

NUNAVUT IMPACT REVIEW BOARD

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

HEARING

VOLUME 13

Iqaluit, Nunavut

April 12, 2021

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1 Proceedings taken at Aqsarniit Hotel and Conference
2 Centre, Iqaluit, 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 (IQALUIT)

10 T. Meadows Legal Counsel

11 K. Costello Executive Director

12 T. Arko Director, Technical Services.

13 C. Barker Technical Advisor 2

14 G. Daoust Technical Advisor 1

15 E. Adjun Outreach Coordinator

16 L. Atatahak Administration Support

17

18 NUNAVUT IMPACT REVIEW BOARD STAFF (POND INLET)

19 K. Morrison Manager, Impact Assessment

20 F. Emingak Junior Technical Advisor

21

22 NUNAVUT IMPACT REVIEW BOARD STAFF (ONLINE)

23 M. Ings Director, Finance and

24 Administration

25

26

1 PROPONENT

2

3 BAFFINLAND IRON MINES CORPORATION REGISTERED SPEAKERS

4 (IQALUIT)

5 B. Armstrong Legal Counsel

6 B. Penney President, Chief Executive

7 Officer

8 U. Hanson Vice President, Community and

9 Strategic Development

10 J. Tigullaraq Head of Northern Affairs

11 C. Merkosak Baffinland Iron Mines Corporation

12 M. Clark Baffinland Iron Mines Corporation

13

14 BAFFINLAND IRON MINES CORPORATION REGISTERED SPEAKERS

15 (ONLINE)

16 C. Kowbel Legal Counsel

17 L. Duke Legal Counsel

18 M. Lord-Hoyle Vice-President, Sustainable

19 Development

20 L. Kamermans Director, Sustainable

21 Development.

22 A. Moore Manager, Government Relations

23 and Public Affairs

24 E. Malcolm Sustainability Specialist

25 C. Murray Baffinland Iron Mines Corporation

26 C. Devereaux Baffinland Iron Mines Corporation

1	S. Douville	Baffinland Iron Mines Corporation
2	F. Pittman	Baffinland Iron Mines Corporation
3	T. Sewell	Baffinland Iron Mines Corporation
4	K. Johnson	Baffinland Iron Mines Corporation
5	M. Anderson	Baffinland Iron Mines Corporation
6	G. Goruk	Baffinland Iron Mines Corporation
7	A. McLeod	EDI Environmental Dynamics Inc.
8	J. Krizan	EDI Environmental Dynamics Inc.
9	M. Settingington	EDI Environmental Dynamics Inc.
10	C. Legault	Fednav Limited
11	T. Keane	Fednav Limited
12	D. Del Cardo	Genessee Wyoming Canada
13	L.R. Pelletier	Genessee Wyoming Canada
14	S. Sefsik	Genessee Wyoming Canada
15	M. Winterbottom	Golder Associates Ltd.
16	P. Abgrall	Golder Associates Ltd.
17	P. Osbourne	Golder Associates Ltd.
18	P. Rouget	Golder Associates Ltd.
19	F. van Biljon	Hatch Engineering
20	G. Clinton	Impact Economics
21	C. Moore	Intrinsik
22	M. Austin	JASCO Applied Sciences
23	R. Cook	Knight Piésold
24	D. Jarrat	Nunami Stantec
25	V. Corning	Nunami Stantec
26	P. Glenen	Nunami Stantec

1	S. Wallace	Nunami Stantec
2	J. Prno	JPSCL Limited
3	J. McClintock	Wood Plc
4		
5	INTERVENORS	
6		
7	NUNAVUT TUNNGAVIK INCORPORATED (REGISTERED SPEAKERS)	
8	A. Yuan	Legal Counsel
9	N. Gonzalez	Legal Counsel
10	A. Kotierk	President
11	J. Eetoolook	Vice President
12	P. Irngaut	Director
13	D. Kunuk	Chief Operating Officer
14	C. Lyall	Executive Assistant
15	C. Gillis	Director, Lands & Resources
16	B. Dean	Assistant Director
17	D. Lee	Wildlife Biologist
18	H. Uniuqsaraq	Chief Administrative Officer
19	P. Lavallée	Nunavut Tunngavik Incorporated
20		
21	QIKIQTANI INUIT ASSOCIATION (REGISTERED SPEAKERS)	
22	L. Land	Legal Counsel
23	S. Foulds	Legal Counsel
24	P.J. Akeeagok	President
25	O. Akesuk	Vice President
26	J. Ottenhof	Director, Qikiqtani Nunalirijikkut

1	R. Paton	Director, IQ & Engagement
2	S. Williamson-Bathory	Special Advisor
3	L. Barnabas	Portfolio Lead
4	J. Higdon	Freshwater and Marine Specialist
5	B. Stewart	Freshwater and Marine Specialist
6	J. Ash	Arktis Solutions
7	N. Jewitt	Arktis Solutions
8	A. MacDonald	The Firelight Group
9	S. Leech	The Firelight Group
10	J. Tunraluk	Member at Large
11	K. Pudluk	Community Director
12	L. Ningiuk	Member at Large
13	L. Tapardjuk	Community Director
14	M. Jaypoody	Community Director
15	P. Amagoalik	Community Director
16	A. Qammaniq	Community Director
17		
18	HAMLET OF POND INLET (REGISTERED SPEAKERS)	
19	J. Arreak	Mayor of Pond Inlet
20	M. Koonark	Hamlet of Pond Inlet
21	F. Tester	Technical Advisor
22	C. Sangoya	Elder Advisor and Pond Inlet
23		Hunters and Trappers Organization
24	K. Komangapik	Elder Adviser
25	J. Aloofoo	Elder Advisor
26	S. Nutarak	Community Representative

1 MITTIMATALIK HUNTERS AND TRAPPERS ORGANIZATION

2 (REGISTERED SPEAKERS)

3 E. Murphy Legal Counsel

4 E. Ootoovak President

5 A. Hanson-Main Technical Advisor

6 E. Inuarak Vice President

7 Dr. V. Vergara Marine Expert

8 V. L'Hereault Community-Based Monitoring Witness

9

10 IGLOOLIK WORKING GROUP AND IGLOOLIK HUNTERS AND

11 TRAPPERS ASSOCIATION (REGISTERED SPEAKERS)

12 P. Ivalu Chairperson, Igloolik Working
13 Group

14 J. Quassa Igloolik Working Group

15 M. Recinos Igloolik Working Group

16 S. Mikki Community Representative

17 M. Pikuyak Iqqaqsaq Youth Community Representative

18

19 HAMLET OF SANIRAJAK (REGISTERED SPEAKERS)

20 J. Audlakiak Mayor of Sanirajak

21 L. Primeau Chief Administrative Officer

22 P. Nagmalik Hall Beach Hunters and
23 Trappers Association

24 E. Irgittuuq Elder Advisor

25 M. Kuppaq Community Representative

26 J. Kaernerck Community Representative

1 D. J. Nasook Youth Community Representative
2
3 HAMLET OF ARCTIC BAY AND IKAJUTIT HUNTERS AND TRAPPERS
4 ASSOCIATION (REGISTERED SPEAKERS)
5 L. Idlout Legal Counsel
6 M. Koonoo Arctic Bay Hunters and
7 Trappers Association
8 S. Qaunaq Community Representative
9 G. Ejangiaq Community Representative
10 E. Qaqqasiq-Taqtu Community Youth Representative
11
12 HAMLET OF CLYDE RIVER AND CLYDE RIVER HUNTERS AND
13 TRAPPERS ASSOCIATION (REGISTERED SPEAKERS)
14 J. Natanine Hamlet of Clyde River
15 Dr. W. Bernauer Hamlet of Clyde River
16 S. Aipellee Clyde River Hunters and
17 Trappers Association
18 Dr. G. Hostetler Hamlet of Clyde River
19 P. Sangoya Hamlet of Clyde River
20 J. Iikoo Angutikjuaq Elder Advisor
21 O. Audlakiak Community Representative
22 J. Palituq Youth Community Representative
23
24
25
26

1	A. Robinson	Manager, Land-use Planning and
2		Environmental Assessment DOE
3	J. Elliott	Project Manager Impact Assessment
4		DOE
5	S. Atkinson	Wildlife Consultant
6		
7	NORTHERN PROJECTS MANAGEMENT OFFICE (REGISTERED	
8	SPEAKERS)	
9	L. Dyer	Director General, Northern Projects
10		Management Office
11	A. Shafi	Technical Support, Northern
12		Projects Management Office
13	S. Qazi	Technical Support, Northern
14		Projects Management Office
15	S. Hitchcox	Northern Projects Management
16		Office
17	B. Tracz	Manager of Crown Consultation
18		
19	DEPARTMENT OF JUSTICE (REGISTERED SPEAKERS)	
20	S. Gruda-Dolbec	Legal Counsel
21		
22	CROWN-INDIGENOUS RELATIONS NORTHERN AFFAIRS CANADA	
23	(REGISTERED SPEAKERS)	
24	S. Dewar	Director, Resource Management
25	K. Henrikson	Regional Director General
26	F. Ngwa	Manager, Impact Assessment

1	A. Roy	Senior Environmental
2		Assessment Specialist
3	D. Abernethy	Regional Socio-economic Analyst
4	J. Walsh	Senior Environmental
5		Assessment Analyst
6	K. Pawley	Manager, Environmental Assessment
7	A. Vigna	Environmental Policy Analyst
8	M. Staniewski	Project Analyst
9	M. Hopkins	Director General, Natural
10		Resources and Environment
11		
12	FISHERIES AND OCEANS CANADA (REGISTERED SPEAKERS)	
13	G. Bernard-Lacaille	Senior Biologist, Fish and
14		Fish Habitat Program, Arctic
15		Region
16	A. Sorckoff	Fish and Fish Habitat
17		Protection Biologist
18	A. Beattie	Team Lead, Mining Oil and Gas
19		North
20	M. Marcoux	Marine Mammal Expert, DFO Science
21	K. Howland	Aquatic Invasive Species Expert,
22		Oceans Canada Science Group
23	P. Smith	Fisheries Management Expert
24	T. Hoggarth	Regional Director, Aquatic
25		Ecosystems
26	S. McLennan	Manager, Arctic Projects and

1		Governance
2	T. Seal	Junior Project Officer
3		
4	PARKS CANADA (REGISTERED SPEAKERS)	
5	A. Stoddart	Environmental Assessment
6		Scientist
7	J. Chisholm	Ecologist Team Leader
8	A. Maher	Resource Conservation Manager,
9		Nunavut Field Unit
10	J. Bastick	Environmental Assessment
11		Specialist
12	J. Boon	Field Unit Superintendant,
13		Nunavut Field Unit
14	L. Jonart	Project Manager, Tallurutiup
15		Imanga National Marine
16		Conservation Area, Nunavut
17		Field Unit
18		
19	TRANSPORT CANADA (REGISTERED SPEAKERS)	
20	J. Barker	Regional Environmental Advisor
21	A. Gudmundson	Regional Manager Environmental
22		Programs
23	J. Johar	Manager Marine Safety and Security
24	J. Cram	Manager Rail Safety Engineering
25	M. O'Soup Bushie	Major Resource Development
26		Projects & Aboriginal

