

NUNAVUT IMPACT REVIEW BOARD

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

HEARING

VOLUME 4

Pond Inlet, Nunavut

January 28, 2021

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| 16 | February 6, 2021 | |

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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 | Intrinsik |
| 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. Aloofoo | 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. Kaernerker | 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 9:00 AM)

2 Opening Remarks

3 THE CHAIR: Good morning. I'm the Chair
4 of the Nunavut Impact Review Board, NIRB.

5 On behalf of the Board, I would like to welcome
6 everyone back to the Day 4 of the NIRB -- Nunavut
7 Impact Review Board resumed public hearing associated
8 with its assessment of Baffinland Mine Ore Corporation,
9 Phase 2 development proposal.

10 For the people in Pond Inlet and also in Iqaluit,
11 welcome. Joining us by -- us in Zoom or on the phone,
12 welcome.

13 Before the opening remarks I will ask Valerie
14 Curley to open in prayer in Iqaluit.

15 Opening Prayer

16 THE CHAIR: Thank you, Valerie.

17 Just a quick reminder to everyone participating in
18 person here in Pond Inlet and in the hub in Iqaluit,
19 that due to the COVID-19 pandemic, the Nunavut Impact
20 Review Board has put in place additional procedures for
21 those attending in person to keep us all safe and in
22 compliance with local public health requirements so
23 that the Board can have 80 people join us in Iqaluit
24 and 100 people here in Pond Inlet.

25 The Board has posted our COVID-19 practices in
26 English and Inuktitut on the doors as you enter the

1 hall, and we require everyone to comply with these
2 requirements so that we can ensure we all remain safe
3 and healthy.

4 The pandemic has also limited the ability of
5 people to travel to Iqaluit or Pond Inlet, so several
6 people are joining us via video and audio links.

7 Wherever you are and however you are participating
8 in this public hearing, the Board really appreciates
9 you taking the time to join us during these important
10 meetings.

11 For organizations who have participants on the
12 phone, when it is your organization's turn to speak, I
13 will call on the spokesperson for the organization to
14 respond, and they will, in turn, delegate to the
15 appropriate member of their team to speak.

16 If the person who will be speaking is linked into
17 the proceedings through Zoom, please press the "hand"
18 button on your screen and turn off the translation
19 feed, and the sound technician will switch the feed so
20 that we can see and hear you.

21 If a party is attending on the phone, there may
22 be -- also be a slight delay as the sound tech unmutes
23 your line. Please be patient as we get used to this
24 technology. For all parties, before you speak, please
25 say your name and identify the organization that you
26 will be speaking for, and be mindful of our

1 interpreters as you go so that we can ensure the Board
2 has an accurate record of these proceedings.

3 Please note that simultaneous interpretation of
4 the proceedings is available throughout these meetings
5 with interpreters here in Pond Inlet, and an additional
6 interpreter is available in Iqaluit to assist with
7 logistics for the designated community representatives.

8 Receivers are available at the sign-in table at
9 each in-person location, and language specific
10 information has been provided for those participating
11 online. In both Pond Inlet and Iqaluit, receivers are
12 using the following channels: Channel 0, floor;
13 Channel 1, English; Channel 2, Inuktitut.

14 If you are at an in-person location and are having
15 trouble hearing the proceedings, please let one of the
16 NIRB staff know, and they will assist you. Any issues
17 with the online feed can be communicated to Keith
18 Morrison.

19 For those attending in Pond Inlet -- in person in
20 Pond Inlet and Iqaluit, there are sign-in sheets at the
21 table as you come in. I ask everyone to sign in on
22 these sheets if you have not already done so. This
23 will ensure that the Nunavut Impact Review Board can
24 provide an accurate record of hearing participants and
25 adhere to public health measures.

26 The Nunavut Impact Review Board is required to

1 gather contact information for everyone attending in
2 Iqaluit and Pond Inlet. This information will only be
3 used for contact tracing purposes.

4 Those participating through the online feed should
5 have preregistered to receive the information, but if
6 you did not preregister, please contact Cory Barker to
7 indicate your participation.

8 In addition to the video feed for participants on
9 Zoom, the Board is working with the Nunavut Independent
10 Television Network to arrange to broadcast the live
11 feed from Pond Inlet and Iqaluit through the Arctic
12 Co-operative and Shaw Direct Cable TV throughout the
13 territory and beyond through Uvagut TV. These
14 additional broadcasting measures are intended to enable
15 community members to view the technical sessions and
16 community roundtable of the public hearing from their
17 own home.

18 As I noted yesterday, there are several media
19 outlets including CBC, Nunatsiaq News, and The Canadian
20 Press all following these proceedings via Zoom.

21 The Board reminds the media filming these
22 proceedings in Pond Inlet that they are to remain
23 stationary while the public hearing is in session and
24 are required to identify themselves as media
25 representatives if they attend in person in Iqaluit or
26 Pond Inlet. The Board appreciates the media attending

1 and reporting about these proceedings to audiences
2 within and outside Nunavut.

3 For the safety and convenience of everyone here
4 with me in Pond Inlet, the washrooms are located
5 outside this room in the lobby area, and exits are
6 located through the main doors to the lobby and on both
7 sides of this room.

8 However, to exit the room during breaks, we ask
9 that you use the main lobby entryway. In Iqaluit, NIRB
10 staff will give you information about the washrooms and
11 emergency exits in your location.

12 Throughout these hearings, I will be chairing the
13 meetings from the hall here in Pond Inlet. To my left
14 is Catherine Emrick, and to my right is Madeline
15 Qumuatuq. We are the three-member Panel responsible
16 for decision-making in respect of the Phase 2
17 development project. The Panel is supported in Pond
18 Inlet, Iqaluit, and on the phone by several members of
19 the Board staff and legal counsel. In the interest of
20 time, I won't reintroduce them all to you, but if you
21 need assistance, please look for the people with the
22 NIRB badges, and they'll help you out.

23 As I indicated yesterday, the Board will be
24 limiting each intervenor to three questions about their
25 unresolved technical issues in respect of the topics
26 presented in the first round of questioning following

1 Baffinland's presentation. And if an intervenor
2 indicates to the Board that they have more than three
3 questions, once the Board has completed a first round
4 of three questions for each intervenor, the Board will
5 return to intervenors who have additional questions for
6 a second round of questioning for a shorter
7 time-limited session. The Board appreciates the
8 efforts of all parties to keep their questions short,
9 to the point, and we ask parties to be prepared to ask
10 their questions or provide answers when I turn the
11 microphone to you.

12 Yesterday, we left off with questions on
13 "Atmospheric Environment", "Freshwater Environment",
14 and "Human Health". Next on the list was Qikiqtani
15 Inuit Association, Jared Ottenhof.

16 MR. OTTENHOF: Jared Ottenhof for the
17 Qikiqtani Inuit Association. I'm just having a little
18 bit of trouble calling up our questions right now. If
19 we could defer to the next intervenor and come back, it
20 would be much appreciated. Thank you.

21 THE CHAIR: Hamlet of Pond Inlet, Joshua
22 Arreak.

23 MR. ARREAK: Thank you, from hamlet, Joshua
24 Arreak. At the time we have no questions or comments.
25 Thank you.

26 THE CHAIR: Mittimatalik Hunters and

1 Trappers Organization, Eric Ootoovak.

2 MR. OOTOOVAK: Thank you, Madam Chair. Eric
3 Ootoovak.

4 If you could wait a bit, maybe two minutes to
5 bring up my comments or questions I want to bring up.

6 THE CHAIR: Qikiqtani Inuit Association,
7 Jared Ottenhof.

8 Qikiqtani Inuit Association Questions Baffinland Iron
9 Mines Corporation

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

12 This question is in respect of climate change.
13 Baffinland has been developing a climate change action
14 plan. In various submissions throughout this review
15 process, Qikiqtani Inuit Association has recommended
16 that Baffinland provide updates on the progress made in
17 developing this plan.

18 In Baffinland's 2019 annual report, it noted that
19 the company was actively working to draft an amended
20 climate change strategy using a two-stage process.
21 Baffinland's response to annual report comments
22 indicated that the current timeline was to complete all
23 tasks of Stage 1 by the end of the fourth quarter of
24 2020 and then to begin planning and implementation of
25 Stage 2 tasks with the objective of completing all
26 tasks required to finalize a climate change strategy

1 and implement an action plan by the end of the second
2 quarter of 2021.

3 My question is: Is this timeline still in effect,
4 and when does Baffinland anticipate being able to
5 provide updated material for review? Will Baffinland
6 commit to providing an update on the status of this
7 strategy in a current draft within 30 days of the
8 Nunavut Impact Review Board decision? And we'd also
9 like to note that we are -- we'd like to acknowledge
10 the work and technical expertise on this topic of the
11 World Wildlife Fund and Environment and Climate Change
12 Canada and what they have brought to the subject and
13 also support their review comments. Thank you, Madam
14 Chair.

15 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

17 Yes. We commit to provide a status update and a
18 current draft 30 days post-NIRB recommendation. Thank
19 you.

20 THE CHAIR: Qikiqtani Inuit Association,
21 Jared Ottenhof.

22 MR. OTTENHOF: Thank you, Madam Chair.

23 That's all.

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

26 MR. ARREAK: (INUKTITUT SPOKEN - NO

1 TRANSLATION)

2 THE CHAIR: Mittimatalik Hunters and
3 Trappers Organization, Eric Ootoovak.

4 Mittimatalik Hunters and Trappers Organization
5 Questions Baffinland Iron Mines Corporation

6 MR. OOTOOVAK: This is Eric Ootoovak from the
7 Hunters and Trappers in Pond Inlet, I will ask my
8 question in English.

9 We heard your presentation reference to Inuit
10 Qaujimagatuqangit, which told you where Inuit generally
11 tend to fish. Was any other Inuit Qaujimagatuqangit
12 about the freshwater environment collected in regards
13 to the freshwater environment? Specifically, have you
14 heard Inuit say how important fish is to our diet, to
15 our traditional activities, and to the marine mammals
16 we depend on, and, if so, has Baffinland begun to do
17 additional surveys for fish presence in Phillips Creek,
18 Tugaat, and Koluktoo, and has it started the ongoing
19 monitoring of Arctic char health as directed by
20 Condition 48A from your existing project certificate,
21 and, if not, why not? Qujannamiik, Iksivauta.

22 THE CHAIR: Baffinland, Megan Lord-Hoyle.

23 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.
24 I'll ask Lou Kamermans to respond.

25 THE CHAIR: Lou Kamermans.

26 MR. KAMERMANS: Lou Kamermans, Baffinland.

1 Thank you, Madam Chair.

2 To answer the first question, yes, we have heard
3 through our Inuit Qaujima jatugangit studies how
4 important fish and fishing is to Inuit, and this was
5 also confirmed in the Tusaqtavut reports.

6 As for compliance with Project Certificate Term
7 and Condition 48A, which requires Baffinland to work
8 with the Mittimatalik Hunters and Trappers Organization
9 on a fish health monitoring program that could include
10 Phillips Creek, Koluktoo Lake, and the Tugaat river, we
11 have put a proposal forward to the Mittimatalik Hunters
12 and Trappers Organization to begin discussions on what
13 the design of that study will look like and its plan
14 for implementation in 2021. And the reason for the
15 delay is we needed -- since the technical meeting when
16 this discussion began, to develop our draft approach to
17 bring to the Mittimatalik Hunters and Trappers
18 Organization for discussion, and to prepare for the
19 next open-water season when the monitoring can be
20 conducted. Qujannamiik.

21 THE CHAIR: Hamlet of Pond Inlet, Joshua
22 Arreak.

23 Hamlet of Pond Inlet Questions Baffinland Iron Mines
24 Corporation

25 MR. ARREAK: Thank you, Chairperson.

26 Perhaps today I would have a chance to present.

1 Perhaps today -- right now, I would like the -- to move
2 it to my deputy mayor, Moses Koonark.

3 THE CHAIR: Moses.

4 MR. KOONARK: Thank you, Chairperson, on
5 behalf of the Hamlet of Pond Inlet.

6 When you look at the map there is three questions
7 on that map on the Presentation Number 33, 35, and the
8 last one on 42. Just the questions on those.

9 It says in Slide 33 that Inuit participate in the
10 agreement. I'm not sure I understand this. When you
11 talk about agreements, it says inside here -- is there
12 something that is not agreed to by the Hamlet of Pond
13 Inlet? I know that there is some items that have
14 not -- agreed to by the Hamlet of Pond Inlet or the
15 Mittimatalik Hunters and Trappers Organization,
16 although I think because of these missing items, when
17 it says "agreement" here, it is misstating. And it
18 says that there are benefits to the community, benefits
19 here, so I will mention again later, but thank you.
20 That's my question.

21 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

23 I'll ask Lou Kamermans to respond.

24 THE CHAIR: Lou Kamermans.

25 MR. KAMERMANS: Lou Kamermans, Baffinland.

26 Thank you, Madam Chair.

1 I'm looking at Slide 33 from the freshwater
2 presentation where it says: (as read)

3 Enhanced Baffinland and Inuit collaboration
4 on tote road monitoring and water crossing
5 construction monitoring.

6 So to speak to that, we have committed to expand our
7 current tote road monitoring program to include the
8 north railway, and we've also committed to the
9 Qikiqtani Inuit Association to have Inuit construction
10 monitors on-site during the construction of the
11 railway.

12 Now, through this monitoring program and on-site
13 oversight, we believe we will be applying the
14 principles of adaptive management, also agreed to with
15 the Qikiqtani Inuit Association that will bring with it
16 the accountability of building the railway as it was
17 proposed and agreed to, and to thoroughly monitor the
18 freshwater in the area to ensure we're not exceeding
19 any of our predictions. And if that were to happen,
20 Inuit will be directly involved in how do we respond to
21 that. Thank you.

22 THE CHAIR: Mittimatalik Hamlet, Moses.

23 MR. KOONARK: Thank you, Chairperson.
24 Hamlet of Pond Inlet.

25 I understand that, and, secondly, 40 and 42 in the
26 maps, questions -- it says Kanatjuk where the railway

1 line is, although the Hunters and Trappers Organization
2 and Hamlet of Pond Inlet has not agreed to -- we have
3 not agreed to this route. Why is it still as a
4 presentation to this Phase 2 proposal with the Kanatjuk
5 route, and we heard this particular area is the calving
6 area for the caribou.

7 We are not in agreement because we know that we
8 have yet to agree to this route. There are agreements
9 in the drafts for a particular route going to Milne
10 Inlet. It's a straight line towards Milne Inlet. It
11 says here that Hamlet of Pond Inlet and the
12 Mittimatalik Hunters and Trappers have agreed to.

13 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

15 I'll be clear that no route for the railroad has been
16 approved yet by any party. That is what this process
17 is for. But Route 3 represents a change from the
18 original proposal that Baffinland put forward. We have
19 moved the rail alignment in the area near Kanatjuk to
20 move from one side of the river to the other side,
21 which provides a larger distance from a frequent trail
22 that's used for travel.

23 This came out of a workshop that was held on-site,
24 this change. We were asked to look at other routes
25 that were more preferable by community representatives
26 present at that workshop, but we determined that they

1 were not possible based on environmental and safety
2 considerations. So we have tried to do everything with
3 the rail alignment that we could do within the existing
4 transportation corridor, and we are putting forward
5 Route 3 as the final proposed rail alignment for
6 consideration by the Board.

7 We recognize this area of special importance, and
8 we propose to implement operational strategies that
9 recognize the heightened importance of the area, and we
10 can implement operational measures such as slower
11 speeds, additional crossings, cabins, that will help
12 ensure that this area can continue to be used by Inuit
13 as well as by Baffinland. Thank you.

14 THE CHAIR: Mittimatalik Hamlet, Moses.

15 MR. KOONARK: Thank you, Chairperson. I
16 understand a little bit more. I have no further
17 questions.

18 THE CHAIR: Now, I will turn the agenda to
19 Item 6.4, Baffinland's presentation on the "Terrestrial
20 Environment". NIRB legal counsel.

21 MS. MEADOWS: Thank you, Madam Chair.

22 Teresa Meadows, legal counsel for the Nunavut Impact
23 Review Board.

24 Madam Chair, in advance of this presentation, I
25 have the following five witnesses that need to be
26 affirmed, so I will list them, and then I will

1 administer the affirmation and if the people that I
2 have listed would then join the call and advise that
3 they so affirm. So state your name and say "I affirm".

4 So the next five witnesses will be Anne McLeod,
5 Julian Kirzan or -- sorry, Julia Krizan, Denys Del Cardo,
6 Louis-Rene Pelletier, Sean Sefsik, and I apologize for
7 mispronunciations of your name.

8 ANNE MCLEOD, JULIA KIRZEN, Affirmed

9 MS. LORD-HOYLE: Madam Chair, it's Megan
10 Lord-Hoyle. May I provide a clarification?

11 THE CHAIR: Megan Lord-Hoyle.

12 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.
13 Apologies for not getting this to you this morning, but
14 we've had a slight change in participant list, so I'm
15 going to ask that only Sean Sefsik is sworn in this
16 morning. Thank you.

17 SEAN SEFSIK, Affirmed

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 have one additional exhibit to mark
23 and enter into the hearing record being the
24 "Terrestrial Environment" presentation that is about to
25 be presented. It is a single version in English and
26 Inuktitut, and those are my procedural matters, Madam

1 Chair.

2 EXHIBIT 7 - Hard copy PowerPoint presentation
3 Terrestrial Environment Public Hearing
4 Iqaluit and Pond Inlet January 25 -
5 February 6, 2021 (English/Inuktitut)

6 THE CHAIR: Baffinland, Megan Lord-Hoyle.
7 Presentation by Baffinland Iron Mines Corporation,
8 (Terrestrial Environment)

9 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.
10 While I wait for the presentation to be brought up,
11 I'll explain that Joe Tigullaraq was meant to be giving
12 this presentation in Inuktitut for us today. He has
13 unfortunately had to step out for an emergency call.
14 Should he come back in, I may pass over the remaining
15 part of the presentation to him, if available, but I
16 will present currently.

17 Thank you, Madam Chair. We'll now be going
18 through the "Terrestrial Environment" assessment
19 presentation.

20 On this panel, we'll include Joe Tigullaraq, Lou
21 Kamermans, Fay Pittman, Connor Devereaux, Michael
22 Setterington, Anne McLeod, Julia Krizan, Christine
23 Moore, Sean Sefsik, Fanus van Biljon. Next slide.

24 The terrestrial presentation was provided at the
25 November 2019 hearing as well as a full round of
26 questions, so this presentation will be a summary

1 version of the presentation, and I may skip slides that
2 have been previously presented. Next slide. Next
3 slide.

4 The terrestrial environment considers potential
5 impacts on vegetation, wildlife, and birds, which have
6 been presented in Technical Supporting Document or
7 TSD-9, 10, and 12. Next slide.

8 The Phase 2 process -- or, sorry, the Phase 2
9 proposes increases to both the Milne Port and
10 transportation corridor development area. The nature
11 of activities will also change at both areas with the
12 introduction of the north railway and new crushing
13 facilities and expanded stockpiling at the port area.
14 There are no significant changes to the mine site for
15 the Phase 2. Next slide.

16 Learning and knowledge gathering have been a key
17 aspect of our long-term involvement in the Mary River
18 Projects baseline and environmental impacts
19 determination. This slide presents the number of years
20 that has been collected and has informed previous and
21 current assessments. Next slide. Next slide.

22 Public engagement on the terrestrial environment
23 began with workshops in 2007. In 2008, Baffinland held
24 a caribou specific focus group to learn from Inuit.
25 Thanks to the Inuit Qaujimajatuqangit that has been
26 shared with us, we have a better understanding of the

1 caribou population cycles and movements on north Baffin
2 Island. The contemporary knowledge workshops that were
3 conducted in 2015 and 2016 reviewed how community
4 knowledge had been incorporated into the baseline
5 impact assessment and follow-up monitoring programs.

6 We went back to the communities and presented this
7 information to verify with the participants that we had
8 interpreted their information correctly.

9 Baffinland held risk assessment workshops from
10 January through May 2019 to better incorporate Inuit
11 perspectives on the impacts of the project and
12 protection measures for the terrestrial environment.

13 The reports of those workshops were submitted to
14 the Nunavut Impact Review Board in October 2019. Also
15 in 2019, Baffinland conducted a railway crossings
16 workshop that included an on-site visit of the proposed
17 rail route and a viewing of the proposed railway
18 embankment.

19 Additional to those workshops, Baffinland has
20 held -- has had Elder participation in terrestrial
21 monitoring programs. Next slide.

22 This figure describes how Inuit Qaujimajatuqangit
23 was incorporated into each step of the assessment
24 development process. For instance, the community risk
25 assessment workshops in 2019 have helped to identify
26 important updates to both our terrestrial and marine

1 management plans. Next slide. Next slide. Next
2 slide.

3 Baffinland has minimized habitat loss by reducing
4 expansions of the project development area wherever
5 possible. This includes maintaining the north railway
6 within the transportation corridor established under
7 the North Baffin regional land-use plan. Next slide.

8 The railway is also being designed in a way that
9 supports caribou movement through the use of gentler
10 slopes and smoother fill material than originally
11 proposed. These are outcomes from the railway workshop
12 held on-site. The north railway will now be generally
13 built with the same design specifications as the
14 dedicated caribou crossings proposed and accepted for
15 the southern railway. Next slide.

16 Caribou may also make incidental use of other
17 level crossing areas across the north railway including
18 level crossings where the railway meets the tote road,
19 plate arch culverts, and dedicated land-user crossings.
20 Next slide. This will now be Slide 15.

21 There will be a significant reduction in activity
22 along the transportation corridor by exchanging 280
23 daily ore haul truck transits with a maximum of 20
24 daily ore train transits. This is a significant
25 reduction in potential disturbance to wildlife compared
26 to current operations. Next slide.

1 This slide shows images from the July 2019
2 crossing workshop where key outcomes have been
3 integrated throughout this presentation as well as the
4 final mitigation measures that have been put forward in
5 this process. Next slide, Slide 17.

6 In November 2019, Baffinland confirmed that it
7 would build Route 3 over the originally proposed route
8 by Baffinland, which was called Route 1. Baffinland
9 reaffirms its commitment to build Route 3 regardless of
10 the geotechnical studies and engineering requirements,
11 which Baffinland does not see as a barrier to
12 completing the construction of the rail alignment in
13 this area. Next slide.

14 This slide demonstrates relative slopes of the
15 north railway based on its intended use. Snowmobile
16 crossings will have a more gentle slope than additional
17 areas of the embankment. Next slide. Slide 19.

18 66 percent of the railway is expected to be
19 passable by caribou based on the current north railway
20 design. These images display examples of types of
21 crossings that will be available for wildlife and
22 demonstrate what a plate arch culvert, which is shown
23 in the far-left picture, looks like compared to a
24 typical barrel culvert shown in the two right-hand
25 photos that are typically used for fish passage. 14
26 plate arch culverts will be included in the railway

1 design and will act as underpasses. Next slide.

2 Baffinland's operational mitigation measures have
3 and will continue to be based on Inuit
4 Qaujimaqatugangit shared with us by the community,
5 including the need to give wildlife the right-of-way
6 and letting the leader pass. Next slide, Slide 21.

7 Other industry best practices will continue to be
8 implemented and applied to the north railway including
9 the implementation of speed limits, instituting
10 employee awareness training, and air and noise
11 management. Next slide, Slide 22.

12 During periods of elevated caribou presence in the
13 project area, operations will be modified and may
14 include seasonal speed restrictions, use of hi-rail
15 cars for wildlife detection, and a temporary stoppage
16 of rail operations during migratory movements. Next
17 slide.

18 The principle of adaptive management will guide
19 the operations of the railway with a specific protocol
20 developed to identify when and where additional
21 purpose-built crossings may be necessary. Next slide,
22 Slide 24. And please proceed to Slide 25.

23 This is the proposed caribou decision framework
24 for the north railway. It is meant to provide an
25 opportunity for rail operators to avoid negative
26 interactions with caribou when it is safe to do so.

1 Next slide, Slide 26.

2 Our monitoring includes a variety of programs that
3 both document project disturbance and assess how it is
4 impacting the surrounding environment. For vegetation,
5 this includes monitoring dust fall, metal uptake and
6 vegetation, and abundance and diversity of vegetation.
7 Next slide.

8 We conduct or support active migratory bird nest
9 surveys, have conducted cliff nesting raptor research,
10 and contribute to regional bird monitoring. Next
11 slide.

12 For wildlife, we conduct site-specific monitoring
13 and support regional-level studies. Project-specific
14 monitoring includes height-of-land surveys to examine
15 caribou habitat use and behaviour near the project
16 footprint; snow track surveys, looking at the movement
17 of caribou and other wildlife along the tote road; and
18 tracking of on-site wildlife observations and
19 harvesters. Next slide.

20 Under Phase 2, Baffinland will enter a formal
21 contribution agreement with the Government of Nunavut
22 to support ongoing regional monitoring efforts relevant
23 to the project. Next slide, Slide 30.

24 Should the Phase 2 project be approved, our
25 terrestrial monitoring plan will be updated to reflect
26 important commitments made throughout the review

1 process, a modified terms of reference for the
2 terrestrial environment working group, and the
3 relationship with the culture, resource, and land-use
4 monitoring program. Final updates to these plans will
5 be developed in consultation with the environment
6 working group and updated throughout the life of the
7 project. Next slide, Slide 31, and I'll ask Joe to
8 continue the rest of the presentation from here. Thank
9 you.

10 THE CHAIR: Joe Tigullaraq.

11 MR. TIGULLARAQ: Joe Tigullaraq from
12 Baffinland.

13 The adaptive management and the criteria implement
14 and stewardship plan, management programs and what
15 you're looking at here that Inuit committees would do
16 surveys and other stewardship plans and other things,
17 and the mitigation plans and the construction and other
18 things will be worked on in the management and in case
19 the mitigations and impacts that would happen in case
20 there should be any emergency, how would they respond
21 to -- to implement and rectify. 31. 32.

22 Baffinland know and understand other communities,
23 and they've been asked to consult from -- consultings
24 from Baffinland and in the future for mining issues.
25 And for the predictions beyond, if that should happen,
26 impacts and mitigation measures should be in place and

1 Baffinland has agreed to put in place adaptive
2 managements, and it shows here in the -- you can read
3 the written forms here. Slide 33, railway construction
4 adaptive managements.

