

responses or filed questions on a given agenda item. The Board should not allow additional or follow-up intervenor questions. However, intervenor representatives from Hamlets and Hunters and Trapper Organizations should have an opportunity to put forward any additional oral questions and commentary during the Community Roundtable in their capacity as community members.

Questioning of the Proponent and Intervenors by Nunavummiut participating in the Community Roundtable should be less structured, but still efficiently allow many voices and perspectives to be heard. Participating members of the public could be allowed a first-round 30-minutes to ask an unlimited number of questions and if someone has more questions to ask, they could be granted a 15-minute time limit during any subsequent rounds of questions deemed appropriate by the Board. We recommend initial presentations be delivered by BIMC prior to the Community Roundtable to help orientate community representatives with an overview of the Proposal, key topics, and commitments made.

Participant Conduct & Expectations

The NIRB Pre-Hearing Conference Decision Report for BIMC's "Phase 2 Development" Proposal reminded

...all participants of the Board's expectations that parties' submissions will be respectful of the other parties, the Board and the limitations on the Board's processes imposed by circumstances outside of the Board's control. Comments intended to denigrate the views or comments of other participants, or simply intended to disrupt the proceedings are not appropriate and may result in the Board sanctioning such commenters and, if the Board considers necessary, striking such comments from the Public Hearing Record. (p. 68)

The GN strongly supports the Board's broad discretion pursuant to its authority under *Article 12* and *NuPPAA* to facilitate proceedings in a manner that respects procedural fairness to all participants as it sees fit and the Board should feel empowered to strictly enforce their own rules.

We believe that BIMC has been answering questions in good faith and in a comprehensive manner. To compliment this, we suggest it may be helpful if BIMC had staff members available who could provide questioners with the referenced and relevant sections of the Final Environmental Impact Statement, Technical Supporting Documents, and Technical Memos. Staff members could provide this information to the questioner either by e-mail or in person if appropriate, given the restrictions we are under due to COVID-19 public health orders, including physical distancing. This would reduce the time required to answer questions, but still ensure that the questioner gets a meaningful response.

We recommend to the NIRB that it consider guidelines for social media use by individuals who are participating in the process as representatives of organizations. Advocates, Technical Advisors, Legal Counsel, et. al. who has been identified to the Board as representatives of organizations and Intervenors should be reminded that misleading, uncivil, and inaccurate statements on social media contribute to the process in a way that contravenes the respectful and meaningful proceedings to which the Board works diligently to achieve.

Conclusion

All issues do not need to be resolved – they must be sufficiently presented to the Board so that they can weigh the evidence before them and make a recommendation. The GN has full confidence that the Board will appropriately consider all perspectives from Intervenors and the Proponent.

Wherever there is a resource development project, there will be some degree of negative impact to the environment. This is not new or unique. The Board is still contemplating how and if the Phase 2 proposal's impacts can be mitigated. Relative to the GN's mandate and legislation, we are confident BIMC will have appropriate plans in place to proceed with Phase 2 in a responsible manner. Should the Project proceed, the GN will continue to work with BIMC, fellow stakeholders, and the NIRB throughout the life of the Project to contribute towards the effective management of Mary River.

Should the NIRB wish to discuss these matters further or may have additional questions, please contact me at nogrady@gov.nu.ca / 867-975-7805.

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[Original Signed By]

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