1		Consultations
2	K. Klarenbach	Manager, Aboriginal Consultations
3		& Major Resource Development
4		
5	ENVIRONMENT AND CLIMATE CHANGE CANADA (REGISTERED	
6	SPEAKERS)	
7	A. Graham	Environmental Director
8	M. Fairbairn	Regional Director
9	B. Asher	Technical Expert, Air Quality
10	R. Holt	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		
18	HEALTH CANADA (REGISTERED SPEAKERS)	
19	M. Gale	Regional Manager
20	K. Ma	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

22 WORLD WILDLIFE FUND (REGISTERED SPEAKERS)

23 A. Dumbrille Lead Specialist, Marine Shipping
 24 and Conservation
 25 P. Okalik Lead Specialist, Arctic
 26 B. Laforest Senior Specialist, Arctic

1 Species and Ecosystems
2 E. Keenan Specialist, Arctic
3
4 OCEANS NORTH (REGISTERED SPEAKERS)
5 C. Debicki Legal Counsel
6 A. Joynt Senior Policy Advisor
7 G. MacDonald Arctic Research Specialist
8 J. Jones Scripps Institution of
9 Oceanography

10

11 INTERPRETERS/TRANSLATORS

12 J. Tucktoo

13 V. Dewar

14 R. Katsak

15 L. James

16

17 A. Vidal, CSR(A) Official Court Reporter

18 S. Burns, CSR(A), RPR, Official Court Reporter

19 CRR

20

21

22

23

24

25

26

1 Opening Remarks

2 THE CHAIR: Welcome, everyone. I am
3 Kaviq Kaluraq. My name is Kaviq Kaluraq. I'm the
4 Chairperson of the Nunavut Impact Review Board, or
5 NIRB. I would like to welcome everyone to the NIRB's
6 extension of the reconvened public hearing associated
7 with its assessment of Baffinland Iron Mine
8 Corporation's Phase 2 development proposal related to
9 the Mary River Iron Ore Mine project.

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

15 Please turn off your cell phones or put them on
16 silent before we begin.

17 We are starting the meeting with an opening
18 prayer, which will be given by Caleb Sangoya.

19 MR. SANGOYA: We'll all be sitting all day,
20 and we'll start off with an opening prayer.

21 Opening Prayer

22 THE CHAIR: Thank you, Caleb, for that
23 prayer to start our day.

24 As for the Board's previous two public hearing
25 sessions for this file, I will be chairing extended
26 sessions of the public hearing over the nine days in

1 Iqaluit. As this session of the public hearing is an
2 extension of the Board's reconvened public hearing held
3 in Pond Inlet from January 25 to February 6th this
4 year, in the interest of time, I am not going to repeat
5 my previous remarks or give a recap of the previous
6 proceedings.

7 Anyone interested in reviewing the information
8 exchanged during the Board's previous two public
9 hearing sessions for the assessment in November 2019
10 and in January and February of this year, can access
11 the transcripts of those sessions from the Board's
12 public hearing registry.

13 Over the next four days of this extended session,
14 the Board will be focused on providing opportunities
15 for the 21 registered intervenors, the proponent,
16 Baffinland Iron Mines Corporation, and the Board to
17 conclude their discussions of unresolved technical
18 issues by following up in respect of the written
19 questions exchanged between all parties in March 2021.

20 On Friday, community roundtable sessions of the
21 public hearing will commence for the remainder of the
22 extended session, and the room will be rearranged so
23 that the designated community representatives from the
24 North Baffin communities potentially affected by the
25 project will be seated at the table and will be able to
26 ask questions of Baffinland or any of the registered

1 intervenors and will also be able to share their
2 knowledge and comments with the Panel.

3 For everyone participating in the Pond Inlet hub
4 or by the audio-video feed, be assured that we are
5 linked to you and the intervenors' community
6 representatives, and members of the public in Pond
7 Inlet will be able to ask questions and provide
8 responses to the same degree as would be expected if
9 we -- will be able to ask questions -- sorry. Will
10 be -- if we were all in the same room. However, as we
11 are coordinating the various options for participants,
12 we ask that you be patient in waiting for your turn to
13 speak.

14 During the technical portion of the hearing,
15 discussion will be focused on the intervenors, and each
16 organization has identified a key speaker to complete
17 questions on specific topics, which parties are
18 carrying over from the reconvened hearing.

19 When it is your organization's turn to speak, I'll
20 turn the microphone over to your key speaker, who can
21 then turn things over to anyone on their team who
22 wishes to speak.

23 There may be some delay as the sound tech unmutes
24 your line, and everyone must reference your name and
25 organization for the stenographers every time you start
26 talking.

1 As a reminder to everyone, the Board has a list of
2 all the witnesses who were affirmed or sworn in during
3 the previous public hearing session in January and
4 February this year and will not require you to be
5 affirmed for the purposes of the extended session.

6 We remind all those individuals that the Board
7 considers you to still be under oath when answering
8 questions during this extended session.

9 However, if any party wants someone to answer a
10 question on the record on their behalf who has not
11 previously affirmed or sworn in, please identify that
12 you need this person to be placed under oath, and the
13 Board's legal counsel will ensure they are affirmed
14 before they provide testimony during these proceedings.

15 Please note that simultaneous interpretation of
16 the proceedings is being provided throughout the
17 meetings from interpreters here in Iqaluit, which is
18 being broadcasted to Pond Inlet and audio-video online
19 feeds.

20 Receivers are available from the sign-in table at
21 each in-person location, and language-specific
22 information has been provided for those participating
23 online.

24 For those in the room in Iqaluit, we would like to
25 let everyone know Channel 0 is the floor sound;
26 Channel 1, Inuktitut; and Channel 2, English. There's

1 a mixup. Channel 2 is Inuktitut, and Channel 1 is in
2 English.

3 (NO ENGLISH TRANSLATION) and are having trouble
4 hearing the proceedings, please let one of the NIRB
5 staff know, and they will assist you. Issues with the
6 online feed can be communicated to Cory Barker and
7 Mark Ings afterwards.

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

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

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

21 During the extended session of the reconvened
22 public hearing for Baffinland Iron Mine Corporation's
23 Phase 2 development proposal, NIRB File Number 08MM053,
24 the participants will be discussing Baffinland's
25 assessment of the potential ecosystemic and
26 socio-economic effects of the Phase 2 proposal, which

1 involves Baffinland's proposed changes to the approved
2 Mary River Iron Ore Mine with additional development
3 proposed over two existing sites to increase the
4 shipping of ore at the port facilities at Milne Inlet
5 from the current 6 million tonnes per year to
6 12 million tonnes per year.

7 The project would see increases to the shipping
8 through Milne Port, additions to shipping
9 infrastructure at Milne Port, and a change from
10 trucking the ore along the existing 100-kilometre
11 Tote Road to shipping the ore along a proposed northern
12 rail line constructed near the Tote Road from the Mary
13 River mine site north to Milne Port.

14 This session marks the final public hearing
15 component of an almost three-year assessment of the
16 Phase 2 proposal. To date, the NIRB assessment has
17 included more than 30 days of in-person meetings,
18 several days of teleconference meetings, and the
19 exchange of thousands of pages of written submissions,
20 including the most recent exchanges of hundreds of
21 written questions and answers.

22 Community information sessions and community
23 roundtables have been conducted in January 2019,
24 November 2019, October 2020, and February 2021.

25 After this extended session of the reconvened
26 public hearing concludes next Wednesday, intervenors

1 and other interested parties will be given until May 17
2 to file their final written statements and any comments
3 or questions about Baffinland's preliminary summary of
4 the 2020 narwhal monitoring program results that was
5 filed with the Board on April 8th.

6 Baffinland will then have until June 4 to file
7 their final written statement and responses to parties'
8 comments and questions on the preliminary summary; then
9 the Board expects to close the public hearing record
10 for the file, which will include all the evidence,
11 information, comments, and concerns provided to the
12 Board throughout the past three years of this
13 assessment, and the decision-making Panel for the file
14 that is here today will make its decision and issue a
15 public hearing report and recommendations.

16 The Panel will provide a recommendation to the
17 relevant ministers as to whether or not the Phase 2
18 development project should be allowed to proceed to the
19 permitting stage, based on the Board's assessment of
20 the potential for ecosystemic and socio-economic
21 effects.

22 If the Board recommends that the Phase 2
23 development project should be allowed to proceed to
24 permitting, the Board will also provide recommendations
25 about whether any changes or additions to the terms and
26 conditions of the existing NIRB's Mary River Project

1 certificate are required to limit the potential for
2 effects from the project.

3 Once the Minister of Northern Affairs and other
4 responsible government ministers receive the public
5 hearing report and recommendations, the responsible
6 ministers will then have the option of accepting,
7 varying, or rejecting the Board's report and associated
8 recommendations as set out under the Nunavut Agreement
9 and the Nunavut Planning and Project Assessment Act.

10 Moving on to introductions. As I said, I'm the
11 Chairperson of the Board. I'm from Baker Lake, and I
12 have served continuously with the Board since my first
13 term in 2011. I will ask each of my fellow Panel
14 members to take a moment and introduce themselves.
15 Catherine Emrick.

16 MS. EMRICK: Thank you, Madam Chair.

17 Good morning. My name is Catherine Emrick, and
18 I'm from Calgary. I was appointed to the Board in
19 May of 2018 and just was recently reappointed to a
20 second term. Thank you.

21 THE CHAIR: Madeleine Qumuatuq.

22 MS. QUMUATUQ: Qujannamiik. My name is
23 Madeleine Qumuatuq. I'm from Pangnirtung, and I was
24 appointed to the Board -- to the Nunavut Impact Review
25 Board in 2017, and I was recently appointed, and I'm
26 happy to be on the Board. Thank you.

1 THE CHAIR: Due to various circumstances
2 limiting the availability of board members who were
3 present during the public hearing in November 2019, in
4 October 2020, the Board appointed this three-person
5 Panel to conduct the decision-making for this file.

6 The Panel was appointed as required under the
7 Nunavut Agreement and Nunavut Planning and Project
8 Assessment Act. As many of you know, the Board
9 generally prefers to sit as a full board during public
10 hearings, but because procedural fairness requires that
11 the decision-makers for this file must have attended
12 the September 2019 site visit in advance of the
13 November 2019 public hearing, it has become necessary
14 to sit as a Panel to conclude the decision-making for
15 this file.

16 Just like the full board, the Panel is attending
17 these proceedings to listen and ask questions to ensure
18 the Board has the information we need to assess the
19 potential ecosystemic and socio-economic effects of the
20 Phase 2 development proposal before we make a decision
21 and provide the Board's written report and
22 recommendations.

23 The Board has many staff members participating in
24 these proceedings who have contributed to the NIRB's
25 administration and the technical review of this project
26 proposal as well as our legal counsel. When I say

1 their name, I ask that the staff wave so that people
2 can see them. Karen Costello, executive director;
3 Tara Arko, director of technical services; Cory Barker,
4 Technical Advisor 2; Gill Daoust, Technical Advisor 1;
5 Ellie Adjun, outreach coordinator; Josie Tucktoo,
6 interpreter/translator; Lena Atatahak, administration
7 support; and Teresa Meadows of Meadows Law, legal
8 counsel to the Board.