5 Inuit, the commitments in --

6 (INUKTITUT SPOKEN - NO TRANSLATION)

7 THE INTERPRETER: Sorry.

8 THE CHAIR: We lost the translation feed
9 in English. If you can start over on Slide 33.

10 Joe Tigullaraq.

11 MR. TIGULLARAQ: Joe Tigullaraq, Baffinland.

12 Thank you, Madam Chairperson.

13 I will start 33 again, "Inuit Adaptive
14 Management", and it makes it clear that the work will
15 be continued, and the Inuit participate for monitoring
16 and for the mitigation measures in case there were any
17 impacts serious enough, so they would be included, that
18 they would implement, and Inuit would be -- would be in
19 stewardship plan and lead culture resources and
20 land-use monitoring. So the Inuit will be included,
21 the committees, and they would be leading the
22 committees by the --

23 THE CHAIR: Mr. Tigullaraq. Wait.

24 If you can please redisplay the slide. Please
25 continue.

26 MR. TIGULLARAQ: To begin again, 33.

1 (INUKTITUT SPOKEN - NO TRANSLATION)

2 MR. TIGULLARAQ: The adaptive management
3 agreement, and it's understandable and given the
4 information to the affected community so that the
5 Inuit -- so they could be involved and -- so they put
6 in place the mitigation measures to implement and to --
7 that the Inuit will be leading -- I mean, Inuit
8 stewardship plan to lead culture and resources and
9 land-use monitoring. The Inuit committees will be
10 working on these issues in participation and
11 monitoring, participation for culture and also
12 terrestrial land measures and to do review and survey.
13 Slide 34.

14 Through this Inuit adaptive management, there is
15 always a place to rectify and to understand, and other
16 changes that were made will be done, and Baffinland
17 also will have authority to give answers, and if there
18 should be any answers -- if there should be anything
19 that needs to be rectified for the mitigation measures
20 and if there should be any unsettling issues, then
21 Baffinland would help out in giving answers and so this
22 and the other -- and it will be given -- things to --
23 objectives for the Inuit, and Baffinland will give
24 appropriate responses and for hunting purposes and the
25 routes and the -- for the hunters to support them.
26 Next page. Next slide. Slide 36, please.

1 These key issues summary for the terrestrial
2 agreement, and if there should be any -- should be any
3 problems or barriers to human and caribou movement, the
4 railway alignment alternatives. Slide 37.

5 "Key Issues Summary." There's been questions
6 raised and questions -- mining -- there should be any
7 impacts and significant determinations, any -- and the
8 railway alignment issues they have been -- there should
9 be monitored -- monitoring in place.

10 If there should be any problems and technical
11 issues have been relayed to Baffinland during our
12 meetings, they've been brought up time and time again
13 in HTO Mittimatalik, and other intervenors have spoken
14 about -- of their thoughts and issues concerning the
15 impact to the environment through Baffinland, and it's
16 different -- different from Baffinland and what Inuit
17 want. Slide 38.

18 So Baffinland has done a lot of work in terms of
19 different types of rail crossings and where the road is
20 going to go has selected Route 3 and because of this,
21 the railroad as proposed, so half of it may be -- may
22 be two-thirds of it within the road availability for
23 our tuktu to cross, in that percentage, and so areas
24 have been placed that would reach all the way to Milne
25 Port, and these crossings, if there are issues on these
26 crossings that we would make sure they are planned into

1 the future.

2 There are 15 items written and given, technical
3 comments in regards to the terrestrial environment.
4 Today there are three that have been unresolved. Ten
5 have been resolved, and two we are looking at
6 currently. Slide 41, please.

7 So on Slide 41, there have been discussions on
8 these items and written submissions on proposed
9 applications on the route that was chosen by
10 Baffinland, so these are the two items that are being
11 outstanding and -- from World Wildlife Fund and from
12 the Mittimatalik Hunters and Trappers Organization.

13 And these two unresolved items, we're saying
14 they're outstanding, that Baffinland in regards to
15 their comments on the technical review, and just to
16 note that they are under consideration just to make
17 sure that there are minimal effects.

18 So in terms of the certificate on -- from Nunavut
19 Impact Review Board, if you look at Slide -- sorry, I'm
20 behind the times here. So in -- in terms of Slide 43,
21 there is a Project Certificate 005. We have given this
22 to Nunavut Impact Review Board to consider. There are
23 many -- there are changes regarding to -- to social and
24 also to safety and protection, and we have stated them
25 here. Next slide, please. Slide 45.

26 So for the terrestrial environment, we are looking

1 at adequately protecting and reduction of disturbance
2 for wildlife, trying to lessen the impact and -- by
3 monitoring. When the trucks are hauling iron ore and
4 on -- also on the rail route, we would be reducing the
5 dust emissions using the railroad, and it would be less
6 disturbance on the railroad.

7 So for those routes that have been chosen that we
8 would want to operate and construct the railroad in the
9 best possible management so that caribou, if there are
10 caribou, what sort of plan we would have and how we
11 would manage that, and also in terms of the embankment
12 on the railroad so that caribou can cross. Slide 46,
13 please.

14 So in terms of the protection, that terrestrial
15 environment be protected and is protected, and it's
16 important to Mittimatalik Hunters and Trappers
17 Organization, Qikiqtani Inuit Association, and other
18 regulators and Nunavut Department of Environment. So
19 if they are working together effectively, the
20 monitoring and the mitigation and the adaptive
21 management can be implemented for the terrestrial
22 environment. That is the end of our summary. Thank
23 you, Chairperson.

24 THE CHAIR: Right now it's now 10:20.
25 Let's take a 15-minute break, and we'll move on to
26 questions to the proponent.

1 (ADJOURNMENT)

2 THE CHAIR: Welcome back,
3 everyone.

4 Before we go into questioning of the proponent on
5 the terrestrial environment from the intervenors,
6 there's an Elder from Pond Inlet who would like to ask
7 a question.

8 Jayko Alooloo.

9 Jayko Alooloo (Elder) Questions Baffinland Iron Mines
10 Corporation

11 MR. ALOOLOO: You can hear me? Jayko
12 Alooloo from the Elders group. A question.

13 I keep hearing from -- since the meeting here that
14 Inuit -- that when Baffinland talks about Inuit, are
15 they talking about organizations, or are they talking
16 about Inuit from the communities? Could you clarify
17 that? I might add further to it.

18 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

20 Thanks for the opportunity to provide clarity. It
21 would depend on the context, I suppose, but what we are
22 looking for is feedback from Inuit in the impacted
23 communities, so that could come through public meetings
24 or meetings with organizations such as the Mittimatalik
25 Hunters and Trappers Organizations, hamlets, or other
26 community services but could also be the Qikiqtani

1 Inuit Association. Thank you.

2 THE CHAIR: Jayko Alooloo.

3 MR. ALOOLOO: Jayko Alooloo from Pond Inlet.

4 I wanted to ask this question because when they
5 first started -- by Baffinland starting from when they
6 started, there are representatives in -- in the
7 organizations and not from the communities, and I see
8 this as a hindrance. If Phase 2 was to go ahead, would
9 there be community involvement? Would there be more
10 community involvement with the Phase 2 project going
11 ahead? Because they keep saying Inuit -- that Inuit
12 are involved, and this is a clarification I wanted when
13 they say Inuit are involved.

14 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

16 Thank you for the question, and it's a very
17 important one. Yes. We want to hear from the impacted
18 communities. We want to hear how those who are closest
19 to the project experience changes in their lives as a
20 result of the project. It's my understanding that
21 earlier in the project development there were working
22 groups made up of community representatives, which are
23 no longer formally established. However, we do still
24 have direct community involvement in a number of
25 working groups.

26 The Mary River socio-economic working group has

1 representatives from each of the communities. And to
2 ensure that impacted communities have representatives
3 in the decision-making process, the Inuit committees
4 will be made up of representatives from each community.
5 Each impacted community will nominate members to be a
6 part of those Inuit committees. Thank you.

7 THE CHAIR: As I stated during my opening
8 remarks, we will go through the round of intervenors,
9 three questions each, and then we'll revisit another
10 round of questions.

11 First on the list is Jared Ottenhof, Qikiqtani
12 Inuit Association.
13 Qikiqtani Inuit Association Questions Baffinland Iron
14 Mines Corporation

15 MR. OTTENHOF: Jared Ottenhof with Qikiqtani
16 Inuit Association. We have more than three questions
17 on this topic. Before proceeding with our first three
18 questions of this round, I respectfully request that
19 following a Baffinland response on a potential final
20 question before moving to another of Qikiqtani Inuit
21 Association's subject-matter experts or to another
22 intervenor, that the Chair return the subject -- return
23 to the subject-matter expert to indicate whether or not
24 the response was adequate or acceptable with brief
25 rationale.

26 We request this so that the Board may

1 appropriately gauge the adequacy of response and to
2 ensure there is a proper flow of evidence if a
3 follow-up question is needed for clarification. I'll
4 now turn to Susan Leech for Qikiqtani Inuit
5 Association's terrestrial environment questions. Thank
6 you.

7 THE CHAIR: Qikiqtani Inuit Association,
8 Susan Leech.

9 MS. LEECH: Thank you, Madam Chair. Susan
10 Leech for the Qikiqtani Inuit Association.

11 Can I just confirm that you can hear me okay?

12 THE CHAIR: Yes. Please proceed.

13 MS. LEECH: Thank you.

14 My first question is about the engineering of the
15 railway. At earlier technical meetings, we asked a lot
16 of questions about impacts of the railway and the mine
17 on caribou. We're not going to reiterate all of those
18 as they're on the record already. They remain critical
19 concerns.

20 While some changes to the construction of the
21 railway have addressed some of these concerns, there
22 are still many areas of uncertainty in assessing
23 impacts of the rail on caribou. One of those is the
24 measures to make sure caribou can cross the railway
25 easily, which you touched on in your -- in your opening
26 presentation this morning.

1 The Qikiqtani Inuit Association continues to seek
2 clarification as we have no precedent for a railway in
3 the Arctic in such a critically important environment
4 for caribou. We do know from looking at road effects
5 that some caribou will avoid crossing roads some of the
6 time. The building standard for most roads in Canada's
7 north is for them to be built at a 1-to-3 side slope.

8 QIA -- or the Qikiqtani Inuit Association
9 understands that to increase permeability, so to make
10 it easier for caribou to cross, Baffinland is proposing
11 to build the north railway at 1-to-2 slopes from
12 embankment heights between 2 to 4 metres under the
13 assumption that this will make it easier for them to
14 cross.

15 Baffinland has also committed in their responses
16 to a Government of Nunavut comment to a pilot program
17 investigating the effectiveness of gentler slopes on
18 caribou crossing and evaluating this pilot program
19 through regional studies of caribou movements to assess
20 caribou responses to the railway.

21 My question is: Given the evidence we already
22 have for roads in the north and from other populations
23 of nonmigratory caribou and migratory caribou and in
24 the absence of any imminent data to tell us otherwise,
25 would it not be an appropriate use of the precautionary
26 principle to make as much of the embankment that is

1 under 4 metres in height as permeable as possible, in
2 other words, using at least a 1-to-3 embankment slope
3 over long stretches of the railway that are most likely
4 to be used for crossing? And if you agree, are you
5 willing to work with us on wording and appropriate term
6 and condition? Thank you.

7 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

9 I will ask Lou Kamermans to respond. Thank you.

10 THE CHAIR: Lou Kamermans.

11 MR. KAMERMANS: Lou Kamermans, Baffinland.

12 Thank you, Madam Chair.

13 I start by confirming we have made a commitment in
14 collaboration with the Government of Nunavut with
15 respect to this pilot program where we would build
16 sections of the railway with the gentler 1-to-3 slope
17 as suggested. I believe there's a lot of opportunity
18 in that program as it does not set a maximum limit on
19 the length of railway where these embankments would be
20 built with that -- with that design.

21 Essentially, we -- we recognize and, I think, the
22 Qikiqtani Inuit Association would recognize as well
23 that the entire 110-kilometre length of the railway
24 would not all be -- presents the same potential for
25 caribou to cross. Essentially, terrain will -- will
26 make differences in certain areas, and we know that

1 some areas will likely see higher concentrations of
2 caribou in the future when -- when they are migrating.

3 So with that in mind, we are committed to working
4 with the terrestrial environment working group as well
5 as Inuit through Inuit Qaujimajatuqangit studies to
6 understand where these areas are specifically, not just
7 for the purposes of implementing those designs that we
8 discussed but also for implementing operational
9 management requirements. We call these areas "special
10 management areas "along the railway. So that is
11 Baffinland's intent moving forward.

12 We think this does address the remaining
13 uncertainty that the Qikiqtani Inuit Association may
14 have in our assessments. We have to acknowledge that
15 we're working in an area where the caribou numbers are
16 currently very low. And until the caribou return, we
17 won't know precisely how they're going to interact with
18 the railway. That's why we're set up to scale up our
19 monitoring as the caribou return. This is something
20 we're working with the terrestrial environment working
21 group on and will continue to do.

22 Through that group, I think it would be
23 appropriate also to substantiate the efficacy of the
24 1-to-3 design. Where certainly that is the intent of
25 the program, to test whether this will be effective,
26 but there is no data available right now to suggest

1 that that will be effective. That's the point of the
2 study. And we also have to keep in mind that each time
3 we expand or make the embankment gentler, we also
4 expand the footprint, and that has direct impacts on
5 the land around it, including streams and fish
6 crossing. The wider the embankments, the longer the
7 fish crossings, the larger the potential for harm to
8 fish.

9 I also want to add, as Megan identified in her
10 presentation, that the design proposed for the current
11 north railway and the use of 1-to-2 slopes is what was
12 proposed for dedicated crossings along the south
13 railway, which was agreed to with intervenors and
14 accepted by the Nunavut Impact Review Board in the
15 approval of that component of the project.

16 So I think we have a very strong proposal moving
17 forward. We have a strong base. I think we have the
18 mechanisms through the existing working group and
19 through the development of the Inuit committee to build
20 on that, to implement this pilot program, and study its
21 effects on caribou mobility for the overall purpose of
22 reducing the project's potential effects on limiting
23 that mobility. Thank you.

24 THE CHAIR: Qikiqtani Inuit Association,
25 Susan Leech.

26 MS. LEECH: Thank you, Madam Chair. Susan

1 Leech for the Qikiqtani Inuit Association, and thank
2 you for that response.

3 I would like to ask -- I have a number of comments
4 I would make in response. The biggest one is that this
5 commitment to a pilot program is -- does not address
6 all of our concerns. The point that -- that you raised
7 in your response is an important one. It's the --

8 THE CHAIR: Susan Leech.

9 MS. LEECH: -- question of trade-offs.

10 Yes.

11 THE CHAIR: I'd like to remind you that
12 you haven't been sworn in, nor affirmed, and the
13 Qikiqtani Inuit Association has a time for their
14 intervention. So if you can -- if you have another
15 question so that you can provide statements to the
16 Board after you have been sworn in or affirmed.

17 MS. LEECH: Thank you, Madam Chair.

18 THE CHAIR: Please continue.

19 MS. LEECH: So to clarify with that
20 response, Lou said that there was no limit to the
21 length of the pilot program, the 3-to-1 pilot program.
22 So I just want to make sure that is clearly on the
23 record and that we have more issues to discuss with
24 that topic.

25 With that, I'll move on to the next question that
26 I have. On Slide 29 of Baffinland's overview

1 presentation -- this is the one that you gave on -- on
2 Monday, Slide 29 stated in regards to rail that the
3 result will be less activity and disturbance to
4 wildlife along the transportation corridor. Baffinland
5 also states in Slide 23 of the terrestrial presentation
6 that switching to rail has substantial benefits for
7 protecting the terrestrial environment.

8 My question to Baffinland is: How well has this
9 been quantified, and, specifically, what evidence is
10 there that the rail will disturb caribou less than the
11 tote road? And when answering this question, it would
12 be helpful if you consider that the tote road is not
13 being deactivated. There will still be extensive
14 project-specific travel going along it during
15 construction and operations, including if and when the
16 caribou numbers return.

17 So what evidence is there that introducing an
18 additional linear disturbance with traffic patterns on
19 both linear disturbances will somehow be better for
20 caribou, and has Inuit Qaujimagatuqangit been used
21 to -- to determine what those effects would be? Thank
22 you.

23 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

25 I'm going to ask Lou Kamermans to respond. Thank
26 you.

1 THE CHAIR: Lou Kamermans.

2 MR. KAMERMANS: Lou Kamermans, Baffinland.

3 Thank you, Madam Chair.

4 So I'm just going to clarify, you know, how we
5 came at this -- this statement from a project
6 description standpoint, and then I'll pass it to Mike
7 Setterington to speak to the -- the biological
8 component. Essentially, when we were making that
9 statement, we were acknowledging that, yes, there is an
10 additional linear infrastructure in that corridor, but
11 we're also considering the fact that the ongoing
12 day-to-day activities within that corridor being
13 significantly reduced.

14 The transition to ore haulage by rail, we are
15 reducing up to 280 ore haul truck transits per day.
16 Doing the math on that, that is a transit every few
17 minutes as opposed to every few hours with the five-day
18 round trips we expect with an active rail operation.

19 We're also saying this knowing that our modelling
20 for dust has shown that overall dust generated as a
21 result of the rail will be nowhere near that generated
22 by the road and that for Phase 2, the overall impact
23 will be that dust will be minimized along that
24 transportation corridor. We also say this knowing the
25 fuel efficiencies given by a transition to rail, the
26 fossil fuel required per tonne is cut by a half to two

1 thirds when transitioning to a railway.

2 And before I pass it to -- to Mr. Settingington to
3 speak to the biology, I also want to speak about what
4 this means in terms of community priorities, that with
5 the transition of ore haulage to train or to rail, that
6 gives the company and the community an opportunity to
7 develop more accessible community-use program for the
8 tote road. That addresses many historical issues that
9 have been raised with community members being able to
10 access the tote road and with our concerns about being
11 able to implement a program that's safe for the
12 community members and our staff.

13 Regardless, the activities we expect under Phase 2
14 that would continue along the tote road to pale in
15 comparison to what they are under a non-Phase 2
16 scenario. So with that, I'll pass it to Mike
17 Settingington, please. Thank you.

18 THE CHAIR: Mike Settingington.

19 MR. SETTINGINGTON: Madam Chair, it's Mike
20 Settingington for Baffinland.

21 Madam Chair, in regards to the QIA's question, we
22 did address this quite specifically in Section 3.4.1 of
23 TSD-10 about the transition from trucking to rail and
24 the difference it will cause, and it also included
25 components of Inuit Qaujimajatuqangit.

26 So just to summarize a few of the key points from

1 Section 3.4.1 of TSD-10, switching from truck to rail a
2 percent of the day when an animal is attempting to
3 cross the road would encounter a barrier, an actual
4 physical barrier from movement to vehicles decreased by
5 greater than 40 percent from current levels. That's
6 from currently encountering trucks 7 percent of the day
7 down to 3 percent of the day and, similarly, the number
8 of minutes between transits along the corridor.

9 So we currently have a transit about every four
10 minutes, and that will be including the rail, and
11 traffic on the road will go to about every 18 minutes,
12 and we want to make it clear that the available
13 literature in the Inuit Qaujimagatugangit is very clear
14 that caribou will be affected by transportation
15 corridors -- we acknowledge that -- either by truck or
16 by rail. There will be an effect of caribou.

17 However, while there have been many studies that
18 have documented behavioural responses of caribou, none
19 of them are still getting at what the population level
20 effect of that behavioural response is, and we've
21 highlighted that in the literature as well.

22 So, Madam Chair, I'll leave that. The details are
23 available in TSD-10, Section 3.4.1. Thank you.

24 THE CHAIR: Nunavut Tunngavik

25 Incorporated, James Eetoolook.

26 Nunavut Tunngavik Incorporated Questions Baffinland

1 Iron Mines Corporation

2 MR. EETOOLOOK: Thank you. James Eetoolook
3 from Nunavut Tunngavik Incorporated.

4 David Lee, a biologist for Nunavut Tunngavik will
5 have some questions. Thank you.

6 THE CHAIR: Nunavut Tunngavik
7 Incorporated, David Lee.

8 MR. LEE: Thank you, Madam Chair. David
9 Lee for Nunavut Tunngavik Incorporated.

10 Could you please confirm that you can hear me? I
11 am currently on the phone line.

12 THE CHAIR: Yes. Please proceed.

13 MR. LEE: Thank you.

14 Firstly, NTI has more than three questions. I'm
15 just stating that so we can be put on the list for the
16 second round, if time permits.

17 Secondly, thank you, Baffinland, for the
18 presentation. On Slide 19 of your presentation, it
19 states that about 66 percent of the railway is passable
20 by caribou without further mitigation. My question is:
21 Based on subsequent sensitivity analysis submitted by
22 you and available on the NIRB registry, when
23 considering the height of the superstructure, the
24 analysis indicates that for a total embankment height
25 of 2 metres, only about 32 percent of the railway was
26 considered passable.

1 Given that embankment height was or is one of the
2 main criteria used to determine passibility of the
3 railway, could Baffinland first provide clarification
4 on how this alters the conclusions of the original
5 analysis? For example, in Table 9 of Technical
6 Supporting Document 10, how would this change the
7 permeability score for each segment given that the
8 notes provided for the rationale often rely on an
9 embankment height of less than 2 metres as the main
10 criteria for a low permeability score? Thank you.

11 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

13 I'll ask Mike Settrington to respond. Thank you.

14 THE CHAIR: Mike Settrington.

15 MR. SETTERINGTON: Madam Chair, it's Mike
16 Settrington for Baffinland.

17 I'll -- I'll try and answer this question
18 succinctly because it does involve some detailed
19 re-analysis and some -- and some potential confusion.
20 First of all, the superstructure is the level of gravel
21 and the ties and rails on top of the embankment, just
22 to clarify that.

23 When it comes to our permeability assessment, our
24 first permeability assessment followed the criteria
25 that we developed with Inuit when they were assessing
26 the southern rail, and so the numbers that we see in

1 TSD-10, those are coming from the same criteria we used
2 to assess the southern rail. There hadn't been any
3 change by the time we made it to the northern rail.

4 Upon review of that and through IRs and TCs, the
5 Government of Nunavut suggested that perhaps we should
6 conduct a sensitivity analysis if the criteria were
7 different. I was suggesting something specific where
8 the criteria would be different, so they suggested we
9 look at different heights, different slopes versus what
10 had been agreed upon in the first round. So that
11 sensitivity analysis using various criteria came up
12 with that range of values as -- as Mr. Lee suggested
13 with the QIA.

14 Again, Baffinland is sticking by their criteria
15 that we initially used and developed with Inuit for the
16 southern rail. We haven't seen any substantial reason
17 to change that, nor is there any really good science
18 out there on how the caribou may respond to the
19 different embankment heights or different embankment
20 slopes versus the criteria that we came up with. So
21 we're still suggesting that 66 percent of the railway
22 embankment is permeable to caribou. Thank you, Madam
23 Chair.

24 THE CHAIR: Nunavut Tunngavik
25 Incorporated, David Lee.

26 Nunavut Tunngavik Incorporated, David Lee, are you

1 still on the line?

2 MR. LEE: Thank you, Madam Chair. I
3 apologize. I forgot to unmute myself. Can you hear
4 me?

5 THE CHAIR: Yes, you can proceed.

6 MR. LEE: Thank you, Madam Chair.

7 I will just repeat my question, but I -- based on
8 your direction, I won't go back and forth with Mike.

9 The TSD-10 used a criteria of 2 metres and less
10 for determining permeability. I don't believe my
11 answer was -- or the answer provided answer to my
12 question, but I'll move on to my next question. I'm
13 just -- if you can bear with me.

14 Okay. My next question refers to the slide on
15 operations, train operations. The document is actually
16 draft management plans, railway operations, and
17 maintenance management plans. Could the proponent
18 explain how the threshold of 250 metres was established
19 given that a theoretical zone of influence of greater
20 than 10 kilometres was provided in previous technical
21 meetings for the zone of influence? Thank you.

22 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

24 May I ask for a clarification, if this is in
25 reference to the caribou decision framework? Thank
26 you.

1 THE CHAIR: Nunavut Tunngavik
2 Incorporated, David Lee.

3 MR. LEE: David Lee for Nunavut
4 Tunngavik Incorporated.

5 Yes. This is -- this refers to the decision
6 matrix.

7 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

9 I'll ask Lou Kamermans to respond.

10 THE CHAIR: Lou Kamermans.

11 MR. KAMERMANS: Lou Kamermans, Baffinland.

12 Thank you, Madam Chair.

13 In relation to that decision framework, the
14 250 metres was an update from that used for the road
15 base decision framework. 250 metres is -- but we're
16 confident that the operators would be able to see the
17 lights on the train when operating in dark conditions.

18 But it also considers the -- the potential area of
19 concern that a caribou could be in in relation to the
20 railway. Yes. We have a zone of influence of -- of
21 14 kilometres, but a caribou sighting one 3 to
22 4 kilometres away doesn't present an operational
23 concern for the railway when it's in operation.

24 So just to be clear, this -- the 250 metres is --
25 is not related to the zone of influence. It's an
26 operational measure. Thank you.

1 THE CHAIR: Nunavut Tunngavik
2 Incorporated, David Lee.

3 MR. LEE: Thank you, Madam Chair. David
4 Lee for Nunavut Tunngavik, and thank you, Lou, for that
5 response. That was also my assumption.

6 So my third question is: Considering that a fully
7 loaded train travelling at 60 kilometres per hour and
8 understanding that the train will not be travelling at
9 this speed for the entirety of the rail but there will
10 be instances that this speed can be achieved, according
11 to the document, it states that it would require
12 approximately 1.5 kilometres to stop under normal brake
13 application but could stop within 800 metres using
14 emergency application.

15 I was wondering what -- how the decision matrix
16 considered a collision avoidance given these physical
17 constraints and the response you just provided about
18 what an engineer could view. Thank you.

19 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

21 I'll ask Lou Kamermans to respond. Thank you.

22 THE CHAIR: Lou Kamermans.

23 MR. KAMERMANS: Lou Kamermans, Baffinland.

24 Thank you, Madam Chair.

25 So when we were presenting that slide, we were
26 very intentional about addressing the ability to

1 implement it based on the safety of the circumstances.
2 Trains can stop in applying emergency brakes, but this
3 also presents a risk to the operation. It will always
4 be at the conductor's discretion to implement these
5 decisions. If they do not believe they can do it
6 safely, we can't ask them to do that, and what that
7 means is there could be instances where and conditions
8 where the caribou cannot be seen, and it is not decided
9 that the train can be stopped in time that a collision
10 could occur. We have to accept that, and that's
11 consistent with our assessments.

12 We have tried to build on this with additional
13 operational mitigation measures, and that's why our
14 focus is on identifying special management areas along
15 the railway. Over time we'll understand where caribou
16 are more likely to be and if, say, speed restrictions
17 could be helpful in that area, where we wouldn't hit
18 that 60-kilometre-an-hour speed, which is possible.

19 We've also discussed the use of hi-rail trucks,
20 essentially normal vehicles, trucks you see in your
21 community but just fitted to be able to run on a
22 railway, that these would be able to run in front of
23 the trains during periods of high caribou presence in
24 the area to increase vigilance, also, rely on the fact
25 that the railway is in close proximity to the tote road
26 when the tote road is in use by our service vehicles,

1 that they will be able to identify when caribou are in
2 the area, and that can put rail operators on higher
3 vigilance as well.

