approach one of the
24 staff, and we'll do our best to answer your questions.

25 Thank you, Madam Chair.

26 THE CHAIR: Thank you, Karen.

1 We would like to thank you in advance for
2 complying with all of these measures that ensure all
3 remain safe and healthy. I will be chairing the public
4 hearing over the next 12 days in Pond Inlet. For
5 everyone participating at the Iqaluit hub or by the
6 audiovisual feed, be assured that we are linked to you
7 and the intervenors, and community representatives will
8 be able to ask questions and provide responses to the
9 same degree as would be expected if we were all in the
10 same room. As we are coordinating the various options
11 for participants, we ask that you be patient in waiting
12 for your turn to speak.

13 During the technical portion of the hearing,
14 discussions will be focused on the intervenors, and
15 each organization has identified key speakers. When it
16 is your organization's turn to speak, I will reference
17 your organization and key speaker, and they will in
18 turn delegate to the appropriate member of their team
19 to speak. There may be some delay as the sound tech
20 unmutes your line, and you must say your name and
21 organization for the stenographers every time you start
22 talking.

23 During the community roundtable portion, there
24 will be opportunities for audience members to
25 contribute. I will be calling your name directly or
26 asking you to identify yourself for the transcript.

1 With respect to modifications to our normal
2 practices for swearing in or affirming witnesses, I
3 will turn the microphone over to our legal counsel,
4 Teresa Meadows, to give a summary of those changes.

5 Teresa.

6 MS. MEADOWS: Thank you, Madam Chair.

7 Teresa Meadows, legal counsel for the Nunavut Impact
8 Review Board.

9 As many of the parties here have wondered about
10 how the Board will be modifying our normal swearing in
11 or affirmation procedures for witnesses who will not be
12 present in Pond Inlet, I would just like to give you a
13 quick summary of how that will work.

14 For any parties who are present here with us in
15 Pond Inlet, the procedure will be largely the same.
16 Before you give your presentations, we ask that the
17 witness state and spell their name for the record, and
18 then you will be asked to attest to the truth of the
19 evidence you will be providing by swearing to that
20 effect on the Bible or affirming if you do not wish to
21 swear on the Bible.

22 For parties who will be presenting remotely,
23 before your presentation, I will ask you to state and
24 spell your name for the record. I will ask you to
25 identify how you will be participating so that our
26 audiovisual technicians can be aware of how to make the

1 switch to your microphone, and then I will ask you
2 attest to the truth of your evidence by affirmation.

3 For parties who have prerecorded presentation
4 materials and the person who has recorded the
5 presentation will not be participating further in these
6 proceedings, I will simply ask that the people who are
7 participating in the hearing on behalf of that party
8 include as their evidence the prerecorded submission
9 and attest to the truth of its contents during their
10 swearing in or affirmation.

11 I will remind parties as we proceed regarding what
12 these modifications will be, and in the interim, if
13 parties have any questions regarding this process,
14 please contact Karen Costello, the executive director
15 of the Nunavut Impact Review Board, or myself.

16 Thank you, Madam Chair.

17 THE CHAIR: Please note that simultaneous
18 interpretation of the proceedings is being provided
19 throughout the meetings from interpreters here in Pond
20 Inlet, and an additional translator is available in
21 Iqaluit to assist with the logistics of the designated
22 community representatives.

23 Receivers are available from the sign-in table at
24 each in-person location, and language-specific
25 information has been provided for those participating
26 online. For those in the room in Pond Inlet, we would

1 like everyone to know Channel 0 is the floor sound;
2 Channel 1, English; Channel 2, Inuktitut. If you are
3 at an in-person location and are having trouble hearing
4 your -- hearing the proceedings, please let one of the
5 Board staff know, and they will assist you. Issues
6 with the online feed can be communicated with Keith
7 Morrison.

8 There are sign-in sheets in Pond Inlet and
9 Iqaluit. I ask everyone to please sign-in if you have
10 not already done so. This will ensure the Board can
11 provide an accurate record of hearing participants and
12 allow for adherence to public health measures.

13 Further, the Nunavut Impact Review Board is
14 required to gather contact information of those
15 participating in person but would like to assure
16 parties that the information will only be used for
17 contact tracing purposes.

18 Those participating through the online feed should
19 have preregistered to receive the information, but if
20 you did not preregister, please contact Cory Barker to
21 indicate your participation.

22 The Board is working with the Nunavut Independent
23 Television Network to arrange to broadcast a live feed
24 from Pond Inlet and Iqaluit through the Arctic Co-op
25 and Shaw Direct Cable TV throughout the territory and
26 beyond through the new Inuit-language cable TV called

1 Uvagut TV. These additional broadcasting measures are
2 intended to enable community members to remotely view
3 the technical sessions and community roundtable of the
4 public hearing.

5 In Iqaluit, Board staff will give you information
6 about the washrooms and emergency exits in your
7 location. In Pond Inlet, washrooms are located outside
8 this room in the lobby area. We ask that all
9 participants use the main entrance in the back while
10 the entrance here at the front is reserved for Board
11 and staff.

12 Onto Agenda Item 3.1. As directed in the Board's
13 prehearing conference decision issued October 30, 2020,
14 parties were required to submit any motions prior to
15 the public hearing on or before December 17, 2020. By
16 this date, the Board received three written motions
17 from parties, specifically from the Hamlet of Clyde
18 River and the Mittimatalik Hunters and Trappers
19 Organization. After providing parties an opportunity
20 to comment on the motions until January 7, 2021, on
21 January 15, 2021, the Board provided its determination
22 on the motions and, subsequently, on January 18, 2021,
23 released the final agenda for the public hearing.

24 Although the Board recognizes that depending on
25 the issues arising during the public hearing, that
26 parties may choose to make oral motions such request

1 for or objections to materials being entered into the
2 public hearing record, at this time, there were no
3 other written motions filed before the public hearing
4 by the December 17, 2020, deadline.

5 Accordingly, the Board will proceed to the
6 resumption of the public hearing but will address oral
7 motions from parties that may come up as the public
8 hearing proceeds.

9 Now, onto an introduction and overview of the
10 procedural history, structure of proceedings. This is
11 the reconvened public hearing for Baffinland Iron Mines
12 Corporation's Phase 2 Development Proposal, NIRB File
13 Number 08MN053.

14 This proposal involves an amendment to the
15 approved Mary River iron ore mine with additional
16 development proposed over two existing sites, at the
17 port facilities at Milne Inlet on the northern side of
18 Baffinland and along the routing of the 100-kilometre
19 tote road which leads south from Milne Port to the Mary
20 River mine site.

21 The previous public hearing for this file
22 commenced in November 2019, and the public hearing over
23 the next two weeks is a continuation of those
24 proceedings. The technical sessions were not completed
25 during the previous sessions. Therefore, the first six
26 days of this hearing will focus on updating and

1 completing the technical sessions of the proceedings.

2 The technical sessions are scheduled to conclude
3 on Saturday, January 30. After a day of rest on
4 Sunday, the community roundtable is scheduled to
5 commence on Monday, February 1 for about
6 five-and-a-half days, and the public hearing is
7 scheduled to wrap up on Saturday, February 6.

8 To minimize nonessential travel but ensure that we
9 have room in the hall to allow for interested community
10 members to join the proceedings by dropping by the hall
11 when they have time, community representatives from
12 Pond Inlet will be participating from here in Pond
13 Inlet with the designated representatives from the
14 other potentially affected North Baffin communities
15 participating from the Iqaluit hub.

16 Time will also be allotted to ensure the general
17 public has the opportunity to express their views and
18 ask questions of Baffinland and the intervenors
19 regarding this proposed project amendment and its
20 impacts.

21 The public hearing will conclude with each of the
22 communities participating in the community roundtable,
23 as well as the intervenors and the proponents being
24 allowed to make closing statements to the Board.

25 After the public hearing has concluded and the
26 public hearing record for this file is closed, based on

1 all the evidence, information, comments, and concerns
2 provided to the Board throughout the assessment, the
3 Nunavut Impact Review Board will make its decision and
4 issue a public hearing report and recommendations. The
5 Board will determine whether or not they recommend to
6 the relevant ministers that the Phase 2 development
7 project should be allowed to proceed to the permitting
8 stage.

9 If the Board recommends that the Phase 2
10 development project be allowed to proceed to the
11 permitting stage, the Board will also provide
12 recommendations about whether any changes or additions
13 to the terms and conditions of the existing Mary River
14 Project certificate are required to limit the potential
15 effects from the project.

16 Once the minister of northern affairs and other
17 responsible government ministers for consideration
18 receive the Board's public hearing report and
19 recommendations, the responsible ministers will then
20 have the option of accepting, varying, or rejecting the
21 Board's report and associated recommendations as set
22 out under the Nunavut Agreement and the Nunavut
23 Planning and Project Assessment Act.

24 I'll move on to introductions. I am the
25 chairperson of the Board. I am from Baker Lake. I
26 have served continuously with the Board since my first

1 term in 2011, and I will ask each of my fellow members
2 to make -- to take a moment to introduce themselves.
3 We will start with Catherine.

4 MS. EMRICK: Thank you, Madam Chair.

5 My name is Catherine Emrick, and I come from
6 Calgary, Alberta, and it's a pleasure to be in Pond
7 Inlet. Thank you.

8 THE CHAIR: Madeline.

9 MS. QUMUATUQ: Thank you, Madam Chair.

10 I am Madeline Qumuatuq, Board member for Nunavut
11 Impact Review Board. I have been a Board member for
12 three years, and I am very grateful for the fact that
13 we are welcomed in Pond Inlet.

14 THE CHAIR: Due to various circumstances
15 limiting the availability of Board members who were
16 present during the public hearing in November 2019, in
17 October 2020, the Board appointed a three-person Panel
18 to conduct the decision-making for this file.

19 The Panel was appointed as required under the
20 Nunavut Agreement and Nunavut Planning and Project
21 Assessment Act. As many of you know, the Board
22 generally prefers to sit as a full board during public
23 hearings, but these procedural fairness -- but because
24 procedural fairness requires that the decision-makers
25 on this file must have attended the September 2019 site
26 visit, in advance of the November 2019 public hearing,

1 it has become necessary to sit as a Panel to conclude
2 the decision-making for this file.

3 The Minister has been advised that Panel members
4 whose terms have expired or may expire during this
5 decision-making process have had their terms continued
6 by the chairperson to allow them to complete their
7 decision-making obligations.

8 Just like the full board, the Panel will be
9 hearing evidence, asking questions, and listening to
10 comments and concerns regarding Baffinland's assessment
11 of the potential ecosystemic and socio-economic effects
12 of the Phase 2 development proposal and will then make
13 a decision and provide the Board's written report and
14 recommendations.

15 I also want to mention that, as we all know,
16 Nunavut's population is relatively small, and, as a
17 result, often when the Board is considering a mining
18 project proposal, Board members may have close friends
19 or family members working for the intervenors or the
20 proponent of the project. All these circumstances are
21 quite common. The Board has internal procedures in
22 place to ensure that these relationships are disclosed
23 and that the objectivity of the Board processes is
24 maintained.

25 Should any party having questions or concerns
26 regarding these circumstances, I encourage you to speak

1 to the Board's legal counsel, Teresa Meadows, and she
2 will assist you.

3 The Board has many staff members participating in
4 these proceedings who have contributed to the Nunavut
5 Impact Review Board's administration and the technical
6 review of this project proposal, as well as our legal
7 counsel.

8 When I say their name, I ask that the staff wave
9 so that people can see them. We'll start in Pond
10 Inlet. Karen Costello, executive director; Kelli
11 Gillard, manager of project monitoring and acting
12 director of technical services for this hearing; Cory
13 Barker, Technical Advisor I; Francis Emingak, junior
14 technical advisor; Peter Evalik, environmental
15 administrator; Brydon Beattie, environmental
16 technologist; and Teresa Meadows of Meadows Law, legal
17 counsel to the Board.

18 In Iqaluit, Keith Morrison, manager of impact
19 assessment; Gill Daoust, Technical Advisor I; Ellie
20 Adjun, outreach coordinator; Ovik Evalik, senior
21 finance officer; and Josie Tucktoo, interpreter/translator.

22 Joining us by the phone, we have Tara Arko,
23 director of technical services; and Solomon Amuno,
24 Technical Advisor II. Later this week, we will have
25 Mark Ings, director of finance administration, join us
26 in Pond Inlet.

1 We have several interpreter/translators available
2 today for simultaneous interpretation: Veronica Dewar,
3 Rhoda Katsak, and Titus Arnajaallak in Pond Inlet; and
4 in Iqaluit, we have the Board's interpreter/translator,
5 Josie Tucktoo.

6 Assisting us with our sound system, video link,
7 interpretation, and sound recording, we have
8 representatives from Duoson. Please raise your hand at
9 your respective locations. As a reminder, please do
10 not approach Duoson's staff if you are having trouble
11 with being able to hear through the headsets or
12 speakers. Please approach the NIRB staff, and we will
13 ask the Duoson staff for help.

14 To ensure an accurate record of the public hearing
15 will be kept, we will be keeping a transcript of these
16 proceedings. We have Sandra Burns and Andres Vidal,
17 court reporters from Dicta Court Reporting, here to
18 prepare the transcript. I ask that all parties please
19 state their name every time prior to speaking to assist
20 the court reporters in preparing an accurate
21 transcript.

22 We would also like to notify all participants that
23 these proceedings are being attended by media
24 representatives in the Iqaluit location and in Pond
25 Inlet. If possible, we do ask that media wear a press
26 badge or similar identification throughout these

1 meetings so that it is clear to parties which media
2 outlet you are representing.

3 Members of the media who are filming these
4 proceedings are reminded to please respect the Board's
5 rules by remaining stationary when filming while the
6 meetings are in session and only conducting interviews
7 when we are on break. Any participants who are
8 approached by the media, it remains up to you as to
9 whether you wish to speak with the media.

10 The Board welcomes the media providing information
11 about these meetings to those who cannot attend.

12 However, I remind everyone that the Panel members,
13 including myself and the NIRB staff, cannot and will
14 not take questions or provide interviews to the media
15 or make public comments regarding the hearing while we
16 are underway and the Panel's decision has been
17 released.

18 As the involvement of intervenors has changed
19 throughout the assessment, I'd like to provide a brief
20 procedural history of the Phase 2 development project
21 before continuing with the introduction and roll call
22 of intervenors.

23 This is just a quick summary of key steps in the
24 Board's assessment of the Mary River Phase 2 project
25 that have occurred to get us here today.

26 The Mary River Project is owned and operated by

1 Baffinland Iron Mines Corporation or "Baffinland" and
2 is located approximately 160 kilometres from Pond Inlet
3 on the north end of Baffinland. The approved project,
4 as it was approved in 2012 and then modified in 2014
5 and 2018 and is currently operated, encompasses an iron
6 ore mine at Mary River with an all-season tote road
7 north to a port and facilities at Milne Inlet.

8 Until December 2021, Baffinland is permitted to
9 ship up to 6 million tonnes of iron ore per year from
10 the mine site along the tote road where the ore is
11 loaded onto ships and shipped out of Milne Inlet. The
12 original Mary River Project also includes a railway
13 south from the mine site to a port on the western
14 shores of Baffinland at Steensby Inlet. Although
15 approved to proceed in 2012, the port site at Steensby
16 Inlet and the railway south of the mine site have not
17 yet been constructed.

18 With the Phase 2 development project the Board is
19 considering at this public hearing, Baffinland is
20 seeking to increase the amount of iron ore that would
21 be shipped from the Milne Inlet port from the current
22 6 million tonnes to an average of 12 million tonnes per
23 year by constructing a railway north from the current
24 Mary River mine to the Milne Inlet port site.

25 Baffinland proposes to replace the trucking of the
26 ore along the tote road with trains that would

1 transport the ore along a railway that mostly follows
2 the route of the tote road to the north.

3 The Phase 2 development proposal would also
4 increase the number of shipped transits through Milne
5 Inlet to 176 round trips each shipping season. If the
6 Phase 2 development project is approved to proceed, an
7 average of 12 million tonnes of ore per year would be
8 shipped to market via Milne Inlet, and up to 18 million
9 tonnes of ore per year could be shipped through
10 Steensby Inlet once the southern railway line is
11 completed.

12 In terms of the file history, the Nunavut Impact
13 Review Board conducted a review of the original Mary
14 River iron ore mine, including the southern railway
15 line and shipping through Steensby Port between 2008
16 and 2012 and approved the original project to proceed
17 to the permitting stage on September 14, 2012, with the
18 issuance of Project Certificate Number 005.

19 Following this approval in 2013, Baffinland
20 applied to amend the project to generate the funding
21 necessary to support construction of the original
22 project by shipping up to 4.2 million tonnes of ore
23 along the tote road and shipping the ore via Milne
24 Inlet, and this change to the Mary River Project was
25 referred to as the early revenue phase proposal.

26 The early revenue phase proposal was assessed by

1 the Nunavut Impact Review Board as a reconsideration of
2 the approved project and was approved to proceed to the
3 permitting stage by the Board on March 17, 2014.

4 The Phase 2 development proposal was referred to
5 the Nunavut Impact Review Board for assessment by the
6 Nunavut Planning Commission on May 29, 2018.

7 In June 2018, the Nunavut Impact Review Board
8 determined that the assessment of the Phase 2
9 development proposal would proceed as a reconsideration
10 of the terms and conditions of Project Certificate
11 Number 005 under Section 12.8.2 of the Nunavut
12 Agreement and Section 112 of the Nunavut Planning and
13 Project Assessment Act.

14 In August 2018, Baffinland updated its assessment
15 of the potential impacts of the approved Mary River
16 Project to reflect the amended activities included
17 within the Phase 2 development proposal, submitting an
18 addendum to the final environmental impact statement
19 for the original Mary River Project.

20 After additional information and the clarification
21 of the scope of components was provided by Baffinland,
22 the Nunavut Impact Review Board formally accepted the
23 final impact statement addendum associated with the
24 Phase 2 development project in September 2018.

25 As a part of the technical review process, two
26 in-person technical meetings were held by the Board in

1 Iqaluit, one in April and the second in June 2019. In
2 September 2019, the Board and representatives from the
3 intervenors participated in a site visit to the Mary
4 River Project hosted by Baffinland to view the main
5 mine site, tote road, and Milne port.

6 On November 2 to 6, 2019, the Board scheduled a
7 five-day public hearing to take place in Iqaluit
8 followed by a two-day community roundtable to be held
9 in Pond Inlet on November 8 and 9.

10 On November 6, Nunavut Tunngavik Incorporated
11 supported by several other intervenors brought a motion
12 to suspend the public hearing, including the community
13 roundtable in Pond Inlet, to allow more time for many
14 intervening parties and the community representatives
15 to review, consider, and comment more fully on the
16 Phase 2 development proposal.

17 At the public hearing, the Board agreed that many
18 topics remained to be completed in the public hearing
19 agenda and, therefore, cancelled the community
20 roundtable for November 8 and 9 and suspended the
21 public hearing to allow parties to provide written
22 submissions to the Board about the motion to suspend
23 the public hearing.

24 In December 2019, the Nunavut Impact Review Board
25 granted the motion to suspend the public hearing and
26 issued a disposition of motions report. In that

1 report, the Board also indicated that a third technical
2 meeting and community roundtable and prehearing
3 conference would be held by the Board before the Board
4 would consider resuming the suspended public hearing.

5 Just days before these meetings were scheduled to
6 take place in Iqaluit from March 16 to 25, 2020, public
7 health measures implemented to respond to the COVID-19
8 pandemic such as limits on travel into Nunavut and
9 restrictions on gathering sizes were put into place.

10 The proceedings had to be cancelled because it was
11 not possible at the time to hold the meetings in
12 compliance with these very restrictive public health
13 measures. Since the suspension of the meetings in
14 March, the Nunavut Impact Review Board consulted with
15 public health officials, technology providers, and
16 other decision-makers who normally hold in-person
17 meetings to identify modifications to the Board's
18 normal practices that may allow for the Board to
19 achieve the objectives of these meetings while still
20 ensuring the health and safety of participants and
21 communities.

22 On September 14 to 18, 2020, the Board staff
23 facilitated the third technical meeting using
24 teleconference technology. Over 130 people
25 participated in these meetings which were chaired by
26 the Board's executive director.

1 Representatives of the proponent and all formal
2 intervenors participated over five full days, including
3 two evening sessions, to discuss and to the extent
4 possible resolve outstanding technical issues.

5 Parties worked on refining the 80 to 85 commitments
6 made during the third technical meeting and identified
7 issues that were partially resolved or that remained
8 unresolved. As the NIRB staff indicated during the
9 third technical meeting, although aspects of the Inuit
10 Certainty Agreement negotiated between Baffinland and
11 the Qikiqtani Inuit Association that address impact
12 management, mitigation, and monitoring measures are
13 relevant items for discussion to the extent that these
14 measures resolve technical issues between the parties.

15 There are many aspects of the Inuit Certainty
16 Agreement that are not relevant to the NIRB's
17 assessment of the Phase 2 development proposal, and
18 questions regarding the negotiation of the Inuit
19 Certainty Agreement and the Qikiqtani Inuit
20 Association's consultation process in relation to the
21 Inuit Certainty Agreement are outside the scope of the
22 issues being considered by the Nunavut Impact Review
23 Board and will not be discussed during these
24 proceedings.

25 From September 28 to October 1, 2020, the Nunavut
26 Impact Review Board hosted the community roundtable and

1 prehearing conference, and the Board issued the
2 prehearing conference report on October 30 describing
3 the Board's procedural direction for reconvening the
4 public hearing.

5 In the prehearing conference report, the Board
6 noted that in addition to all the registered
7 intervenors who participated during the prehearing
8 conference, that the Government of Denmark may be
9 interested in participating in this process due to
10 their concerns about potential transboundary effects in
11 Greenland.

12 The Board also noted that the Kugaaruk Hunters and
13 Trappers Organization had also expressed some interest
14 in participating in the process to get information on
15 the potential for effects on narwhal harvesting near
16 their community. In following up with both parties,
17 the Board has received confirmation that neither of
18 them will be participating in the reconvened public
19 hearing.

20 Anyone interested in looking at any of the
21 documentation associated with the Board's assessment of
22 the Phase 2 proposal so far, please see the NIRB staff
23 at your location, and they can provide you with an
24 opportunity to review electronic copies of anything you
25 might need.

26 This documentation is also available from the

1 Board's online public registry, and our staff can
2 direct you to the relevant parts of the website.

3 Now that we're up to date about how the assessment
4 of this proposed amendment to the Mary River Project
5 has progressed to this point, I'd like to give a brief
6 description of what this public hearing involves and
7 what you can expect. The Board is here to conduct this
8 public hearing under Article 12, Section 12.8.2 of the
9 Nunavut Agreement, and Section 112 of the Nunavut
10 Planning and Project Assessment Act.

11 It is the Board's duty to assess and evaluate the
12 potential socio-economic and ecosystemic impacts of the
13 Phase 2 development proposal and to determine whether
14 or not it should be allowed to proceed to the
15 permitting stage. In making this determination, the
16 primary objectives of the Board are to protect and
17 promote the existing and future well-being of the
18 residents and communities of the Nunavut settlement
19 area and Canada in general and also to protect and
20 promote the ecosystemic integrity of the Nunavut
21 settlement area.

22 The Board is conducting this public hearing to ask
23 questions and hear evidence, comments, and concerns
24 from the proponent, registered intervenors, community
25 members, and other interested parties about the changes
26 Baffinland is proposing to the Mary River Project to

1 inform the Board's decision-making.

2 During the hearing, the Board Panel will listen to
3 the submissions of all the parties appearing on the
4 record at the hearing, but the Panel itself will not be
5 responding to questions or providing comments or
6 opinions regarding this file.

7 When this public hearing concludes and the hearing
8 record closes, the Board Panel will begin its
9 deliberations based on all written material filed with
10 the Board to date and the questions, evidence,
11 concerns, and comments the Board hears during these
12 proceedings.

13 I want to emphasize how important it is that
14 everyone participate fully in this hearing to ensure
15 that the Board has a full and fair basis for our
16 decision and recommendations. The Board has structured
17 this hearing to support this participation to the
18 greatest extent possible.

19 Now, to discuss the hearing schedule. In terms of
20 the day ahead, the public hearing is scheduled to run
21 from Monday, January 25 through Saturday, February 6.
22 All meeting times are provided in Eastern Time as the
23 public hearing is based in Pond Inlet.

24 We will be starting each day at 9 AM and break for
25 dinner at 5 PM. If scheduled or as considered
26 necessary, the daily sessions may be followed by an

1 evening session from 6:30 PM to 9 PM. The Board has
2 scheduled three evening sessions this week to take
3 place tonight, Wednesday, and Thursday night. The
4 Board may decide additional evening sessions are
5 required, and, if so, the Board will advise parties
6 during the day that an additional evening session has
7 been scheduled.

8 The proceedings will break for lunch at
9 approximately 12 PM Eastern Time and reconvene at
10 1:15 PM and breaking for supper at 5 PM. We have
11 scheduled this time in the agenda for technical
12 sessions today through Saturday with technical
13 experts and intervenors -- where technical experts and
14 intervenors can present -- can be questioned with
15 respect to technical issues.

16 From February 1 to 6, we intend to complete the
17 community roundtable where there will be an opportunity
18 for community representatives to join us at the table
19 and ask questions directly to the proponent and
20 intervenors, in turn sharing their perspectives on the
21 proposed project with the Board.

22 Although the Board has done its best to prepare a
23 realistic agenda, the Board appreciates everyone's
24 flexibility as we work together to ensure that we make
25 the most productive use of our time together over the
26 next 12 days.

1 Lastly and before I turn to the roll call, in
2 order to ensure that everyone has a reasonable
3 opportunity to participate in this public hearing, the
4 Board requests that everyone respect the following
5 Board directions.

6 In our tradition, to give respect to our Elders,
7 therefore, during the proceedings, we invite any Elders
8 who are present to indicate if may -- that they wish to
9 speak, and either to our staff as well. So before you
10 speak, you could mention your name. If I mention your
11 name, the NIRB staff will give you the speaker, and
12 they will also be able to record what you are saying.

13 It is very difficult to predict the precise time
14 requirements for presentations and questions, and, as a
15 result, the schedule remains somewhat flexible.
16 Consequently, the Panel asks that all participants bear
17 with us as we adjust to reflect the needs of the
18 participants, technology, and the Board throughout the
19 hearing. It is our intention to have one 15-minute
20 break at the halfway point in the morning and one
21 15-minute break in the midafternoon. I will let
22 everyone know when we are coming up to break time.

23 As per the public health order, the NIRB will
24 not -- only be supplying bottled water throughout the
25 day, and any snacks people bring should be respectful
26 of common allergins.

1 Parties are responsible for their own lunch and
2 dinner arrangements. Please respect the timelines I
3 have set for breaks and return promptly to the meeting.
4 We have a lot to cover, and the Board cannot wait for
5 late arrivals.

6 For all participants, please do not interrupt when
7 a person is speaking. As set out in the agenda, there
8 will be an orderly opportunity to ask questions when
9 speakers have concluded their presentations.

10 For the sake of our court reporters and
11 interpreters, when it is your turn to speak, please use
12 a microphone, state your name and organization first,
13 and then speak clearly and at a reasonable pace.

14 Also please do not use abbreviations and acronyms,
15 and be mindful that some terms may require our
16 interpreters to take time to explain in detail. So
17 please be aware of the interpreters and pause when it
18 appears they need extra time to explain what you are
19 saying.

20 For the benefit of all participants, please turn
21 your cell phones and electronic devices off or at least
22 to the vibrate or silent setting no matter your method
23 of participation in this meeting.

24 While the Board understands that participating in
25 these proceedings during the COVID-19 pandemic have
26 resulted in parties not being able to join us here in

1 Pond Inlet, the Board appreciates the sacrifices and
2 flexibility of all participants in finding ways to
3 participate in a productive manner in these important
4 proceedings.

5 The Board appreciates all participants joining the
6 proceedings being patient with each other and the Board
7 as the technology we use may result in interruptions
8 and limitations that are outside of the parties and the
9 Board's control. I will now turn it over to the
10 Board's executive director for some technology
11 reminders. Karen.

12 MS. COSTELLO: Thank you, Madam Chair.

13 I'd like to go over some housekeeping reminders
14 related to the various platforms the Board is using for
15 these proceedings.

16 We ask all meeting participants to identify
17 yourself each and every time before beginning to speak
18 and use a consistent phrase to identify that your
19 response is complete. Please be mindful of your pace
20 when speaking as the Nunavut Impact Review Board is
21 providing simultaneous Inuktitut-English translation.
22 The interpretation channels are the same in Iqaluit and
23 Pond Inlet as the chair already mentioned.

24 For those participating via the Zoom link, please
25 note the following: If you are designated or invited
26 to speak, you must turn off the interpretation button

1 that's on the Zoom page. The interpretation button
2 must be turned off while you speak to avoid a feedback
3 loop. Your camera will also be activated at that time
4 so the Board and others may see you.

5 For those participating via teleconference, please
6 note that all lines will be muted. When you are
7 invited to speak, you must unmute your line by pressing
8 Star 4. Once you have completed speaking, press Star 4
9 to mute your line.

10 The Nunavut Impact Review Board staff are aware of
11 a temporary issue with the teleconference numbers
12 previously circulated. An email update was distributed
13 earlier this morning, including alternate phone
14 numbers. Staff will endeavour to send an update via
15 email as soon as possible.

16 Ensure your cell phones are on mute or set to
17 vibrate mode and other notifications on electronics at
18 your location are also muted.

19 With respect to those individuals using the
20 teleconference lines, callers are advised to not put
21 their line on hold when they step away for breaks,
22 particularly the lunch break. A line on hold can cause
23 a repetitive beeping noise on the line, and the entire
24 call may have to be disconnected.

25 And, finally, we ask that all parties respect the
26 timelines for their respective presentations.

1 Thank you, Madam Chair.

2 THE CHAIR: And, finally, as noted by the
3 Board in the prehearing conference decision report, I
4 would like to remind everyone that comments intended to
5 denigrate or belittle the views or comments of other
6 participants or simply intended to disrupt the
7 proceedings are not appropriate and may result in the
8 Board sanctioning such commenters.

9 If the Board considers it necessary, the Board may
10 strike such comments from the public hearing record,
11 and the Board may impose restrictions on anyone who is
12 unwilling to be respectful of the Board's rules and
13 modified procedures. The Board recognizes that
14 participants may have very strong feelings, including
15 strong disagreement with other participants.

16 But as the Board has generally come to expect,
17 strong emotions and disagreement can still be conveyed
18 in a manner that is respectful and productive. The
19 Board looks forward to participants continuing to
20 provide positive and respectful contributions as the
21 public hearing resumes.

22 Now, I would like to move forward to a roll call.
23 As I call out the name of each group or organization, I
24 would like to ask that the identified representative
25 introduce the individuals who will be participating
26 throughout the public hearing on their behalf.

1 I will begin the roll call with the proponent,
2 Baffinland Iron Mines Corporation.

3 Megan Lord-Hoyle, can you please introduce your
4 team.

5 Roll Call

6 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

7 Joining us from Baffinland in either the Pond
8 Inlet or Iqaluit hubs are Brian Penney, Udloriak
9 Hanson, Joe Tigullaraq, Lou Kamermans, Connie Merkosak,
10 and Andrew Moore.

11 We also have in the Iqaluit hub from Lawson
12 Lundell Brad Armstrong and Christine Kowbel.

13 Participating remotely with Baffinland, Emma
14 Malcolm, Christopher Murray, Connor Devereaux, Steven
15 Douville, Fay Pittman, Matthew Clark, Timmy Sewell, and
16 Krista Johnson.

17 With Environmental Dynamics Incorporated, Anne
18 MacLeod, Julia Krizan, and Mike Settingington.

19 THE CHAIR: Can you please repeat that so
20 the interpreter can hear.

21 MS. LORD-HOYLE: With Environmental Dynamics
22 Incorporated, Anne MacLeod, Julia Krizan, and Mike
23 Settingington.

24 With Fednav, Tim Keane and Courtney Legault.

25 With Genessee & Wyoming, Denys Del Cardo,
26 Louis-Rene Pelletier, and Sean Sefsik.

1 With Golder Associates, Phil Rouget, Marina
2 Winterbottom, Phil Osborne, and Patrick Abgrall.

3 With Hatch, Fanus Biljon; with Impact Economics,
4 Graeme Clinton; with Intrinsik Environmental Sciences,
5 Christine Moore; with JASCO, Melanie Austin; with
6 Knight Piesold, Richard Cook.

7 With Lawson Lundell, Laura Duke; with Nunami
8 Stantec, Dan Jarrat, Vicki Corning, Page Glenen, and
9 Sara Wallace.

10 And with Wood, John McClintock; and with JPCSL,
11 Jason Prno. Thank you, Madam Chair.

12 THE CHAIR: Next I will begin the roll
13 call. I will ask the spokesperson for each intervenor
14 to introduce themselves and the individuals who will be
15 participating in the public hearing on their behalf.

16 First, Qikiqtani Inuit Association, the president,
17 P.J. Akeeagok.

18 MR. AKEEAGOK: Good morning, Madam Chair.

19 Maybe my other colleague can introduce the -- the
20 colleagues from Qikiqtani Inuit Association.

21 THE CHAIR: Mr. Ottenhof.

22 MR. OTTENHOF: Thank you, Madam Chair. Jared
23 Ottenhof for the Qikiqtani Inuit Association.

24 I would just like to clarify that for the tech
25 meeting portion I will be the lead for Qikiqtani Inuit
26 Association.

1 Here in Pond Inlet we have myself; Richard Paton,
2 director of IQ and engagement for QIA; and Levi
3 Barnabas, our portfolio lead.

4 In the Iqaluit hub, we'll have our president, P.J.
5 Akeeagok, and Steven Williamson Bathory.

6 Participating remotely will be our technical team
7 consisting of Alistair MacDonald and Rachel Olson and
8 Susan Leech from the Firelight group; Jason Ash and
9 Nick Jewitt from Arktis; and our freshwater and marine
10 specialists, Jeff Higdon and Bruce Stewart. We will
11 also have legal counsel, Lorraine Land.

12 Thank you.

13 THE CHAIR: Nunavut Tunngavik Inuit --
14 Nunavut Tunngavik Incorporated interim president, James
15 Eetoolook.

16 MR. EETOOLOOK: James Eetoolook, interim
17 president of Nunavut Tunngavik Incorporated, executive
18 assistant, chief operating officer of (INUKTITUT SPOKEN
19 - NO TRANSLATION) director of wildlife and environment,
20 and by phone, connected by phone, Dr. David Lee, a
21 biologist; Carson Gillis, director of lands and
22 resources; Arthur Yuan, legal counsel; Neida Gonzalez,
23 legal counsel.

24 THE CHAIR: Joshua Arreak, Hamlet of Pond
25 Inlet.

26 MR. ARREAK: Thank you, Madam Chair.

1 Hamlet of Pond Inlet, mayor, Joshua Arreak.

2 Joshua Idlout that -- was going to be here, but
3 he's been sick. I don't know if he'll be coming, but
4 he will show up. And we have other board --
5 counsellors are here at the -- this meeting in -- and
6 by technology internet, Frank Tester, from Vancouver
7 area, from BC. He will also be -- and will be
8 reporting later on as time goes on. Thank you.

9 THE CHAIR: Mittimatalik, Eric Ootoovak.

10 MR. OOTOOVAK: Thank you, Madam Chair.

11 From Mittimatalik Hunters and Trappers
12 Association, I'm the chair, and on my left, Enookie
13 Inuarak, my vice president of Mittimatalik HTO.

14 Amanda Hanson-Main, technical advisor by Zoom;
15 Eamon Murphy, legal counsel; Keerit Julta, legal
16 counsel; Michell Bradley, legal counsel; Lauren Mar,
17 legal counsel; and Jamie Zyla, legal counsel.

18 Shelly Elverum, IQ expert. She's sitting in the
19 audience. Eric Solomon, IQ expert. Dr. Valeria
20 Vergara, marine expert. James Simonee and Vincent
21 L'Hereault, community-based monitoring witness and
22 expert.

23 During our meeting, this prehearing -- the public
24 hearings, some of my members of the HTO will be also
25 attending. Thank you, Madam Chairperson.

26 THE CHAIR: Igloolik community. Igloolik

1 Working Group, Peter Ivalu.

2 MR. IVALU: Thank you, Madam Chair. Peter
3 Ivalu, Igloolik Working Group. I'm the chairperson of
4 this group.

5 The other members will be Merlyn Recinos,
6 advisor -- technical advisor, and another Board member
7 from the Igloolik Working -- Working Group, Joanna
8 Quassa.

9 And, if possible, other Igloolik Working Group
10 members will be joining us either by telephone or Zoom.
11 They will try to attend. So we can't really confirm
12 whether -- which ones will be with us and the Igloolik
13 Working Group. Merlyn, myself, and Joanna will be main
14 presenters. Thank you, Madam Chair.

15 THE CHAIR: Sanirajak Hunters and Trappers
16 Organization, Jaypetee Audlakiak.

17 MR. AUDLAKIAK: Thank you, Madam Chair.

18 From the Sanirajak Hunters and Trappers
19 Organization, they will not be participating with me,
20 but we have some hamlet representatives from the Hamlet
21 of Sanirajak. So I will -- I want to ask you first
22 whether I can just say out there names first, if you
23 don't mind, Madam Chair.

24 THE CHAIR: Yes, you may proceed.

25 MR. AUDLAKIAK: Thank you.

26 From Sanirajak, Hamlet of Sanirajak, myself, I am

1 the mayor of Sanirajak, and joining me, Louis Primeau.
2 He's our CAO, chief administrative officer, and also
3 hamlet members, Daniel Arvaluk, Timothy Kuppag, Valerie
4 Curley. And from -- we have invited -- Joe has been
5 asked to participate. Thank you.

6 THE CHAIR: From the Hamlet of Sanirajak.
7 Hamlet of Arctic Bay in Iqaluit.

8 MR. NAQITARVIK: Thank you, Madam Chair.
9 My name is Olayuk Naqitarvik from Hamlet of Arctic
10 Bay. But we were not sure how many of us were going to
11 participate, me, anyway. So I am the only one
12 representing the hamlet. Thank you.

13 THE CHAIR: Clyde River Hunters and
14 Trappers Organization.

15 MR. KOONOO: Thank you, Madam Chair. My
16 name is Moses Koonoo. Our organization is called
17 Ikajutit Hunters and Trappers Organization. Thank you
18 for allowing us to participate.

19 Lori Idlout will be assisting us and also Okalik.
20 They deal with major issues, technical issues. And
21 also some of the Board members from Arctic Bay, if they
22 are allowed to participate, then any day they will be
23 able to participate. Our chairperson, Qaumajuq, and
24 Jonah Oyukuluk, and I am the vice chair, and I have
25 participated in these proceedings, and, therefore, I've
26 been delegated. Thank you.

1 THE CHAIR: Hamlet of Clyde River in
2 Iqaluit.

3 MR. NATANINE: Thank you, Madam Chair.

4 My name is Jerry Natanine. I'm the mayor of the
5 Hamlet of Clyde River, and our advisor will be joining
6 us by Zoom, Dr. Bernauer.

7 THE CHAIR: Clyde River Hunters and
8 Trappers Association in Iqaluit.

9 MR. AIPELLEE: My name is Steven Aipellee
10 from the Clyde River Hunters and Trappers Association.

11 THE CHAIR: From the Amaruq Hunters and
12 Trappers Association in Iqaluit.

13 MR. KAKEE: Good morning.

14 As we want to welcome everyone -- we want to
15 welcome everyone, and based on information we have,
16 we -- those of us in Iqaluit are -- I am a member of
17 the Amaruq Hunters and Trappers Organization, and I'm
18 also an Elder, and, therefore, I have been asked to
19 join, and also I have come. And right now when you
20 understand the things -- and I want to know the ways of
21 the white people. So, therefore, I will -- like, I
22 will have an assistant who will assist me with the
23 paperwork. Thank you.

24 THE CHAIR: From the Government of Nunavut
25 in Pond Inlet.

26 MS. O'GRADY: Natalie O'Grady, Avatiliriniq

1 coordinator, Government of Nunavut.

2 I'm very grateful to be in Pond Inlet for these
3 proceedings. Our main speakers will be Gabe Karlik,
4 the assistant deputy minister of the department of
5 economic development and transportation here in Pond
6 Inlet with us.

7 For the first week of the technical portion for
8 the community roundtable in Pond Inlet, we'll be joined
9 by Jimi Onalik, the deputy minister for the department
10 of economic development and transportation.

11 In Iqaluit, our main speaker will be Steve
12 Pinksen, the assistant deputy minister of the
13 department of environment. He will be with us for
14 Days 1, 2, and 3 of these meetings.

15 Supporting our speakers in Mittimatalik, we have
16 James Elliot, the project manager for impact
17 assessment, department of environment; John Ringrose,
18 regional wildlife biologist for Qikiqtani; and Emily
19 Stockley, legal counsel.

20 In Iqaluit, supporting our speakers will be
21 Erika Zell, the manager of regulations and
22 environmental assessment for the department of economic
23 development and transportation.

24 We have Amy Robinson, manager of land use and
25 environmental assessment with the department of
26 environment.

1 And we also have Michelle Kinney, legal counsel.

2 We also will be joined by Stephen Atkinson, a
3 wildlife consultant. I believe he's either on the
4 phone or -- or Zoom. Thank you.

5 THE CHAIR: The Crown-Indigenous Relations
6 and Northern Affairs Canada, Spencer Dewar.

7 MR. DEWAR: Thank you, Madam Chair.
8 Crown-Indigenous Relations and Northern Affairs Canada.
9 Thank you.

10 I'm alone here today in Pond Inlet, but I'm well
11 supported. In the Iqaluit hub, we have Krista
12 Henrikson, the regional director general; Felexce Ngwa,
13 the manager of impact assessment; Alex Chaikine, the
14 senior environmental assessment specialist; and David
15 Abernethy, regional socio-economics analyst.

16 Joining us remotely, Mark Hopkins, director
17 general for Natural Resources and Environment; Kim
18 Pawley, manager of environmental assessment, land-use
19 planning, and conservation; Jennifer Walsh, senior
20 environmental assessment analyst; and James Neary,
21 environmental assessment analyst.

22 I would like to also introduce our Department of
23 Justice who should be Simon Gruda-Dolbec. He'll be
24 joining in the Iqaluit hub.

25 And at this time, I'd like to turn it over to Lisa
26 Dyer with CanNor.

1 THE CHAIR: Lisa Dyer.

2 MS. DYER: Good morning, Madam Chair.

3 I am Lisa Dyer. I'm the director general of the
4 Northern Projects Management Office with the Canadian
5 Northern Economic Development Agency. With me in
6 Iqaluit is Saba Qazi, and supporting us in Pond Inlet
7 is Arusa Shafi. I would now like to pass it off to our
8 colleagues at DFO.

9 THE CHAIR: Anna Graham from Environmental
10 Climate Change Canada.

11 MS. GRAHAM: Hello. Anna Graham,
12 Environment and Climate Change Canada. I appear to be
13 having some technical difficulties. Can I get
14 confirmation that I'm being transmitted, being
15 received?

16 THE CHAIR: If you can please turn up the
17 volume. You may proceed.

18 MS. GRAHAM: Okay. Apologies if I'm not
19 being heard very clearly.

20 Anna Graham, Environment and Climate Change
21 Canada. I am the environmental coordinator for this
22 project, and with me supporting remotely by Zoom or by
23 teleconference, I have Margaret Fairbairn, our regional
24 director.

25 And we have a variety of technical experts as
26 well, Richard Holt; Brian Asher, supporting for air

1 quality expertise; we have Carl Kabanguka,
2 our environmental emergencies expert.

3 For wildlife, Jean-Francois Dufour and Krupesh
4 Patel. For water quality, Meagan Tobin. And I believe
5 Anne Wilson will be joining us during the community
6 roundtable portion of this hearing.

7 For mining, we have Reg Ejeckam, and also for air
8 quality, Matthew Parsons. Thank you.

9 THE CHAIR: Fisheries and Oceans Canada,
10 Gabriel Bernard-Lecaille.

11 MR. BERNARD-LECAILLE: Good morning. This is
12 Gabriel Bernard-Lecaille with Fisheries and Oceans
13 Canada. Can you confirm that you are receiving me?

14 THE CHAIR: Yes, you may proceed.

15 MR. BERNARD-LECAILLE: Thank you, Madam Chair.

16 So I am Gabriel Bernard-Lecaille with Fisheries
17 and Oceans Canada. I'm the senior biologist with the
18 fish and fish habitat program from the Arctic region.

19 With me for these proceedings I will have
20 Alexandra Sorckoff, a biologist with the fish and fish
21 habitat protection program.

22 I also have Alasdair Beattie, team lead mining oil
23 and gas north.

24 We also have Marianne Marcoux, marine mammal
25 expert with DFO science; Kimberly Howland, aquatic
26 invasive species expert also with Fisheries and Oceans

1 Canada science group; and, finally, we have Tom
2 Hoggarth, regional director, aquatic ecosystems.

3 Thank you.

4 THE CHAIR: We still have some
5 participants to introduce. However, it is now coming
6 to 11:00. Let's take a 15-minute break, and we'll
7 reconvene at 11:15, and we'll continue with the roll
8 call.

9 (ADJOURNMENT)

10 THE CHAIR: Welcome back, everyone. If
11 you can please take your seats.

12 Before we continue with the roll call of
13 participants, I'm going to turn it over to the board's
14 executive director, Karen Costello, for an update.
15 Karen.

16 MS. COSTELLO: Thank you, Madam Chair. It is
17 with a heavy heart that I have to share some sad news
18 for -- for Veronica, our interpreter.

19 We just got word just before the break that her
20 sister passed in Ottawa, and I'd just like to take a
21 moment to honour and respect and maybe just take a
22 moment of silence just to reflect. Thank you, Madam
23 Chair.

24 Moment of Silence

25 MS. COSTELLO: Thank you, Madam Chair.

26 THE CHAIR: It's unfortunate, yes. We

1 will all think of Veronica and her loved ones in
2 prayer.

3 Continuing with the roll call, from Health Canada
4 Matthew Gale. From Health Canada, Matthew Gale.
5 Roll Call Continued

6 MR. GALE: Thank you, Madam Chair.
7 Matthew Gale, Health Canada. I am the acting regional
8 manager with Health Canada. I, and the Health Canada
9 team will be participating remotely for these hearings.
10 I'm joined today by Kathleen Buset, impact assessment
11 program manager; Wendy Wilson, impact assessment
12 coordinator; Thien-Thanh Nguyen, engagement specialist.
13 Thank you, Madam Chair.

14 THE CHAIR: Natural Resources Canada,
15 Peter Unger.

16 MR. UNGER: Thank you, Madam Chair. My
17 name is Peter Unger, Natural Resources Canada. I work
18 in the environmental assessment division in the office
19 of the chief scientist. I will be joined by Rob
20 Johnstone, the deputy director of the explosives safety
21 and security branch in the lands and minerals sector,
22 and he will be representing Natural Resources Canada's
23 regulatory role. Qujannamiik.

24 THE CHAIR: Parks Canada, Allison
25 Stoddart.

26 MS. STODDART: I'm an environmental

1 assessment specialist with Parks Canada. I will be
2 participating by Zoom as (INDISCERNIBLE) Parks Canada
3 representatives in Iqaluit (INDISCERNIBLE) impact
4 assessment advisor for our Nunavut field unit. We have
5 Andrew Maher who is the resource conservation manager
6 in our Nunavut field unit. We have Laurent --
7 (VIDEO FEED LOST)

8 THE CHAIR: We just had the feed of
9 Allison Stoddart interrupted. I'll just wait to have
10 her reconnect. While we wait for Allison Stoddart
11 to -- oh, she's back online. Allison Stoddart, if you
12 can please complete your introduction of your team.

13 MS. STODDART: Thank you, Madam Chair. Can
14 you please let me know if you can hear me?

15 THE CHAIR: Yes, we can hear you. Please
16 continue.

17 MS. STODDART: Thank you.

18 I don't think my video is working, so I'll just
19 continue without it.

20 So I'll just repeat that in Iqaluit we have Jane
21 Chisholm, Andrew Maher, as well as Laurent Jonart.
22 Over Zoom we will have Jacquie Bastick, who is an
23 environmental assessment specialist, as well as Jenna
24 Boon who is the field unit superintendent for our
25 Nunavut field unit. Thank you very much.

26 THE CHAIR: Transport Canada. Transport

1 Canada, Jackie Barker.

2 MS. BARKER: Good morning. Thank you,
3 Madam Chair.

4 I am Jackie Barker, I am a regional environmental
5 advisor for Transport Canada. Also joining remotely
6 are Anita Gudmunson, regional manager, environmental
7 programs; Jaideep Johar, manager, marine safety and
8 security; and Jason Cram, manager, railway safety
9 engineering. Thank you.

10 THE CHAIR: Oceans North, Chris Debicki.

11 MR. DEBICKI: Good morning, Madam Chair.
12 Christopher Debicki, counsel, Oceans North. Can I get
13 a signal that I'm being heard?

14 THE CHAIR: Yes. You may proceed.

15 MR. DEBICKI: Thank you very much, Madam
16 Chair. I am joined today by my co-lead Amanda Joynt,
17 and we'll be the primary spokespeople for Oceans North.
18 We may be joined by our colleague, Georgia MacDonald.
19 We also anticipate calling expert witnesses and having
20 them present evidence both by way of prerecorded
21 audio/video and also having witnesses available for
22 questions. Those witnesses are Josh Jones with
23 Scripps, Scripps Institute of Oceanography; Johnny West
24 from OpenOil; and we've also requested, but can't get
25 confirmed, a third witness from LGL Limited. Thank you
26 very much Madam Chair.