9 In Pond Inlet we have Keith Morrison, manager of
10 impact assessment, and Francis Emingak, Junior
11 Technical advisor. And online we have Mark Ings,
12 director of finance and administration.

13 We have several interpreter/translators available
14 today for simultaneous translation, including the
15 Board's interpreter/translator Josie Tucktoo, as well
16 as Veronica Dewar, Rhoda Katsak, and Letia Janes.

17 Assisting us with our sound system, video link,
18 interpretation, and sound recording, we have
19 representatives from Duoson. Please raise your hands
20 at your respective locations.

21 As a reminder, please do not approach Duoson
22 staff. If you are having trouble with being able to
23 hear through the headsets or speakers, please approach
24 the NIRB staff, and we will ask Duoson staff for help.

25 To ensure an accurate record of the public
26 hearing, we will be keeping a transcript of these

1 proceedings. We have Sandra Burns and Andres Vidal,
2 court reporters from Dicta Court Reporting, here to
3 prepare the transcript.

4 We would also like to notify all participants that
5 these proceedings are being attended by media
6 representatives in the Iqaluit location. If possible,
7 we ask that media wear a press badge or a similar
8 identification throughout these meetings so that it is
9 clear to parties which media outlet you are
10 representing.

11 Members of the media who are filming the
12 proceedings are reminded to respect the Board's
13 procedural direction for recording the proceedings and
14 linking into the live feed that were issued last week.
15 Any participants who are approached by the media, it
16 remains up to you as to whether you wish to speak with
17 the media.

18 The Board welcomes the media providing information
19 about these proceedings to those who cannot attend.
20 However, I remind everyone that because the Board is
21 engaged in decision-making for the file, the Panel
22 members, including myself and the NIRB staff, cannot
23 and will not take questions or provide interviews to
24 the media or public comments regarding the hearing
25 while we are underway and before the Panel's decision
26 has been released publicly.

1 I will ask our legal counsel to give an update on
2 recent exchanges about media access to the live feed of
3 the proceedings. NIRB legal counsel.

4 Procedural Update by Nunavut Impact Review Board Legal
5 Counsel

6 MS. MEADOWS: Thank you, Madam Chair.

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

9 So, Madam Chair, over the last week, parties and
10 the public may have noticed several exchanges about
11 requests from the Nunavut Independent Television
12 Network for rebroadcasting the previous public hearing
13 sessions associated with this assessment.

14 Over the weekend, there were three more exchanges
15 between the network and the Board on this issue. The
16 specific details will be posted on the registry when it
17 reopens this morning, but for the benefit of all the
18 participants here, I will summarize the Board's
19 position.

20 As is standard practice for the courts across
21 Canada and most administrative tribunals, like the
22 Nunavut Impact Review Board, while the Board is still
23 listening and gathering evidence, which is referred to
24 as "in decision-making", the rebroadcast of prior
25 proceedings in that matter that have previously taken
26 place is not permitted. This is standard practice, and

1 the Board has made this position clear in discussions
2 with media and written direction issued by the Board on
3 February 22nd, on April 6th, and in the Board's
4 response that will be filed later on this morning.

5 These types of reasonable limits on rebroadcast
6 during decision-making are not an attempt to limit
7 access to the live stream of these proceedings, and the
8 Board has appreciated Nunavut Independent Television
9 Network's previous work to arrange to broadcast a live
10 feed from Pond Inlet and Iqaluit through the
11 Arctic Co-op and Shaw Direct Cable TV throughout the
12 territory and beyond.

13 The additional broadcasting measures on their new
14 Inuit language cable television channel, Uvagut TV,
15 have enabled community members to remotely view the
16 technical sessions and community roundtable of the
17 public hearing previously conducted, and the Board is
18 grateful for Nunavut Independent Television Network's
19 support throughout this time.

20 The Board's prohibition on rebroadcasting while in
21 decision-making is not new. It's not different than
22 previous public hearings, and it is considered to be
23 standard practice to preserve the integrity of Board
24 decision-making.

25 What is different in this particular case is the
26 fact that the decision-making process has involved more

1 than one public hearing session. Previously, in the
2 original Mary River Project proceedings and in the
3 early revenue phase project proceedings, the Board's
4 assessments in 2012 and 2014 did not involve multiple
5 proceedings. As a result, when the public hearing
6 closed for those proceedings, the Board commenced
7 decision-making right away, and the report and
8 recommendations were issued within two months.

9 After the conclusion of that decision-making, the
10 Board considered and granted various requests for
11 rebroadcasting of the prior proceedings, and I am told
12 that to this day, you may occasionally see these prior
13 proceedings late into the evening.

14 In contrast, in these proceedings there have been
15 two prior sessions, but the Board is not complete in
16 their decision-making, and this process will not be
17 completed until after the completion of this extended
18 session, until the public hearing record for this file
19 is closed, and the Board has issued its final hearing
20 report and recommendations publicly.

21 While that decision-making is ongoing, no requests
22 from any party, including Nunavut Independent
23 Television, for rebroadcast of the prior proceedings in
24 this matter will be considered or will be granted by
25 the Board until after their decision-making process has
26 concluded.

1 Parties still having questions with respect to the
2 Board's broadcast of the live stream or requests in
3 writing for rebroadcast can be addressed to the Board's
4 executive director, Karen Costello, and following
5 decision-making, the Board will consider those
6 requests. Thank you, Madam Chair.

7 THE CHAIR: As communicated to the parties
8 in the Board's procedural direction last week, just as
9 with all of the Board's previous proceedings, the Board
10 prohibits anyone from recording, rebroadcasting, or
11 retransmitting these sessions, unless the Board has
12 granted express, written consent. Parties unable or
13 unwilling to comply with the Board's directions may be
14 denied access to the live feed.

15 In terms of the day ahead, the public hearing is
16 scheduled to run from Monday, April 12, through
17 Wednesday, April 21. All meeting times are provided in
18 Eastern Time, as the public hearing is based in
19 Iqaluit. We will be starting each day at 9 AM and
20 breaking for dinner at 5:00 PM. If scheduled or as
21 considered necessary, the daily sessions may be
22 followed by an evening session from 6:30 PM to 9:00 PM.

23 The Board has scheduled three evening sessions
24 this week to take place tonight, Wednesday, and
25 Thursday night. The Board may decide additional
26 evening sessions are required, and, if so, the Board

1 will advise parties during the day that an additional
2 session has been scheduled.

3 The proceedings will break for lunch at
4 approximately 12 PM Eastern Time, reconvening at
5 1:15 PM, and breaking for supper at 5:00 PM.

6 As the proponent and intervenors were advised when
7 the Board issued procedural guidance and the draft and
8 final agenda for these sessions in February and March,
9 the time limits for parties set out in the final agenda
10 will be enforced so that we can ensure that the Board
11 can complete the remaining follow-up in respect of
12 unresolved technical questions as planned by the end of
13 the extended sessions on Thursday. The Board will then
14 turn to the continuation of the community roundtable
15 from April 16 to 21.

16 Due to public health directives associated with
17 the COVID-19 pandemic, the Nunavut Impact Review Board
18 has modified options for access to the proceedings as
19 well as implemented additional procedures for those
20 attending in person to keep us all safe and in
21 compliance with local public health requirements.

22 Although things may look different, I can assure
23 you that the Board's objectives in conducting these
24 meetings remains the same as for all of the Board's
25 proceedings for the Mary River Project.

26 Thank you to everyone for showing flexibility,

1 kindness, and patience as we all work together in these
2 exceptional circumstances to make this public hearing a
3 success.

4 In response to feedback provided during the
5 prehearing conference, the NIRB worked with the chief
6 public health office to ensure an exemption to the
7 general maximum group size for meetings with adherence
8 to strict safety protocols.

9 The capacity of the hub in Pond Inlet is being
10 managed under the updated public health directives
11 issued on March 1, 2021.

12 In respect of the exemption for the Iqaluit
13 proceedings, we will now hear from Greg Thibault,
14 Government of Nunavut's regional and environmental
15 health officer for Iqaluit, to speak about the safety
16 measures in place and the expectations on the exempted
17 individuals necessary to ensure we all comply with
18 current public health measures and keep everyone safe
19 and healthy. Mr. Thibault. And -- sorry. I don't
20 know how to pronounce your last name.

21 MR. THIBAUT: You did just fine. Thank you.

22 My name is Greg Thibault. I'm with the Department
23 of Health. Thank you for inviting me here today.

24 I just want to take a couple of minutes to remind
25 the participants of the meeting of some COVID
26 precautions.

1 As already stated, our medical health officer has
2 given an exemption to the maximum capacity for this
3 meeting. As part of that, I think it's important to
4 note that the precautions set out by NIRB are in
5 adherence to what the Department of Health is looking
6 for. We would like to remind everybody about social
7 distancing not only while you are in this meeting room,
8 but we would also like you to practice social
9 distancing when you're having your side meetings with
10 other individuals, be it in this meeting room or
11 outside of the meeting room.

12 As noted, there is alcohol sanitizer available for
13 your hands, and when you come and leave, we would very
14 much appreciate it if you could remember to use the
15 hand sanitizer.

16 I think it's safe that if you see somebody that
17 hasn't used the hand sanitizer or possibly has
18 forgotten to social distance, a friendly reminder would
19 be appreciated by all. Social distancing and masking
20 at all times is our best prevention for COVID.

21 As a last reminder, your headphone sets should be
22 yours for the day. If you decide to leave the meeting
23 early and are not planning on coming back, please
24 return the headset to NIRB staff so that they can
25 ensure they are properly sanitized before somebody else
26 uses it. With that, I wish you a fruitful discussion,

1 and good luck with your proceedings. Thank you.

2 THE CHAIR: Thank you, Mr. Thibault, for
3 the reminders.

4 You will notice that the Board has posted the
5 Board's COVID-19 protocols at the entryways to the
6 hearing room in Iqaluit and on the doors as you enter
7 the hall in Pond Inlet. Adherence to the Board's
8 protocols are part of the chief public health officer's
9 order. As with the reconvened hearing in January and
10 February, everyone attending in either Iqaluit or the
11 Pond Inlet hub are required to wear face masks covering
12 their nose and mouth at all times when you are inside
13 the meeting venue.

14 Thank you in advance for complying with all of
15 these measures that ensure we all remain safe and
16 healthy.

17 Washrooms are located outside the side doors, also
18 by the restaurant, and an additional handicap
19 accessible washroom across the lobby by the fitness
20 centre. And please use the doors at the back and side
21 of the room to exit for breaks, but come back in via
22 the doors at the back of the room.

23 Lastly, before I turn to the roll call, in order
24 to ensure that everyone has a reasonable opportunity to
25 participate in these important meetings, the Board
26 requests that everyone respect the following Board

1 directions.

2 It is our tradition to give respect to our Elders;
3 therefore, during these proceedings, we invite Elders
4 who are present to indicate to me that they wish to
5 speak so that we have an accurate record of comments
6 provided. We do ask that Elders wait until they are
7 recognized by the Chairperson or our staff can get them
8 set up with a microphone before they speak.

9 The Board will be enforcing the times allotted to
10 parties in the technical sessions of the agenda, and
11 parties will be advised five minutes before their time
12 is up that they have five minutes to wrap up. When a
13 party's time has expired, the Board will move on to the
14 next intervenor on the agenda.