4 So right now and always, even one caribou seen
5 along the tote road or along the railway will cause
6 operators to notify one another that there's wildlife
7 present in the area and that operations need to be
8 vigilant for that.

9 Moving forward, this is also a subject that can be
10 addressed with adaptive management. We can establish
11 thresholds that would require us to implement even
12 further mitigations and monitoring programs to address
13 an issue, if this would -- were to occur in any
14 frequency. But as it stands right now, even a single
15 caribou mortality at the project requires an
16 investigation under the Inuit Impact Benefit Agreement.

17 And through an adaptive management plan,
18 compensation will always be there as a potential
19 measure to address this, but as the company said, we
20 will always prefer to avoid an impact than compensate
21 for it. Thank you.

22 THE CHAIR: Mittimatalik Hamlet, Joshua
23 Arreak.

24 MR. ARREAK: Josh Arreak, Hamlet of Pond
25 Inlet.

26 I will have one question, and Frank Tester, our

1 technical advisor, will have one. And if we don't
2 exceed our limit, then we'll have another question. My
3 question is based on Slide 8 on Inuit knowledge and
4 onto 33, which is adaptive management railway.

5 My -- my question is: On Slide 8, it says Inuit
6 Qaujimajatuqangit or Inuit knowledge would be
7 integrated into the management on rail construction and
8 on other programs, and having said that, the western
9 science or the western world or the secular world -- to
10 the secular world and the western world, it seems a
11 little unorthodox to integrate Inuit Qaujimajatuqangit
12 without being proven or not without research. How --
13 or do you have a formula or a method to integrate Inuit
14 Qaujimajatuqangit in these matters?

15 Let me explain. To Inuk, when we ask an Elder for
16 advice on land, animals, or even life, the response
17 that we get, we have no questions whether it's --
18 it's -- no doubt that the advice given, that we would
19 take it and believe it into our soul. But -- and to
20 the western world, you need something -- research or
21 proven. If nothing is proven, it seems like it's
22 nothing. It doesn't exist. That's my question. How
23 would that -- Inuit Qaujimajatuqangit be integrated
24 without being proven? I think that's -- my question
25 is, like, a cultural difference in between the two
26 societies. Thank you.

1 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

3 In short, Madam Chair, no, we don't have a formula
4 per se on how Inuit Qaujimajatuqangit is integrated
5 into our project, and our understanding is that using a
6 formula would not be in line with Inuit
7 Qaujimajatuqangit.

8 I want to be clear that we don't doubt the advice
9 that we are provided or the knowledge that is shared
10 with us. We believe it to be true as stated, and when
11 we hear it, it does cause a reaction from us, whether
12 that reaction is putting in place changes to the
13 project or whether that reaction is our own analysis
14 and review of the information in comparison to what our
15 project activities are and then communicating back to
16 those who have shared with us the information, if it's
17 possible for us to take the advice and create a change.

18 Part of resource development inherently means that
19 there is going to be changes to the environment, and
20 that means there will be changes to Inuit culture.
21 What we have been focusing on is increasing Inuit
22 involvement in the project, decision-making from the
23 community and within our own company to ensure that
24 decisions made do reflect Inuit values.

25 This will be further strengthened by the processes
26 that we've outlined throughout these proceedings and

1 the commitments made to the Qikiqtani Inuit Association
2 and through strength and collaboration with Inuit. So
3 we truly believe and appreciate the advice and
4 knowledge that is shared with us, and in no way does it
5 mean when we are not able to act on that advice that we
6 don't respect it and want to find a way to compromise
7 where Inuit and the company can both thrive. Thank
8 you.

9 THE CHAIR: Hamlet of Pond Inlet, Frank
10 Tester.

11 MR. TESTER: Thank you, Madam Chair. My
12 question builds on Joshua's question. Frank Tester,
13 Hamlet of Pond Inlet.

14 I want to refer to Slides 33 and 34, and -- and
15 you'll have to excuse me if this sounds like an old and
16 familiar theme, but it does get at a problem that is
17 reflected in the question that -- and clarification
18 that Joshua was seeking.

19 You talk in Slide 33 about Inuit leading cultural,
20 resource, and land-use monitoring. In Slide 34, you
21 note the Inuit role in IQ is central to adaptive
22 management, and you also say that adaptive management
23 will reflect Inuit objectives. Our difficulty is that
24 the language used with regard to the role of Inuit in
25 all of the -- this is in the documents that you've
26 produced all over the place.

1 So by way of getting at the problem, could you
2 explain what you mean by the use of the word "lead"
3 with regard to Slide 33 and cultural, resource, and
4 land-use monitoring? Thank you.

5 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

7 I want to first start by saying that we are open
8 to evolving our language and in the way that we speak
9 about things to be more relevant to Inuit and the
10 impacted communities. We have made several commitments
11 in this area and have already done so throughout our
12 project operations and learnings.

13 Specifically what is meant by "lead" in that
14 context is it means that Inuit will develop the program
15 and Inuit will undertake the program and Inuit will
16 analyze the results of that program. Thank you.

17 THE CHAIR: Hamlet of Pond Inlet, Frank
18 Tester.

19 MR. TESTER: Thank you, Madam Chair.

20 Then why not make it absolutely clear that while
21 Baffinland will listen to and take into consideration,
22 IQ, that ultimately, Baffinland is responsible for
23 making all decisions related to what ultimately happens
24 with regard to adaptive management monitoring and so
25 forth and so on? Why not make it absolutely clear that
26 that applies in all cases, that IQ will be listened to,

1 Inuit opinions are respected, but ultimately Baffinland
2 will be making the decisions? Thank you.

3 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

5 I'm going to ask Lou Kamermans to respond.

6 THE CHAIR: Lou Kamermans.

7 MR. KAMERMANS: Lou Kamermans, Baffinland.

8 Thank you, Madam Chair.

9 We can't do that because it is categorically
10 untrue. It is not consistent with any relevant
11 document that we've submitted and put on the record to
12 this effect.

13 The Inuit Certainty Agreement, Schedules 1, 3, and
14 4, are all very clear Baffinland provides funding for
15 the development of this plan, for the implementation of
16 this plan, and that Inuit through the Inuit committee
17 and the Inuit social oversight committee are the ones
18 providing direction to the implementation of this plan.
19 QIA plays an administrative role. It is theirs to
20 administer. Baffinland strictly funds it.

21 In Baffinland's view, there is no question about
22 who is leading that program, and it is not Baffinland.
23 Beyond that, Schedule 2, the adaptive management plan,
24 is very clear in its summary of how community input in
25 the Inuit Qaujimajatuqangit will be considered in that
26 process. It's also outlined in the roles and

1 responsibilities. This is all in the draft adaptive
2 management plan. It's been on the record since
3 September 2020. It's also been available to Mr. Tester
4 publicly since July 2020.

5 And Baffinland having to come to agreement with
6 the Qikiqtani Inuit Association about the final
7 objectives, indicators, thresholds, and responses,
8 Inuit -- the Qikiqtani Inuit Association taking
9 direction from the Inuit committee in this process, it
10 is not possible for us to say that ultimately
11 Baffinland is making these decisions. Those decisions,
12 the blueprints for them, are going to be hard coded
13 into the environmental management plans where agreement
14 is required. This is not a short list of plans. It's
15 18 management plans covering the most critical areas of
16 the environment.

17 This statement is further impossible for us to
18 make because we will have Inuit-specific indicators,
19 thresholds, and responses. Those are to be developed
20 with and by the communities. Baffinland must agree to
21 them, but that doesn't put Baffinland in charge of
22 them.

23 This is an opportunity for true partnership and
24 equal footing in the implementation of adaptive
25 management, and when it comes to Inuit monitoring the
26 components of the environment most important to them,

1 it puts them in the leadership role. Thank you.

2 THE CHAIR: Mittimatalik Hunters and

3 Trappers Association, Enookie Inuarak.

4 Mittimatalik Hunters and Trappers Organization

5 Questions Baffinland Iron Mines Corporation

6 MR. INUARAK: Thank you, Chairperson.

7 Enookie Inuarak from hunters and trappers.

8 The question is not directed to Baffinland but to
9 the Nunavut Impact Review Board. I would not like to
10 have the questions reduced to Baffinland. Some of our
11 questions are not geared toward Baffinland only.

12 Questions are directed to Qikiqtani Inuit Association
13 and other organizations, but because they are not
14 affirmed, they are not able to answer. Perhaps they
15 should be affirmed quickly. Perhaps we would be able
16 to -- they would be able to respond if there are --
17 they are the agreement holders. I want to ask them
18 questions they cannot answer or legally answer. We
19 keep deferring these questions. I think we are going
20 further because of this deferring questions.

21 THE CHAIR: NIRB legal counsel.

22 MS. MEADOWS: Thank you, Madam Chair.

23 Teresa Meadows, legal counsel for the Nunavut Impact
24 Review Board.

25 So, Madam Chair, questions for the Qikiqtani Inuit
26 Association will be -- the parties will be able to ask

1 any questions that they want following the presentation
2 by the Qikiqtani Inuit Association as indicated on the
3 agenda and as is the standard practice for the Board.
4 The participants are not sworn in or affirmed until
5 they have been presenting evidence.

6 So this is not unusual. This is the standard
7 practice, to defer questions to other parties. The
8 focus of this section of the technical session is on
9 questions to Baffinland.

10 We have been recording the questions that have
11 been deferred and have provided them to the Qikiqtani
12 Inuit Association or other intervenors so that they
13 will be prepared to address those questions either
14 during their presentation or in the rounds of
15 questioning afterwards. Thank you, Madam Chair.

16 THE CHAIR: Mittimatalik Hunters and
17 Trappers Organization, Enookie Inuarak.

18 MR. INUARAK: Thank you, Chairperson.

19 I will be turning the question to Eamon.

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

22 MR. MURPHY: Mittimatalik Hunters and
23 Trappers Organization, Eamon Murphy. Qujannamiik,
24 Madam Chair.

25 I know that Mittimatalik Hunters and Trappers
26 Organization has more than three questions for this

1 section. I also note that Mittimatalik Hunters and
2 Trappers Organization was not able to complete their
3 questions on the last two sets of presentations, those
4 being Inuit Qaujimajatuqangit and alternatives and the
5 health, freshwater, and air quality presentations.

6 Baffinland, in your Slide 8 on terrestrial
7 impacts, you say that you've been consulting since 2007
8 with Inuit about caribou. You also say that you've
9 been collecting Qaujimajatuqangit -- Inuit
10 Qaujimajatuqangit since that time.

11 So you will be very aware of the importance of
12 caribou to Inuit. You'll also be aware that Inuit have
13 harvesting rights to caribou that are protected by
14 Section 35 of the Constitution Act, and in your
15 collection of Inuit Qaujimajatuqangit, you will also be
16 aware that the tote road that has been constructed has
17 blocked caribou from crossing to the Tungquit [phonetic]
18 area.

19 So the question I have for you is: Given the work
20 that you've done to date, why have you not assessed the
21 impact of your project on the harvesting rights of
22 Inuit to caribou? And in -- and, specifically, I'm
23 looking for information about where you've assessed the
24 population levels that are required for Inuit to
25 continue to harvest caribou as is their right to do so.
26 Qujannamiik, Madam Chair.

1 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

3 I'll ask Lou Kamermans to respond. Thank you,
4 Madam Chair.

5 THE CHAIR: Lou Kamermans.

6 MR. KAMERMANS: Lou Kamermans, Baffinland.
7 Thank you, Madam Chair.

8 I'd first address one of the comments made by the
9 intervenor, that we know the Milne Inlet tote road has
10 blocked caribou from crossing. While I'm sure in the
11 history of the road that caribou has not crossed it, we
12 have also shown images, figures based on Inuit
13 Qaujimagatuqangit that show how caribou have cycled
14 across North Baffin in a clockwise pattern, and there
15 are periods in the '90s when caribou moved from the
16 west of the road to being generally east of the road.
17 So that's inconsistent with the statement made that was
18 presented at the first public hearing when this subject
19 was discussed.

20 As for a reference to where we did assess
21 potential impacts of the project on harvesting, I would
22 point the intervenor to Section 972 of the
23 Socio-Economic Technical Supporting Document 25.
24 That's within the culture, resource, and land-use
25 components of that supporting document.

26 It was also further examined in the food security

1 assessment submitted in October 2019. So with that, I
2 will pass it to Mike Settingington to speak about
3 caribou population level briefly.

4 THE CHAIR: Mike Settingington.

5 MR. SETTERINGTON: Madam Chair, Mike Settingington
6 for Baffinland.

7 Thank you very much for passing on a response on
8 this question. The way that we did the assessment for
9 wildlife did look specifically at how the project could
10 have an impact on caribou populations. We looked at
11 movement across the tote road. We looked at movement
12 across the rail. Will the caribou be able to recover
13 their population levels as they start to occupy the
14 rest of their range? We address that in TSD-10 as well
15 as our original effects assessment as well too, the
16 primary reasoning being if we are not impacting the
17 population, then there should not be an impact on Inuit
18 right to harvest and Inuit access to harvest caribou.

19 And the further question that the MHTO asked about
20 the population levels and what population is required
21 for Inuit to harvest, that is specifically a Government
22 of Nunavut and Nunavut Wildlife Management Board
23 mandate. This is something that we did not address
24 specifically because it's not within the mandate of an
25 environmental assessment for a mine.

26 Further, we ran a number of scenarios of

1 disturbance, from low, moderate, and high disturbance
2 with and without the project and with and without
3 harvest. That was part of our energetics modelling
4 where we ran nine potential population outcomes looking
5 at that as well.

6 So, Madam Chair, we did address this quite
7 thoroughly, but we did not address specifically the
8 question of population levels and Inuit harvest levels.
9 That is not within the mandate of this project. Thank
10 you, Madam Chair.

11 THE CHAIR: It's just about 12:00, so
12 we're going to break for lunch until 1:15 and continue
13 with the question from Mittimatalik Hunters and
14 Trappers Organization.

15

16 PROCEEDINGS ADJOURNED UNTIL 1:15 PM

17

18 (PROCEEDINGS COMMENCED AT 1:22 PM)

19 THE CHAIR: Welcome back, everyone. Thank
20 you to all the community representatives and residents
21 of Pond Inlet and other communities that are viewing
22 this from home. The Board appreciates your attention
23 to the matters being presented and recognizes that you
24 are anxious to ask your questions. We appreciate your
25 patience and look forward to next week when the
26 community representatives will be joining us around the

1 table for our community roundtable.

2 We hope that these technical sessions are
3 providing you with information that may be helpful when
4 you have time to bring your comments and questions to
5 the Board. There was one matter that I overlooked
6 before the lunch break, if the Qikiqtani Inuit
7 Association can confirm if their question -- if they
8 can verify their question and identify if they'll have
9 a follow-up after? Susan Leech.

10 MS. LEECH: Good afternoon, Madam Chair.
11 This is Susan Leech for the Qikiqtani Inuit
12 Association.

13 Can you just clarify for me: I wasn't expecting
14 this, so is it -- should I ask my third question now?
15 Is that -- is that what you're requesting? Thank you.

16 THE CHAIR: As I recall, when you provided
17 your questions there were three questions, so I was
18 checking if you had a follow-up question when we go
19 around after.

20 MS. LEECH: In the follow-up, thank you,
21 Madam Chair. Susan Leech for the Qikiqtani Inuit
22 Association.

23 In the next round, I will have some follow-up
24 questions. Thank you.

25 THE CHAIR: Mittimatalik Hunters and
26 Trappers Organization, Eamon Murphy?

1 Mittimatalik Hunters and Trappers Organization

2 Questions Baffinland Iron Mines Corporation

3 MR. MURPHY: Mittimatalik Hunters and
4 Trappers Organization, Eamon Murphy. Qujannamiik,
5 Madam Chair.

6 I'd just like to briefly address the prior
7 question that I had. When I asked about whether -- or
8 when I mentioned that caribou were being blocked across
9 from the tote road, I wasn't referring to the road in
10 the 1990s. I was referring to the road since it's been
11 used for mining activities. It looks like
12 Mr. Kamermans, I guess, understood that point, and I'm
13 going to move on from that.

14 In respect of the question that I had about an
15 assessment of the Inuit harvesting right to caribou, I
16 have a follow-up. I should say I didn't mean to
17 suggest that assessing what healthy population levels
18 are required for continued Inuit harvesting caribou
19 being the only factor. There's certainly many factors
20 that would go into that assessment, and we have
21 reviewed the Technical Supporting Document 25 that
22 Mr. Kamermans and Mr. Setterington referred to, and
23 that was the point of my question. When we refer to
24 that, we're not asking whether there's biological
25 measures that were used in the effects assessment,
26 because Inuit Qaujimajatuqangit says that those don't

1 indicate the number of factors that are important such
2 as whether the animals are in a heightened state of
3 alertness, or more easily startled, or wary of human or
4 machine movements and likely to flee over short
5 distances making them unavailable to harvesters. We
6 don't see any of those factors in an assessment which
7 would inform whether the project is having an impact on
8 Inuit harvesting rights.

9 So my question, Mr. Kamermans, is: In light of
10 this Inuit Qaujimajatuqangit that's been available to
11 Baffinland for some time, if Baffinland accepts that
12 the road and the rail that's being used or will be used
13 for transport of ore is having an impact on Inuit
14 harvesting of caribou as Inuit tell you, if I
15 understand your evidence correctly, their involvement
16 in decision-making is not going to be telling
17 Baffinland it's time to shut the road or the rail,
18 rather, they'd be entitled to compensation for an
19 impact on their harvesting right; is that correct?

20 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

22 No. That is not correct. We have already
23 confirmed that we would include stoppage of operations
24 as part of our mitigation measures. Thank you.

25 THE CHAIR: Mittimatalik Hunters and
26 Trappers Organization, Eamon Murphy.

1 MR. MURPHY: Mittimatalik Hunters and
2 Trappers Organization, Eamon Murphy.

3 My question was referring specifically to the
4 document -- Technical Supporting Document 25 in which
5 it confirms that compensation is available to hunters
6 where there's an impact on harvesting rights. It
7 doesn't say the company will stop the project, and
8 Ms. Lord-Hoyle's response is misleading in that it
9 suggests the company is going to stop the transport
10 along the rail and the road. I'm not going to further
11 debate that issue. I'd like to turn it over to Amanda
12 Hanson-Main. Qujannamiik, Madam Chair.

13 THE CHAIR: Amanda Hanson-Main.

14 MS. HANSON-MAIN: Qujannamiik. Iksivauta, I
15 would be Amanda Hanson-Main with the Mittimatalik
16 Hunters and Trappers Organization, and would also be
17 very appreciative if you wouldn't mind confirming with
18 me and other questioners once Baffinland is finished
19 providing an answer that they address our question
20 satisfactorily. Thank you.

21 My first question --

22 (AUDIO FEED LOST)

23 THE CHAIR: Your audio.

24 MS. HANSON-MAIN: (INUKTITUT SPOKEN - NO
25 TRANSLATION). The host muted me. Do I need to repeat
26 everything that I said?

1 THE CHAIR: No. Just the beginning of
2 your question.

3 MS. HANSON-MAIN: (INUKTITUT SPOKEN - NO
4 TRANSLATION). We would ask whether, based on Inuit
5 Qaujimagatuqangit and western science, Baffinland
6 agrees that it's likely that smaller groups of caribou
7 may have a more pronounced response to disturbance, and
8 noting that your annual reporting for the last number
9 of years suggests a maximum distance of 4 kilometres
10 that the height-of-land observers can actually observe
11 caribou, that you've only observed eight in 2013, zero
12 caribou in that portion of the zone of disturbance
13 since then, that you plan to continue with the same
14 effort level and monitoring programs for behavioural
15 effects.

16 So could you indicate how carrying on with your
17 current monitoring plans will be able to identify
18 whether caribou are showing that they move or that they
19 are impacted showing behavioural response by your
20 project? If those caribou are 4 or more kilometres
21 from the edge of your unproven zone of influence,
22 that's 14 kilometres -- or even further, since we don't
23 have certainty that 14 kilometres is actually the zone
24 of influence that this project will have.

25 And could you explain whether that zone of
26 influence will be revised to reflect any other zones of

1 influence used for assessments at mine roads elsewhere
2 in Nunavut?

3 THE CHAIR: Megan Lord-Hoyle, Baffinland.

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

5 Madam Chair, I would ask that my legal counsel
6 provide a response to the previous comment made by
7 Mr. Murphy before we proceed with the response to
8 Ms. Hanson-Main, please, and thank you.

9 THE CHAIR: Baffinland legal counsel, Brad
10 Armstrong.

11 MR. ARMSTRONG: Thank you very much, Madam
12 Chair. Brad Armstrong, legal counsel for Baffinland.

13 After Ms. Lord-Hoyle responded to Mr. Murphy's
14 last question, he made a statement that the answer was
15 misleading. He was entirely wrong to say that, and it
16 was inappropriate to say that. Ms. Lord-Hoyle's answer
17 was very clear about adaptive management, and it is
18 wrong for Mr. Murphy to comment on it in that way. The
19 answer was clear and accurate. Thank you, Madam Chair.

20 THE CHAIR: NIRB legal counsel.

21 MS. MEADOWS: Thank you, Madam Chair.

22 Teresa Meadows, legal counsel for the Nunavut Impact
23 Review Board.

24 Madam Chair, as was noted in the prehearing
25 conference decision report for this file going into the
26 public hearing, I would just like to remind parties

1 that we acknowledge and understand that there are many
2 differing viewpoints going to be expressed during the
3 course of this public hearing. There are some very
4 strong disagreements between parties that are going to
5 be expressed during the course of this public hearing.
6 However, the Board notes that we expect the respectful
7 tone that is respectful of all viewpoints to be
8 maintained throughout, that comments that express an
9 opinion that denigrate or belittle the views of any of
10 the participants here will not be tolerated and are not
11 appropriate.

12 We ask that parties not editorialize when they
13 receive a response. If a party has answered the
14 question regardless of whether you accept or agree with
15 the answer, we ask in the interests of all participants
16 for you to keep those kinds of comments to yourself.

17 We would like to thank everyone for keeping in
18 mind the goal of the outcome of the public hearing,
19 which is respectful, productive exchange of various
20 viewpoints. Thank you, Madam Chair.

21 THE CHAIR: Mittimatalik Hunters and
22 Trappers Organization, Amanda Hanson-Main. Will you
23 have follow-up questions in the next round?

24 MS. HANSON-MAIN: Qujannamiik, Iksivauta.
25 Amanda Hanson-Main. Yes. We will have additional
26 questions, and we do have additional questions now, and

1 I'm hoping to still have a response from Megan after my
2 first question -- third question. Thanks.

3 THE CHAIR: Baffinland, Megan Lord-Hoyle.

4 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.
5 Thank you, Madam Chair.

6 I'm going to ask Mike Settingington to respond to
7 this question, please. Thank you.

8 THE CHAIR: Mike Settingington.

9 MR. SETTERINGTON: Madam Chair, Mike Settingington
10 for Baffinland.

11 I will respond to the multifaceted question
12 presented from Amanda here. There's a few items, and I
13 hope I hit all the major ones. It includes elements of
14 what our zone of influence is predicted to be, and how
15 our monitoring is suited to that zone of influence.

16 So, Madam Chair, what Amanda summarized, the last
17 caribou we did see specifically from height-of-land
18 surveys were in 2013. Those caribou were interacting
19 with the road, and there were behavioural observations
20 associated with that.

21 We continue with our height-of-land surveys, which
22 are at high points around the mine site along the tote
23 road and at Milne Port, and we continue to do those
24 during specifically the calving season to determine if
25 caribou are calving near the project. That's the
26 primary purpose of that survey.

1 Amanda also asked the question of whether this
2 survey is sufficient for monitoring caribou responses
3 within our predicted zone of influence. For the
4 purposes of impact assessment, we predicted the zone of
5 influence where caribou behaviour may change as they
6 sense activities from the mine site and the road and
7 the port where their activities may change and they may
8 use habitat differently. That is a different type of
9 study, and that's a different level of monitoring.

10 And, Madam Chair, perhaps it will be discussed
11 later, but Baffinland in the past has contributed to
12 broader regional surveys. We, at one time, did do our
13 own aerial surveys looking at broad distribution of
14 caribou, and Baffinland also contributed to an earlier
15 Government of Nunavut caribou collaring study where
16 close to 40 caribou were collared, which informed us a
17 great deal on movement and behaviour prior to the
18 development of the mine as it is today.

19 And, Madam Chair, Baffinland, I understand, is
20 committed to continuing with that kind of study as well
21 too, so in answer to Amanda's question, yes, we will
22 continue with our height-of-land surveys as they are.
23 It's very specific to how caribou respond to the mine
24 site disturbance itself, and, yes, Madam Chair, we will
25 continue with our plans for a more regional level
26 monitoring.

1 So, Madam Chair, I think that's a sufficient
2 response. Thank you.

3 THE CHAIR: Igloolik Working Group, Peter
4 Ivalu.

5 Igloolik Working Group Questions Baffinland Iron Mines
6 Corporation

7 MR. IVALU: Thank you, Madam Chair. Peter
8 Ivalu, Igloolik Working Group. We will have more than
9 three questions.

10 For the record, Madam Chair, I beg to differ with
11 NIRB legal counsel's assertion that we will be able to
12 ask any questions to parties after they've been sworn
13 in or affirmed. We have been limited to only a few
14 questions; therefore, we will not be able to ask any
15 questions as she indicated, but only those we
16 prioritize.

17 Merlyn Recinos, the technical advisor for Igloolik
18 Working Group, will ask the first question and
19 afterwards, I will ask the other two questions. Thank
20 you, Madam Chair.

21 THE CHAIR: Merlyn Recinos.

22 MR. RECINOS: Thank you, Madam Chair.
23 Merlyn Recinos, Igloolik Working Group.

24 Before I ask my questions, I just want to put it
25 on the record that procedural fairness to Inuit
26 communities and Inuit participants during this

1 proceeding has not been given. The Government of
2 Canada is planning to utilize this as its duty to
3 consult but limiting participation on community, Inuit
4 to ask questions, is extremely unacceptable.

5 I do understand that this is a technical hearing
6 and that potentially there's a lot of things that have
7 been done and are on the record, and maybe some of the
8 questions that are being asked by our community members
9 might be some nuisance, but you've got to understand
10 that our communities do not have the capacity and
11 capability that our proponent does.

12 We have continued to talk about the amount of
13 documents that are on the record for this proposal and
14 a lot of it is misinterpreted. So there is a lot that
15 is still unknown for our community members, and when
16 they're having questions in regards to the projects and
17 then limited that -- the amount of questions that they
18 can have, and then, on top of that, the Government of
19 Canada utilizing this as duty to consult, it's
20 insulting.