1 THE CHAIR: World Wildlife Fund, Paul
2 Okalik.

3 MR. OKALIK: Good morning, Madam Chair. We
4 will not necessarily (INUKTITUT SPOKEN) World Wildlife
5 Fund, which I will be representing them from Iqaluit,
6 and I will go to Pond Inlet sometime this week and also
7 another person will join me on the phone with -- who
8 deals -- Erin Keenan, and he will be joining us by
9 telephone when he arrives in Iqaluit. And also a
10 regional biologist who lives down south, Brandon
11 Laforest, so he will be joining us from the phone, and
12 also our shipping specialist Andrew Dumbrille also will
13 be joining us via phone. Thank you, Madam Chair. Have
14 a nice day.

15 THE CHAIR: Nunavut Independent Television
16 Network. Carol Kunnuk.

17 MS. KUNNUK: Thank you. My name is Carol
18 Kunnuk. I'm from Igloolik. Joining me will be Ben
19 Kunuk and also my cameraman, Mark Malliki, and also
20 from Igloolik will be Zacharias Kunuk, and in
21 Montreal Lucy Tulugarjuk will be joining us from
22 Montreal and also a technical internet -- IT technician
23 and as we are joining you via videoconference. Thank
24 you, Madam Chair.

25 THE CHAIR: Before we move on to opening
26 statements, we have some updates from our legal

1 counsel, Teresa Meadows.

2 Directional Update by Nunavut Impact Review Board Legal
3 Counsel (Motions)

4 MS. MEADOWS: Thank you, Madam Chair.

5 Teresa Meadows, legal counsel for the Nunavut
6 Impact Review Board.

7 So, Madam Chair, this morning we've received --
8 and over the last couple of days we've received quite a
9 few requests from parties with respect to how to handle
10 motions that may arise during the public hearing.

11 I'd just like to give a little bit of brief
12 guidance to parties so that they are aware of how the
13 Board is proposing and directing that motions be dealt
14 with during this reconvened public hearing.

15 We are asking the parties that are aware of a
16 motion that they wish to file already in the public
17 hearing, provide that motion in writing to the Nunavut
18 Impact Review Board's public registry info@nirb, and
19 also file that written motion with me, so
20 tmeadows@meadowslaw.ca by 3 PM tomorrow, which is 3 PM
21 Eastern time tomorrow. The Board will then circulate
22 those motions that are received.

23 Parties will then have an opportunity to decide
24 whether or not they wish to reply to those motions. If
25 they do wish to file a written reply to a motion that
26 has been filed, they will have until 3 PM Eastern time

1 on Wednesday to file their motion -- or the response to
2 the motion. The Board will then convene to consider
3 those motions outside of the public hearing time and
4 will provide either a response, a decision, or further
5 direction in respect of the motion on Thursday.

6 Parties who have questions or inquiries are directed to
7 direct them to me by email in writing.

8 Should there be any other motions that arise next
9 week, we will provide further direction at that time.
10 If parties anticipate that their motion is time
11 sensitive -- so, for example, the motion needs to be
12 decided before an intervenor does their presentation --
13 parties are asked to identify that in their written
14 motion, and the Board will -- may end up adjusting the
15 agenda to reflect those requests. Thank you, Madam
16 Chair.

17 Those are my further directions of the Board with
18 respect to filing of written motions.

19 THE CHAIR: For the awareness of
20 participants, we also have media registered to attend.
21 From Radio Canada, Matisse Harvey; from Nunatsiaq News,
22 Dustin Patar and David Venn; and from CBC, Beth Brown.

23 On to opening statements by the proponent. I
24 would like to invite Brian Penney, president and CEO of
25 Baffinland Iron Mines Corporation. Mr. Penney.

26 Opening Remarks by Baffinland Iron Mines

1 MR. PENNEY: Ublaakut, Madam Chair.
2 Members of the Board, Elders, President Akeeagok,
3 Vice-president Eetoolook, Your Worships, community
4 representatives and all intervenors.

5 My name is Brian Penney. I am the president and
6 chief executive officer of Baffinland Iron Mines.

7 I would also like to welcome and thank members of
8 the public who are in attendance in Pond Inlet and
9 Iqaluit hubs and virtually. I am going to deliver
10 short opening marks, and then the vice president of
11 sustainable development Ms. Megan Lord-Hoyle will lead
12 us through the presentation over the next several days.

13 I understand that executing the environmental
14 review process and this public hearing in the COVID-19
15 world is not easy nor are the conditions for a public
16 hearing ideal. Please know that we appreciate the
17 Board's ability, the community of Pond Inlet's
18 tenacity, and intervenors' flexibility to carry on and
19 see this through. This is a very important step for
20 Baffinland and the communities of North Baffin.

21 To all Baffinland employees who remain home in
22 your communities, please know that we are working with
23 the Government of Nunavut to find a way to bring you
24 back to work safely. You are missed, and I look
25 forward to celebrating with you when you return to
26 Mary River.

1 After the hearing in November 2019 was adjourned,
2 the Board issued a written determination of
3 December 16th, 2019, which it encouraged all parties to
4 work together to ensure that as the assessment
5 continues, the Board is provided with a clear picture
6 of the views of Baffinland and the intervenors
7 regarding resolved and outstanding technical issues.

8 The communities affected by the proposal are
9 provided with the information, including translated
10 materials. The materials they require to fully
11 understand the proposal and the potential for the
12 proposal to have ecosystem and socioeconomic effects.

13 And the intervenors and communities affected by
14 the proposal are engaged so that their views, concerns,
15 and questions about the proposal can be identified,
16 considered, and addressed in a proactive and
17 collaborative fashion.

18 I can assure you that in the last year, Baffinland
19 and other parties have worked very hard to ensure
20 information is clear and available to develop extensive
21 and clear measures for collaboration, monitoring, and
22 adaptive management for the protection of the
23 environment and to agree on improved and extensive
24 socioeconomic monitoring and benefit. The work we have
25 done on these issues has significantly improved the
26 Phase 2 proposal put before you.

1 In its written report on disposition of motions in
2 December 2019, the Board summarized the positions of
3 the parties. The Board noted that the NTI did not
4 oppose in principle the potential mine expansion, but
5 was concerned that it must be done in a manner which
6 properly respects the balance between the benefit of
7 such a development and the potential environmental,
8 social, and cultural impacts. The QIA were concerned
9 that many technical issues remained unsolved. The MHTO
10 recommended that Baffinland ensure communities are
11 participating and providing meaningful input to project
12 development and assessment.

13 We are confident that our hard work in the past
14 year has addressed all of these concerns. In
15 particular, the Inuit Certainty Agreement addresses the
16 balance between benefits and potential impacts.

17 After extensive consultation and negotiations, the
18 Inuit Certainty Agreement was completed on
19 June 16th, 2020. The QIA has filed with the Board
20 Schedules 1 through 9 of the Inuit Certainty Agreement.
21 The schedules provide information regarding mitigation,
22 adaptive management, monitoring, and consideration for
23 future development.

24 In addition to a general summary, the QIA prepared
25 separate summaries for the agreement for hamlets, for
26 community members, for hunters and trappers

1 organizations, and for Inuit firms to aid in their
2 understanding of the agreement. These also have been
3 submitted to NIRB and are available on the public
4 registry and the QIA website.

5 Many of the commitments in the Inuit Certainty
6 Agreement have also been brought forward into their
7 process. You will hear more detail about these
8 commitments through our presentations, but I want to
9 emphasize we have resolved most of the QIA technical
10 issues and continue to work together. Our commitments
11 provide a strong foundation for your board's review
12 and, we hope, approval of the Phase 2 project.

13 Our commitments provide for ongoing collaboration
14 between Baffinland and Inuit for the protection of the
15 environment, the well-being of communities, and the
16 provision of benefits. The Inuit Stewardship Plan is a
17 project management plan to be authored by QIA with
18 input from the communities and implemented by Inuit
19 with funding from Baffinland. The plan will focus on
20 two streams, culture, resources, and land use, and
21 social issues related to community life.

22 We have made detailed commitments to adaptive
23 management of the project, and we will identify and
24 establish thresholds for specific actions based on
25 input from Inuit. We have committed to plans and
26 programs for social economic monitoring and engagement,

1 including the Inuit Social Oversight Committee, and we
2 have committed to increased benefits for Nunavummiut
3 through increased royalty payments and direct community
4 benefits.

5 We are confident that the additional commitments
6 Baffinland has made over the past year have established
7 a significant resetting of the balance between the
8 benefits of the project and the protection of
9 environmental and social values, and it establishes an
10 ongoing collaborative framework between Inuit and the
11 company.

12 The Inuit Certainty Agreement is an unprecedented
13 agreement in its financial benefits to Inuit throughout
14 the North Baffin region as well as the improved role
15 Inuit will play in project management and oversight.
16 The signing of this agreement represents an important
17 milestone in the development of the Mary River Project.

18 Respecting the resolution of technical issues, we
19 have also filed a reference guide to key topics on
20 December 18th, 2020. This document summarizes our hard
21 work in listening to and engaging with all parties in
22 seeking to resolve concerns. As outlined in the
23 reference guide, our actions have included the
24 following: Adjustments to the scope of the Phase 2
25 proposal, these are summarized in the submissions dated
26 January 7th, 2020; adjustments to the railway routing

1 and selection of Route 3, taking into account feedback
2 received from parties; a substantial commitment to
3 increase financial benefits to Qikiqtani Inuit, which
4 includes increased royalties; additional supports for
5 harvesters and the establishment by the QIA of a
6 community benefits policy; substantial commitments to
7 increase Inuit-led monitoring; and to fund the
8 establishment of an Inuit Stewardship Plan that will
9 directly influence management and operational
10 decisions; increased socioeconomic benefits, such as
11 childcare support for Inuit employees; substantial
12 contributions towards the construction of day cares in
13 impacted communities and increased support for Inuit
14 employment and training and Inuit firms; a commitment
15 to an approach to adaptive management planning, which
16 shall include the direct input of Inuit from affected
17 communities and which provides for joint approval of
18 the Adaptive Management Plan with the QIA.

19 In our presentation over the next few days, our
20 team will provide further details.

21 Our work over the past year has substantially
22 increased the share of socioeconomic and financial
23 benefits. We filed a document summarizing the fiscal
24 benefit with our update on Inuit and community
25 engagement on December 18th, 2020.

26 The financial benefits are significant. Very

1 briefly, payments to the QIA to date through royalties
2 and through rent total over \$66 million. Under the
3 Inuit Certainty Agreement, the royalty rate in the IIBA
4 will be increased nearly three times. With
5 conservative assumptions about iron ore prices and
6 assuming Phase 2 is approved, Baffinland expects to pay
7 the QIA approximately \$1 billion in royalties between
8 2021 and 2038.

9 The NTI will receive royalties under the Nunavut
10 mining regulations, and, again, under conservative
11 assumptions, Baffinland expects to pay NTI royalties of
12 1.4 billion over the life of mine from 2021 through
13 2038 for Deposit 1.

14 Tax payments to the Government of Nunavut and the
15 federal government are substantial as well.

16 Baffinland has committed to payments to
17 communities including \$3 million for each North Baffin
18 community for day cares, a \$10 million training centre,
19 and increased funding to harvesters. In addition, to
20 the development of a community benefits policy by the
21 QIA.

22 One of the issues of consideration of the Board is
23 the optimization of benefits, and we believe we have
24 achieved that through the Inuit Certainty Agreement and
25 other commitments.

26 I just want to briefly address the purpose and

1 need for the Phase 2 project. The following is a quote
2 from the project proposal: (as read)

3 The Government of Nunavut has focused on mine
4 development as an economic driver and a
5 non-economic catalyst for social change. The
6 Phase 2 proposal will allow the project to
7 continue to address the need to support the
8 NPC's broad planning principles, policies and
9 goals, which include encouraging sustainable
10 economic development, building healthy
11 communities and protecting and sustaining the
12 environment. The project has helped build
13 healthy communities and strengthen
14 partnerships between Baffinland and
15 stakeholders and institutions. The Phase 2
16 proposal will allow the project to continue
17 to contribute to the development of
18 infrastructure, skills training, employment,
19 and business opportunities in Nunavut as
20 outlined in Parnautit, the Government of
21 Nunavut exploration and mining strategy.
22 In Canada's northern strategy, to strengthen
23 Canada's sovereignty, protect the country's
24 environmental heritage, promote economic and
25 social development, and improve northern
26 government.

1 To achieve these goals, the Mary River Project must be
2 sustainable over current, medium, and long term. Iron
3 ore prices fluctuate significantly due to world-wide
4 economic factors.

5 The project has not been financially sustainable
6 regardless of ore price. For mining projects to be
7 sustainable, they must minimize the cost of producing
8 each tonne of ore. With Phase 2, the railway will
9 reduce our transportation costs substantially, and the
10 higher volumes will reduce our fixed cost per tonne.
11 The long term sustainability of the project will secure
12 the benefits to Inuit through training and employment,
13 business opportunities, general economic growth, and
14 financial revenues.

15 We are very proud of the work our team has done
16 over the past year to improve the project, expand the
17 benefits, and to support and enhance the framework for
18 project planning, monitoring, and adaptive management
19 to achieve environmental and social sustainability as
20 well.

21 We look forward to presenting the project to the
22 Board and the communities and all parties over the next
23 two weeks.

24 We encourage an active discussion and will answer
25 all questions posed to us.

26 Thank you for your participation in this process,

1 and we are happy to be here. Qujannamiik, Madam Chair,
2 and members of the Board.

3 THE CHAIR: Thank you, Mr. Penney, for
4 your opening remarks.

5 Thank you. We will go for lunch right now because
6 it's lunchtime, and we will start -- reconvene at 1:15.

7

8 (PROCEEDINGS ADJOURNED UNTIL 1:15 PM)

9

10 (PROCEEDINGS COMMENCED AT 1:18 PM)

11 THE CHAIR: Welcome back, everyone.
12 Continuing with the agenda. Opening statements by the
13 Qikiqtani Inuit Association.

14 Welcome. Opening statement by the Qikiqtani Inuit
15 Association president, P.J. Akeeagok. Mr. Akeeagok.
16 Opening Statements by Qikiqtani Inuit Association

17 MR. AKEEAGOK: Good afternoon. Thank you.

18 Madam Chair, P.J. Akeeagok, Qikiqtani Inuit
19 Association president.

20 First of all, I want to say that right now in
21 Pond Inlet there was a death in the family and
22 Mr. Arreak said -- and also, we want to think of
23 Veronica as well. I want to start my opening statement
24 with that.

25 While you're going through (NO ENGLISH FEED)
26 particularly the community of Mittimatalik for opening

1 up the community and your homes to this hearing. You
2 offer generous hospitality at a time when we knew and
3 when we know there are risks when we gather, and for
4 that, we are very grateful.

5 Thank you, as well, to all those who are willing
6 to travel to the hubs in Nunavut. Your willingness to
7 do so helps ensure Inuit voices and perspectives are
8 front and centre when important decisions are being
9 made about the Phase 2 proposal.

10 I also want to acknowledge the efforts of the
11 Nunavut Impact Review Board to arrange these meetings.
12 These are unprecedented times for everyone.

13 To the Nunavut Impact Review Board staff, we know
14 you have worked extremely hard to bring everyone
15 together and to figure out how to do so as safety as a
16 priority and safely as possible.

17 And to the Nunavut Impact Review Board, we know
18 you have had to make difficult decisions about how to
19 proceed. As Inuit, we deeply appreciate the presence
20 and perspectives of the Panel members who are here.

21 This is a very important issue, as you all know,
22 and based on your understanding as well, and the fact
23 that you can listen to the people in Inuktitut, that's
24 very important when we're discussing the Mary River
25 Project. And it's apparent -- it's apparent, like, we
26 will be meeting on this for two weeks, and that we may

1 have an impact on the livelihood of the Inuit.

2 I wanted to ensure I could speak directly with as
3 many Inuit as possible during these meetings.

4 Therefore, I will be travelling up to Mittimatalik for
5 the community roundtable and the conclusions of the
6 public hearing.

7 Qikiqtani Inuit Association's team will also
8 attend in both Nunavut locations and are available to
9 meet with community representatives during these
10 meetings.

11 Over the next two weeks, we all face critical
12 decisions. The Mary River Project is no ordinary mine.
13 The Mary River Project is the largest industrial
14 development in the history of Nunavut. (NO ENGLISH
15 FEED) a small project to learn -- to learn about and
16 how to align Inuit rights with mining development in a
17 way that promotes healthy Inuit communities and
18 self-determination. Inuit are now asked to jump right
19 into and consider a 30-million-tonne operation with a
20 railroad over permafrost bisecting one of the largest
21 islands in the world where we do not even have roads
22 between our communities.

23 This proposal involves ports for large ships in a
24 region where we have minimal port infrastructure, even
25 in our own communities. It involves icebreaking in
26 Arctic waters full of marine mammals, which are crucial

1 and critical to our local food chain, our economies,
2 our cultures, and in which -- are already under
3 increasing pressure and threats from many sources
4 including climate change.

5 The proposal before Inuit seeks to use the same
6 marine area which Inuit collaborated for decades to
7 protect, now known as Tallurutiup Imanga National
8 Marine Conservation Area on land selected by Inuit with
9 the knowledge of future development potential.

10 The decision will be huge and heavy to consider.
11 To the best of our abilities, we are using the current
12 Baffinland operations to understand what a larger
13 project could look like, but there's still so much we
14 do not know and so much that must be predicted about
15 the impacts of this proposal.

16 So we must rely on what we know as Inuit about the
17 land and about these waters. Inuit Qaujimagatunangit,
18 in our experience, provide crucial and critical
19 information that must be the basis for predicting what
20 will happen if the proposed Phase 2 activity was to
21 take place.

22 Inuit push hard to make sure this review process
23 address these enormous challenges. Originally a
24 hearing decision was supposed to happen in the spring
25 of 2019. It was clear that the proposal wasn't ready
26 at that time, and Inuit had concerns about crucial gaps

1 in the baseline information and environmental
2 assessment at that point.

3 Then a public hearing occurred in the fall of
4 2019, and, again, it was clear that Baffinland was not
5 ready. In the face of many outstanding and unanswered
6 technical questions, all of the Inuit organizations and
7 communities united in calling for the hearings to be
8 postponed until 2020 in order to resolve some of these
9 technical questions.

10 When the review process recommenced almost a year
11 later in the fall of 2020, there were more proposals
12 about how outstanding Inuit concerns could be
13 addressed. This included some proposed structures
14 committed by Baffinland, which dealt in part with how
15 Inuit could take a leadership role in the environmental
16 decision-making in concrete and specific ways.

17 But last fall, it was still clear that there were
18 critical gaps of information and still a lack of
19 important commitments from Baffinland on some key
20 issues.

21 I would like to be able to say that since the last
22 technical meeting and community roundtable in October,
23 the concerns of the impacted communities were
24 addressed. I would like to be able to say that
25 Baffinland used the time since last fall to make the
26 commitments that would give Inuit confidence that

1 meaningful measures will be in place to protect the
2 environment and protect the health and well-being of
3 Inuit communities.

4 There has been some important steps since last
5 fall, but in many ways, a number of critical issues are
6 still where they were in October of 2020.

7 Inuit have not been able to get the traction in
8 the form of commitments on some key issues that require
9 resolution in order for the project to meaningfully
10 balance the risks and the harm which Inuit will bear
11 and the benefits that will be received.

12 Inuit remain deeply conflicted and concerned about
13 whether a larger mine project with all the related
14 shipping and rail activity is really in the best
15 interests of the community of Mittimatalik and Inuit in
16 the region.

17 For Inuit to consider supporting a proposal before
18 the Nunavut Impact Review Board, certainty is required
19 that the project will respond meaningfully to Inuit
20 according to the formal project conditions and
21 commitments.

22 Throughout the entire Nunavut Impact Review Board
23 process, Inuit speakers from various communities have
24 been extremely consistent. Their message is that
25 environmental protection and protecting Inuit
26 relationships with the land and water, cultural

1 continuity, and food source is paramount above all
2 elements. Inuit have also been consistent in seeking
3 commitments from Baffinland that the result is shared
4 risk management. The question remains whether
5 Baffinland has heard and is willing to respond
6 sufficiently to these Inuit messages.

7 As these hearings start this week, I continue to
8 hear Inuit expressing a desire for greater
9 participation in these hearings and at the Mary River
10 Project as a whole. Inuit have consistently requested
11 that the hearings not be unnecessarily rushed so that
12 there is sufficient time for the critical work needed
13 prior to the Nunavut Impact Review Board's making a
14 final determination.

15 I am aware that Inuit communities and
16 organizations were deeply disappointed with NIRB's
17 decision to proceed this week, despite the requests of
18 every Inuit community and organization for a
19 postponement in order to ensure there is sufficient and
20 appropriate deep consultation as required by Canada's
21 Constitution even in these public health circumstances.

22 I am hearing from the communities and from my own
23 technical advisors that there is also frustration about
24 the ability to properly prepare for important questions
25 and decisions in the next two weeks because as late as
26 Friday, we received a large volume of new and critical

1 marine evidence, which leaves little or no time to
2 properly review or ask questions about some of the
3 issues which are most important to Inuit in this
4 process.

5 QIA urges NIRB to continue to take steps to ensure
6 this review process for a project of this magnitude is
7 a fair procedure for the Inuit and it meets the spirit
8 and intent of deep consultations with Inuit on these
9 issues.

10 I remain hopeful that over the next two weeks,
11 there will be movement to continue the meaningful
12 address, the concerns which communities are still
13 raising. For its part, the Qikiqtani Inuit Association
14 will be listening to the questions and concerns of the
15 communities and the responses and commitments that
16 Baffinland makes. This will help QIA determine whether
17 the right commitments are in place prior to QIA coming
18 to a decision on whether to support Phase 2 proposal or
19 not.

20 QIA and Baffinland developed the potential
21 skeleton of structures, which would ensure Baffinland
22 advances its commitment to Inuit if the project
23 proceeds. However, Inuit need the specific commitments
24 that show Baffinland is willing to put flesh on the
25 bones of the Inuit committee, the adaptive management
26 plan, and the additional cultural, resource, and land

1 use studies.

2 Qikiqtani Inuit Association will be looking for
3 additional commitments to Inuit this week and next
4 week, and Qikiqtani Inuit Association has noted the
5 deep and continuing concern which the impacted
6 communities have regards -- regarding the impacts of
7 shipping particularly. In many ways, a key issue over
8 the next two weeks will not simply be how many tonnes
9 of ore could be extracted, but how will that be
10 shipped? How many ships? What size? During what
11 times of the year? How will Inuit be fully involved in
12 the adaptive management process that will be
13 addressed -- that will address the impacts as they are
14 better understood over time.

15 QIA will continue to test whether Baffinland is
16 committed to taking these Inuit concerns about marine
17 impact seriously. They are based on Inuit
18 Qaujimajatuqangit and our intimate knowledge of the
19 lands and waters over thousands of years.

20 Baffinland, I ask you to be adaptive. I ask you
21 to challenge the depth in the form of your commitments
22 to Inuit. Don't simply say you have done enough and
23 now it is up to the Nunavut Impact Review Board to
24 decide between your position and that of Inuit.

25 Heed the advice you have been given about the
26 environment you are seeking to operate and mine within.

1 Acknowledge your place as settlers within the Inuit
2 homeland. Your project grows out of Inuit lands and
3 resources. Work with us to make sure that in a
4 thousand years, that Inuit still have an adequate,
5 meaningful relationship with these lands and these very
6 waters. Inuit are prepared to work with you provided
7 you are committed to further -- to defining a shared
8 risk approach to this project. During these hearings,
9 Inuit are seeking additional commitments from you.

10 Qikiqtani Inuit Association also recognizes many
11 parties have important responsibilities associated with
12 the Mary River Project. Qikiqtani Inuit Association
13 will raise discussions and highlight additional areas
14 where the Mary River Project needs to improve in order
15 to gain Inuit support. These recommendations come from
16 and stem from true experience of Inuit in living with
17 the current project.

18 Finally, to all Inuit representatives who are
19 participating this week and next week, I commend you
20 for your strength, your wisdom, and your commitment to
21 bring forward your community's concerns and protecting
22 your community's futures. Your participation is what
23 pushes Qikiqtani Inuit Association to further improve
24 and seek greater clarity and commitments for the
25 benefit of all Inuit. Your participation is the
26 foundation for QIA's work, and I am honoured to work

1 with you all.

2 I am committed to working with all of you to
3 respond to whatever recommendations and decisions that
4 come out of these meetings. I am proud that Inuit
5 leaders continue to fight for rights allowing Inuit to
6 participate in a very decision -- in these very
7 decisions that define our lives and our communities.
8 Thank you, Madam Chair.

9 THE CHAIR: Thank you, Mr. Akeeagok, for
10 your opening remarks.

11 Before we proceed to technical presentations, I'm
12 going to call upon the Board's executive director,
13 Karen Costello, for some technical reminders. Karen?

14 MS. COSTELLO: Thank you, Madam Chair.

15 There is one additional reminder for parties
16 participating via the Zoom link. When parties are
17 called upon by the Chair to speak using -- on the Zoom
18 platform, please use the raise-hand function to
19 identify yourself. That will allow our technicians to
20 activate your camera and microphone for a presentation.

21 So as you may recall, the Chair indicated that she
22 would go to the lead spokesperson for each of the
23 parties, and that lead spokesperson would then identify
24 who would be responding to a question or making a
25 presentation. And if you are that person and you are
26 on Zoom, the NIRB is asking you to use the raise-hand

1 function that will put you at the top of the list,
2 which our AV technicians are monitoring and will allow
3 them to activate your camera and microphone. Thank
4 you, Madam Chair.

5 THE CHAIR: We will now proceed with the
6 start of the technical session. The next item -- next
7 up is Item 6 of the agenda. Baffinland will deliver
8 several presentations providing an overview of the
9 components and activities associated with the Phase 2
10 development proposal with summaries of their assessment
11 of potential ecosystemic and socio-impacts, including
12 cumulative effects.

13 We will begin with their overview presentation
14 followed by the subsequent presentations, making time
15 for questions after each grouping. First, the
16 introduction and project overview.

17 I will now go to the NIRB's legal counsel for a
18 swearing in or affirmation of the proponent's
19 witnesses, marking of exhibits, and the technical
20 presentations by the proponent.

21 I will ask that our legal counsel swear or affirm
22 Baffinland's presenters and mark the exhibits as we go.
23 Ms. Meadows?

24 MS. MEADOWS: Thank you, Madam Chair.

25 Teresa Meadows, legal counsel for the Nunavut
26 Impact Review Board.

1 First of all, Madam Chair, I have an exhibit to
2 mark as the first exhibit in the reconvened public
3 hearing, and it consists of a hard copy of the
4 Introduction and Project Overview PowerPoint
5 presentation that Baffinland will be presenting right
6 now, and it is in English and Inuktitut both together
7 in one presentation, so we'll mark that as the first
8 exhibit in the reconvened hearing.

9 EXHIBIT 1 - Hard copy PowerPoint presentation
10 entitled "Introduction and Project Overview"
11 by Baffinland Iron Ore Mines Corporation
12 (English and Inuktitut)

13 MS. MEADOWS: Secondly, if I can have
14 Baffinland state and spell the names of all of the
15 presenters for the record, and then we will affirm them
16 all. Thank you, Madam Chair.

17 THE CHAIR: Baffinland, Megan Lord-Hoyle.

18 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland,
19 Iqaluit.

20 Joining me on the panel will be Udlu Hanson,
21 Joseph Tigullaraq, Lou Kamermans, Andrew Moore, who are
22 all in Iqaluit or Pond Inlet. And remotely, Fay
23 Pittman, Stephen Douville, Connor Devereaux, Fanus
24 Biljon, Tim Keane, and Courtney Legault.

25 THE CHAIR: Legal counsel.

26 MS. MEADOWS: Thank you, Madam Chair.

1 Teresa Meadows, legal counsel for the Nunavut
2 Impact Review Board. So rather than our normal
3 practice, which is to get each of the witnesses to
4 state and spell their name, recognizing that each of
5 them is in a different -- several of them are in -- on
6 teleconference, I will just confirm with Megan
7 Lord-Hoyle that we have the appropriate spellings for
8 names, and we will be confirming with the court
9 reporters that we have everyone's spellings so that
10 we're not going to take time to do that today.

11 So, Megan, do we have a complete list of all
12 people that will be presenting during this time?

13 THE CHAIR: Baffinland?

14 MS. LORD-HOYLE: Yes, Madam Chair. Megan
15 Lord-Hoyle.

16 I believe the Nunavut Impact Review Board does
17 have a complete list of all the names I just said.

18 MS. MEADOWS: Thank you, Madam Chair.

19 UDLU HANSON, MEGAN LORD-HOYLE, JOE TIGULLARAQ, LOU
20 KAMERMANS, ANDREW MOORE, CONNOR DEVEREAUX, FAY PITTMAN,
21 Affirmed

22 THE CHAIR: The next person from
23 Baffinland on Zoom. Megan Lord-Hoyle, if you can
24 confirm your list and identify your members on Zoom to
25 be affirmed? Stephen Douville.

26 MS. LORD-HOYLE: Megan Lord-Hoyle. Yes, I will

1 clarify, Madam Chair, the next order should be Steve
2 Douville, Fanus Biljon, and Tim Keane. Courtney
3 Legault is currently not online, so I'll ask those to
4 go in order, Steve Douville, Fanus Biljon, and Tim
5 Keane. Thank you.

6 STEPHEN DOUVILLE, FANUS VAN BILJON, TIMOTHY KEANE,
7 Affirmed

8 THE CHAIR: Just as a reminder, before you
9 speak if you can state your name for the record for the
10 purpose of the transcript. NIRB legal counsel?

11 MS. MEADOWS: Thank you, Madam Chair.

12 Those are my procedural matters.

13 THE CHAIR: Baffinland, you may proceed
14 with your presentation. Megan Lord-Hoyle?
15 Presentation by Baffinland Iron Mines Corporation
16 (Introduction and Project Overview)

17 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland
18 Iqaluit.

19 Madam Chair, I understand the presentation will be
20 controlled out of Pond Inlet, so I will indicate "next
21 slide" when moving through the presentation so that
22 everyone can follow along who is participating
23 remotely. Next slide.

24 Megan Lord-Hoyle. I am the vice president of
25 sustainable development for Baffinland. I am pleased
26 to provide you with our introduction and project

1 overview presentation today. This and the next slide
2 presents an overview of our presentation, and I have
3 indicated who will be joining us on this panel. Next
4 slide.

5 Our company's culture is one that places the
6 highest priority on safety and respect for Inuit
7 values. Our goal is to operate this project so that
8 environmental and the Inuit standards are to be not
9 only met but exceeded. I am proud to work for
10 Baffinland and to represent the company here today.
11 Next slide.

12 This provides an overview of a few of the
13 important milestones for the Mary River Project
14 starting from 1962. This was presented in
15 November 2019, and there was one notable update since
16 the last time I delivered this presentation, which is
17 the signing of the Inuit Certainty Agreement in 2020.

18 We have incorporated many of the key commitments
19 from this agreement in our commitment table that has
20 been filed with the NIRB. Next slide.

21 We are currently mining from Deposit Number 1 and
22 exploring additional properties that could become
23 suitable for mining in the future.

24 Baffinland is proud to be the largest private
25 sector employer in the Qikiqtani region, and throughout
26 our presentations, you will hear more about the ways in

1 which we plan to increase the number of Inuit who work
2 for the project. Next slide. For those following
3 remotely, I am on Slide 9.

4 The mining process we use is a simple one in large
5 part due to the very high grade of iron ore. The ore
6 is mined from an open pit, crushed at an outdoor
7 facility at the mine site, and a fleet of ore haul
8 trucks are used to transport the crushed ore north
9 along the tote road and then stockpiled at Milne Port.

10 In the last stages of the process, the stockpiled
11 ore is loaded on to vessels during the shipping season
12 and then delivered to customers. Next slide.

13 The photo on the left shows the existing mine site
14 as it is today. There are camp facilities, maintenance
15 facilities, and the airstrip shown in the distance, and
16 the mine haul road shown in the foreground. The mine
17 haul road runs from the deposit, which you can see on
18 the right side of the top slide, which is where we are
19 currently mining. Slide 12 shows a portion of the
20 100-kilometre-long tote road. Next slide.

21 The port site as shown in the photos contains ore
22 stockpiles, a fuel tank farm, camp, and office
23 facilities. There is also a quarry and land farm at
24 the port, and the photo on the right side of the top
25 slide shows an ore carrier loading at the existing dock
26 or what can also be called "berth".

1 The northern shipping route runs from the entrance
2 at Baffin Bay to Eclipse Sound south along Milne Inlet
3 to the port site. Next slide.

4 We have made efforts to provide translations of
5 both English and Inuktitut on single slides throughout
6 the presentations, but where this is not possible
7 you'll see English on one slide and Inuktitut on a
8 different slide. For those with printed copies, you
9 can easily flip between them.

10 Since the last time we were together in
11 November of 2019, Baffinland has continued to meet with
12 intervenors and communities engaged in the Nunavut
13 Impact Review Board process and to work with the
14 Qikiqtani Inuit Association.

15 We held a workshop at the mine site with
16 representatives from each community and the Qikiqtani
17 Inuit Association, negotiated and signed the Inuit
18 Certainty Agreement, and despite the constraints
19 presented by the pandemic, we have made extensive
20 efforts to continue engaging with Inuit and all
21 intervenors. Next slide.

22 Baffinland has made additional filings to the
23 Nunavut Impact Review Board since November 2019 in
24 response to comments and requests including an updated
25 project description and a summary of marine monitoring
26 from the previous year. All submissions filed until

1 the end of December 2020 are provided on this and the
2 next slide. Of note, Baffinland filed a reference
3 guide to key topics in December to aid all parties in
4 their final review and preparation for this hearing.
5 Next slide. Next slide. For those following along,
6 I'm now on Slide 21.

7 The Phase 2 project is needed to ensure the
8 long-term financial stability of the company. We are
9 dependent on the market ore price, and while 2020 and
10 early 2021 prices have been high, these are not
11 reflective of the market conditions that Baffinland has
12 operated under for the past five years. The Mary River
13 Project is a very different project than the gold mines
14 in western Nunavut. We are a bulk commodity miner with
15 a capital intense operation.

16 To be successful and profitable over the long
17 term, a railway is required. The increased production
18 and shipping will also ensure stable and growing
19 benefits for communities in the Qikiqtani region
20 through implementation of the Inuit Impact Benefit
21 Agreement, and the Community Benefits Policy that has
22 been committed to.

23 Phase 2 includes mitigations by design, which
24 address many of the concerns we've heard to date
25 through community engagement activities related to the
26 existing project.

1 The next slide was meant to show a short video of
2 the various components, but I'm not sure that that is
3 possible, so I'm going to skip through. We'll move to
4 Slide 23.

5 Similar to how we describe our current operations,
6 when we describe the major components of the Phase 2,
7 we speak to four main areas: The mine site,
8 transportation corridor, Milne Port, and shipping
9 activities. Next slide.

10 This is the key facts table taken from technical
11 supporting Document Number 2, which was also included
12 in the updated project description submitted to the
13 Board in January 2020. I will not speak to each of the
14 items, but the table provides the changes between the
15 early revenue phase and Phase 2 for your reference, and
16 I will now go through the main components of the
17 Phase 2 project.

18 The Phase 2 mining process is similar to what I
19 described before. The major change is that the ore
20 will be transferred to port by rail instead of truck
21 and will be crushed in an indoor facility at the port
22 site prior to being loaded on vessels for transport.
23 Next slide.

24 There are two slides which are similar for both
25 the mine and the port site, and there are larger maps
26 of these posted in the rooms in Pond Inlet and Iqaluit.

1 The left side of each shows the existing
2 infrastructure of the project with the changes
3 highlighted in green on the right side of the maps for
4 the Phase 2 project. At the mine site, there are
5 limited infrastructure changes, most of which are
6 related to the rail loading area.

7 This shows the routing for the northern
8 transportation corridor. The tote road that is
9 existing is shown as the black line running from the
10 mine site in the bottom right-hand corner north to the
11 port in upper left-hand corner. The green-dashed line
12 is the proposed rail line. For most of the corridor,
13 the rail line is within 100 metres of the tote road.
14 There are a few sections of the rail which has to be
15 moved less than a kilometre away from the tote road,
16 and there is one section that has been referred to as
17 the deviation or the dogleg for a length of 26 kilometres
18 that moves away from the tote road at its greatest
19 distance of 7 kilometers.

20 The reason for the deviation is to avoid a large
21 hill, which cannot allow the passage of an industrial
22 train because of the steepness of the grade.

23 This map shows what's referred to as "Route 3",
24 which is a change from the original project description
25 and which Baffinland has committed to engineer and
26 construct. Next slide.

1 Phase 2 incorporates several design mitigations by
2 moving from a truck to a train operation. There will
3 be less dust generated along the transportation
4 corridor, less greenhouse gas emissions per tonne of
5 iron moved, and there is less interactions between
6 vehicles and wildlife. Ten daily round trips by train
7 will replace up to 140 daily round trips by ore haul
8 truck.

9 The next slide, Slide 30, was also meant to show a
10 simulation of the rail line in the area of the
11 deviation, but I will move through that to Slide 31.

12 The port site maps are similar to what I described
13 before. On the left-hand side, the grey shading shows
14 existing infrastructure, and on the right, new
15 infrastructure for the Phase 2 is shaded in green. The
16 major changes at the port site will be for the rail
17 unloading areas, and changes in the crushing
18 operations. We will also require larger stockpiles and
19 a second ore dock, which will allow for the
20 transportation of a larger amount of ore.

21 The marine transportation corridor will remain the
22 same as it is for the currently approved project. The
23 proposed shipping season would extend from July 1st to
24 November 15th annually, but subject to ice conditions
25 in each year. Baffinland has committed that it will
26 not break land-fast ice and will not begin shipping

1 until confirmation that the flow edge near Mittimatalik
2 has been closed. There will be an increase in the size
3 and number of vessels that come to the port. The size
4 of vessels will range from those that are currently
5 used to cape-sized vessels. The number of vessels
6 proposed under Phase 2 is 176 vessels in total with a
7 mix of different ships and sizes based on what is known
8 of current market availability and those that are
9 capable of entering into the area under different ice
10 conditions. Next slide.

11 This chart provides an expected overview of
12 shipping from July to October. As you can see, the
13 largest amount of shipping will take place between
14 August and September when there is the least potential
15 for ice to be present in the area. One could expect to
16 see approximately two vessels per day on average during
17 this period. Shipping during the beginning and end of
18 the season known as what we call "the shoulder seasons"
19 will see less activity due, in part, to ice conditions
20 and operations and mitigation measures we have put
21 forward such as transit restrictions dependent on ice
22 coverage. These are projected numbers and may not
23 reflect the actual activity within any given year.
24 However, the number of ore carriers calling on port is
25 not expected to exceed 176 in a single season should
26 the Phase 2 proceed.

1 This provides examples of the size of vessels that
2 will be able to call on Milne Port should Phase 2 be
3 approved and the second ore dock is constructed. This
4 is now Slide 34.

5 Panamax and post-Panamax vessels have been
6 visiting the project site since 2015. The new ore dock
7 that could be built would be able to accept the larger
8 cape-sized vessels shown at the bottom of the three
9 figures. Baffinland is not building its own vessels
10 for the Phase 2 and will continue to charter vessels
11 available on the market. Next slide.

12 The benefits projected from the project are
13 substantial. Baffinland expects that \$680 million in
14 revenues will be generated for the Government of
15 Nunavut with an annual average increase in government
16 revenues by 26.1 percent, all while doubling Nunavut's
17 value of exports from 2015. Next slide.

18 For the Government of Canada, life of mine
19 revenues are anticipated to total \$1.7 billion. The
20 total gross domestic product generated in the Canadian
21 economy over the project's life span is anticipated to
22 be over \$30 billion. This is a significant amount of
23 revenue to the federal government that can support
24 services that all Canadians rely on each and every day.
25 Next slide. This is Slide 39.

26 Inuit will also benefit from new revenues

1 generated by the project, which are anticipated to
2 total \$2 billion over the life of mine. As the project
3 is located largely on Inuit-owned land, Nunavut
4 Tunngavik Incorporated will receive approximately
5 \$1.4 billion in revenues. But through its distribution
6 formula, notable portions of this money will be further
7 distributed to the Qikiqtani Inuit Association and
8 other regional Inuit associations. Next slide.

9 Since November 2019, the benefits from Phase 2
10 flowing to Inuit through the Inuit Impact Benefit
11 Agreement have significantly expanded as a result of
12 the Inuit Certainty Agreement. Over six years, the
13 royalty percentage will grow to 3 percent of
14 Baffinland's net sales revenue. This is a significant
15 amount of royalties that is based on the company's
16 sales and not on profit. That means even in a year
17 when Baffinland is not profitable, Inuit will still
18 receive benefits.

19 In addition to royalties, Baffinland will make
20 one-time financial payments to the Qikiqtani Inuit
21 Association if the Phase 2 is approved and Baffinland
22 decides to move forward with the project. The
23 Qikiqtani Inuit Association has also committed to
24 developing a community benefits policy. Next slide.

25 This slide shows the Phase 2 development schedule
26 as of where we are right now and specific milestones in

1 the decision-making process. Larger printouts of these
2 slides are also posted in Pond Inlet and Iqaluit. The
3 calendar is subject to change based on the review
4 process and permitting, but should the Phase 2 be
5 approved in 2021, we would not expect to start shipping
6 for under the Phase 2 until the 2024 shipping season.

7 The bottom of the calendar also shows a schedule
8 for implementation of Baffinland's commitments to the
9 Qikiqtani Inuit Association. Next slide. Next slide.

10 This has been provided for reference only and
11 presents an alternative way to look at the same
12 development timeline. Next slide. Next slide. Yeah.
13 Thank you.

14 Operational flexibility currently exists in the
15 project certificate. Baffinland has requested that
16 operational flexibility for Phase 2 allow Baffinland to
17 make up a single year of shortfalls in ore production
18 in transportation in the following year. It is
19 important to emphasize that even if we implement
20 operational flexibility, shipping in a single year
21 would never exceed the committed 176 ore carriers in a
22 year. The graph has been described before and shows
23 how this could be implemented in different years.

24 Operational flexibility is necessary for the
25 Phase 2 project. The reason is that mining operations
26 experience variability due to many factors. The

1 concept will provide additional certainty to Baffinland
2 that it can fulfill its contracts with its customers
3 following production shortfalls, while maintaining
4 stability for the operation and employees. Next slide.

5 By aiming to avoid multi-year shortfalls,
6 operational flexibility will avoid the need to pause
7 operations, which can, therefore, smooth out workforce
8 requirements and reduce the potential for layoffs.
9 Existing and planned modifications to project
10 mitigation, management, and monitoring practices would
11 all continue to apply under any scenario where
12 operational flexibility was used. Next slide. This is
13 now Slide 51.

14 This figure shows the key steps involved in the
15 assessment process and the results of the assessment
16 that are before the Board today. The Phase 2 final
17 environmental impact statement addendum was developed
18 using the Nunavut Impact Review Board environmental
19 impact statement guidelines for the Phase 2. We
20 focused the assessment on the same valued ecosystem
21 components and socioeconomic components established for
22 the approved project. Next slide.

23 The current mitigation measures for the approved
24 project will stay in place under Phase 2 with new and
25 additional measures implemented if Phase 2 is approved.
26 Our management plans will be updated to reflect all

1 commitments made in 2020 as well as those in the
2 project certificate should Phase 2 be approved. Next
3 slide.

4 When speaking about updating management plans and
5 introducing new monitoring programs, it is important to
6 look at the base from which we are working. Baffinland
7 has six years of operational experience. It has
8 increased the involvement of Inuit in project
9 monitoring, which we will see increase even more under
10 Phase 2. Further, commitments made throughout this
11 process will enhance that operational experience and
12 add to the extensive monitoring program and mitigations
13 already in place.

14 Under Phase 2, there will continue to be a large
15 amount of oversight of the project from Inuit and
16 regulators. We will continue our annual reporting as
17 well as the annual project review forum with the
18 Qikiqtani Inuit Association to hear from Inuit
19 directly. Next slide.

20 We will continue to host meetings at the mine site
21 to ensure that Inuit have a first-hand look at the
22 operations and to identify potential issues on the
23 ground at project sites. Inuit will continue to be
24 engaged through monitoring and through the development
25 of Inuit committees. This is now Slide 58.

26 Adaptive management has been actively practiced at

1 the project, and it has resulted in improvements to
2 many mitigations that we have in place. It's enhanced
3 training for employees in our human resources programs
4 and, notably, our dust control measures. This process
5 will become more formalized in the future through the
6 finalization of the adaptive management plan with
7 approval from the Qikiqtani Inuit Association and input
8 from two Inuit committees that will be established.

9 An Inuit Stewardship Plan will be developed and
10 will include culture, resource, and land use, and
11 social streams of Inuit-led monitoring, which will be
12 fully integrated into the adaptive management
13 framework. Next slide.

14 Outlined here is how the Inuit Stewardship Plan
15 will interact with Baffinland and the Mary River
16 Project. On the far right, you will see that the
17 primary contributors to the plan will be land users,
18 Elders, Inuit monitors and guardians, as well as
19 community members and social service providers in
20 communities. Both the culture, resources, and land-use
21 streams and social stream will follow similar
22 structures leading to meaningful contributions to the
23 adaptive management system. Next slide. This is now
24 Slide 61.

25 At the heart of the Inuit Stewardship Plan are the
26 Inuit committees. This committee are made up of Inuit

1 nominated from the impacted communities and will be
2 critical to the ongoing monitoring of the project. The
3 committees will provide input on Inuit-developed
4 thresholds and indicators for project monitoring,
5 design and implement Inuit-led monitoring programs, and
6 review monitoring results against those predetermined
7 indicators and thresholds.

8 Should monitoring indicate an unanticipated
9 adverse effect or generate a cause for concern for the
10 committees, Baffinland will implement pre-determined
11 responses as outlined and agreed to in the adaptive
12 management plan.

13 I would like to note that there is an error on the
14 slide that was submitted to the Board on the registry,
15 but for those who are in Pond Inlet and Iqaluit,
16 there's an additional sheet provided with the
17 correction. We have also submitted the correction to
18 the Board to be posted on the registry.

19 In the last section of the presentation, I'll
20 discuss the status of outstanding technical issues
21 through each topic-specific area with a high-level
22 overview of submissions to date and the common periods
23 we have had throughout this process. Next slide.

24 Baffinland has responded to 299 information
25 requests, 237 technical comments, and 178 final written
26 submissions that were received. As seen by the

1 progressively lower number of comments received
2 throughout the process, Baffinland has been working
3 hard to address the questions and technical issues
4 brought forward by intervenors throughout the
5 assessment, and we have also been working with
6 communities to address concerns and questions. Next
7 slide.

8 Over the course of this public hearing, we will be
9 explaining how we have addressed the concerns raised,
10 the important commitments that have been made that aim
11 to address any remaining uncertainty and improve the
12 project proposal.

13 The commitments made build upon the extensive body
14 of knowledge that has been built during our operations
15 to date. We have taken a phased approach to
16 development building on lessons learned over time.
17 Many of our commitments, monitoring programs, and
18 mitigations exceed industry and regulatory standards.

19 The Phase 2 proposal is critical to the future of
20 Baffinland and the Mary River Project. We'll ensure
21 that training and career opportunities are available
22 for Inuit over the long term, and that royalties,
23 taxation, and other financial benefits flow to Inuit,
24 Inuit organizations, government, and communities.
25 Qujannamiik, Madam Chair. That concludes our
26 introductory presentation.

1 THE CHAIR: Moving on to questions from
2 the first presentation. First from the Qikiqtani Inuit
3 Association, Jared Ottenhof.

4 Qikiqtani Inuit Association Questions Baffinland Iron
5 Mines Corporation

6 MR. OTTENHOF: Thank you, Madam Chair.

7 Jared Ottenhof for the Qikiqtani Inuit
8 Association.

9 Prior to beginning with our first question today,
10 I would like to note as this is a recommencing or
11 resuming of a November 2019 public hearing, QIA has
12 performed an extensive and in-depth review of this
13 project over several years calling on many resources.

14 Some of our technical issues have been addressed
15 or discussed in previous Nunavut Impact Review Board
16 events on this project, and, as such, some of our
17 concerns have already been addressed through those
18 events or through previous written submissions.

19 The questions we intend to pose in the resumed
20 public hearing are to address the remaining gaps, and,
21 as such, we may appear to have fewer questions on some
22 topics, but this does not reflect our level of concern
23 or focus on specific topics.

24 I'll now turn it over to Richard Paton for some
25 questions. Thank you.

26 THE CHAIR: Richard Paton.

1 MR. PATON: Thank you, Madam Chair.
2 Richard Paton for the Qikiqtani Inuit Association. I
3 have a quick clarification question with more
4 substantial questions to follow during follow-up
5 presentations on Inuit Qaujimajatuqangit and in Inuit
6 Qaujimajatuqangit, which are reflective of this
7 clarification.

8 At Slide 43 and 45 of the proponent's introduction
9 and project overview, the impression is given that
10 somehow the Inuit Stewardship Plan and the Inuit water
11 quality monitoring program would somehow stop after
12 2023. Can Baffinland clarify that these programs and
13 plans will be supported by Baffinland, including all
14 costs for the development and implementation for the
15 life of the project and are not ending in 2023. Thank
16 you, Madam Chair.