15 It is our intention to have one 15-minute break at
16 the halfway point in the morning and one 15-minute
17 break in the mid-afternoon. I will let everyone know
18 when we are coming up to break time.

19 As per the NIRB's protocols, the NIRB will be --
20 will only be supplying water throughout the day, and
21 participants are responsible for bringing their own
22 snacks.

23 We ask parties in the hearing venue to be mindful
24 of common allergins in the snacks that you bring.
25 Parties are responsible for their own lunch and dinner
26 arrangements. Please respect the timelines I've set

1 for breaks and return promptly to the meeting. We have
2 a lot to cover, and the Board cannot wait for late
3 arrivals.

4 For all participants, please do not interrupt when
5 a person is speaking. The agenda provides an orderly
6 opportunity for participants to speak and for parties
7 accessing the proceedings via video and audio links.
8 Your microphone or camera may be muted by the Board
9 until you are recognized by the Chair to speak.

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

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

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

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

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

5 The Board appreciates all participants joining the
6 proceedings being patient with each other and the
7 Board, as the technology we use may result in
8 interruptions and limitations that are outside of the
9 parties' and the Board's control.

10 And, finally, as noted by the Board in the
11 prehearing conference decision report and my remarks in
12 Pond Inlet, I would like to remind everyone that
13 comments intended to denigrate or belittle the views or
14 comments of other participants or simply intended to
15 disrupt the proceedings are not appropriate and may
16 result in the Board sanctioning such commenters.

17 If the Board considers it necessary, the Board may
18 strike some comments from the public hearing record,
19 and the Board may impose restrictions on anyone who is
20 unwilling to respect the Board's rules and procedural
21 guidance.

22 The Board recognizes that participants over the
23 course of this assessment have developed very strong
24 opinions and feelings, including expressing strong
25 disagreements with other participants and the
26 procedural directions of the Board.

1 The Board has also noticed that we may all feel a
2 little less connected to each other because we are not
3 all able to be in the same room at the same time, but
4 despite these challenges, the Board knows from
5 experience that strong opinions, emotions, and
6 disagreement can still be conveyed in a manner that is
7 respectful and productive, and we thank all parties in
8 advance for participating in these meetings in that
9 spirit.

10 The Board looks forward to participants continuing
11 to provide positive and respectful contributions as we
12 continue the public hearing.

13 Roll Call

14 THE CHAIR: Now, I would like to move
15 forward to our roll call. As I call out the name of
16 each group or organization, I would ask that the
17 identified representatives list the individuals who
18 will be participating throughout the public hearing on
19 their behalf.

20 I will begin the roll call with the proponent,
21 Baffinland Iron Mines Corporation. Ms. Lord-Hoyle, can
22 you introduce your team.

23 MS. LORD-HOYLE: Good morning, Madam Chair, the
24 Board, and all participants. My name is Megan
25 Lord-Hoyle. I'm the vice president of sustainable
26 development for Baffinland. We have participating in

1 these proceedings Brian Penney, Udloriak Hanson,
2 Joe Tigullaraq, Connie Merkosak, Matthew Clark, and
3 Brad Armstrong in Iqaluit.

4 Participating remotely, Lou Kamermans, Andrew
5 Moore, Emma Malcolm, Chris Murray, Connor Devereaux,
6 Steven Douville.

7 THE CHAIR: Megan Lord-Hoyle, if you can
8 please repeat the names three names back. The
9 interpreter can't hear you clearly.

10 MS. LORD-HOYLE: Andrew Moore, Emma Malcolm,
11 Chris Murray, Connor Devereaux, Steven Douville,
12 Fay Pittman, Tim Sewell, Krista Johnson, and Michael
13 Anderson with Baffinland.

14 With Environmental Dynamics Incorporated,
15 Anne McLeod, Julia Krizan, Mike Settingington; with
16 Fednav, Courtney Legault and Tim Kean; with Genessee in
17 Wyoming, Denys Del Cardo, Louis-Rene Pelletier, and
18 Sean Sefsik; with Golder Associates, Marina
19 Winterbottom, Patrick Abgrall, Phil Osbourne, and Phil
20 Rouget; with Hatch, Fanus van Biljon; with Impact
21 Economics, Graeme Clinton; with Intrinsik, Chris Moore;
22 with JASCO, Melanie Austin; with Knight Piésold,
23 Richard Cook; with Lawson Lundell, Christine Kowbel and
24 Laura Duke; with Nunami Stantec, Dan Jarrat, Vicki
25 Corning, Paige Glenen, and Sara Wallace. And with
26 JPSC Limited, Jason Prno. Thank you.

1 THE CHAIR: Next, I will ask the
2 spokesperson for the responsible authorities and
3 intervenors to introduce themselves and the individuals
4 who will be participating in this extension of the
5 public hearing on their behalf.

6 Firstly, Qikiqtani Inuit Association, Jared.

7 MR. OTTENHOF: Thank you, Madam Chair.

8 Jared Ottenhof for Qikiqtani Inuit Association.
9 In Iqaluit we have myself, Jared Ottenhof, Richard
10 Paton, Stephen Williamson-Bathory, P.J. Akeeagok, and
11 Levi Barnabas. Participating remotely, we'll have
12 legal counsel Lorraine Land and Steven Foulds, and also
13 participating remotely our technical team Jeff Higdon,
14 Bruce Stewart, Jason Ash, Nick Jewitt, Alistair
15 MacDonald, and Susan Leech. Thank you.

16 THE CHAIR: Nunavut Tunngavik, James
17 Eetoolook.

18 MR. EETOOLOOK: (INUKTITUT SPOKEN - NO
19 TRANSLATION) David Irngaut -- pardon me, Paul Irngaut,
20 David Kunuk, Cecile Lyall, (INUKTITUT SPOKEN - NO
21 TRANSLATION) Carson Gillis, Bert Dean, David Lee, and
22 Arthur Yuan, the lawyer.

23 THE CHAIR: Mittimatalik hamlet,
24 Frank Tester.

25 MR. TESTER: Frank Tester from Vancouver.
26 Thank you, Madam Chair.

1 THE CHAIR: Eric Ootoovak.

2 MR. OOTOOVAK: Qujannamiik, Iksivauta. Eric
3 Ootoovak, (INUKTITUT SPOKEN - NO TRANSLATION)
4 Amanda Hanson-Main, (INUKTITUT SPOKEN - NO TRANSLATION)
5 Eamon Murphy, (INUKTITUT SPOKEN - NO TRANSLATION)
6 Enookie Inuarak, (INUKTITUT SPOKEN - NO TRANSLATION).
7 Qujannamiik, Iksivauta.

8 THE CHAIR: Igloolik Working Group.

9 MR. IVALU: Thank you, Madam Chair. From
10 Igloolik -- from working group, Peter Ivalu. With me
11 Joanna Quassa, Igloolik Working Group, is a board
12 member, and also with us in Iqaluit from working group
13 and advisor, Merlyn Recinos. Thank you, Madam
14 Chairperson.

15 THE CHAIR: Igloolik Hunters and Trappers
16 Association, anybody participating?

17 UNIDENTIFIED SPEAKER: Thank you, Madam Chair.
18 Igloolik Hunters and Trappers Association member has to
19 be confirmed. Soloman Mikki will have to be ...

20 THE CHAIR: Sanirajak Hunters and Trappers
21 Association? Mr. Irgittuq? I don't think they're here
22 yet.

23 Sanirajak Hamlet, Louis Primeau?

24 MR. PRIMEAU: Thank you, Madam Chairperson.

25 Both myself and Mayor Audlakiak are here for the
26 meetings. I believe the flight yesterday was cancelled

1 from Sanirajak, which may account for Hunters and
2 Trappers not being represented. Thank you.

3 THE CHAIR: Arctic Bay hamlet, Lori
4 Idlout?

5 MS. IDLOUT: Lori Idlout, technical advisor
6 for -- assisting the Hunters and Trappers Association.
7 I'm trying to -- I wonder if there will be any
8 technical advisor for the Hamlet for Arctic Bay. I
9 just wanted to bring that matter up quickly.

10 I have been affirmed, but the rest of the group,
11 the members, they -- I don't mind being here in to --
12 able to help, assist further, but the representatives
13 would like to identify who they are. Thank you.

14 THE CHAIR: Ikajutit Hunters and Trappers
15 Association, Lori Idlout, technical advisor.

16 MS. IDLOUT: I did mention earlier the
17 Ikajutit Hunters and Trappers Association. I'm a
18 technical advisor for both, if that's understandable.
19 Hamlet -- if they identified who will be representing
20 and people from Arctic Bay. I don't know all of their
21 names yet, who they are, and the person beside me could
22 speak.

23 MS. EJANGIAG: Geela, I'm from Arctic Bay.
24 I'm sitting here, but I was asked to sit here. I was
25 sitting on the other side. The Mayor -- Qaunaq is here
26 and Eli Qaqqasiq, our young representative -- our young

1 person representative here and also Hunters and
2 Trappers Association, and that's our group from --
3 representing the hamlet. Thank you.

4 THE CHAIR: Legal counsel.

5 MS. MEADOWS: Thank you, Madam Chair. So
6 the community representatives, I believe, were just
7 introduced from Arctic Bay. At this point in the
8 proceedings, we're just introducing the intervenors --
9 so the registered intervenors, and that's the reason
10 that the community representatives are right now
11 sitting in the -- in the audience during the technical
12 sessions.

13 When the community roundtable starts on Friday,
14 the community representatives will be joining us at the
15 table. So we'll be doing a round of introductions at
16 that time for all of the community representatives that
17 are here present in the room right now. Thank you,
18 Madam Chair.

19 THE CHAIR: Clyde River Hamlet, Jerry
20 Natanine.

21 MR. NATANINE: Thank you, Madam Chair.

22 Jerry Natanine, Madam Chair, of Clyde River. With
23 me are -- from hunters and trappers. Steven is sitting
24 on the public side, and our advisor, this person.

25 THE CHAIR: Amaruq Hunters and Trappers
26 Association, Jeetaloo Kakee.

1 MR. KAKEE: Hunters and Trappers --
2 hunters and Trappers Organization. I'm an Elder as
3 well, and behind me are our technical advisor,
4 Amaruq -- Jimmy Akavak, chairperson; Kevin Akpalialuk
5 from the Hunters and Trappers Association Iqaluit;
6 Lodie Ipeelie, also from HTO Iqaluit; and Meeka Mike,
7 my technical advisor, my assistant, and we will be
8 dividing our work, myself and Meeka, so you understand
9 that when we -- when it's our turn to speak. Thank
10 you.

11 THE CHAIR: Nunavut Government, Madeleine
12 [sic].

13 MS. O'GRADY: Thank you, Madam Chair.
14 Natalie O'Grady, Government of Nunavut.

15 On behalf of the government, the individuals here
16 with us are Jimi Onalik, deputy minister, economic
17 development and transportation; Jimmy Noble Jr., deputy
18 minister, Department of Environment; Gabe Karlik is
19 going to be joining us later in the proceedings as
20 well. He's the assistant deputy minister, economic
21 development and transportation. Henry Coleman is here
22 as well, assistant deputy minister, Department of
23 Environment; Agnes Simonfalvy, Avatilirinirq
24 coordinator; Amy Robinson, manager, land-use planning
25 and environmental assessment, the Department of
26 Environment; James Elliott, project manager, impact

1 assessment, Department of Environment; Emily Stockley,
2 legal counsel, Department of Justice; and we have
3 Stephen Atkinson, wildlife consultant, participating
4 remotely. Thank you.