21 This is a project that is going to have
22 long-lasting impacts on our communities, on our
23 children, on our families for years to come. Inuit
24 should not walk away from this meeting not knowing or
25 not understanding the impacts of this project on their
26 families, on their hunting grounds, on their rights.

1 They shouldn't, but they're being forced to.

2 I have one question to ask, and after that I'll
3 give it to Peter, and I won't ask any more because it's
4 really hard to concentrate when you have to prioritize
5 what to ask and when to ask it.

6 Baffinland, even though the route for the rail
7 deviation has not been approved by communities, at the
8 last hearing that we had in November, there was no
9 thermal studies done. But you had said that you were
10 going to do the thermal studies for that deviation.
11 Have they been completed, and, if they are, are they on
12 the record? Thank you, Madam Chair.

13 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

15 No, Madam Chair. Those studies -- additional
16 studies that we spoke of have not been completed.
17 However, it's important to note that regardless of them
18 being completed or not, it does not change our
19 commitment that this is the route that we would
20 construct should Phase 2 be approved. Thank you.

21 THE INTERPRETER: I didn't get the last part.
22 Sorry.

23 THE CHAIR: Yeah. Will you repeat the
24 last part of your response. Megan Lord-Hoyle.

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

26 Even though these studies have not been completed,

1 it does not change our commitment to construct Route 3
2 should the Phase 2 be approved. Thank you.

3 THE CHAIR: Igloolik Working Group, Peter
4 Ivalu.

5 MR. IVALU: Thank you, Madam Chair. Peter
6 Ivalu, Igloolik Working Group.

7 Further to Mr. Lee's line of questioning regarding
8 permeability, caribou crossing on Slide 19, it states
9 that roughly 66 percent of that route will allow
10 caribou crossings. Correct me if I'm wrong, and I
11 apologize in advance if I am to Baffinland. In your
12 previous presentations, the possibility along the route
13 used to be around 80 -- 88 percent and now it is
14 66 percent. What has happened since then now that
15 permeability has decreased? Thank you, Madam Chair.

16 THE CHAIR: Baffinland, Megan Lord-Hoyle.

17 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.
18 Thank you for the question.

19 Madam Chair, I'll ask Lou Kamermans to provide a
20 response. Thank you.

21 THE CHAIR: Lou Kamermans.

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

24 I'm not certain where those percentages the
25 intervenor quoted are from specifically, but what I
26 could say, where they may have come from would be how

1 we talk about the railway in terms of the cut versus
2 the fill. So that's the proportion of the railway that
3 will be built on embankments of crushed material that
4 we crush from the quarries. That's in the 80 percent
5 range. And then the remainder of the railway will
6 require us to cut into hillsides in some areas to keep
7 a level grade, and that's where those rock cuts would
8 be.

9 So perhaps that's where the change in percentages
10 came from, but the 66 percent we've presented today, as
11 previously discussed by Mike Settingington, was the
12 result of a sensitivity analysis request by the
13 Government of Nunavut looking at different criteria for
14 considering caribou permeability along the railway.
15 Thank you.

16 THE CHAIR: Igloolik Working Group, Peter
17 Ivalu.

18 MR. IVALU: Thank you, Madam Chair. Peter
19 Ivalu, Igloolik Working Group.

20 Thank you for that question. I appreciate it. I
21 mean, thank you for that answer. Pardon me.

22 On Slide 22 in Inuktitut it says for the third
23 bullet that Baffinland plans to use more elevated
24 trains. Since when did that happen? That's what it
25 says in Inuktitut, and the unilingual Inuit that can't
26 read English will understand it to be that Baffinland

1 will be using more elevated trains. Thank you, Madam
2 Chair.

3 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

5 Thank you for allowing us to provide an
6 opportunity to provide clarity. I'll ask Lou Kamermans
7 to provide an oral description of what that means.
8 Thank you. Megan.

9 THE CHAIR: Lou Kamermans.

10 MR. KAMERMANS: Lou Kamermans, Baffinland.

11 Thank you, Madam Chair, and thank you, Peter, for that
12 clarification.

13 Just to clarify, these presentations were all done
14 by one primary translator, and then they were reviewed
15 by our internal translation team for the North Baffin
16 dialect. But in the number of presentations being
17 looked at, some of these things we may not have the
18 wording that everybody recognizes for what it was meant
19 to be.

20 So what the intention was for that to read would
21 be hi-rail truck. And so that is, as I previously
22 described, a vehicle just like a truck you would see in
23 your community, but fitted with specialized equipment
24 that lets it drive on a railway. So it has those
25 special rail wheels. So that's what we were meant to
26 indicate there. That's not meant to indicate it's a

1 type of railway to be built. It's just about a
2 specialized vehicle that can -- that can drive on
3 railways. Thank you.

4 THE CHAIR: Igloolik Hunters and Trappers
5 Organization, Jacob Malliki.

6 Igloolik Hunters and Trappers Organization Questions
7 Baffinland Iron Mines Corporation

8 MR. MALLIKI: Jacob Malliki. Qujannamiik,
9 Iksivauta. (INUKTITUT SPOKEN - NO TRANSLATION) why IQ
10 is being used, I'm just not sure I understand because
11 it seems that it would be utilized and not utilized.
12 But if Phase 2 is approved, these are the sorts of
13 things that will be implemented. I don't know what it
14 is in Inuktitut. It says Inuit Certainty Agreement. I
15 don't know what it is in Inuktitut, and it says "Inuit
16 independent committee", they would be involved. We're
17 not sure what it is, but monitors they will be using.
18 I seem to understand these are in existence, and they
19 will say that they are in existence -- are being used;
20 that whoever is in the monitoring -- Inuit monitoring
21 program, I just want to understand perfectly that
22 Baffinland would not belittle their information or not
23 use it.

24 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

26 I'll ask Joe Tigullaraq to respond to this

1 question. Thank you.

2 THE CHAIR: Joe Tigullaraq.

3 MR. TIGULLARAQ: Joe Tigullaraq, Baffinland.

4 Thank you, chairperson. Sorry.

5 For that question just to clarify, for the Inuit
6 Qaujimajatuqangit information and knowledge, it's
7 utilized and used. If there was an approval to Phase 2
8 proposal that those agreements with the Inuit Certainty
9 Agreement, that they would be able to use that
10 agreement to implement the Inuit Qaujimajatuqangit into
11 the program and that there would be agreements put in
12 place. Even though we are currently using it now, that
13 Inuit Qaujimajatuqangit would be theology and other
14 things would be considered when Baffinland is doing the
15 work, and if I could make the person -- or answer that
16 question. Thank you, Chairperson.

17 THE CHAIR: Igloolik Hunters and Trappers
18 Organization, Jacob Malliki.

19 MR. MALLIKI: Thank you, Madam Chair. Jacob
20 Malliki from HTO Igloolik. I have no more questions.
21 Thank you.

22 THE CHAIR: Sanirajak Hunters and Trappers
23 Organization, Okalik Eegeesiak.

24 Sanirajak Hunters and Trappers Organization Questions
25 Baffinland Iron Mines Corporation

26 MS. EEGEESIAK: Thank you, Madam Chairperson,

1 Okalik Eegeesiak from Hall Beach Hunters and Trappers
2 Organization.

3 Firstly, to talk about -- to bring up that we
4 didn't get proper answers, I may have the same
5 questions.

6 And when they were doing the survey on the
7 monitors, some form of technology, not the satellite.
8 It's not a question. I didn't get an answer from them
9 yesterday to add what Merlyn was talking about. The
10 Inuit, we are here -- are going to be impacted more
11 than anybody else as Inuit with this project, and we
12 don't get second questions -- or further questions when
13 they gave us an improper answer, and we only have three
14 questions to raise and this angers us.

15 My question -- and I want to support some of the
16 questions that were raised and now Jacob Malliki's
17 comments. Sometimes we don't understand too concerning
18 the Inuit Qaujimajatuqangit today, why? Why are they
19 so weak? And we're going to get stronger if it's --
20 the proposal is approved. Like, why? Sometimes it's
21 good to speak Inuktitut. Sometime I will be able to
22 speak in English if I am in disagreement with others.
23 I'm going to speak in English, and when the lawyer was
24 talking about -- and I'm going to say something about
25 it.

26 A question to Mary -- Baffinland: The smoke

1 coming out the -- and the particles of the iron ore, it
2 stayed. It was just monitored. It states it was
3 monitored. Do they study it? Do they -- where is it
4 going? And the smoke with the particles, where are
5 they heading to? Where are they landing? Are the
6 wildlife being monitored, and the environment where we
7 collect our food and the things that are produced on
8 the land -- that grow on the land?

9 THE CHAIR: Okalik, can you say what you
10 said yesterday so Joe can also answer some of the
11 questions, because you said you weren't answered
12 properly yesterday when you asked a question.

13 MS. EEGEESIAK: Thank you, Madam Chairperson.
14 Okalik Eegeesiak from Sanirajak Hunters and Trappers.

15 My question yesterday was about the train and that
16 they were being monitored with certain technology, and
17 that -- did you monitor and look at what -- how the
18 weather has changed in the seasons? For instance, in
19 winter, it's louder. In summer, did you monitor that
20 as well, the noise level? And also in the fall. Like,
21 that's what -- that was my question yesterday, so it's
22 pertaining to that.

23 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

25 I'll ask Lou Kamermans to respond.

26 THE CHAIR: Lou Kamermans.

1 MR. KAMERMANS: Lou Kamermans, Baffinland.

2 Thank you, Madam Chair.

3 It was part of Technical Supporting Document 7.

4 We carried out an assessment of noise, and we used
5 noise modelling to predict how far out noises from the
6 project could be audible at different distances away
7 from the project.

8 That modelling typically looks at the worst case
9 scenario in terms of how far out something could be
10 heard, and something that was considered in that
11 modelling and discussed through future -- or through
12 subsequent information requests and technical comments
13 was how that modelling considered how far sound can
14 travel over ice and snow.

15 So what we responded was that that modelling did
16 consider those differences between the winter and
17 summer and would have been based on how far sound can
18 travel in the winter when it can travel farther in the
19 cold and over ice. Thank you.

20 THE CHAIR: Sanirajak Hunters and Trappers
21 Organization, Okalik Eegeesiak.

22 MS. EEGEESIAK: Thank you, Madam Chair.
23 Okalik Eegeesiak, Sanirajak Hunters and Trappers.

24 And -- I don't know. I didn't want to ask this
25 question -- that question I just raised. Thank you.

26 My question was also the survey they do or

1 monitored for the smoke with the iron ore particles
2 that are landing on the land, and the monitors they
3 do have -- they continued the wildlife -- any changes
4 are being impacted in the land from the smoke landing
5 on the land, and do you monitor those because the
6 country food -- it's our country food when we get the
7 terrestrial animals from the land and also the
8 environment on the land and vegetations, and if the
9 wildlife has particles in the -- in the meat, are you
10 monitoring those? What kind of -- if they consume some
11 of the food around their environment from the smoke,
12 what happens to them? What's in them? Thank you.

13 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

15 Yes. We are monitoring for dust that falls in the
16 environment, and we're -- we monitor what's called "the
17 receiving environment", so soil and vegetation to
18 understand if metals are building up in either of those
19 media, which could impact animals.

20 Christine Moore spoke to the human health risk
21 assessment that's been completed for the Phase 2
22 proposal yesterday, which predicted that risks to human
23 and ecological health remains low for the Phase 2
24 proposal. Thank you.

25 THE CHAIR: Sanirajak Hunters and Trappers
26 Organization, Okalik Eegeesiak.

1 MS. EEGEESIAK: Thank you, Madam Chairperson.

2 Okalik Eegeesiak, Hunters and Trappers, Sanirajak.

3 Yes. Discussed yesterday were risky -- are
4 concerned for the -- they did the monitoring for the
5 particles in the smoke, and -- but if they're not being
6 monitored, in few days -- in a few months, there will
7 be 50, 60 years. You'll be here in the life span.
8 Will you continue to monitor those, the vegetation of
9 the terrestrial on the environment with the smoke
10 coming off the -- from the iron ore and the project
11 itself? And also Inuit, would they -- would be
12 monitored as well and tested and -- because it would
13 impact us. And it's small impact, but -- and we have
14 been impacted not as much but in the future when? How
15 would -- how would it grow? How would the impact get
16 larger and larger as time goes on in the life span of
17 the project and the mining? Thank you.

18 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

20 Yes. We will continue monitoring all of those
21 items for the life of the mine as well as into
22 post-closure, which means once we have completed mining
23 operations, we'll continue to monitor the environment
24 for a period of time to ensure all predictions have
25 been met and the assessment that has been conducted was
26 conducted based on modelling estimates for the life of

1 the mine.

2 Our monitoring programs will help identify if any
3 of the assumptions in the modelling were incorrect, and
4 should we start to see exceedances or increase in metal
5 concentrations, we have committed to updating the human
6 health risk assessment to identify if additional
7 measures are required. That commitment has been made
8 through this process to Health Canada. Thank you.

9 THE CHAIR: Hamlet of Sanirajak, Jaypetee
10 Audlakiak.

11 Hamlet of Sanirajak Questions Baffinland Iron Mines
12 Corporation

13 MR. AUDLAKIAK: Thank you, Madam Chair.

14 I want clarification on -- I will have one
15 question in regards to the presentation about the
16 railway land. It's probably written here somewhere but
17 maybe I missed it. But when they build the railway
18 line, will there be only one railway line? That is my
19 question in regards to the presentation before. We're
20 still on the subject of this presentation, and that is
21 the only question we have from the Hamlet of Sanirajak.
22 Thank you.

23 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

25 A single rail line will be constructed except in
26 three areas that will be 1 kilometre -- about

1 1 kilometre each where a double track will be built to
2 allow for passing of the trains running north and
3 south. These are referred to as "sidings". Thank you.

4 THE CHAIR: Hamlet of Sanirajak, Jaypetee
5 Audlakiak.

6 MR. AUDLAKIAK: Thank you, Madam Chair.
7 Jaypetee Audlakiak, Hamlet of Sanirajak. I have no
8 more questions.

9 THE CHAIR: Ikajutit Arctic Bay
10 Organization, Lori Idlout.
11 Ikajutit Hunters and Trappers Association Questions
12 Baffinland Iron Mines Corporation

13 MS. IDLOUT: Lori Idlout, Ikajutit hunters
14 and -- technical advisor.

15 Before I ask my questions to Baffinland, I just
16 wanted to say that last night when we ended the
17 questions to the three topic areas presented, the last
18 person to ask questions was Sanirajak. I was thinking
19 that I would have had questions to ask in relation to
20 those three topics -- follow-up questions, but I was
21 not afforded the time to do so.

22 Second statement: I've been concerned about what
23 I've heard from NIRB. As a matter of procedural
24 fairness, I understand NIRB has stated on a few
25 occasions that they are limiting questions by
26 intervenors in the interest of time. I implore you to

1 put more weight on the interest of Inuit. It is Inuit
2 interests who we sit here for. It is Inuit interests
3 who we ask questions for. It is Inuit interests and
4 impacts that we are concerned about. If we need more
5 time, we should be given more time. Stop limiting our
6 times for questions and allow us to ask the questions
7 we need to so that our Inuit can have the full
8 information they need to give its recommendations to
9 NIRB because we understand that NIRB will make a
10 recommendation to federal ministers.

11 We understand when NIRB makes a recommendation to
12 the federal minister, that its recommendations will be
13 based on these hearings. These hearings have not been
14 fair to Inuit.

15 Just as one small example, the community of
16 Arctic Bay has not had a technical advisor of its
17 own -- the community of Arctic Bay has only had a
18 technical advisor since September.

19 These hearings by NIRB on the Mary River Project
20 based on Baffinland's proposals go back to about 2008.
21 I've only been a technical advisor to Arctic Bay since
22 September, and have tried as much as I could to read
23 the thousands of materials that are said to be
24 available in NIRB's website -- in NIRB's public
25 registry.

26 NIRB's public registry is very difficult to

1 navigate. When I've asked questions to Baffinland,
2 when they tell me it's in NIRB's public registry, it
3 can take me up to three hours to find that document.
4 When I find that document, those pages can be 200 pages
5 long.

6 I'm expected to analyze and be prepared for these
7 specific questions for these technical hearings, and
8 it's almost impossible to do so. I try my best to make
9 sure that when I'm going to ask my questions, that when
10 I ask them, that I've spoken with the Ikajutit Hunters
11 and Trappers Organization.

12 At the same time, I have to try and make sure that
13 the Ikajutit Hunters and Trappers Organization can be
14 informed to respond to motions when motions arise. We
15 have to be selective, unfortunately, because of this
16 approach.

17 I have had many conversations with Ikajutit
18 Hunters and Trappers Organization. When I ask my
19 questions, they are the only -- they are only the tip
20 of the iceberg, and yet my time to ask questions is
21 limited.

22 I am sorry to have to share an analogy, but this
23 is the analogy that is in my head. When NIRB says that
24 it's in the interest of time to go through these
25 proceedings as quickly as possible, the image in my
26 mind is that NIRB is using Baffinland's bulldozer to

1 complete these hearings as quickly as possible. I was
2 told that I'll have time all next week. I don't think
3 that was a -- was an acceptable answer.

4 Having said this, I will proceed to my questions
5 to Baffinland, and I do have more than three questions.

6 On page 37 of your "Terrestrial Environment"
7 PowerPoint, you show a picture of vegetation that is
8 known to be part of the diet for caribou. What Inuit
9 Qaujimaqatugangit knowledge have you been shown or has
10 been shared with you about this image?

11 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

13 I'm going to ask Mike Settingington to respond to
14 this question. Thank you.

15 THE CHAIR: Mike Settingington.

16 MR. SETTINGINGTON: Madam Chair, Mike Settingington
17 for Baffinland, and thank you very much for passing
18 that question on to me.

19 I believe the image is a picture of lichen and
20 graminoids, grasses, that we're looking at. This would
21 be a picture from our vegetation monitoring plots.

22 As far as Inuit Qaujimaqatugangit shared on this
23 particular image, there is none, but in all of our
24 vegetation monitoring programs, we have included Inuit
25 observers and people helping with the surveys, and
26 we've also gone over our vegetation monitoring program

1 with harvesters and communities, and if there was
2 something that the Inuit did share, it was about the
3 lichen growth and the fact that the caribou will come
4 back when the large worn-in trails, particularly in the
5 south, grow over with vegetation, and that's a key
6 thing for us to be tracking is vegetation growth on the
7 project.

8 So hopefully -- hopefully that answers the
9 question of Lori. Thank you, Madam Chair.

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

12 MS. IDLOUT: A follow-up to that question
13 about the lichen. The question is: Has there been an
14 analysis of what happens to the lichen or the condition
15 of the lichen after there has been the use of explosive
16 or when there has been dust found on them as it is
17 well-known that these lichen form the diet of the
18 caribou.

19 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

21 I'll ask Mike to continue with the response.
22 Thank you.

23 THE CHAIR: Mike Settingington.

24 MR. SETTERINGTON: Madam Chair, Mike Settingington
25 for Baffinland.

26 Thank you for the question and to continue with

1 the answer, yes, that picture, again, was from our
2 vegetation abundance and, I guess, growth monitoring
3 plots. We do use lichen as samples specifically for
4 metals uptake, and we collect lichen near the project
5 in varying distances until we're very far away from the
6 project to determine if the project is having an impact
7 on the lichen, and we have a very robust monitoring
8 program in place where we can detect very fine, very
9 small-scale change in lichen growth, and we can detect
10 very small changes in metals uptake in the lichen and
11 soils as well. Thank you, Madam Chair.

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

14 MS. IDLOUT: Thank you. Lori Idlout,
15 Ikajutit Hunters and Trappers Organization. Thank you
16 for your answer.

17 Without asking me to go back to your TDS
18 supporting documents, could you please describe in
19 detail the small changes, the small-scale changes.
20 Just being aware that in the Arctic that we have long
21 winters, shorter spring, summer, and fall seasons.
22 Knowing that it takes longer for our vegetation to
23 recover. Knowing how much longer it takes in the
24 Arctic. When you mean by "small-scale changes", can
25 you please elaborate exactly what you collected and how
26 these findings impact the vegetation and the caribou?

1 Thank you.

2 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

4 I will ask Mike to provide a response to the
5 specific question, but I'd also like to note that as
6 we've discussed, Inuit thresholds will be developed
7 including thresholds around changes in vegetation.
8 This will be built in to the adaptive management plan,
9 so small-scale changes would be developed through an
10 Inuit lens, taking into consideration the arctic
11 environment and the conditions in which you just
12 stated.

13 But, Mike, if you could please provide a direct
14 response to the question just asked. Thank you.

15 THE CHAIR: Mike Settingington.

16 MR. SETTINGINGTON: Madam Chair, Mike Settingington
17 for Baffinland. Thank you for the question.

18 I will try to answer as specifically as I can
19 without referring to some of the annual reports that we
20 have produced. You're looking at the statistical
21 analysis. I can get specific numbers, but later.

22 For lichen currently, we have an average of about
23 3 percent ground cover, and amongst our plots near and
24 far, we can detect as little as a 1 percent change in
25 the value of lichen cover. So it's very specific, and
26 it's very statistically founded as well too, a very

1 robust monitoring that has been presented and revised,
2 in fact, suggested by the terrestrial environment
3 working group that includes the Mittimatalik Hunters
4 and Trappers Organization, the Government of Nunavut,
5 and the Qikiqtani Inuit Association who reviewed this
6 program, and we provided the statistics behind it and
7 have adjusted the design over the years so we have an
8 acceptable level of detection. And specifically for
9 lichen, we can detect a 1 percent change in growth of
10 lichen as an example.

11 I can get you further details, but I would be
12 referring you to a previous one of the terrestrial
13 environment annual reports, but I'll have to get that
14 for you later. Thank you, Madam Chair.

15 THE CHAIR: Clyde River Hamlet and Hunters
16 and Trappers Organization, Jerry Natanine.
17 Clyde River Hamlet and Hunters and Trappers
18 Organization Questions Baffinland Iron Mines
19 Corporation

20 MR. NATANINE: Thank you, Madam Chair.

21 Jerry Natanine, Hamlet of Clyde River. Amaruq
22 Hunters and Trappers Organization. Thank you,
23 Baffinland, for the presentation.

24 On Slide 29, forgive me if this was talked about.
25 I'm sorry. I apologize if the answer is already out
26 there.

1 So in here it says that "contribution to regional
2 caribou monitoring", and in your comment, I think,
3 Megan, you were presenting. You said -- you made an
4 agreement with the Government of Nunavut to do caribou
5 monitoring that are relevant to the project, and I want
6 clarification on that. Would that be like there's a
7 zone for the monitors to monitor?

8 And then our technical advisor will ask the other
9 two questions, Madam Chair, if that's okay.

10 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

12 I'll ask Lou Kamermans to provide more of the
13 specifics on that agreement. Thank you.

14 THE CHAIR: Lou Kamermans.

15 MR. KAMERMANS: Lou Kamermans, Baffinland.

16 Thank you, Madam Chair.

17 So that -- to enter into that agreement is
18 currently a commitment that we have between us and the
19 Government of Nunavut and on the record for the Impact
20 Review Board. We're currently working on developing an
21 agreement in principle to provide to the Nunavut Impact
22 Review Board before the hearing's end, and then that
23 will become a full caribou research agreement.

24 Ultimately, the regional monitoring that's carried
25 out by the Government of Nunavut will be at their
26 discretion, but when they monitor the North Baffin

1 caribou, they would be looking at the entire range.

2 What we hope our funds will support would be when
3 those studies would be able to tell us something about
4 our project and the North Baffin caribou herd. So I'll
5 leave it at that and look forward to the next
6 questions. Thank you.

7 THE CHAIR: Clyde River Hamlet and Hunters
8 and Trappers Organization, Warren Bernauer.
9 Clyde River Hamlet and Hunters and Trappers
10 Organization Questions Baffinland Iron Mines
11 Corporation

12 MR. BERNAUER: Thank you, Madam Chair. Can
13 you hear me clearly?

14 THE CHAIR: Can you turn up your volume a
15 bit.

16 MR. BERNAUER: I'll try speaking closer and
17 hopefully -- does this help?

18 THE CHAIR: Good. You may proceed.

19 MR. BERNAUER: Thank you. My next question
20 deals with the caribou decision framework. This is on
21 Slide 24. So there is a 250-metre zone around the
22 railway tracks, and if caribou are within this zone, it
23 triggers different mitigation measures depending on the
24 behaviour of the caribou. So my question is: Is this
25 250-metre zone appropriate? At the Whale Tail Mine in
26 the Kivalliq region, Agnico Eagle uses a 1.5 kilometre

1 zone for the sort of high-level mitigation of its haul
2 road. Has Baffinland considered using a larger zone to
3 trigger these high-level mitigations like slowdowns and
4 halts to traffic? Thank you.

5 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

7 I'll ask Lou Kamermans to respond. Thank you.

8 THE CHAIR: Lou Kamermans.

9 MR. KAMERMANS: Lou Kamermans, Baffinland.

10 Thank you, Madam Chair.

11 As we previously provided in a response to Nunavut
12 Tunngavik Incorporated, the 250 metres is based on the
13 site that's possible with headlights on the trains.
14 But I also went in to explain in other responses how
15 the detection of any caribou in the area of the project
16 will put operators into a higher state of vigilance.
17 So what's important to clarify is the caribou decision
18 framework is something for rail operators to consider
19 within the moment of seeing a caribou. They're not
20 about implementing caribou protection measures more
21 broadly across the project.

22 So, as I stated, we're looking at establishing
23 special management areas along the railway where we may
24 have slower speed zones, and as the caribou begin to
25 return to the area, we may also consider seasonal or
26 period specific shutdowns when there are higher

1 densities of caribou in the area. This will take more
2 work to understand the dynamics of North Baffin
3 caribou, but the mechanisms are there to be able to do
4 that both with the input of western science through the
5 environmental working group, but also through the input
6 of the Inuit committee. Thank you.

7 THE CHAIR: Clyde River Hamlet and Hunters
8 and Trappers Organization, Warren Bernauer.

9 MR. BERNAUER: Thank you, Madam Chair, and
10 thank you, Lou. That was a very helpful answer.

11 My next question actually pertains to the
12 terrestrial working group that you just referred to,
13 and it's also referred to on Slide 30 of the
14 presentation.

15 So, at present, only one community level
16 organization is involved in the working group, the
17 Mittimatalik Hunters and Trappers Organization. Given
18 the potential for this project to have regional level
19 impacts on caribou, would Baffinland commit to
20 expanding the membership of the terrestrial working
21 group to include additional hunters and trappers
22 organizations and possibly the Qikiqtaaluk Wildlife
23 Board. Thank you.