17 THE CHAIR: Baffinland, Megan Lord-Hoyle.

18 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.
19 Qujannamiik for the question and clarification.

20 Yes. We commit to the Inuit Stewardship Plan and
21 water quality monitoring for the life of the project.
22 Thank you.

23 THE CHAIR: Qikiqtani Inuit Association,
24 Richard Paton.

25 MR. PATON: Richard Paton for the
26 Qikiqtani Inuit Association. Thank you, Madam Chair.

1 That was my final question for this presentation.

2 THE CHAIR: Nunavut Tunngavik

3 Incorporated, James Eetoolook.

4 MR. EETOOLOOK: Nunavut Tunngavik.

5 Incorporated. I don't have a question at this time.

6 THE CHAIR: Hamlet of Pond Inlet, Joshua

7 Arreak.

8 Hamlet of Pond Inlet Questions Baffinland Iron Mines

9 Corporation

10 MR. ARREAK: Thank you, Chairperson. If

11 you look at Slide 43. It says 12 million tonnes if it

12 were to start -- if it were to start in 2024. This

13 road that we are talking about, it seems that it will

14 start to be used at 2024, the railway. Isn't that too

15 short in terms of safety and other things? Isn't that

16 a bit fast to be starting to use the railway at that

17 year? How long would it be and how long is the length

18 of the road?

19 THE CHAIR: Baffinland, Megan Lord-Hoyle.

20 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland

21 Iqaluit.

22 To clarify, what Slide 43 demonstrates is the

23 period between now, the construction schedule of the

24 rail line, which is expected to take two years, and

25 what we call the full implementation of the Phase 2

26 when that construction of the rail and the dock are

1 complete.

2 We have made a commitment that we will implement a
3 program that will safely allow community members access
4 to the tote road once ore-haul trucks are off the road.
5 So we would be implementing that program only once the
6 rail is fully operational and all ore-haul trucks are
7 off the road. Qujannamiik.

8 THE CHAIR: Mittimatalik Hamlet,
9 Joshua Arreak.

10 MR. ARREAK: (INUKTITUT SPOKEN - NO
11 TRANSLATION)

12 THE CHAIR: (INUKTITUT SPOKEN - NO
13 TRANSLATION), Eric Ootoovak.

14 Mittimatalik Hunters and Trappers Organization
15 Questions Baffinland Iron Mines Corporation

16 MR. OOTOOVAK: Thank you, Chair. It's Eric
17 Ootoovak from Mittimatalik Hunters and Trappers
18 Association.

19 I'm going to pass on Amanda Hanson-Main to start
20 the questions, and then we'll go on to Eamon Murphy,
21 our counsel. Thank you.

22 THE CHAIR: Mittimatalik Hunters and
23 Trappers Organization, Amanda Hanson-Main on Zoom.

24 MS. HANSON-MAIN: Qujannamiik, Iksivauta. Can
25 you hear me?

26 THE CHAIR: Yes. You may proceed.

1 MS. HANSON-MAIN: Qujannamiik.

2 On Slide 33 of this presentation, Ms. Lord-Hoyle
3 noted that the ore vessel size would be increasing from
4 what is currently being used to cape-sized vessels.
5 Additional slides later mentioned Panamax and
6 post-Panamax were the types currently utilized. Can
7 you confirm what the average tonnage that was shipped
8 in each vessel throughout 2020, so an average tonnage
9 shipped per vessel in 2020? Qujannamiik.

10 THE CHAIR: Baffinland, Megan Lord-Hoyle.

11 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland
12 Iqaluit.

13 I don't have the exact average per vessel at my
14 fingertips at this time, Madam Chair. Thank you.

15 THE CHAIR: Mittimatalik Hunters and
16 Trappers Organization, Amanda Hanson-Main.

17 MS. HANSON-MAIN: Qujannamiik, Iksivauta.
18 Amanda Hanson-Main, Mittimatalik Hunters and Trappers
19 Organization.

20 Can you confirm, Ms. Lord-Hoyle, you said that
21 zero additional ships would be required above the
22 proposed 176 ore vessels needed to accommodate the
23 14.4-million-tonne operational flexibility you are
24 seeking in total. And so following that, you would
25 just alter the size -- the configuration of ships to
26 add additional ore to the total for the season if you

1 needed to accommodate that additional operational
2 flexibility? Qujannamiik.

3 THE CHAIR: Baffinland, Megan Lord-Hoyle.

4 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland
5 Iqaluit.

6 Madam Chair, this has been outlined in the
7 operational flexibility memo that's provided on the
8 registry as of January 2020. But to answer the
9 question, that is correct. We would assume the risk
10 and manage the project by changing the mix of vessels
11 in order to implement the operational flexibility.
12 Excuse me, Madam Chair. I'd like to correct one item.
13 The operational flexibility memo was submitted in
14 October 2020. This was then reiterated in the project
15 description January 2020. Thank you.

16 THE CHAIR: Mittimatalik Hunters and
17 Trappers Organization, Amanda Hanson-Main.

18 MS. HANSON-MAIN: Qujannamiik, Iksivauta, and
19 thank you for the responses, to Baffinland.

20 It's unfortunate that we don't have the average
21 vessel tonnage, the ore that was shipped from more
22 current years, but there is a statement online from
23 2017 that says perhaps an average of -- of the
24 Panamax-sized carriers Baffinland used that year was
25 72,600.

26 If you consider that this is quite a small ship --

1 it's not the post-Panamax; it's the Panamax ship, by my
2 math, 12 million tonnes separated by ships that carry
3 72,600 each means that Baffinland could actually ship
4 12 million tons of ore using 165 of these smaller
5 ships, at much -- much less than the currently proposed
6 level of 176. I'm curious what the tonnage is -- it
7 wasn't mentioned in presentation -- of the cape-sized
8 vessels that Baffinland proposes to use for Phase 2?
9 Qujannamiik.

10 THE CHAIR: Baffinland, Megan Lord-Hoyle.

11 MS. LORD-HOYLE: Megan Lord-Hoyle.

12 Qujannamiik, Madam Chair.

13 This information has also been submitted as a
14 deferred response in January 2020 where we provided the
15 different vessel mixes and approximate tonnage. There
16 is a variety of tonnage sizes for different vessels as
17 well provided for in that memo.

18 THE CHAIR: Mittimatalik Hunters and
19 Trappers Organization, Amanda Hanson-Main.

20 MS. HANSON-MAIN: Qujannamiik, Iksivauta.

21 Amanda Hanson-Main again.

22 That seems to be a fairly straightforward key
23 project highlight that could have been included in this
24 presentation. Understanding that, from the 2019
25 hearing, Baffinland had answered questions about
26 needing to advance contracts with ship owners to

1 provide for the needs of a future project. Considering
2 you've planned a two-year, approximately, construction
3 season to advance Phase 2, can you tell us at -- how
4 many cape-sized vessels you currently have contracted
5 for the coming years? Qujannamiik.

6 THE CHAIR: Baffinland, Megan Lord-Hoyle.

7 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.
8 Qujannamiik, Madam Chair.

9 I think it's important to note that the assessment
10 that has been carried out and that is currently under
11 review has considered 176 ore carriers. What may have
12 been contracted or available in several years from now
13 is for Baffinland to manage, but it is important to
14 note that the full suite of vessels that is being
15 considered for use under the Phase 2 has been included
16 and assessed in this proposal. Qujannamiik.

17 THE CHAIR: Mittimatalik Hunters and
18 Trappers Organization, Amanda Hanson-Main.

19 MS. HANSON-MAIN: Qujannamiik, Iksivauta.
20 Amanda Hanson-Main.

21 Noting that there is no answers for some of these
22 questions, I'll move forward. I believe you can get to
23 where I'm going.

24 I'm understanding that it will be possible for
25 Baffinland to move 12 million tonnes of ore in far
26 fewer ships if you use a larger deadweight tonnage.

1 Can Baffinland explain why it requires the expansion
2 that is basically triple-fold to the current operation;
3 that is, you require an additional ore loading dock;
4 you require an additional extended shipping window; and
5 you require an additional capacity for ships up to 176
6 to move 12 million tonnes? Qujannamiik.

7 THE CHAIR: Baffinland, Megan Lord-Hoyle.

8 MR. KAMERMANS: Lou Kamermans, Baffinland.

9 I want to first provide clarification that there
10 are answers for all of the questions that have been
11 asked by Amanda. It's the relevancy which I'm not
12 certain about. We're trying to satisfy these
13 questions. In doing that, I think it's important to
14 identify that we first provided extensive information
15 on our shipping activities in the project description
16 submitted October 2018, Technical Supporting
17 Document 2; as part of information requests, we
18 submitted responses in December 2018. This included a
19 summary of our marine operations. This summary also
20 included a schedule -- three draft schedules of
21 potential vessel mixes showing the different sizes of
22 vessels that could come to the project and when. This
23 was reiterated for assessment purposes in the
24 icebreaking assessment submitted in May 2019. In
25 January 2020, we provided an updated project
26 description that, again, went over this information,

1 and most recently in October 2020, we released a memo
2 that included a description of our approach towards
3 operational flexibility. So there is ample evidence on
4 the record speaking to this issue.

5 I'd also like to confirm that we are not proposing
6 to triple our vessel activity. It is slightly more
7 than double. We are currently approved to ship
8 6 million tonnes per annum, and we forecast
9 approximately 83 vessels to do that. We have proposed
10 176 under Phase 2. If you double 83, and add 10, you
11 would have 176.

12 The rationale is that we expect to tap the market
13 on the available Panamax, Supramax, and larger vessels
14 and that we would actually have to use smaller vessels
15 that could be of a deadweight tonnage in the 50,000 to
16 6,000 range. This has all been identified previously
17 in our descriptions of the project.

18 The additional dock required for Phase 2 is to
19 account for the short shipping season. Without a
20 second ore dock, we would only be able to move half the
21 vessels required to move 12 million tonnes per annum in
22 a season.

23 I would like to remind the Board that this short
24 season is because we communicated with communities
25 throughout the development of the project proposal and
26 determined that a longer shipping season was not

1 desired. So this additional ore dock was to account
2 for that community preference and to be able to
3 complete our shipping season in the shortest amount of
4 time possible.

5 But I want to be clear. We've been very
6 transparent about our proposed shipping activities, and
7 we've been very transparent about the upper limit of
8 vessels we would need to come to the project, and this
9 has been considered in all of our marine-based
10 assessments. Thank you. Qujannamiik.

11 THE CHAIR: Mittimatalik Hunters and
12 Trappers Organization, Amanda Hanson-Main.

13 MS. HANSON-MAIN: Qujannamiik, Iksivauta.
14 Amanda Hanson-Main, again. I thank the proponent for
15 that response.

16 I would like to note that there are over 8,000
17 documents on the Nunavut Impact Review Board's
18 registry. Locating them all can be very difficult and
19 time consuming. I'd also like to note that this is an
20 oral hearing, and so for the participants, specifically
21 the community roundtable representatives and other
22 members who may not have had the ability to clarify all
23 of these details through the many documents that you
24 referenced, it is important that these questions be
25 answered on the oral record.

26 Madam Chair, presentation -- in the presentation,

1 Slide 65 states that: (as read)

2 Mary River is an established project where
3 the effects are well understood compared to a
4 new operation.

5 I'd like Baffinland to clarify which effects of the
6 existing project it suggests are well understood? The
7 findings of Inuit Qaujimagatugangit indicate a low
8 confidence in the proponent's assessment of predicted
9 impacts within their final environmental impact
10 statement, addendum, supporting documents. The
11 Mittimatalik Hunters and Trappers Organizations, other
12 community organizations, and even government
13 departments have emphasized that Baffinland's findings
14 are unreliable and not well supported. Despite this,
15 is Baffinland suggesting that the effects of shipping
16 and icebreaking on narwhal are well understood? Or on
17 seal? That these are well understood? Is Baffinland
18 also suggesting that the effects of its trucking
19 operation and road infrastructure on the Baffin Island
20 caribou are well understood? Can Baffinland please
21 clarify which of the effects are well understood
22 compared to a new operation? Qujannamiik.

23 THE CHAIR: Baffinland, Megan Lord-Hoyle.

24 MR. KAMERMANS: Lou Kamermans, Baffinland.

25 I believe we have additional opportunities
26 throughout our following presentations to discuss the

1 individual merits of each assessment, but at this point
2 in time, I would confirm our rationale, which is that
3 the Mary River Project, having operated for six years
4 prior to this decision point for an expansion, provides
5 a unique opportunity to understand how the project has
6 influenced the environment as compared to a review
7 where the project were new or considered greenfield.

8 To date, Baffinland's monitoring programs have
9 confirmed that all predictions have been accurate. So
10 with this, our assessments were carried out with the
11 best available information in the literature with
12 project-specific modelling where required and with the
13 confidence of understanding how the project has
14 actually operated in the environment. Qujannamiik.

15 THE CHAIR: Mittimatalik Hunters and
16 Trappers Organization, Amanda Hanson-Main.

17 MS. HANSON-MAIN: Qujannamiik, Iksivauta.
18 Amanda Hanson-Main. Thank you for that response.

19 Slide 65 notes that Phase 2 ensures the long-term
20 viability of the mine. We understand that COVID-19 has
21 levied many financial burdens on all mining operations
22 in Nunavut and beyond. Notwithstanding these recent
23 complications and recognizing that you applied for
24 Phase 2 in 2017, can you explain if your costs of
25 operating Mary River have increased substantially since
26 you received the initial approval to sip -- pardon me,

1 to ship 6 million tonnes per year? Qujannamiik.

2 THE CHAIR: Baffinland, Megan Lord-Hoyle.

3 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

4 Qujannamiik.

5 Madam Chair, I would like to point out that the
6 question as well as the response is not relevant to the
7 proposal at large, the Phase 2 proposal and the purpose
8 and need for the expansion.

9 We have seen maintenance and sustaining capital
10 costs increase, but certainly extra production or
11 moving and selling additional ore has helped the unit
12 cost of the operation.

13 Regardless, the Phase 2 was proposed before the
14 6-million-tonne or the production increase proposal.
15 And the same rationale that was held of needing to
16 decrease our operational costs and increase production
17 remains the same today as it was when it was first
18 proposed, if not more so because of the length of time
19 between the first proposal and now. Qujannamiik.

20 THE CHAIR: Mittimatalik Hunters and
21 Trappers Organization, Amanda Hanson-Main.

22 MS. HANSON-MAIN: Qujannamiik, Iksivauta.

23 Amanda Hanson-Main.

24 I believe Eamon Murphy had raised his hand to
25 interject. If we may go to him, please, for a moment.

26 THE CHAIR: Mittimatalik Hunters and

1 Trappers Organization, Eamon Murphy.

2 MR. MURPHY: Eamon Murphy, Mittimatalik
3 Hunters and Transportation Organization.

4 Madam Chair, a point of clarification, please. I
5 had heard at the outset of Baffinland's presentation
6 this morning, in particular that Mr. Penney said that
7 Baffinland was here to answer all questions. We've now
8 heard from Ms. Lord-Hoyle and Mr. Kamermans stating
9 that they find questions to be not relevant. My
10 understanding, Madam Chair, is that the proponent is to
11 be answering questions unless you, Madam Chair, declare
12 that those questions are not relevant.

13 So I would ask that the proponent ask [sic] the
14 questions that are being put to them as Mr. Penney
15 promised would be done unless and until Madam Chair
16 makes a determination that such question is not
17 relevant. Thank you, Madam Chair.

18 THE CHAIR: NIRB legal counsel?

19 MS. MEADOWS: Thank you, Madam Chair.
20 Teresa Meadows, legal counsel for the Nunavut Impact
21 Review Board.

22 Madam Chair, I would just remind everyone who is
23 participating in these proceedings that we all
24 recognize that there are many issues that people want
25 to discuss. There are many questions that people want
26 to have answers to. We ask that both questioners and

1 respondents stick to what is relevant and at issue in
2 these proceedings. This is not the first proceeding
3 that we have had with respect to this file. There are
4 many documents, and certainly it is fair to respond
5 with a cross-reference to documents that are filed.
6 However, for the benefit of everyone who is
7 participating, please, if you can, briefly reference or
8 summarize the content of those documents for the
9 benefit of the people that are participating today who
10 may not be familiar with the extensive record that is
11 currently before the Nunavut Impact Review Board.

12 We are respectful, however, of the time that we
13 have. There are limitations on the time that we can be
14 together, and we do want to proceed to the community
15 roundtable in accordance with the timelines we have set
16 out for the technical sessions. So I remind both
17 speakers and questioners to keep your questions short,
18 relevant, to the point. And for those who are
19 responding, do the same as well. Thank you, Madam
20 Chair.

21 THE CHAIR: The time is now coming to
22 3:15. We're going to take a quick break, and we'll
23 return to questioning. We'll reconvene at 3:30.

24 (ADJOURNMENT)

25 THE CHAIR: Welcome back, everybody.
26 Continuing with questions to the proponent.

1 Mittimatalik Hunters and Trappers Organization,
2 Amanda Hanson-Main.

3 Mittimatalik Hunters and Trappers Organization
4 Questions Baffinland Iron Mines Corporation
5 MS. HANSON-MAIN: Amanda Hanson-Main,
6 Mittimatalik Hunters and Trappers Organization.

7 Madam Chair, I'd like to continue with the line of
8 questioning just from before the break. During the
9 prehearing conference, Mr. Kamermans said that everyone
10 has known that this was a phase development project
11 from the start, but that isn't true, Madam Chair. Mary
12 River was not introduced as a phase project. I'd like
13 Baffinland to confirm it was approximately two weeks
14 after the original Nunavut Impact Review Board project
15 certificate for the Mary River Project was issued that
16 Baffinland filed the early revenue phase proposal with
17 the Board.

18 I'd also like him to confirm that the rationale
19 presented was that Baffinland didn't have the financial
20 ability to build Steensby Project at that time, the
21 southern rail and port. And so to prove the resources
22 at Mary River and to gain confidence of investors as
23 well as to generate revenue to begin the Steensby
24 construction, Baffinland required the early revenue
25 phase. Is that correct?

26 THE CHAIR: Baffinland, Megan Lord-Hoyle.

1 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland
2 Iqaluit.

3 I can confirm that what Ms. Hanson-Main has just
4 said as the -- the rationale provided for the early
5 revenue phase was what we proposed in the addendum to
6 the environmental impacts statement, and I'll ask Lou
7 Kamermans to confirm Ms. Hanson-Main's first question
8 around the phase, that it was not known that this was
9 phase development from the start as it was his -- his
10 comment.

11 Lou Kamermans?

12 THE CHAIR: Lou Kamermans.

13 MR. KAMERMANS: Lou Kamermans, Baffinland.

14 Thank you, Madam Chair.

15 I don't have the proper context for -- for making
16 that remark, but regardless of that, I -- I would say,
17 you know, it would be inaccurate to say everyone has --
18 has known from the beginning that this is a phased
19 project.

20 The intent was to first build the project to
21 Steensby, and then because of the adverse economic
22 situation at the time, an alternative development path
23 was picked. I do think it is accurate to say since
24 that time, we have taken a phased approach, and you
25 could see that in the -- in the increase first to 4.2
26 and then to 6 under the production increase and now to

1 12 under Phase 2. Thank you.

2 THE CHAIR: Mittimatalik Hunters and
3 Trappers Organization, Amanda Hanson-Main.

4 MS. HANSON-MAIN: Amanda Hanson-Main,
5 Mittimatalik Hunters and Trappers Organization. Also
6 thank you to Lou and to Megan for their responses.

7 I appreciate the note that things have moved to a
8 phase development. In fact, the early revenue phase
9 proposal stated that the scope change was meant to be a
10 short-term solution to finding investors to develop
11 Steensby, and then we know two years after that
12 approval for the early revenue, Baffinland applied for
13 the Phase 2 and for the production increase to
14 6 million tonnes in -- in short period together.

15 Did Baffinland, again, justify that the request
16 for additional mining, the 6 million tonnes, was a need
17 to remain profitable?

18 THE CHAIR: Baffinland, Megan Lord-Hoyle.

19 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland
20 Iqaluit.

21 Without the -- the production increase proposal
22 directly in front of me right now, I -- I can't speak
23 to the purpose and need as it was outlined.

24 But the -- the context, Madam Chair, for the need
25 for the production increase proposal or the 6 million
26 tonnes was as an insulation measure. It was expected

1 that when we first proposed the Phase 2 proposal we may
2 have had a shorter regulatory process than it has
3 become. The 6 million tonnes was seen as a way to
4 increase revenues and reduce costs per tonne that would
5 help insulate the company for the remainder of the
6 Phase 2 proposal.

7 It was seen as an interim measure, and it should
8 be also noted, Madam Chair, that the production
9 increase proposal approval was requested to be extended
10 and has been extended until the end of 2021, thus also
11 demonstrating that this is seen as an interim measure.
12 Thank you.

13 THE CHAIR: Mittimatalik Hunters and
14 Trappers Organization, Amanda Hanson-Main.

15 MS. HANSON-MAIN: Amanda Hanson-Main,
16 Mittimatalik Hunters and Trappers.

17 Thank you, Megan, for those responses, and -- and,
18 yes, the production increase proposal suggested that
19 without the flexibility and Project Certificate
20 Number 5, to transfer more ore than it was originally
21 permitted, i.e., 4.2 million tonnes, Baffinland found
22 itself in a position of having to idle operations and
23 reduce its workforce for a portion of each year
24 starting in 2018.

25 So just to confirm, Baffinland actually found
26 itself limited by a tonnage restriction and found that

1 it could do more with what it had been permitted in
2 terms of infrastructure and the activities. So it
3 asked -- it asked to increase the intensity of those
4 activities using existing infrastructure to maximize
5 its production; is that correct?

6 THE CHAIR: Baffinland, Megan Lord-Hoyle.

7 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland
8 Iqaluit.

9 Yes. I believe Ms. Hanson-Main was likely reading
10 from -- from the production increase proposal, and it
11 was first introduced as a response to a situation where
12 we found ourselves able to meet the -- the capacity for
13 the first time as an operation. We -- we went to the
14 full extent of what our permit could allow.

15 So to prevent us from having to idle operations at
16 the end of the year and potentially laying off, we
17 applied to extend our permit and have done so twice as
18 we have been going through the remaining part of the
19 regulatory process.

20 I think I'm also going to ask Lou Kamermans if he
21 has anything to add on this point.

22 THE CHAIR: Lou Kamermans.

23 MR. KAMERMANS: Lou Kamermans, Baffinland.
24 Thank you, Madam Chair.

25 That -- the rationale provided by Amanda was
26 provided first in a letter from Baffinland to the

1 Nunavut Impact Review Board requesting the review of
2 the production increase proposal. It's worth noting
3 for the benefit of the Board, as I'm sure you're aware,
4 all of these documents are -- are on the public
5 registry and are publicly available.

6 And just some additional context on -- on the
7 production increase proposal, it was presented at a
8 time that Baffinland had already applied for the
9 Phase 2 proposal. As Amanda noted, since 2014,
10 Baffinland had provided indication that it planned to
11 pursue the Phase 2 and to reach a production rate of
12 12 million tonnes per annum. But through -- the
13 permitting path took longer than expected, and in 2017,
14 we were still in the North Baffin regional land-use
15 plan amendment process.

16 So like Megan said, the increase to 6 million
17 tonnes was an interim measure to insulate ourselves
18 against the fluctuating iron prices at that time. By
19 that time, we had understood the trucking operation was
20 different than as it had been initially proposed.
21 Unanticipated costs were incurred, and those costs of
22 trucking were significant.

23 So it's also reasonable that we would've suggested
24 we could be profitable with 6 million tonnes, but that
25 profit can be in a spectrum, and in no circumstance
26 would it have been portrayed like that would be the

1 long-term viability for the project. We always
2 intended to move forward with Phase 2.

3 THE CHAIR: Mittimatalik Hunters and
4 Trappers Organization, Amanda Hanson-Main.

5 MS. HANSON-MAIN: And thank you, Megan and Lou,
6 for those responses.

7 Your Phase 2 final environmental impact statement
8 notes that expansion of the project as contemplated in
9 Phase 2 is necessary for Baffinland to continue to
10 operate. So without Phase 2, there is essentially no
11 project. 6 million tonnes will not do it.

12 I'm having a hard time grasping what else is -- is
13 required for the long-term viability of the Mary River
14 Project, and to the earlier questions we were raising
15 about the capacity you're building with ships, an
16 extended shipping season, additional ore dock, and the
17 efficiencies you'll gain with the rail proposal -- what
18 I'm getting at is: Should we all be expecting another
19 increase in production application in the near future?

20 These hearings are very costly and very time
21 consuming, very difficult for the Mittimatalik Hunters
22 and Trappers Organization, and we've gone through four
23 processes now in seven years with no certainty about
24 what Baffinland will or will not do.

25 Madam Chair, the question is: Should we expect
26 another production application increase in the near

1 future given the apparent overbuild of infrastructure
2 that Baffinland is considering in this application?

3 THE CHAIR: Baffinland, Megan Lord-Hoyle.

4 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland
5 Iqaluit.

6 Thank you for the questions.

7 And, Madam Chair, I will try and explain this
8 as -- as simply as I can. We continue to put forward
9 that moving to a rail operation is necessary for our
10 long-term viability. We do need to lower our fixed
11 costs. We need to lower the cost per tonne of ore
12 moved, and a railway helps us achieve that, similar to
13 many other mining operations which have to haul a bulk
14 commodity long distances.

15 And Ms. Hanson-Main's more direct question was:
16 What else is required for the long-term viability, and
17 will there be another extension request coming? The
18 short answer to that is we cannot predict it at this
19 time, to the best of our ability. I would imagine at
20 that time that those who developed the Steensby
21 assessment and investors who are ready to put money
22 into that project may not have expected what happened
23 in the ore market which forced them to rethink the
24 design. So I cannot guarantee that another application
25 will not be forthcoming.

26 But what I can provide more certainty on now and

1 changes since the last hearing is that we have made
2 commitments to the Qikiqtani Inuit Association that --
3 that we'll provide a much longer lead time to the
4 application before the Nunavut Impact Review Board.

5 We've made commitments that we'll work directly
6 with the Qikiqtani Inuit Association and the
7 communities to develop additional assessments that will
8 take a longer time than just submitting a project
9 proposal to the Nunavut Planning Commission and then
10 subsequently to the Nunavut Impact Review Board.

11 So there will be an opportunity to get community
12 feedback and to provide -- and for the company to
13 provide to the communities the rationale of what
14 we're -- we are putting forward next.

15 At the current time, we stand behind the Phase 2
16 proposal that's currently under review.

17 THE CHAIR: Mittimatalik Hunters and
18 Trappers Organization, Amanda Hanson-Main.

19 MS. HANSON-MAIN: I'm finished. (INUKTITUT
20 SPOKEN - NO TRANSLATION) for me. On to Eamon Murphy,
21 if you wouldn't mind. Thank you.

22 THE CHAIR: Mittimatalik Hunters and
23 Trappers Organization, Eamon Murphy.

24 MR. MURPHY: Mittimatalik Hunters and
25 Trappers Organization, Eamon Murphy here.

26 Ms. Lord-Hoyle, in your presentation and in

1 comments from Mr. Penney this morning, there was a lot
2 of reference to the Inuit Certainty Agreement. My
3 understanding is that agreement is not final but rather
4 a framework for further discussions and work. Is that
5 a correct understanding? Thank you, Madam Chair.

6 THE CHAIR: Baffinland, Megan Lord-Hoyle.

7 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland
8 Iqaluit.

9 The Inuit Certainty Agreement has been signed by
10 both presidents from Baffinland and Qikiqtani Inuit
11 Association, and it provides commitments that
12 Baffinland has made which are legally binding and will
13 be used to update the Inuit Impact Benefit Agreement,
14 the commercial lease, and the water compensation
15 agreement, all of which are outside of the review
16 process here before us.

17 The relevant commitments from the Inuit Certainty
18 Agreement for this review process have been included in
19 Baffinland's most recent commitment table that has been
20 submitted to the Board. Thank you.

21 THE CHAIR: Mittimatalik Hunters and
22 Trappers Organization, Eamon Murphy.

23 MR. MURPHY: Mittimatalik Hunters and
24 Trappers Organization, Eamon Murphy.

25 Ms. Lord-Hoyle, that does not answer my question.
26 What I asked was whether the agreement was final, not

1 whether it was signed by the parties.

2 I'll give you a specific example. You have
3 mentioned in your materials, Slide 43, the Inuit
4 Stewardship Plan. You also mention in that slide the
5 culture, resources, land-use plan. My understanding is
6 that neither of those have been drafted or are complete
7 at this point, are they? And yet they are referenced
8 by you in your materials, and they appear in the
9 limited portion of the Inuit Certainty Agreement that
10 is filed before the Board in these proceedings. Thank
11 you, Madam Chair.

12 THE CHAIR: Baffinland, Megan Lord-Hoyle.

13 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

14 Madam Chair, if I just have -- might have a moment
15 to confer.

16 Megan Lord-Hoyle, Baffinland.

17 This is a final binding agreement, and there's a
18 work plan in place that's been agreed to with the
19 Qikiqtani Inuit Association that we're continuing to
20 implement. Thank you.

21 THE CHAIR: Mittimatalik Hunters and
22 Trappers Organization, Eamon Murphy.

23 MR. MURPHY: Ms. Lord-Hoyle, to my initial
24 question, this is a framework to work out further
25 components of an agreement, isn't it? I asked you
26 whether the Inuit Stewardship Plan was complete. You

1 didn't answer that.

2 The provisions that you have referred to in your
3 presentation also mention an adaptive management plan.
4 Is the adaptive management plan that's referred to in
5 the Inuit Certainty Agreement complete? These are key
6 components that Baffinland is relying upon before the
7 Board. Thank you, Madam Chair.

8 THE CHAIR: Baffinland, Megan Lord-Hoyle.

9 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

10 That is correct. The -- the two referenced items,
11 the Inuit Stewardship Plan and the adaptive management
12 plan are either draft or being operationalized. As I
13 mentioned in the presentation provided, these will
14 continue to be finalized with input from Inuit. Thank
15 you.

16 THE CHAIR: Mittimatalik Hunters and
17 Trappers Organization, Eamon Murphy.

18 MR. MURPHY: Mittimatalik Hunters and
19 Trappers Organization, Eamon Murphy.

20 Ms. Lord-Hoyle, I understand that at some point in
21 the future you hope to finalize the components such as
22 the Inuit Stewardship Plan, the culture, resources,
23 land-use plan, the adaptive management plan, but that
24 is likely to occur some point in the future beyond
25 Phase 2 approval, is it not?

26 And a secondary question: What happens if there

1 is no agreement as between Qikiqtani Inuit Association
2 and Baffinland about those initiatives that are
3 proposed under Schedule A? What's the mechanism to
4 resolve that? Thank you, Madam Chair.

5 THE CHAIR: Baffinland, Megan Lord-Hoyle.

6 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

7 To clarify, Madam Chair, both the culture,
8 resources, and land-use assessment as well as the final
9 adaptive management plan will both be finalized before
10 construction of the Phase 2 is complete as per the work
11 plan agreed to with the Qikiqtani Inuit Association.
12 In fact, the adaptive management plan is scheduled for
13 completion August 31st, 2021.

14 Further, on the Inuit Stewardship Plan, our
15 commitment or agreement is to fund the development of
16 the Inuit Stewardship Plan, and the Qikiqtani Inuit
17 Association is the author and will implement the Inuit
18 Stewardship Plan.

19 Finally, the mechanisms that are available to
20 resolve issues related to these bilateral agreements is
21 an arbitration process. Thank you.

22 THE CHAIR: Mittimatalik Hunters and
23 Trappers Organization, Eamon Murphy.

24 MR. MURPHY: Mittimatalik Hunters and
25 Trappers Organization, Eamon Murphy.

26 Thank you, Ms. Lord-Hoyle. I understand that the

1 parties have every intention of trying to reach
2 agreement on things like the adaptive management plan,
3 and if they don't, that will go to arbitration. As I
4 understand it, an arbitrator may impose the solution on
5 Qikiqtani Inuit Association and Baffinland when there's
6 no agreement. And the related question is: Where do
7 those provisions appear in the record? Thank you,
8 Madam Chair.

9 THE CHAIR: Baffinland, Megan Lord-Hoyle.

10 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

11 To clarify, the processes -- the arbitration
12 processes you've just referred to are not on the
13 Nunavut Impact Review Board record. Thank you.

14 THE CHAIR: NIRB legal counsel.

15 MS. MEADOWS: Thank you, Madam Chair.

16 Teresa Meadows, legal counsel for the Nunavut Impact
17 Review Board.

18 Madam Chair, as there has been fairly extensive
19 discussion during the technical meeting, the third
20 technical meeting and the prehearing conference that
21 the Board held in October -- September and October this
22 past year with respect to the scope of the Board's
23 consideration of the Inuit Certainty Agreement, the
24 scope of what has been considered to be relevant by the
25 parties is defined as those aspects of the agreement
26 that are proposed to address the assessment of effects,

1 the monitoring for effects, and the mitigation of
2 potential effects associated with the Phase 2 project
3 development proposal.

4 Those provisions have been included in both
5 filings by the Qikiqtani Inuit Association, and, more
6 recently, Baffinland has included them in a commitments
7 table. The Board has reviewed these provisions in that
8 light as though they are similar and analogous to
9 commitments that are made to other intervenors to
10 resolve technical issues.

11 Just like with commitments, the Board does not
12 look behind those commitments in terms of the
13 enforcement mechanisms that the parties may have
14 negotiated between them about how those commitments are
15 to be met. Similarly, the Board is not bound by the
16 mitigations, the monitoring, and the management
17 mechanisms proposed by the parties.

18 The Board considers this information. However,
19 the Board is still entitled to exercise their own
20 discretion as to deciding what the appropriate
21 mitigation, management, and monitoring requirements may
22 be.

23 As a result, the Inuit Certainty Agreement has not
24 been filed in its entirety with the Board because the
25 Board is not considering the Inuit Certainty Agreement
26 in its entirety. Thank you, Madam Chair.

1 THE CHAIR: Mittimatalik Hunters and
2 Trappers Organization, Eamon Murphy.

3 MR. MURPHY: Mittimatalik Hunters and
4 Trappers Organization, Eamon Murphy.

5 Thank you, Ms. Meadows. To your point about
6 the -- this Board needing to understand those
7 provisions relating to mitigation, monitoring, and
8 management of effects, we have pointed out the
9 arbitration clause because the Board needs to
10 understand in light of Baffinland's presentation that
11 they are mitigating and managing effects through the
12 Inuit Certainty Agreement, what the mechanisms are for
13 managing that mitigation that is proposed.

14 And in this case, it's very clear that if the
15 parties don't agree on a plan, one will be imposed on
16 them. So it's unfair to my client to have Baffinland
17 relying on and pointing to the Inuit Certainty
18 Agreement as mitigation without the Board having a more
19 fulsome picture of how that mitigation will be rolled
20 out.

21 I have one final question for Ms. Lord-Hoyle about
22 the slide deck, if I may. The Slide 41 relating to
23 royalties, there is mention in that slide of the
24 royalties that will be generated for NTI and -- and QIA
25 is close to 1 billion. Where are the provisions for
26 those royalties located? Thank you, Madam Chair.

1 THE CHAIR: Baffinland, Megan Lord-Hoyle.

2 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

3 Information on revenues generated from the project
4 is included in Appendix A of Technical Supporting
5 Document 25. I understand the Qikiqtani Inuit
6 Association has also filed plain-language summaries
7 that include discussion of changes to the royalty
8 agreement which have been posted to the registry.

9 THE CHAIR: Igloolik Working Group, Peter
10 Ivalu.

11 Igloolik Working Group Questions Baffinland Iron Mines
12 Corporation

13 MR. IVALU: Thank you, Madam Chair.

14 Our technical advisor, Merlyn Recinos, will be
15 asking the questions. Thank you.

16 THE CHAIR: Igloolik Working Group, Merlyn
17 Recinos.

18 MR. RECINOS: Thank you, Madam Chair, and
19 thank you, everyone.

20 I have a couple of questions for Baffinland. Then
21 I have a couple for QIA, and then one for the Board.

22 I'll start with the first question to Baffinland,
23 and just to say that this is not the first time we're
24 asking these questions, and we've been consistent with
25 it. On page 33, we have the number of vessels in
26 transit. We have said in the past that this is

1 misleading as it does not represent icebreakers or
2 tugs. Can Baffinland provide the total number of
3 vessels per month, including ice breakers and tugs,
4 that will be utilized for each month? Thank you, Madam
5 Chair.

6 THE CHAIR: Baffinland, Megan Lord-Hoyle.

7 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

8 Just to clarify, on Slide 33, it does include a
9 breakdown of ore carriers, other project vessels, and
10 total by month. Thank you.

11 THE CHAIR: Igloolik Working Group, Merlyn
12 Recinos.

13 MR. RECINOS: Thank you, Madam Chair.

14 So each ore carrier will be doing one transit,
15 which is going to be in and out. What I'm saying is
16 that it's not clear for community representatives to
17 see the total number of transits that those vessels
18 will make. So as you can see, we do see 12 extra ships
19 on the month of July and 22 ore carriers. Those ore
20 carriers are not going to be going back and forth.
21 They will be going in to fill out to the market.

22 The other vessels will be making transits back and
23 forth. How many total transits do we expect for the
24 month of July?

25 THE CHAIR: Baffinland, Megan Lord-Hoyle.

26 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

1 Thank you for the question. Just to clarify, the
2 icebreaker is the only vessel that would do multiple
3 back-and-forths, which is what I think the question
4 that's being asked is. But when the icebreaker is in
5 use, we're also limited by our commitment to transit
6 restrictions based on ice conditions.

7 So we cannot give an exact number of what would be
8 required in a given month, in a given year for the
9 icebreaker transits because it would be based on ice
10 conditions, but what we can provide certainty on is
11 under -- given ice conditions, we would have a maximum
12 number of transits. So in heavier ice conditions,
13 we're restricted to one transit per day which would be
14 an icebreaker escorting another vessel or vessels.

15 Thank you.

16 THE CHAIR: Igloolik Working Group, Merlyn
17 Recinos.

18 MR. RECINOS: Thank you, Madam Chair.

19 For the purpose of putting on the record, how many
20 more vessels can we expect at the maximum for that
21 caravan to carry?

22 THE CHAIR: Baffinland, Megan Lord-Hoyle.

23 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

24 Madam Chair, we would expect four to five vessels
25 to be escorted by the icebreaker, and this -- just for
26 reference, this information has also been provided in

1 the updated project description that was submitted in
2 January of 2020.

3 THE CHAIR: Igloolik Working Group, Merlyn
4 Recinos.

5 MR. RECINOS: Thank you, Madam Chair.

6 Yes. It has been submitted, and I do have it, but
7 we have a lot of community representation at this
8 technical conference that is going to be present on the
9 roundtable, and a lot of them are new. This is their
10 first time participating, and we're not going to be
11 able to do presentations at the community roundtable.
12 Therefore, it's essential for us to ask these questions
13 and put them on the record, and we hope that they can
14 memorize them so they can ask those questions when the
15 roundtable comes. So I just wanted to state that.

16 My next question is -- and we continue to have
17 very close estimates in regards to the project benefits
18 for the Government of Nunavut, the Government of
19 Canada, NTI, and QIA, but there's no -- not even an
20 estimate, a percentage, or -- or anything in regards to
21 what community benefits are.

22 I have talked to everybody here, including the
23 Government of Canada, Government of Nunavut, QIA, NTI,
24 and the proponent, that the communities are going to be
25 impacted, and they're going to be the first ones that
26 are going to be phased. They're going to be needing

1 access to those benefits to alleviate some of those
2 impacts that are being phased through harvesting, as
3 well as to other ways.

4 Why is there not -- we see community direct
5 benefits under Slide 41, but there's no percentage or
6 amount. Why hasn't been a defined number for the
7 communities? This process is supposed to allow
8 communities to make the determination that there is
9 enough protocols in place and mitigation for the
10 project to proceed but also to ensure that there is
11 enough benefits that outweigh the impacts to
12 communities. How can communities make that assessment
13 if they're not being able to -- to grasp even what
14 those benefits would be for the communities?

15 Why is there not a number or a percentage for
16 community direct benefits so the communities can make
17 that -- that decision?

18 THE CHAIR: Baffinland, Megan Lord-Hoyle.

19 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

20 The QIA has made the commitment -- excuse me, the
21 Qikiqtani Inuit Association has made the commitment to
22 develop the community benefits fund with input from
23 each of the communities. Baffinland has provided
24 direct benefits to the communities and will continue to
25 do so. We've committed to the development of day care
26 structures up to \$15 million. \$10 million for a

1 training centre. We've committed to a \$750,000 annual
2 harvesters enabling fund. That's just a few examples
3 of -- of funds that will go directly to the communities
4 for the life of mine.

5 There are also other funds under the Inuit Impact
6 Benefit Agreement. Thank you.

7 THE CHAIR: Igloolik Working Group, Merlyn
8 Recinos.

9 MR. RECINOS: Thank you, Madam Chair.

10 And I'm going to ask this question to QIA, but
11 I'll defer it until I'm done with Baffinland, and --
12 but I'll ask it now to the QIA.

13 Where are we when it comes to the decision in
14 regards to direct benefits to the communities? I know
15 that the communities had put four hours a day to work
16 with the Qikiqtani Inuit Association in regards to many
17 different things within the ICA. But as the president
18 of the Igloolik Working Group said, he felt that it was
19 a waste of time because the agenda did not concentrate
20 on what was important for the communities. So I want
21 to put that on the record, but I'll ask that question
22 for the QIA, and they can answer after I'm done with my
23 questions to Baffinland.

24 I want everybody here to be aware that what Megan
25 had -- from Baffinland had just told me were direct
26 benefits to the community amount to about \$33 million

1 versus the \$1 billion going to QIA, 1.4 to NTI, 1 --
2 sorry, 1.7 billion to the Government of Canada, and
3 \$680 million to the Government of Nunavut.

4 We have requested from all of those organizations
5 how will they support the communities when impacts are
6 felt, and we have requested for those organizations to
7 engage community -- Inuit communities in regards to
8 impacts and how they would be working with Inuit
9 communities to ensure that those impacts, after they're
10 felt, could be dealt with. So far we had one meeting
11 with the Government of Canada last year, and multiple
12 meetings with the -- with QIA, but, as I mentioned
13 before, we felt that they did not go great.

14 We're asking communities to trust two
15 organizations that have not had the best record on --
16 the communities were willing to work with the
17 organizations and dedicated a lot of time to -- to work
18 with them, and we felt that we did not -- were able to
19 move anywhere closer than we were at the prehearing
20 conference and at the last meeting before we went into
21 the motion from NTI.

22 Madam Chair, I have a question for Baffinland in
23 regards to page 59, 60, and 61. I have seen some of
24 this in regards to 61, but at that time, it was a bit
25 different in regards to whose responsibility it was
26 going to be. I also heard -- Megan from Baffinland

1 talked about a work plan in place with QIA to -- to
2 work in regards to the Inuit Stewardship Plan, the
3 Inuit committee, and creating a draft and operational
4 program for it. And that -- after that, they will come
5 and request input from communities.

6 Has -- is the creation of these three slides work
7 between Baffinland and QIA within the last year?

8 THE CHAIR: For the questions posed to the
9 Qikiqtani Inuit Association, the Qikiqtani Inuit
10 Association has not been sworn in or affirmed, and for
11 the sake of the agenda, their responses will be
12 deferred to their presentation time.

13 Baffinland, Megan Lord-Hoyle.

14 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

15 To clarify, Slide 58 titled "Adaptive Management"
16 and 61 titled "Adaptive Management" are Baffinland's
17 interpretation of the systems that have been agreed to
18 under the commitments of the Inuit Certainty Agreement.

19 59 and 60 are within the Inuit Certainty
20 Agreement. Thank you.

21 THE CHAIR: Igloolik Working Group, Merlyn
22 Recinos.

23 MR. RECINOS: Thank you, Madam Chair.

24 Well, the communities committed to work on
25 adaptive management in Inuit Stewardship Program in
26 September to the QIA and -- and then after that

1 allocated three hours a week on a conference call to
2 work on both adaptive management and the Inuit
3 Stewardship Program. There was no development or no
4 progress in regards to developing. Not -- not even the
5 skeleton for these programs.

6 So I want to make it clear to the community
7 representatives at the table that communities have not
8 given the okay or have even had a lot of input in
9 regards to represented Inuit Stewardship Plan as well
10 as the adaptive management plan being tabled.

11 My next question -- and as you told me, the QIA
12 will defer, and that's okay -- is going to be to the
13 QIA. The ICA had addressed a lot of technical issues
14 that remain outstanding for them at the prehearing
15 conference, and lot of them dealt with adaptive
16 management as well as the monitoring program.

17 My question would be for Jared [sic] once he's
18 sworn in. How comfortable is he that -- to go into the
19 final hearing without really having anything even close
20 to being defined when it comes to adaptive management
21 as well as the monitoring programs. And that can be
22 deferred.

23 My next question, Madam Chair, is for the NIRB,
24 and I just want to put it on the record. I think I
25 know the answer, but if you can please answer it to the
26 rest of the group. It is: Why would the NIRB rush the

1 final hearing when there was a pandemic and an outbreak
2 in Arviat? And we, you know, potentially now with the
3 second outbreak in Arviat could've put a lot of people
4 in danger. We had members from Arviat travelling to
5 Pond Inlet that made a decision to remain in Rankin
6 Inlet and return to Arviat on her own because she did
7 not feel comfortable proceeding.

8 As you're aware, our communities lack
9 infrastructure when it comes to health, understanding,
10 yes, it's been a long time and the proponent has -- has
11 financial interests in this proceeding, but with life,
12 it should've taken been precedential, especially when
13 understanding that in Arviat, when the first outbreak
14 happened, the Government of Nunavut maximized its
15 resources with multiple communities being potential
16 contaminated. It could've been a very destructive
17 situation, and it still could be. I guess we're not
18 sure.

19 With that, Madam Chair, I will leave it, but
20 before I do, I do want to pass it over to Frank Tester
21 who will be representing the North Baffin group and has
22 some questions in regards. Thank you.

23 THE CHAIR: I don't have the North Baffin
24 group listed as an intervenor.

25 NIRB legal counsel.

26 MS. MEADOWS: Thank you, Madam Chair.

1 Teresa Meadows, legal counsel for the Nunavut Impact
2 Review Board.

3 So, Madam Chair, I'll address both of those.
4 First, the question from Igloolik and then the issue
5 with respect to the North Baffin group as a prospective
6 intervenor.

7 So, Madam Chair, as indicated in the Board's
8 ruling with respect to the motion filed by Clyde River
9 and a similar motion filed by the Mittimatalik Hunters
10 and Trappers Organization in December, the Board has
11 determined that these meetings can be carried out in a
12 way that both preserves public health and safety and
13 also provides multiple points of access for
14 participants who are either unable to travel due to
15 restrictions in their own jurisdiction or restrictions
16 within Nunavut.

17 The development of the Nunavut Impact Review
18 Board's processes have been carried out in close
19 consultation with all applicable public health
20 authorities, and the Board has received exemptions to
21 allow for up to a hundred people in the venue in Pond
22 Inlet and up to 80 people in a venue in Iqaluit. And
23 these public health orders reflect that the Board can
24 carry out these meetings safely.

25 With respect to procedural fairness and the
26 concept or the notion that the Board should just wait

1 until COVID-19 pandemic is under control, both in
2 Nunavut and across Canada, due to widespread
3 vaccinations, as indicated in the Board's decision,
4 this situation would be an indeterminate delay.

5 As much as we all hope for the COVID-19 pandemic
6 to be over sooner rather than later -- and I look
7 forward to be able to see everybody's smiling face
8 without their masks -- we have no clear indication yet
9 when that will be both across Canada, within Nunavut,
10 and globally.

11 While we are thinking of the people in Arviat who
12 are affected by COVID-19 -- once again, our thoughts
13 are with them -- the Board's business cannot cease
14 until this terrible pandemic is over.

15 As with many other decision-makers that normally
16 have in-person proceedings, the Board and all
17 participants are learning as we go. When the Board
18 conducted the community roundtable and prehearing
19 conference in October, we received a great deal of
20 feedback from community members, intervenors, and other
21 participants regarding how we could improve processes,
22 increase access to these proceedings, and allow for
23 greater participation.

24 With respect to the second issue with respect to
25 the North Baffin group that has since been identified
26 and wishing to participate in these proceedings, the

1 identification of this group as potentially interested
2 occurred last week, after intervenors -- registered
3 intervenors have already been identified, have already
4 filed materials, and have already provided their
5 presentation materials.

6 We recognize that the North Baffin group is made
7 up of many of the intervenors that are currently around
8 the table and many of the communities that will be
9 heard from during the community roundtable, and while
10 they have not been granted formal intervenor status in
11 these proceedings, they are encouraged to support the
12 communities that make up the group and to ask questions
13 during the community roundtable part of these sessions.
14 Thank you, Madam Chair.

15 THE CHAIR: Continuing with questions to
16 the proponent, Sanirajak Hunters and Trappers
17 Association.

18 Hamlet of Sanirajak Questions Baffinland Iron Mines
19 Corporation

20 MR. AUDLAKIAK: There is no one from the
21 hunters and trappers organization. So our technical
22 advisor to them will be the one asking questions.