5 THE CHAIR: Spencer Dewar.

6 MR. DEWAR: Qujannamiik, Madam Chair.

7 Spencer Dewar, Crown-Indigenous Relations and
8 Northern Affairs Canada. With me today is Krista
9 Henrikson, the regional director general for the
10 Nunavut regional office; Felexce Ngwa, manager of
11 impact assessment; Amal Roy, senior environmental
12 assessment specialist. Joining us remotely we have
13 David Abernethy. He's the regional socio-economic
14 analyst. We have Mark Hopkins, director general,
15 natural resources and environment; Kim Pawley, manager
16 of environmental assessment, land-use planning and
17 conservation; and Jennifer Walsh, senior environmental
18 policy analyst. In addition, I'd like to also
19 introduce Simon Gruda-Dolbec in person. He's with the
20 Department of Justice, and he's our legal counsel.
21 Qujannamiik.

22 THE CHAIR: Anna Graham, Environment
23 Canada.

24 MS. GRAHAM: Thank you.

25 Anna Graham, Environment and Climate Change
26 Canada. With me today I have Margaret Fairbairn, our

1 acting regional director. For our water quality
2 scientific experts, we have Anne Wilson and Meagan
3 Tobin; our mining expert, Reg Ejeckam; air quality
4 experts, Brian Asher and Richard Holt; environmental
5 emergencies expert, Carl Kabanguka; and our wildlife
6 experts, Jean-Francois Dufour and Krupesh Patel. Thank
7 you.

8 THE CHAIR: (INUKTITUT SPOKEN - NO
9 TRANSLATION) Gabriel Bernard-Lacaille.

10 MR. BERNARD-LACAILLE: Thank you, Madam Chair.

11 Gabriel Bernard-Lacaille, I'm a senior biologist
12 with the mining, oil and gas regulatory review unit for
13 the Arctic region. Joining me today from the same unit
14 is Alexandra Sorckoff, also a biologist, and Alasdair
15 Beattie, team lead. From our science branch, we have
16 Marianne Marcoux, marine mammal expert, and Kimberly
17 Howland, aquatic invasive species expert. From our
18 fisheries management group, we have Paula Smith,
19 fisheries management expert, and, finally, we have our
20 regional director for aquatic ecosystem, Thomas
21 Hoggarth. Thank you, Madam Chair.

22 THE CHAIR: Health Canada, Matthew Gale.

23 MR. GALE: Thank you, Madam Chair.

24 Matthew Gale, Health Canada. With me today is
25 Kathleen Buset, program manager; Kitti Ma, regional
26 manager; Wendy Wilson, impact assessment coordinator;

1 and Thien-Thanh Nguyen, engagement specialist. Thank
2 you.

3 THE CHAIR: Natural Resources Canada,
4 Peter Unger.

5 MR. UNGER: Thank you, and good morning,
6 Madam Chair.

7 Peter Unger, Natural Resources Canada. I'm a team
8 leader in our environmental assessment division, and I
9 will be joined by Rob Johnstone, the deputy director of
10 the explosives, safety, and security branch.
11 Qujannamiik.

12 THE CHAIR: Parks Canada, Allison
13 Stoddart.

14 MS. STODDART: Thank you, Madam Chair.

15 Allison Stoddart, I'm an environmental assessment
16 specialist with Parks Canada. With me today I have
17 Jacquie Bastick, an environmental assessment
18 specialist; Jane Chisholm, an ecologist team leader
19 with Parks Canada within our Nunavut field unit;
20 Andrew Maher, who is the resource conservation manager
21 for Parks Canada within the Nunavut field unit; Laurant
22 Jonart, who is a project manager for Tallurutiup Imanga
23 National Conservation Area within Parks Canada; as well
24 as Jenna Boon, who is the field unit superintendent of
25 our Nunavut field unit within Parks Canada. Thank you
26 very much.

1 THE CHAIR: Transport Canada,
2 Jackie Barker.

3 MS. BARKER: Thank you, Madam Chair.

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

10 THE CHAIR: Oceans North, Chris Debicki.

11 MR. DEBICKI: Good morning. Thank you,
12 Madam Chair.

13 I am Chris Debicki. I am the lawyer for
14 Oceans North. And from the Scripps Institute of
15 Oceanography, Dr. Josh Jones, and potentially at some
16 point during these hearings from OpenOil, Mr. John
17 West. Thank you.

18 THE CHAIR: World Wildlife Fund, Paul
19 Okalik.

20 MR. OKALIK: Thank you, Madam Chair.

21 I am Paul Okalik. I live here and reside in
22 Iqaluit. First of all, I'd like to thank that we're
23 having this hearing being held here in the north, and I
24 thank the NIRB for allowing us to have this public
25 hearing. Thank you, and welcome to everyone.

26 I live here, as I said. Our ocean expert is also

1 here, and our -- one of our staff will be joining us.
2 Andrew Dumbrille and Brandon Laforest will be working
3 with us or -- working with us remotely. Thank you,
4 Madam Chair.

5 THE CHAIR: Nunavut Independent
6 Television, Isabelle Gilles.

7 MS. GILLES: Good morning, everyone. I
8 think Zacharias Kunuk will be speaking this morning.

9 THE CHAIR: Zacharias Kunuk.

10 MR. KUNUK: Thank you, Madam Chair.

11 I am representing the Nunavut Independent
12 Television. Here with me is Lloyd Lipsett and
13 Isabelle, who is joining us remotely. Lucy Tulugarjuk
14 is also here. Thank you.

15 THE CHAIR: From the Nunavut planning
16 project management office -- sorry -- Nunavut Project
17 Management Office, Lisa Dyer.

18 MS. DYER: Thank you, Madam Chair.

19 I am Lisa Dyer. I'm director general of the
20 Northern Project Management Office, and with me today
21 in the room I have our senior project officer, Saba
22 Qazi, and our project officer, Arusa Shafi.

23 THE CHAIR: Okay. Before we continue to
24 the technical session, let's take a 15-minute break and
25 reconvene at 10:40.

26 (ADJOURNMENT)

1 THE CHAIR: Welcome back, everyone, if you
2 can please take your seats.

3 We are now moving on to Item 3 of the agenda
4 allowing parties who were unable to pose oral questions
5 in the January public hearing session on the marine
6 environment to ask questions or seek clarification and
7 follow up from their written questions to the
8 proponent, Baffinland, or other intervenors.

9 I would now like to invite the Government of
10 Canada, Spencer Dewar, to coordinate the Government of
11 Canada intervenors who will be asking questions. As a
12 reminder, the Government of Canada has 90 minutes.
13 Spencer Dewar.

14 MR. DEWAR: Qujannamiik, Madam
15 Chair. Spencer Dewar, Crown-Indigenous Relations and
16 Northern Affairs Canada.

17 I would like to -- we have -- we have a few
18 questions. Hopefully we will not take the whole
19 90 minutes allotted in order to provide more time for
20 community members. With that being said, I'd like to
21 turn to Environment Canada and Climate Change for our
22 first question.

23 THE CHAIR: Environment and Climate Change
24 Canada, Anna Graham.
25 Environment and Climate Change Canada Questions
26 Baffinland Iron Mines Corporation

1 MS. GRAHAM: Anna Graham, Environment and
2 Climate Change Canada.

3 We asked via written question whether Baffinland
4 had evaluated potential impacts from scrubber wash
5 water discharge to the marine environment.
6 Baffinland's response was that since they have
7 committed to using distillate fuel in the Nunavut
8 settlement area, scrubbers will not be required.

9 Baffinland's -- can Baffinland please clarify.
10 Will scrubbers potentially be used outside of the
11 Nunavut settlement area? And, if so, have potential
12 marine impacts from wash water discharge outside the
13 Nunavut settlement area been considered or evaluated?
14 Thank you.

15 THE CHAIR: Baffinland, Megan Lord-Hoyle.

16 MS. LORD-HOYLE: Megan Lord-Hoyle. I'll ask
17 Lou Kamermans to respond.

18 THE CHAIR: Lou Kamermans.

19 MR. KAMERMANS: Thank you, Madam Chair. Lou
20 Kamermans, Baffinland.

21 I can confirm we've made the commitment to request
22 that our vessels switch to layer distillates when they
23 enter the Nunavut settlement area, and by extension,
24 this would mean that scrubbers and specifically
25 open-loop scrubbers would not be required within the
26 Nunavut settlement area.

1 That is also the border of our marine regional
2 study area in the area looked at as part of our final
3 environmental impact statement submissions developed
4 under the guidelines issued by the Nunavut Impact
5 Review Board. As such, we did not provide assessments
6 for areas outside of the regional study area, including
7 the effects of wash water in Baffin Bay.

8 What vessels do in Baffin Bay, which is an
9 international area of shipping and subject to
10 international regulation, is at their discretion as
11 long as it's compliant with those international
12 regulations. Thank you.

13 THE CHAIR: Environment and Climate Change
14 Canada, Anna Graham.

15 MS. GRAHAM: Thank you. Thank you, Madam
16 Chair.

17 Thank you, Lou. We have no further questions.

18 THE CHAIR: Government of Canada, Spencer
19 Dewar.

20 Crown-Indigenous Relations and Northern Affairs Canada
21 Questions Baffinland Iron Mines Corporation

22 MR. DEWAR: Qujannamiik, Madam Chair.

23 Spencer Dewar, Crown-Indigenous Relations and Northern
24 Affairs Canada. We have three questions.

25 The first question: Can Baffinland explain with
26 some examples the ways that it has incorporated Inuit

1 Qaujimajatuqangit into their assessment of the marine
2 environment?

3 Question Number 2: How does Baffinland intend to
4 incorporate adaptive management into their monitoring
5 of the marine environment?

6 Question 3: Can Baffinland clarify how spills at
7 anchorage locations will be managed? Qujannamiik.

8 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

10 I'll ask Phil Rouget with Golder Associates to
11 answer Questions 1 and 2 and then ask Lou Kamermans to
12 respond to Number 3, and I believe Phil Rouget has his
13 own Zoom sign-in this time around. Thank you.

14 THE CHAIR: Phil Rouget.

15 MR. ROUGET: Thank you, Madam Chair. Phil
16 Rouget with Golder Associates.

17 I'll start off by responding to the first
18 question, that being provide an example in the way IQ
19 was incorporated into the effects assessment for the
20 marine environment.

21 So IQ was integrated in the effects assessment
22 from the very early stages of the project prior to the
23 initial development of the final environmental impact
24 statement. This was done through information shared
25 through interviews with community members, including
26 Elders, dating back to 2006. It was used to

1 characterize baseline conditions in the study area,
2 including detailed information on animal distribution
3 in the regional study area, timing of animal movements
4 throughout this area, migratory patterns, sensitive and
5 important life cycle stages for different species, and
6 sensitive areas throughout the region.