24 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

26 No. We will not commit to that at this time. The

1 Mittimatalik Hunters and Trappers Organization is
2 reflected as a member in the working groups in
3 recognition they are the closest community to the
4 current operation, and that is recognized in our
5 project certificate. But further, the concept of what
6 you have suggested we are not against, but, as I
7 explained yesterday, there is now a connection between
8 the working groups and the Inuit stewardship plan
9 through the Inuit committees.

10 That relationship is still to be formalized, but
11 the way in which Baffinland -- Baffinland envisions
12 this is that any recommendations from the working group
13 will -- and the working groups will continue to serve
14 as an advisory body to the Inuit committees who will
15 act more as decision-makers in the implementation of
16 any recommendations that come out of these groups.

17 And, as stated, the Inuit committees will have
18 representatives from each of the communities. Thank
19 you.

20 THE CHAIR: Amarug Hunters and Trappers
21 Association, Jeetaloo Kakee.

22 Amarug Hunters and Trappers Association Questions
23 Baffinland Iron Mines Corporation

24 MR. KAKEE: Thank you. We'll be past this
25 quickly.

26 A question from yesterday about narwhals and the

1 question about caribou for the regulations that may
2 be -- and the support staff I have here with me, Meeka
3 Mike, will be asking about the technical work, so we
4 have to -- last few questions, short questions because
5 of the convenience of this to be able to ask the
6 questions for the narwhals around floe edge of Pond
7 Inlet and the movement that have been missed. The
8 narwhal movement that is different now. Perhaps
9 towards Koluktoo, perhaps they're being pushed towards
10 Koluktoo if they are going there instead.

11 Those islands, I'm not sure if -- about the
12 currents and stuff. Would it be possible that the
13 narwhal might be stuck there by ice? So it seems that
14 once the animal knows what is happening, it's
15 impossible to hunt them sometimes when they start
16 learning about the consistency movement of others.

17 If a narwhal has very -- are very good with
18 hearing when there's ice, I've heard it differently
19 that when there is ice, it is harder to hear longer
20 distance. When there is no ice, the acoustics are very
21 good. So if you would answer the question, and we'll
22 be moving to the caribou.

23 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

25 I believe that this is a very good question for
26 the marine section and may be answered as part of our

1 presentation. So in the interests of time, I've taken
2 a note for ourselves, but I would suggest that we come
3 back to this topic in the marine session, which will be
4 after the terrestrial. Thank you.

5 THE CHAIR: Amaruq Hunters and Trappers
6 Organization, Jeetaloo Kakee.

7 MR. KAKEE: Thank you. This caribou that
8 is alive, we cannot control them. I heard as if they
9 were talking about pets, treating them like pets when
10 they are wildlife. So when you're making the rail,
11 the -- how would you make a crossing for the caribou?
12 If the caribou is going to be crossing, would it be
13 going north, or is the crossing going to be -- what are
14 you talking about?

15 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

17 I'll ask Lou Kamermans to respond. Thank you.

18 THE CHAIR: Lou Kamermans.

19 MR. KAMERMANS: Lou Kamermans, Baffinland.

20 Thank you, Madam Chair.

21 So the approach Baffinland is taking towards the
22 construction of the north railway is not to have
23 established caribou crossing areas, but to generally
24 build the railway to be crossable, and so we've done
25 that by putting forward a railway design with a slope
26 of 1 to 2, which is quite gradual along 66 percent of

1 it or two-thirds.

2 Now, that's a feature that was proposed for the
3 south railway for very localized areas where we were
4 anticipating caribou to cross. So -- so our main
5 approach is to make sure that for the majority of the
6 railway, a caribou would be able to cross it.

7 But we're taking that one step further. In some
8 areas where it can be identified that caribou are more
9 likely to cross, we will modify those slopes to a
10 1 to 3. So that's even -- that's flatter than a
11 1 to 2. So it's more gradual, the thinking would be
12 that caribou would be able to cross that easier. These
13 aren't small areas. We're looking at doing this in
14 areas up to 10 kilometres. It really depends on the
15 information we receive. We have some idea of where
16 these areas may be based on previous Inuit
17 Qaujima jatugangit and also where surveys have
18 identified previous caribou trails.

19 So in addition to this, there will be other areas
20 along the railway where caribou may be able to cross,
21 like areas where we plan on putting plate arch culverts
22 into the railway. These are large culverts or crate
23 underpasses essentially that a caribou would be capable
24 of walking through. Those are being put in mostly to
25 allow for fish passage where another method wouldn't
26 be -- wouldn't work, but we're also installing these as

1 underpasses to help with snowmobile crossings so
2 snowmobiles don't have to go over the railway.

3 So just to sum up, we're proposing to build the
4 railway with the design that is generally passable by
5 caribou, and we're proposing further work to study if
6 that needs to be changed in the future, and we'll have
7 a process for that. Thank you.

8 THE CHAIR: Amaruq Hunters and Trappers
9 Organization, Jeetaloo Kakee.

10 MR. KAKEE: Thank you, Chairperson.

11 With the wildlife around here, if we're going to
12 talk about them, we might have to talk about them as
13 something completely different and probably not even
14 visualized. If the rivers -- if the fish are going
15 through the rivers and the current, they can smell
16 whether they're on salt water or fresh water. If I'm
17 trying to catch an animal, I have to make sure that --
18 where the wind direction is. If I'm trying to catch a
19 caribou or any animal, I have to watch where the wind
20 is going. For those caribou and the wildlife that is
21 in the Arctic, I just wanted to note that. Thank you.

22 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

24 I don't believe there was a question, but thank
25 you very much for sharing the information. Thank you.

26 THE CHAIR: Government of Nunavut, Natalie

1 O'Grady.

2 Government of Nunavut Questions Baffinland Iron Mines
3 Corporation

4 MS. O'GRADY: Qujannamiik, Iksivauta. We do
5 have some -- some questions on this presentation. I
6 just wanted to note, however, the number of questions
7 that we have, I think, is a reflection of the hard work
8 that the Government of Nunavut's environmental
9 assessment review team has conducted over the past two
10 years on this, in particular this topic that has a
11 great deal of uncertainty.

12 So I just wanted to make note of that that there's
13 still lots of work and discussion to be had on this
14 topic. We've made a lot of progress in this -- this
15 technical meeting, and we hope with the limitation of
16 questions will result in maintaining valuable time for
17 community voices to be heard in the roundtable.

18 So with that, I'm going to pass the mic to John
19 Ringrose for questions. Thank you.

20 MR. RINGROSE: John Ringrose, Government of
21 Nunavut.

22 We had a very similar question to Mr. David Lee
23 from Nunavut Tunngavik Incorporated. So, of course,
24 the first question will be on the same vein as David's.

25 Baffinland was questioned regarding permeability
26 this morning. We heard Mr. Setterington defend the

1 number 66 percent but without confirming any meaningful
2 calculations. Then in response to the Igloolik Working
3 Group this afternoon, Lou provided a response that the
4 66 percent permeability was based on the sensitivity
5 analysis.

6 However, in Section 7.2 of the Mary River Project
7 rail alignment summary report, it appears that as a
8 response to a commitment to the Government of Nunavut,
9 Commitment Number 67, that 66 percent is being
10 calculated as passable where it slopes --

11 THE CHAIR: If you can please slow down
12 for the interpreter.

13 MR. RINGROSE: I'll go back a little bit.

14 In response to a commitment to the Government of
15 Nunavut Commitment Number 67, 66 percent is being
16 calculated as passable where slopes are 2 to 1 and
17 heights are 2 and 4 metres. Can Baffinland confirm
18 where this 66 percent permeability comes from. Thank
19 you.

20 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

22 I will ask Mike Setterington to respond to this
23 answer. Thank you.

24 THE CHAIR: Mike Setterington.

25 MR. SETTERINGTON: Madam Chair, it's Mike
26 Setterington for Baffinland.

1 I'd like to thank the Government of Nunavut for
2 giving me the opportunity to provide some further
3 clarification on -- on my answer earlier in the day to
4 David Lee with NTI.

5 David Lee had referred to a July 23rd, 2019,
6 memorandum, and that's where the numbers of the
7 proportion of rail by various heights of embankment
8 range from 19 to 43 percent versus what we're saying in
9 the terrestrial presentation where we consider upwards
10 of two-thirds or 66 percent of the rail to be
11 permeable.

12 Madam Chair, I'd just like to clarify to both
13 David Lee at NTI and the Government of Nunavut that the
14 numbers that we came up with, 19 and 43 percent, that
15 was in particular response to the Government of
16 Nunavut, their GNTRC-12, which we developed a
17 memorandum on July 23rd. That's when the Government of
18 Nunavut asked us specifically to consider only
19 heights -- only heights of the embankment. That was
20 the only feature they wanted considered in the data
21 that we provided, so using the height criteria alone of
22 less than height being 1.52 and 2.5, that's how we
23 derived the 19, 32, and 43 percent.

24 However, it clearly states in that memo that
25 without further mitigation by design, i.e., flattening
26 the slope to anything as gentle or gentler than 2 high

1 to 1 vertical, filling the larger rock voids with
2 filler -- with finer material, those are the numbers we
3 come up with. However, that's an unrealistic view, but
4 that's the numbers that the Government of Nunavut
5 wanted.

6 Our mitigation is by design, by grading slopes up
7 to 4 metres high at 2 to 1, and that results in 66 or
8 two-thirds of the railway alignment being permeable to
9 caribou movement without any further mitigation.

10 Madam Chair, I hope that provides clarification
11 that height and slope are considered in permeability.
12 Thank you.

13 THE CHAIR: Government of Nunavut, John
14 Ringrose.

15 MR. RINGROSE: John Ringrose, Government of
16 Nunavut.

17 Can you please confirm if the culverts and land
18 user and tote road crossings mentioned on Slide 14 are
19 included in your final figure of 66 percent?

20 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

22 I'd like to ask Mike Setterington to respond.

23 Thank you.

24 THE CHAIR: Mike Setterington.

25 MR. SETTERINGTON: Madam Chair, it's Mike

26 Setterington for Baffinland.

1 Madam Chair, in Section 7.3 of our railway report,
2 no, it clearly states that the 67 percent is calculated
3 based purely on height and slope. We did not include
4 the additional mitigations of culverts and
5 overpasses -- or ramps. Sorry. Thank you.

6 THE CHAIR: Government of Nunavut, John
7 Ringrose.

8 MR. RINGROSE: On Slide 24 of your
9 presentation on the terrestrial environment, you
10 present a caribou decision framework for the railway,
11 which includes -- which indicates that railway traffic
12 will be stopped during a major migration.

13 Noting that Baffin Island caribou differ from
14 mainland migratory caribou and generally do not make
15 annual long distance migrations in large herds in
16 orders of tens to hundreds of thousands, can you tell
17 me in terms of number what definition of "major
18 migration" will be applied to this decision framework,
19 and if a definition has not been finalized, will you
20 commit to apply a definition that is recommended by a
21 majority of members of the terrestrial ecosystem
22 working group and the Inuit working groups?

23 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

25 I'll ask Mike Setterington to respond. Thank you.

26 THE CHAIR: Mike Setterington.

1 MR. SETTERINGTON: Madam Chair, it's Mike
2 Setterington for Baffinland.

3 Thank you very much for that question from the
4 Government of Nunavut, and a key question is: What
5 will migration look like when these caribou start to
6 migrate?

7 Madam Chair, this is a question that we've been
8 pursuing since some of the very first Inuit engagement
9 meetings that we had going back to 2008. We don't have
10 the caribou on Baffin Island now to tell us how they
11 move. We went to the Elders and holders of Inuit
12 Qaujimaqatugangit to try and understand how the caribou
13 will return to the area and how they do it when they do
14 it, and how they move in numbers.

15 And, Madam Chair, we still have not collectively
16 been able to characterize exactly what the caribou will
17 look like and how they will behave when, in the words
18 of the Elders, "when the large herds return".

19 So to further -- the Government of Nunavut's
20 questions about will we accept the definition of
21 migration from the majority of the terrestrial
22 environment working group or an Inuit working group,
23 Madam Chair, the only way we can get to an answer like
24 this is to collaborate and continue collaborating with
25 the knowledge holders. Baffinland has no better
26 information to define this than the knowledge holders

1 already, the Inuit themselves.

2 So, of course, we'll accept a reasonable
3 definition, but we've been trying to pursue that
4 definition now for over 12 years. We don't know what
5 the caribou will do, but, Madam Chair, I think we have
6 a great opportunity to start learning about how the
7 caribou are moving as the herd recovers with
8 collaborative research that Baffinland is pursuing with
9 the Government of Nunavut and the Inuit communities,
10 and I'd hate to see that opportunity be missed. Thank
11 you, Madam Chair.

12 THE CHAIR: Just to be clear to everyone
13 observing these proceedings, there are still more than
14 eight days left in the public hearing. The Board is
15 managing the time for these technical sessions --
16 session questions to ensure that we are able to hear
17 more fully from Inuit communities in the
18 five-and-a-half days of the public hearing set aside
19 for the community roundtable members and members of the
20 public who will be able to ask questions to both the
21 intervenors and the proponent.

22 We know communities are eager to ask questions and
23 share their knowledge, and we will proceed to that next
24 week as soon as we conclude these technical sessions.

25 For all the people listening, understand -- for
26 those intervenors from the Inuit organizations, they

1 have to be affirmed before they speak and sworn in.
2 After they are affirmed, they will be able to ask
3 questions to them.

4 I hope people understand that people who are
5 providing evidence in the hearing need to be sworn in
6 when they're giving statements and making comments.

7 We will continue with questions to the proponent
8 on terrestrial environment with the list of registered
9 intervenors after a break. So let's take a 15-minute
10 break.

11 (ADJOURNMENT)

12 THE CHAIR: Welcome back, everyone.

13 Continuing with questions to the proponent,
14 Crown-Indigenous Relations and Northern Affairs Canada,
15 Spencer Dewar.

16 MR. DEWAR: Qujannamiik, Madam Chair. I'd
17 like to thank Baffinland for the presentation.

18 The Government of Canada has one question from
19 Transport Canada, and it'll be asked by my colleague,
20 Jason Cram. Qujannamiik.

21 THE CHAIR: Transport Canada, Jason Cram.
22 Transport Canada Questions Baffinland Iron Mines
23 Corporation

24 MR. CRAM: Thank you, Madam Chair. Jason
25 Cram with Transport Canada. Could I confirm that you
26 can hear me clearly?

1 THE CHAIR: Yes, please proceed.

2 MR. CRAM: Thank you.

3 I will actually have three questions for the
4 proponent. The first question: On Slide 8 on Inuit
5 knowledge, referring to the railway workshop in 2019
6 where Inuit participated in an on-site visit of a
7 railway in Quebec. It is my understanding that the
8 main purpose of this workshop was to familiarize the
9 Inuit community members with railway operations.

10 Could Baffinland please confirm and, if so, does
11 Baffinland believe that based on this workshop the
12 Inuit committees involved have a good understanding of
13 railway operations? Thank you, Madam Chair.

14 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

16 The February meeting in Trois Rivières, Quebec,
17 provided the participants at that specific meeting the
18 opportunity to provide -- or, sorry, to observe an
19 operating railway, and through discussions with the
20 participants at that meeting, we had some good
21 recommendations on the operations.

22 But I think it would be a stretch to say Inuit in
23 the communities generally have a good understanding of
24 operations of the railway recognizing that there is no
25 rail in Nunavut, and it was a limited representation of
26 the communities present at the workshop. Thank you.

1 THE CHAIR: Transport Canada, Jason Cram.

2 MR. CRAM: Thank you, Madam Chair. Jason
3 Cram, Transport Canada, and thank you, Baffinland, for
4 that response.

5 On Slide 22 on operations mitigations -- I guess
6 first could Baffinland please confirm who will be
7 designated as wildlife monitors, if they will be
8 Baffinland employees, Inuit community members, or both?
9 And what will their process for communicating with
10 those in charge of railway operations be? Thank you,
11 Madam Chair.

12 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

14 The wildlife monitors will likely be a combination
15 of Baffinland employees as part of our environment
16 department with first right of refusal for Inuit
17 members on that team to participate in that monitoring.
18 Qikiqtani Inuit Association may also hire monitors for
19 this purpose as well as Baffinland may hire Inuit from
20 the communities to participate in monitoring either
21 from the community at large or through the hunters and
22 trappers associations.

23 The monitors will be able to communicate with
24 railway personnel through the rail traffic controller.
25 We also envision constructing three cabins along the
26 transportation corridor that could be served -- served

1 for observation purposes and a base for community-based
2 monitoring programs who would be able to relay
3 information to railway operators. Thank you.

4 THE CHAIR: Transport Canada, Jason Cram.

5 MR. CRAM: Thank you, Madam Chair. Jason
6 Cram, Transport Canada. Thanks again for that
7 response, Baffinland.

8 My last question is on Slide 23 also around
9 operations mitigations. There's mention of a railway
10 safety protocol and communication plan. My question
11 is: What will the process be for the public for
12 reporting railway safety emergencies or concerns? And
13 is there a plan for this process to be properly shared
14 with the public through education and awareness
15 sessions? Thank you, Madam Chair.

16 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

18 I'll ask Lou Kamermans to respond. Thank you.

19 THE CHAIR: Lou Kamermans.

20 MR. KAMERMANS: Lou Kamermans, Baffinland.

21 Thank you, Madam Chair.

22 Baffinland has committed to develop a safety
23 protocol and communication plan prior to construction
24 of the north railway. This was made in response to
25 Government of Nunavut Final Written Submission
26 Number 9. We also plan to implement operation

1 lifesaver to educate the public about rail operations.

2 Thank you.

3 THE CHAIR: The Amaruq Hunters and
4 Trappers Organization, Jeetaloo Kakee, you had a
5 question yesterday, and no one understood your
6 question. They assumed it was just a comment. Can you
7 repeat your question. About HTO was taken as a
8 statement. There was a question, and it was
9 misunderstood as a statement. Jeetaloo Kakee, can you
10 repeat your question, Jeetaloo Kakee.

11 Amaruq Hunters and Trappers Organization Questions
12 Baffinland Iron Mines Corporation

13 MR. KAKEE: I wonder -- like, Inuit
14 traditional knowledge, like when during the 1940, I was
15 born before the government was born, and today it's
16 2021, and we can use these as examples. So I am assume
17 I'm an Elder now since I'm at that stage in life.

18 What I was trying to say was caribou roots. Like,
19 if the caribou are travelling, will they be able to
20 cross from the north side and move toward the
21 Baffinland area? And once the fall approaches, then
22 they will migrate back to where they came from. So
23 that was my question. Will there be crossings?

24 And also I mentioned earlier, I was trying to
25 explain my lifestyle. Like, if fish have -- will be
26 able to travel through the tunnels underneath the

1 water, and also caribou can smell using the wind to
2 detect anything, and also we tried to -- what I was
3 trying to say is we tried to observe where the wind is
4 coming from when we're hunting caribou. So some of us
5 are -- maybe you don't understand. Maybe your caribou
6 in your area, are they slightly different from our
7 caribou. That's what I was trying to say. I probably
8 am not making sense again.

9 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

11 Thank you for repeating your question. I'll ask
12 Mike Setterington to respond. Thank you.

13 THE CHAIR: Mike Setterington.

14 MR. SETTERINGTON: Thank you Madam Chair, and
15 thank you to the Amaruq Hunters and Trappers and Jeeta
16 for your observations and question about caribou
17 passage.

18 I'll first try and -- and reflect on his
19 observations about how caribou can smell and how it's
20 important when you're hunting to be upwind. We account
21 for that in our impact assessment through what I've
22 referred to a few times as our "zone of influence". We
23 understand that caribou will behave differently as they
24 get near the mine site and the road and the porch.
25 That's how we calculate a potential reduced use near
26 the mine site.

1 However, that reduced use does not mean that they
2 will absolutely avoid the site, and that's coming from
3 traditional knowledge and work we've done going back to
4 2008 with our work groups and Elders from the North
5 Baffin and hunters about how caribou will behave when
6 the large herds do come back.

7 It looks like thick caribou herds when they do
8 come back in large numbers, will come back from the
9 south, and we have always focused on ensuring that
10 caribou can move through the project area freely,
11 understanding that some will be disturbed, but we have
12 to let the population move through the area freely and
13 use that habitat as they choose to. So we learned a
14 lot about adaptability of caribou.

15 And we also hear from other Elders that eventually
16 we will have what was termed a "caribou problem" on the
17 project, that we will have caribou coming through our
18 project area, and we'll have to deal with caribou on
19 the project.

20 To help caribou move through, we do things now
21 like monitoring the road. We keep snowbanks down to
22 less than 1 metre. We're going to be managing snow on
23 the railway. You've heard our discussion about how
24 we're managing the embankment on the railway, and we'll
25 be monitoring that as well.

26 We also understand from the North Baffin Elders

1 and Inuit hunters that these caribou are able to climb
2 over fairly steep hills, and they're -- and that's
3 something we'll be looking at as well too, how they can
4 move through the area.

5 So I hope -- I hope I'm giving you enough
6 information to give you some confidence that this is
7 something that we have focused our assessment on. It's
8 something we focused our mitigation on, and it's
9 something we'll be focusing our long-term monitoring of
10 caribou and how they move through the project and
11 through the North Baffin region. Thank you, Madam
12 Chair.

13 THE CHAIR: Crown-Indigenous Relations and
14 Northern Affairs Canada, can you confirm that there are
15 no questions from Environment and Climate Change
16 Canada, Fisheries and Oceans Canada, Health Canada,
17 Natural Resources Canada, and Parks Canada. Spencer
18 Dewar.

19 MR. DEWAR: Qujannamiik, Madam Chair.
20 Spencer Dewar, Crown-Indigenous Relations and Northern
21 Affairs Canada.

22 I confirm that the Government of Canada has no
23 further questions at this time.

24 THE CHAIR: Oceans North, Christopher
25 Debicki. Amanda Joynt, Oceans North.
26 Oceans North Questions Baffinland Iron Mines

1 Corporation

2 MS. JOYNT: Thank you, Madam Chair.

3 Amanda Joynt, Oceans North.

4 Will the proponent please clarify how the current
5 monitoring programs will identify whether caribou are
6 showing disturbance if the zone of influence is farther
7 away from the 14-kilometre observable distance that is
8 covered by the height-of-land studies? How will your
9 study indicate if caribou are moving away? Thank you.

10 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

12 Just for clarity, I'm wondering if Oceans North
13 could provide to us their technical comments or point
14 to their technical comments that this question is
15 related to. Thank you.

16 THE CHAIR: Oceans North, Amanda Joynt.

17 MS. JOYNT: Sure. Thank you for the
18 question. Amanda Joynt, Oceans North.

19 I understand that it sounds strange for Oceans
20 North to be asking about caribou, but my background as
21 a biologist includes terrestrial ecology, and there is
22 a similar issue with detecting narwhal, so showing a
23 consistent unresolved issue of detecting behavioural
24 disturbance and then being able to connect it with
25 population effects, and that's an important technical
26 issue to highlight. In addition, this is clearly

1 important to the Mittimatalik Hunters and Trappers
2 Organization and others, so I am using my time to ask
3 it. Thank you.

4 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

6 Thank you for clarifying that you do not have any
7 outstanding issues on the record related to this topic.
8 But I will ask Mike Settingington to provide a short
9 summary response to the question. Thank you.

10 THE CHAIR: Mike Settingington.

11 MR. SETTERINGTON: Madam Chair, Mike Settingington
12 for Baffinland.

13 The question that -- I understand it is: How does
14 our current height-of-land surveys detect changes in
15 caribou behaviour if it's beyond the 4 kilometres that
16 we can see? Madam Chair, I'd just like to reiterate
17 the response that I gave to the Mittimatalik Hunters
18 and Trappers Organization. The height-of-land surveys
19 we're currently doing are in no way intended to be a
20 zone-of-influence-level monitoring. The height-of-land
21 surveys are intended to be site-specific looking at
22 caribou that potentially interact with the project when
23 they're within the project footprint.

24 I mentioned earlier that we are participating in
25 other surveys. If we want to get at the issue of what
26 is the ultimate zone of influence of this project or

1 any project, that requires broader regional surveys,
2 either aerial surveys or caribou collaring studies
3 given current technology.

4 Madam Chair, Baffinland has conducted both of those
5 types of studies or contributed in partnership with the
6 Government of Nunavut, and Baffinland is working on a
7 commitment to contribute to further collaring studies,
8 and we've done further work on that through the
9 terrestrial environment working group to work on
10 monitoring triggers of when that collaring program will
11 begin to inform us of potential project effects. Thank
12 you very much, Madam Chair.

13 THE CHAIR: Oceans North, Amanda Joynt.

14 MS. JOYNT: Amanda Joynt, Oceans North.

15 Thank you for that answer.

16 Just to clarify, can you please provide the
17 justification for the current zone of influence in line
18 with the other mine roads elsewhere in Nunavut or the
19 railway and caribou interactions elsewhere in the
20 Arctic? Thank you.

21 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

23 I do believe this is the same question that was
24 asked by Ms. Hanson-Main from the Mittimatalik Hunters
25 and Trappers Organization, but if the Chair wishes,
26 I'll ask Mike Setterington to provide a response.

1 Thank you.

2 THE CHAIR: Mike Settingington.

3 MR. SETTERINGTON: Madam Chair, it's Mike
4 Settingington for Baffinland.

5 The justification for the zone of influence that
6 we used is provided in Technical Supporting
7 Document 10, Section 3.2.1. Thank you, Madam Chair.

8 THE CHAIR: Oceans North, Amanda Joynt.

9 MS. JOYNT: Amanda Joynt, Oceans North.
10 Thank you for that clarification.

11 And then my last question: If impacts of the
12 railroad to Milne are found to be significant on
13 terrestrial species and caribou in particular, then an
14 additional railroad to Steensby may be determined by IQ
15 and scientists to have too much of a cumulative impact
16 on caribou. What would happen then? Thank you.

17 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

19 I'll also note that this appears to be a repeat
20 question from yesterday, but the current assessment did
21 include cumulative effects and did include an analysis
22 of both the northern and southern railway. So the
23 findings and conclusions from our assessment have
24 already considered what the intervenor has just
25 questioned. Thank you.

26 THE CHAIR: World Wildlife Fund, Paul

1 Okalik.

2 World Wildlife Fund Questions Baffinland Iron Mines
3 Corporation

4 MR. OKALIK: Thank you, Chairperson. I
5 have three questions. I may ask questions later.

6 The first question: We are on an island, and this
7 island that we live in has a lot of mountains, so it's
8 not a good place for wildlife, and caribou are
9 migrating -- caribou -- and they need to be able to
10 move freely. So when the caribou are reduced at this
11 point and when the project is expanding, they would be
12 reducing the amount of land that would've been utilized
13 by caribou.

14 So how are the caribou going to increase if the --
15 where they are able to migrate is reduced? That is my
16 first question.