23 THE CHAIR: You can ask questions.

24 MR. AUDLAKIAK: Our advisor to the hamlet has
25 some questions. I don't have a question, so Louis
26 Primeau will be asking questions.

1 THE CHAIR: (INUKTITUT SPOKEN - NO
2 TRANSLATION)

3 MR. PRIMEAU: Thank you, Madam Chairperson.

4 On Slide Number -- sorry. It's hard to read
5 these -- 61, on adaptive management, it says under
6 Point 2 in the fine print: (as read)

7 Review of monitoring programs results against
8 predetermined indicators and thresholds.

9 If I go back to Slide 43, I don't see that anywhere as
10 to where they're going to be developed. I'm wondering
11 if -- if there's a time frame on the development of
12 those indicators and thresholds. Thank you, Madam
13 Chairperson.

14 THE CHAIR: Baffinland, Megan Lord-Hoyle.

15 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

16 The intention is to have -- those will be built
17 into the adaptive management plan -- to have that
18 finalized by August 31st, 2021. It's under "Management
19 Plans Finalized" on Slide 43. It's built into that.

20 Thank you.

21 THE CHAIR: Hamlet of Sanirajak, Louis
22 Primeau.

23 MR. PRIMEAU: Thank you, Madam Chairperson.

24 It seems to me for community representatives
25 trying to decide whether or not they think the plans
26 will be adequate to -- these adaptive management plans

1 will be adequate or not, they would need to know what
2 the indicators and proposed actions are going to be to
3 be able to make a reasonable determination of -- as to
4 whether an adaptive management process might work to
5 protect constitutionally protected Inuit harvesting
6 rights.

7 And I -- frankly, I don't even know how the Board
8 would be able to decide whether these proposed
9 mitigation measures might work without knowing the
10 details of how they are. I -- I believe it also
11 compromises the ability of the Inuit trying to make
12 reasonable presentations or questions and putting
13 forward their questions. If they don't know what these
14 indicators are going to be, they won't be able to
15 determine whether those indicators are reasonable
16 indicators, whether they adequately take into account
17 Inuit Qaujimagatuqangit. Excuse me on my pronunciation
18 of that. And whether the -- the thresholds are
19 reasonable in the circumstances.

20 I'm wondering if there's any insight that could be
21 provided either by Baffinland or the Board on that
22 matter. Thank you, Madam Chairperson.

23 THE CHAIR: Baffinland, Megan Lord-Hoyle.

24 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

25 Madam Chair, I'd like to point out that it is not
26 typical to have management plans finalized in advance

1 of the finalization of the environmental assessment
2 process. I'd also like to point out that the
3 predetermined indicators and thresholds will include
4 indicators and thresholds that have been chosen or
5 selected by Inuit. I'd also like to ask Lou Kamermans
6 to expand on the process to arrive at these indicators.

7 THE CHAIR: Lou Kamermans.

8 MR. KAMERMANS: Lou Kamermans, Baffinland.

9 Thank you, Madam Chair.

10 Just expanding on what -- what Megan said, through
11 the review process, we understood that there was a
12 desire to know more about the indicators and thresholds
13 before the project went into operation, and so the
14 Inuit Certainty Agreement tried to manage that by
15 respecting the fact that it is too early in -- in the
16 process to have these finalized but that there should
17 still be a decision point before we enter operations
18 where Inuit have a say in what those indicators,
19 thresholds, and responses look like.

20 So what we've put forward is a very progressive
21 approach towards adaptive management that puts the
22 power with Inuit to agree to what those will be, and it
23 does it on a very expedited timeline. August 2021 is a
24 very reasonable time period to develop these indicators
25 and thresholds, and it's our expectation that in that
26 time period, the Inuit committees will be developed or

1 an alternative path will be found to ensure that Inuit
2 are providing their input into what these look like and
3 to what the Qikiqtani Inuit Association is able to
4 agree to. Thank you.

5 THE CHAIR: And just to clarify going back
6 to Louis Primeau's question, something for the
7 community representatives to consider during the
8 community roundtable is to provide the Board with
9 feedback, questions, comments, and concerns because
10 those aspects are a part of the scope of this
11 assessment.

12 Hamlet of Sanirajak, Louis Primeau.

13 MR. PRIMEAU: Thank you, Madam Chairperson.

14 No further questions.

15 THE CHAIR: Hamlet of Arctic Bay.
16 Hamlet of Arctic Bay Questions Baffinland Iron Mines
17 Corporation

18 MR. NAQITARVIK: Thank you, Madam Chair.
19 Olayuk Naqitarvik from the Hamlet of Arctic Bay under
20 number 33M34.

21 THE INTERPRETER: I think he's referring to the
22 slides.

23 MR. NAQITARVIK: I'm going to ask -- I have
24 heard and I have also read that there will be about
25 179 ships, and Presentation Number 33, it states there
26 will be a total of 208 ships. I wonder if that's a

1 fact, and also on page 34, the vessel size is -- will
2 be different. And do they have some cleaning resources
3 to clean the ballast water, or do they already have --
4 have ballast water clean?

5 And also, like, when the ship is in transit, do
6 they add or spill -- spill the ballast water into the
7 ocean, either while they're stationary or moving? The
8 reason why I ask that, I think the ships carrying
9 ballast water from overseas bring invasive species to
10 Pond Inlet and Milne Inlet area. So those are my
11 questions.

12 And the -- the larger vessels, when they are fully
13 loaded, the vibration -- I apologize. Like, would they
14 be -- would the vibration be bigger when they are fully
15 loaded? Those cape-size vessels, would they be safe
16 on marine mammals? Would the vibration disturb marine
17 mammals? Those are my questions at this time.

18 THE CHAIR: Baffinland, Megan Lord-Hoyle.

19 MS. LORD-HOYLE: Megan Lord-Hoyle.

20 I'd like to clarify the numbers on Slide 33. The
21 number "176" on the slide relates to ore carriers. The
22 total of 32 refers to other project vessels that might
23 come into the -- to serve the project such as freight
24 or fuel or tugs that might be used. That is how we
25 arrive at the total of 208. I'm going to pass to Lou
26 Kamermans to answer the questions around ballast water.

1 THE CHAIR: Lou Kamermans.

2 MR. KAMERMANS: Lou Kamermans, Baffinland.

3 Thank you, Madam Chair.

4 First responding to the question about whether
5 different size vessels will clean their ballast water.
6 So regardless of vessel size, all of the vessels coming
7 to Milne Port will be required to exchange their
8 ballast water on their way to Canadian waters. They
9 will not drop or release their ballast in the regional
10 study area. We require -- or we do not allow the
11 release of ballast water within the regional study
12 area, so that's the area of Eclipse Sound in Milne
13 Inlet.

14 By 2024, when we expect to be shipping at Phase 2
15 levels, there will be requirements that all vessels
16 also treat their ballast water. So all vessels,
17 regardless of size, will exchange their ballast water
18 on their way to Canada, and then they will treat it,
19 and only after they have come to Milne Port and we've
20 confirmed that these tests have been -- that these
21 exchanges and treatments have been carried out will we
22 allow the release of their ballast water. So that is
23 all to prevent invasive species from being released
24 into Nunavut waters.

25 For the vibration, different vessels in the marine
26 environment, we do not look at vibrations specifically,

1 but we looked at the noise, the underwater noise, that
2 different vessels could make. We will discuss this
3 further during the marine presentation, but in general,
4 the larger vessels, their noise fields would be
5 different from the smaller vessels. But this has all
6 been considered in our assessments. Thank you.

7 THE CHAIR: It is now 5:00. We're going
8 to go for a supper break, and we'll reconvene at 6:30
9 continuing with questions to the proponent, and we will
10 start with the Ikajutit Hunters and Trappers
11 Association.

12 _____

13 PROCEEDINGS ADJOURNED UNTIL 6:30 PM

14 _____

15 (PROCEEDINGS COMMENCED AT 6:31 PM)

16 THE CHAIR: Welcome back, everyone. Let's
17 reconvene. Welcome. Continuing with questions to the
18 proponent? In Iqaluit, from the Ikajutit Hunters and
19 Trappers Association, Lori Idlout.

20 Ikajutit Hunters and Trappers Association Questions
21 Baffinland Iron Mines Corporation

22 MR. KOONOO: I apologize. I don't think
23 you could hear me. The name -- the hunters and
24 trappers name, they call it Ikajutit. It's hard to
25 pronounce. My name is Moses Koonoo from the Arctic Bay
26 Hunters and Trappers Organization. My first question

1 is -- and the HTO had some questions, and I think the
2 Hamlet of Pond Inlet also wanted to ask some questions
3 in Pond Inlet when we were in the answer and question
4 section, so I would prefer that the Hamlet of Pond
5 Inlet have an opportunity to comment.

6 My question is: We wrote a letter requesting that
7 the NIRB Panel hearing be postponed along with the
8 Mittimatalik Hunters and Trappers Organization, and
9 also we want to support Clyde River Hunters and
10 Trappers Association as well because we felt there were
11 too many unresolved issues, and we wanted the final
12 hearing to be postponed until the spring or so. In
13 that way, they would be more condition submit, and how
14 come the request from the Arctic Bay Hunters and
15 Trappers Organization to postpone the NIRB hearing was
16 not adhered to? So I just want to explain that first
17 and the letter.

18 So I want Lori Idlout to -- Madam Chairperson, if
19 you don't mind, I want to pass this letter to Lori
20 Idlout so she can report on it.

21 THE CHAIR: Okay. Lori Idlout.

22 MR. KOONOO: Yes, Lori Idlout.

23 MS. IDLOUT: Thank you. My name is Lori
24 Idlout. I represent the Ikajutit Hunters and Trappers
25 Association. I am advisor, and I recently started as
26 an advisor since this fall -- the fall of 2020, and

1 also I know the Arctic Bay Hunters and Trappers
2 Organization, when they first start, they were not
3 participating in the various discussions pertaining to
4 Baffinland, but right now we had some questions to the
5 proponent.

6 Page 59 -- Slide 59. It states -- and they have a
7 report which say in regards to the Inuit Stewardship
8 Program. We had a question; it's pertaining to the
9 Inuit Stewardship Plan. It's the first time we've seen
10 this presentation, and it is our understanding -- and
11 we had seen this already, and we know for a fact that
12 the proponent and the Qikiqtani Inuit Association have
13 been working together. Whether -- is this Inuit
14 Stewardship Plan on page 59 -- on page 60 and 59, when
15 did you come up with this plan, the Inuit Stewardship
16 Plan and the adaptive management plan.

17 THE CHAIR: Baffinland, Megan Lord-Hoyle.

18 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

19 I'll ask Lou Kamermans to speak to this.

20 THE CHAIR: Lou Kamermans.

21 MR. KAMERMANS: Lou Kamermans, Baffinland.

22 Thank you, Madam Chair.

23 The Inuit Stewardship Plan was brought forward to
24 us by the Qikiqtani Inuit Association as part of the
25 negotiation of the Inuit Certainty Agreement. What's
26 on these slides is the concept we agreed to, but the

1 plan is with the Qikiqtani Inuit Association to
2 finalize.

3 As part of the negotiation of the Inuit Certainty
4 Agreement, we also revised the draft adaptive
5 management plan that Baffinland had previously
6 submitted as part of the Nunavut Impact Review Board's
7 review process, and both of these documents and what
8 was agreed to in the Inuit Certainty Agreement have
9 been publicly available since July of 2020.
10 Qujannamiik.

11 THE CHAIR: Arctic Bay Hunters and
12 Trappers Association, Lori Idlout.

13 MS. IDLOUT: Thank you, Madam Chair, for
14 the response, but perhaps I just want to elaborate
15 further. Qikiqtani Inuit Association and Baffinland
16 suddenly came up with an agreement in June and after
17 that happened, the hunters and trappers organization in
18 Arctic Bay tried to partake and tried to find out more
19 about the ICA, Inuit Certainty Agreement, and a lot of
20 people have commented on the Inuit Certainty Agreement.
21 The Qikiqtani Inuit Association consulted with us in --
22 so they're slightly different versions from Qikiqtani
23 Inuit Association and Baffinland. The documents are
24 slightly different, that's why I want to ask a
25 question, but it turned out -- I now understand
26 Slide 59 and 60. They were presented, and they were

1 publicly available since July, so we will probably
2 return and ask about these plans, and I thank you for
3 the opportunity. That's it for now.

4 THE CHAIR: Baffinland, Megan Lord-Hoyle.

5 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.
6 Lou Kamermans.

7 THE CHAIR: Lou Kamermans.

8 MR. KAMERMANS: Lou Kamermans, Baffinland.
9 Thank you, Madam Chair.

10 I just wanted to add to what -- what I outlined to
11 say. These documents, they were negotiated in a way to
12 allow both parties to work on these important documents
13 with Inuit before they were finalized, so it's
14 important that what was negotiated through the Inuit
15 Certainty Agreement for the adaptive management plan
16 was draft. It gives us time to continue to work on it,
17 pass the signing of the Inuit Certainty Agreement, and
18 for Inuit to be involved in that process through the
19 framework outlined on Slides 59 and 60. Qujannamiik.

20 THE CHAIR: Lori Idlout.

21 MS. IDLOUT: Thank you. I just wanted to
22 thank you. So I will probably have some different
23 questions later. Thank you.

24 THE CHAIR: Jerry Natanine.

25 MR. NATANINE: Thank you, Madam Chair. I am
26 the mayor of Clyde River, Jerry Natanine.

1 Our hunters and trappers organization, we don't
2 have any questions. I'm here with Steven Aipellee, and
3 our consultant has some questions, so I want to pass
4 the mic over to him if you don't mind, Madam Chair.

5 THE CHAIR: Hamlet of Clyde River, Warren
6 Bernauer.

7 Hamlet of Clyde River Questions Baffinland Iron Mines
8 Corporation

9 MR. BERNAUER: Thank you, Madam Chair. Can
10 you hear me clearly?

11 THE CHAIR: Yes. You may proceed.

12 MR. BERNAUER: Thank you. I have a question
13 following up on the Mittimatalik Hunters and Trappers
14 Organization's line of questioning.

15 We have seen references to the possibility of
16 shipping 18 million tonnes through Milne Inlet. In a
17 September 9th letter, Baffinland confirmed that its
18 shareholders have authorized expenditures to plan for
19 18 million tonnes through Milne Inlet. I would like
20 more information about the regulatory process
21 Baffinland expects to follow if it moves to 18 million
22 tonnes per year through Milne Inlet. Specifically, in
23 your opinion, would that production increase require
24 another amendment to your project certificate, or would
25 the Phase 2 amendment receiving today cover 18 million
26 tonnes in the future? Thank you.

1 THE CHAIR: Baffinland, Megan Lord-Hoyle.

2 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

3 Madam Chair, I believe that we're here to discuss
4 the proposal that has been put before the Board at the
5 current time. Any hypothetical future applications
6 would be subject to the regulatory process as seen fit
7 by the Nunavut Impact Review Board. We would submit
8 our application as per the defined process and follow
9 the regulatory process as it would be laid out for us.
10 Thank you.

11 THE CHAIR: Clyde River Hunters and
12 Trappers Association, Warren Bernauer.

13 MR. BERNAUER: Thank you, Madam Chair.

14 That didn't really directly answer my question,
15 but I think rather than belabouring the point, I'll
16 move on and address these issues in our presentation.
17 Thank you.

18 THE CHAIR: (INUKTITUT SPOKEN - NO
19 TRANSLATION). Jeetaloo Kakee.

20 MR. KAKEE: Thank you from Iqaluit, Amaruq
21 Hunters and Trappers Organization. My colleague from
22 Amaruq HTA will be asking some questions tonight.
23 Thank you. Meeka Mike.

24 THE CHAIR: Amaruq Hunters and Trappers
25 Organization, Meeka Mike -- association.

26 Amaruq Hunters and Trappers Association Questions

1 Baffinland Iron Mines Corporation

2 MS. MIKE: Thank you, Madam Chair. I'm
3 Meeka Mike from Amaruq HTA.

4 I have four questions. The ships, if there will
5 be 170 ships in August and September, it appears that
6 three ships will be making transit on a daily basis,
7 and I wonder if they have been approved by the
8 Mittimatalik HTO. And also the Inuit Stewardship Plan
9 and the Inuit water quality management (NO ENGLISH
10 FEED). I was going to thank you initially because we
11 have -- we are now intervenors (NO ENGLISH FEED)
12 project plan and also about the Inuit water quality
13 monitoring implementation.

14 In 2019 as well as in October, I had asked
15 questions, and they're the same questions being asked
16 tonight. It seemed to be somewhat -- the ball gets
17 thrown, but we don't know who is catching it to
18 answer -- answer any of this. Inuit way in such big
19 company, activity like this, everything would be
20 organized and all the principles and any plans --
21 management plans would be done.

22 The Elders here, I feel for them coming all the
23 way down here for not we can operate or have a forum
24 like this to do Inuit way. The Inuit Stewardship Plan
25 seems to be up in the air. It should be developed
26 solely by Inuit.

1 And QIA being the main Inuit organization along
2 with NTI, it would be good to see this done, but on the
3 hunters and trappers as well as hunters and Inuit
4 perspective first before office people, the very people
5 who are continually monitoring.

6 So the questions that -- being asked around the
7 Inuit Stewardship Plan still have yet to be answered.
8 Why would we proceed if that was -- if these were left
9 for another time with so much money involved? Thank
10 you.

11 THE CHAIR: In regards to responses to the
12 questions from the Qikiqtani Inuit Association, Nunavut
13 Tunngavik Incorporated, and the Mittimatalik Hunters
14 and Trappers Organization, these parties have not yet
15 been sworn in or affirmed, so the responses from those
16 parties will be deferred until they provide their
17 interventions.

18 Baffinland, Megan Lord-Hoyle.

19 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.
20 I believe all of the questions were for other parties,
21 but I can say that no approvals have been given for the
22 176 vessels to come to Milne Inlet.

23 We also agree that the Inuit Stewardship Plan
24 should be developed by Inuit, and that is what we have
25 agreed to. Baffinland will fund the development of the
26 Inuit Stewardship Plan, but it will be QIA working with

1 communities to determine what this will look like.

2 Thank you.

3 THE CHAIR: Amaruq Hunters and Trappers
4 Association, Meeka Mike.

5 MS. MIKE: Thank you, Madam Chair.

6 Baffinland -- who the mining valuer is, and who the
7 mining monitors are in Nunavut?

8 THE CHAIR: Baffinland, Megan Lord-Hoyle.

9 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

10 I understood the question as who -- does
11 Baffinland know who monitors the mining project? I
12 would respond that it's a shared responsibility between
13 many different groups, including Inuit, the Nunavut
14 Impact Review Board, regulatory agencies, the Nunavut
15 Water Board, and the Qikiqtani Inuit Association.
16 Thank you.

17 THE CHAIR: (INUKTITUT SPOKEN - NO
18 TRANSLATION), Meeka Mike.

19 MS. MIKE: Qujannamiik, Iksivauta. I was
20 asking if you know the people that are the mining
21 valuer according to the mining regulations of Nunavut
22 and of Canada, and who the mining monitor are. Again,
23 based on the mining regulations of Nunavut and Canada.

24 THE CHAIR: Baffinland, Megan Lord-Hoyle.

25 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

26 I believe that some of the Government of Canada or

1 other regulatory authorities will also be able to
2 respond, but, again, there are different regulatory
3 agencies including Crown-Indigenous Relations and
4 Northern Affairs as well as Environment Canada and
5 Fisheries and Oceans will all play a role in regulatory
6 oversight, again, as well as the Qikiqtani Inuit
7 Association through leases or agreements that we have
8 with them will also provide oversight. Thank you.

9 THE CHAIR: (INUKTITUT SPOKEN - NO
10 TRANSLATION), Meeka Mike.

11 MS. MIKE: Qujannamiik. That still does
12 not answer the question. I'll leave it at that for
13 now. That is what we are lacking and probably why we
14 are here today. So many monitors, but according to the
15 mining regulation, these two should be appointed, one
16 of them by the minister.

17 The other question, the last question for now, is
18 the -- when you said that the project will grow based
19 on company sales and not profit, can you elaborate more
20 on that?

21 THE CHAIR: Baffinland, Megan Lord-Hoyle.

22 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

23 I believe the clarification is that when I was
24 speaking about royalties to the Qikiqtani Inuit
25 Association, those are based on net sales revenue, not
26 the profit of the company. Thank you.

1 THE CHAIR: (INUKTITUT SPOKEN - NO
2 TRANSLATION), Meeka Mike.

3 MS. MIKE: Qujannamiik, Iksivauta. So
4 what is the percentage on the net sales revenue?

5 THE CHAIR: Baffinland, Megan Lord-Hoyle.

6 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

7 On Slide 41 of the presentation, it explains that
8 the growth in royalty payments will be from the current
9 1.19 percent to 3 percent over six years. Thank you.

10 THE CHAIR: (INUKTITUT SPOKEN - NO
11 TRANSLATION), Meeka Mike.

12 MS. MIKE: That's the end of my
13 questions. Thank you, Chairperson.

14 THE CHAIR: (INUKTITUT SPOKEN - NO
15 TRANSLATION) Natalie O'Grady.

16 MS. O'GRADY: Qujannamiik, Iksivauta.
17 Natalie O'Grady, Government of Nunavut.

18 My colleagues here in Mittimatalik and my
19 colleagues in Iqaluit have informed me there are no
20 questions on Baffinland's introduction and project
21 overview presentation. (INUKTITUT SPOKEN - NO
22 TRANSLATION)

23 THE CHAIR: (INUKTITUT SPOKEN - NO
24 TRANSLATION), Spencer Dewar.

25 MR. DEWAR: Qujannamiik, Madam Chair.
26 Spencer Dewar, Crown-Indigenous Relations and Northern

1 Affairs Canada. I'll speak on behalf of the Government
2 of Canada, and we have no questions.

3 THE CHAIR: Oceans North, Chris Debicki.
4 Oceans North Questions Baffinland Iron Mines
5 Corporation

6 MR. DEBICKI: Thank you, Madam Chair.
7 Christopher Debicki for Oceans North.

8 I have a series of questions. My colleague,
9 Ms. Joynt, has indicated that she has a shorter line of
10 questions, and so I'll defer to her first. Thank you.

11 THE CHAIR: Oceans North, Ms. Jones --
12 Ms. Joynt, Amanda Joynt.

13 MS. JOYNT: Amanda Joynt with Oceans
14 North. Thank you, Madam Chair.

15 I would like to echo the concerns from the
16 Mittimatalik HTO regarding the statement from the
17 proponent that effects are well understood and that all
18 predictions have been confirmed to be accurate.

19 The Department of Fisheries and Oceans has
20 previously stated that the marine monitoring programs
21 were not sufficiently designed in a way to determine
22 the causes of effects as well as the reaching of
23 significant thresholds.

24 I'm aware of new commitments to work with DFO to
25 create a combined and improved monitoring program, and,
26 considering this, how did the proponent determine their

1 predictions to be accurate using the previous
2 monitoring programs? Thank you.

3 THE CHAIR: Baffinland, Megan Lord-Hoyle.

4 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

5 Madam Chair, we would disagree with that statement
6 and feel that the monitoring programs have built --
7 have been built as robust programs that allow us to
8 monitor against previous predictions. We responded to
9 Fisheries and Oceans' questions around the power to
10 detect or measure change, so we believe that through a
11 lines of evidence approach through the monitoring
12 programs that have been run, we are able to determine
13 that all monitoring is within the predicted effects
14 from the previous assessments. Thank you.

15 THE CHAIR: Oceans North, Amanda Joynt.

16 MS. JOYNT: Amanda Joynt, Oceans North.

17 Thank you, Madam Chair, and thank you for the response.

18 There was no other response here other than to
19 echo the MHTO concerns that there is low confidence in
20 the monitoring programs' ability to detect effects and
21 to attribute those effects to shipping. Thank you.

22 And I have one more question unless the proponent
23 wants to respond to that comment. Thank you.

24 THE CHAIR: Baffinland, Megan Lord-Hoyle.

25 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

26 Not at this time. We will have a marine session

1 where we can get into more specifics of the programs.

2 Thank you.

3 THE CHAIR: Oceans North, Amanda Joynt.

4 MS. JOYNT: Amanda Joynt, Oceans North.

5 Thank you, Madam Chair.

6 So building on the question from the Igloolik
7 working group. On Slide 33, the table on shipping
8 activity under the Phase 2 development proposal, it
9 shows that 176 ore carrier vessels and 32 other project
10 vessels will be servicing the project annually.

11 The proponent has clarified in previous
12 proceedings that ore carrier vessels represent
13 round-trip voyages to Milne Port for loading. I
14 understand this means the Board is considering approval
15 for 352 one-way transits of ore-carrier vessels along
16 the northern shipping route. For the additional 32
17 other vessels, can the proponent clarify how many
18 one-way ship transits are associated with those, and
19 the reason for this question is that the single
20 icebreaker made 26 one-way transits through Milne Inlet
21 specifically in 2019, and that doesn't seem to be
22 represented in this table. Thank you.

23 THE CHAIR: Baffinland, Megan Lord-Hoyle.

24 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

25 I believe I spoke to this earlier, but, in short,
26 the mix of vessels that's in the other project vessels

1 would likely only have one-way transits as well, and
2 once they leave the port, they may be under other
3 obligations.

4 But for the icebreaker, as I stated previously,
5 this will be an escorting vessel, so it is difficult to
6 predict the number of transits in any given year
7 because it's dependent on ice conditions. But the
8 icebreaker will also be escorting other vessels, and
9 when a convoy system is used, it reduces the number of
10 transits. Thank you.

11 THE CHAIR: Oceans North, Amanda Joynt.

12 MS. JOYNT: Amanda Joynt, Oceans North.

13 Thank you, Madam Chair.

14 So a quick follow-up question to clarify. Did the
15 proponent count the two icebreakers in the Phase 2
16 proposal as two of the 32 other project vessels in the
17 summary table? Apologies if that's repetitive. And I
18 think the question was -- is why are those many
19 transits within Milne Inlet specifically not counted
20 within the transits for the other 32 vessels? Thank
21 you.

22 THE CHAIR: Baffinland, Megan Lord-Hoyle.

23 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

24 Lou Kamermans.

25 THE CHAIR: Lou Kamermans.

26 MR. KAMERMANS: Lou Kamermans, Baffinland.

1 Thank you, Madam Chair.

2 We previously provided numbers on transits,
3 several follow-up documents, deferred responses to the
4 2019 November public hearing. This is also explained
5 in our icebreaking assessment and other documents.

6 As Megan said, the icebreaker, it's -- the number
7 of transits is variable. They're based on ice
8 conditions, and we can't provide an approximate number
9 of one-way transits or trips. We've been -- we've
10 indicated this previously. This is still our response.
11 What's important is that the modelling in the
12 icebreaking assessment has considered this variable
13 activity, and I believe we can discuss this further
14 during the marine session.

15 But for clarity on the 32 vessels, that does
16 include fuel, freight. It also accounts for the
17 one-way transits of tugs coming in to Milne Port at the
18 beginning of the season and leaving in the end as well
19 as the icebreaker coming into Milne Port and then
20 becoming active in escorts. Qujannamiik.

21 THE CHAIR: Oceans North, Amanda Joynt.

22 MS. JOYNT: Thank you, Madam Chair.

23 Amanda Joynt, Oceans North.

24 Those are the end of my questions, and I'll pass
25 it on to Chris Debicki, but I think there is an issue
26 with missing someone, who has sent me a message. We

1 have been made aware that Frank Tester was missed.
2 Could you please pay -- give some attention to that
3 issue. Thank you.

4 THE CHAIR: Oceans North, Chris Debicki.

5 MR. DEBICKI: Qujannamiik, Madam Chair.

6 Christopher Debicki, Oceans North, and I should just
7 say I take no offence at the mispronunciation of my
8 name by anyone in this hearing.

9 Mr. Penney, at the outset of today's hearing,
10 stated something to the effect that the current
11 project -- and these are my notes -- is not -- the
12 project is not financially sustainable regardless of
13 ore price at present volumes. Did -- I'd like to
14 confirm that I caught that correctly in my notes.

15 THE CHAIR: Baffinland, Megan Lord-Hoyle.

16 MS. LORD-HOYLE: Excuse me, Madam Chair. I was
17 just pulling up the notes so I could confirm, but there
18 will be a transcript available for you to -- to be able
19 to look at.

20 I believe the statement was to the effect that the
21 project is not sustainable regardless of ore price.
22 Thank you.

23 THE CHAIR: Oceans North, Christopher
24 Debicki.

25 MR. DEBICKI: Could the proponent explain
26 that comment, "the project is not sustainable

1 regardless of ore price". Thank you.

2 THE CHAIR: Baffinland, Megan Lord-Hoyle.

3 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

4 There's a number of factors that play into when we
5 say -- when we talk about the viability or
6 sustainability of the company. One of those relates to
7 the high cost of the operation as is -- as a trucking
8 operation. It's a very intensive operation to maintain
9 and is not the most efficient means to transport ore to
10 reduce the cost by tonne.

11 In a world where ore prices remain at very high
12 prices, perhaps that could be a viable option, but that
13 is not the reality.

14 The company has already operated through a number
15 of fluctuations, and ultimately we need to reduce the
16 cost per tonne and we need to attract investment.
17 Therefore, the current operation as is is not a viable
18 one for the long term. Thank you.

19 THE CHAIR: Oceans North, Christopher
20 Debicki.

21 MR. DEBICKI: Thank you, Madam Chair.
22 Christopher Debicki, Oceans North.

23 Can the proponent indicate us -- to us the last
24 time the price of iron ore was at a point where it was
25 below the cost of production? Thank you.

26 THE CHAIR: Baffinland, Megan Lord-Hoyle.

1 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

2 It's our understanding, Madam Chair, that the
3 Board does not generally require project proponents to
4 produce detailed financial information such as this.
5 Those are matters that are internal to the company, and
6 it's not the kind of financial information that the
7 Board needs to analyze in its assessment of the
8 project.

9 The assessment focuses on avoidance and
10 mitigations of environmental effects and the benefits
11 to the people of Nunavut and the rest of Canada. Thank
12 you.

13 THE CHAIR: Oceans North, Christopher
14 Debicki.

15 MR. DEBICKI: Thank you, Madam Chair.
16 Christopher Debicki.

17 That's an interesting response because, Madam
18 Chair, the proponent continues to take the position in
19 this hearing and in its submissions that the viability
20 of the existing mining operation depends on the
21 successful approval of Phase 2, and just today we heard
22 from the CEO -- the proponent's CEO indicating that the
23 project is not financially sustainable at present
24 production rates regardless of ore price. And so I
25 would ask Madam Chair to direct that the proponent
26 answer the question. They're relying on this argument

1 consistently, publicly, and in their filings and in
2 this hearing, and then they refuse to provide any
3 evidence to back it up.

4 THE CHAIR: Baffinland, Megan Lord-Hoyle.
5 NIRB legal counsel.

6 MS. LORD-HOYLE: Megan Lord-Hoyle -- oh.

7 THE CHAIR: NIRB legal counsel.

8 MS. MEADOWS: Thank you, Madam Chair.
9 Teresa Meadows, legal counsel for the Nunavut Impact
10 Review Board.

11 So, Madam Chair, I think the broader question that
12 was just asked by Mr. Debicki that was more in relation
13 to the connection between the viability of the project,
14 the need for the project, is appropriate. The very
15 specific granular question of -- that he had originally
16 asked is actually information that is not typically
17 asked at an assessment level at that level of detail.

18 So the broader question that he just had, the
19 rephrasing of his question in terms of the viability of
20 the Phase 2 development proposal and the current rates
21 of production in terms of sustainability are
22 appropriate.

23 So I would ask that Baffinland ask -- answer the
24 broader question. Thank you, Madam Chair.

25 THE CHAIR: Baffinland, Megan Lord-Hoyle.

26 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

1 As previously stated, the company has been
2 operating under a fluctuating iron ore market price.
3 It's changed substantially over the last number of
4 years and a result of the lower prices that we've seen
5 previously to the last year, it has landed the company
6 in the financial situation in which it finds itself in
7 where lowering unit costs and increasing productions
8 are required for the long term. Thank you.

9 THE CHAIR: Oceans North, Christopher
10 Debicki.

11 MR. DEBICKI: Qujannamiik. Thank you, Madam
12 Chair. Christopher Debicki.

13 So, just to understand, is it the proponent's
14 position that the financial situation in which it finds
15 itself is related to low iron ore costs up until the
16 last year and presumably this because the iron ore
17 costs are at near all-time highs in 2020 and going into
18 2021. But it -- prior to that, it's low iron ore costs
19 that have put the company into a difficult financial
20 position. Is that the proponent's evidence?

21 THE CHAIR: Baffinland, Megan Lord-Hoyle.

22 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

23 Madam Chair, I think that what I've explained is
24 that we currently have a high unit cost for the
25 operation, which cannot sustain fluctuations in the
26 iron ore market. To sustain, to grow, we need to be

1 able to insulate from changing iron ore markets. That
2 happens by expanding production and by lowering the
3 unit costs. Thank you.

4 THE CHAIR: Oceans North, Christopher
5 Debicki.

6 MR. DEBICKI: Thank you, Madam Chair.

7 I'll suggest that what can jeopardize the
8 financial viability of a company is spending over
9 700 million on an expansion project prior to approval,
10 but I don't need an answer to that. I'll move on,
11 Madam Chair.

12 We saw some, in this overview presentation today,
13 projected economic benefits and revenues. I haven't
14 had a chance to drill down into those numbers. Are
15 these -- my question for the proponent is: Are these
16 projected benefits and revenues the same as those that
17 were filed in 2019?

18 THE CHAIR: Baffinland, Megan Lord-Hoyle.

19 MS. LORD-HOYLE: Megan Lord-Hoyle.

20 Clarification, these have been filed in Technical
21 Supporting Document 25 in 2018, but the updated numbers
22 are for the QIA royalty from the signing of the Inuit
23 Certainty Agreement in 2020. Thank you.

24 THE CHAIR: Oceans North, Christopher
25 Debicki.

26 MR. DEBICKI: Thank you, Madam Chair.

1 Christopher Debicki, and I thank the proponent for her
2 answer.

3 My question is: What changes in economic revenue
4 and benefit forecasting other than the changing -- the
5 change to the agreement -- benefit agreement with
6 Qikiqtani Inuit Association, what other changes have
7 occurred since -- well, since 2018, if that's the last
8 time that that model was created? Have there been
9 changes in the forecasting in terms of benefits and
10 revenues based on market conditions, the world economy,
11 the context of the pandemic, et cetera? Thank you.

12 THE CHAIR: A reminder to participants,
13 when you're speaking, to speak at a reasonable pace so
14 that the interpreters can keep up.

15 Baffinland, Megan Lord-Hoyle.

16 MS. LORD-HOYLE: In terms of what has been
17 updated for -- for assessment purposes, nothing has
18 changed in terms of the forecasting of these numbers
19 that have been provided. Thank you.

20 THE CHAIR: Oceans North, Christopher
21 Debicki.

22 MR. DEBICKI: Thank you, Madam Chair.

23 I would assume, though, that maybe nothing's been
24 changed in the context of this hearing, but that the
25 proponent itself, given the resilience of iron ore
26 prices and global conditions as well as operating in a

1 global pandemic, I would assume that its own economic
2 forecasts internally have changed significantly. Is
3 that not the case?

4 THE CHAIR: Baffinland, Megan Lord-Hoyle.

5 MS. LORD-HOYLE: The internal -- sorry. Megan
6 Lord-Hoyle, Baffinland.

7 The internal forecasting that's completed does not
8 change what has been provided for the purposes of this
9 assessment. The assumptions of how we have arrived at
10 the values that have been presented are included in the
11 technical supporting document, and we do not forecast
12 on short-term fluctuations in the market price. Thank
13 you.

14 THE CHAIR: Oceans North, Christopher
15 Debicki.

16 MR. DEBICKI: Thank you, Madam Chair.

17 I'm going to suggest to the proponent that there
18 seems to be a disconnect between its -- the operation
19 of its business and the presentation of the operation
20 of its business in this hearing process, and I wouldn't
21 characterize sustained highs well over a year in iron
22 ore prices or, frankly, a global pandemic as short-term
23 fluctuations, and I would suggest that those are
24 conditions that would warrant an update in this process
25 of its economic forecast. I'm sure that its
26 shareholders would be benefitting from those kinds of

1 forecasts, and it would be helpful in a public process
2 for us to have an understanding of where the proponent
3 in its own modelling thinks operations currently stand.

4 Thank you.

5 THE CHAIR: Baffinland, Megan Lord-Hoyle.

6 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

7 I don't believe that was a question. So no comment.

8 THE CHAIR: Oceans North, Christopher

9 Debicki.

10 MR. DEBICKI: Thank you, Madam Chair.

11 Christopher Debicki. I will move on.

12 Just to clarify -- this issue's been touched on
13 several times throughout the day. Is it Baffinland's
14 sworn evidence that the main reason for the 176 vessel
15 number referenced in its submission and in discussions
16 today, is that number -- is it their evidence that that
17 number is because of a perceived or potential market
18 shortage in larger tonne or tonnage vessels? Thank
19 you.

20 THE CHAIR: Baffinland, Megan Lord-Hoyle.

21 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

22 It is not just a vessel shortage, but also based
23 on what we can charter and get access to. We're using
24 what is available on the market. So for the purposes
25 of assessment, we've included what we believe the
26 maximum number of vessels could be required to move the

1 tonnage that we have applied for. Thank you.

2 THE CHAIR: Oceans North, Christopher
3 Debicki.

4 MR. DEBICKI: Thank you, Madam Chair.

5 I thank the proponent -- Ms. Hoyle for her answer.

6 Northern Baffin communities in -- I believe it was
7 March -- well, actually they submitted or filed to the
8 Board, excuse me, in September of 2020 the annual
9 report -- an annual report filed by ArcelorMittal
10 indicating plans to increase production capacity to
11 12 million tonnes per year, subsequently increased to
12 18 million tonnes per year, and the proponent filed a
13 response in September of -- September 9 of 2020 in
14 which the proponent indicated, and I'm quoting:
15 (as read)

16 The ArcelorMittal statement referenced in
17 your letter reflects the fact that our
18 shareholders have authorized expenditures to
19 plan the operation for up to 18 Mtpa, metric
20 tons per annum, through the north but
21 methodically over time.

22 Now, Nunatsiaq News also last year wrote an article
23 about a Moody's -- a bond rating, which referenced
24 similar facts. And so both of these documents suggest
25 existing very concrete plans for 18-million-tonne-per-annum
26 output out of Milne Inlet.

1 And my question is now: How can a minority
2 shareholder, Baffinland's own shareholders, and a bond
3 rating agency forecast increased production when a
4 proponent will have us believe that if they say
5 anything at all, that this production increase that's
6 planned and approved by shareholders is purely
7 hypothetical? Thank you.

8 THE CHAIR: NIRB legal counsel.

9 MS. MEADOWS: Thank you, Madam Chair.

10 As parties who participated in the hearing -- that
11 this is a reconvened hearing of or a continuation of in
12 November 2019 -- heard the Board's ruling with respect
13 to information that was outside of the NIRB process
14 with respect to future plans of Baffinland is not,
15 strictly speaking, relevant to the assessment of the
16 12-million-tonne-per-year assessment production that is
17 currently the assessment before the Board.

18 With respect to considering reasonable prospects
19 of future activities for cumulative effects analysis,
20 that question remains of whether or not there are
21 immediate future plans.

22 But with respect to the assessment, the Board's
23 assessment is -- and the scope of the Board's
24 assessment is 12 million tonnes per year through the
25 north shipping route that is being proposed, subject
26 only to the request by Baffinland to increase that

1 slightly to reflect operational flexibility, which we
2 heard about in the presentation today.

3 So I will ask that Baffinland address the
4 operational flexibility and the increased -- slight
5 increase in tonnage there, but the financial and
6 forward-looking statements that have been provided to
7 investors are not what is the scope of the assessment
8 here, and I remind parties of that as we proceed.

9 THE CHAIR: Baffinland, Megan Lord-Hoyle.

10 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

11 Can I just ask for clarification that the Board's
12 legal counsel asked me to speak to operational
13 flexibility now? Thank you.

14 THE CHAIR: NIRB legal counsel.

15 MS. MEADOWS: Thank you, Madam Chair.

16 I'm asking you to address the increase in tonnage
17 over 12 million tonnes per year because that is the
18 scope of what was originally assessed. So the
19 operational flexibility and request for operational
20 flexibility, we're asking for how that is included in
21 the scope of the assessment, and we are not asking you
22 to address the 18-million-tonnes-per-year statement to
23 investors.

24 THE CHAIR: Baffinland, Megan Lord-Hoyle.

25 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

26 Thank you for the clarification.

1 On Slide 47 of the overview presentation, there is
2 a bar chart which provides different scenarios in which
3 operational flexibility could be used. This has also
4 been provided in October 2020 as well as the updated
5 project description in January 2020.

6 In summary, we would be looking to use operational
7 flexibility to make up for either a single year or
8 cumulative years' loss below the 12 million tonnes. So
9 we would attempt to make up lost tonnages where we were
10 not able to ship 12 million tonnes in a year. We would
11 attempt to make that loss up but only to a maximum of
12 20 percent, which would bring us to 14.4 million
13 tonnes.

14 We envision that once we use that operational
15 flexibility to make up the previous year's loss, we
16 would reset at the maximum limit of 12 million tonnes.
17 How this was included in our assessment is in the memo
18 that I referred to submitted in October, and the
19 management of this would be on behalf of Baffinland.

20 We have also explained that if we were to use
21 this, we would do so within the operating limits that
22 have been determined by the Board; that's to say we
23 would not use additional vessels above the 176 ore
24 carriers to move the additional tonnes. We would have
25 to find a way to manage the vessel mix in the year that
26 we would want to use this. Thank you.

1 THE CHAIR: Oceans North, Christopher
2 Debicki.

3 MR. DEBICKI: Thank you, Madam Chair.
4 Christopher Debicki.

5 I think everybody in the room knows that wasn't my
6 question. I'd like to, Madam Chair, with respect,
7 formally object to the limitation questioning.

8 My questioning is directly related to questions
9 that must be answered in the environmental impact
10 statement guidelines and are clearly -- clear
11 requirements as reflected in the legislation in the
12 Nunavut Project and Planning Act as well as the Nunavut
13 Act itself, which first created the role for the NIRB.
14 And, again, I'd like to stress that that wasn't an
15 answer to my question, and it's not an unreasonable
16 question to ask a proponent about foreseeable plans and
17 specific plans approved by their own shareholders.
18 Thank you, Madam Chair.

19 THE CHAIR: NIRB legal counsel.

20 MS. MEADOWS: Thank you, Madam Chair.
21 Teresa Meadows, legal counsel for the Nunavut Impact
22 Review Board.

23 As the Board will recall, there was a previous
24 ruling with respect to the relevance of forward-looking
25 statements, and I need to remind all the parties here
26 that the approval of Baffinland's board of directors

1 for a future expansion is not an approval by the
2 Nunavut Impact Review Board. The Nunavut Impact Review
3 Board is tasked with reviewing the scope of the project
4 that is before us.

5 The Board made a previous ruling with respect to
6 the focus on a 12-million-tonne-per-year production and
7 shipping through the north route.

8 The rationale for the question with respect to the
9 increase to 14.2 million tonnes associated with
10 operational flexibility is that scope is slightly
11 different than the discussions in November 2019. That
12 discussion happened after, and that request and
13 proposal in terms of what operational flexibility means
14 came in to the Board in January 2020 with a reference
15 to operational flexibility, and then subsequently the
16 numbers and the tonnage that was being referenced was
17 actually defined going into the technical meetings in
18 September and October.

19 With that, we ask that if Oceans North does not
20 have any further questions with respect to other
21 issues, that I would suggest that we move on to the
22 next intervenor for questioning. Thank you, Madam
23 Chair.

24 THE CHAIR: Oceans North, Christopher
25 Debicki.

26 MR. DEBICKI: Qujannamiik, Madam Chair.

1 Thank you.

2 And I will reserve questions for future segments
3 of this hearing.

4 Thank you. And good evening.

5 THE CHAIR: Before we continue with
6 questions to the proponent, it is now 7:55. We are
7 going to take a ten-minute break and reconvene at 8:05.

8 (ADJOURNMENT)

9 THE CHAIR: Welcome back, everybody.

10 Continuing with questions to the proponent.
11 World Wildlife Fund Questions Baffinland Iron Mines
12 Corporation

13 MR. OKALIK: Thank you, Chairperson. You
14 have mentioned the name correctly.

15 I just have a quick question in regards to Andrew
16 Dumbrille. I will be welcoming him to answer questions
17 that -- in terms of the presentations, page 5, they
18 need to be accurate if they're going to become before
19 the Board. Just to indicate some mistakes here on --
20 that there was a selection of Inuit on 1999 on page --
21 since 1999, and I just wanted to clarify here that they
22 mention here that we've lived here in -- in our
23 community since 1999, that there was an agreement in
24 1999.

25 But it was recognized by the government. I just
26 wanted to clarify that. What is in the presentation

1 here, it's incorrect. If you are going to be
2 presenting the story on Inuit, they have to be
3 truthful, that you would have to fix those kind of
4 presentations.

5 Not so much a question. I just wanted to state
6 that. Perhaps there will be a correction to this
7 presentation, Chairperson.

8 THE CHAIR: Baffinland, Megan Lord-Hoyle.

9 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

10 I'll ask Lou Kamermans to answer.

11 THE CHAIR: Lou Kamermans.

12 MR. KAMERMANS: Lou Kamermans, Baffinland.

13 Thank you, Madam Chair.

14 I appreciate the clarification, and we certainly
15 acknowledge the long history Inuit have had in this
16 area. What Slide 5 is trying to show is the
17 development of the Mary River Project in relation -- or
18 to Nunavut in the time period that -- that it was
19 discovered and began to be explored and developed.

20 Thank you.

21 THE CHAIR: Paul Okalik.

22 MR. OKALIK: Thank you,

23 Mr. [sic] Chairperson.

24 You're on Inuit land, and you are respectful of
25 the cultures. That needs to be fixed. If there are
26 mistakes or not sure what's inside the presentations,

1 I'm sure people are more aware of them. But in regards
2 to the shipping, I'm going to give the questions over
3 to the person.

4 That's all I wanted to say. I'll give it to ...

5 THE CHAIR: Andrew Dumbrille.

6 MR. DUMBRILLE: Thank you, Chair. I'm just on
7 the phone. Can you hear me okay?

8 THE CHAIR: Yes, you may proceed.

9 MR. DUMBRILLE: Thank you.

10 Good evening, everybody. Andrew Dumbrille with
11 the World Wildlife Fund. Thanks for allowing me to
12 come in with -- with a question.

13 On Slide 33, the vessel activity or shipping
14 activity, many have -- have tried to understand these
15 numbers today and in subsequent sessions, and -- and I
16 think many of us are still struggling to understand
17 these numbers.

18 As part of WWF's analysis of oil spills associated
19 with Phase 2 activities, we had to estimate transits
20 for ships in Phase 2 and had to take icebreaker
21 transits, tug transits, resupply for carriers all into
22 account, and it would appear that the total numbers
23 here don't accurately reflect all the potential
24 transits of vessels in the regional study area.

25 Our estimates show that in July there would be
26 24 transits that needed icebreaker support, and in

1 October to November, roughly 88 transits -- or carriers
2 that would need icebreaker support. As well for tugs,
3 tugs coming in -- into the port area and going out, I
4 think that's reflected here. But the activity that
5 tugs do, back and forth escorting ore carriers to the
6 dock, isn't necessarily reflected here as well. That's
7 multiple back-and-forths.

8 So that -- that's a significant number of transits
9 that don't appear to be reflected in this -- in this
10 table of shipping activity. So my question is: You
11 know, have -- have I gotten those estimates correct,
12 and -- and can they be or should they be included in
13 Slide 33, the shipping activity? Thank you.

14 THE CHAIR: Baffinland, Megan Lord-Hoyle.

15 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

16 I'll ask Lou Kamermans to answer.

17 THE CHAIR: Lou Kamermans.

18 MR. KAMERMANS: Lou Kamermans, Baffinland.

19 Thank you, Madam Chair.

20 So I would not agree with the number of transits
21 you've proposed, and I believe what we have put forward
22 is correct, and it is the only way to represent it.
23 There's a period of time when icebreakers may be
24 escorting vessels, in which case every one of those
25 176 vessels that transits during those ice periods
26 would be an escort. I think there's a double counting

1 when you try to account for escorts when up to five
2 vessels are all within a kilometre or two of one
3 another.

4 There's also the matter of transit restrictions
5 based on ice conditions that apply in the spring. They
6 have put constraints on the number of transits an
7 icebreaker can make. I don't think we need to provide
8 a specific numerical estimate, and this has all been
9 considered within our assessments.

10 The purpose of a project description is to inform
11 the assessments. I believe the assessments have been
12 informed by the necessary information, and I strongly
13 suggest we defer the remainder of this discussion to
14 the marine session. Thank you.

15 THE CHAIR: World Wildlife Fund, Andrew
16 Dumbrille.

17 MR. DUMBRILLE: Thank you, Chair. Thank you,
18 Lou.

19 So these estimates were filed on the registry and
20 confirmed by email with you and your team, Lou, when we
21 were working through this, and there didn't appear to
22 be an objection to these. We took into account the --
23 you know, one transit in the first week given the ice
24 conditions every 24 hours, two ore-carried transits
25 every 24 hours in the second week, and we estimated
26 transits from October 15th to November 15th, and

1 it's -- the -- the reason I'm bringing this up is
2 it's -- it's significant.