7 That information helped us as EA practitioners
8 understand where to focus our efforts in our marine
9 baseline data collection and also helped us understand
10 what valued ecosystem component should play the focus
11 for the effects assessment. We also learned at that
12 point from Inuit what key issues were for both marine
13 mammals and marine environment as a result -- result of
14 the project.

15 Following that process, there was a number of
16 focused invite workshops that were held with
17 communities with Pond Inlet and Arctic Bay. I think
18 that was in 2015 and '16. Those were focus group
19 workshops related specifically to the Phase 2 proposal.
20 They were there to discuss the key issues and
21 specifically mitigation measures to minimize or avoid
22 any of the adverse impacts on both marine mammals and
23 the marine environment.

24 They had key themes. The ones related to
25 marine -- the workshops related to marine were
26 open-water shipping, shipping through ice, contemporary

1 Inuit land use and sea use, and the Phase 2 proposal
2 specifically around marine effects.

3 More recently through 2019, there was several
4 community risk assessment workshops in the various
5 North Baffin communities which, again, focused on
6 identifying project effects and protection measures as
7 well as monitoring for aspects of the Phase 2 proposal.

8 And through these workshops, community
9 perspectives were documented on risk assessment and
10 management issues related to the marine environment.
11 This included specific impacts related to shipping on
12 narwhal, aquatic invasive species introduction through
13 ballast water discharge, construction of the new ore
14 dock, oil spills in the marine environment, and general
15 vessel management practices.

16 In many of these cases, IQ is aligned closely with
17 other lines of evidence used in the assessment such as
18 our understanding that narwhal are sensitive to
19 underwater noise and that project shipping and
20 icebreaking have the potential to result in behavioural
21 changes in narwhal while they're on their summer
22 calving grounds.

23 Since the start of the project, Baffinland's
24 mitigation and management measures have all been very
25 much shaped through dialogue with Inuit. For example,
26 we have identified sensitive areas in Milne Inlet for

1 which harvesting occurs along the western shoreline and
2 where calving occurs primarily. Those areas have been
3 identified as avoidance zones for the ship.

4 Similarly, we received feedback in 2018, a year
5 when we had no aerial surveys being conducted. And the
6 limited Bruce Head project, we heard from the
7 communities that numbers of narwhal were lower, and
8 lower levels of harvesting were reported.

9 Based on that input alone, a large number of
10 additional precautionary mitigation measures were
11 developed and implemented for the subsequent season,
12 including restricted icebreaker transits during the
13 shoulder season and an established buffer zone or
14 setback area 40 kilometres outside the entry to the
15 regional study area such to avoid any conflicts between
16 ships coming in and staging in that area at the start
17 of the season and animals that would potentially be
18 holding at the edge of the floe edge waiting for entry
19 into the regional study area.

20 Baffinland's marine based monitoring programs
21 involve Inuit in all aspects of the monitoring,
22 including study design and field implementation, data
23 collection, data processing and analysis, and reporting
24 of the data. We look at the scientific results in
25 close association with what we know from Inuit
26 perspective and IQ.

1 In answering your second question -- or the second
2 question from the intervenor, Madam Chair, which I'll
3 repeat, how does Baffinland plan to include adaptive
4 management into marine environment? The answer to that
5 is through a series of indicators, thresholds, and
6 response actions that are developed specifically for
7 both marine mammals and the marine environment.

8 These include early warning indicators but also
9 indicators at the sort of moderate and higher level to
10 basically provide early detection of project effects
11 and allow Baffinland adequate time to implement
12 additional mitigation, investigation, and adaptive
13 management measures to address when a threshold is
14 exceeded.

15 Those indicators and thresholds are both based on
16 western science as well as IQ and Inuit input. Those
17 currently for Phase 2 are -- are still in development,
18 but they include species-specific indicators and
19 thresholds, and those will be shared with the
20 communities and the environmental working group for
21 further refinement.

22 I'll now pass it back to Baffinland if there are
23 any additional comments on their end. Thank you, Madam
24 Chair.

25 THE CHAIR: Lou Kamermans.

26 MR. KAMERMANS: Thank you, Madam Chair. Lou

1 Kamermans, Baffinland.

2 I'll just respond to the third question from the
3 intervenor related to spill response at anchorages. A
4 spill anywhere in the regional study area for the
5 marine environment, which is also the area within the
6 Nunavut settlement area, would be subject to our
7 spill-at-sea response plan whether a vessel was at
8 anchorage or transiting to an anchorage.

9 The spill-at-sea response plan provides tiered
10 response actions based on the severity of spills. In
11 Tier 1, we're largely reliant on the vessel's own
12 emergency response planning plan and equipment which
13 all vessels are required to have and maintain.

14 In Tier 2, you would see Baffinland providing
15 spill response assistance based on equipment and
16 capacity located at Milne Port.

17 And in the third and highest tier, you would see
18 assistance coming from a third party Baffinland
19 contracts for emergency spill response services. The
20 company is known as Oil Spill Response Limited.

21 So all of this would be reported to the relevant
22 federal government's departments, and Transport Canada
23 has been active in reviewing our oil spill-at-sea
24 response plan through the review process. They have
25 provided input, which we have accepted, and it will be
26 included in an updated version of the plan should

1 Phase 2 be approved. Thank you.

2 THE CHAIR: Crown-Indigenous Relations and
3 Northern Affairs Canada, Spencer Dewar.

4 MR. DEWAR: Qujannamiik, Madam Chair.
5 Spencer Dewar, Crown-Indigenous Relations and Northern
6 Affairs Canada. Thank you, Baffinland, for those
7 responses.

8 There is one follow-up question. For Lou, it was
9 Question Number 3. I was just curious. For a
10 third-tier spill where there'd be assistance from a
11 third party, is Oil Spills Response Limited on a
12 retainer for Baffinland? (INTERPRETER BELL). How
13 would -- would Baffinland be able to guarantee that Oil
14 Spills Response Limited would be available?

15 THE CHAIR: Baffinland, Lou Kamermans.

16 MR. KAMERMANS: Thank you, Madam Chair. Lou
17 Kamermans, Baffinland.

18 We pay an annual fee for membership with Oil
19 Spills Response Limited, and that provides the
20 assurance that their services would be available to us
21 in the event of a spill where they were required.
22 Thank you.

23 THE CHAIR: Crown-Indigenous Relations and
24 Northern Affairs Canada, Spencer Dewar.

25 MR. DEWAR: Qujannamiik, Madam Chair.
26 Spencer Dewar, Crown-Indigenous Relations and Northern

1 Affairs Canada. Thank you, Lou. That was very
2 helpful.

3 That concludes the Government of Canada's
4 questions for this period, so we'll forego the
5 remainder of our time. That does not mean that we will
6 not have new questions or clarifying questions that'll
7 be asked during Day 2. Qujannamiik.

8 THE CHAIR: Government of Nunavut, Natalie
9 O'Grady.

10 MS. O'GRADY: Natalie O'Grady, Government of
11 Nunavut.

12 From the last hearing, we weren't able to ask --
13 ask one question, but we were able to work out a
14 commitment with the proponent with respect to the
15 marine environment and their spill-at-sea response
16 plan.

17 So for the benefit of the Board and -- and for
18 parties, that commitment is for Baffinland to
19 collaborate with the Government of Nunavut's department
20 of environment and emergency management office in
21 mobilizing emergency wildlife teams in the event of a
22 spill that may attract polar bears.

23 So we just wanted to update -- update the record
24 for -- for you with respect to that, but we -- we have
25 no new -- new questions from -- from the last hearing.
26 So we can reserve the rest of our time, and perhaps

1 other parties, particularly QIA, may have some
2 questions on this topic. Thank you.

3 THE CHAIR: Hamlet of Clyde River and
4 Namautaq Hunters and Trappers and Association, Jerry
5 Natanine.

6 Hamlet of Clyde River and Namautaq Hunters and Trappers
7 and Association Questions Baffinland Iron Mines
8 Corporation

9 MR. NATANINE: Qujannamiik, Iksivauta. Jerry
10 Natanine, mayor of Clyde River and Namautaq Hunters and
11 Trappers. And our technical advisor will be asking the
12 questions [sic] of our questions. Thank you.

13 THE CHAIR: Warren Bernauer.

14 MR. BERNAUER: Thank you, Madam Chair.

15 I have several questions to ask on behalf of Clyde
16 River, and when I'm finished, our other consultant,
17 Dr. Glen Hostetler, will have a few follow-ups.

18 My first questions deal with Baffinland's marine
19 environmental working group. This working group
20 advises Baffinland on monitoring and mitigation. Its
21 members include the Department of Fisheries and Oceans,
22 Parks Canada, the Qikiqtani Inuit Association, and the
23 Mittimatalik Hunters and Trappers Organization.

24 If you recall from our presentation, Clyde River
25 raised a number of concerns with this working group.
26 Clyde River is very concerned that this working group

1 has not been effective at directing monitoring and
2 mitigation.

3 The issue of transparency is a major concern.
4 Neither the hunters and trappers nor the hamlet from
5 Clyde River are members of this working group.
6 However, decisions made by the working group can have
7 major consequences for the Aboriginal rights and food
8 security of Clyde River residents.

9 So my first question is: Will Baffinland commit
10 to improving the public transparency of these working
11 groups by ensuring all formal correspondence, meeting
12 minutes, presentations, and reports are available
13 online in a timely manner? Thank you.

14 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

16 Madam Chair, I'd like to first clarify that
17 Baffinland already does report annually on official
18 correspondence with the working groups. This is
19 reported to the Nunavut Impact Review Board in terms of
20 meeting minutes that occurred between the working
21 groups. Baffinland also on draft reports provides the
22 comments that were provided by each party in the
23 working group and Baffinland's response to those
24 comments on the reports attached to the final reports.

25 In terms of the specific commitment that's being
26 requested, yes, Baffinland commits to increase the

1 transparency by providing these meeting minutes and
2 presentations on our -- publicly available on our
3 website. And I suggest that we could work out the
4 exact commitment language between our parties and
5 report back to the Board. Thank you.

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

8 MR. BERNAUER: Thank you, Madam Chair. This
9 is Warren Bernauer for Clyde River. Thank you for your
10 response. That was very helpful.

11 Another concern that we have flagged is trust. If
12 these working groups are going to work collaboratively,
13 work together, for a common cause to protect the Arctic
14 environment, there has to be some trust. However, this
15 Nunavut Impact Review Board process has, I think, made
16 it pretty clear that there are some substantial trust
17 issues between Baffinland, Inuit organizations, and
18 community organizations.

19 This lack of trust adds risk to the -- to adaptive
20 management. So my question is this: What actions will
21 Baffinland commit to taking to repair its relationship
22 of trust with working group members, especially the
23 Qikiqtani Inuit Association and the Mittimatalik
24 Hunters and Trappers Organization? Thank you.

25 THE CHAIR: Baffinland, Megan Lord-Hoyle.

26 MS. LORD-HOYLE: Megan Lord-Hoyle. I'll ask

1 Lou Kamermans to respond.

2 THE CHAIR: Lou Kamermans.

3 MR. KAMERMANS: Thank you, Madam Chair. Lou
4 Kamermans, Baffinland.

5 We see this happening in -- in two major ways.
6 The first is by continuing the ongoing updates to the
7 terms of reference for the working groups. This is an
8 initiative that's been underway for some time.