17 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

19 I'll ask Mike Setterington to respond. Thank you.

20 THE CHAIR: Mike Setterington.

21 MR. SETTERINGTON: Madam Chair, it's Mike
22 Setterington for Baffinland.

23 The question as I understand it is: If the
24 caribou -- if the smaller caribou population can't move
25 into their habitat, how are they going to recover?

26 Madam Chair, we address that in several ways. The

1 first one we did was using the collaring data from the
2 Government of Nunavut collaring program that Baffinland
3 supported from 2008 to 2011. We developed a
4 state-of-the-art habitat map to determine what type of
5 habitat caribou use that is important to caribou.

6 And the second thing that we did specifically to
7 look at how the caribou population will recover is we
8 conducted energetics modelling of caribou that models
9 their population growth over the next 50 years and
10 looks at the health of the caribou and how that
11 population would recover under various scenarios of
12 disturbance and harvest.

13 The habitat model is available in Technical
14 Supporting Document 10 and the updated energetics
15 model, which we've run three different models for this
16 project starting back in 2012, the latest one was
17 updated in response to the Government of Nunavut TRC
18 Number 18 and a memo in July 19th, 2019.

19 Both of those models looked at -- quantified the
20 amount of habitat for the North Baffin Island caribou,
21 and the energetics model in particular looked at the
22 different scenarios of how the caribou population would
23 recover.

24 And, Madam Chair, the models did look at if
25 caribou move freely across the transportation corridor.
26 The models also looked at how the caribou population

1 would respond if they saw the project as a high level
2 of disturbance and did not cross, and we looked at
3 various growth trajectories of caribou, from low
4 disturbance to high disturbance. The caribou
5 population does recover.

6 That's how we looked at the caribou populations
7 and trying to predict the future. Thank you, Madam
8 Chair.

9 THE CHAIR: World Wildlife Fund, Paul
10 Okalik.

11 MR. OKALIK: Thank you, Chairperson.

12 So I've been caribou hunting, so I have to try to
13 find out where they're travelling and where they
14 usually go, especially when they're migrating. So they
15 say that they have done some studies. I have not seen
16 any results of those studies. I don't know where the
17 caribous go, where is there migrating route and when.

18 So I want to see those reports. As Inuit, when I
19 look at their information from 1970s, in the springtime
20 at Steensby, people used to go hunting there in the
21 spring and in the fall, according to the records.

22 So perhaps they can stipulate where the caribou
23 usually migrate in terms of the railway. If the
24 caribou are going to be crossing, are they going -- is
25 the migration and -- is going to stop because of the
26 infrastructure?

1 THE CHAIR: Perhaps the Government of
2 Nunavut can also provide some response to that during
3 their intervention.

4 Baffinland, Megan Lord-Hoyle.

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

6 I just want to clarify, Madam Chair, that all of
7 our information has been made publicly available
8 through the NIRB registry and has been available to the
9 World Wildlife Fund.

10 I'm also going to ask, Madam Chair, if we can put
11 some supplementary slides that were sent through to the
12 Board's staff up on the screen before we respond to
13 this question. Thank you.

14 I'd also ask, Madam Chair, for Mike Setterington
15 to respond to the answer. Thank you.

16 THE CHAIR: NIRB legal counsel.

17 MS. MEADOWS: Thank you, Madam Chair.

18 Teresa Meadows, legal counsel for the Nunavut Impact
19 Review Board.

20 So for the benefit of the public hearing record,
21 the two slides that Baffinland is proposing to
22 reference are materials that have previously been filed
23 with the Board on the public registry, but they have
24 put them into these two slides so that they can be
25 conveniently referenced. We will make sure that those
26 two slides become exhibits so that someone listening in

1 or watching the -- or reading the transcript would be
2 able to understand what materials are being projected
3 on the screen while the -- while the speaker is
4 speaking. Thank you, Madam Chair.

5 EXHIBIT 8 - PowerPoint Presentation, Two
6 Slides, Public Hearing Iqaluit and Pond Inlet
7 January 25 - February 6, 2021

8 THE CHAIR: Mike Setterington.

9 MR. SETTERINGTON: Madam Chair, it's Mike
10 Setterington for Baffinland.

11 The slides that should be coming up on screen
12 shortly are both figures from the original baseline
13 report from the final environmental impact assessment
14 of the previously approved project.

15 The one we're looking at now is a figure derived
16 entirely from traditional knowledge, and it was
17 published in a book on Northwest Territories caribou,
18 and this is the level of information that we had
19 available at the time. This was collected just at the
20 peak of North Baffin Island caribou abundance and South
21 Baffin Island caribou abundance. This is a publication
22 from the late 1980s, early 1990s.

23 Those arrows are showing various seasonal
24 movements. Red showing spring-summer-fall movement --
25 or summer and fall movement; green, spring and summer.
26 You can see the speckling up in the North Baffin

1 showing concentrations of caribou. That was, again,
2 based on Inuit land use and occupancy survey
3 information collected in the 1970s. So this is a vast
4 collection of traditional knowledge. There was very
5 little survey data available even up to the time that
6 this project started in 2006, 2007. There was very
7 little scientific information to go on.

8 If you can switch to the next slide, the next
9 slide is also in the baseline report. It's also in
10 Technical Supporting Document 10, Map Number 3. This
11 figure was derived during our caribou workshop, again,
12 based entirely on Inuit Qaujimajatuqangit. When we ask
13 the question when the caribou come back, how will they
14 come back, how the caribou came here, we saw a --
15 large, deep incised trails down near Steensby Inlet but
16 no Caribou. Where did they go? How did they get
17 there?

18 So out of discussions, this is what our translator
19 helped us draw and what was explained and then what was
20 verified with our working group members of the
21 distribution of caribou as they came back to North
22 Baffin Island, either the big herds or as the
23 population continued to increase.

24 And you can see the decades of difference; they
25 first were there in the south from 1975 to '85, moved
26 west over to Arctic Bay area, 1988 to 1992, and the

1 caribou were in high numbers in the northern part of
2 the study area where we're looking right now from 1992
3 to 1998. These are the times when we were told that
4 people in Pond Inlet were chasing caribou from between
5 houses. The hillsides were green with lichen, and then
6 the impression was -- is that in the late '90s and
7 early 2000s the caribou went somewhere else. You see
8 that arrow in the right of the figure going off
9 somewhere into the mountains, south and east of the
10 project site.

11 Other figures that we don't have but are in
12 Technical Supporting Document 10, part of our baseline,
13 when we get to very specific site-specific features on
14 the road and on the southern rail, which we summarize
15 in our baseline, our Map 6 and Map 7 in our technical
16 supporting document, that's a collection of both what
17 we saw on the ground for caribou trails and the air,
18 and Map 7 is what our workshop people -- our workshop
19 participants provided as far as caribou movement goes,
20 and you can see that there's quite a bit of movement,
21 and, in fact, I would suggest that there's not very
22 much guesswork left involved as to where caribou are
23 coming. It's just when they will be coming and how
24 they will be coming we still do not have a specific
25 characterization of.

26 So, Madam Chair, I think the caribou movement is

1 well documented and -- and as World Wildlife Fund
2 suggested that we're just working on guesswork is -- is
3 not correct. Thank you, Madam Chair.

4 THE CHAIR: World Wildlife Fund, Paul
5 Okalik.

6 MR. OKALIK: I'm not blaming people. I'm
7 not saying that you're doing guesswork. I'm not
8 stating that at all. This is not what I said. I just
9 want to clarify that.

10 My last question, in this report, this rail line,
11 railway, it's not going to be very long. There would
12 be good crossings, a good ability for caribou to cross,
13 so I was looking at the Nunavut Impact Review Board
14 meetings were done where you are living -- close to
15 where you are living in the August 28, 2019, in your
16 minutes. It says Mr. Quesnel for Agnico Eagle in 537,
17 69, and 619, there were 50 crossings that had been made
18 available. So even though that is the case, when
19 they're looking at it, Mr. Atkinson from the government
20 in that same report in the 607 page, even if that's the
21 case, the caribou don't always cross on this particular
22 crossings, only when the road is being not used when
23 there was less use of the road there. When the road
24 was closed, the caribou was able to cross.

25 So it was closed for 27 days. So finally the
26 caribou were able to cross just for the road. Road in

1 terms of the trails for the caribou, how would you know
2 that the caribou is going to cross in this particular
3 place when we talk about the trail? Are there going to
4 be instances where the railway will be closed for many
5 days to give the caribou the ability to cross? Thank
6 you, Chairperson.

7 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

9 I'll ask Lou Kamermans to respond. Thank you.

10 THE CHAIR: Lou Kamermans.

11 MR. KAMERMANS: Lou Kamermans, Baffinland.

12 Thank you, Madam Chair.

13 I believe the proposal we've put forward is
14 consistent with a lot of the principles raised by the
15 intervenor. We believe -- or we have taken an approach
16 to building the north railway that doesn't depend on
17 caribou crossing where we want them to cross. The
18 approach is to build the railway where caribou can
19 choose where to cross. We also believe that the
20 transition between ore haulage by rail or from ore
21 haulage by truck to rail will generally reduce
22 activities in that transportation corridor, as I
23 described previously today.

24 We are confident that these measures will work,
25 but we're also aware that monitoring will be critical
26 to managing the potential effects of the railway and

1 the tote road when caribou in the future when they
2 begin to return to the area in numbers that have
3 previously been seen.

4 Lastly, we have committed to implementing
5 temporary suspensions for the railway and tote road
6 when caribou return to the area in numbers that require
7 it. Thank you.

8 THE CHAIR: Nunavut Independent Television
9 Network, Carol Kunnuk.
10 Nunavut Independent Television Network Questions
11 Baffinland Iron Mines Corporation

12 MS. KUNNUK: Thank you, Madam Chair. Carol
13 Kunnuk, (INUKTITUT SPOKEN - NO TRANSLATION) Nunavut
14 Independent Television Network.

15 I'd like to say NITV is very interested how all
16 parties can inform and consult Inuit in a better way.
17 Baffinland has made commitments in the Phase 2
18 proposals to develop new plans for improving and
19 consulting each of Inuit. So my question is: How and
20 better way do you see opportunities for using
21 audio/video technology to improve consulting and
22 monitoring system at a community level such as
23 recording and broadcasting in communities' meetings or
24 workshop? Thank you.

25 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

1 Thank you. That's a very good question,
2 especially considering the circumstances of working
3 during the COVID pandemic. Baffinland over the years
4 has been evolving the way in which it communicates in
5 the communities changing from more presentation styles
6 to more dialogue styles, including radio phone-in shows
7 to reach a broader audience, but I think that there's a
8 lot of opportunity to increase what we've started
9 doing.

10 Through the pandemic, we've gotten more used to
11 using teleconference and videoconference services. I
12 think that will become more of a broad communications
13 tool. We've also used iPads to help communicate in the
14 past summer. And Baffinland is a very transparent
15 company. We want our communications to be informed
16 by -- by public views and to share our views and
17 thoughts on how the company is operating.

18 If public community members were open to
19 broadcasting meetings, we wouldn't be opposed to that,
20 and we would welcome opportunities to work together.
21 Thank you.

22 THE CHAIR: Nunavut Independent Television
23 Network, Carol Kunnuk.

24 MS. KUNNUK: Thank you, Madam Chair. Carol
25 Kunnuk from Nunavut Independent Television Network.
26 Thank you for clarifying that answer.

1 I have one more question. Will there be any
2 external evaluation of community engagement plans?
3 Thank you.

4 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

6 Yes, and I believe that the framework for that
7 would be involved in the development of the
8 community-specific engagement guidelines that we'll be
9 developing. Thank you.

10 THE CHAIR: NIRB staff.

11 Nunavut Impact Review Board Staff Questions Baffinland
12 Iron Mines Corporation

13 MS. COSTELLO: Thank you, Madam Chair. Staff
14 have three questions. Karen Costello for the Nunavut
15 Impact Review Board.

16 The first question is with respect to dust fall
17 monitoring. Dust production along the tote road has
18 been noted by the Nunavut Impact Review Board as a
19 concern through biannual community information
20 sessions, the terrestrial environment working group
21 meetings, and through yesterday's roundtable
22 discussions on the atmospheric environment.

23 It is the Board's understanding that Baffinland
24 currently places their dust fall monitoring stations at
25 a standardized height of 2 metres at varying distances
26 away from the tote road. Modifications to this

1 approach had been made by other Nunavut mines and
2 have -- and it has been recommended by several -- at
3 several terrestrial environment working group meetings
4 with members that Baffinland should install dust fall
5 stations at multiple heights at each location in order
6 to increase Baffinland's understanding of the potential
7 effects that dust from the tote road may be having on
8 the nearby terrestrial environment.

9 Recognizing the concerns around dust in both the
10 approved project as well as the Phase 2 proposal and
11 noting that other Nunavut mines have modified this
12 2-metre standard, can Baffinland explain their
13 rationale for continuing to only measure at a height of
14 2 metres despite community and intervenor concerns
15 about their dust monitoring program? Thank you, Madam
16 Chair.

17 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

19 We acknowledge that concerns on the dust fall
20 monitoring methods employed have been brought forward
21 in a number of different forums. We continue to stand
22 behind the monitoring that we've been conducting
23 because we have examined our own data. We've learned
24 lessons from other operations, which have informed our
25 decision-making, and have adapted our methods to
26 reflect what community and intervenors have brought

1 forward to us.

2 We are using a standardized method. As I
3 mentioned yesterday, we're monitoring from very close
4 to further distances away from the tote road as well as
5 at the mine and port site. In addition to the dust
6 fall monitors themselves, so the collection of dust,
7 we're also monitoring the receiving environment, which
8 means we're monitoring the environment that the dust
9 falls on to determine if that dust is having an impact
10 on the pathways that would be of concern to wildlife or
11 humans.

12 We're monitoring the waters, the streams and
13 lakes, the sediment in the water bodies; on the land,
14 the soil and the vegetation to understand if dust
15 falling on the ground is resulting in an increase of
16 metals in the environment.

17 To date, we have not seen this occurring. That
18 provides confidence that together the dust fall
19 monitors themselves, plus the addition of other lines
20 of evidence, provides a robust monitoring program to
21 understand the impacts of the environment. That said,
22 we understand that particularly within the community of
23 Pond Inlet there are concerns with dust produced at
24 site. We acknowledge that dust has been and will
25 continue to be a part of this operation, but we will
26 try to control it where we can.

1 We've added satellite imagery or also referred to
2 as "aerial imagery" to start better understanding the
3 extent of dust fall. We may not be able to measure
4 detectible concentrations of dust at distance, but that
5 dust may be seen at a distance from the site. And as
6 was mentioned in other places as well as these
7 proceedings, there may be an effect on people because
8 of that visual impact.

9 So to say that we haven't adapted our methods
10 wouldn't be completely accurate. We have, and we're
11 doing so in direct response to what we're hearing and
12 to try and provide more meaningful information to those
13 who need it. Thank you.

14 THE CHAIR: NIRB staff.

15 MS. COSTELLO: Thank you, Madam Chair. Karen
16 Costello, Nunavut Impact Review Board staff. Thank
17 you, Baffinland, for that response.

18 The next two questions have to do with rail
19 operations and caribou. Baffinland has indicated that
20 observations from the tote road may be used to identify
21 caribou in the area to provide a warning for rail
22 operations. Given the location of the tote road and
23 railroad for much of its length and given the height of
24 the railbed, is it physically possible to observe if
25 caribou are present on the other side of the railway
26 from the tote road? Thank you, Madam Chair.

1 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

3 I just want to confirm that I understood the
4 question properly. I believe it was: If you're
5 standing on the side of the tote road and the rail is
6 on the opposite side, will you be able to observe if
7 there's caribou? If I could just ask for
8 clarification, Madam Chair. Thank you.

9 THE CHAIR: NIRB staff.

10 MS. COSTELLO: Thank you, Madam Chair. Karen
11 Costello, Nunavut Impact Review Board staff.

12 Is it physically possible to observe if caribou
13 are present on the other side of the railway if one is
14 on the tote road? Thank you, Madam Chair.

15 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

17 I'll ask Lou Kamermans to expand on the response
18 as it varies for different sections of the tote road.
19 Thank you.

20 THE CHAIR: Lou Kamermans.

21 MR. KAMERMANS: Lou Kamermans, Baffinland.
22 Thank you, Madam Chair.

23 There's no single response to that question given
24 the variability and the topography in the area and
25 where the road is in relation to the railway. So there
26 will be points where the tote road is on the east side

1 of the railway, and other points it'll be on the west.
2 There's a deviation around the Kilometre 67 Hill where
3 they will be apart, and you will not be able to see one
4 from the other.

5 But in many lengths of the road, you'll be able to
6 see the railway, and you will be able to see on the
7 other side. But that also depends on where the caribou
8 are in relation to the railway. So that's why it's
9 important to stress that observations from the tote
10 road would just be one way to identify if caribou are
11 in the area to increase vigilance for the rail
12 operation.

13 It's also worth noting that the frequency of train
14 transits along the north railway come in
15 two-to-three-hour intervals. So there's a lot of time
16 between train transits where caribou could be observed
17 prior to the train making a pass.

18 So just to clarify, that's why it's important that
19 trains will also be observing from the track directly.
20 There will also be hi-rail trucks travelling the road
21 for maintenance purposes. That could also act as
22 surveillance for caribou in the area on top of the
23 ability to see caribou from the tote road. Thank you.

24 THE CHAIR: NIRB staff.

25 MS. COSTELLO: Thank you, Madam Chair. Karen
26 Costello, Nunavut Impact Review Board staff. Thank you

1 Baffinland for that response.

2 Final question has to do with the railbed.

3 Baffinland made mention that areas of the lowered slope
4 of the railbed could be over 10 kilometres in length.

5 We're looking for clarification. Did Baffinland mean
6 individual sections of lower slope could be 10 kilometres
7 or more long or that the cumulative length of railbed
8 with lowered slopes would be 10 kilometres or more?

9 Thank you, Madam Chair.

10 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

12 I will ask Lou Kamermans to respond. Thank you.

13 THE CHAIR: Lou Kamermans.

14 MR. KAMERMANS: Lou Kamermans, Baffinland.

15 Thank you, Madam Chair.

16 So thank you for the opportunity to provide this
17 clarification. The way the program is designed would
18 be that working with the terrestrial environment
19 working group as well with input from the Inuit
20 committee, it influenced Qaujimajatuqangit work
21 following the approval of Phase 2 should it be
22 approved. We would identify areas to build these more
23 gradual slopes, but the condition is that the material
24 needed to build those additional slopes would be taken
25 from other areas along the north railway where we
26 identify caribou are unlikely to cross and do not need

1 the general gentler slope that we've put forward, which
2 is 1-to-2.

3 So by identifying areas where caribou are unlikely
4 to cross and others where they are, we have flexibility
5 in the length, the portion of the north railway that
6 would be built with a 1-to-3 slope and, to be clear,
7 that this would be done in concert with the terrestrial
8 environment working group and Inuit. Thank you.

9 THE CHAIR: (INUKTITUT SPOKEN - NO
10 TRANSLATION).

11 Kaujak Komangapik (Elder) Questions Baffinland Iron
12 Mines Corporation

13 MS. KOMANGAPIK: Thank you, Madam Chair. My
14 name is Kaujak Komangapik. I have been living in Pond
15 Inlet for quite a while. I have six sons and two
16 daughters, and my children were raised in Pond Inlet,
17 but I was born in Arctic Bay. Yes. My name is Kaujak
18 Komangapik. I want to thank you that you're able to be
19 here in Pond Inlet and relax and enjoy the meetings,
20 hearing. But this difficult task ahead of you, and you
21 have to feel for the hunters and people's concern even
22 though it's going to be difficult to achieve. Please
23 feel welcome and try to keep peace and cooperate with
24 each other. That's more appropriate.

25 My question will be: Mary River has been in
26 operation for quite a while, and it has a properly

1 adequate number of employees, and they're well taken
2 care of. But as a hunter and an Aboriginal person and
3 our forefathers relied only on caribou, and they tried
4 very hard to harvest caribou, and if they had not been
5 able to hunt in that area, our Elders, then we would
6 not be alive. So we are very grateful to our
7 forefathers.

8 Our great, great grandmothers or grandfathers, you
9 can foresee -- and it's unfortunate, yet the world
10 continues to change and also the north. We live in the
11 Arctic ever since time immemorial and have been
12 properly taken care of by our great, great grandfathers
13 or grandmothers, and they always took proper care of
14 the area, but now in the world, our world is
15 deteriorating. It's not God's fault. It's us humans
16 who is degrading the world, and that -- we all know
17 that.

18 Before I ask my question, my question will be:
19 Because you employ people and that there are -- in the
20 English language, they're polar bear monitors or
21 monitors to ensure that wildlife do not go to Mary
22 River or Milne Inlet. You have monitors.

23 The hunters, men from Pond Inlet, have often said
24 after they've been out hunting, when they return, they
25 talk to other men or their children and friends and
26 they say, And that person is working at the mine, and

1 caribou were approaching, and you had to chase them
2 away.

3 For what do -- what -- I wonder what kind of
4 deterrent they have to chase away caribou because they
5 have -- there are different methods of scaring away
6 wildlife. I can use -- for example, if I want a polar
7 bear to move away, I can use a gun or use a loud -- a
8 very loud popping sound. So there was going to be
9 deterrence to chase away animals. So only once I've
10 seen -- I've seen them with my own eyes, and I often
11 used them and have used them.

12 How do you scare away foxes, geese, or caribou or
13 rabbits at the mine site when wildlife approach? I
14 want a response. Thank you. Have a nice evening.
15 That's all my questions, Chairperson. Thank you.

16 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

18 Madam Chair, I'm going to ask Connor Devereaux,
19 who is our environmental superintendant and works at
20 the site, to respond to this question. Thank you.

21 THE CHAIR: Connor Devereaux.

22 MR. DEVEREAUX: Connor Devereaux, Baffinland.

23 Thank you, Madam Chair.

24 So at site we have a robust base management plan,
25 and, really, we're looking at avoidance of those
26 attractants for various wildlife. If foxes or Arctic

1 hares are at the project site, most of the activities
2 or small clapping by individuals will deter them from
3 the work areas.

4 I want to highlight that waste management in terms
5 of our landfill, we have only inert products, so we
6 don't have any food or scraps at our landfill
7 facilities. So we are looking at deterrence from
8 mitigation to eliminate those attractants.

9 The only time that deterrents are used at the
10 project is when it comes to safety. So for polar
11 bears, as an example, we have a polar bear safety plan
12 where polar bears are at certain distances to the
13 project or work areas. So the question around specific
14 deterrence, again, we have lights and sirens from our
15 emergency equipment and also bear bangers.

16 So I hope that answers the question. Thank you,
17 Madam Chair.

18 THE CHAIR: You get adequate response?

19 MS. KOMANGAPIK acknowledged.

20 THE CHAIR: It's just after 5:00, so let's
21 break for supper and reconvene at 6:30.

22

23 PROCEEDINGS ADJOURNED UNTIL 6:30 PM

24

25 (PROCEEDINGS COMMENCED AT 6:37 PM)

26 THE CHAIR: Welcome back, everyone.

1 We're going to continue with questions on the
2 terrestrial environment to the proponent, and we will
3 start with the Board before we go to another round of
4 questioning from intervenors.

5 Before we proceed, I want you to understand about
6 a comment that was made and the questions that were
7 raised in regards to terrestrial environment. So we
8 will be -- various intervenors will have three
9 questions, and the Board Members will also be asking
10 some questions, and they will be -- and we'll move on
11 to marine environment. It has not been produced yet.
12 In 2019 when we held the public hearing, they did not
13 discuss the marine environment. So when the
14 organizations have some questions there won't be a
15 limit on questions on the marine environment. The
16 Board recognizes that the presentation on the marine
17 environment has not been presented before the Board.
18 All the topics that have been presented so far were
19 presented in 2019. However, we have not discussed and
20 had presentations on the marine environment, so when we
21 get to the marine environment presentation, there won't
22 be a limit on questions.

23 However, recognizing that there are lots of
24 questions -- this week demonstrates that many people
25 have many questions, and community members also want to
26 ask questions.

1 So in the interest of time, we ask that you keep
2 your questions focused and to the point and keep your
3 statements to your intervention.

4 So we will continue with a round of questioning on
5 the terrestrial environment, and then the next
6 presentation will be on the marine environment. The
7 Board hasn't had an opportunity to ask questions. Are
8 there any questions from the Board? Madeleine.
9 Nunavut Impact Review Board Questions Baffinland Iron
10 Mines Corporation

11 MS. QUMUATUQ: Thank you, Madam Chair.

12 Under the policies, Number 48 -- Item Number 48,
13 but under the Project Certificate Item Number 48, the
14 Mittimatalik Hunters and Trappers Organization has
15 asked about what -- what has happened to the project
16 certificate? What is the condition? Last year also,
17 Baffinland never adequately responded to 48A the first
18 one.

19 And also, we, as Board Members, also asked to get
20 a summarized version about the Mittimatalik Hunters and
21 Trappers Organization. They had a question about fish
22 monitoring programs at Phillips Creek and also at the
23 Lake Tugaat and also Robertson River, Koluktoo. Can
24 Baffinland explain about an updated version on these
25 topics and also whether this report will -- can
26 Baffinland provide an update on when they expect to be

1 able to report back to the Board on meeting the
2 objectives of the terms and conditions. Hopefully I
3 make sense. Thank you, Madam Chair.

4 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

6 I'll ask Lou Kamermans to respond, please. Thank you.

7 THE CHAIR: Lou Kamermans.

8 MR. KAMERMANS: Lou Kamermans, Baffinland.

9 Thank you, Madam Chair.

10 We have sent a proposal to the Mittimatalik
11 Hunters and Trappers Organization to meet and discuss
12 the outline of a monitoring program we propose to
13 implement this summer to comply with Project
14 Certificate 48A. So that term and condition requires
15 us to consult with the Mittimatalik Hunters and
16 Trappers Organization for monitoring fish health and
17 lists Phillips Creek, Koluktoo Lake, and the Tugaat
18 River.

19 When we're able to meet with the Mittimatalik
20 Hunters and Trappers Organization and finalize that
21 design of the monitoring program, we'll submit it to
22 the Nunavut Impact Review Board as an update on
23 compliance with that term and condition, and then the
24 results of that program will also be captured in that
25 year's annual monitoring program. Qujannamiik.

26 THE CHAIR: Madeleine, do you have any

1 more questions?