3 And when you say that the total number of voyages
4 is 208, that's -- it's significantly incorrect, and
5 it's much higher, and I think it misrepresents the
6 overall vessel activity in the region. But I agree.
7 More can be discussed during the marine component.
8 Thank you.

9 THE CHAIR: Baffinland, Megan Lord-Hoyle.

10 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

11 There's nothing else left at this time. Thank
12 you.

13 THE CHAIR: World Wildlife Fund, Andrew
14 Dumbrille.

15 MR. DUMBRILLE: Just one last -- thank you,
16 Chair. Andrew Dumbrille with the World Wildlife Fund.

17 I just also wanted to mention that Frank Tester, I
18 think, was skipped during -- or wasn't called on, and I
19 just wanted to make sure that -- that you knew that,
20 Chair, or it -- or it was mentioned. Thank you.

21 THE CHAIR: For the awareness of
22 participants, when presenters, people asking questions
23 are called upon, they will be called upon with the
24 intervenor or a party that they are registered with.

25 Next on the list, Nunavut Independent Television
26 Network, Carol Kunnuk.

1 MS. KUNUK: Thank you, Madam Chair. I
2 have no further questions. Thank you.

3 THE CHAIR: NIRB staff.
4 Nunavut Impact Review Board Staff Questions Baffinland
5 Iron Mines Corporation

6 MS. COSTELLO: Thank you, Madam Chair. Karen
7 Costello for the Nunavut Impact Review Board.

8 This question is for the proponent. On
9 December 29th, the Hamlet of Pond Inlet provided a news
10 release and letter announcing their interest in
11 supporting the Phase 2 development proposal subject to
12 conditions, specifically a phased approach to increase
13 iron ore shipments at a rate of 1.5 million tonnes per
14 year. Can Baffinland clarify whether this type of
15 phased approach for increased ore production in
16 transportation was considered in the alternative's
17 assessment in the final environmental impact statement,
18 and if it was not included, what was the rationale for
19 not considering an incremental approach? Thank you,
20 Madam Chair.

21 THE CHAIR: Baffinland, Megan Lord-Hoyle.

22 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

23 I can confirm that this sort of gradual increase
24 or phased development was not included in the
25 alternative's assessment as it's not a standard
26 approach. We assessed alternatives for the long-term

1 viability of a company.

2 This approach, the cost to construct a railway and
3 a second dock and use it at such an inefficient rate
4 would cost -- would increase the cost to make it
5 uneconomical and something that would risk the
6 investment community willing to back.

7 I would like to add, however, since the Hamlet of
8 Pond Inlet's letter, we have considered what they have
9 put forward internally and have responded to the hamlet
10 in private. Should those discussions move forward, we
11 will report back to the Board. Thank you.

12 THE CHAIR: Nunavut Impact Review Board
13 staff.

14 MS. COSTELLO: Thank you, Madam Chair, and
15 thank you, Baffinland.

16 With your permission, Madam Chair, I have another
17 question with regard to the blend of vessel types. Did
18 Baffinland consider in determining their tonnage if it
19 could be achieved through a blend of vessels? There is
20 mention of Panamax, cape size, and other vessels.

21 The NIRB, the Nunavut Impact Review Board, could
22 not find any information on the size of the vessels in
23 the monitoring reports, just the names of the ore
24 carriers. It would be helpful to understand if a blend
25 of vessel size based on experience to date was
26 considered in trying -- in determining the number of

1 vessel transits required to ship the requested
2 12 million tonnes as part of Phase 2. Thank you, Madam
3 Chair.

4 THE CHAIR: Baffinland, Megan Lord-Hoyle.

5 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

6 I think there was a couple of questions to
7 clarify. Yes, we do use a mix of vessels currently,
8 none which are cape size, but we do currently use a mix
9 of vessels based on what's available to us to charter.

10 We also considered the mix of vessels and what the
11 impact of using larger vessels would be within the
12 assessment and to move the maximum tonnage, and we do
13 not -- within the assessment, there's no single vessel
14 type that's being proposed. We consider that a mix of
15 vessels will continue to be used based on what's
16 available within their -- or within the market.

17 For reference, this was provided to the Nunavut
18 Impact Review Board as a deferred response in November
19 2019. Oh, excuse me. It was submitted in January.
20 Thank you.

21 THE CHAIR: Nunavut Impact Review Board
22 staff.

23 MS. COSTELLO: Thank you, Madam Chair.

24 Staff have no further questions. Thank you.

25 THE CHAIR: Are there any questions from
26 the Board? Any questions?

1 Nunavut Impact Review Board Questions Baffinland

2 THE CHAIR: I have some questions for
3 Baffinland. Can Baffinland clarify if the impact
4 predictions and mitigation measures in their final
5 environmental impact statement addendum are based on
6 the original 18 million tonnes per annum, plus the
7 proposed 12 million tonnes per annum totalling
8 30 million tonnes per annum?

9 On page 47 on the introduction to operational
10 flexibility of 12 million tonnes per annum, you
11 illustrate what the -- what operational flexibility
12 would look like. Can you clarify if the impact
13 predictions included in the proposed operational
14 flexibility volumes are based on a total volume of
15 20 percent above 30 million tonnes per annum for the
16 entire project? And this relates to the assessment of
17 cumulative effects.

18 Baffinland, Megan Lord-Hoyle.

19 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

20 For the first part of your question, yes, I can
21 confirm that the impact predictions in the terrestrial
22 environment were based on a 30-million-tonne operation.
23 I'll ask Lou Kamermans to speak to the operational
24 flexibility and cumulative effects assessment.

25 Thank you.

26 THE CHAIR: Lou Kamermans.

1 MR. KAMERMANS: Lou Kamermans, Baffinland.

2 Thank you, Madam Chair.

3 The assessment conclusions submitted as part of
4 the Phase 2 proposal remain the same with the
5 exercising of operational flexibility up to
6 14.4 million tonnes in a single year. The reason is
7 that we've committed to remain within the proposed
8 activity limits that have been assessed. The ability
9 to exercise operational flexibility for Baffinland
10 operationally is not guaranteed.

11 It would require us to find efficiencies within
12 the activity levels we've proposed. That risk would be
13 borne entirely by Baffinland.

14 With respect to the cumulative effects assessment
15 submitted as part of the Phase 2 proposal, we did look
16 at potential future development scenarios of the Mary
17 River Project, and this looked at developing deposits
18 outside of Number 1 and increasing the movement of ore
19 through both rail corridors, so the north and the
20 south.

21 This was done for assessment purposes. It is not
22 a reflection of future plans. Sorry. I'm trying to
23 find the precise numbers from the assessment, but in
24 this potential future scenario, up to 36 million tonnes
25 was looked at going through Steensby and, I believe,
26 24 million tonnes going through Milne Port.

1 Again, I want to stress that this is not based on
2 Baffinland's future plans. This is a hypothetical
3 scenario that we looked at for the purposes of the
4 cumulative effects assessment. So based on everything
5 I've said, we feel that we have accurately assessed the
6 potential effects of the exercising of operational
7 flexibility. Thank you.

8 THE CHAIR: My next question is related to
9 the alternatives assessment, and this also goes back to
10 what was presented before the Board in November 2019.

11 Does Baffinland foresee any risks in using a
12 performance-based impact monitoring program when
13 possible indicators cannot be clearly defined since not
14 all components of the approved project have been
15 constructed or are in operation?

16 For example, the Steensby Inlet Port, the southern
17 railway, and shipping through the southern route have
18 not yet occurred.

19 Baffinland, Megan Lord-Hoyle.

20 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

21 May I ask that you repeat the question, please,
22 Madam Chair?

23 THE CHAIR: Does Baffinland foresee any
24 risks in using a performance-based impact monitoring
25 program when possible indicators cannot be clearly
26 defined since not all components of the approved

1 project have been constructed?

2 For example, the railway to the south has not yet
3 been constructed. How did you identify risks? What
4 are some of those risks, and how would they be a part
5 of your performance-based impact monitoring program?

6 Baffinland, Megan Lord-Hoyle.

7 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

8 Thank you, Madam Chair.

9 The short answer is, no, we don't see any risks
10 with a performance-based monitoring program, and the
11 reason for this is it will force us to look at the
12 actual sources of the impacts and will bring us into
13 the adaptive management cycle where we evaluate and
14 learn from our experiences, evaluate against the
15 indicators that have been developed, and plan and
16 adjust, if needed. We will be forced to manage the
17 project to reduce impacts at the source level. Thank
18 you.

19 THE CHAIR: Through the Board's assessment
20 of the early revenue phase, Baffinland provided an
21 estimate of how much the tote road would cost to
22 upgrade per kilometre. In November 2019 hearing for
23 the Phase 2 development proposal, Baffinland further
24 indicated that the Phase 2 was required to help fund
25 the southern railway construction.

26 As Baffinland is now indicating that the current

1 project is not financially viable in the long term, is
2 Baffinland suggesting that the entire project, as
3 currently approved with a southern railway and northern
4 tote road, is not financially viable without the
5 addition of the Phase 2 infrastructure and work plan?

6 Baffinland, Megan Lord-Hoyle.

7 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

8 I'll answer that in two parts. We remain
9 committed to the Steensby operation and believe that
10 it's viable, but it has a very high cost to construct,
11 and we need to raise the funds in order to construct
12 it.

13 The northern route using trucks along the tote
14 road is not a viable long-term solution because of the
15 high capital costs associated with the trucking
16 operation and the shorter shipping season out of the
17 north. Thank you.

18 THE CHAIR: The second part to that
19 question, in November 2019 at the initial public
20 hearing for the Phase 2 development proposal, the Board
21 noted that during Baffinland's opening statements,
22 there was a limited amount of time. The approved
23 project under the production increase proposal would
24 remain an economically viable option -- operation.

25 The Board would like Baffinland to clarify if this
26 timeline has changed in the past year. Specifically

1 how much longer does Baffinland expect to be able to
2 remain a viable operation by transporting and shipping
3 up to 6 million tonnes of ore per annum -- of iron ore
4 per annum via the tote road?

5 Baffinland, Megan Lord-Hoyle.

6 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.

7 We have been lucky that in the past year iron
8 ore -- iron ore prices have been higher. That has
9 helped us to sustain the operation, but I cannot give
10 you an exact timeline of how long we could continue to
11 operate under the same circumstances. It depends on
12 the iron ore price, and I can -- can also say that the
13 investment into a continued trucking operation is an
14 unlikely scenario.

15 So as equipment breaks down, we will not have the
16 funds to re-invest in an operation that doesn't have
17 the ability to provide a return on investment.

18 To clarify, this is a growing company, and we need
19 to grow in steps with the capital that it can source
20 from our investors. Therefore, an operation that is
21 not seen as a viable long-term solution will not
22 receive that investment dollars and will see dwindling
23 investments and eventually will run out of funds to
24 sustain itself or pay back its debts. Thank you.

25 THE CHAIR: That concludes the first
26 presentation. It is now 8:50. We will end for

1 tonight. That concludes Day 1 of this public hearing.

2 Thank you for all of your contributions to a
3 productive day. We will resume the hearing tomorrow
4 morning at 9 AM, and I hope to see you back here
5 tomorrow. Have a nice evening.

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7 PROCEEDINGS ADJOURNED UNTIL 9:00 AM, JANUARY 26, 2021

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1 CERTIFICATE OF TRANSCRIPT:

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3 We, Sandra Burns and Andres Vidal, certify that
4 the foregoing pages are a complete and accurate
5 transcript of the proceedings taken down by us in
6 shorthand and transcribed from our shorthand notes to
7 the best of our skill and ability.

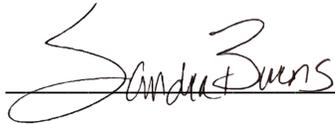
8 Dated at the City of Edmonton, Province of
9 Alberta, this 17th day of February 2021.

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14 Sandra Burns, CSR(A), RPR, CRR

15 Official Court Reporter

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21 Andres Vidal, CSR(A)

22 Official Court Reporter

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\$1 76:7 148:1	11:00 63:6	179 158:25	129:1,6 131:9,11	119:1 145:2
\$1.4 103:5	11:15 63:7	17th 209:9	132:2,7,9,10	162:26 164:9
\$1.7 102:19	12 24:4 37:22	18 28:22 38:8	134:15 137:25	182:17 183:23
\$10 76:18 146:26	38:7 44:8 46:9,26	41:22 166:16,19,	138:10 140:2	187:8,13 190:4,5
\$15 146:26	95:19 112:11	21,25 187:12,19	155:6 160:14	192:14
\$2 103:2	116:2,4 117:25	202:6	166:25 175:8	2021 28:20,21,22
\$3 76:17	118:6 119:21	18-million-	176:15 180:21	37:8 76:8,12
\$30 102:22	128:1 131:12	tonne-per-	181:20 195:19,20	97:10 104:5
\$33 147:26	143:18 187:11	annum 187:25	199:11 201:2	129:10 138:13
\$66 76:2	188:24 189:17	18-million-	203:4,15 205:23,	155:18 157:23
\$680 102:13	190:8,10,16	tonnes-per-year	24 206:5,20	182:18 208:7
148:3	201:2 202:7,10	189:22	20 190:12 202:15	209:9
\$750,000 147:1	12-million-	18th 74:20 75:25	2008 38:15	2023 111:12,15
<hr/>	tonne-per-year	1962 94:14	2011 32:1	2024 104:6
0	188:16 192:6	1999 193:20,21,	2012 37:4,15	112:12,14 160:14
<hr/>	12.8.2 39:11 44:8	23,24	38:16,17	2038 76:8,13
0 27:1	130 41:24	1:15 46:10 79:6,8	2013 38:19	208 158:26
005 38:18 39:11	14 38:17 41:22	1:18 79:10	2014 37:4 39:3	159:25 198:4
08MN053 29:13	14.2 192:9	1st 100:23	131:9	21 97:6
<hr/>	14.4 190:12 203:6	<hr/>	2015 102:6,17	22 143:19
1	14.4-million-	2	2017 115:23	23 98:4
<hr/>	tonne 114:23	19:8 27:2 29:12	122:24 131:13	237 108:25
1 27:2 30:5 42:25	140 100:7	31:6,9 33:12	2018 37:5 39:6,7,	24 195:26 197:24,
46:16 59:14	15 28:21	36:20,24 37:18	14,24 118:16,18	25 203:26
72:20 76:13 91:9	15-minute 47:19,	38:3,6 39:4,8,17,	129:24 183:21	25 41:6 45:21
94:21 141:25	21 63:6	24 40:6,16 42:17	184:7	142:5 183:21
148:1 203:18	15th 100:24	43:22 44:13	2019 29:22 32:16,	26 99:17 175:20
208:1	197:26	59:14 71:26	25,26 40:1,2,6,24	208:7
1.19 172:9	16 41:6	73:12 74:24 76:6	71:1,3 72:2 82:25	26.1 102:16
1.4 76:12 148:1	160 37:2	77:1,6,15 78:8	83:4 94:15 96:11,	28 42:25
1.5 199:13	165 116:4	80:9 82:20 86:18	23 103:9 110:11	29 39:6
1.7 148:2	16th 71:3 72:19	90:9 97:7,23	116:24 118:24	299 108:24
10 119:10	17 28:15 29:4	98:6,11,15,17,18	168:14 175:21	29th 199:9
100 99:13	39:3	99:4 100:1,15	177:4 183:17	<hr/>
100-kilometre	170 168:5	101:6,26 102:2,	188:12 192:11	3
29:18	176 38:5 101:6,25	10 103:9,21,25	201:19 204:10	<hr/>
100-kilometre-	104:21 114:22	104:4,6,16,25	205:22 206:19	3 59:14 68:20,26
long 95:20	116:6 117:11	105:16,19,24,25	2020 28:13,15	75:1 99:23
112 39:12 44:9	118:5 119:10,11	106:2,10,14	29:4 32:17 41:6,	103:13 172:9
	159:21 169:22	109:19 112:25	22 42:25 72:19	3.1 28:12
	175:9 186:14	116:8 117:3,15	74:20,26 75:25	30 28:13 30:3
	190:23 196:25	118:17 119:10,18	83:8,11 84:6	43:2 100:9 202:8,
	178 108:25	122:19,24 123:7,	94:17 97:1,9	15
		13 128:1,13	98:13 106:1	
			114:8,9 115:8,14,	
			15 116:14 118:25	

30-million-tonne 81:19 202:22	59 148:23 149:19 163:6,14 164:26 165:19	88 196:1	accurate 27:11 35:14,20 122:9 127:23 173:18 174:1 193:18 209:4	106:26 107:6,12, 23 108:11 137:3, 4,11,23 138:9,12 139:2 149:15,16, 25 150:2,10,15, 20 155:5,17,26 156:4 157:21 163:16 164:4 165:15 205:13
31 100:11	5:00 161:7	8:05 193:7	accurately 195:23 204:5	add 106:12 114:26 119:10 130:21 159:6 165:10 200:7
31st 138:13 155:18	6	8:50 207:26	achieve 41:19 78:1,19 133:12	addendum 39:18,23 105:17 121:10 127:5 202:5
32 159:22 175:9, 16 176:16,20 177:15	6 30:7 37:9,22 40:6,10 45:21 46:16 90:7 119:8 123:1 127:26 128:14,16,25 129:3 131:16,24 132:11 207:3	9 40:9,20 45:24 46:1 72:20 95:3 187:13 208:4	achieved 76:24 200:19	addition 43:6 72:24 76:19 103:19 206:5
33 114:2 142:25 143:8 158:25 159:20 175:7 195:13 196:13	6,000 119:16	9:00 208:7	acknowledge 80:10 88:1 194:15	additional 21:8 26:20 28:1 29:15 39:20 46:4,6 74:5 75:4 86:26 87:3 88:9,13 89:15 94:22 96:22 105:1,25 108:16 114:5,21,26 115:1 118:3,4,5 119:18 120:1 121:25 123:11 128:16 131:6 132:16 134:7 175:16 190:23,24
33M34 158:20	6-million-tonne 123:14	9:02 19:1	acronyms 48:14	additions 31:12
34 102:4 159:1	60 148:23 149:19 163:14 164:26 165:19	9th 166:17	Act 31:23 32:21 39:13 44:10 191:12,13	address 29:6 42:11 76:26 77:7 82:23 86:12 87:13 97:24 109:3,6,11 110:20 139:26 152:3 167:16 189:3,16,22
352 175:15	61 107:24 148:23, 24 149:16 155:5	A	actions 73:24 74:23 156:2	addressed 71:16 72:14 83:13,24 87:13 109:9
36 203:24	65 121:1 122:19	abbreviations 48:14	activate 89:20 90:3	
39 102:25	6:30 46:1 161:8, 13	Abernethy 60:15	activated 50:3	
3:15 125:22	6:31 161:15	Abgrall 53:2	active 78:24 177:20	
3:30 125:23	7 28:20 99:19	abilities 82:11	actively 106:26	
4	700 183:9	ability 70:17 85:24 120:22 126:20 133:19 156:11 174:20 203:8 207:17 209:7	activities 39:16 90:9 97:25 98:9 118:15 120:6 130:2,4 188:19 195:19	
4 50:8	72,600 115:25 116:3	accept 102:7	activity 82:20 84:14 101:19,23 119:6 168:19 175:8 177:13 195:13,14 196:4, 10,13 198:6 203:8,12	
4.2 38:22 127:25 129:21	7:55 193:6	accepted 39:22	actual 101:23 205:12	
41 141:22 146:5 172:7	7th 74:26	accepting 31:20	adaptive 71:22 72:22 73:22 75:15,18 78:18 86:25 87:12,20	
43 111:8 112:11, 22 136:3 155:9, 19	8 40:9,20	access 21:7 113:3 146:1 152:13 153:22 186:23		
45 111:8	8,000 120:16	accommodate 114:22 115:1		
47 190:1 202:9	80 42:5 152:22	accordance 125:15		
5	83 119:9,10	account 75:1 119:19 120:1 156:16 195:22 197:1,22		
5 45:25 46:10 129:20 193:17 194:16	85 42:5	accounts 177:16		
50 22:16		accumulate 23:14		
50,000 119:15				
51 105:13				
58 106:25 149:15				

110:14,17 150:13
addresses 72:15
adequate 88:4
 155:26 156:1
adequately
 156:16
adhered 162:16
adherence 21:23
 27:12
adjourned 71:1
 79:8 161:13
 208:7
**ADJOURNME
 NT** 63:9 125:24
 193:8
Adjun 34:20
adjust 47:17
 205:16
adjusting 69:14
adjustments
 74:24,26
administration
 34:5,25
administrative
 57:2
administrator
 34:15
advance 22:20
 24:1 32:26
 116:26 117:3
 156:26
advances 86:22
adverse 108:9
 127:21
advice 87:25
advise 46:5
advised 33:3
 50:20
advisor 34:13,14,
 19,24 55:14 56:6
 58:5 65:4 66:5
 142:14 154:22,24
 162:25,26

advisors 85:23
affairs 31:16
 60:6,8 171:4
 173:1
affected 30:14
 71:8,13 75:16
 153:12
affirm 90:21
 91:15
affirmation
 25:11 26:2,10
 90:18
affirmed 92:21,
 25 93:7 149:10
 169:15
affirming 25:2,
 20
afternoon 22:26
 79:17
agencies 170:14
 171:3
agency 61:5
 188:3
agenda 28:12,23
 40:19 46:11,23
 48:7 69:15 79:12
 90:7 147:19
 149:11
agree 71:23
 141:15 157:22
 158:4 169:23
 196:20 198:6
agreed 40:17
 108:11 136:18
 138:11 149:17
 163:26 164:8
 169:25
agreement 31:22
 32:20 39:12
 42:10,16,19,21
 44:9 72:15,18,20,
 25 73:2,6 74:12,
 13,16 76:3,24
 94:17,19 96:18
 97:21 103:11,12

135:2,3,9,13,15,
 18,26 136:9,17,
 25 137:5 138:1,
 15 139:2,6,23,25
 140:23,25
 141:12,18 142:8
 147:6 149:18,20
 157:14 163:25
 164:4,8,16,19,20
 165:15,17 183:23
 184:5 193:23
agreements
 138:20 171:7
ahead 45:20
aid 73:1 97:3
aim 109:10
aiming 105:5
Aipellee 58:9
 166:2
air 61:26 62:7
 168:25
airstrip 95:15
Akeagok 53:17,
 18 54:5 70:2
 79:15,17,18 89:9
Alasdair 62:22
Alberta 32:6
 209:9
Alex 60:13
Alexandra 62:20
align 81:16
Alistair 54:7
all-season 37:6
all-time 182:17
allergins 47:26
alleviate 146:1
Allison 64:24
 65:9,10,11
allocated 150:1
allotted 30:16
allowed 30:24
 31:7,10 44:14
 57:22

allowing 57:18
 89:5 195:11
alter 114:25
alternate 50:13
alternative
 104:11 127:22
 158:1
alternative's
 199:16,25
alternatives
 199:26 204:9
Amanda 55:14
 66:16 113:19,23
 114:16,18 115:17
 116:19,21
 117:18,20 118:11
 120:12,14
 122:16,18
 123:21,23 126:2,
 5 128:3,4 129:14,
 15 130:25 131:9
 132:4 134:18
 173:12,13
 174:15,16 175:3,
 4 176:11,12
 177:21,23
Amaruq 58:11,
 17 167:20,22,24,
 26 168:3 170:3
amend 38:20
amended 39:16
amendment
 29:14 30:19 44:4
 131:15 166:24,25
amount 37:20
 100:20 101:13
 102:22 103:15
 106:15 120:3
 146:6 147:26
 206:22
ample 119:3
Amuno 34:23
Amy 59:24
analogous 140:8

analysis 188:19
 195:18
analyst 60:15,20,
 21
analyze 180:7
Andres 35:16
 209:3,21
Andrew 52:10
 65:5,21 67:12
 91:21 92:20
 193:15 195:5,10
 197:15 198:13,16
Anita 66:6
Anna 61:9,11,20
Anne 52:17,22
 62:5
announcing
 199:10
annual 102:15
 106:16,17 147:1
 187:8,9
annually 100:24
 175:10
annum 119:8,21
 131:12 187:20
 202:6,7,8,10,15
 207:3,4
answering
 124:11
answers 117:21
 118:10 124:26
anticipate 66:19
 69:10
anticipated
 102:19,21 103:1
anticipation
 20:4
apologies 22:5
 61:18 176:17
apologize 159:13
 161:22
apparent 80:25
 133:1

appearing 45:3	168:7 188:6	arrangements	139:26 146:12	171:7,25 184:6
appears 22:5 48:18 168:5	191:17 204:14,26 206:3,22	48:2	157:1 158:11	Association's
Appendix 142:4	approximate	Arreak 19:17,19, 24,25 54:24,26	177:5,12 180:7,9	42:20 81:7
applicable 152:19	116:15 177:8	55:1 79:22 112:7, 10 113:9,10	181:17 184:17	associations
application 132:19,26 133:2, 24 134:4 167:8	approximately 37:2 46:9 76:7 101:16 103:4 117:2 119:9 126:13	arrivals 48:5	185:9 186:25	103:8
applications 167:5	April 40:1	arrive 23:2 157:6 159:25	188:15,16,17,22, 23,24 189:7,21 190:17 199:17,25 201:12,13	assume 115:9 184:23 185:1
applied 38:20 122:23 128:12 130:17 131:8 187:1	aquatic 62:25 63:2	arrived 185:9	202:16,24 203:3, 14,21,23 204:4,9 205:19	assuming 76:6
apply 105:11 197:5	arbitration 138:21 139:3,11 141:9	arrives 67:9	assessments	assumptions 76:5,11 185:9
appointed 32:17, 19 171:15	arbitrator 139:4	Arthur 54:22	120:10 122:10	assure 21:11 27:15 71:18
appreciates 46:23 49:1,5	Arcelormittal 187:9,16	article 44:8 187:22	134:7 161:6	assured 24:6
approach 23:23 35:10,12 75:15 88:8 109:15 119:2 127:24 157:21 174:11 199:12,15,19,26 200:2	Arctic 27:24 57:7,9,21 62:18 81:26 158:15,16, 19 161:25 162:14 163:1 164:11,18	Arusa 61:7	174:14 197:9,11	Atkinson 60:2
approached 36:8	area 28:8 44:19, 21 55:7 82:6,8 99:6 100:10 101:9,15 108:21 159:10 160:10,12 194:16 195:24 196:3	Arvaluk 57:3	assist 26:21 27:5 34:2 35:19 58:22	attempt 190:9,11
approval 38:19 73:12 75:17 107:7 122:26 128:12 129:9 137:25 175:14 180:21 183:9 191:26 192:1	areas 88:13 98:7 100:17	Arviat 151:2,3,4, 6,13 153:11	assistant 54:18 58:22 59:4,12	attend 22:7 36:11 56:11 69:20 81:8
approvals 169:21	argument 180:26	Ash 54:8	assisting 35:6 57:19	attendance 70:8
approved 29:15 37:3,4,15 38:6,16 39:2,15 76:6 100:22 102:3 103:21 104:5 105:22,23,25 106:2 119:7	arise 68:10 69:8	Asher 61:26	Associates 53:1	attended 32:25 35:23
	arising 28:25	asks 47:16	association	attending 19:10, 11 21:8 55:25
	Arko 34:22	aspects 22:17 42:9,15 139:25 158:10	42:11 53:16,20, 23,26 55:12 58:8, 10,12 79:13,15, 16,19 86:13 87:2, 4 88:10,12,23 96:14,17 103:7, 21,23 104:9 106:18 107:7 110:3,4,8 111:2, 23,26 113:18 134:2,6 135:11 136:19 138:1,11, 17 139:5 140:5 142:6 146:21 147:16 149:9,10 154:17 158:3 161:11,19,20 162:10,25 163:12,24 164:1, 12,15,21,23 167:12,25,26 169:12 170:4,15	attention 178:2
	Arktis 54:9	assess 44:11	attest 25:18 26:2, 9	attract 179:16
	Armstrong 52:12	assessed 38:26 117:16 189:18 199:26 203:8 204:5	attribution 174:21	audience 24:24 55:19
	Arnajaallak 35:3	assessment 19:7 31:2,23 32:21 33:10 34:19 36:19,24 39:5,8, 13,14 42:17 43:21 44:3,10 59:17,22,25 60:13,14,18,20, 21 64:10,11,18 65:1,4,23 71:4 72:12 83:2 90:10 105:15,20 109:5 117:9 118:23,24 121:8 122:1 133:21 138:8	audio/video 66:21	audiovisual 19:13 24:6 25:26
	arrange 27:23 80:11		Audlakiak 56:16,17,25 154:20,24	August 39:14 101:14 138:13 155:18 157:23 168:5
			Austin 53:5	author 138:17

authored 73:17**authorities**

152:20 171:1

authorized

166:18 187:18

AV 90:2**availability**

32:15 101:8

Avatiliriniq

58:26

average 37:22

38:7 101:16

102:15 114:7,8,

13 115:20,23

avoid 50:2 99:20

105:5,6

avoidance 180:9**aware** 20:16

25:26 48:17

50:10 68:12,15

85:15 131:3

147:24 151:8

173:24 178:1

195:1

awareness 69:19

198:21

B

back 20:2 28:9

63:10 65:11

70:24 79:11

125:25 143:20,22

155:9 158:5

161:16 181:3

193:9 196:5

200:6,11 204:9

207:24 208:4

back-and-forths

144:3 196:7

bacteria 23:9**badge** 35:26**Baffin** 30:14

70:20 74:14

76:17 96:2

121:19 131:14

151:21,23 152:5

153:25 154:6

187:6

Baffinland 19:7

29:11,18 30:18

37:1,3,8,14,19,25

38:19 39:14,21

40:4 42:10 44:26

52:2,6,7,13

69:25,26 70:6,20,

21 71:6,18 72:10

73:14,19 74:6

76:6,11,16 77:14

82:12 83:4,14,19,

25 85:3,5 86:16,

20,21,24 87:15,

20 90:7 91:5,11,

14,17,18 92:13,

23 93:13,15,17,

25 94:10,24

96:11,22 97:2,11

99:25 100:25

102:9,13 103:17,

19,21 104:15,16

105:1 106:6

107:15 108:10,24

109:2,20 110:4

111:12,13,17,18

112:8,19,20

113:15 114:10,11

115:3,4,19,24

116:3,8,10,25

117:6,7,13,25

118:1,7,8 121:5,

15,17,20,23,24

123:2,3 124:7

126:4,13,16,19,

24,26 127:1,13

128:12,15,18,19

129:21,25 130:6,

7,23,26 131:8,10

132:9,24 133:2,3,

4 135:6,7,10,12

136:12,13,16

137:6,8,9 138:2,

5,6 139:5,9,10

140:6 141:16

142:1,2,11,20,22

143:2,6,7,25,26

144:22,23

146:18,19,23

147:11,23,25

148:22,26 149:7,

13,14 154:18

155:14,15

156:21,23,24

157:8 158:16

159:18 160:2

161:21 163:4,17,

18,21 164:5,15,

23 165:4,5,8

166:7,17,21

167:1,2 168:1

169:18,19,25

170:6,8,9,11,24,

25 171:21,22

172:5,6 173:4

174:3,4,24,25

175:23,24

176:22,23,26

178:15 179:2,3,

26 180:1 181:4,

23,25,26 182:21,

22 183:18 184:15

185:4,6 186:5,6,

20,21 188:14,26

189:3,9,10,24,25

190:19 193:11

194:8,9,12

196:14,15,18

198:9,10 199:4,

14,21,22 200:15,

18 201:4,5 202:1,

3,18,19 203:1,9,

13 204:11,19,20,

23 205:6,7,20,23,

26 206:2,6,7,25

207:1,5,6

Baffinland's

33:10 90:22

103:14 104:8

121:13 122:8

124:5 135:19

141:10 149:16

172:20 186:13

188:2 191:26

204:2 206:21

Baker 31:25**balance** 72:6,16

74:7 84:10

ball 168:16**ballast** 159:3,4,6,

9,26 160:5,8,9,

11,16,17,22

bar 190:2**Barker** 27:20

34:13 66:1,2,4

Barnabas 54:3**base** 106:6**based** 30:26 45:9,

23 58:15 73:24

80:22 87:17

101:7 103:15

104:3 144:6,9

170:23 171:18,25

177:7 184:10

186:22 197:5

200:25 201:9,15

202:5,14,22

204:1,4

baseline 83:1**basically** 118:2**basis** 45:15 82:19

168:6

Bastick 65:22**Bathory** 54:5**Bay** 57:7,10,21

96:2 158:15,16,

19 161:25 162:14

163:1 164:11,18

BC 55:7**bear** 47:16 84:10**Beattie** 34:15

62:22

beautiful 19:26**beeping** 50:23**began** 194:19**begin** 45:8 52:1

53:12 90:13

100:26 126:23

beginning 49:17

101:17 110:9

127:18 177:18

behalf 19:4 26:7

51:26 53:15

173:1 190:19

belabouring

167:15

belittle 51:5**Ben** 67:18**benefit** 48:20

71:24 72:6 75:24

88:25 97:20

102:26 103:10

125:6,9 131:3

135:13 147:6

184:4,5

benefits 72:16

73:16 74:2,4,8,13

75:3,6,10,23,26

76:20,23 78:12,

17 84:11 97:19,

21 102:12 103:9,

18,24 109:23

145:17,21 146:1,

5,11,14,16,22,24

147:14,26 180:10

183:13,16 184:9

benefitting

185:26

Bernard-lecaille

62:10,11,12,15,

16

Bernauer 58:6

166:6,9,12

167:12,13

berth 95:26**Beth** 69:22**Bible** 25:20,21**big** 168:18

bigger 159:14
bilateral 138:20
Biljon 53:3 91:24
 93:2,4,6
billion 76:7,12
 102:19,22 103:2,
 5 141:25 148:1,2
binding 135:12
 136:17
biologist 54:21
 59:18 62:17,20
 67:10
bisecting 81:20
bit 68:11 112:16
 148:24
black 99:9
blend 200:17,19,
 24
board 19:4,5,6
 20:7,10 21:6,20
 22:13 25:8,10
 26:15 27:5,10,13,
 22 28:5,10,16,21,
 24 29:5 30:24
 31:2,3,5,9,11,25,
 26 32:10,11,15,
 17,21,22 33:8,17,
 18,21,23 34:3,17
 36:10 37:18
 38:13 39:1,3,5,7,
 22,26 40:2,6,17,
 22,24 41:1,3,14,
 18,22 42:23,26
 43:1,5,12,17
 44:7,16,22 45:2,
 8,10,11,15,16
 46:1,4,5,21,22,23
 47:4,5,18 48:4,24
 49:1,5,6,14,20
 50:4,10 51:3,8,9,
 11,13,16,19 55:4
 56:6 57:21 68:2,
 6,13,21 69:2,14,
 17 70:2 71:2,5
 72:2,3,19 76:22
 78:22 79:2 80:11,

13,17 84:18,22
 87:23 90:26 92:2,
 16 96:13,23
 98:13 105:16,18
 108:14,18 110:15
 119:23 124:21
 125:11 126:14,17
 131:1,3 134:4,10
 135:20 136:10
 137:7 139:13,17,
 21 140:7,11,15,
 18,19,24,25
 141:6,9,18
 142:21 152:2,10,
 20,23,26 153:16,
 17 156:7,21
 158:8 167:4,7
 170:14,15 175:14
 180:3,7 181:10
 187:8 188:17
 190:22 191:22,
 23,26 192:2,3,5,
 14 193:19 199:4,
 7 200:11,12,21
 201:18,21,26
 202:1 204:10
 206:20,25
board's 21:12,13
 22:19,21 23:21
 28:12 31:18,21
 33:13 34:1,5 35:4
 36:4,24 41:17,26
 43:3,21 44:1,11
 45:1 49:9,10
 51:12 63:13
 68:18 70:17
 73:11 85:13
 89:12 120:17
 139:22 152:7,18
 153:3,13 164:6
 188:12,22,23
 189:11 205:19
body 109:13
bond 187:23
 188:2
bones 86:25

Boon 65:24
borne 203:13
bottled 47:24
bottom 99:10
 102:8 104:7
bound 140:15
Brad 52:12
Bradley 55:16
branch 64:21
Brandon 67:10
break 36:7 45:24
 46:8 47:20,21,22
 50:22 63:6,19
 100:26 125:22
 126:8 161:8
 193:7
breakdown
 143:9
breakers 143:3
breaking 46:10
breaks 48:3
 50:21 207:15
Brian 52:8 61:26
 69:24 70:5
briefly 76:1,26
 125:7
bring 47:25
 70:23 80:14
 88:21 159:9
 190:12 205:12
bringing 198:1
broad 77:8
broadcast 27:23
broadcasting
 28:1
broader 181:11,
 18,24
brought 40:11
 73:6 109:4
 163:23
Brown 69:22
Bruce 54:10

Brydon 34:15
build 77:12
 109:13 126:20
 127:20
building 77:10
 102:9 109:16
 132:15 175:6
built 102:7
 109:14 155:16,19
 174:6,7
bulk 97:14
 133:13
burdens 122:21
Burns 35:16
 209:3,14
Buset 64:10
business 77:19
 78:13 153:13
 185:19,20
button 49:26
 50:1

C

cable 27:25,26
calendar 104:3,7
Calgary 32:6
call 36:21 47:1
 50:24 51:22,23
 52:1,5 53:13
 63:8,12 64:3,5
 89:12 101:18
 102:2 112:25
 150:1 161:24
called 27:26
 57:16 89:17
 95:26 198:18,23
callers 50:20
calling 24:25
 66:19 83:7
 101:24 110:13
camera 50:3
 89:20 90:3

cameraman
 67:19
camp 95:14,22
Canada 44:19
 60:6,8 61:10,12,
 21 62:9,13,17
 63:1 64:3,4,7,8,
 14,17,24 65:1,2,
 26 66:1,5 69:21
 102:18 145:19,23
 148:2,11 153:2,9
 160:18 170:22,
 23,26 171:4
 173:1,2 180:11
Canada's 64:22
 77:22,23 85:20
Canadian 61:4
 102:20 160:8
Canadians
 102:24
cancelled 40:19
 41:10
Cannor 60:26
CAO 57:2
capable 101:9
capacity 118:5
 130:12 132:15
 187:10
cape 200:20
 201:8
cape-size 159:15
cape-sized 101:5
 102:8 114:4
 116:7 117:4
capital 97:15
 123:9 206:15
 207:19
caravan 144:21
Cardo 52:25
care 23:10 146:25
career 109:21
cares 75:12 76:18
caribou 121:20

Carl 62:1	140:23,25	26 114:10,14,15	178:4,5,15,16,23	changed 36:18
Carol 67:16,17	141:12,17 144:10	115:3,6,12,16	179:2,19,21,26	182:3 184:18,24
198:26	149:18,19 157:14	116:10,12,18	180:2,13,15,18,	185:2 206:26
carried 117:10	163:25 164:3,8,	117:6,8,17 118:7	25 181:4,7,8,11,	changing 115:10
122:10 152:11,18	19,20 165:15,17	120:11,26 121:23	24,25 182:9,12,	183:1 184:4
160:21	183:23	122:15 123:2,5,	21,23 183:4,6,11,	Channel 27:1,2
carrier 95:25	certificate 31:14	20,26 124:4,10,	18,24,26 184:12,	channels 49:22
143:14 175:9,12	38:18 39:10	11,15,17,18,19,22	20,22 185:4,14,	characterize
carriers 101:24	104:15 106:2	125:20,21,25	16 186:5,8,10,20	185:21
104:21 115:24	126:15 129:19	126:7,11,26	187:2,4 188:8,9	chart 101:11
117:11 143:9,19,	166:24 209:1	127:12,14 128:2,	189:9,14,15,24	190:2
20 159:21 190:24	certify 209:3	18,24 129:8,13	191:1,3,6,18,19,	charter 102:10
195:21 196:1,5	cetera 184:11	130:6,22,24	20 192:23,24,26	186:23 201:9
200:24	Chaikine 60:13	132:3,25 133:3,7	193:5,9 194:8,11,	check 22:23
carry 70:18	chain 82:1	134:17,22 135:5,	13,21 195:5,6,8	chief 54:18 57:2
116:2 144:21	chair 19:2,21,25	6,21 136:11,12,	196:14,17,19	64:19 70:6
152:24	20:6,24 21:4	14,21 137:7,8,16	197:15,17 198:9,	childcare 75:11
carrying 159:8	22:4,10,11 23:25,	138:4,5,7,22	13,16,20,21	Chisholm 65:21
Carson 54:21	26 25:6 26:16,17	139:8,9,14,15,18	199:1,3,6,20,21	choose 28:26
case 141:14 185:3	32:4,8,9,14	140:26 141:1,26	200:12,14,16	chosen 157:4
196:24	49:12,23 51:1,2	142:1,9,13,16,18	201:3,4,21,23,25	Chris 66:10
catalyst 77:5	52:19 53:11,12,	143:5,6,11,13,25	202:2,26 203:2	173:3 177:25
catching 168:17	18,21,22 54:13,	144:16,18,22,24	204:8,22,23	178:4
Catherine 32:3,5	24,26 55:9,10,12,	145:3,5 146:18	205:8,19 206:18	Christine 52:12
caught 178:14	26 56:2,14,15,17,	147:7,9 148:22	207:25	53:5
CBC 69:22	23,24 57:6,8,13,	149:8,21,23	chaired 41:25	Christopher
cease 153:13	15,24 58:1,3,7,	150:23 151:19,	chairing 24:3	52:14 66:12
celebrating	11,24 60:5,7	23,26 152:3,7	chairperson	173:7 178:6,23
70:25	61:1,2,9,16 62:9,	154:14,15,23	19:3 20:10,23	179:19,22
cell 19:15 48:21	14,15 63:4,10,16,	155:1,14,21	22:12 31:25 33:6	180:13,16 182:9,
50:16	23,25,26 64:6,13,	156:23,25 157:7,	55:25 56:3 57:23	12 183:4,24
centre 76:18 80:8	14,16,24 65:8,13,	9 158:5,15,18	112:10 155:3,13,	184:1,20 185:14
147:1	15,26 66:3,10,11,	159:18 160:1,3	23 156:22 158:13	186:8,11 187:2
CEO 69:24	14,16,26 67:1,3,	161:7,16 162:21	162:18 172:13	191:1,4 192:24
180:22	13,15,24,25 68:4,	163:17,20,22	193:13 194:7,23	circulate 68:21
certainty 42:10,	7 69:16,19 70:1	164:11,13 165:4,	chairperson's	circulated 50:12
15,19,21 72:15,	79:1,3,11,18	7,9,20,24,25	20:26	circumstance
18,20 73:5 74:12	89:8,9,14,17,21	166:4,5,9,11	challenge 87:21	131:25
76:3,24 84:18	90:4,5,24 91:1,	167:1,3,11,13,18,	challenges 82:23	circumstances
94:17 96:18	16,17,25,26	24 168:2 169:11	chance 183:14	21:17 32:14
103:12 105:1	92:13,14,18,22	170:3,5,8,17,24	change 38:24	33:20,26 85:21
132:23 133:26	93:1,8,11,13,19	171:9,21 172:1,5,	61:10,12,20 77:5	156:19 207:11
135:2,9,17 136:9	109:25 110:1,6,	10,14,23,25	82:4 98:19 99:24	City 209:8
137:5 139:23	26 111:1,16,17,	173:3,6,11,14	104:3 128:9	
	23,26 112:2,6,19	174:3,5,15,17,24	174:10 184:5	
	113:8,12,16,22,	175:3,5,23	185:8	
		176:11,13,22,25		
		177:1,21,22		

clarification 39:20 111:3,7,19 118:9 124:4 171:23 183:20 189:11,26 194:14	152:8 162:9 165:26 166:5,7 167:11	commit 111:20	22,25 83:7,23 84:3,23 85:15,22 86:12,15 87:6 89:7 96:12 97:19 107:20 108:1 109:6,24 119:24 134:7,13 145:24 146:7,8,12,14,16, 23,24 147:3,14, 15,20 148:5,7,9, 14,16 149:5,24 150:7 151:8,15 154:8,12 170:1 187:6	14 180:5 182:1,5, 19 183:8 200:1 207:18
clarified 175:11	co-lead 66:16	commitment 75:2,14 86:22 88:20 94:19 113:2 135:19 138:15 144:5 146:20,21	community 20:14,22 24:7,23 26:22 28:2,3 30:4,9,11,22 40:8,12,14,19 41:2 42:26 43:16 44:24 46:17,18 55:26 59:8 62:5 70:3,17 72:26 73:21 74:3 75:6, 24 76:18,20 79:26 80:1 81:5,9 83:22 84:15 85:18 96:16 97:21,25 103:24 107:19 113:3 120:2,21 121:12 125:14 134:11 143:16 145:7,11, 21 146:4,16,22 147:26 148:7 150:6 153:18,20 154:9,13 155:24 158:7,8 193:23 200:6	company's 94:5 103:15
clarify 53:24 93:1 111:12 112:22 120:22 121:5,21 138:7 139:11 143:8 144:1 149:15 158:5 159:20 175:17 176:14 186:12 193:21,26 199:14 201:7 202:3,12 206:25 207:18	Co-op 27:24	commitments 42:5 73:5,8,10, 13,22 74:5 75:6 76:25 83:19,26 84:8,21 85:3 86:15,17,23 87:3, 21 88:9,24 94:18 104:8 106:1,10 109:10,13,17 134:2,5 135:11, 17 140:6,9,11,12, 14 149:18 173:24	compared 121:3, 22 122:6	compensation 135:14
clarified 175:11	collaborated 82:6	committed 73:25 74:2 76:16 83:14 87:16 88:7 89:2 97:22 99:25 100:25 103:23 104:21 146:25 147:1 149:24 203:7 206:9	community's 88:21,22	complete 33:6 46:16 49:19 65:12 92:11,17 113:1 120:3 136:6,26 137:5 138:10 209:4
clarify 53:24 93:1 111:12 112:22 120:22 121:5,21 138:7 139:11 143:8 144:1 149:15 158:5 159:20 175:17 176:14 186:12 193:21,26 199:14 201:7 202:3,12 206:25 207:18	collaboration 71:21 73:13	committee 74:1 86:25 107:26 149:3	completing 30:1	completed 29:24 38:11 40:18 50:8 72:18 185:7
clarify 53:24 93:1 111:12 112:22 120:22 121:5,21 138:7 139:11 143:8 144:1 149:15 158:5 159:20 175:17 176:14 186:12 193:21,26 199:14 201:7 202:3,12 206:25 207:18	collaborative 71:17 74:10	committees 106:25 107:8,26 108:3,10 157:26	completion 138:13	completing 30:1
clarity 88:24 177:15	colleague 53:19 66:18 167:21 173:8	commenced 19:1 29:22 79:10 161:15	compliance 21:9 41:12	compliance 21:9 41:12
clarity 88:24 177:15	colleagues 53:20 61:8 172:18,19	commence 30:5	compliances 122:23	comply 22:2
Clark 52:15	combined 173:25	comment 28:20 40:15 127:10 162:5 174:23 178:26 186:7	complications 122:23	complying 24:2
clause 141:9	comfortable 150:18 151:7	commented 164:20	component 198:7	component 198:7
clean 159:3,4 160:5	Commander 21:26	commenters 51:8	components 39:21 90:9 98:2, 6,16 105:21 136:25 137:6,21 204:14,26	components 39:21 90:9 98:2, 6,16 105:21 136:25 137:6,21 204:14,26
clean 159:3,4 160:5	commence 30:5	comments 31:1 33:10 36:15 44:23 45:5,11 51:4,5,10 96:24 108:25 109:1 135:1 158:9	compromises 156:11	compromises 156:11
cleaning 159:2	commenced 19:1 29:22 79:10 161:15	commented 164:20	concentrate 147:19	concentrate 147:19
clear 36:1 71:5, 20,21 82:25 83:4, 17 120:5 141:14 143:16 150:6 153:8 191:10	comment 28:20 40:15 127:10 162:5 174:23 178:26 186:7	commodity 97:14 133:14	concept 105:1 152:26 163:26	concept 105:1 152:26 163:26
clear 36:1 71:5, 20,21 82:25 83:4, 17 120:5 141:14 143:16 150:6 153:8 191:10	commented 164:20	common 33:21 47:26 108:22	concern 87:5 108:9 110:22	concern 87:5 108:9 110:22
clearing 159:2	commenters 51:8	communicated 27:6 119:24	concerned 72:5,8 84:12	concerned 72:5,8 84:12
clear 36:1 71:5, 20,21 82:25 83:4, 17 120:5 141:14 143:16 150:6 153:8 191:10	comments 31:1 33:10 36:15 44:23 45:5,11 51:4,5,10 96:24 108:25 109:1 135:1 158:9	communities 30:14,22 41:21 44:18 70:20,22 71:8,13 72:10 73:15,18 75:13, 17 76:17 77:11, 13 78:22 81:17,		
client 141:16	commercial 135:14	common 33:21 47:26 108:22		
climate 61:10,12, 20 82:4	Commission 39:6 134:9			
Clinton 53:4				
close 33:18 141:25 145:17 150:19 152:18				
closed 30:26 101:2				
closer 148:19				
closes 45:8				
closing 30:24				
Clyde 28:17 57:13 58:1,5,7,10				

concerns 31:1 33:10,25 43:10 44:23 45:11 71:14 72:14 74:22 82:26 83:12,23 86:12, 14 87:16 88:21 97:24 109:6,9 110:17 158:9 173:15 174:19	126:22 174:19 confident 72:13 74:5 configuration 114:25 confirm 56:11 62:13 92:6,24 114:7,20 119:5 122:2 126:13,18 127:3,7 129:25 178:14,17 199:23 202:21 confirmation 43:17 61:14 101:1 confirmed 66:25 122:9 160:20 166:17 173:18 197:20 confirming 92:8 conflicted 84:12 connected 54:20 connection 181:13 Connie 52:9 Connor 52:14 91:23 92:20 conservation 60:19 65:5 82:8 conservative 76:5,10 consideration 31:17 72:22 76:22 139:23 considered 42:22 45:25 71:16 117:11,15 120:9 122:7 139:24 161:6 177:12 197:9 199:16 200:8,26 201:10 considers 51:9 140:18 consistent 49:18	84:24 85:2 142:24 consistently 85:10 181:1 consisting 54:7 consists 91:3 Constitution 85:21 constitutionally 156:5 constraints 96:18 197:6 construct 99:26 200:2 206:10,11 constructed 37:17 102:3 204:15 205:1,3 constructing 37:23 construction 38:21 75:12 112:23,26 117:2 126:24 138:10 205:25 consultant 60:3 166:3 consultation 42:20 72:17 85:20 152:19 consultations 86:8 consulted 41:14 164:21 consuming 120:19 132:21 contact 22:24 23:23 26:14 27:14,17,20 contaminated 151:16 contemplated 132:8 content 125:8	contents 26:9 context 127:15 128:24 131:6 184:11,24 continually 169:5 continuation 29:23 188:11 continue 63:7,12 65:16,19 73:10 77:7,16 85:7 86:5,11 87:15 89:5 96:20 102:10 105:11 106:14,16,20,23 126:7 132:9 133:8 137:14 145:16 146:24 165:16 193:5 201:15 207:10 continued 33:5 64:5 96:11 207:13 continues 71:5 180:18 continuing 36:21 51:19 64:3 79:12 87:5 125:26 136:19 154:15 161:9,17 193:10 continuity 85:1 continuously 31:26 contracted 117:4,12 contracts 105:2 116:26 contribute 24:25 77:17 contributed 34:4 contributions 51:20 75:12 107:22 208:2 contributors 107:17	control 49:9 107:4 153:1 controlled 93:20 convene 69:2 conveyed 51:17 convoy 176:9 Cook 53:6 coordinating 24:10 coordinator 34:20 59:1 61:21 64:12 copies 43:24 96:8 copy 91:3,9 corner 99:10,11 Corning 53:8 Corporation 19:8 37:1 52:2 69:25 91:11 93:15 110:5 112:9 113:15 126:4 142:12 154:19 158:17 161:21 166:8 168:1 173:5 193:12 199:5 Corporation's 29:12 correct 115:9,12 126:25 130:5 135:5 137:10 196:11,22 correction 108:17 194:6 correctly 178:14 193:14 corridor 98:8 99:8,12 100:4,21 corridors 203:19 Cory 27:20 34:12 cost 78:7,10 123:12 133:11 179:7,10,16,25 182:24 200:2,4
--	--	--	---	---