9 Given the unique circumstances of the Phase 2
10 review, we haven't been able to issue the terms of
11 reference as we would've liked, but we have throughout
12 this review process affirmed our commitment to a
13 consensus-based decision-making structure being
14 integrated into those terms of reference.

15 That's not the only topic that the updated terms
16 of reference addresses, but I want to be clear. These
17 terms of reference, the original ones, were not
18 developed by Baffinland. They were developed with the
19 working group, and they were approved by the working
20 group, and that was all with the intent that they would
21 meet the objectives of the terms and conditions in our
22 project certificate.

23 And in Baffinland's view, we largely have, and
24 this is supported by recent issuance of a detailed list
25 of the instances and times when working group input has
26 directly translated into action and modifications to

1 our monitoring programs. This was supplied in response
2 to a Nunavut Impact Review Board recommendation flowing
3 from our monitoring programs. We also included it with
4 our responses to questions at the end of March.

5 We've always trusted the input that members of the
6 working groups bring, and we think each of those
7 changes we've made to our monitoring programs is a
8 meaningful demonstration of that. That being said, we
9 understand that there's value in continual improvement
10 and that expectations can change over time, and we're
11 willing to evolve with that.

12 The other area where we think the issue of trust
13 can be addressed is with the many commitments we've
14 made under the Inuit Certainty Agreement. This
15 includes funding Inuit-driven entirely led monitoring
16 programs with monitoring programs to be administered by
17 the Qikiqtani Inuit Association with direct input from
18 the Inuit committee composed of community
19 representatives. Baffinland has no role in the
20 administration of that program or the formation of that
21 committee. That's trust.

22 Those monitoring programs are going to cover
23 subjects of most importance to Inuit, and those results
24 are going to drive adaptive management. The adaptive
25 management triggers that will cause change are required
26 under contract with the Qikiqtani Inuit Association.

1 We have a written agreement that spells out how this
2 will happen. That's trust. You can trust in that.

3 I could go on and go over other important
4 commitments in the Inuit Certainty Agreement, but I
5 think that's enough for the purposes of the current
6 question. 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 for your response, Lou. That was very
11 helpful.

12 I would just note that the way in which the ICA
13 was signed seems to have harmed trust with some working
14 group members instead of improving it. I would also
15 note that it appears that other working group members
16 do not agree that the group is functioning as it
17 should.

18 In any case, I would like to move on to another
19 topic. I have several questions about Baffinland's
20 response to a paper published by Courtney Watt, James
21 Simonee, and others. The paper was published earlier
22 this year in a peer-reviewed journal called Arctic
23 Science. It documents an increase in cortisol levels,
24 a stress hormone, in narwhals since the Mary River Mine
25 began its operations.

26 The author suggests that several factors are

1 likely causing increased stress on narwhal, including
2 Baffinland's shipping operations. Now, Baffinland has
3 been highly critical of this paper. In our written
4 comments and questions, Clyde River asked Baffinland to
5 provide a detailed explanation of its criticisms of
6 this cortisol study.

7 Now, one of Baffinland's main concerns is that the
8 paper does not follow something called the "FAIR"
9 principles for data availability. Now, "FAIR" stands
10 for findability, accessibility, interoperability, and
11 reusability. These principles allow other researchers
12 to access the raw data so they can repeat an analysis.

13 So just to begin with, just to clarify,
14 Baffinland's objection here is that it cannot access
15 raw data to not -- repeat the analysis and, therefore,
16 can't verify the conclusions and results. Does -- that
17 in layman's terms captures the concerns with the FAIR
18 principles?

19 THE CHAIR: Baffinland, Megan Lord-Hoyle.

20 MS. LORD-HOYLE: Megan Lord-Hoyle. I'll ask
21 Emma Malcolm to respond who should have her own sign-in
22 link through Zoom. Thank you.

23 THE CHAIR: Emma Malcolm.

24 MS. MALCOLM: Thank you, Madam Chair. Emma
25 Malcolm, Baffinland.

26 I mean, in -- in short, the -- the issue with the

1 paper that was identified through Golder's technical
2 review was: Because the sampling information was
3 provided in pooled data sets, it's difficult to further
4 analyze what the potential contributing factors that
5 could've resulted in an increase in cortisol within
6 each of those pooled time frames would be.

7 So, for example, Baffinland sent an information
8 request to the Department of Fisheries and Oceans
9 asking to see desegregated data sets so that we could
10 better analyze the samples in relation to Baffinland's
11 shipping activities.

12 This would allow for us to consider what methods
13 we could employ for reproducibility of the study or to
14 assist in ongoing data collection related to studying
15 changing cortisol levels in narwhal. Thank you, Madam
16 Chair.

17 THE CHAIR: Clyde River Hamlet and Hunters
18 and Trappers Organization, Warren Bernauer.

19 MR. BERNAUER: Thank you, Madam Chair. And
20 thank you, Emma, for your response. That was helpful.

21 Now, in these situations, it can be really
22 difficult to tell the difference between legitimate
23 concerns with scientific methods and what we might call
24 economically motivated attacks on someone's work.

25 So my understanding is that these FAIR principles
26 that Baffinland brought up in its response to Clyde

1 River have been endorsed by many academic societies
2 worldwide. However, they have not been universally
3 implemented in academic publishing. As far as I can
4 tell, failure to meet these FAIR principles should not
5 be grounds to reject or dismiss scientific research.

6 It would be helpful if Baffinland could further
7 clarify its position on the FAIR principles. Is it
8 Baffinland's position that research that does not meet
9 the standard is not valid? If I were to review the
10 bibliography in Baffinland's environmental impact
11 statement, would all the papers cited meet the FAIR
12 standard? Thank you.

13 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

15 I'll ask Patrick Abgrall to speak to the -- the
16 technical issues that we're seeing with the paper.
17 Thank you.

18 THE CHAIR: Patrick Abgrall.

19 MR. ABGRALL: Patrick Abgrall, Golder
20 Associates for Baffinland.

21 So I'll just speak on some of the issues in the
22 paper that try to resolve what some of the concerns
23 are, what our concerns are with regards to making the
24 link between indicating that the change in cortisol
25 levels as presented in the paper are linked to shipping
26 activities.

1 One of the concerns in regard to data collection
2 is there's just unclarity as to the absence of data
3 between 2007 and 2012. Was this data not included
4 because the authors wanted to use two seven-year
5 periods, pre-shipping and one during shipping? It --
6 that's simply not clear. Or was the data just not
7 available?

8 What are the actual dates that the samples were
9 taken? Those are obviously -- there could be links to
10 shipping operations with those. If a sample was taken
11 prior to shipping operations on a -- in a given year,
12 obviously that would impact the cortisol level. If
13 some animals are sampled later in a year versus earlier
14 in a year, that also plays into that.

15 So that kind of uncertainty is sort of what raises
16 questions at our end. Also, where were the animals
17 taken? Were some taken at the floe edge? Were they
18 taken in Eclipse Sound, in Milne Inlet, in Navy Board
19 Inlet? It -- those -- a map indicating where the
20 samples were taken would've been helpful.

21 How many samples were taken in any given year? So
22 there's approximately an average of five to six samples
23 taken per year. Were the majority taken in one single
24 year, or were they spread evenly throughout all the
25 years? The data, as presented, only shows the range of
26 data for the sample sets pre-shipping and during

1 shipping. How does that vary within it? There's a box
2 plot presented, but it's also unclear what the
3 variation is.

4 In considering the statistical significance of the
5 results, the result is indicated as being a statistical
6 significant difference at a 'P' value of less than .05.
7 Now, in biological sciences, when something is
8 typically presented as smaller than .05 without giving
9 the 'P' value, the actual number, that -- that
10 typically means that the value is between .05 and .01,
11 which is in the sort of margin of -- marginally
12 significant.

13 If something was heavily significant in the
14 difference, it would typically be reported as the
15 'P' value being less than .001 or potentially .01. So
16 without knowing exactly what the 'P' value is, it's
17 hard to say if the significance is really driven by one
18 or two potentially outlier data points.

19 If you look in the graph on Figure 2 of the paper
20 and in the range of the data presented, the average for
21 the pre-shipping data is 0.81, and the range ranges
22 from 0.01 to 4.21. So that's a large range. And the
23 0.01 seems to be a very low level. So was that
24 potentially taken during the first year of sampling in
25 2000 when maybe the samples would've been maybe less --
26 less valid as the author has indicated that previous

1 samples were not taken? So that's what we're
2 indicating in terms of we would've liked to have better
3 access to the information to know exactly what drives
4 the significance.

5 Also, there was no indication of how the levels
6 changed during each segment of period. So from 2013 to
7 2019 when shipping increased, did the levels also
8 increase during this period?

9 In 2000 to 2006, was there also an increase in
10 cortisol level during this period? So that's -- to us,
11 that's one of the important points because if you're
12 seeing an increase from 2000 to 2006, the likelihood is
13 that you would see this continual increase during years
14 when there's no data, and, therefore, what you're
15 seeing here is not a pre-shipping and post-shipping
16 variation, but what you're seeing is just an
17 environmental increase in cortisol in the population.

18 So these are just some of the indications of some
19 of the issues that we had with the paper, but I also
20 want to specify that at the end of the day what the
21 authors were concerned about in one of the items is
22 that chronic stress could lead to reduced reproductive
23 success. So I think it's important to identify that
24 looking at, you know, a change in reproductive success
25 is the early warning indicator that Baffinland has
26 selected for its project. Thank you, Madam Chair.

1 THE CHAIR: Clyde River Hamlet and Hunters
2 and Trappers Organization, Warren Bernauer.

3 MR. BERNAUER: Thank you, Madam Chair.
4 Warren Bernauer for Clyde River. And thank you,
5 Patrick, for your response.

6 Unfortunately, it really didn't address my
7 question. I wasn't asking you to, you know, summarize
8 your technical concerns with this paper. What I want
9 to know is what Baffinland's position is on these FAIR
10 principles of data availability.

11 Baffinland has used these FAIR principles to
12 criticize the cortisol study, and I want to know if
13 Baffinland is being consistent with this requirement
14 for FAIR principles. I asked: If I was to review the
15 bibliography in the environmental impact statement,
16 would all the papers cited meet the FAIR standard? And
17 I'm quite sure that would not be the case, and I'm sure
18 you would agree.

19 So moving on. I would like to know if Baffinland
20 follows the FAIR principles for the research it
21 conducts for its environmental impact statement
22 addendum. So is the raw data for your environmental
23 impact statement addendum available in a format that
24 conforms to FAIR principles? Also, has Baffinland ever
25 refused a request for raw data from an intervenor in
26 this process? Thank you.

1 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

3 I'll start the response, and then I'll ask for
4 Phil Rouget to speak specifically to the reports in the
5 final environmental impact statement meeting the FAIR
6 principles in our monitoring reports.

7 But, Madam Chair, I'd first like to clarify that
8 the critique of the report was not based solely on the
9 fact that it didn't meet the FAIR principles. It was,
10 in fact, for some of the reasons that Patrick was
11 speaking to on a technical basis.

12 To the question, have we ever refused to provide
13 raw data through this process? Yes. Baffinland did
14 not provide a raw data request directly from Oceans
15 North in one of the first technical meetings that --
16 that happened for the Phase 2 review process.