2 MS. QUMUATUQ: No. That's it for me. Thank
3 you.

4 THE CHAIR: Catherine?

5 MS. EMRICK: Thank you, Madam Chair. I
6 have just one question.

7 In response to previous questions about railway
8 impacts on caribou, it was stated that cumulative
9 effects on caribou from the north-south railway have
10 been assessed. It also seems there's a fair bit of
11 uncertainty about caribou behaviour and the potential
12 effects of the railway on caribou. If Phase 2 is
13 approved and if the northern railway is built, it will
14 be the first of its kind in the Canadian Arctic. How
15 about Baffinland take into consideration their actual
16 experience and lessons learned from constructing and
17 operating the north railway before constructing the
18 approved southern route in order to reflect new
19 information and potential cumulative effects of the
20 combined north and south route? Thank you.

21 THE CHAIR: Baffinland, Megan Lord-Hoyle.

22 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.
23 Thank you for the question.

24 This is the crux of the adaptive management
25 framework that we're developing and finalizing.
26 There's a number of operational learnings that could

1 come from both the construction and operation of the
2 north that could be directly used in the south.

3 Part of our development plan right now sees
4 construction of the Steensby rail occurring at the
5 finalization of the construction of the north rail.

6 A lot will be learned by having Inuit construction
7 monitors at the site who have been identifying areas of
8 special importance where Baffinland can put in place
9 special operating practices. Those types of learnings
10 we would want to conduct again in the south.

11 If the construction schedule goes as planned, we
12 would have a number of years of operations in the
13 north, but what we know -- or our understanding of
14 caribou populations is that we may see caribou coming
15 back in the south before they're interacting in the
16 north.

17 So we'll apply the learnings from the construction
18 period, and if there are learnings from the operation
19 period, we would take those forward in the design of
20 the Steensby rail and the way we manage it, but what we
21 will have by the time the Steensby rail is constructed
22 will be the framework for Inuit involvement.

23 So we'll have a structure in place where we could
24 easily adapt and take that same framework to the south.
25 We could make updates to the caribou decision tree. I
26 think that's -- that concludes my answer. Thank you.

1 THE CHAIR: Catherine? The audio feed was
2 interrupted while I was giving updated direction
3 regarding the marine environment presentation.

4 The Board recognizes that the marine environment
5 presentation is being presented for the first time in
6 the hearing, so when we get to that portion of the
7 hearing, there won't be a limit on the number of
8 questions intervenors can ask, but we ask that you keep
9 your questions focused and to the point and save your
10 statements for your intervention because as you have
11 seen this week, there are lots of questions that people
12 have. So I'll continue with questions to the
13 terrestrial environment. Any more questions from the
14 Board? Okay.

15 I have some questions regarding the terrestrial
16 environment.

17 THE CHAIR: Has Baffinland done an impact
18 comparison on the potential effects to caribou
19 between -- the potential effects of impacts from the
20 road and the rail? So comparing between the two?
21 Baffinland has talked -- presented on how the intervals
22 on the tote road and on the rail would be different.
23 Are there other things to help us understand the
24 difference and potential impacts between tote road
25 activity and rail activity as you propose? What are
26 the possible differences and effects, and how are the

1 mitigations different or similar recognizing that there
2 are no rails in Nunavut. We have experiences with
3 roads.

4 Baffinland, Megan Lord-Hoyle.

5 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.
6 I'm going to ask Mike Setterington to speak to the
7 impact assessment. Thank you.

8 THE CHAIR: Mike Setterington.

9 MR. SETTERINGTON: Madam Chair, Mike Setterington
10 for Baffinland.

11 You asked a question about have we done a
12 comparative analysis between the effects of just the
13 road or the difference between the effects of the road
14 and the rail.

15 Madam Chair, the way we approached the impact
16 assessment was looking at the combined road and rail,
17 the difference being when we transition over to ore
18 haul by rail, we're looking at a substantially reduced
19 number of transits along the northern corridor. We're
20 also looking at a reduced amount of dust by taking
21 those ore-haul trucks off the road, and overall likely
22 less sensory disturbance overall from the lack of
23 movement.

24 So I referred to an earlier response about how
25 those current levels of transits go from about
26 7 percent of a caribou's day down to about 3 percent

1 when we transition over to rail, and we also looked at
2 how going from truck to train increased the time
3 from -- now we have about 4 minutes in between transits
4 on the road to once the rail is operating, we'll have
5 about 18 minutes of time with the combined road and
6 rail.

7 So we didn't compare specifically to everything
8 just on the road or just on the rail. We did look at
9 those differences and tried to highlight those
10 differences in the impact assessment. Madam Chair,
11 thank you.

12 THE CHAIR: My other question is on the
13 same topic. Can Baffinland explain their confidence in
14 their assessment of potential impacts to caribou from
15 the proposed rail, recognizing that the southern rail
16 is not constructed and that there are no rails in
17 Nunavut to draw insights from? How do you --
18 recognizing that there is no rail that exists, how do
19 you put that confidence -- how do you improve your
20 confidence in your assessment on the -- when you assess
21 the impacts?

22 Baffinland, Megan Lord-Hoyle.

23 MS. LORD-HOYLE: Thank you, Madam Chair. Megan
24 Lord-Hoyle.

25 Again, I'm going to ask Mike Settingington to speak
26 to the assessment first, and then I'll ask Lou

1 Kamermans to provide a follow-up. Thank you.

2 THE CHAIR: Mike Setterington.

3 MR. SETTERINGTON: Madam Chair, Mike Setterington
4 for Baffinland.

5 I apologize for not answering that second part of
6 the question there about there not currently being a
7 rail in Nunavut and not knowing exactly how Nunavut or
8 Baffin Island caribou would respond to rail.

9 So to address that, we did, early in the process
10 when we were considering that -- when we were looking
11 and assessing the effects of the southern rail, we did
12 look to other railway operations in northern Canada and
13 Norway, as well to other railways that interact with
14 caribou, and we brought that information in to our
15 impact assessment.

16 And we also presented some of that literature
17 findings within some of our working groups as well too
18 to answer some of the questions, the same questions
19 that we had from some of the Inuit in our working
20 groups, what experience do caribou have with railway?

21 Madam Chair, we weren't -- we weren't finding
22 anything really substantially different from caribou
23 response to any linear development or any linear
24 transportation corridor. There was nothing that came
25 out differently for rail than it did for road. It does
26 come down to number of passes where more and more

1 passes certainly provide more and more of a barrier to
2 caribou. The general finding is that the fewer passes
3 you have along a corridor, the more chance there is for
4 caribou to cross and the more it is seemingly that
5 they -- that they will cross.

6 Madam Chair, I will return it back to Lou.

7 THE CHAIR: Lou Kamermans.

8 MR. KAMERMANS: Lou Kamermans, Baffinland.

9 Thank you, Madam Chair.

10 So just building on what Mike said in a previous
11 question, what lessons learned will we take from the
12 road and apply to the rail? We understand that speed
13 is something that we can look at in establishing speed
14 restriction zones, or we can decide those are
15 necessary. We've proposed to adopt the decision
16 framework developed for the road and apply it to the
17 rail to avoid direct interactions between caribou and
18 trains.

19 We already have an incidental monitoring program
20 at site for wildlife observations, so that too will be
21 strengthened and expanded and applied to the rail.

22 Snow embankment management is a program we already
23 have at site and apply to the road, which we also
24 believe would be applied to the rail.

25 Temporary suspensions have not been required at
26 our project, but they have been applied in other

1 projects in Nunavut to other roads, and that's
2 something else that you can apply to the rail, so there
3 is something very common between a road and a railway,
4 and it's that they're linear infrastructure.

5 It's a different type of linear infrastructure,
6 and I don't mean to understate how important it is that
7 this is a new -- a new form of infrastructure being
8 introduced to Nunavut, but we also just need to think
9 of it in terms of being linear infrastructure and how
10 do we ensure the caribou can get from one side to the
11 other?

12 So those are the principles we think we can borrow
13 from our existing operation, apply to the Phase 2 rail
14 operation, and should Steensby move forward at whatever
15 time that is, apply whatever collection of lessons
16 learned we have from -- from Phase 2 to Steensby.

17 But I acknowledge that we will not have the
18 certainty that many people are looking for until we
19 actually build the railway and we observe the effects,
20 so that's why we're putting a strong emphasis on
21 monitoring and adaptive management.

22 The monitoring will come in the form of support
23 for regional monitoring carried out for the Government
24 of Nunavut that will give us a greater understanding of
25 North Baffin caribou, their population abundance,
26 distribution, and how they interact when they get in

1 proximity to our project.

2 We're also working with the terrestrial
3 environment working group right now to understand at
4 what population levels we will be able to implement new
5 monitoring programs at the local level -- or project
6 level to tell us more about caribou and how they're
7 interacting with the railway.

8 And through all of this, we will have the
9 continued support of the Terrestrial Environment
10 Working Group with the added support of a formalized
11 Inuit committee and the Qikiqtani Inuit Association
12 administered Inuit stewardship plan running monitoring
13 programs that will likely relate to the project's
14 potential impacts on caribou.

15 All of this increases the confidence in our
16 predictions and the confidence that we have that if we
17 build the project, we will be able to monitor the
18 potential effects, and if those effects are determined
19 to be outside of our predictions, we will be equipped
20 to address them in an open, transparent, and inclusive
21 manner.

22 So I could go on, but I think I'll leave it there
23 for now. Qujannamiik.

24 THE CHAIR: NIRB staff.

25 Nunavut Impact Review Board Staff Questions Baffinland
26 Iron Mines Corporation

1 MS. COSTELLO: Thank you, Madam Chair. Karen
2 Costello for the Nunavut Impact Review Board staff.

3 I just wanted to follow up on the third question
4 that staff asked. The specifics of the question were
5 not answered, and I'm looking for the proponent to
6 provide the detail that was requested. Thank you,
7 Madam Chair.

8 THE CHAIR: Baffinland, Megan Lord-Hoyle.

9 MS. LORD-HOYLE: Megan Lord-Hoyle. Thank you
10 for opportunity to provide a follow-up, Madam Chair.

11 The specific answer to the question is our
12 commitment to a pilot program, which would allow for
13 lower slopes, is a minimum of a cumulative of
14 10 kilometres. So that's throughout the entire length
15 of the track is we have committed to a minimum of
16 10 kilometres. Thank you.

17 THE CHAIR: Before we go into the marine
18 environment presentation, we're going for the last
19 round of questions on the terrestrial environment or
20 any presentation prior to this terrestrial environment.
21 And three questions for each intervenor.

22 We recognize that there may be more than three
23 questions, the Board has heard that concern, and if we
24 come up with a way to address that during these
25 technical sessions, we'll explore that. But right now,
26 three questions to each of the intervenors that --

1 identified, and then we'll move on to the marine
2 environment presentation.

3 Qikiqtani Inuit Association, Jared Ottenhof.
4 Qikiqtani Inuit Association Questions Baffinland Iron
5 Mines Corporation

6 MR. OTTENHOF: Thank you, Madam Chair. Jared
7 Ottenhof for the Qikiqtani Inuit Association. I will
8 turn it back over to Susan Leech for some more
9 questions. Thank you.

10 THE CHAIR: Susan Leech.

11 MS. LEECH: Thank you very much, Madam
12 Chair. Susan Leech for the Qikiqtani Inuit
13 Association.

14 My first question is: The Qikiqtani Inuit
15 Association and Baffinland jointly developed caribou
16 protection measures for the Mary River Project in 2014.
17 However, these measures are not currently implemented
18 because, as Baffinland has stated, caribou are not
19 currently interacting with the footprint. We do have
20 evidence from Inuit that caribou are avoiding the
21 footprint already, though.

22 Qikiqtani Inuit Association has questions about
23 concerns this raises. We can't implement caribou
24 protection measures until caribou are interacting with
25 the footprint, but we may be in a situation already
26 where mitigations are needed to reduce disturbance to

1 caribou.

2 THE CHAIR: Can you please slow down for
3 the interpreter and explain --

4 MS. LEECH: Sorry.

5 THE CHAIR: And can you -- instead of
6 saying "footprint", is there a different way that you
7 can phrase it?

8 MS. LEECH: Yes. So we do have evidence
9 from Inuit -- and it's documented in Technical
10 Supporting Document 3 -- that caribou are avoiding the
11 area around the railway and the mine -- or -- sorry,
12 around the tote road and the mine already. So
13 Qikiqtani Inuit Association has questions about the
14 concerns that this raises.

15 We can't implement caribou protection measures,
16 which are extra measures to make sure we're not
17 disturbing caribou until caribou are interacting with
18 the area, but we may be in a situation already where
19 mitigations are needed to reduce disturbance to caribou
20 at critical periods of time, so when -- during calving,
21 for example, and in critical places along the
22 transportation corridor.

23 We may also need to be proactive about
24 establishing protection measures for caribou that
25 follow guidance from Inuit Qaujimajatuqangit.

26 So my question is: With that in mind, is

1 Baffinland in support of a project certificate
2 condition as follows: Baffinland will work with the
3 Terrestrial Environment Working Group and the Inuit
4 committee to update the caribou protection measures for
5 the Mary River Project within three months after the
6 approval of the project, and then Baffinland will fund
7 a caribou focused Inuit Qaujimajatuqangit study with
8 the Hunters and Trappers organization and the Qikiqtani
9 Inuit Association association within six months after
10 the approval of the project. That study would be
11 scoped to make sure that it builds on existing Inuit
12 Qaujimajatuqangit and includes verification of this
13 information with knowledge holders.

14 The results will then be used by the Qikiqtani
15 Inuit Association, the hunters and trappers
16 organizations, the Inuit committee, and Baffinland to
17 further update the caribou protection measures, develop
18 a caribou protection map and project protection zones
19 and inform monitoring, mitigations, and thresholds
20 established through the Inuit Committee and the
21 Terrestrial Environment Working Group. Thank you.

22 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

24 Yes. We agree in principle with the concept,
25 although we think that the timelines perhaps should be
26 revisited and should be more in line with the

1 development of the Inuit committees. So perhaps we
2 would offer that the Qikiqtani Inuit Association would
3 like to work with us on wording to this effect. Thank
4 you.

5 THE CHAIR: Qikiqtani Inuit Association,
6 Susan Leech.

7 MS. LEECH: Thank you, Madam Chair, and
8 thank you very much for that response, Baffinland.

9 My second question is about monitoring. At our
10 most recent Terrestrial Environment Working Group
11 meeting that was held in December of 2020, we talked
12 about the concern that at the current population level
13 of caribou and in their current state -- in other
14 words, they're not migratory right now, and they're at
15 very low numbers -- it may be difficult, if not
16 impossible, to determine whether there's indirect
17 habitat loss happening around the rail when it gets
18 built, if it gets built, and it may be difficult to
19 detect changes in how caribou are moving using radio
20 collars.

21 The Qikiqtani Inuit Association is trying to
22 understand what this impossibility in determining
23 habitat loss and changes in movement mean. What does
24 that mean from a comprehensive monitoring perspective,
25 and, most importantly, how can Inuit Qaujimajatuqangit
26 be integrated as the primary way of detecting changes

1 right now so that adaptive management is responsive to
2 Inuit input?

3 In the latest concordance table from Baffinland,
4 under Item 162 it states: (as read)

5 Baffinland is committed to coming to
6 agreement on railway monitoring. A
7 multidimensional approach to monitoring is
8 proposed, which would involve Inuit staff
9 working under the Inuit stewardship plan,
10 monitoring according to Inuit interests as
11 informed by the Inuit committee and Qikiqtani
12 Inuit Association technical staff.

13 Given how important this monitoring program is to
14 ensure that we avoid impacts to caribou on North Baffin
15 that are beyond what are community defined levels of
16 acceptability, the Qikiqtani Inuit Association is
17 seeking clarification about a standalone project
18 certificate condition.

19 Will Baffinland agree to a project certificate
20 condition that requires the development of a railway
21 monitoring plan within three months post-project
22 approval with a specific emphasis on impacts to caribou
23 and annual updates to this plan through joint
24 discussions with the Inuit committee and the
25 Terrestrial Environment Working Group? Thank you.

26 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

2 Yes. But, again, believe that Qikiqtani Inuit
3 Association may want to revisit the timelines
4 requested, and we'd be happy to work on that wording.
5 Thank you.

6 THE CHAIR: Qikiqtani Inuit Association,
7 Susan Leech.

8 MS. LEECH: Thank you, Madam Chair, and
9 thank you for that response, Baffinland.

10 Lastly, I want to follow up on a question that I
11 asked last time about embankment height, and I was
12 wondering if given the importance of this question if
13 Baffinland would consider a commitment to extend the
14 pilot -- the 3-to-1 pilot to a minimum of 20 kilometres
15 as a cumulative amount given the high level of
16 uncertainty and our inability to assess what the --
17 what the embankment will mean at this time? Thank you.

18 THE CHAIR: Baffinland, Megan Lord-Hoyle.

19 MS. LORD-HOYLE: Megan Lord-Hoyle, Baffinland.
20 I'll ask Lou Kamermans to provide a response.

21 THE CHAIR: Lou Kamermans.

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

24 Baffinland is not willing to accept a minimum of
25 20 kilometres at this point. You know, a minimum of
26 10 kilometres is completely reasonable considering

1 we're looking at a 110-kilometre railway in the -- in
2 the proposal we have to work with the Terrestrial
3 Environment Working Group and with the Inuit committee
4 to select the areas where these design modifications
5 may be desired. Preempting the size of these areas is
6 against the spirit of working with these groups to
7 define them. We're completely open to investigating
8 the possibility of extending the program to be along 20
9 or more kilometres of the railway, but we're also
10 looking to find input and to know that we're addressing
11 areas where this is needed.

12 So we'd prefer to keep the discretion to have a
13 minimum of 10 and have a system in place where we can
14 modify other parts of the embankment to grow that.

15 Thank you.

16 THE CHAIR: Nunavut Tunngavik
17 Incorporated. James Eetoolook.

18 Nunavut Tunngavik Incorporated Questions Baffinland
19 Iron Mines Corporation

20 MR. EETOOLOOK: Thank you. James Eetoolook,
21 Nunavut Tunngavik Incorporated.

22 In terms of terrestrial environment, David Lee
23 will have three questions. Thank you.

24 THE CHAIR: David Lee.

25 MR. LEE: Thank you, Madam Chair. David
26 Lee for Nunavut Tunngavik Incorporated.

1 Following up from the last technical meeting in
2 November 2019, there remained some uncertainty about a
3 decision from Transport Canada pursuant to its safety
4 regulations that there may be a regulatory requirement
5 for the train to sound its horn when approaching every
6 level crossing. My understanding is that could be more
7 than 20 and up to 35 crossings over a maximum -- a
8 maximum of 20 transits per day.

9 Further, in the operations document, one of the
10 suggested mitigation measures to prevent animal
11 collisions is to sound the horn or use other noise
12 makers.

13 Could you please describe what sort of adaptive
14 measures you have considered to avoid the potential for
15 caribou to develop avoidance behaviour of the linear
16 infrastructure by the use of such deterrents as
17 described by some Inuit, and, importantly, other
18 sensory disturbances of the train, especially if the
19 train is required to sound its horn at each crossing.
20 Thank you.

21 THE CHAIR: Baffinland, Megan Lord-Hoyle.

22 MS. LORD-HOYLE: Megan Lord-Hoyle. I'll ask
23 Lou Kamermans to respond. Thank you.

24 THE CHAIR: Lou Kamermans.

25 MR. KAMERMANS: Lou Kamermans, Baffinland.

26 Thank you, Madam Chair.

1 I'll start just by confirming that, yes, the train
2 will be required to use its horn at crossings. The
3 level -- or the number of those crossings is still to
4 be finalized. We have eight level crossings where the
5 tote road will cross the railway, and then there will
6 be a number of land-user crossings. Some of those, as
7 I previously described, will be under plate arch
8 culverts and would not require that horn for that
9 crossing area.

10 The ultimate number of these crossings will be
11 subject to approval by Transport Canada. The use of
12 horns or other deterrents will be subject to subsequent
13 work to be done with Inuit in the communities through
14 the dedicated IQ studies previously discussed with the
15 intervenor from the Qikiqtani Inuit Association. At
16 that time I would expect alternatives to the use of
17 horns that would assist in caribou deterrence, if that
18 was determined to be desired by the communities -- it
19 could be investigated through those sessions -- and
20 that could be reported back to the Board as part of the
21 finalization of our railway operations and maintenance
22 plan. Thank you.

23 THE CHAIR: Nunavut Tunngavik
24 Incorporated, David Lee.

25 MR. LEE: Thank you, Madam Chair, and
26 thank you, Lou, for that response.

1 My second question relates to snow management. My
2 understanding is that the height of the railway
3 embankments will be much higher than the average
4 profile of the mine road, and it's already been
5 acknowledged that there is potential for snow drift
6 formation, at least on the lead side of the embankment.

7 Baffinland, I understand, has made a commitment to
8 maintain a snow bank height less than 1 metre with
9 smooth tops along the railway, but given that a
10 significant portion of the railway could be over
11 2 metres in height, could you please clarify what
12 percentage of the railway may leave you with snow that
13 is more than 1-metre depth on either side of the
14 railway, and the reason for the question is because in
15 the spring as the snow melts, this could become a
16 significant barrier, if not cause of mortality. Thank
17 you.

18 THE CHAIR: Megan Lord-Hoyle, Baffinland.

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

20 I'll ask Lou Kamermans to respond.

21 THE CHAIR: Lou Kamermans.

22 MR. KAMERMANS: Lou Kamermans, Baffinland.

23 Thank you, Madam Chair.

24 So I'll acknowledge the commitment towards the
25 Government of Nunavut on this subject, which references
26 the commitment that already lives in the terrestrial

1 environment mitigation and monitoring plan, which is to
2 maintain snow embankments at a height of less than
3 1 metre. We do intend to transfer this to the north
4 railway, but we also accept that this is a program that
5 will come with and require operational learning.

6 At present we do not have the percentages -- the
7 numbers that have been specifically requested, but what
8 we do have confidence in is that the height of the
9 embankments will not create snow drifts in the same way
10 that we see across the tote road where that embankment
11 management is required given that the railway will
12 generally be higher than the tote road is.

13 So moving forward, we believe this is an
14 appropriate subject for the Terrestrial Environment
15 Working Group to pay close attention to as we develop
16 the project should it proceed, and through monitoring,
17 we can determine how snow acts in relation to the
18 railway and the embankment, and we can update the snow
19 management plan and the railway maintenance and
20 operational plan accordingly. Thank you.

21 THE CHAIR: Nunavut Tunngavik
22 Incorporated, David Lee.

23 MR. LEE: Thank you, Madam Chair. David
24 Lee for Nunavut Tunngavik Incorporated, and thank you,
25 Lou, for your response.

26 My last question relates to dust. With respect to

1 dust in Technical Supporting Document 11, Intrinsic
2 raised a concern that their predicted effects to lichen
3 in terms of metal accumulation were uncertain. Lichens
4 had significantly higher levels of certain metals. EDI
5 concluded that although statistically significant, the
6 trend in cadmium and copper may not be biologically
7 important, but future monitoring was needed or
8 recommended.

9 On page 75 of Technical Supporting Document 10,
10 there is a statement that there is: (as read)

11 Medium confidence in the predicted Phase 2
12 proposal impacts on caribou health.

13 I would just appreciate a description of precisely what
14 "medium confidence" in mathematical statistical terms
15 means. Thank you.

16 THE CHAIR: Baffinland, Megan Lord-Hoyle.

17 MS. LORD-HOYLE: Megan Lord-Hoyle, I'll ask
18 Mike Setterington to respond. Thank you.

19 THE CHAIR: Mike Setterington.

20 MR. SETTERINGTON: Madam Chair, it's Mike
21 Setterington for Baffinland.

22 The question was: What is a mathematical
23 quantifiable method that we determined confidence in
24 our predictions?

25 Madam Chair, we didn't quantify it in mathematical
26 statistical format for confidence. Our confidence in

1 our impact predictions were based on our experience --
2 our collective experience in the mining sector, our
3 experience in wildlife, our experience with plants and
4 metal uptake, our experience with caribou health. We
5 were moderately caribou -- we were moderately confident
6 about this project's effects on caribou health.

7 For one thing, there was background information
8 through the northern contaminants program on baseline
9 levels on caribou tissue, but we do have uncertainties
10 about how lichen on Baffin Island will pick up the
11 metals from the emissions and the dust that --
12 positioned on the project.

13 So that's why we have an intensive vegetation
14 monitoring program, and that's why Baffinland is
15 working with the northern contaminants program on a
16 tissue -- on a caribou tissue collection sampling
17 program, which is an existing project condition. So,
18 Madam Chair, thank you very much.

19 THE CHAIR: Hamlet of Pond Inlet, Joshua
20 Arreak.

21 Hamlet of Pond Inlet Questions Baffinland Iron Mines
22 Corporation

23 MR. ARREAK: Thank you, Chairperson.
24 Joshua Arreak, Hamlet of Pond Inlet.

25 So if you look at Slide 29 inside the
26 presentation, you mentioned this morning, I think it

1 was, that Baffinland has agreed or has made an
2 agreement with the Government of Nunavut. It's not
3 written in this presentation what he means by that
4 agreement. What is the agreement? Is it about
5 terrestrial environment? What is the agreement about?
6 Can that be clarified? So after I ask this question,
7 I'll ask our technical advisor, Frank Tester, to ask
8 another question.

9 THE CHAIR: Baffinland, Megan Lord-Hoyle.

10 MS. LORD-HOYLE: Megan Lord-Hoyle. I'll ask
11 Lou Kamermans to respond. Thank you.

12 THE CHAIR: Lou Kamermans.

13 MR. KAMERMANS: Lou Kamermans, Baffinland.

14 Thank you very much, Madam Chair.

15 That agreement would provide a guaranteed amount
16 of funding from Baffinland to the Government of Nunavut
17 for the purposes of carrying out the caribou surveys
18 they currently carry out in the North Baffin. It's a
19 mutually beneficial partnership where the Government of
20 Nunavut has a stable source of additional funding to
21 support these programs that they can rely on year over
22 year, and it provides us the important data they
23 collect on the North Baffin caribou that interact with
24 our project. Qujannamiik.

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

1 MR. ARREAK: (INUKTITUT SPOKEN - NO
2 TRANSLATION)

3 THE CHAIR: Frank Tester.

4 MR. TESTER: Thank you, Madam Chair. Frank
5 Tester, technical advisor, Hamlet of Pond Inlet.

6 I'm looking for clarification around a number
7 that's been referred to several times, and that is the
8 time gap between the passage of the train being
9 18 minutes and for truck traffic on the road being
10 4 minutes. I fail to see -- and I'm prepared to be
11 corrected on this -- but I fail to see the significance
12 of this figure, largely because it only is meaningful
13 if one takes into -- cumulative effects that go with
14 the passage and the difference between the passage of a
15 truck and the passage of a train. Particularly, that
16 window of opportunity will be affected by the other
17 things which change the numbers in terms of the
18 effective amount of time there is for passage, and
19 those include noise, there being a considerable
20 difference between a large iron ore train and a truck,
21 vibration, and the length of transit time that --
22 between -- the difference between a truck and a train.
23 Given that a train takes longer, caribou could get very
24 quickly frustrated and say, The heck with this. I'm
25 going to go for lunch and come back and try later.