205:21 206:10
Costello 22:4,11
 26:14 34:10
 49:12 63:14,16,
 25 89:13,14
 199:6,7 200:14
 201:23
costly 132:20
costs 78:9 111:14
 122:24 123:10,16
 129:4 131:21
 133:11 182:7,15,
 17,18 183:3
 206:15
cough 23:11
could've 151:3,
 16
counsel 25:3,7
 34:1,7,17 54:11,
 22,23 55:15,16,
 17 59:19 60:1
 66:12 68:1,3,5
 90:17,21,25
 91:25 92:1 93:10
 113:21 124:18,20
 139:14,16 151:25
 152:1 181:5,7,9
 188:8 189:12,14
 191:19,21
counsellors 55:5
count 176:15
counted 176:19
counting 196:26
country's 77:23
couple 68:8
 142:20,21 201:6
court 35:17,20
 48:10 92:8
 209:15,22
Courtney 52:24
 91:24 93:2
cover 23:10,11
 48:4 166:25
coverage 101:22

COVID 22:19
 23:5
COVID-19 21:5
 23:22 41:7 48:25
 70:14 122:20
 153:1,5,12
Cram 66:8
create 173:25
created 184:8
 191:13
creating 149:3
creation 149:6
critical 81:11
 82:1,18 83:18
 84:5 85:12,26
 108:2 109:19
cross-reference
 125:5
Crown-
indigenous 60:5,
 8 171:3 172:26
CRR 209:14
crucial 81:26
 82:18,26
crushed 95:6,8
 98:21
crushing 100:17
CSR(A) 209:14,
 21
cultural 72:8
 84:26 86:26
culture 73:20
 94:5 107:10,20
 136:5 137:22
 138:7
cultures 82:2
 194:25
cumulative
 90:12 188:19
 190:8 202:17,24
 203:14 204:4
curious 116:6
Curley 57:4

current 22:2
 37:21,23 78:2
 82:11 88:17 98:5
 101:8 105:23
 115:22 118:2
 134:15 167:5
 172:8 178:10
 179:17 181:20
 205:26
customers 95:12
 105:2
cycle 205:13

D

daily 45:26
 100:6,7 168:6
Dan 53:8
danger 151:4
Daniel 57:3
Daoust 34:19
date 28:16 44:3
 45:10 76:1 97:24
 108:22 109:15
 122:8 200:25
dated 74:25
 209:8
David 54:20
 60:14 69:22
day 30:3 45:20,24
 46:6 47:25 57:22
 67:14 75:12
 76:18 101:16
 102:24 144:13
 146:25 147:15
 186:13 208:1,3
 209:9
days 24:4 29:26
 30:6 41:5 42:2
 46:26 59:14 68:8
 70:12 75:19
deadline 29:4
deadweight
 117:26 119:15

deal 57:20 153:19
deals 67:8
dealt 68:13 83:14
 148:10 150:15
death 20:14
 79:21
Debicki 66:10,
 11,12,15 173:3,6,
 7 177:25 178:4,5,
 6,24,25 179:20,
 21,22 180:14,15,
 16 181:12
 182:10,11,12
 183:5,6,25,26
 184:1,21,22
 185:15,16 186:9,
 10,11 187:3,4
 191:2,3,4 192:25,
 26
debts 207:24
decades 82:6
December 28:15
 29:4 37:8 40:24
 71:3 72:2 74:20
 75:25 97:1,3
 118:18 152:10
 199:9
decide 46:4 68:23
 87:24 155:25
 156:8
decided 69:12
decides 103:22
deciding 140:20
decision 28:13
 31:3 33:13 36:16
 45:16 51:3 69:4
 82:10,24 85:17
 86:18 89:6 122:4
 146:17 147:13
 151:5 153:3
 157:17
decision-makers
 32:24 41:16
 153:15

decision-making
 32:18 33:2,5,7
 45:1 83:16 104:1
decisions 75:10
 80:8,18 81:12
 85:25 89:3,7
deck 141:22
declare 124:11
decrease 123:16
dedicated 148:17
deep 85:20 86:8
 87:5
deeply 80:19
 84:12 85:16
defer 147:11
 150:12 173:10
 197:13
deferred 116:14
 149:12 150:22
 169:16 177:3
 201:18
define 89:7
defined 139:25
 146:6 150:20
 167:8 192:17
 204:13,26
defining 88:7
degree 24:9
Del 52:25
delay 24:19 153:4
delegate 24:18
delegated 57:26
deliberations
 45:9
deliver 70:9 90:7
delivered 94:16
 95:12
demonstrates
 112:22
demonstrating
 129:11
denigrate 51:5

Denmark 43:8	details 75:20 120:23 156:10	150:3 152:17 155:11 169:25 175:8 181:20 194:17 199:11,24 203:16 205:23 206:20	41:26 49:10 54:2, 19,21 60:12,16 61:3,24 63:2,14 64:20 89:12	distributed 50:12 103:7
Denys 52:25	detect 174:10,20	determination 28:21 44:15 71:2 85:14 124:16 146:8 156:3	disagree 174:5	distribution 103:5
department 59:4,9,13,17,22, 25 60:22 173:19	determine 31:5 44:13 86:16 156:15 170:1 173:21,26 174:12	Devereaux 52:14 91:23 92:20	disagreement 51:15,17	disturb 159:16
departments 121:13	determined 39:8 119:26 152:11 190:22	deviation 99:17, 20 100:11	disclosed 33:22	division 64:18
dependent 97:9 101:21 176:7	determining 200:18,26	devices 48:21	disconnected 50:24	dock 95:25 100:19 102:3,6 112:26 118:3 119:18,20 120:1 132:16 196:6 200:3
depending 28:24	develop 71:20 128:10 134:7 146:22 157:24	Dewar 35:2 60:6, 7 172:24,25,26	disconnect 185:18	document 74:20 75:23 98:11 118:17 142:5 183:21 185:11
depends 180:20 207:11	developed 86:20 105:17 107:9 133:20 155:10 157:26 168:25 169:24 194:19 205:15	DFO 61:8 62:25 173:24	discovery 194:19	documentation 43:21,26
deposit 76:13 94:21 95:17	developing 103:24 150:4 203:17	Dicta 35:17	discretion 140:20	documents 120:17,23 121:10 125:4,5,8 131:4 164:7,23 165:11, 12 177:3,5 187:24
deposits 203:17	development 19:8 29:12,16 31:6,10 33:12 36:20 37:18 38:3, 6 39:4,9,17,24 40:16 42:17 44:13 59:5,10,23 61:5 70:11 72:7, 12,23 74:17 76:20 77:4,10,17, 25 81:14,16 82:9 90:10 93:25 103:25 104:12 106:24 109:16 111:14 119:25 126:10 127:9,22 128:8 138:15 140:3 146:25	difficult 47:13 80:18 120:18 132:21 176:5 182:19	discussed 42:3 45:19 108:20 121:26 124:25 161:2 167:3 177:13	documentation 43:21,26
depth 87:21	development 19:8 29:12,16 31:6,10 33:12 36:20 37:18 38:3, 6 39:4,9,17,24 40:16 42:17 44:13 59:5,10,23 61:5 70:11 72:7, 12,23 74:17 76:20 77:4,10,17, 25 81:14,16 82:9 90:10 93:25 103:25 104:12 106:24 109:16 111:14 119:25 126:10 127:9,22 128:8 138:15 140:3 146:25	difficulties 61:13	discuss 42:3 45:19 108:20 121:26 124:25 161:2 167:3 177:13	documents 120:17,23 121:10 125:4,5,8 131:4 164:7,23 165:11, 12 177:3,5 187:24
deputy 59:4,9,12 64:20	development 19:8 29:12,16 31:6,10 33:12 36:20 37:18 38:3, 6 39:4,9,17,24 40:16 42:17 44:13 59:5,10,23 61:5 70:11 72:7, 12,23 74:17 76:20 77:4,10,17, 25 81:14,16 82:9 90:10 93:25 103:25 104:12 106:24 109:16 111:14 119:25 126:10 127:9,22 128:8 138:15 140:3 146:25	dinner 45:25 48:2	discussing 80:24	dogleg 99:17
describe 98:5,6	development 19:8 29:12,16 31:6,10 33:12 36:20 37:18 38:3, 6 39:4,9,17,24 40:16 42:17 44:13 59:5,10,23 61:5 70:11 72:7, 12,23 74:17 76:20 77:4,10,17, 25 81:14,16 82:9 90:10 93:25 103:25 104:12 106:24 109:16 111:14 119:25 126:10 127:9,22 128:8 138:15 140:3 146:25	direct 27:25 44:2 69:7 74:3 75:16 133:15 146:4,16, 24 147:14,25 180:25	discussion 42:13 78:24 139:19 142:7 192:12 197:13	dollars 207:22
describing 43:2	development 19:8 29:12,16 31:6,10 33:12 36:20 37:18 38:3, 6 39:4,9,17,24 40:16 42:17 44:13 59:5,10,23 61:5 70:11 72:7, 12,23 74:17 76:20 77:4,10,17, 25 81:14,16 82:9 90:10 93:25 103:25 104:12 106:24 109:16 111:14 119:25 126:10 127:9,22 128:8 138:15 140:3 146:25	directed 28:12 69:6	discussions 24:14 88:13 135:4 163:3 186:15 192:11 200:10	domestic 102:20
description 44:6 96:25 98:12 99:24 115:15 118:15,26 119:2 145:1 190:5 197:10	development 19:8 29:12,16 31:6,10 33:12 36:20 37:18 38:3, 6 39:4,9,17,24 40:16 42:17 44:13 59:5,10,23 61:5 70:11 72:7, 12,23 74:17 76:20 77:4,10,17, 25 81:14,16 82:9 90:10 93:25 103:25 104:12 106:24 109:16 111:14 119:25 126:10 127:9,22 128:8 138:15 140:3 146:25	directing 68:13	disease 23:9	door 22:23
descriptions 119:17	development 19:8 29:12,16 31:6,10 33:12 36:20 37:18 38:3, 6 39:4,9,17,24 40:16 42:17 44:13 59:5,10,23 61:5 70:11 72:7, 12,23 74:17 76:20 77:4,10,17, 25 81:14,16 82:9 90:10 93:25 103:25 104:12 106:24 109:16 111:14 119:25 126:10 127:9,22 128:8 138:15 140:3 146:25	direction 43:3 69:5,9	disposition 40:26 72:1	double 119:7,10 196:26
design 97:23 100:1 108:5 133:24	development 19:8 29:12,16 31:6,10 33:12 36:20 37:18 38:3, 6 39:4,9,17,24 40:16 42:17 44:13 59:5,10,23 61:5 70:11 72:7, 12,23 74:17 76:20 77:4,10,17, 25 81:14,16 82:9 90:10 93:25 103:25 104:12 106:24 109:16 111:14 119:25 126:10 127:9,22 128:8 138:15 140:3 146:25	directional 68:2	disrupt 51:6	doubling 102:16
designated 26:21 30:13 49:25	development 19:8 29:12,16 31:6,10 33:12 36:20 37:18 38:3, 6 39:4,9,17,24 40:16 42:17 44:13 59:5,10,23 61:5 70:11 72:7, 12,23 74:17 76:20 77:4,10,17, 25 81:14,16 82:9 90:10 93:25 103:25 104:12 106:24 109:16 111:14 119:25 126:10 127:9,22 128:8 138:15 140:3 146:25	directions 47:5 69:17	distance 95:15 99:19	Douville 52:15 91:23 92:25 93:2, 4,6
designed 173:21	development 19:8 29:12,16 31:6,10 33:12 36:20 37:18 38:3, 6 39:4,9,17,24 40:16 42:17 44:13 59:5,10,23 61:5 70:11 72:7, 12,23 74:17 76:20 77:4,10,17, 25 81:14,16 82:9 90:10 93:25 103:25 104:12 106:24 109:16 111:14 119:25 126:10 127:9,22 128:8 138:15 140:3 146:25	directives 21:5	distances 133:14	draft 118:20 137:12 149:3 164:4 165:16
desire 85:8 157:12	development 19:8 29:12,16 31:6,10 33:12 36:20 37:18 38:3, 6 39:4,9,17,24 40:16 42:17 44:13 59:5,10,23 61:5 70:11 72:7, 12,23 74:17 76:20 77:4,10,17, 25 81:14,16 82:9 90:10 93:25 103:25 104:12 106:24 109:16 111:14 119:25 126:10 127:9,22 128:8 138:15 140:3 146:25	directly 24:25 46:19 75:9 81:2 106:19 128:22 134:5 147:3 167:14 191:8		drafted 136:6
desired 120:1	development 19:8 29:12,16 31:6,10 33:12 36:20 37:18 38:3, 6 39:4,9,17,24 40:16 42:17 44:13 59:5,10,23 61:5 70:11 72:7, 12,23 74:17 76:20 77:4,10,17, 25 81:14,16 82:9 90:10 93:25 103:25 104:12 106:24 109:16 111:14 119:25 126:10 127:9,22 128:8 138:15 140:3 146:25	director 26:14 34:10,12,23,25		drill 183:14
destructive 151:16	development 19:8 29:12,16 31:6,10 33:12 36:20 37:18 38:3, 6 39:4,9,17,24 40:16 42:17 44:13 59:5,10,23 61:5 70:11 72:7, 12,23 74:17 76:20 77:4,10,17, 25 81:14,16 82:9 90:10 93:25 103:25 104:12 106:24 109:16 111:14 119:25 126:10 127:9,22 128:8 138:15 140:3 146:25			driver 77:4
detail 48:16 73:7 181:17	development 19:8 29:12,16 31:6,10 33:12 36:20 37:18 38:3, 6 39:4,9,17,24 40:16 42:17 44:13 59:5,10,23 61:5 70:11 72:7, 12,23 74:17 76:20 77:4,10,17, 25 81:14,16 82:9 90:10 93:25 103:25 104:12 106:24 109:16 111:14 119:25 126:10 127:9,22 128:8 138:15 140:3 146:25			drop 160:9
detailed 73:22 180:4	development 19:8 29:12,16 31:6,10 33:12 36:20 37:18 38:3, 6 39:4,9,17,24 40:16 42:17 44:13 59:5,10,23 61:5 70:11 72:7, 12,23 74:17 76:20 77:4,10,17, 25 81:14,16 82:9 90:10 93:25 103:25 104:12 106:24 109:16 111:14 119:25 126:10 127:9,22 128:8 138:15 140:3 146:25			dropping 30:10
	development 19:8 29:12,16 31:6,10 33:12 36:20 37:18 38:3, 6 39:4,9,17,24 40:16 42:17 44:13 59:5,10,23 61:5 70:11 72:7, 12,23 74:17 76:20 77:4,10,17, 25 81:14,16 82:9 90:10 93:25 103:25 104:12 106:24 109:16 111:14 119:25 126:10 127:9,22 128:8 138:15 140:3 146:25			due 21:4 23:5 32:14 43:9 78:3

95:5 101:19 104:26 152:14 153:2 Dufour 62:3 Duke 53:7 Dumbrille 67:12 193:16 195:5,6,9, 10 197:16,17 198:14,15,16 Duoson 35:8,13 Duoson's 35:10 dust 100:3 107:4 Dustin 69:22 duty 44:11 dwindling 207:22 Dyer 60:26 61:1, 2,3 Dynamics 52:17, 21	Eclipse 96:2 160:12 economic 59:5, 10,22 61:5 73:26 77:4,10,24 78:4, 13 127:21 183:13 184:3 185:1,25 economically 206:24 Economics 53:3 economies 82:1 economy 102:21 184:10 ecosystem 71:12 105:20 ecosystemic 33:11 44:12,20 90:11 ecosystems 63:2 edge 101:1 Edmonton 209:8 Eetoolook 54:15, 16 70:3 112:3,4 effect 25:20 108:9 178:10,20 effects 31:15 33:11 43:10,15 71:12 90:12 121:3,5,15,18,21 139:26 140:1,2 141:8,11 173:17, 22 174:13,20,21 180:10 188:19 202:17,24 203:14 204:4,6 efficiencies 132:17 203:11 efficient 179:9 efforts 80:10 96:4,20 Ejeckam 62:7 elaborate 164:14 171:19	Elder 58:18 Elders 47:6,7 70:2 107:18 168:22 electronic 43:24 48:21 electronics 50:17 elements 85:2 Ellie 34:19 Elliot 59:16 Elverum 55:18 email 50:12,15 69:7 197:20 emergencies 62:2 emergency 22:7 28:6 Emily 59:18 Emingak 34:13 emissions 100:4 Emma 52:13 emotions 51:17 emphasize 45:13 73:9 104:19 emphasized 121:13 employees 70:21 75:11 105:4 107:3 employer 94:25 employment 75:14 77:18 78:12 Emrick 32:4,5 enable 28:2 enabling 147:2 encompasses 37:5 encourage 33:26 78:24 encouraged 71:3 154:11	encouraging 77:9 end 20:3,16 37:3 69:14 97:1 101:17 129:10 130:16 172:12 177:18,24 207:26 endeavour 50:14 ending 111:15 enforcement 140:13 engage 148:7 engaged 71:14 96:12 106:24 engagement 54:2 64:12 73:26 75:25 97:25 engaging 74:21 96:20 engineer 99:25 engineering 66:9 english 27:2 79:25 81:14 91:6, 12 96:5,7 168:9, 11 enhance 78:17 106:11 enhanced 107:2 Enookie 55:12 enormous 82:23 ensure 23:11,18 24:2 27:10 30:8, 16 33:22 35:14 45:14 46:24 47:2 50:16 71:4,19 72:10 80:7 81:2 85:19 86:5,21 97:7,18 106:21 109:20 146:10 148:9 158:1 ensures 122:19 ensuring 41:20 enter 22:22 23:16 157:17	entered 29:1 entering 101:9 entire 50:23 84:22 202:16 206:2 entirety 140:24, 26 entitled 91:10 140:19 entrance 28:9,10 96:1 environment 54:19 59:13,17, 26 60:17 61:12, 20 71:23 73:15 77:12 84:2 87:26 122:6,14 160:26 171:4 202:22 environmental 34:14,15 39:18 52:17,21 53:4 59:22,25 60:14, 18,20,21 61:9,21 62:2 64:18,26 65:23 66:4,6 70:13 72:7 74:9 77:24 78:19 83:1, 15 84:25 94:8 105:17,18 121:9 127:6 132:7 157:1 180:10 191:9 199:17 202:5 envision 190:14 equipment 207:15 Eric 55:9,19 113:13,16 Erika 59:21 Erin 67:8 error 108:13 escort 196:26 escorted 144:25 escorting 144:14 176:5,8 196:5,24
<hr/> E <hr/>				

escorts 177:20
197:1
essential 145:12
essentially
132:10
establish 73:24
established 74:6
105:21 107:8
121:2
establishes 74:9
establishment
75:5,8
estimate 145:20
195:19 197:8
205:21
estimated 197:25
estimates 145:17
195:25 196:11
197:19
Evalik 34:14,20
evaluate 44:11
205:13,14
evening 22:26
42:3 46:1,2,4,6
193:4 195:10
208:5
events 110:16,18
eventually
207:23
everybody's
153:7
everyone's 46:23
92:9
evidence 25:19
26:2,8 31:1 33:9
44:23 45:10
66:20 86:1 119:3
174:11 181:3
182:20 186:14,16
exact 114:13
144:7 207:10
examples 102:1
147:2

exceed 101:25
104:21 109:18
exceeded 94:9
exceptional
21:16
excess 22:16
exchange 160:7,
17
exchanges
160:21
excuse 115:12
146:20 156:17
178:16 187:8
201:19
executing 70:13
executive 26:14
34:10 41:26
49:10 54:17
63:14 70:6 89:12
exemption
21:22,25 22:14
exemptions
152:20
exercise 140:19
203:9
exercising 203:5
204:6
exhibit 91:1,2,8,9
exhibits 90:19,22
existing 29:16
31:13 44:17
95:13,25 97:26
99:1,9 100:14
105:9 121:6
130:4 180:20
187:25
exists 104:14
exits 28:6
expand 78:16
157:6
expanded 103:11
expanding
157:10 183:2

expansion 72:4
118:1 122:4
123:8 132:8
183:9 192:1
expect 44:7 51:16
101:15 104:5
119:12 132:25
143:23 144:20,24
160:14 207:1
expectation
157:25
expected 24:9
101:11,25 112:24
128:26 131:13
133:22
expecting 132:18
expects 76:6,11
102:13 166:21
expedited 157:23
expenditures
166:18 187:18
experience 82:18
88:16 104:26
106:7,11 200:25
experiences
205:14
expert 55:18,19,
20,22 62:2,25,26
66:19
expertise 62:1
experts 46:13
61:25
expire 33:4
expired 33:4
explain 48:16,18
118:1 122:24
133:7 162:16
178:25
explained 177:4
182:23 190:20
explaining 109:9
explains 172:7
exploration
77:21

explored 194:19
exploring 94:22
explosives 64:20
exports 102:17
express 30:17
expressed 43:13
expressing 85:8
extend 100:23
130:17
extended 118:4
129:9,10 132:16
extension 133:17
extensive 71:20,
23 72:17 96:19
106:12 109:13
110:12 118:14
125:10 139:18
extent 42:3,13
45:18 130:14
extra 48:18
123:10 143:18
extracted 87:9
extremely 80:14
84:24

F

fabric 23:13
face 81:11 83:5
153:7
facilitated 41:23
facilities 29:17
37:7 95:14,15,23
facility 95:7
98:21
fact 32:12 80:22
128:8 138:12
157:15 159:1
163:11 187:17
factors 78:4
104:26 179:4
facts 98:10
187:24

fair 45:15 86:7
125:4
Fairbairn 61:23
fairly 116:22
139:18
fairness 32:23,24
152:25
fall 83:3,11,17,25
84:5 162:26
familiar 125:10
family 20:25
33:19 79:21
Fanus 53:3 91:23
93:2,4,6
farm 95:22,23
fashion 71:17
fast 112:16
Fay 52:15 91:22
92:20
February 30:5,7
45:21 46:16
209:9
federal 76:15
102:23
Fednav 52:24
feed 24:6 27:6,18,
23 65:7,8 79:25
81:15 168:10,11
feedback 21:19
50:2 75:1 134:12
153:20 158:9
feeds 19:13
feel 151:7 168:22
174:6 204:5
feeling 23:19
feelings 51:14
Felexce 60:12
fellow 32:1
felt 147:18 148:6,
10,13,18 162:10
fewer 110:21
117:26

field 65:4,6,24,25	138:19	105:6,12 114:23	foreseeable	Friday 85:26
fields 161:4	finance 34:21,25	115:2,7,11,13	191:16	friends 33:18
fight 89:5	financial 74:13	119:3 129:19	form 84:8 87:21	front 28:10 80:8
figure 80:15	75:3,22,26 78:14	189:1,4,13,19,20	formal 42:1	128:22
105:14	97:8 103:20	190:3,7,15	84:20 154:10	frustration
figures 102:9	109:23 122:21	192:10,13,15	formalized 107:5	85:23
file 29:12,21	126:19 151:11	202:10,11,14,24	formally 39:22	fuel 95:22 159:24
30:26 32:18,25	180:4,6 182:6,14,	203:5,9 204:7	191:7	177:16
33:2 38:12 45:6	19 183:8 189:5	flexible 47:15	formula 103:6	fulfill 105:2
68:16,19,25 69:1	financially 78:5	flip 96:9	forthcoming	full 32:22 33:8
125:3	178:12 180:23	floor 27:1	133:25	42:2 45:15 81:26
filed 29:3 45:9	206:1,4	flow 101:1 109:23	forum 106:17	112:25 117:14
68:26 72:19	find 70:23 124:9	flowing 103:10	168:23	130:14
74:19 75:23	164:18 190:25	fluctuate 78:3	forward 51:19,	fully 40:15 45:14
94:20 96:26 97:2	200:22 203:11,23	fluctuating	22 70:25 73:6	71:10 87:11
125:5 126:16	finding 49:2	131:18 182:2	78:21 88:21	107:12 113:6
136:10 140:24	128:10	fluctuations	101:21 103:22	159:12,14
142:6 152:8,9	findings 121:7,13	179:15 182:25	109:4 117:22	fulsome 141:19
154:4 183:17,20	finds 182:6,14	185:12,23	132:2 133:8	function 89:18
187:7,9,12	fine 155:6	focus 29:26 73:19	134:14 153:7	90:1
197:19	fingertips 114:14	110:23 192:6	156:13 157:20	fund 67:1,5 75:7
filing 69:18	finished 134:19	focused 24:14	163:23 196:21	138:15 146:22
filings 96:22	Firelight 54:8	77:3 105:20	200:9,10	147:2 169:25
140:5 181:1	firms 73:1 75:14	focuses 180:9	forward-looking	193:11 195:11
fill 143:21	first-hand	follow 93:22	189:6 191:24	197:15 198:13,16
filming 36:3,5	106:21	107:21 111:4	found 129:21,25,	205:24
final 28:23 39:18,	fiscal 75:23	166:21 167:8	26 130:12 158:1	funding 38:20
23 85:14 97:4	fish 62:18,20	follow-up 111:4	foundation	73:19 76:19
105:16 108:25	Fisheries 62:9,	176:14 177:3	73:11 88:26	funds 147:3,5
112:1 121:9	12,16,26 171:5	food 82:1 85:1	frame 155:11	206:11 207:16,23
132:7 135:3,26	173:19 174:9	force 205:11	framework	funeral 20:15,17
136:17 138:8	fit 167:6	forced 133:23	74:10 78:17	future 44:17
141:21 150:19	five-and-a-half	205:16	107:13 135:4	72:23 82:9 94:23
151:1 162:11	30:6	forecast 119:8	136:24 165:19	107:5 109:19
199:17 202:4	five-day 40:7	185:11,25 188:3	Francis 34:13	117:1 132:19
finalization	fix 194:3	forecasting	Frank 55:6	133:1 137:21,24
107:6 157:1	fixed 78:10	184:4,9,18 185:7	151:20 178:1	166:26 167:5
finalize 137:21	133:10 194:25	forecasts 185:2	198:17	188:14,19,21
164:2	fleet 95:7	186:1	frankly 156:7	192:1 193:2
finalized 137:14	flesh 86:24	foregoing 209:4	185:22	203:16,22,24
138:9 155:18,19	flexibility 21:15	foreground	freight 159:23	204:2
156:26 157:16	46:24 49:2 70:18	95:16	177:16	futures 88:22
165:13	104:14,16,20,24	foresee 204:11,23	freshwater 54:9	
finally 50:25 51:2				
63:1 88:18				

G	<p>global 184:26 185:1,22</p> <p>globally 153:10</p> <p>goal 94:7</p> <p>goals 77:9 78:1</p> <p>gold 97:13</p> <p>Golder 53:1</p> <p>Gonzalez 54:22</p> <p>good 19:2 53:18 58:13 61:2 62:11 66:2,11 67:3 79:17 169:2 193:4 195:10</p> <p>government 31:17 43:8 58:24 59:1 70:23 76:14, 15 77:3,20,26 102:14,15,18,23 109:24 121:12 145:18,23 148:2, 3,11 151:14 170:26 172:17 173:1 193:25</p> <p>grade 95:5 99:22</p> <p>gradual 199:23</p> <p>Graeme 53:4</p> <p>Graham 61:9,11, 18,20</p> <p>granted 22:14 40:25 154:10</p> <p>granular 181:15</p> <p>graph 104:22</p> <p>grasp 146:13</p> <p>grasping 132:12</p> <p>grateful 32:12 59:2 80:4</p> <p>great 148:13 153:19</p> <p>greater 85:8 88:24 153:23</p> <p>greatest 45:18 99:18</p> <p>green 99:3 100:15</p>	<p>green-dashed 99:11</p> <p>greenfield 122:7</p> <p>greenhouse 100:4</p> <p>Greenland 43:11</p> <p>grey 100:13</p> <p>gross 102:20</p> <p>ground 106:23</p> <p>group 21:23 51:23 54:8 56:1, 3,4,7,9,13 63:1 142:9,11,16 143:11 144:16 145:3 147:7,18 149:21 150:26 151:21,24 152:5 153:25 154:1,6, 12 175:7</p> <p>grouping 90:15</p> <p>groups 170:13</p> <p>grow 103:13 171:18 182:26 207:19</p> <p>growing 97:18 207:18</p> <p>grows 88:2</p> <p>growth 78:13 172:8</p> <p>Gruda-dolbec 60:23</p> <p>guarantee 133:24</p> <p>guaranteed 203:10</p> <p>guardians 107:18</p> <p>Gudmunson 66:6</p> <p>guess 151:17</p> <p>guidance 68:12</p> <p>guide 19:18 74:19,23 97:3</p>	<p>guidelines 105:19 191:10</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>habitat 62:18,21</p> <p>half 119:20</p> <p>halfway 47:20</p> <p>hall 30:9,10</p> <p>hamlet 20:10,12 21:21 28:17 54:24 55:1 56:20, 26 57:3,6,7,9,12 58:1,5 112:6,8 113:8 154:18,24 155:21 158:12, 15,16,19 162:2,4 166:5,7 199:9 200:7,9</p> <p>hamlets 72:25</p> <p>hand 23:6,8 35:8 123:24</p> <p>handle 68:9</p> <p>hands 23:10,11</p> <p>Hanson 52:9 91:20 92:19</p> <p>Hanson-main 55:14 113:19,23, 24 114:1,16,17, 18 115:17,18 116:19,20,21 117:18,19,20 120:12,13,14 122:16,17,18 123:21,22,23 126:2,5 127:3 128:3,4 129:14, 15 130:9 132:4,5 134:18,19</p> <p>Hanson-main's 127:7 133:15</p> <p>happen 82:20,24</p> <p>happened 133:22 151:14 164:17 192:12</p>	<p>happy 22:8 79:1</p> <p>hard 71:19 72:13 74:20 80:14 82:22 91:3,9 109:3 132:12 155:4 161:24</p> <p>harm 84:10</p> <p>harvesters 75:5 76:19 147:2</p> <p>harvesting 43:15 146:2 156:5</p> <p>Harvey 69:21</p> <p>Hatch 53:3</p> <p>haul 95:7,16,17 100:7 133:13</p> <p>he'll 55:3 60:23</p> <p>headsets 35:11</p> <p>health 21:4,10, 21,26 22:2,5,7,14 23:7 27:12 41:7, 12,15,20 47:23 64:3,4,7,8 84:2 85:21 151:9 152:12,19,23</p> <p>healthy 22:3 24:3 77:10,13 81:17</p> <p>hear 21:25 35:11 44:23 52:20 65:14,15 73:7 85:8 94:26 106:18 113:25 161:23 166:10 195:7</p> <p>heard 61:19 66:13 85:5 97:24 124:5,8 148:26 154:9 158:24 180:21 188:12 189:2</p> <p>hearing 19:6 21:18 22:15 23:20 24:4,13 26:7 27:3,4,11 28:4,15,23,25 29:2,3,6,8,11,21,</p>
----------	--	---	---	---

22,26 30:6,21,25,
26 31:4,18 32:16,
26 33:9 34:12
35:14 36:15
37:19 40:7,12,17,
18,21,23,25 41:4
43:4,19 44:6,8,22
45:2,4,7,14,17,
19,20,23 47:3,19
51:10,21,26
53:15 62:6 68:10,
14,17 69:3 70:14,
16 71:1 80:1 81:6
82:24 83:3 85:22
91:3,8 97:4 109:8
110:11,20 116:25
120:20 134:1
150:19 151:1
162:7,12,15
177:4 178:8,9
180:19 181:2
184:24 185:20
188:10,11 193:3
205:22 206:20
208:1,3
hearings 32:23
55:24 64:9 83:7
85:7,9,11 88:8
132:20
hears 45:11
heart 63:17
107:25
heavier 144:12
heavy 63:17
82:10
Heed 87:25
held 39:26 40:8
41:3 96:15
123:15 139:21
helped 77:12
123:11 207:9
helpful 186:1
200:24
helps 80:7 133:12
Henrikson 60:12

heritage 77:24
hesitate 23:23
Higdon 54:10
high 95:5 97:10
179:7,11 182:24
206:10,15
high-level 108:21
higher 78:10
198:5 207:8
highest 94:6
highlight 88:13
116:23
highlighted 99:3
highs 182:17
185:21
hill 99:21
history 29:10
36:20 38:12
81:14 194:15
Hoggarth 63:2
hold 41:11,16
50:21,22
Holt 61:26
home 70:21
homeland 88:2
homes 80:1
honour 63:21
honoured 88:26
hope 73:12
137:21 145:13
153:5 208:4
hopeful 86:10
Hopkins 60:16
hospitality 23:4
80:2
host 106:20
hosted 40:4
42:26
hours 147:15
150:1 197:24,25
housekeeping
49:13

Howland 62:25
Hoyle 187:5
HTA 167:22
168:3
HTO 55:13,24
162:1 168:8
173:16
hub 19:11 24:5
30:15 52:11 54:4
60:11,24
hubs 52:8 70:9
80:6
huge 82:10
human 107:3
hundred 152:21
hunters 28:18
43:12 55:11
56:15,18 57:13,
17 58:7,10,11,17
72:26 113:14,17,
22 114:15,18
115:16 116:18
117:17 120:11
121:11 122:15
123:20,26 124:3
126:1,3,6 128:2,5
129:13,16 132:3,
21 134:17,22,24
135:21,23 136:21
137:16,18
138:22,24 141:1,
3 152:9 154:16,
21 161:10,18,20,
23,26 162:8,9,14,
24 163:1 164:11,
17 166:1,13
167:11,21,24,26
169:3,13 170:3
hypothetical
167:5 188:7
204:2

I

i.e. 129:21

ICA 147:17
150:13 164:19
ice 100:24,26
101:9,15,19,21
143:3 144:6,9,11,
12 176:7 177:7
196:25 197:5,23
icebreaker
144:2,4,9,14,25
175:20 176:4,8
177:6,19 195:20,
26 196:2 197:7
icebreakers
143:1 176:15
196:23
icebreaking
81:25 118:24
121:16 177:5,12
ideal 70:16
identification
35:26 154:1
identified 24:15
42:6 51:24 71:15
119:16 153:25
154:3
identify 24:26
25:25 41:17
49:16,18 69:13
73:23 89:19,23
92:24 106:22
118:14 205:3
idle 129:22
130:15
Idlout 55:2 57:19
161:19 162:18,
20,21,22,23,24
164:12,13
165:20,21
Igloolik 55:26
56:3,7,9,12
67:18,20 142:9,
11,16 143:11
144:16 145:3
147:7,18 149:21
152:4 175:6

II 34:24
IIBA 76:3
Ikajutit 57:17
161:10,18,20,24
162:24
Iksivauta 113:24
114:17 115:18
116:20 117:19
120:13 122:17
123:22 170:19
172:3,16
illustrate 202:11
imagine 133:19
Imanga 82:7
impact 19:4,6
20:7,9 21:6,20
22:13,19 23:21
25:7 26:15 27:13
31:3 32:11 34:5,
18 38:12 39:1,5,
7,18,22,23 40:24
41:14 42:11,22,
26 49:20 50:10
53:3 59:16 60:13
64:10,11 65:3
68:2,6,18 80:11,
13,17 81:1 84:18,
22 85:13 87:17,
23 90:26 92:2,16
96:13,23 97:20
103:10 105:17,
18,19 110:15
120:17 121:9
124:20 125:11
126:14 131:1
132:7 134:4,10
135:13 139:13,16
147:5 152:1,17
164:6 167:7
170:14 181:9
191:9,21 192:2
199:4,7,17
200:12,21
201:11,18,21
202:1,3,5,12,21
204:12,24 205:5

impacted 75:13 83:23 87:5 108:1 145:25	in-depth 110:12	129:4,9,18 130:3, 10 131:2,7,16 132:19,26 153:22 166:23 187:10 188:5,26 189:5, 16 192:9 199:12, 23 200:4 206:23	industry 109:18	49:1,23 52:8 54:1,25 55:1 58:25 59:2,6,8 60:10 61:6 67:6 70:8 79:21 91:22 93:20 96:2 98:26 104:2 108:15 112:6,8 151:5,6 152:22 159:10 160:13 162:3,5 166:16,19,22 169:22 175:20 176:19 187:26 199:9 204:16
impacts 30:20 39:15 44:12 72:8, 16 82:15 87:6,13 121:9 127:6 146:2,11 148:5,8, 9 205:12,17	in-person 26:24 27:3 39:26 41:16 153:16	increased 74:2,3 75:4,10,13,22 76:4,19 97:17 106:8 122:25 187:11 188:3 189:4 199:15	inefficient 200:3	Inlet also 162:2
implement 104:19 108:5,10 113:2 115:11 136:20 138:17	inaccurate 127:17	increasing 82:3 114:3 182:7 203:18	influenced 122:6	Inlet's 70:17 200:8
implementation 104:19 108:5,10 113:2 115:11 136:20 138:17	include 26:8 75:16 77:9 107:10 142:7 143:8 157:3 177:16	incremental 199:19	info@nirb 68:18	input 72:11 73:18,25 75:16 107:7 108:3 137:14 146:22 149:5 150:8 158:2
implemented 21:7 41:7 73:18 104:23 105:25	included 39:16 74:23 83:13 98:11 116:23 117:15 118:18,20 119:2 135:18 140:4,6 142:4 185:10 186:25 189:20 190:17 196:12 199:18,24 202:13	incurred 131:21	inform 45:1 197:10	inquiries 69:6
implementing 113:5	includes 22:18 37:12 75:4 97:23	Independent 27:22 67:15 198:25	information 26:25 27:14,16, 19 28:5 31:1 36:10 39:20 43:14 58:15 71:9, 20 72:21 82:19 83:1,18 108:24 116:13 118:14, 17,26 122:11 140:18 142:3 144:26 166:20 180:4,6 181:16 188:13 197:12 200:22	inside 194:26
important 22:17 45:13 49:3 70:19 74:16 80:8,21,24 83:19 84:4 85:24 86:3 88:11 94:13 104:19 106:5 109:10 117:9,13 118:13 120:24 147:20 165:12,14 177:11	including 36:13 38:14 40:12 42:2 50:13 51:14 71:9 74:1 76:17 82:4 90:11 96:24 111:13 143:3 145:22 170:13 171:3	indication 131:10 153:8	informed 172:19 197:12	Institute 66:23
impose 51:11 139:4	incorporated 40:10 52:17,22 54:14,17 94:18 103:4 112:3,5 169:13	indicators 108:4, 7 155:8,12 156:2, 14,15,16 157:3,4, 6,12,18,24 204:13,25 205:15	infrastructure 77:18 81:24 99:2, 5 100:14,15 121:19 130:2,4 133:1 151:9 206:5	institutions 77:15
imposed 141:15	incorporates 100:1	INDISCERNIB LE 65:2,3	Ings 34:25	insulate 129:5 131:17 183:1
impression 111:9	incorrect 194:1 198:4	individual 122:1	initial 122:26 136:23 206:19	insulation 128:26
improve 77:25 78:16 88:14,23 109:11 153:21	increase 37:20 38:4 75:3,7 95:1 101:2 102:15 106:9 123:10,14, 16 127:25,26 128:13,21,25	individuals 50:19 51:25 53:14	initially 131:20 168:10	integrated 107:12
improved 71:23, 25 74:14 173:25		indoor 22:16 98:21	initiatives 138:2	integrity 44:20
improvements 107:1		industrial 81:13 99:21	Inlet 19:10,11,23 20:1,18 21:22 24:4 25:12,15 26:20,26 27:8,24 28:7 29:17 30:12, 13 32:7,13 34:10, 26 35:3,25 37:2, 7,11,14,16,21,24 38:5,8,10,24 40:9,13 45:23	intend 46:16 110:19

intent 86:8 127:20	interruptions 49:7	72:15,18,20 73:1, 5,14,16,18,25	26 169:1,3,7,12, 23,24,26 170:13, 15 171:6,24	IQ 54:2 55:18,19
intention 47:19 139:1 155:16	intervening 40:14	74:1,10,12,13,15 75:3,8,11,13,14, 16,24 76:3,24	183:22 184:6 193:20 194:2,15, 24	Iqaluit 19:12 20:21 24:5 26:21 27:9,24 28:5 30:15 34:18 35:4, 24 40:1,7 41:6 49:22 52:8,11 54:4 57:7 58:2,8, 12,16 59:11,20 60:11,24 61:6 65:3,20 67:5,9 70:9 91:19,22 93:18 98:26 104:2 108:15 112:21 114:12 115:5 127:2 128:20 130:8 133:5 135:8 152:22 161:18 167:20 172:19
interact 107:15	intervenor 53:13 69:12 151:24 152:6 154:10 192:22 198:24	78:12 79:13,14, 16,18 80:7,19 81:1,3,7,16,17,18 82:5,6,8,16,17, 22,26 83:6,12,15, 26 84:3,7,10,12, 15,17,19,23,25 85:2,6,8,10,15,18 86:3,7,8,13,22, 23,25 87:2,3,4, 11,16,17,22,24 88:1,2,4,6,9,10, 12,15,16,18,23,25 89:4,5 94:6,8,17 95:1 96:14,17,20 97:20 102:26 103:7,8,10,12,17, 20,23 104:9 106:8,15,18,21, 23,25 107:7,8,9, 14,18,25,26 109:22,23,24 110:2,4,7 111:2, 5,10,20,23,26 121:7 134:2,6 135:2,9,10,13,17 136:3,9,19,26 137:5,11,14,22 138:1,11,14,16, 17 139:5,23 140:5,23,25 141:12,17 142:5 146:21 147:5,16 148:7,8 149:2,3, 9,18,19,25 150:2, 9 156:5,11,17 157:5,14,18,22, 26 158:1,3 163:7, 9,12,13,15,23,24, 25 164:1,3,8,15, 19,20,21,23 165:13,14,17,18 168:8,9,12,18,24,	Inuit-developed 108:3	iron 19:7,9 29:11, 15 37:1,5,9,20 38:14 52:2 69:25, 26 70:6 76:5 78:2 91:11 93:15 95:5 100:5 110:4 112:8 113:15 126:4 131:18 142:11 154:18 158:16 161:21 166:7 168:1 173:4 179:24 182:2,15,16,18, 26 183:1 184:25 185:21 193:11 199:5,13 207:3,7, 8,12
interactions 100:5	intervenor 24:7,14 30:18,23 33:19 36:18,22 40:3,11 42:2 43:7 44:24 46:13,14, 20 70:4 71:6,13 96:12,21 109:4 140:9 153:20 154:2,3,7 168:11	Inuit-led 75:7 107:11 108:5	Inuit-owned 103:3	issuance 38:18
interest 43:13 199:10	intervenor 24:7,14 30:18,23 33:19 36:18,22 40:3,11 42:2 43:7 44:24 46:13,14, 20 70:4 71:6,13 96:12,21 109:4 140:9 153:20 154:2,3,7 168:11	Inuit-led 75:7 107:11 108:5	inuktitut 20:6,8 27:2 54:18 67:4 80:23 91:6,12 96:5,7 113:10,12 134:19 155:1 167:18 170:17 171:9 172:1,10, 14,21,23	issue 31:4 50:11 80:21 87:7 119:4 125:1 152:4 153:24 177:25 178:3
interested 30:9 43:9,20 44:25 154:1	intervenor 24:7,14 30:18,23 33:19 36:18,22 40:3,11 42:2 43:7 44:24 46:13,14, 20 70:4 71:6,13 96:12,21 109:4 140:9 153:20 154:2,3,7 168:11	Inuit-owned 103:3	invasive 62:26 159:9 160:23	
interesting 180:17	intervenor 24:7,14 30:18,23 33:19 36:18,22 40:3,11 42:2 43:7 44:24 46:13,14, 20 70:4 71:6,13 96:12,21 109:4 140:9 153:20 154:2,3,7 168:11	invest 179:16 200:6 207:13,17,22	investment 179:16 200:6 207:13,17,22	
interests 84:15 151:11	intervenor 24:7,14 30:18,23 33:19 36:18,22 40:3,11 42:2 43:7 44:24 46:13,14, 20 70:4 71:6,13 96:12,21 109:4 140:9 153:20 154:2,3,7 168:11	investments 207:23	investors 126:22 128:10 133:21 189:7,23 207:20	
interim 26:12 54:14,16 129:7, 11 131:17	intervenor 24:7,14 30:18,23 33:19 36:18,22 40:3,11 42:2 43:7 44:24 46:13,14, 20 70:4 71:6,13 96:12,21 109:4 140:9 153:20 154:2,3,7 168:11	invite 47:7 69:24	invited 49:25 50:7 57:4	
interject 123:25	intervenor 24:7,14 30:18,23 33:19 36:18,22 40:3,11 42:2 43:7 44:24 46:13,14, 20 70:4 71:6,13 96:12,21 109:4 140:9 153:20 154:2,3,7 168:11	invited 49:25 50:7 57:4	involved 87:11 105:14 165:18 169:9	
internal 33:21 180:5 185:5,7	intervenor 24:7,14 30:18,23 33:19 36:18,22 40:3,11 42:2 43:7 44:24 46:13,14, 20 70:4 71:6,13 96:12,21 109:4 140:9 153:20 154:2,3,7 168:11	invites 49:25 50:7 57:4	involvement 36:18 106:8	
internally 185:2 200:9	intervenor 24:7,14 30:18,23 33:19 36:18,22 40:3,11 42:2 43:7 44:24 46:13,14, 20 70:4 71:6,13 96:12,21 109:4 140:9 153:20 154:2,3,7 168:11	invites 49:25 50:7 57:4	involves 29:14 44:6 81:23,25	
internet 55:6 67:22	intervenor 24:7,14 30:18,23 33:19 36:18,22 40:3,11 42:2 43:7 44:24 46:13,14, 20 70:4 71:6,13 96:12,21 109:4 140:9 153:20 154:2,3,7 168:11			
interpretation 26:18 35:2,7 49:22,26 50:1 149:17	intervenor 24:7,14 30:18,23 33:19 36:18,22 40:3,11 42:2 43:7 44:24 46:13,14, 20 70:4 71:6,13 96:12,21 109:4 140:9 153:20 154:2,3,7 168:11			
interpreter 52:20 63:18 158:21	intervenor 24:7,14 30:18,23 33:19 36:18,22 40:3,11 42:2 43:7 44:24 46:13,14, 20 70:4 71:6,13 96:12,21 109:4 140:9 153:20 154:2,3,7 168:11			
interpreter/ translator 34:21 35:4	intervenor 24:7,14 30:18,23 33:19 36:18,22 40:3,11 42:2 43:7 44:24 46:13,14, 20 70:4 71:6,13 96:12,21 109:4 140:9 153:20 154:2,3,7 168:11			
interpreter/ translators 35:1	intervenor 24:7,14 30:18,23 33:19 36:18,22 40:3,11 42:2 43:7 44:24 46:13,14, 20 70:4 71:6,13 96:12,21 109:4 140:9 153:20 154:2,3,7 168:11			
interpreters 26:19 48:11,16, 17 184:14	intervenor 24:7,14 30:18,23 33:19 36:18,22 40:3,11 42:2 43:7 44:24 46:13,14, 20 70:4 71:6,13 96:12,21 109:4 140:9 153:20 154:2,3,7 168:11			
interrupt 48:6	intervenor 24:7,14 30:18,23 33:19 36:18,22 40:3,11 42:2 43:7 44:24 46:13,14, 20 70:4 71:6,13 96:12,21 109:4 140:9 153:20 154:2,3,7 168:11			
interrupted 65:9	intervenor 24:7,14 30:18,23 33:19 36:18,22 40:3,11 42:2 43:7 44:24 46:13,14, 20 70:4 71:6,13 96:12,21 109:4 140:9 153:20 154:2,3,7 168:11			

issue's 186:12
issued 28:13
 40:26 43:1 71:2
 126:15
issues 27:5 28:25
 42:4,7,14,22
 46:15 57:20 71:7,
 25 72:9 73:10,21
 74:18 76:22
 83:20 84:5,8
 86:3,9 106:22
 108:20 109:3
 110:14 124:24
 138:20 140:10
 150:13 162:11
 167:16 192:21
item 28:12 90:6,7
 115:12
items 42:13 98:14
 137:10
Ivalu 56:1,2,3
 142:10,13