26 So I'd like some clarification on that. I'm

1 concerned that -- about figures like this that are
2 being used without taking into consideration what can
3 be called "cumulative effects".

4 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

6 Thank you.

7 Why we have used these numbers, Madam Chair, is to
8 point out that there's going to be a difference in the
9 frequency of traffic along the transportation corridor.

10 So to provide some clarity, currently along the
11 tote road when we have both ore-haul trucks and other
12 traffic, which includes movement of equipment, movement
13 of people, fuel, and water, there's a vehicle passing
14 by every couple of minutes, so that 2-to-4 minute
15 figure which has been set on average.

16 When we move to a rail operation, the number of
17 vehicles on the road is going to be substantially
18 reduced, and it's predicted that on average a vehicle
19 will be passing every 18 minutes. Along the rail line,
20 it's predicted that a train will be passing every two
21 to three hours, and if an individual were stationary,
22 it would take approximately one minute for that train
23 to pass.

24 So why we feel these numbers are relevant is
25 because it reduces the probability or likelihood of an
26 interaction with wildlife. It increases the likelihood

1 and probability that users could cross along the road
2 or the rail. It minimizes the overall disturbance.
3 That's why we speak to these numbers and feel that
4 they're important to share and believe that this
5 reduces the likelihood of interactions -- of negative
6 interactions from occurring. Thank you.

7 THE CHAIR: Hamlet of Pond Inlet, Frank
8 Tester.

9 MR. TESTER: Well, before going on to my
10 next question, I just want to say that I'd agree with
11 you that it has some meaning when it comes to
12 interaction, but I dispute whether or not it's very
13 meaningful if we're looking at the effective window of
14 opportunity for crossing a road or a rail.

15 I want to go to -- back to an important question
16 that was raised earlier by Jason Cram of Transport
17 Canada, and I think Susan Leech was headed in this
18 direction.

19 The answer to Jason's question about who was going
20 to do the wildlife monitoring, the question was
21 answered in reference to a combination of all sorts of
22 people, Baffinland employees, QIA may also have
23 monitors involved, there may be people from the HTOs,
24 Inuit from the community, et cetera.

25 My question is: If you have a group such as this
26 involved in monitoring, presumably because they're

1 coming from different organizations perhaps with
2 different concerns and agendas, there's the issue of
3 what it is that monitors are looking at or what it is
4 they're focusing on, and this team may have -- may be
5 focusing on all kinds of different things for all kinds
6 of different reasons.

7 So that raises questions with regard to
8 supervision. So how will this work? I mean, how will
9 such a disparate team be supervised, and what happens
10 to the very many and different results that they may
11 come up with, some of them perhaps with regard to
12 exactly the same element. I'm just seeking a better --
13 I'm trying to get a better picture on how this is going
14 to work in practice. Thank you.

15 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

17 Madam Chair, may I ask that the question is posed
18 in a very simple and clear way? Thank you.

19 THE CHAIR: Hamlet of Pond Inlet. Frank
20 Tester, can you rephrase your question, please.

21 MR. TESTER: Sorry. I thought that was
22 pretty straightforward. You have a monitoring team of
23 people from different organizations with different
24 agendas, different ways of perhaps doing things,
25 different ideas about what's important. I'm wondering
26 how a disparate group like that will be managed or

1 supervised, and how the many and varied results that
2 they may come up with will be handled in terms of
3 reporting.

4 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

6 Madam Chair, I'm not entirely sure still what is
7 meant by a disparate group of individuals who will be
8 monitoring the site and how that should be managed?
9 What we've spoken to is two methods of monitoring.
10 There will be Baffinland monitoring programs, which
11 we've spoken to extensively, and there will be
12 monitoring programs under the Inuit stewardship plan,
13 and I provided a response yesterday that spoke to the
14 process that would be taken if there were conflicting
15 results between those two programs, how it would be
16 resolved. Thank you.

17 THE CHAIR: Mittimatalik Hunters and
18 Trappers Organization, Eric Ootoovak.

19 Mittimatalik Hunters and Trappers Organization
20 Questions Baffinland Iron Mines Corporation

21 MR. OOTOOVAK: Eric Ootoovak, Mittimatalik
22 Hunters and Trappers Organization.

23 So we wrote some letters on our questions. Did
24 you receive my note?

25 THE CHAIR: Mittimatalik Hunters and
26 Trappers Organization, Eamon Murphy.

1 MR. MURPHY: Mittimatalik Hunters and
2 Trappers Organization, Eamon Murphy. Qujannamiik,
3 Madam Chair.

4 I'd just like to say thank you for clarifying that
5 we have an opportunity to ask our full suite of
6 questions on the marine presentation.

7 I note that we didn't finish the terrestrial
8 questions, or they weren't finished in the
9 November 2019 hearing. So we are hopeful, based on
10 your comments, that we'll find a way to ask any of the
11 additional questions, and we appreciate your earlier
12 comments.

13 I'd like to hand the mic over to Mr. Ootoovak who
14 will begin the next round of questions. Qujannamiik,
15 Madam Chair.

16 THE CHAIR: Mittimatalik Hunters and
17 Trappers Organization, Eric Ootoovak.

18 MR. OOTOOVAK: Eric Ootoovak, Hunters and
19 Trappers Association in Pond Inlet.

20 I have some questions, but I'd like to make a
21 quick statement, if I'm allowed. It's important that I
22 do before I ask some questions. May I proceed?

23 THE CHAIR: If your statement --
24 statements should be reserved for your intervention
25 when you've been sworn in, but if it's a context to
26 your question, that's allowed.

1 Legal counsel, perhaps you can provide some
2 clarity.

3 MS. MEADOWS: Thank you, Madam Chair.
4 Teresa Meadows, legal counsel for the Nunavut Impact
5 Review Board.

6 If the -- if the statement is with respect to
7 procedure, certainly that is permissible at this point,
8 but if it is any kind of evidence where anything you
9 want the Board to consider, then, as Madam Chair has
10 indicated, the time to present those statements and
11 share your knowledge with the Board is during your
12 intervention presentation, which is coming up later
13 this week.

14 Thank you, Madam Chair.

15 THE CHAIR: Mittimatalik Hunters and
16 Trappers Organization, Eric Ootoovak.

17 MR. OOTOOVAK: Eric Ootoovak, Mittimatalik
18 Hunters and Trappers Organization. Thank you,
19 Chairperson.

20 (NO ENGLISH FEED) a point that I've lived in
21 several different communities in Nunavut and been to
22 every Nunavut community, and I believe the statement
23 I'm about to give is reference to this hearing and the
24 amount of pain these communities face. I -- I felt
25 them all, and I've seen them all, and this one is going
26 to come out of my heart.

1 Iksivauta, the Government of Nunavut, Qikiqtani
2 Inuit Association, the federal government officials
3 here have stated that they do not have questions or may
4 have fewer questions this week because they have been
5 working hard and resolving issues. We are embarrassed
6 at the statement from the public servants and must make
7 response, which is to say, the number of questions you
8 have does not reflect whether or not you have worked
9 hard or how hard you have worked.

10 I would remind these officials that Inuit
11 communities -- Inuit communities are affected here, and
12 our advisors and our residents have been working hard
13 at this project in a project assessment for over
14 14 years.

15 We have been told to have fewer questions here
16 this week, which really seems impossible. Very limited
17 participant funding became available a little over two
18 years ago with no direction to guide those applications
19 for funding or on the process that was about to unfold
20 over three years ago.

21 Some issues cannot be resolved, of course. While
22 we are happy for these government organizations that
23 are satisfied with tremendous uncertainty about impacts
24 on our daily lives and Inuit traditions, we have more
25 to think about on limited mandates that are our very
26 own lives and futures, and we have far -- I mean, far

1 fewer resources than technical capacity than any of you
2 do.

3 So while it's commendable, Iksivauta, that the
4 governments have very few issues, we expect perhaps in
5 the coming of these conclusions, you have not
6 considered Inuit perspectives in your positions, and we
7 note that the number of our questions should not, as
8 your statement suggests, be inferred to reflect a lack
9 of work.

10 This project deserves and needs more work and more
11 attention, and that is what we bring to the table.
12 More questions, not less, are absolutely necessary.
13 Instead of developing more questions based on what
14 we've heard, our technical advisor has spent two days
15 trying to find ways to cut corners and limit our
16 incredibly important questions to Baffinland so we can
17 show that we've been working hard and have few
18 questions to raise before this Board. That makes no
19 sense at all and is not something we celebrate. Now, I
20 will get to my question.

21 Iksivauta, we have heard from Baffinland many
22 times during the Terrestrial Environment Working Group
23 meeting, and it cannot conduct additional monitoring of
24 caribou to detect behaviour or avoidance impacts from
25 Phase 2 because there aren't enough caribou out there
26 to get meaningful results. Regional surveys could help

1 find out if there are caribou coming back.

2 Slide 36 mentions the research agreement with the
3 Government of Nunavut plan in support of regional
4 monitoring efforts, and we assume this is the same as
5 memorandum of understanding that has been committed to
6 and has been under discussions for years and was hoped
7 for ahead of this hearing.

8 Now, does Baffinland planned -- or plan that the
9 agreement will in any way prohibit the release of the
10 data that is collected by the research covered, and
11 specifically, we'd like to know if you will release the
12 data and ask when it is collected to inform
13 Mittimatalik Hunters and Trappers Organization and our
14 responsibilities around Inuit harvesting rights. Thank
15 you. On the microphone, could I have Amanda
16 Hanson-Main ask a question?

17 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

19 I'll ask Lou Kamermans to provide a response,
20 please. Thank you.

21 THE CHAIR: Lou Kamermans.

22 MR. KAMERMANS: Lou Kamermans, Baffinland.

23 Thank you, Madam Chair.

24 The caribou research agreement we're proposing
25 with the Government of Nunavut will be supported by an
26 agreement in principle to be submitted by the end of

1 this hearing. When the studies are carried out,
2 Baffinland will require a data-sharing agreement with
3 the Government of Nunavut to share that data. It will
4 not be at Baffinland's discretion to provide that data
5 to any parties outside of that agreement. Qujannamiik.

6 THE CHAIR: Before we continue with
7 questions on the terrestrial environment, let's take a
8 15-minute break.

9 (ADJOURNMENT)

10 THE CHAIR: Welcome back, everybody.

11 Continuing with questions to -- regarding the
12 terrestrial environment.

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

15 MS. HANSON-MAIN: Qujannamiik, Iksivauta. If I
16 can ask for clarification. Amanda Hanson-Main,
17 Mittimatalik Hunters and Trappers Organization.

18 Is this our second question? I was lost in the
19 round. So if this is our second question, could you
20 clarify that for me? If not, I'd like to ask a
21 follow-up to Baffinland's previous response and -- and
22 then proceed with a second question.

23 THE CHAIR: This is your second question.
24 Go ahead.

25 MS. HANSON-MAIN: Qujannamiik.

26 We do have a follow-up question to that response

1 which was provided by Baffinland because it did not
2 answer the question. However, I will -- I will go on
3 to our -- our next question, our second question.

4 Slide 17 of this presentation suggests the Inuit
5 Certainty Agreement confirms the selection of Route 3.
6 I'm curious if this statement reflects support for
7 Route 3. Earlier today, I think it was, you answered
8 Mittimatalik's deputy mayor that no route has been
9 approved. However, Baffinland was copied on a letter
10 in 2020 from the North Baffin group, which is on the
11 NIRB's record, which stated it did not support the
12 Inuit Certainty Agreement between Baffinland and the
13 Qikiqtani Inuit Association, noting it did not include
14 input from affected communities and, therefore, cannot
15 effectively represent North Baffin communities affected
16 by this proposal.

17 THE CHAIR: You need to slow down.

18 MS. HANSON-MAIN: Baffinland is also aware --
19 Baffinland is also aware of the Mittimatalik Hunters
20 and Trappers Organization resolution of nonsupport for
21 the rail project and numerous documents filed on the
22 Impact Review Board's record during the 2019 hearing
23 indicating nonsupport from other communities.

24 So in the slide, has Baffinland suggested that
25 Inuit confirm the selection of Route 3 or that on
26 agreement with the Qikiqtani Inuit Association has

1 confirmed the selection of Route 3? Qujannamiik.

2 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

4 Thank you for the opportunity to provide clarity.

5 No. This does not indicate support for the route, for
6 Route 3. What it is meant to illustrate is that at the
7 November 2019 hearing, Baffinland confirmed that
8 Route 3 was the rail alignment that was being proposed
9 in front of the Board.

10 However, it seemed that there was still confusion
11 on which route Baffinland had selected, and so, rather,
12 I would call it that the Inuit Certainty Agreement
13 obligated or obligates Baffinland to Route 3, but this
14 is also included in Commitment Number 129 on the
15 commitment list posted to the Nunavut Impact Review
16 Board registry. Thank you.

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

19 MS. HANSON-MAIN: Qujannamiik, Iksivauta.

20 I am going to proceed with a follow-up question to
21 the previous one which was asked by the chairperson,
22 Eric Ootoovak, around the memorandum of understanding
23 and agreement in principle. The question -- and
24 perhaps we need to clarify it. Can you commit to
25 sharing the agreement in principle in its entirety, or
26 can Baffinland on your part commit to including --

1 commit to Mittimatalik Hunters and Trappers
2 Organization in the data-sharing agreement recognizing
3 that it is the Mittimatalik Hunter and Trapper
4 Organization who has a responsibility to ensure
5 harvesting rights are maintained? Qujannamiik.

6 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

8 To clarify, this is not Baffinland's data. It is
9 the Government of Nunavut's. So this is largely a
10 contribution agreement. Baffinland is funding regional
11 caribou monitoring to support government initiatives
12 that will also help inform Baffinland's research
13 programs. So we do not have access to that data or the
14 ability to share it. Thank you.

15 THE CHAIR: Igloolik Working Group, Peter
16 Ivalu.

17 Igloolik Working Group Questions Baffinland Iron Mines
18 Corporation

19 MR. IVALU: Thank you, Madam Chair. I
20 would like to take this opportunity to thank the NIRB
21 Board and staff for allowing us to ask an additional
22 question in this second round of questioning.

23 Madam Chair, Igloolik Working Group totally agrees
24 with the chair of Mittimatalik Hunters and Trappers
25 Organization, Eric Ootoovak's, opening remarks just
26 prior to asking his question about the unfairness this

1 whole process has been to the impacted communities.

2 My first question is in regards to atmospheric
3 environment from yesterday's presentation. On Slide 14
4 of that presentation, "Current Mitigation", under the
5 "Noise" column, second bullet, it states that:
6 (as read)

7 Noise reduction measures during construction
8 drilling [and] et cetera.

9 Madam Chair, I'm not all that convinced that noise
10 during construction and/or drilling can be effectively
11 reduced. Can the proponent elaborate on how it intends
12 to reduce the noise during construction drilling and so
13 on? Thanks, Madam Chair.

14 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

16 I'm going to ask Connor Devereaux to respond to
17 this answer. Thank you.

18 THE CHAIR: Connor Devereaux.

19 MR. DEVEREAUX: Connor Devereaux with
20 Baffinland. Thank you, Madam Chair.

21 So in terms of personal protective equipment,
22 protecting our employees from noise, they have various
23 personal protective equipment in terms of earmuffs,
24 earbuds, and thresholds when working in certain areas
25 around, as referenced, drilling or construction
26 equipment.

1 Those equipments are also outfitted with sound
2 barriers and controls such as mufflers, and a lot of
3 this construction will be done in ambient air, not in
4 enclosed facilities. So, effectively, just due to the
5 distance too, wildlife will be reduced.

6 And I'll send it back to Lou to touch more on the
7 wildlife aspect. Thank you, Madam Chair.

8 THE CHAIR: Lou Kamermans.

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

11 So in terms of the Phase 2 assessment, noise was
12 considered to be infrequent and short-term coming from
13 the project, and those measures that Connor just
14 mentioned will be captured in our updated air quality
15 and noise abatement management plan, and noise could
16 also be subject to adaptive management in the future if
17 noise modelling monitoring that is currently planned
18 were to demonstrate it is outside of what we've
19 predicted, and we could look at developing additional
20 mitigation measures to address those concerns. Thank
21 you.

22 THE CHAIR: Igloolik Working Group, Peter
23 Ivalu.

24 MR. IVALU: Thank you, Madam Chair, and
25 thank you to Mr. Devereaux and Mr. Kamermans for those
26 responses.

1 My next question is in regards to today's
2 presentation, terrestrial environment. On Slides 6
3 and 7, the table provided is only in English. We can't
4 expect unilingual Inuit to understand the results
5 provided on that table. It is unfair to them. As
6 Inuit, they are not getting the full picture. My
7 question is this: Can the proponent have that table
8 translated and put into public record in the hopes that
9 the community representatives will be able to access it
10 before the community roundtable? Thank you, Madam
11 Chair.

12 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

14 Thank you for pointing that out. Yes. We will
15 ensure that the Inuktitut version is available for the
16 community roundtable. Thank you.

17 THE CHAIR: Igloolik Working Group, Peter
18 Ivalu.

19 MR. IVALU: Thank you, Madam Chair.

20 My last question is in regards to the rail line
21 construction from today's presentation on Slide 17
22 regarding the last bullet: (as read)

23 Pilot program to study lower slopes on
24 caribou crossing.

25 Does Baffinland have an idea about the timeline,
26 meaning when would it start and when would it end?

1 Thank you, Madam Chair.

2 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

4 Thank you for the question. Yes. This pilot
5 program will be complete by the end of construction as
6 it's about making certain sections of the rail
7 alignment smoother or more gentle. So the intention
8 would be to have decisions by -- decisions could take
9 as long as, you know, the middle of construction to
10 make the decision on where those sections would be, and
11 then the -- the slopes would be created by the end of
12 construction. Thank you.

13 THE CHAIR: Sanirajak Hunters and Trappers
14 Organization, Okalik Eegeesiak.
15 Sanirajak Hunters and Trappers Organization Questions
16 Baffinland Iron Mines Corporation

17 MS. EEGEESIAK: Thank you, Madam Chair.

18 Okalik Eegeesiak, Hall Beach hunters -- HTO.

19 And Peter -- what Peter said -- and I would like
20 to add a bit more so you understand more.

21 Hall Beach and -- we were assisting them this
22 winter -- this past fall. We tried and monitor many
23 things and big projects and other -- trying to
24 understand many technical issues and the knowledge of
25 the community, trying to understand them from the Inuit
26 perspective, and we don't have technical advisor or a

1 specialist. We don't have departments either like the
2 government set up.

3 And at the same time -- and I want to support the
4 people from Pond Inlet what to -- what Peter was just
5 saying as well, and we ask people -- we asked Baffin --
6 not only Baffin but other people and Baffinland, and
7 what we find out, we -- and trying and find things out
8 for the benefit of the people of the community and ask
9 questions while they're here and people behind me, the
10 Inuit, so they'll know of our concerns. People also in
11 Pond Inlet, what their concerns are.

12 So there will be more exposed and people out there
13 in the -- in the communities, there are many Inuit,
14 they have no internet. Many Inuit, they don't have any
15 knowledge. They have no assistance. No help for
16 anything. And Baffinland have supporters' help and
17 Government of Nunavut have support and services in
18 place. At the same time, to add, we are looking for
19 all solutions, and the environment people also looking
20 for interpreters 'cause there's not enough interpreters
21 anymore.

22 With my first question -- thank you, Madam
23 Chair -- with regards to the presentation today, my
24 question centres around IQ, Inuit Qaujimajatuqangit.
25 Slide 4 in the presentation this morning, Technical
26 Supporting Document Number 12, migratory birds baseline

1 and impact assessment.

2 My question will be, for example, the research
3 into birds. It was into birds, seabirds and water
4 birds, species at risk, peregrine falcon, Lapland
5 longspur, if that's how you say it. So that's what the
6 research was into. I'd like to ask Baffinland if this
7 research -- in this research and the report that you
8 did, did you consider this as incorporating IQ, Inuit
9 Qaujimajatuqangit?

10 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

12 I'll ask Mike Settingington, the author of this
13 technical supporting document, to speak to how Inuit
14 Qaujimajatuqangit was incorporated into the birds
15 assessment. Thank you.

16 THE CHAIR: Mike Settingington.

17 MR. SETTERINGTON: Madam Chair, it's Mike
18 Settingington for Baffinland.

19 Okalik, thank you very much for the question on
20 TSD-12, which -- which is what we call the bird -- the
21 bird baseline and how did we incorporate Inuit
22 Qaujimajatuqangit. I have to admit that certainly
23 compared to the information that we had on caribou,
24 which was lengthy discussions with our working group
25 and continuous engagement, on the bird side, we had
26 much less input on the bird side. There were few

1 people with -- fewer people that were willing to share
2 bird knowledge or they just didn't know enough about
3 the birds to -- to share.

4 We know that some of the birds are important, but,
5 in fact, we've had comments -- a lot of the monitoring
6 we do and a lot of the knowledge we gain is on
7 cliff-nesting raptors, and we have a fairly intense
8 monitoring program. We even had an Elder question us,
9 Why do you monitor that -- why do you monitor those
10 birds? They're not important to us. And we monitor
11 to -- those birds because it's -- it was a species at
12 risk, and there's other reasons why we monitor it.

13 There was some interest in snow geese around the
14 egg -- around egg collection. Certainly that occurs up
15 in Bylot Island. Other species like common and king
16 eiders, long-tail ducks, Arctic terns, we were informed
17 of some nesting areas and nesting colonies of those
18 birds. We understand that egg picking is important.
19 Bylot Island north of Pond Inlet was identified as a
20 very good nesting area for nesting murres and snow
21 geese and other species, and we know in the marine area
22 is used by the -- by the seabirds as well too.

23 However, when it came to getting information about
24 project interactions and birds, there just wasn't very
25 much Inuit Qaujimajatuqangit that was being shared with
26 us, even though we were asking in our workshops. The

1 conversation did often shift to caribou, caribou, and
2 more caribou.

3 Now, that doesn't mean that we haven't spent any
4 time focusing on birds. It's just been more science
5 focused than it has been traditional knowledge.

6 THE CHAIR: Please slow down --

7 MR. SETTERINGTON: Madam Chair --

8 THE CHAIR: -- for the interpreter.

9 MR. SETTERINGTON: Madam Chair, I'm done. Thank
10 you very much. Sorry for speaking quickly.

11 THE CHAIR: Sanirajak Hunters and Trappers
12 Organization, Okalik Eegeesiak.

13 MS. EEGEESIAK: Thank you, Madam Chair.
14 Okalik Eegeesiak from Hall Beach HTO.

15 My question is: I just wanted to use it as an
16 example. They're monitoring the -- Baffinland are --
17 on different species and birds, and they're important
18 to our environment and people, but where they are and
19 when, how many are they. We don't think -- you're not
20 using the Inuit Qaujimajatuqangit pertaining to the
21 surveys of the birds and monitoring.

22 (NO ENGLISH FEED) animals where they are, how many
23 they are is not incorporating Inuit Qaujimajatuqangit
24 into Baffinland operations or management or stuff like
25 that. So I just want to use that as an example of --
26 that as an -- another example of how Baffinland says

1 they -- they incorporate Inuit Qaujimajatuqangit, and
2 we argue that they don't.

3 My second question is building upon Madam Chair's
4 good question about impact comparison as well as NTI's
5 question about noise. Keeping when the -- okay.
6 Keeping -- further to my points the other day and today
7 about keeping in mind the differences in terrain,
8 seasons, wildlife, and impacts, when Baffinland took a
9 trip and held a workshop in Quebec, were the
10 participants -- to compare noise, did the participants
11 hear how loud a train horn -- train horns are or what
12 noisemakers are used out in the -- out in an open field
13 to -- to scare animals away? And was there any
14 discussion as to how many animals are killed annually
15 at -- in that area? Thank you, Madam Chair.

16 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

18 I'll ask Lou Kamermans to provide an answer.
19 Thank you.

20 THE CHAIR: Lou Kamermans.

21 MR. KAMERMANS: Lou Kamermans, Baffinland.

22 Thank you, Madam Chair.

23 Yes. The group was able to witness a train
24 passing, a crossing. So there was a horn sounding, and
25 it was a controlled crossing area.

26 From my recollection, there was not a specific

1 conversation on the number of wildlife mortality in the
2 area or along that specific rail line, although
3 mitigation measures with respect to wildlife and -- and
4 human safety were discussed with the operators during
5 the -- I guess I'll call them the in-classroom
6 discussions where -- where we had the meeting room and
7 we weren't in the field.

8 And I would just, again, remind the intervenor
9 that the summary of this workshop is on the record
10 and -- and has been on the record since October 2019.
11 Thank you.

12 THE CHAIR: Sanirajak Hunters and Trappers
13 Organization, Okalik Eegeesiak

14 MS. EEGEESIAK: Thank you, Chairperson. From
15 the Sanirajak Hunters and Trappers.

16 Part of my opening comments I was going to include
17 when we ask questions, it's not just for Baffinland and
18 the people in this room, it's for the people out there,
19 and the people out there do not have the evidence at
20 hand, as they say, and, yes, the evidence is there, and
21 we keep being reminded of that. But we ask questions
22 because some of the Inuit -- concerned Inuit are not --
23 do not have access to this information, and we're
24 looking to find it when we go in and go for it -- go --
25 go look for it.

26 And I'd also like to kind of clarify too that

1 Inuit -- Inuit tend to go back and forth to ask and
2 clarify even if it's from 10 years ago, 20 years ago.
3 We ask for a clarification if -- if we want to increase
4 our knowledge and pass on that knowledge. And I want
5 to clarify things maybe across themes but also across
6 Inuit knowledge. I just wanted to say that again, and
7 thank you, Madam Chair.

8 THE CHAIR: I still have some intervenors
9 listed for the second round of questions for the
10 terrestrial environment. Recognizing that it is now
11 9:00, we're going to re -- convene for tonight and
12 reconvene tomorrow morning at 9 and continue with
13 questions to the terrestrial environment. Have a good
14 evening.

15 _____
16 PROCEEDINGS ADJOURNED UNTIL 9:00 AM, JANUARY 29, 2021

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1 CERTIFICATE OF TRANSCRIPT:

2

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.

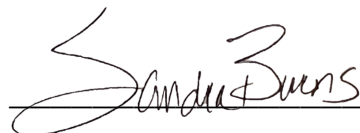
8 Dated at the City of Edmonton, Province of
9 Alberta, this 17th day of February 2021.

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Sandra Burns, CSR(A), RPR, CRR

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Official Court Reporter

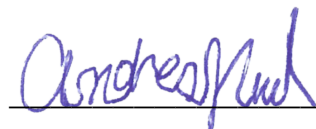
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Andres Vidal, CSR(A)

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Official Court Reporter

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