J

Jackie 66:1,4
Jacque 65:22
Jaideep 66:7
James 54:14,16
 55:20 59:16
 60:20 112:3
Jamie 55:17
Jane 65:20
January 28:20,
 21,22 30:3 45:21
 74:26 98:13
 115:8,15 116:14
 118:25 145:2
 190:5 192:14
 201:19 208:7
Jared 53:22
 110:3,7 150:17
Jarrat 53:8
JASCO 53:5

Jason 53:11 54:8
 66:8
Jaypetee 56:16
Jean-francois
 62:3
Jeetalo 167:19
Jeff 54:10
Jenna 65:23
Jennifer 60:19
jeopardize 183:7
Jerry 58:4
 165:24,26
Jewitt 54:9
Jimi 59:9
Joanna 56:7,13
Joe 52:9 57:4
 92:19
Johar 66:7
John 53:10 59:17
Johnny 66:23
Johnson 52:16
Johnstone 64:20
join 30:10 34:25
 46:18 48:26
 58:19 67:7
joined 59:8 60:2
 64:10,19 66:16,
 18
joining 19:12
 34:22 49:5 52:7
 56:10 57:1 58:5
 60:16,24 62:5
 66:5 67:8,11,13,
 18,21,23 91:20
 94:3
joint 75:17
Jonah 57:24
Jonart 65:21
Jones 66:22
 173:11
Joseph 91:21
Josh 66:22

Joshua 19:17,21,
 24 20:24 54:24
 55:1,2 112:6
 113:9
Josie 34:21 35:5
Joynt 66:16
 173:9,12,13
 174:15,16 175:3,
 4 176:11,12
 177:21,22,23
JPCSL 53:10
Julia 52:18,22
Julta 55:15
July 100:23
 101:12 143:19,24
 164:9 165:1
 195:25
jump 81:18
June 39:7 40:1
 72:19 164:16
junior 34:13
jurisdiction
 152:15
Justice 60:23
justify 128:15

K

Kabanguka 62:1
Takee 58:13
 167:19,20
Kaluraq 19:3
Kamermans
 52:9 91:21 92:20
 118:8 121:24
 124:8 126:9
 127:7,11,12,13
 130:20,22,23
 157:5,7,8 159:26
 160:1,2 163:19,
 20,21 165:6,7,8
 176:24,25,26
 194:10,11,12
 196:16,17,18
 202:23,26 203:1

Karen 22:3 23:26
 26:14 34:10
 49:11 63:14,15
 89:13 199:6
Karlik 59:3
Kathleen 64:10
Katsak 35:3
Kaviq 19:3
Keane 52:24
 91:24 93:2,5,6
Keenan 67:8
keeping 35:15
Keerit 55:15
Keith 27:6 34:18
Kelli 34:10
key 24:15,17
 36:23 74:19
 83:19 84:8 87:7
 94:18 97:3 98:10
 105:14 116:22
 137:5
kilometers 99:19
kilometre 99:15
 197:2 205:22
kilometres 37:2
 99:17
Kim 60:17
Kimberly 62:25
kind 180:6 194:3
kindness 21:15
kinds 185:26
Kinney 60:1
knew 80:2 198:19
Knight 53:6
knowing 156:9
knowledge 82:9
 87:18 109:14
Koonoo 57:15,16
 161:22,25 162:22
Kowbel 52:12
Krista 52:16
 60:11

Krizan 52:18,22
Krupesh 62:3
Kugaaruk 43:12
Kunnuk 67:16,
 17,18 198:26
Kunuk 67:19,20
 199:1
Kuppaq 57:3

L

L'HEREAULT
 55:21
lack 83:18 151:8
lacking 171:13
Laforest 67:11
laid 167:9
Lake 31:25
land 54:11 59:24
 73:20 82:8,17
 84:26 86:26
 95:23 103:3
 107:10,17 194:24
land-fast 100:26
land-use 60:18
 107:20 131:14
 136:5 137:23
 138:8
landed 182:5
lands 54:21 64:21
 87:19 88:2,5
language-
specific 26:24
large 81:23 85:26
 95:4 99:20
 106:14 123:7
largely 25:15
 103:3
larger 82:12
 84:13 98:25
 100:18,20 102:7
 104:1 117:26
 119:13 159:12
 161:4 186:18

201:11	93:10 124:18,20	lines 50:6,20	133:10,16 199:26	194:8,9 196:14,
largest 81:13,20	139:14,16 151:25	174:11	206:14 207:21	15 198:9,10
94:24 101:13	152:1 181:5,7,9	link 35:6 49:24	longer 119:26	199:21,22 201:4,
Lastly 47:1	188:8 189:12,14	89:16	131:13 134:3,8	5 202:18,19
late 48:5 85:25	191:19,21	linked 24:6	207:1	204:19,20 205:6,
Laura 53:7	legally 135:12	Lisa 60:25 61:1,3	looked 161:1	7 206:6,7 207:5,6
Lauren 55:16	Legault 52:24	list 90:1 92:11,17,	203:17,25 204:3	Lori 57:19
Laurent 65:6,21	91:24 93:3	24 198:25	loop 50:3	161:19 162:18,
Law 34:16	legislation	listed 151:24	Lord-hoyle 52:3,	19,21,22,23
Lawson 52:11	191:11	listen 45:2 80:23	6,21 70:11 91:17,	164:12 165:20
53:7	length 99:17	listening 33:9	18 92:7,14,15,19,	Lorraine 54:11
laying 130:16	112:17 123:18	74:21 86:14	23,26 93:14,17,	loss 190:8,11,15
layoffs 105:8	lessons 109:16	literature 122:11	24 111:17,18	lost 20:26 65:7
lead 53:25 54:3	letter 130:26	live 27:23	112:19,20 114:2,	190:9
62:22 70:11	162:6,17,19	lived 193:22	10,11,20 115:3,4	lot 48:4 135:1
89:22,23 134:3	166:17 187:17	livelihood 81:1	116:10,11 117:6,	145:7,9 148:17
leaders 89:5	199:10 200:8	lives 67:10 89:7	7 118:7 121:23	150:8,13,15
leadership 83:15	level 110:22	living 88:16	123:2,3 124:8	151:3 164:19
leading 107:22	116:6 181:17	loaded 37:11	126:26 127:1	Lou 52:9 91:21
leads 29:19	205:17	95:11 98:22	128:18,19 130:6,	92:19 118:8
learn 81:15	levels 160:15	159:13,15	7 133:3,4 134:26	121:24 127:6,11,
205:14	203:12	loading 95:25	135:6,7,25	12,13 128:6
learned 109:16	Levi 54:2	99:6 118:3	136:12,13,16,23	130:20,22,23
learning 153:17	levied 122:21	175:13	137:8,9,20 138:5,	132:5 157:5,7,8
lease 135:14	LGL 66:25	lobby 28:8	6,26 139:9,10	159:25 160:1,2
leases 171:7	life 73:21 76:12	local 21:9 82:1	141:21 142:1,2	163:19,20,21
leave 20:2 151:19	102:18,21 103:2	located 28:7 37:2	143:6,7,25,26	165:6,7,8 176:24,
171:12 176:2	111:15,21 147:4	103:3 141:26	144:22,23	25,26 194:10,11,
leaves 86:1	151:11	Locating 120:18	146:18,19	12 196:16,17,18
leaving 177:18	light 140:8	location 26:24	149:13,14	197:18,20
Lee 54:20	141:10	27:3 28:7 35:24	155:14,15	202:23,26 203:1
Leech 54:8	limit 31:14 120:7	43:23 50:18	156:23,24	Louis 57:1
left 55:12 95:13	190:16	locations 35:9	159:18,19	154:25 155:21
99:1 169:8	limitation 191:7	81:8	163:17,18 165:4,	158:6,12
198:11	limitations 49:8	logistics 26:21	5 167:1,2 169:18,	Louis-rene 52:26
left-hand 99:11	125:13	long 78:2,11	19 170:8,9,24,25	loved 20:26 64:1
100:13	limited 66:25	97:16 109:22	171:21,22 172:5,	low 121:7 174:19
legal 25:3,7 34:1,	99:5 129:26	112:17 133:14	6 174:3,4,24,25	182:15,18
6,16 54:11,22,23	136:9 144:5	151:10 179:18	175:23,24	lower 109:1
55:15,16,17	206:22	182:8 194:15	176:22,23	133:10,11 182:4
59:19 60:1 67:26	limiting 32:15	206:1 207:10	178:15,16 179:2,	lowering 182:7
68:2,5 90:17,21,	limits 41:8	long-term 97:8	3,26 180:1 181:4,	183:2
25 91:25 92:1	190:21 203:8	122:19 132:1,13	6,25,26 182:21,	lucky 207:7
			22 183:18,19	Lucy 67:21
			184:15,16 185:4,	
			5,6 186:5,6,20,21	
			189:9,10,24,25	

lunch 46:8 48:1
50:22 79:5
lunchtime 79:6
Lundell 52:12
53:7

M

Macdonald 54:7
66:18
Macleod 52:18,
22
Madam 19:25
20:6 22:4,11
23:25 25:6 26:16
32:4,9 49:12 51:1
53:11,18,22
54:26 55:10,25
56:2,14,17,23
57:8,15 58:3 60:7
61:2 62:15 63:16,
22,25 64:6,13,16
65:13 66:3,11,15,
26 67:3,13,24
68:4,7 69:15 70:1
79:1,18 89:8,14
90:4,24 91:1,16,
26 92:14,18 93:1,
11,19 109:25
110:6 111:1,16,
26 114:14 115:6,
12 116:12 117:8
120:26 123:5
124:4,10,11,15,
17,19,22 125:19
126:7,11 127:14
128:24 129:8
130:24 132:25
133:7 135:5
136:11,14 137:7
138:4,7 139:8,15,
18 140:26 141:26
142:13,18 143:4,
13 144:18,24
145:5 147:9
148:22 149:23

150:23 151:19,26
152:3,7 154:14
155:3,12,23
156:22,25 157:9
158:13,18 160:3
162:18 163:22
164:13 165:9,25
166:4,9 167:3,13
168:2 170:5
172:25 173:6,14
174:5,17 175:5
176:13 177:1,22
178:5,16 179:21
180:2,15,17,25
181:8,11,24
182:11,23 183:6,
11,26 184:22
185:16 186:10
187:4 188:9
189:15 191:3,6,
18,20 192:22,26
194:13 196:19
199:1,6,20
200:14,16 201:2,
23 203:2 204:22
205:8
made 42:6 73:22
74:6 80:9 96:4,
19,22 106:1,10
107:26 109:10,13
113:2 134:1,5
135:12 140:9
146:20,21 151:5
154:6 175:20
178:1 192:5
Madeline 32:8,
10
magnitude 86:6
Maher 65:5,21
main 28:9 40:4
56:13 59:3,11
98:7,16 169:1
186:14
maintain 179:8
maintained
33:24

maintaining
105:3
maintenance
95:14 123:9
major 57:20
98:6,19 100:16
make 21:17 22:1
23:6,13 25:26
28:26 30:24 31:3
32:2 33:12 36:15
46:24 80:18
82:22 83:25 88:3
103:19 104:17
143:18 146:8,12,
16 150:6 154:12
156:3,11 161:2
190:7,9,11,15
197:7 198:19
200:4
makes 86:16
124:16
making 44:15
85:13 89:24
90:14 127:15
143:22 168:6
Malcolm 52:14
Malliki 67:19
mammal 62:24
mammals 81:26
159:16,17
manage 115:10
117:13 157:14
190:25 205:16
management
42:12 61:4 71:22
72:22 73:17,23
74:15 75:9,15,18
78:18 85:4 86:25
87:12 105:10,26
106:4,26 107:6,
12,23 108:12
137:3,4,11,23
138:9,12 139:2
140:16,21 141:8
149:15,16,25
150:2,10,16,20

155:5,17,18,26
156:4,26 157:21
163:16 164:5
165:15 168:9,21
190:19 205:13
manager 34:11,
18 59:16,21,24
60:13,18 64:8,11
65:5 66:6,7,8
managing
141:11,13
manner 49:3
51:18 72:5
map 99:23
maps 98:25 99:3
100:12
Mar 55:16
March 39:3 41:6,
14 187:7
Marcoux 62:24
Margaret 61:23
Marianne 62:24
Marina 53:1
marine 54:9
55:20 62:24 66:7
81:26 82:6,8 86:1
87:16 96:25
100:21 118:19
159:16 160:25
161:3 173:20
174:26 177:14
197:14 198:7
marine-based
120:9
mark 34:25
60:16 67:19
90:22 91:2,7
market 38:8
97:9,11 101:8
102:11 119:12
133:23 143:21
182:2,26 184:10
185:12 186:17,24
201:16

markets 183:1
marking 90:19
marks 70:10
Mary 19:9 21:14
29:15,19 31:13
36:24,26 37:6,12,
24 38:13,24
39:15,19 40:3
44:4,26 70:26
74:17 78:1 80:24
81:12,13 85:9
88:12,14 94:13
97:12 107:15
109:20 121:2
122:3,25 126:11,
15,22 132:13
194:17 203:16
mask 23:2,13
masks 20:20 23:2
153:8
material 45:9
materials 26:4
29:1 71:10 136:3,
8 154:4,5
math 116:2
Matisse 69:21
matter 48:22
156:22 197:4
matters 93:12
180:5
Matthew 52:15
62:8 64:4,7
maximize 130:4
maximized
151:14
maximum 21:23
144:11,20 186:26
190:11,16 201:12
mayor 19:23
55:1 57:1 58:4
165:26
Mcclintock
53:10

Meadows 25:4,6,
7 34:1,16 68:1,4,
5 90:23,24,25
91:13,26 92:1,18
93:11 124:19,20
139:15,16 141:5
151:26 152:1
181:8,9 188:9
189:15 191:20,21

Meagan 62:4

meaningful
72:11 84:1 86:11
88:5 107:22

meaningfully
84:9,19

means 103:16
116:3 175:14
179:9 192:13

meant 98:1 100:9
128:9

measure 128:26
129:7,11 131:17
174:10

measures 22:2
23:5 24:2 27:12
28:1 41:7,13
42:12,14 71:21
84:1 101:20
105:23,25 107:4
156:9 202:4

mechanism
138:3

mechanisms
138:19 140:13,17
141:12

media 35:23,25
36:1,3,8,9,10,14
69:20

medium 78:2

Meeka 167:23,25
168:3 170:4,18
171:10 172:2,11

meet 81:9 96:11
130:12

meeting 20:22
21:1 41:2,23
42:6,9 45:22
48:3,23 49:16
53:25 55:5,23
80:26 83:22
139:19,20
148:10,20

meetings 21:13,
23 22:1 26:19
36:1,6,11 39:26
41:5,11,13,17,19,
25 59:14 80:11
81:3,10 89:4
106:20 148:12
152:11,24 192:17

meets 86:7

Megan 52:3,6
70:11 91:17,18
92:6,11,14,19,23,
26 93:14,17,24
111:17,18
112:19,20
114:10,11 115:3,
4 116:10,11
117:6,7 118:7
121:23 123:2,3
126:26 127:1
128:6,18,19
129:17 130:6,7
131:16 132:5
133:3,4 135:6,7
136:12,13,16
137:8,9 138:5,6
139:9,10 142:1,2
143:6,7,25,26
144:22,23
146:18,19 147:24
148:26 149:13,14
155:14,15
156:23,24 157:10
159:18,19
163:17,18 165:4,
5 167:1,2 169:18,
19 170:8,9,24,25
171:21,22 172:5,
6 174:3,4,24,25

175:23,24
176:22,23 177:6
178:15 179:2,3,
26 180:1 181:4,6,
25,26 182:21,22
183:18,19 184:15
185:4,5 186:5,6,
20,21 189:9,10,
24,25 194:8,9
196:14,15 198:9,
10 199:21,22
201:4,5 202:18,
19 204:19,20
205:6,7 206:6,7
207:5,6

Melanie 53:5

member 24:18
32:10,11 56:6
58:16

members 24:24
28:2 30:10 32:1,
15 33:3,18,19
34:3 36:3,12
44:25 55:24 56:5,
10 57:3,21 70:2,7
72:26 79:2 80:20
92:24 107:19
113:3 120:22
151:4 153:20

memo 115:7,13
116:17 119:1
190:17

memorize
145:14

mention 33:15
47:10 136:4
137:3 141:23
193:22 198:17
200:20

mentioned 49:23
114:5 116:7
136:3 137:13
148:12 193:14
198:20

merits 122:1

Merkosak 52:9

Merlyn 56:5,13
142:14,16 143:11
144:16 145:3
147:7 149:21

message 84:24
177:26

messages 85:6

met 20:19 94:9
140:15

method 48:22

methodically
187:21

metres 99:13

metric 187:19

MHTO 72:9
174:19

mic 166:4

Michell 55:16

Michelle 60:1

microphone
25:3 26:1 48:12
89:20 90:3

midafternoon
47:21

Mike 52:18,22
167:23,25 168:2,
3 170:4,5,18,19
171:10,11 172:2,
3,11,12

milestone 74:17

milestones 94:13
103:26

million 37:9,22
38:7,8,22 76:2,
17,18 102:13
112:11 116:2,4
117:25 118:6
119:8,21 123:1
128:14,16,25
129:3,21 131:12,
16,24 132:11
146:26 147:26
148:3 166:16,19,

21,25 183:9
187:11,12 188:24
189:17 190:8,10,
12,16 192:9
199:13 201:2
202:6,7,8,10,15
203:6,24,26
207:3

Milne 29:17,19
37:7,11,21,24
38:4,8,23 40:5
95:9 96:2 98:8
102:2 159:10
160:7,12,19
166:16,19,22
169:22 175:13,20
176:19 177:17,19
187:26 203:26

mind 56:23
134:21 162:19
166:4

mindful 48:15
49:19

mine 29:15,20
37:6,10,13,16,24
38:14 40:5 72:4
76:12 77:3 81:12
84:13 87:26 95:7,
13,16 96:15 98:7,
25 99:4,10
102:18 103:2
106:20 122:20
147:4

mined 95:6

miner 97:14

minerals 64:21

mines 19:7 29:11
37:1 52:2 69:25,
26 70:6 91:11
93:15 97:13
110:5 112:8
113:15 126:4
142:11 154:18
158:16 161:21
166:7 168:1
173:4 193:11

199:5	84:15 101:1	72:22 73:26 75:7	117:22,25 118:6	Natalie 58:26
minimal 81:24	113:8,14,17,22	78:18 90:2 96:25	119:20,21 132:2	172:15,17
minimize 30:8	114:15,18 115:16	105:10 106:5,9,	148:19 167:16	Natanine 58:3,4
78:7	116:18 117:17	12,24 107:11	183:10 186:11,26	165:24,25,26
mining 33:17	120:11 121:11	108:2,4,5,6,8	190:24 192:21	National 82:7
62:7,22 76:10	122:15 123:20,26	109:17 111:11,21	200:10 201:12	Natural 60:17
77:21 78:6 81:16	124:2 126:1,3,6	122:8 140:1,16,	moved 99:15	64:14,17,22
94:21,23 95:4,19	128:2,5 129:13,	21 141:7 150:16,	100:5 128:7	Neary 60:20
98:18 104:25	16 132:3,21	21 155:7 168:13	133:12	necessarily 67:4
122:21 128:16	134:17,22,24	169:5 173:20,25	movement 86:11	196:6
133:13 170:6,7,	135:21,23 136:21	174:2,6,11,13,20	203:18	needed 85:12
11,20,21,22,23	137:16,18	200:23 204:12,24	moves 99:18	97:7 114:22
171:15 180:20	138:22,24 141:1,	205:5,10	166:21	115:1 195:26
minister 31:16	3 152:9 162:8	monitors 107:18	moving 93:21	205:16
33:3 59:4,9,12	166:13 168:8	170:7,11 171:14	100:2 110:1	needing 116:26
171:16	169:13 172:18	month 143:3,4,	123:11 133:9	123:15 141:6
ministers 31:6,	173:16	10,19,24 144:8	159:7	145:26
17,19	mix 101:7 115:10	Montreal 67:21,	Mtpa 187:19	negotiated 42:10
minority 188:1	175:26 190:25	22	multi-year 105:5	96:17 140:14
misleading 143:1	201:7,8,10,14	Moody's 187:23	multiple 144:2	165:11,14
mispronunciation	mixes 116:15	Moore 52:10	148:11 151:15	negotiation
178:7	118:21	53:5 91:21 92:20	152:13 196:7	42:18 163:25
misrepresents	mode 50:17	morning 19:2	Murphy 55:15	164:3
198:5	model 184:8	22:26 47:20	113:20 123:24	negotiations
missed 70:24	modelling	50:13 53:18	124:1,2 134:20,	72:17
178:1	122:12 177:11	58:13 61:2 62:11	23,24,25 135:22,	Neida 54:22
missing 177:26	186:3	66:2,11 67:3 68:7	23,24 136:22,23	net 103:14 171:25
mistakes 193:19	modifications	124:6 135:1	137:17,18,19	172:4
194:26	25:1 26:12 41:17	208:4	138:23,24,25	Network 27:23
mitigating	105:9	Morrison 27:7	141:2,3,4	67:16 198:26
141:11	modified 21:6	34:18	Murray 52:14	news 63:17 69:21
mitigation 42:12	37:4 51:13	Moses 57:16	mute 50:9,16	187:22 199:9
72:21 101:20	modifying 25:10	161:25	muted 50:6,18	Nguyen 64:12
105:10,23 140:1,	moment 32:2	motion 40:11,22,		Ngwa 60:12
21 141:7,13,18,	63:21,22,24	25 68:16,17,19,	N	nice 67:14 208:5
19 146:9 156:9	123:25 136:14	25 69:1,2,5,10,		Nick 54:9
202:4	Monday 30:5	11,14 148:21	names 56:22	night 46:3
mitigations	45:21	152:8,9	91:14 92:8,17	NIRB 23:3 29:12
97:23 100:1	money 103:6	motions 28:14,	200:23	35:12 36:13 42:8
106:12 107:2	133:21 169:9	16,20,22,26 29:3,	Nancy 21:26	43:22 47:11,23
109:18 140:16	monitor 170:22	7 40:26 68:3,10,	Naqitarvik 57:8,	73:3 86:5 89:26
180:10	174:8	13,22,24 69:3,8,	9 158:18,19,23	93:10 94:20
Mittimatalik	monitoring	18 72:1	narwhal 43:15	124:18 139:14
28:18 55:9,11,13	34:11 42:12	move 31:24 51:22	121:16	150:23,26 151:25
59:15 79:26 81:4	55:21 71:21,24	67:25 98:3		
		100:11 103:22		

162:7,15 181:5,7 188:8,13 189:14 191:13,19 199:3 200:21 NIRB's 22:18 42:16 85:16 90:17 noise 50:23 161:1,4 nominated 108:1 non-economic 77:5 nonessential 30:8 normal 25:1,10 41:18 92:2 north 30:14 37:3, 7,23 38:2 62:23 66:10,12,17 70:20 74:14 76:17 95:8 99:10 131:14 151:21,23 152:5 153:25 154:6 173:3,4,7, 11,14 174:15,16 175:3,4 176:11, 12 177:21,23 178:4,6,23 179:19,22 180:13 182:9 183:4,24 184:20 185:14 186:8 187:2,20 188:25 191:1 192:7,19,24 203:19 206:17 northern 29:17 31:16 60:6,8 61:4,5 77:22,25 96:1 99:7 171:4 172:26 175:16 187:6 206:3,13 notable 94:15 103:6 notably 107:4 note 23:3 26:17 49:25 50:6 97:2	108:13 110:10 117:9,14 120:16, 19 128:7 noted 43:6,12 51:2 72:3 87:4 114:3 129:8 131:9 206:21 notes 122:19 132:8 178:11,14, 17 209:6 nothing's 184:23 notice 20:4 notifications 50:17 notify 35:22 noting 117:21 131:2 notion 152:26 Notwithstanding 122:22 November 29:22 32:16,26 40:6,9, 10,20 71:1 94:15 96:11,23 100:24 103:9 110:11 177:4 188:12 192:11 196:1 197:26 201:18 204:10 205:22 206:19 NPC's 77:8 NTI 72:3 76:9,11 141:24 145:19,23 148:1,21 169:2 number 22:24 29:13 38:4,18 39:11 84:5 94:21 95:1 98:11 101:3, 5,24 109:1 129:20 142:25 143:2,17 144:7, 12 146:6,15 155:4 158:20,25 159:21 176:6,9 177:6,8 179:4,14	182:3 186:15,16, 17,26 196:8,20 197:6 198:3 200:26 203:18 numbers 50:11, 14 101:22 159:20 177:2 183:14,21 184:18 192:16 195:15,17,22 203:23 numerical 197:8 Nunami 53:7 Nunatsiaq 69:21 187:22 Nunavummiut 74:2 Nunavut 19:4,5 20:7,9 21:6,20 22:13,19 23:21 25:7 26:15 27:13, 22 31:3,22 32:10, 20 34:4 38:12 39:1,5,6,7,11,12, 22 40:10,24 41:8, 14 42:22,25 44:9, 18,20 49:20 50:10 54:13,14, 17 58:24 59:1 65:4,6,25 67:15 68:2,5,17 70:23 76:9,14 77:3,19, 21 80:6,11,13,17 81:8,14 84:18,22 85:13 87:23 90:25 92:1,16 96:12,23 97:14 102:15 103:3 105:18 110:15 112:2,4 120:17 122:22 124:20 125:11 126:14 131:1 134:4,9,10 139:13,16 145:18,23 148:3 151:14 152:1,16, 17 153:2,9	160:24 164:6 167:7 169:12 170:7,13,14,21, 23 172:17 180:11 181:9 191:12,21 192:2 194:18 198:25 199:4,7 200:12,21 201:17,21 202:1 Nunavut's 33:16 102:16 <hr/> O <hr/> O'GRADY 58:26 172:15,16, 17 object 191:7 objection 197:22 objections 29:1 objectives 21:12 41:19 44:16 objectivity 33:23 obligations 33:7 176:3 occur 137:24 occurred 36:25 83:3 154:2 184:7 204:18 ocean 159:7 Oceanography 66:23 Oceans 62:9,12, 17,26 66:10,12, 17 171:5 173:3,4, 7,11,13,19 174:15,16 175:3, 4 176:11,12 177:21,23 178:4, 6,23 179:19,22 180:13 182:9 183:4,24 184:20 185:14 186:8 187:2 191:1 192:19,24	Oceans' 174:9 October 28:13 32:17 42:25 43:2 83:22 84:6 101:12 115:14 118:16 119:1 139:21 153:19 168:14 190:4,18 192:18 196:1 197:26 offence 178:7 offended 23:17 offer 80:2 office 21:21 61:4 64:18 95:22 169:4 officer 34:21 54:18 57:2 70:6 Official 209:15, 22 officials 23:7 41:15 oil 62:22 195:18 Okalik 57:19 67:2,3 193:13 194:21,22 Olayuk 57:9 158:19 Olson 54:7 Onalik 59:9 one-time 103:20 one-way 175:15, 18,20 176:1 177:9,17 ongoing 73:13 74:10 108:2 online 26:26 27:6,18 44:1 65:11 93:3 115:22 Ootoovak 55:9, 10 113:13,16,17 open 95:6
---	--	--	---	---

opening 19:17,
20,22,24 21:1,3
67:25 69:23,26
70:10 79:4,12,14,
16,23,26 89:10
206:21

Openoil 66:24

operate 87:26
94:7 132:10
168:23 207:11

operated 36:26
37:5 97:12 122:3,
14 179:14

operating 54:18
122:25 182:2
184:26 190:21

operation 81:19
97:15 100:2
105:4 118:2
121:4,19,22
123:12 130:13
131:19 133:9
157:13 179:7,8,
17 180:20 182:25
185:18,19 187:19
202:22 204:15
206:9,16,24
207:2,9,13,16,20

operational 75:9
104:14,16,20,24
105:6,12 106:7,
11 113:6 114:23
115:1,7,11,13
119:3 123:16
149:3 189:1,4,12,
19 190:3,6,14
192:10,13,15
202:9,11,13,23
203:5,9 204:6

operationalized
137:12

operationally
203:10

operations 82:12
98:5 100:18
101:20 104:25

105:7 106:22
109:14 118:19
122:21 129:22
130:15 133:13
157:17 186:3

opinion 166:23

opinions 45:6

opportunities
24:24 77:19
78:13 109:21
121:25

opportunity

19:24 28:19
30:17 43:24
46:17 47:3 48:8
68:23 122:5
134:11 162:5
165:3

oppose 72:4

optimization
76:23

option 31:20
179:12 206:24

options 21:6
24:10

oral 28:26 29:6
120:20,25

order 22:15,17,
18 23:1 47:2,23
83:8 84:9 85:19
88:14 93:1,4
115:11 206:11

orderly 48:8

orders 22:14
152:23

ordinary 81:12

ore 19:9 29:15
37:6,9,10,20,26
38:1,7,9,14,22,23
76:5 78:3,6,8
87:9 91:11 95:5,
7,8,11,21,25 97:9
98:19 100:7,19,
20 101:24 102:3,
6 104:17,21

114:3,22,26
115:21 116:4
117:11,25 118:3
119:20 120:1
123:11 129:20
132:16 133:11,23
143:9,14,19
159:21 175:9,12
178:13,21 179:1,
9,11,24 180:24
182:2,15,16,18,
26 183:1 184:25
185:22 190:23
196:5 199:13,15
200:23 203:18
207:3,8,12

ore-carried
197:24

ore-carrier
175:15

ore-haul 113:4,6

organization
24:15,17,21
28:19 43:13
48:12 51:23
56:16,19 57:14,
16,17 58:17
85:18 113:14,23
114:16,19 115:17
116:19 117:18
120:12 122:16
123:21 124:1,3
126:1,3,6 128:3,5
129:14 132:4,22
134:18,23,25
135:22,24 136:22
137:17,19
138:23,25 141:2,
4 152:10 154:21
161:26 162:8,15
163:2 164:17
166:1 167:21,25
169:1,14

organization's
24:16 166:14

organizations

73:1 83:6 85:16
109:24 121:11,12
148:4,6,15,17

organized
168:20

original 37:12
38:13,16,21
39:19 99:24
126:14 202:6

originally 82:23
129:20 181:15
189:18

Osborne 53:2

Ottawa 63:20

Ottenhof 53:21,
22,23 110:3,6,7

outbreak 151:1,
3,13

outdoor 95:6

outlet 36:2

outlined 74:22
77:20 107:14
108:11 115:6
128:23 165:10,19

output 187:26

outreach 34:20

outset 124:5
178:9

outstanding 42:4
71:7 83:5,12
108:20 150:14

outweigh 146:11

overbuild 133:1

overseas 159:9

oversight 74:1,15
106:15 171:6,8

overview 29:9
90:8,13,16 91:4,
10 93:16 94:1,2,
12 101:11 108:22
111:9 172:21
183:12 190:1

Ovik 34:20

owned 36:26

owners 116:26

Oyukuluk 57:24

P

P.J. 53:17 54:4
79:15,18

pace 48:13 49:19
184:13

pages 209:4

Panamax 102:5
114:5 116:1
119:13 200:20

Panamax-sized
115:24

pandemic 21:5
41:8 48:25 96:19
151:1 153:1,5,14
184:11 185:1,22

panel 32:17,19
33:1,3,8 36:12
45:2,4,8 47:16
80:20 91:20 94:3
162:7

Panel's 36:16

paperwork
58:23

paramount 85:1

pardon 122:26

Parks 64:24 65:1,
2

Parnautit 77:20

Parsons 62:8

part 23:18 39:25
83:14 86:13 95:5
101:19 118:17
130:18 154:13
158:10 163:24
164:3,6 195:18
201:2 202:20
203:3,15 205:4
206:18

partake 164:18
partially 42:7
participants
 22:20 23:1 24:11
 27:11 28:9 35:22
 36:7 41:20 47:16,
 18 48:6,20 49:2,
 5,16 51:6,14,15,
 19 63:5,13 69:20
 120:20 152:14
 153:17,21 184:12
 198:22
participate
 23:20 45:14 47:3
 49:3 57:5,11,18,
 22,23 89:6
 153:26
participated
 40:3 41:25 42:2
 43:7 57:25
 188:10
participating
 24:5 25:25 26:5,
 7,25 27:15,18
 30:12,15,22 34:3
 43:9,14,18 48:24
 49:24 50:5 51:25
 52:13 53:15 54:6
 56:19 64:9 65:2
 72:11 88:19
 89:16 93:22
 124:23 125:7,9
 145:10 163:3
participation
 19:14 27:21
 45:17 48:23
 78:26 85:9 88:22,
 25 153:23
parties 23:16
 25:9,14,22 26:3,
 11,13 27:16
 28:14,17,19,26
 29:7 35:18 36:1
 40:14,21 42:5,14
 43:16 44:25 45:3
 46:5 48:1,26 49:8

50:25 68:9,12,15,
 23 69:6,10,13
 71:3,19 72:3
 74:21 75:2 78:22
 88:11 89:15,16,
 23 97:3 136:1
 139:1,25 140:13,
 17 141:15 165:12
 169:14,16,20
 188:10 189:8
 191:25
partnerships
 77:14
parts 44:2 206:8
party 26:7 33:25
 198:24
pass 61:7 113:19
 151:20 159:25
 162:19 165:17
 166:3 177:24
passage 99:21
passed 63:20
past 72:13 74:6
 75:21 78:16
 97:12 139:22
 142:26 206:26
 207:7
Patar 69:22
Patel 62:4
path 127:22
 131:13 158:1
patience 21:16
patient 24:11
 49:6
Paton 54:1
 110:24,26 111:1,
 2,24,25
Patrick 53:2
Paul 67:1 194:21
pause 48:17
 105:6
Pawley 60:18
pay 76:6,11 178:2
 207:24

payments 74:3
 76:1,14,16
 103:20 172:8
Pelletier 52:26
Penney 52:8
 69:24,25 70:1,5
 79:3 124:6,14
 135:1 178:9
people 20:25
 22:16 26:6 34:9
 41:24 47:25
 58:21 80:23
 92:12 124:24,25
 125:9 151:3
 152:21,22 153:11
 164:20 169:4
 170:20 180:11
 195:1 198:22
perceived 186:17
percent 102:16
 103:13 172:9
 190:12 202:15
percentage
 103:13 145:20
 146:5,15 172:4
performance-
based 204:12,24
 205:5,10
performed
 110:12
period 101:17
 112:23 128:14
 157:24,26 194:18
 196:23
periods 108:22
 196:25
permafrost
 81:20
permission 22:8
 200:16
permit 130:14,17
permitted 37:8
 129:21 130:1
permitting 31:7,
 11 38:17 39:3

44:15 104:4
 131:13
person 21:8 26:4
 27:15 48:7 67:7
 89:25 92:22
 195:3
perspective
 169:4
perspectives
 46:20 80:7,20
pertaining
 163:3,8
Peter 34:14 56:1,
 2 64:15,17 142:9
phase 19:8 29:12
 31:6,9 33:12
 36:20,24 37:18
 38:3,6,25,26
 39:4,8,17,24
 40:16 42:17
 43:22 44:13
 71:26 73:12
 74:24 76:6 77:1,
 6,15 78:8 80:9
 82:20 86:18 90:9
 97:7,23 98:6,15,
 17,18 99:4 100:1,
 15 101:6,26
 102:2,10 103:9,
 21,25 104:4,6,16,
 25 105:16,19,24,
 25 106:2,10,14
 109:19 112:25
 116:8 117:3,15
 119:10,18
 122:19,24 123:7,
 13 126:10,12,16,
 25 127:5,8,9
 128:1,8,13 129:1,
 6 131:9,11 132:2,
 7,9,10 134:15
 137:25 138:10
 140:2 160:14
 166:25 175:8
 176:15 180:21
 181:20 195:19,20

199:11 201:2
 203:4,15 205:20,
 23,24 206:5,20
phased 109:15
 127:18,24 145:26
 146:2 199:12,15,
 24
Phil 53:1,2
phone 22:24
 34:22 50:13
 54:20 60:4 67:7,
 11,13 195:7
phones 19:15
 48:21 50:16
photo 95:13,24
photos 95:21
phrase 49:18
picked 127:23
picture 71:5
 141:19
Piesold 53:6
Pinksen 59:12
pit 95:6
Pittman 52:15
 91:23 92:20
place 33:22 40:7
 41:6,9 46:3 82:21
 84:1 86:17 88:1
 101:13 105:24
 106:13 107:2
 136:18 146:9
 149:1
places 94:5
plain-language
 142:6
plan 73:16,17,19
 75:8,18 86:26
 95:1 107:6,9,14,
 17,25 108:12
 111:10,20 131:15
 136:4,5,18,26
 137:3,4,11,12,22,
 23 138:9,11,12,
 14,16,18 139:2

141:15 149:1,2 150:9,10 155:17 163:9,14,15,16, 23 164:1,5 165:15 166:18 168:8,12,24 169:7,23,26 187:19 205:15 206:5 planned 20:17 105:9 117:2 131:10 188:6 planning 31:23 32:20 39:6,12 44:10 60:19 75:15 77:8 78:18 134:9 191:12 plans 73:25 105:26 106:4 111:13 155:19, 25,26 156:26 165:2 168:20,21 187:10,25 188:14,21 191:16,17 203:22 204:2 platform 89:18 platforms 49:14 play 74:15 171:5 179:4 pleased 93:25 pleasure 32:6 PM 45:25 46:1,9, 10 68:20,26 79:8, 10 161:13,15 point 44:5 47:20 83:2 122:1,4 123:5 124:4 125:18 130:21 136:7 137:20,24 141:5 155:6 156:25 157:2,17 167:15 179:24 pointed 141:8 pointing 141:17	points 152:13 policies 77:8 policy 75:6 76:20 97:21 103:24 Pond 19:10,11,23 20:1,18 21:22 24:4 25:12,15 26:19,26 27:8,24 28:7 30:12 32:6, 13 34:9,26 35:3, 24 37:2 40:9,13 45:23 49:1,23 52:7 54:1,24 55:1 58:25 59:2,5,8 60:10 61:6 67:6 70:8,17 79:21 91:22 93:20 98:26 104:2 108:15 112:6,8 151:5 152:21 159:10 162:2,3,4 199:9 200:8 population 33:16 port 29:17,19 37:7,13,15,21,24 38:15 40:5 81:24 95:9,21,24 96:3 98:8,20,21,25 99:11 100:12,16 101:3,24 102:2 126:21 160:7,19 175:13 176:2 177:17,19 196:3 203:26 204:16 portfolio 54:3 portion 24:13,23 53:25 59:7 62:6 95:19 129:23 136:9 portions 103:6 portrayed 131:26 ports 81:23 pose 110:19 posed 78:25	149:8 position 87:24 129:22 180:18 182:14,20 positions 72:2 positive 51:20 possibility 22:6 166:15 post-panamax 102:5 114:6 116:1 posted 22:21 98:26 104:2 108:18 142:8 postpone 162:15 postponed 83:8 162:7,12 postponement 85:19 potential 31:14 33:11 39:15 43:10,15 44:12 71:11 72:4,7,16 82:9 86:20 90:11 101:14 105:8 106:22 118:21 140:2 151:15 186:17 195:23 203:16,24 204:6 potentially 30:14 130:16 151:2 154:1 power 157:22 174:9 Powerpoint 91:4,9 practice 92:3 practiced 106:26 practices 25:2 41:18 105:10 pray 19:19 20:25 prayer 19:17,18, 20,22 64:2	pre-determined 108:10 precedential 151:12 precise 47:13 203:23 predetermined 108:6 155:8 157:3 predict 47:13 133:18 176:6 predicted 82:14 121:8 174:13 predicting 82:19 predictions 122:9 173:18 174:1,8 202:4,13, 21 prefer 162:4 preference 120:2 prefers 32:22 prehearing 21:20 28:13 41:2 43:1,2,5,7 51:3 55:23 126:9 139:20 148:19 150:14 153:18 preparation 97:4 prepare 35:18 46:22 85:24 prepared 72:24 88:6 preparing 35:20 prerecorded 26:3,8 66:20 preregister 27:20 preregistered 27:19 presence 80:19 present 22:23 25:12,14 32:16 46:14 47:8 66:20	101:15 145:8 178:13 180:23 presentation 25:23 26:3,5 69:12 70:12 75:19 89:20,25 90:13 91:5,7,9 93:14,15,19,21 94:1,2,16 108:19 109:26 110:2 112:1 114:2 116:7,24 120:26 124:5 134:26 137:3,13 141:10 149:12 154:5 158:25 161:3 163:10 167:16 172:7,21 183:12 185:19 189:2 190:1 193:26 194:7 207:26 presentations 25:16 47:14 48:9 50:26 73:8 89:11 90:8,14,20 94:26 96:6 111:5 121:26 145:11 156:12 193:17 194:4,26 presented 94:14 96:19 126:19 131:7 164:26 185:10 204:10 presenters 56:14 90:22 91:15 198:22 presenting 25:22 78:21 91:5 92:12 194:2 presents 94:2 104:11 preserves 152:12 president 53:16 54:4,14,17 55:13 69:24 70:2,5,10 79:15,19 93:24
---	---	--	--	---

147:17
presidents
 135:10
press 35:25 50:8
pressing 50:7
pressure 82:3
prevent 23:8
 130:15 160:23
previous 29:21,
 25 96:26 110:15,
 18 174:1,8,14
 175:11 190:15
 191:23 192:5
previously 50:12
 119:16 164:5
 173:20 176:4
 177:2,10 182:1,5
price 78:6 97:9
 178:13,21 179:1,
 24 180:24 182:2
 185:12 207:12
prices 76:5 78:3
 97:10 131:18
 179:11,12 182:4
 184:26 185:22
 207:8
primary 44:16
 66:17 107:17
Primeau 57:1
 154:26 155:3,22,
 23 158:12,13
Primeau's 158:6
principle 72:4
principles 77:8
 168:20
print 155:6
printed 96:8
printouts 104:1
prior 28:14 35:19
 85:13 86:17
 98:22 110:9
 122:4 182:18
 183:9

priority 80:16
 94:6
private 94:24
 200:10
Prno 53:11
proactive 71:16
procedural
 29:10 32:23,24
 36:20 43:3 93:12
 152:25
procedure 25:15
 86:7
procedures 21:2,
 8 25:11 33:21
 51:13
proceed 22:10,15
 26:11 29:5 31:7,
 10 37:15 38:6,16
 39:2,9 44:14
 56:24 61:17
 62:14 66:14
 80:19 85:17
 89:11 90:5 93:13
 101:26 113:26
 125:14 146:10
 166:11 169:8
 189:8 195:8
proceeding
 125:2 151:7,11
proceedings
 19:1 21:7,14
 26:6,18 27:4
 29:10,24 30:1,10
 34:4 35:16,23
 36:4 41:10 42:24
 45:12 46:8 47:7
 48:25 49:4,6,15
 51:7 57:25 59:3
 62:19 79:8,10
 124:23 125:2
 136:10 153:16,
 22,26 154:11
 161:13,15 175:12
 208:7 209:5
proceeds 29:8
 86:23

process 26:13
 33:5 39:25 42:20
 43:9,14 70:14
 73:7 78:26 82:22
 83:10 84:23 86:4,
 6 87:12 95:4,10
 96:13 98:18
 104:1,4 105:15
 106:11 107:4
 108:23 109:2
 129:2 130:19
 131:15 135:16,18
 138:21 146:7
 156:4 157:2,6,11,
 16 164:7 165:18
 166:20 167:6,8,9
 185:20,24 186:1
 188:13
processes 33:23
 132:23 139:11,12
 152:18 153:21
produce 180:4
producing 78:7
product 102:20
production
 97:17 104:17
 105:3 123:10,14,
 16 127:26
 128:13,21,25
 129:8,18 130:5,
 10 131:2,7,11
 132:19,26 166:23
 179:25 180:24
 181:21 183:2
 187:10 188:3,5,
 16 192:6 199:15
 206:23
productions
 182:7
productive 46:25
 49:3 51:18 208:3
profit 103:16
 131:25 171:19,26
profitable 97:16
 103:17 128:17
 131:24

program 62:18,
 21 64:11 106:12
 111:11 113:3,5
 149:4,25 150:3,
 16 163:8 173:25
 204:12,25 205:5,
 10
programs 66:7
 73:26 106:5
 107:3 108:5
 109:17 111:12
 122:8 150:5,21
 155:7 173:20
 174:2,6,7,12
 175:1
programs'
 174:20
progress 150:4
progressed 44:5
progressive
 157:20
progressively
 109:1
project 19:9
 21:14 30:19 31:7,
 10,14,15,23
 32:20 33:18,20
 34:6,11 36:20,24,
 26 37:3,12,18
 38:6,16,18,20,22,
 24 39:2,10,13,16,
 19,24 40:4 44:4,
 10,26 46:21
 59:16 61:22
 72:11 73:12,17,
 23 74:8,15,17
 77:1,2,6,12,16
 78:1,5,11,16,18,
 21 80:25 81:12,
 13,15 82:13 84:9,
 13,19,20 85:10
 86:6,22 88:2,8,
 12,14,17 90:16
 91:4,10 93:16,26
 94:7,13 95:2
 96:25 97:7,13,26

98:12,17 99:2,4,
 24 100:22 102:6,
 12 103:1,2,22
 104:15,25 105:9,
 22,24 106:2,8,15,
 17,23 107:1,16
 108:2,4 109:12,
 20 110:13,16
 111:9,15,21
 115:10,14 116:23
 117:1 118:15,22,
 25 119:17,25
 120:8 121:2,6
 122:3,5,7,13
 126:10,12,14,15,
 20 127:19,20
 129:19 132:1,8,
 11,14 133:22
 134:8 140:2
 142:3 143:9
 145:1,17 146:10
 157:13 159:22,23
 166:24 168:12
 170:11 171:18
 172:20 175:9,10,
 26 176:16
 178:11,12,21,26
 180:3,8,23
 181:13,14 183:9
 190:5 191:12
 192:3 194:17
 197:10 202:16
 203:17 204:14
 205:1,17 206:1,2,
 23
project's 102:21
project-specific
 122:12
projected 101:22
 102:12 183:13,16
projects 61:4
 78:6
promised 124:15
promote 44:17,
 20 77:24

promotes 81:17
promptly 48:3
pronounce
 161:25
pronunciation
 156:17
proper 127:15
properly 72:6
 85:24 86:2
properties 94:22
proponent 33:20
 42:1 44:24 46:19
 52:1 69:23 90:20
 120:14 124:10,13
 125:26 145:24
 151:10 154:16
 161:9,18 163:5,
 12 173:17,26
 174:22 175:11,17
 176:15 178:25
 179:23 180:18,25
 183:15 184:1,25
 185:17 186:2
 187:5,12,14
 188:4 191:16
 193:6,10 199:8
proponent's
 90:18 111:8
 121:8 180:22
 182:13,20
proponents 20:8
 30:23 180:3
proposal 19:8
 29:12,14 33:12,
 18 34:6 38:3,25,
 26 39:4,9,17
 40:16 42:17
 43:22 44:13 71:8,
 11,12,14,15,26
 74:25 77:2,6,16
 80:9 81:23 82:5,
 15,25 84:17
 86:18 90:10
 109:12,19 117:16
 119:25 123:7,14,
 19 126:16 128:9,

21,25 129:1,6,9,
 18 130:10 131:2,
 7,9 132:17 134:9,
 16 140:3 167:4
 175:8 176:16
 181:20 192:13
 199:11 203:4,15
 205:23 206:20,23
proposals 83:11
proposed 29:16
 30:19 44:4 46:21
 82:20 83:13
 99:12 100:23
 101:6 114:22
 116:5 119:9
 120:6 123:13,18
 127:5 129:1
 131:20 138:3
 139:26 140:17
 141:13 156:2,8
 188:25 196:21
 201:14 202:7,13
 203:7,12
proposes 37:25
 116:8
proposing 44:26
 68:13 119:5
prospective
 152:5
prospects 188:18
protect 44:16,19
 77:23 82:7 84:1,2
 156:5
protected 156:5
protecting 77:11
 84:25 88:21
protection 62:21
 71:22 73:14 74:8
 84:25
protocols 21:24
 22:1,9,19 23:18,
 22 146:9
proud 78:15 89:4
 94:9,24

prove 126:21
provide 22:8
 24:8 27:11 31:11
 33:13 36:14,19
 40:21 43:23
 51:20 68:17 69:4,
 9 72:21 73:11,13
 75:20 82:18
 93:26 96:4 105:1
 108:3 117:1
 118:9 133:26
 134:3,12,13
 143:2 144:10
 158:8 169:16
 171:8 177:8
 181:2 197:7
 207:17
provided 21:19
 26:18,25 28:21
 31:2 39:21 45:22
 71:5,9 88:6 97:1
 104:10 108:16
 115:7 116:14,17
 118:14,25 127:4
 130:25,26 131:10
 137:13 144:26
 146:23 154:4
 156:21 177:2
 184:19 185:8
 189:6 190:4
 199:9 201:17
 205:20
providers 41:15
 107:19
providing 23:3
 25:19 28:19
 36:10 45:5 49:21
 72:11 90:8 158:2
Province 209:8
provision 73:16
provisions 137:2
 139:7 140:4,7
 141:7,25
public 19:6 21:4,
 9,17,21 22:2,5,
 14,21 23:7,20,22

24:3 27:12 28:4,
 15,23,25 29:2,3,
 6,7,11,21,22
 30:6,17,21,25,26
 31:4,18 32:16,22,
 26 35:14 36:15
 37:19 40:7,12,17,
 18,21,23,25 41:4,
 6,12,15 43:4,18
 44:1,6,8,22 45:7,
 20,23 47:3,23
 51:10,21,26
 53:15 55:23
 68:10,14,16,18
 69:3 70:8,14,15
 73:3 81:6 83:3
 85:21 91:2 109:8
 110:11,20 131:4
 152:12,19,23
 177:4 186:1
 206:19 208:1
publicly 131:5
 164:9 165:1
 181:1
pulling 178:17
purely 188:6
purpose 76:26
 93:10 123:7
 128:23 144:19
 197:10
purposes 27:17
 118:23 184:17
 185:8 186:24
 203:21 204:3
pursue 131:11
push 82:22
pushes 88:23
put 19:15 41:9
 50:20 71:26
 86:24 90:1
 101:20 124:14
 133:8,21 145:13
 147:15,21 150:24
 151:3 157:20
 167:4 182:19
 196:21 197:6

200:9
puts 157:21
putting 134:14
 144:19 156:12

Q

**Qaujimajatuqan
 git** 82:17 87:18
 111:5,6 121:7
 156:17
Qaumajuq 57:23
Qazi 61:6
QIA 20:8 54:2
 72:8,19,24 73:4,
 9,17 75:5,18
 76:1,7,21 86:5,
 16,17,20 87:15
 110:11 141:24
 142:21 145:19,23
 146:20 147:10,
 12,22 148:1,12
 149:1,7,26
 150:11,13 169:1,
 26 183:22
QIA's 88:26
Qikiqtani 42:11,
 19 53:16,20,23,
 25 59:18 75:3
 79:13,14,16,18
 81:7 86:13 87:2,4
 88:10,12,23
 94:25 96:14,16
 97:19 103:7,20,
 23 104:9 106:18
 107:7 110:2,4,7
 111:2,23,26
 134:2,6 135:10
 136:19 138:1,11,
 16 139:5 140:5
 142:5 146:21
 147:16 149:9
 158:3 163:12,24
 164:1,15,21,22
 169:12 170:15
 171:6,24 184:6

quality 62:1,4,8
111:11,21 168:9,
12

quarry 95:23

Quassa 56:8

question 85:4
89:24 110:9
111:3,19 112:1,5
115:9 123:6
124:16 127:7
132:25 133:15
135:25 136:24
137:26 139:6
141:21 142:22
144:1,3 145:16
147:10,21 148:22
150:11,17,23
152:4 154:25
158:6 160:4
161:26 162:3,6
163:8 164:25
166:12 167:14
170:10 171:12,17
174:22 175:6,19
176:14,18 180:26
181:11,15,18,19,
24 183:15 184:3
186:7 188:1,20
191:6,15,16
192:8 193:15
194:5 195:12
196:10 199:8
200:17 202:20
204:8,21 206:19

questioned 46:14

questioners
124:26 125:17

questioning
125:23 126:8
166:14 191:7,8
192:22

questions 23:17,
21,24 24:8 26:13
30:18 33:9,25
36:14 42:18
44:23 45:5,10

46:19 47:14 48:8
66:22 69:6 71:15
78:25 83:6,9
85:24 86:2,14
90:15 109:3,6
110:1,4,19,21,25
111:4 112:8
113:15,20 116:25
117:22 118:10,13
120:24 124:7,9,
11,12,14,25
125:17,26 126:4
132:14 133:6
142:11,15,20,24
145:12,14 147:23
149:8 151:22
154:12,15,18,22,
23,25,26 156:12,
13 158:9,14,16
159:11,17,26
161:9,17,20
162:1,2 163:4
165:23 166:2,3,7
167:22,26 168:4,
15 169:6,12,20
172:13,20 173:2,
4,8,10 174:9
177:24 191:8
192:20 193:2,6,
10,11,16 195:2
198:22 199:2,4
201:6,24,25,26
202:1,2

quick 25:13
36:23 111:3
125:22 176:14
193:15

Qujannamiik
64:23 79:1
109:25 111:19
113:7,24 114:1,9,
17 115:2,18
116:9,12,20
117:5,8,16,19
118:6 120:10,13
121:22 122:14,17
123:1,4,19,22

164:10 165:19
170:19 171:11
172:3,16,25
177:20 178:5
182:11 192:26

Qumuatuq 32:9,
10

quote 77:1

quoting 187:14

R

Rachel 54:7

Radio 69:21

rail 84:14 98:20
99:6,12,13,14
100:10,16
112:24,26 113:6
126:21 132:17
133:9 203:19

railroad 81:20

railway 37:12,16,
23 38:1,10,14
66:8 74:26 78:8
97:17 112:14,16
133:12 200:2
204:17 205:2,25
206:3

raise 35:8 88:13
206:11

raise-hand
89:18,26

raised 109:9
123:24

raising 86:13
132:14

range 101:4
119:16

Rankin 151:5

rate 76:3 131:11
199:13 200:3

rates 180:24
181:20

rating 187:23

188:3

rationale 119:12
122:2 123:15
126:18 127:4
130:25 134:13
192:8 199:18

re-invest 207:16

reach 131:11
139:1

reaching 173:22

read 77:2 121:1
155:4,6 158:24
187:15

reading 130:9

ready 82:25 83:5
133:21

realistic 46:23

reality 179:13

reason 99:20
104:25 159:8
175:19 186:14
198:1 203:6
205:11

reasonable 47:2
48:13 131:23
156:3,12,15,19
157:24 184:13
188:18

recall 89:21
191:23

receive 27:19
31:18 76:9 103:4,
18 207:22

received 28:16
43:17 61:15 68:7,
8,22 75:2 84:11
85:26 108:26
109:1 122:26
152:20 153:19

Receivers 26:23

receiving 62:13
166:25

recent 122:22
135:19

recently 20:13
119:1 140:6
162:25

Recinos 56:5
142:14,17,18
143:12,13
144:17,18 145:4,
5 147:8,9 149:22,
23

recognize 124:24
154:6

recognized
193:25

recognizes 28:24
51:13 88:10

recognizing 92:4
122:23

recommended
83:10

recommencing
110:10

recommend 31:5

**recommendatio
ns** 31:4,12,19,21
33:14 45:16
88:15 89:3

recommended
72:10

recommends
31:9

reconnect 65:10

reconsideration
39:1,9

reconvene 46:9
63:7 79:6 125:23
161:8,17 193:7

reconvened
29:11 43:18
68:14 91:2,8
188:11

reconvening
43:3

record 25:17,24
27:11 29:2 30:26

35:14 45:4,8 47:12 51:10 91:15 93:9 119:4 120:25 125:10 139:7,13 144:19 145:13 147:21 148:15 150:24	refuse 181:2 Reg 62:7 regard 200:17 region 62:18 74:14 81:24 84:16 94:25 97:19 198:6 regional 59:18 60:12,15 61:23 63:2 64:7 66:4,6 67:10 103:8 131:14 160:9,11 195:24 registered 43:6 44:24 69:20 154:2 198:24 registry 22:21 44:1 68:18 73:4 108:14,18 115:8 120:18 131:5 142:8 197:19 regular 23:6,7 regularly 23:14 regulation 171:15 regulations 59:21 76:10 170:21,23 regulators 106:16 regulatory 64:23 109:18 129:2 130:19 166:20 167:6,9 170:14 171:1,2,5 reiterated 115:14 118:23 rejecting 31:20 related 19:8 49:14 73:21 84:13 97:25 99:6 138:20 139:6 182:15 191:8 204:8	relates 159:21 179:6 202:16 relating 141:7,22 relation 42:20 181:12 194:17 Relations 60:5,8 171:3 172:26 relationship 88:5 relationships 33:22 84:26 release 160:9,11, 22 199:10 released 28:23 36:17 119:1 160:23 relevance 191:24 relevancy 118:11 relevant 31:6 42:13,16 44:2 123:6 124:9,12, 17 125:1,18 135:17 139:24 188:15 rely 82:16 102:24 relying 137:6 141:17 180:26 remain 24:3 70:21 84:12 86:10 100:21 128:17 150:14 151:5 179:11 203:4,7 206:8,24 207:2 remainder 129:5 197:13 remained 40:18 42:7 72:9 remaining 36:5 109:11 110:20 130:18 remains 21:13 36:8 47:15 85:4 123:17 188:20	remark 127:16 remarks 19:24 21:1,3 69:26 79:4 89:10 remember 20:25 remind 23:7 26:11 36:12 51:4 119:23 124:22 125:16 189:8 191:25 reminded 36:4 reminder 22:9, 22 35:9 89:15 93:8 184:12 reminders 49:11, 13 89:13 remotely 25:22 28:2 52:13 54:6 60:16 61:22 64:9 66:5 91:22 93:23 95:3 rent 76:2 repeat 52:19 65:20 204:21 repetitive 50:23 176:17 rephrasing 181:19 replace 37:25 100:7 reply 68:24,25 report 31:4,18,21 33:13 40:26 41:1 43:2,5 51:3 72:1 162:20 163:7 187:9 200:11 Reporter 209:15, 22 reporters 35:17, 20 48:10 92:9 reporting 35:17 55:8 106:16 reports 200:23	represent 94:10 143:1 162:24 175:12 196:22 representation 145:7 representative 22:5 51:24 representatives 24:7 26:22 30:11, 13 35:8,24 40:2, 14 42:1 46:18 56:20 65:3 70:4 81:9 88:18 96:16 120:21 143:16 150:7 155:24 158:7 represented 150:9 175:22 representing 36:2 57:12 64:22 67:5 151:21 represents 74:16 request 28:26 128:15 133:17 149:5 162:14 188:26 189:19 192:12 requested 66:24 85:10 104:15 129:9 148:4,6 201:1 requesting 131:1 162:6 requests 47:4 68:9 69:15 85:17 96:24 108:25 118:17 require 22:24 48:15 71:10 84:8 100:18 118:3,4,5 160:10 166:23 180:3 203:11 required 27:14 28:14 31:14 32:19 46:5 84:18
---	--	---	--	---

85:20 97:17 114:21 119:18,21 122:12 126:24 132:13 133:16 144:8 160:7 182:8 186:26 201:1 205:24	14,18,22 191:6, 24 192:5,8,20 203:14	rest 30:3 150:26 180:11	review 19:4,6 20:7,9 21:6,20 22:13,19 23:21 25:8 26:15 27:13 31:3 32:11 34:5,6 38:13 39:1,5,7, 22,25 40:15,24 41:14 42:22,26 43:24 49:20 50:10 68:2,6,18 70:14 73:11 80:11,13,17 82:22 83:10 84:18,22 85:13 86:2,6 87:23 90:26 92:2,16 96:13,23 97:4 104:3 105:18 106:17 108:6 110:12,15 117:11 120:17 122:6 124:21 125:11 126:14 131:1 134:4,10,16 135:15,18 139:13,17 152:2, 17 155:7 157:11 164:6,7 167:7 170:14 181:10 191:22 192:2 199:4,7 200:12, 21 201:18,21 202:1	risk 85:4 88:8 115:9 200:5 203:12
requirement 22:26	respected 22:18	restricted 144:13		risks 80:3 84:10 204:11,24 205:3, 4,9
requirements 21:10 47:14 105:8 140:21 160:15 191:11	respectful 47:25 51:12,18,20 125:12 194:24	restriction 129:26		River 19:9 21:14 28:18 29:15,20 31:13 36:24,26 37:6,12,24 38:14, 24 39:15,19 40:4 44:4,26 57:13 58:1,5,7,10 70:26 74:17 78:1 80:24 81:12,13 85:9 88:12,14 94:13 97:12 107:15 109:20 121:2 122:3,25 126:12, 15,22 132:13 152:8 162:9 165:26 166:5,7 167:11 194:17 203:17
requires 32:24 118:1	respecting 74:18 157:15	restrictions 41:9 51:11 101:21 144:6 152:15 197:4		
reserve 193:2	respective 35:9 50:26	restrictive 41:12		
reserved 28:10	respects 72:6	result 33:17 47:15 49:7 51:7 85:3 103:11 140:23 182:4		
reset 190:16	respond 41:7 84:19 85:5 89:3 125:4 170:12 171:2 174:23	resulted 48:26 107:1		
resetting 74:7	responded 108:24 174:8 200:9	results 105:15 108:6 155:7		
residents 44:18	respondents 125:1	resume 208:3		
resilience 184:25	responding 45:5 89:24 125:19 160:4	resumed 19:6 110:19		
resolution 74:18 84:9	response 21:19 49:19 69:1,4 96:24 116:14 120:15 122:18 123:6 130:11 164:14 174:17,18 177:10 180:17 187:13 201:18	resumes 51:21		
resolve 42:4,14 74:22 83:8 138:4, 20 140:10	responses 24:8 86:15 108:11 115:19 118:18 128:6 129:17 132:6 149:11 157:19 169:11,15 177:3	resuming 41:4 110:11		
resolved 42:7 71:7 73:9	responsibilities 88:11	resumption 29:6		
resource 65:5 86:26 107:10	responsibility 148:25 170:12	resupply 195:21		
resources 54:22 60:17 64:14,17, 22 73:20 88:3 107:3,20 110:13 126:21 136:5 137:22 138:8 151:15 159:2	responsible 31:17,19 48:1	rethink 133:23		
respect 21:25 23:22 25:1 36:4 46:15 47:4,6 48:2 50:19,25 63:21 68:9 69:5,18 94:6 125:3 139:22 152:5,8,25 153:24 188:12,		return 20:5 48:3 70:25 125:23 151:6 165:2 207:17		
		revenue 38:25,26 98:15 102:23 103:14 126:16, 23,24 127:5 128:8,12 171:25 172:4 184:3 205:20		
		revenues 78:14 102:14,16,19,26 103:5 129:4 142:3 183:13,16 184:10		
				roads 81:21
				Rob 64:19
				Robinson 59:24
				robust 174:7
				role 64:23 74:14 83:15 171:5 191:13
				roll 36:21 47:1 51:22 52:1,5 53:12 63:7,12 64:3,5
				rolled 141:19
				room 23:16 24:10 26:26 28:8 30:9 191:5

rooms 98:26		schedules 72:20, 21 118:20	selected 82:8 157:5	settlement 44:18, 21
Rouget 53:1		science 62:25 63:1	selection 75:1 193:20	settlers 88:1
roughly 196:1		Sciences 53:4	self- determination 81:18	Sewell 52:15
round 38:5 100:6,7	S	scientist 64:19	selling 123:11	shaded 100:15
round-trip 175:13	Saba 61:6	scope 39:21 42:21 74:24 128:9 139:22,24 158:10 188:23 189:7,18,21 192:3,10	send 50:14	shading 100:13
roundtable 24:23 28:3 30:4, 22 40:8,13,20 41:2 42:26 46:17 59:8 62:6 81:5 83:22 120:21 125:15 145:9,11, 15 153:18 154:9, 13 158:8	sacrifices 49:1	Scripps 66:23	senior 34:20 60:14,19 62:17	Shafi 61:7
route 38:2 75:1 96:1 99:23 175:16 188:25 192:7 204:17 206:13	sad 63:17	seal 121:17	sensitive 69:11	share 63:17 75:22
routing 29:18 74:26 99:7	safe 21:9 22:3 24:3 159:15	Sean 52:26	separate 72:25	shared 22:20 85:3 88:7 170:12
royalties 75:4 76:1,7,9,11 103:15,19 109:22 141:23,24,26 171:24	safely 70:24 80:16 113:3 152:24	season 38:5 95:11 100:23 101:18,25 104:6 114:26 117:3 119:19,22,24,26 120:3 132:16 177:18 206:16	separated 116:2	shareholder 188:2
royalty 74:3 76:3 103:13 142:7 172:8 183:22	safety 21:2,24 22:1 23:18 41:20 64:20 66:7,8 80:15 94:6 112:15 152:12	seasons 101:18	September 32:25 38:17 39:24 40:2 41:22 42:25 101:14 139:21 149:26 166:17 168:5 187:8,13 192:18	shareholders 166:18 185:26 187:18 188:2,6 191:17
RPR 209:14	sake 48:10 149:11	seats 63:11	series 23:17 173:8	sharing 46:20
rules 36:5 51:12	sales 103:14,16 171:19,25 172:4	secondary 137:26	serve 159:23	Shaw 27:25
ruling 152:8 188:12 191:24 192:5	sanctioning 51:8	section 39:11,12 44:8,9 99:16 108:19 162:4	served 31:26	sheet 108:16
run 45:20 174:12 207:23	Sandra 35:16 209:3,14	sections 99:14	service 107:19	sheets 27:8
running 99:9	Sanirajak 56:15, 18,21,26 57:1,6 154:16,18 155:21 158:12	sector 64:21 94:25	services 20:17 34:12,23 102:24	Shelly 55:18
runs 95:17 96:1	Sara 53:9	secure 21:22 78:11	servicing 175:10	ship 37:9 115:26 116:1,3,26 119:7 123:1 159:5 175:18 190:10 201:1
rush 150:26	satisfy 118:12	security 64:21 66:8	session 22:25 36:6 46:1,6 90:6 174:26 177:14 197:14	shipments 199:13
rushed 85:11	Saturday 30:3,7 45:21 46:12	seek 88:24	sessions 28:3 29:24,25 30:1,2 42:3 45:26 46:2, 4,12 125:16 154:13 195:15	shipped 37:11,21 38:4,8,9 87:10 114:7,9 115:21
	scenario 105:11 203:24 204:3 207:14	seeking 37:20 74:22 85:2 87:26 88:9 114:24	set 31:21 48:3,7 50:16 125:15	shipping 38:5,15, 22,23 67:12 84:14 87:7 95:11 96:1 97:18 98:8 100:23,26 101:12,13,17 104:5,6,20 118:4, 15 119:19,26 120:3,6 121:15 132:16 160:14 166:16 174:21 175:7,16 188:25
	scenarios 190:2 203:16	seeks 82:5	Settingrington 52:18,23	
	schedule 45:19 47:15 103:25 104:7 112:23 118:20 138:3	segments 193:2	setting 19:16 48:22	

192:7 195:2,13 196:10,13 204:17 206:16 207:2	side 29:17 95:18, 24 99:1,3 100:13	site 29:20 32:25 37:10,13,15,16, 24 40:3,5 95:7, 13,21 96:3,15 98:7,22,25 99:4, 10 100:12,16 102:6 106:20	164:26 172:7 175:7 190:1 194:16 195:13 196:13	sound 24:19 27:1 35:6,7 96:2 160:12
ships 37:11 81:23 87:10 101:7 114:21,25 116:2, 5 117:26 118:5 132:15 143:18 158:25,26 159:8 168:4,5,6 195:20	sign-in 26:23 27:8,9	sites 29:16 106:23	slides 96:5 98:24 104:2 114:5 149:6 158:22 163:26 165:19	source 85:1 205:17 207:19
shores 37:14	signal 66:13	sitting 55:18	slight 189:4	sources 82:3 205:12
short 70:10 98:1 112:15 119:19,23 125:17 128:14 133:18 175:25 205:9	signed 96:17 135:9 136:1	situation 127:22 130:11 151:17 153:4 182:6,14	slightly 119:6 164:22,24 189:1 192:10	south 29:19 37:13,16 67:10 96:2 203:20 205:2
short-term 128:10 185:12,22	significant 74:7 75:26 102:22 103:14 131:22 173:23 196:8 198:2	size 21:23 87:10 101:2,3 102:1 114:3,25 159:1 160:5,6,17 200:20,22,25 201:8	small 33:16 81:15 115:26	southern 38:10, 14 126:21 204:16,17 205:25 206:3
shortage 186:18, 22	significantly 71:25 78:3 103:11 185:2 198:4	sizes 41:9 101:7 116:16 118:21	smaller 116:4 119:14 161:5	sovereignty 77:23
shorter 129:2 173:9 206:16	signing 74:16 94:17 165:17 183:22	skeleton 86:21 150:5	smile 20:19	span 102:21
shortest 120:3	silence 63:22,24	skill 209:7	smiling 153:7	speak 24:12,16, 19 33:26 36:9 47:9,10 48:11,13 49:17,26 50:2,7 81:2 89:17 93:9 98:7,13 128:22 163:19 173:1 184:13 189:12 202:23
shortfalls 104:17 105:3,5	silent 19:16 48:22	skills 77:18	smooth 105:7	speaker 24:17 47:11 59:11
shorthand 209:6	similar 35:26 98:5,18,24 100:12 107:21 133:12 140:8 152:9 187:24	skip 98:3	snacks 47:25	speakers 24:15 35:12 48:9 59:3, 15,20 84:23 125:17
should've 151:12	Similarly 140:15	skipped 198:18	social 72:8 73:21, 26 74:1,9 77:5,25 78:19 107:11,19, 21	speaking 35:19 48:7 49:20 50:8 106:4 119:4 171:24 184:13 188:15
shoulder 101:18	Simon 60:23	slide 93:21,23 94:1,4,11,20 95:2,3,12,18,19, 20,25 96:3,7,8,21 97:2,5,6 98:1,4,9, 23 99:26 100:9, 11 101:10 102:4, 11,17,25 103:8, 24,25 104:9,12 105:4,12,13,22 106:3,19,25 107:13,23,24 108:14,23 109:7 111:8 112:11,22 114:2 121:1 122:19 136:3,4 141:22,23 143:8 146:5 149:15 155:4,9,19 159:20,21 163:6	socio-economic 33:11 44:12	speakers 24:15 35:12 48:9 59:3, 15,20 84:23 125:17
show 55:4 86:24 98:1 100:9 194:16 195:25	Simonee 55:20	slide 93:21,23 94:1,4,11,20 95:2,3,12,18,19, 20,25 96:3,7,8,21 97:2,5,6 98:1,4,9, 23 99:26 100:9, 11 101:10 102:4, 11,17,25 103:8, 24,25 104:9,12 105:4,12,13,22 106:3,19,25 107:13,23,24 108:14,23 109:7 111:8 112:11,22 114:2 121:1 122:19 136:3,4 141:22,23 143:8 146:5 149:15 155:4,9,19 159:20,21 163:6	socio-economics 60:15	speaking 35:19 48:7 49:20 50:8 106:4 119:4 171:24 184:13 188:15
showing 21:15 118:21	simple 95:4	slide 93:21,23 94:1,4,11,20 95:2,3,12,18,19, 20,25 96:3,7,8,21 97:2,5,6 98:1,4,9, 23 99:26 100:9, 11 101:10 102:4, 11,17,25 103:8, 24,25 104:9,12 105:4,12,13,22 106:3,19,25 107:13,23,24 108:14,23 109:7 111:8 112:11,22 114:2 121:1 122:19 136:3,4 141:22,23 143:8 146:5 149:15 155:4,9,19 159:20,21 163:6	socio-impacts 90:11	speakers 24:15 35:12 48:9 59:3, 15,20 84:23 125:17
shown 95:15,16, 21 99:9 102:8	simply 26:6 51:6 87:8,22 133:8	slide 93:21,23 94:1,4,11,20 95:2,3,12,18,19, 20,25 96:3,7,8,21 97:2,5,6 98:1,4,9, 23 99:26 100:9, 11 101:10 102:4, 11,17,25 103:8, 24,25 104:9,12 105:4,12,13,22 106:3,19,25 107:13,23,24 108:14,23 109:7 111:8 112:11,22 114:2 121:1 122:19 136:3,4 141:22,23 143:8 146:5 149:15 155:4,9,19 159:20,21 163:6	socioeconomic 71:12,24 75:10, 22 105:21	speaking 35:19 48:7 49:20 50:8 106:4 119:4 171:24 184:13 188:15
shows 95:13,19, 25 99:1,7,23 100:13 103:25 104:7,22 105:14 175:9	simulation 100:10	slide 93:21,23 94:1,4,11,20 95:2,3,12,18,19, 20,25 96:3,7,8,21 97:2,5,6 98:1,4,9, 23 99:26 100:9, 11 101:10 102:4, 11,17,25 103:8, 24,25 104:9,12 105:4,12,13,22 106:3,19,25 107:13,23,24 108:14,23 109:7 111:8 112:11,22 114:2 121:1 122:19 136:3,4 141:22,23 143:8 146:5 149:15 155:4,9,19 159:20,21 163:6	solely 168:26	speaking 35:19 48:7 49:20 50:8 106:4 119:4 171:24 184:13 188:15
sic 124:13 150:17 194:23	simultaneous 26:17 35:2 49:21	slide 93:21,23 94:1,4,11,20 95:2,3,12,18,19, 20,25 96:3,7,8,21 97:2,5,6 98:1,4,9, 23 99:26 100:9, 11 101:10 102:4, 11,17,25 103:8, 24,25 104:9,12 105:4,12,13,22 106:3,19,25 107:13,23,24 108:14,23 109:7 111:8 112:11,22 114:2 121:1 122:19 136:3,4 141:22,23 143:8 146:5 149:15 155:4,9,19 159:20,21 163:6	Solomon 34:23 55:19	speaking 35:19 48:7 49:20 50:8 106:4 119:4 171:24 184:13 188:15
sick 55:3	single 96:5 101:25 104:17,20 175:19 190:7 201:13 203:6	slide 93:21,23 94:1,4,11,20 95:2,3,12,18,19, 20,25 96:3,7,8,21 97:2,5,6 98:1,4,9, 23 99:26 100:9, 11 101:10 102:4, 11,17,25 103:8, 24,25 104:9,12 105:4,12,13,22 106:3,19,25 107:13,23,24 108:14,23 109:7 111:8 112:11,22 114:2 121:1 122:19 136:3,4 141:22,23 143:8 146:5 149:15 155:4,9,19 159:20,21 163:6	solution 128:10 139:4 206:14 207:21	specialist 60:14 64:12 65:1,23 67:12
	sip 122:26	slide 93:21,23 94:1,4,11,20 95:2,3,12,18,19, 20,25 96:3,7,8,21 97:2,5,6 98:1,4,9, 23 99:26 100:9, 11 101:10 102:4, 11,17,25 103:8, 24,25 104:9,12 105:4,12,13,22 106:3,19,25 107:13,23,24 108:14,23 109:7 111:8 112:11,22 114:2 121:1 122:19 136:3,4 141:22,23 143:8 146:5 149:15 155:4,9,19 159:20,21 163:6	sooner 153:6	specialists 54:10
	sister 63:20	slide 93:21,23 94:1,4,11,20 95:2,3,12,18,19, 20,25 96:3,7,8,21 97:2,5,6 98:1,4,9, 23 99:26 100:9, 11 101:10 102:4, 11,17,25 103:8, 24,25 104:9,12 105:4,12,13,22 106:3,19,25 107:13,23,24 108:14,23 109:7 111:8 112:11,22 114:2 121:1 122:19 136:3,4 141:22,23 143:8 146:5 149:15 155:4,9,19 159:20,21 163:6	Sorckoff 62:20	species 62:26 159:9 160:23
	sit 32:22 33:1	slide 93:21,23 94:1,4,11,20 95:2,3,12,18,19, 20,25 96:3,7,8,21 97:2,5,6 98:1,4,9, 23 99:26 100:9, 11 101:10 102:4, 11,17,25 103:8, 24,25 104:9,12 105:4,12,13,22 106:3,19,25 107:13,23,24 108:14,23 109:7 111:8 112:11,22 114:2 121:1 122:19 136:3,4 141:22,23 143:8 146:5 149:15 155:4,9,19 159:20,21 163:6	sort 199:23	
		slide 93:21,23 94:1,4,11,20 95:2,3,12,18,19, 20,25 96:3,7,8,21 97:2,5,6 98:1,4,9, 23 99:26 100:9, 11 101:10 102:4, 11,17,25 103:8, 24,25 104:9,12 105:4,12,13,22 106:3,19,25 107:13,23,24 108:14,23 109:7 111:8 112:11,22 114:2 121:1 122:19 136:3,4 141:22,23 143:8 146:5 149:15 155:4,9,19 159:20,21 163:6	sought 22:13	

specific 73:24 83:16 86:23 103:26 110:23 136:2 181:15 191:17 197:8	80:13 199:3,4 200:13 201:22,24	206:21	stockpiles 95:22 100:18	submit 28:14 162:13 167:7
specifically 28:17 120:20 160:26 166:22 175:21 176:19 199:12 206:26	stage 31:8,11 38:17 39:3 44:15	states 121:1 158:25 163:6	Stoddart 64:25, 26 65:9,10,11,13, 17	submitted 73:3 98:12 108:14,17 115:13 116:13 118:16,18,24 135:20 145:1,6 164:6 187:7 190:18 201:19 203:3,15
specifics 175:1	stages 95:10	stating 124:8	stop 111:11	submitting 39:17 134:8
spectrum 131:25	stakeholders 77:15	stationary 36:5 159:7	story 194:2	subsequent 90:14 195:15
spell 25:17,24 91:14 92:4	stand 134:15 186:3	status 108:20 154:10	straightforward 116:22	subsequently 28:22 134:10 187:11 192:15
spellings 92:7,9	standard 199:25	stay 105:24	strategy 77:21,22	substantial 75:2, 6,11 76:15 102:13 111:4
Spencer 60:6 172:24,26	standards 94:8 109:18	Steensby 37:14, 15 38:10,15 126:20,23 127:21 128:11 133:20 203:25 204:16 206:9	stream 107:21	substantially 75:21 78:9 122:25 182:3
spending 183:8	Stantec 53:8	stenographers 24:21	streams 73:20 107:11,21	success 21:18
spill 159:6	Star 50:8	step 50:21 70:19	strength 88:20	successful 97:16 180:21
spirit 86:7	start 21:1 24:21 32:3 34:9 79:6,23 85:7 90:6 104:5 112:12,14 113:19 126:11 127:9 142:22 161:10 163:2	steepness 99:22	strengthen 77:13,22	suddenly 164:16
spoke 175:25	started 162:25	stem 88:16	stress 191:14 204:1	sufficient 85:12, 19
SPOKEN 20:6,8 54:18 67:4 113:10,12 134:20 155:1 167:18 170:17 171:9 172:1,10,14,21, 23	starting 45:24 94:14 112:16 129:24	stenographers 24:21	strict 21:24	sufficiently 85:6 173:21
spokespeople 66:17	state 25:17,23 35:19 48:12 91:14 92:4 93:9 145:15 194:5	step 50:21 70:19	strictly 188:15	suggest 183:7 185:17,23 187:24 192:21 197:13
spokesperson 53:13 89:22,23	stated 128:9 173:20 176:4 178:10 182:1	Stephen 60:2 91:23 92:25 93:6	strike 51:10	suggested 129:18 131:23
spring 82:24 162:12 197:5	starting 45:24 94:14 112:16 129:24	steps 36:23 84:4 86:5 105:14 207:19	strong 51:14,15, 17 73:11	suggesting 121:15,18 206:2
stability 97:8 105:4	state 25:17,23 35:19 48:12 91:14 92:4 93:9 145:15 194:5	Steve 59:11 93:1, 4	strongly 197:12	suggests 121:6
stable 97:18	stated 128:9 173:20 176:4 178:10 182:1	Steven 52:14 54:5 58:9 166:2	structure 29:10	suitable 94:23
staff 22:23 23:24 27:5 28:5,11 34:3,8 35:10,12, 13 36:13 41:22 42:8 43:22 44:1 47:9,11 50:10,14	statement 39:18, 23 79:14,23 105:17,19 115:22 121:10 127:6 132:7 173:16 174:5 178:20 187:16 189:22 191:10 199:17 202:5	Stewardship 73:16 75:8 107:9, 14,25 111:10,20 136:4,26 137:11, 22 138:14,16,18 149:2,25 150:3,9 163:7,9,14,15,23 168:8,24 169:7, 23,26	structured 45:16	suite 117:14
	statements 21:26 30:24 67:26 69:23 79:12,16 189:6 191:25	Stewart 54:10	structures 83:13 86:21 107:22 146:26	summaries 72:25 90:10 142:6
		stick 125:1	struggling 195:16	
		Stockley 59:19	studies 87:1	
		stockpiled 95:9, 10	study 160:10,11 195:24	
			subject 100:24 104:3 167:6 188:25 199:11	
			submission 26:8 186:15	
			submissions 40:22 45:3 74:25 96:26 108:22,26 110:18 180:19	

summarize 125:8	suspended 40:20 41:4	Tallurutiup 82:7	telephone 56:10 67:9	thoughts 153:12
summarized 72:2 74:25	suspension 41:13	tank 95:22	Television 27:23 67:15 198:25	thousand 88:4
summarizes 74:20	sustain 182:25,26 207:9,24	tap 119:12	temporary 50:11	thousands 87:19
summarizing 75:23	sustainability 78:11,19 179:6 181:21	Tara 34:22	Ten 100:6	threats 82:3
summary 25:4, 13 36:23 72:24 96:25 118:19 176:17 190:6	sustainable 70:11 77:9 78:2, 5,7 93:25 178:12, 21,26 180:23	Tax 76:14	ten-minute 193:7	three-person 32:17
sun 20:2,5	sustained 185:21	taxation 109:23	tenacity 70:18	thresholds 73:24 108:4,7 155:8,12 156:18 157:3,4, 12,19,25 173:23
Sunday 30:4	sustaining 77:11 123:9	team 24:18 52:4 54:6 62:22 64:9 65:12 75:20 78:15 81:7 197:20	Teresa 25:4,5,7 34:1,16 68:1,5 90:25 92:1 124:20 139:16 152:1 181:9 191:21	thrown 168:17
superintendent 65:24	swear 25:21 90:21	tech 24:19 53:24	term 32:1 78:2,11 97:17 109:22 179:18 182:8 206:1	Thursday 46:3 69:5
supper 46:10 161:8	swearing 25:2, 10,19 26:10 90:18	technical 24:13 28:3 29:24 30:1,2 34:5,12,13,14,19, 23,24 39:25,26 41:1,23 42:4,6,9, 14 46:11,12,13, 15 54:6 55:14 56:6 57:20 59:7 61:13,25 67:22 71:7 72:9 73:9 74:18 83:6,9,22 85:23 89:11,13 90:6,19 98:10 108:20,25 109:3 110:14 118:16 125:16 139:19,20 140:10 142:4,14 145:8 150:13 154:21 183:20 185:11 192:17	terms 31:13 33:4, 5 38:12 39:10 45:19 48:15 112:15 130:2 140:12 181:19,21 184:9,16,18 192:13 193:17	Tigullaraq 52:9 91:21 92:19
supplying 47:24	switch 26:1	technician 67:22	terrestrial 202:21	Tim 52:24 91:24 93:2,4
support 38:21 45:17 75:11,13 77:7 78:17 86:18 88:15 102:23 148:5 154:11 162:9 195:26 196:2	sworn 149:10 150:18 169:15 186:14	technicians 25:26 89:19 90:2	terrible 153:14	time 20:2,19 24:21 29:2 30:11, 16 35:19 40:13 41:11 45:22 46:9, 11,25 47:13,22 48:16,18 49:17 50:3 55:8 60:25 68:21,26 69:3,9, 10 80:2 82:26 83:25 85:12 86:1 87:14 90:14 92:10,12 94:16 96:10 109:16 112:5 114:14 120:4,19 122:2 123:18 125:12, 13,21 126:20 127:22,24 130:13 131:8,18,19 132:12,20 133:19,20 134:3, 8,15 142:23 145:10 147:19 148:17,24 149:12 151:10 155:11 157:24,26 159:17 163:9 165:16 167:5 169:9 174:26 179:24
supported 40:11 60:11 111:13 121:14	system 35:6 107:23 176:9	technology 41:15,24 47:18 49:7,10 55:6	territory 27:25	
supporting 59:15,20 61:6,22, 26 84:17 98:11 118:16 121:10 142:4 183:21 185:11 199:11	systems 149:17	teleconference 41:24 50:5,11,20 61:23 92:6	test 87:15	
supports 75:4			Tester 55:6 151:20 178:1 198:17	
supposed 82:24 146:7			tests 160:20	
Supramax 119:13			Thien-thanh 64:12	
surfaces 23:12			things 21:11 58:20 112:15 128:7 139:2 147:17	
Susan 54:8			thinking 153:11	
suspend 40:12, 22,25			thinks 186:3	
	T			
	table 26:23 46:18 94:19 98:10,14 135:19 140:7 150:7 154:8 175:7,22 176:17 196:10			
	tabled 150:10			
	taking 75:1 87:16			
	talk 179:5			
	talked 145:22 149:1			
	talking 24:22 112:13			

184:8 187:21 194:18 196:23 198:11 206:22 timeline 104:12 157:23 206:26 207:10 timelines 48:2 50:26 125:15 times 45:22 76:4 80:12 87:11 186:13 Timmy 52:15 Timothy 57:3 93:6 titled 149:15,16 Titus 35:3 tmeadows@ meadowslaw.ca 68:20 Tobin 62:4 today 20:15 35:2 36:25 46:12 60:10 64:10 66:16 92:10 94:1, 10 95:14 105:16 110:9 123:17 125:9 166:25 171:14 180:21 183:12 186:16 189:2 195:15 today's 178:9 told 147:25 150:11 Tom 63:1 tomorrow 68:20, 21 208:3,5 tonight 46:3 167:22 168:16 208:1 tonnage 114:7,8 115:21 116:6,15, 16 117:26 119:15 129:26 186:18 187:1 189:5,16 192:16 200:18	201:12 tonnages 190:9 tonne 78:8,10 100:4 129:4 133:11 179:10,16 186:18 tonnes 37:9,22 38:7,9,22 87:8 112:11 116:2 117:25 118:6 119:8,21 123:1 128:14,16,26 129:3,21 131:12, 17,24 132:11 166:16,19,22,26 187:11,12 188:24 189:17 190:8,10, 13,16,24 192:9 199:13 201:2 202:6,7,8,10,15 203:6,24,26 207:3 tons 116:4 187:20 top 90:1 95:18,24 topic-specific 108:21 topics 40:18 74:19 97:3 110:22,23 total 76:2 101:6 102:19,20 103:2 114:24,26 143:2, 10,17,23 158:26 159:22,25 195:22 198:3 202:14 totalling 202:7 tote 29:19 37:6, 10,26 38:2,23 40:5 95:9,20 99:8,13,15,18 113:4 205:21 206:4,13 207:4 touch 23:12 touched 186:12	tracing 22:25 27:17 traction 84:7 tradition 47:6 train 99:22 100:2,6 training 75:14 76:18 77:18 78:12 107:3 109:21 147:1 trains 37:26 transboundary 43:10 transcribed 209:6 transcript 24:26 35:15,18,21 93:10 178:18 209:1,5 transfer 129:20 transferred 98:20 transit 101:21 142:26 143:14 144:5,13 159:5 168:6 197:4,23 transits 38:4 143:17,22,23 144:9,12 175:15, 18,20 176:1,6,10, 19,20 177:2,7,9, 17 195:19,21,24, 26 196:1,8,20,25 197:6,24,26 201:1 translated 71:9 translation 20:7, 8 49:21 54:19 113:11,13 134:20 155:2 167:19 170:18 171:10 172:2,11,15,22, 24 translations 96:4	translator 26:20 transmission 23:9 transmitted 61:14 transparent 120:6,7 transport 38:1 65:26 66:5 95:8 98:22 179:9 transportation 59:5,10,23 78:9 98:8 99:8 100:3, 20,21 104:18 124:3 199:16 transporting 207:2 trappers 28:18 43:13 55:11 56:15,18 57:14, 17 58:8,10,12,17 72:26 113:14,17, 23 114:16,18 115:17 116:19 117:18 120:12 121:11 122:16 123:21 124:1 126:1,3,6 128:3,5 129:14,16 132:4, 22 134:18,23,25 135:22,24 136:22 137:17,19 138:23,25 141:2, 4 152:10 154:16, 21 161:10,19,20, 24,26 162:8,10, 15,24 163:1 164:12,17 166:1, 13 167:12,21,24, 26 169:3,14 170:3 travel 30:8 41:8 80:6 152:14 travelling 81:4 151:4	treat 160:16,18 treatments 160:21 triple 119:6 triple-fold 118:2 trips 38:5 100:6,7 177:9 trouble 27:3 35:10 truck 98:20 100:2,8 trucking 37:25 121:18 131:19,22 179:7 206:15 207:13 trucks 95:8 113:4,6 206:13 true 88:16 126:11 trust 148:14 truth 25:18 26:2, 9 truthful 194:3 Tucktoo 34:21 35:5 tug 195:21 tugs 143:2,3 159:24 177:17 196:2,3,5 Tulugarjuk 67:21 Tunngavik 40:10 54:13,14, 17 103:4 112:2,4 169:13 turn 19:15 24:12, 16,18 25:3 46:20 47:1 48:11,20 49:9,26 60:25 61:16 63:13 110:24 turned 50:2 164:25 TV 27:25,26 28:1
--	---	---	---	--

two-day 40:8
two-year 117:2
type 199:14
 201:14
types 114:6
 200:17
typical 156:26
typically 181:16

U

Ublaakut 70:1
Udloriak 52:8
Udlu 91:20 92:19
ultimately
 179:15
unable 152:14
unanswered
 83:5
unanticipated
 108:8 131:21
uncertainty
 109:11
understand
 58:20 70:13
 71:11 82:12
 93:19 122:5,20
 137:20 138:26
 139:4 141:6,10
 142:5 164:25
 175:14 182:13
 195:14,16 200:24
understanding
 73:2 80:22
 116:24 117:24
 122:13 124:10
 135:3,5 136:5
 151:9,13 163:10
 180:2 186:2
understands
 48:24
understood
 87:14 121:3,6,16,
 17,20,21 131:19

157:11 170:10
 173:17
underwater
 161:1
underway 36:16
uneconomical
 200:5
unfair 141:16
unfortunate
 63:26 115:20
Unger 64:15,16,
 17
unique 122:5
unit 65:4,6,24,25
 123:11 182:7,24
 183:3
united 83:7
unloading
 100:17
unmute 50:7
unmutes 24:20
unnecessarily
 85:11
unprecedented
 74:12 80:12
unreasonable
 191:15
unreliable
 121:14
unresolved 42:8
 162:11
unsolved 72:9
unusual 23:12
unwell 23:19
unwilling 51:12
update 50:12,14
 63:14 68:2 75:24
 94:15 135:13
 185:24
updated 39:14
 96:24 98:12
 105:26 118:25
 145:1 183:21

184:17 190:4
updates 67:26
updating 29:26
 106:4
upgrade 205:22
upper 99:11
 120:7
urges 86:5
users 107:17
utilized 114:6
 143:4
Uvagut 28:1

V

vaccinations
 153:3
Valeria 55:19
Valerie 57:3
valued 105:20
valuer 170:6,21
values 74:9 94:7
 185:10
VAN 93:6
Vancouver 55:6
variability
 104:26
variable 177:7,
 12
variety 61:25
 116:16
varying 31:20
vehicles 100:6
Venn 69:22
venue 22:22
 152:21,22
Vergara 55:20
Veronica 35:2
 63:18 64:1 79:23
versions 164:22
versus 148:1
vessel 114:3,8,9,

13 115:21 116:15
 118:21 119:6
 144:2,14 159:1
 160:6 176:5
 186:14,22 190:25
 195:13 198:6
 200:17,25 201:1,
 13
vessels 95:11
 98:22 101:3,4,5,
 6,16 102:1,5,8,9,
 10 114:4,22
 115:10 116:8,16
 117:4,14 118:22
 119:9,13,14,21
 120:8 142:25
 143:3,9,17,22
 144:14,20,24
 159:12,15,22
 160:5,6,15,16,25
 161:2,4,5 169:22
 175:9,10,12,15,
 17,26 176:8,16,
 20 177:15
 186:18,26 190:23
 195:24 196:24,25
 197:2 200:19,20,
 22 201:7,9,10,11,
 15
viability 122:20
 132:1,13 133:10,
 16 179:5 180:19
 181:13,19 183:8
 200:1
viable 179:12,17
 206:1,4,10,14,24
 207:2,21
vibrate 48:22
 50:17
vibration 159:13,
 14,16 160:25
vibrations
 160:26
vice 55:13 57:24
 70:10 93:24

Vice-president
 70:3
Vicki 53:8
Vidal 35:16
 209:3,21
video 35:6 65:7,
 18 98:1
videoconference
 67:23
view 28:2 40:4
views 30:17 51:5
 71:6,14
Vincent 55:20
virtually 70:9
visit 32:26 40:3
visiting 102:6
voices 80:7
volume 61:17
 85:26 202:14
volumes 78:10
 178:13 202:14
voyages 175:13
 198:3

W

wait 48:4 65:9,10
 152:26
waiting 24:11
Wallace 53:9
Walsh 60:19
wanted 81:2
 145:15 162:2,11
 165:10,21
 193:21,26 194:5
 195:4 198:17,19
warrant 185:24
Warren 166:5
 167:12
wash 23:11,14
washing 23:6,8
washrooms 28:6,
 7

waste 147:19
water 47:24 62:4
 84:26 111:10,21
 135:14 159:3,4,6,
 9,26 160:5,8,11,
 16,17,22 168:9,
 12 170:15
waters 81:26
 82:17 87:19 88:6
 160:8,24
wave 34:8
ways 23:19 49:2
 58:20 83:16 84:5
 87:7 94:26 146:3
wear 23:1 35:25
wearing 23:12
website 44:2 73:4
Wednesday 46:3
 69:1
week 20:3,16
 34:24 46:2 59:7
 67:6 69:9 85:7,17
 87:3,4 88:19
 150:1 154:2
 197:23,25
weeks 20:1 29:23
 78:23 80:26
 81:11 85:25
 86:10 87:8
 126:13
welcomed 32:13
welcomes 36:10
welcoming
 193:16
well-being 44:17
 73:15 84:2
Wendy 64:11
West 66:23
western 37:13
 97:14
white 58:21
widespread
 153:2

wildlife 54:19
 59:18 60:3 62:3
 67:1,4 100:6
 193:11 195:11
 197:15 198:13,16
Williamson 54:5
willingness 80:6
Wilson 62:5
 64:11
window 118:4
Winterbottom
 53:2
wisdom 88:20
wishing 153:26
witnesses 25:2,11
 66:19,21,22
 90:19 92:3
wondered 25:9
wondering
 155:10 156:20
Wood 53:10
word 63:19
work 21:16 25:13
 46:24 64:17
 70:24 71:4,24
 72:13 73:10
 74:21 75:21
 78:15 85:12 88:3,
 6,26 94:9 95:1
 96:13 134:5
 135:4 136:18,24
 138:10 147:15
 148:16,17 149:1,
 2,6,24 150:2
 156:4,9 165:12,
 16 173:24 206:5
worked 21:21
 42:5 71:19 80:14
workforce 105:7
 129:23
working 27:22
 33:19 56:1,3,7,9,
 13 65:18 70:22
 89:2 106:6 109:2,
 5 142:9,11,16

143:11 144:16
 145:3 147:7,18
 148:8 149:21
 163:13 169:26
 175:7 197:21
workshop 96:15
world 67:1,4
 70:15 81:21
 179:11 184:10
 193:11 195:11
 197:15 198:13,16
world-wide 78:3
Worships 70:3
worth 131:2
would've 131:23
wrap 30:7
writing 68:17
 69:7
written 28:16
 29:3 33:13 40:21
 45:9 68:19,25
 69:13,18 71:2
 72:1 108:25
 110:18
wrote 162:6
 187:22
WWF's 195:18
Wyoming 52:25

Y

year 37:9,23
 38:7,9 71:18
 72:14 74:6 75:21
 78:16 83:10
 87:11 96:26
 100:25 101:23
 103:16 104:17,
 18,20,22 112:17
 115:24 123:1
 129:23 130:16
 139:22 144:8
 148:11 149:7
 166:22 176:6
 182:5,16 185:21

187:11,12,22
 188:24 189:17
 190:7,10,25
 199:14 203:6
 206:26 207:7
year's 190:15
years 32:12 87:19
 88:4 97:12
 103:12 104:23
 106:7 110:13
 112:24 115:22
 117:5,12 122:3
 128:11 132:23
 172:9 182:4
years' 190:8
Yuan 54:22

Z

Zacharias 67:20
Zell 59:21
Zoom 49:24 50:1
 55:14 56:10 58:6
 60:4 61:22 65:2,
 22 89:16,17,26
 92:23,24 113:23
Zyla 55:17