17 Now I'll ask Phil Rouget to speak to our
18 monitoring reports. Thank you.

19 THE CHAIR: Phil Rouget.

20 MR. ROUGET: Thank you, Madam Chair. Phil
21 Rouget, Golder Associates.

22 The question is around whether Golder's reports
23 would meet the FAIR principles in terms of data
24 available, data transparency.

25 Just to clarify to the Board, I don't believe this
26 statement relevant to the FAIR principles is requesting

1 or making inference to the need for raw data. It is
2 simply stating that the data, as presented, has been
3 postprocessed in pooled data sets so that there's no
4 access or knowledge to what the actual data points
5 show. In other words, Inuit collected, harvested
6 narwhal, took cortisol measurements in individual
7 narwhal, and there's nowhere in the report that
8 presents what the cortisol level was in that individual
9 at that time.

10 Certainly our reports present the level of detail
11 in the data so that third parties can assess the data
12 and make an assessment or a judgement on their own. We
13 have the ability or the fortune to have a marine
14 environmental working group that annually reviews all
15 our reports. So not only do our reports have the
16 transparency and the level of detail for third parties
17 to review, but we also have the ability to discuss
18 those results openly four times a year to get
19 clarification on those results to talk about potential
20 missing information that they'd like to clarify and
21 move forward on that regard.

22 We feel that it's only fair -- for us, as we're
23 here to defend why or why not we would incorporate
24 cortisol monitoring into our programs, we would need to
25 understand more on some of the finer details of what
26 that cortisol paper actually states or represents.

1 It's referred to as "research", which is true. The
2 cortisol collected and the data processed represents
3 research, but the connection between shipping and
4 cortisol levels represents a correlation, not a causal
5 effect.

6 There are many things we could correlate increased
7 stress levels in narwhal to that correlate in time to
8 the same thing we're talking about, shipping. Those
9 are all the multiple stressors on narwhal for which we
10 know the ultimate consequence for these animals could
11 be death or injury.

12 That includes harvesting. That includes climate
13 change and associated effects on ice cover, changes in
14 prey abundance. It also includes a change in predator
15 presence such as killer whale. All of these things
16 have occurred on the same time scale as increases in
17 shipping.

18 We need to be able to see some of the finer
19 details to help investigate that further. That was a
20 simple statement provided, and I think that's a fair
21 request. Thank you, Madam Chair.

22 THE CHAIR: Clyde River Hamlet and Hunters
23 and Trappers Organization, Warren Bernauer.

24 MR. BERNAUER: Thank you, Madam Chair.

25 Again, a lot of that really didn't have to do with
26 the substance of my question. I appreciate the

1 information, but it might be a bit more helpful if
2 Baffinland waited until its five hours on day -- on the
3 15th to provide this additional background and its
4 additional criticisms of this paper and focus a little
5 bit more on the specific questions we're asking.

6 You know, I'll end my line of questioning there.
7 I'll just note that it seems like a lot of the
8 criticisms that Baffinland is making of this cortisol
9 study could be made of the papers that it cites in its
10 environmental impact statement addendum.

11 And with that, I'd like to turn things over to
12 Clyde River's other consultant, Dr. Hostetler, who has
13 some further questions, and I'll also note that
14 Dr. Hostetler still needs to be sworn in. Thank you
15 very much, Madam Chair.

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. If I can have the additional witness
20 state and spell his name for the record, and I will
21 administer the affirmation. And if he can give his
22 name and then say, I affirm.

23 GLEN HOSTETLER, AFFIRMED

24 THE CHAIR: You may proceed with your
25 questions.

26 DR. HOSTETLER: Thank you, Madam Chair.

1 In my questions, I'd like to explore how the
2 adaptive management approach would work in detecting
3 and mitigating project-related impacts in the marine
4 environment.

5 So adaptive management can be an appropriate
6 approach for managing project impacts when there's
7 uncertainty, when there's knowledge lacking regarding
8 the environment and project impacts. Adaptive
9 management can be a way of moving forward and learning
10 as you go, gaining that missing knowledge so that
11 negative project impacts can be hopefully avoided. If
12 they can't be avoided, you can detect the project
13 impacts and learn how to mitigate them effectively.

14 But adaptive management is also very challenging,
15 and it can be risky, especially when the project and
16 the environment that it affects are complex.

17 So I note, for example, in their updated written
18 submission, Fisheries and Oceans Canada noted that many
19 technical issues have been resolved, but they highlight
20 that there are important areas where there is still
21 uncertainty, uncertainty about the nature and
22 significance of some project impacts, uncertainty about
23 the ability of monitoring programs to detect and track
24 some impacts, and uncertainty about how well some
25 proposed mitigations might work to deal with impacts.

26 So in other words there's still some important

1 things to be learned, and this is why they emphasize
2 that sound adaptive management is so important in this
3 project.

4 So from documents that Baffinland has submitted
5 that discuss adaptive management, I think that they
6 would agree with this general description of why
7 adaptive management is being proposed here, and I would
8 just like to confirm: Am I understanding this
9 correctly, that this is a primary reason why adaptive
10 management is being proposed?

11 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

13 The -- the simple response is -- is yes. Adaptive
14 management can and has been proposed to address
15 uncertainty, and I think what -- what Baffinland has
16 done -- and especially with the signing of the Inuit
17 Certainty Agreement -- is to incorporate within our
18 adaptive management processes a mechanism for Inuit to
19 provide direct input into the planning for adaptive
20 management processes as well as monitoring how adaptive
21 management has been implemented by the project. Thank
22 you.

23 THE CHAIR: Clyde River Hamlet and Hunters
24 and Trappers Organization, Glen Hostetler.

25 DR. HOSTETLER: Thank you, Madam Chair. This
26 is Glen Hostetler of Clyde River. So -- and thank you

1 for that response. That's just to make sure we're on
2 the same page.

3 So to understand better how the proposed adaptive
4 management might work in certain situations, I'd like
5 to briefly explore a possible scenario. So related to
6 the recent technical memo from Golder Associates about
7 the 2020 narwhal monitoring program in Eclipse Sound,
8 so that reported that there was a statistically
9 significant lower number of narwhal in the sound than
10 what had been found in previous years. However, there
11 are also some important areas of uncertainty. For
12 example, you know, is there even, in fact, a
13 project-related impact on narwhals in Eclipse Sound?

14 For example, maybe last year was just an odd year,
15 and next year the numbers might be fine, or maybe there
16 were other factors that led to fewer narwhal last
17 season. And also if there is an impact, there's
18 uncertainty regarding what the effect of that is on
19 narwhal.

20 For example, are they moving to other areas? Are
21 they dying? Are they there but maybe they're behaving
22 differently so that the monitoring program missed them?
23 So in the face of this uncertainty, the report goes on,
24 I think, correctly to suggest that some kind of
25 precautionary mitigation should be implemented right
26 away until further monitoring and study can sort this

1 all out and a final mitigation strategy can be designed
2 and implemented if one is needed. And then more
3 monitoring can confirm that the mitigation is, in fact,
4 working.

5 So my -- my next question is: What if it were to
6 turn out that what is learned from further monitoring
7 shows that there is, indeed, a significant impact on
8 narwhal from the project's shipping, and what if it
9 turns out that the only way to mitigate this impact, to
10 bring it down below the threshold that's been agreed
11 on, is to significantly restrict shipping, say to
12 restrict the shipping season, or to significantly
13 restrict the number of ships down to a point where
14 Baffinland says the mine is no longer economically
15 viable?

16 So in an extreme situation like this, how would
17 the adaptive management system respond?

18 THE CHAIR: It's now coming to 12:00 for
19 the lunch break. Before we go back to a response from
20 Baffinland, we're going to go on a lunch break, but
21 before we go on a lunch break, I want to recognize
22 the (INUKTITUT SPOKEN) Lena Atatahak has been working
23 with us 13 years. Let's recognize her.

24 We'll be back at 1:15.

25

26 (PROCEEDINGS ADJOURNED UNTIL 1:15 PM)

1

2 (PROCEEDINGS RECOMMENCED AT 1:16 PM)

3 THE CHAIR: Welcome back, everyone. Let's
4 reconvene.

5 We are on Agenda Item 3, technical session.

6 Continuing with questions from the hamlet and hunters
7 and trappers organization of Clyde River. You have
8 15 minutes remaining in your allotted time, and we will
9 continue with a response from the proponent.
10 Baffinland, Megan Lord-Hoyle.

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

12 In response to the question at the end, if we
13 needed to restrict shipping that would threaten the
14 viability of the company, yes, that is what we would
15 do, if that was what was required. Thank you.

16 THE CHAIR: Clyde River hamlet and hunters
17 and trappers organization, Glen Hostetler.

18 DR. HOSTETLER: Hello. Sorry. Am I -- can I
19 be heard? I'm not sure if I'm back on here.

20 THE CHAIR: You may proceed.

21 DR. HOSTETLER: Okay. Thank you. Thank you
22 for that response, Megan.

23 So just so I can be very clear, so there would be
24 some priority areas, whether ecosystem components or --
25 well, let's say ecosystem components -- where if the
26 project was causing harm to them and there was no way

1 to mitigate it, are you suggesting that the mine would
2 just shut down? I guess I'm not sure if that's what
3 you're indicating; that if -- if there was no other way
4 to mitigate it, would there be other things that would
5 be tried, or that would just -- potentially the mine
6 would be prepared to shut down if there was a
7 significant harm that couldn't be mitigated without
8 threatening the economic viability?

9 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

11 Madam Chair, we have a tiered approach to adaptive
12 management, so, in short, we would investigate all
13 options, and investigation of the causes is part of the
14 adaptive management process, so applying the correct
15 response in terms of what it is that we're seeing of
16 the impacts in the environment.

17 So if we needed to go to a level that would
18 restrict shipping or have further restrictions on
19 shipping, we have committed and we would implement
20 further restrictions on shipping, for example, and if
21 that meant that that was a threat to the viability of
22 the company, then we would have to understand what that
23 meant and if we could continue to operate or not.

24 So it's a difficult question to answer at this
25 time, if we would go directly to a response of shutting
26 down the mine. It's obviously something that we would

1 try to avoid, and we would try to put in other measures
2 before we went to that extent.

3 But if there were no other mitigations available
4 to us and the mitigation measures that were required to
5 minimize the impact did threaten the viability of the
6 company, we would continue to proceed with those
7 mitigation measures, and then we would have to analyze
8 what that meant to the continuation of the operation
9 itself. Thank you.

10 THE CHAIR: Clyde River hamlet and hunters
11 and trappers organization, Glen Hostetler.

12 DR. HOSTETLER: Thank you very much, Madam
13 Chair, and thanks, again, Megan, for that
14 clarification.

15 So I'd like to go on to explore one other
16 potential adaptive management scenario, just to try to
17 understand a little bit more about the impact of
18 adaptive management timelines.

19 So in Baffinland's adaptive management
20 presentation, it was emphasized that adaptive
21 management responses and the overall adaptive
22 management cycle, it's important that they occur within
23 an appropriate time frame to avoid or minimize the
24 effect, which makes good sense. However, as Pond
25 Inlet's written submission on adaptive management
26 pointed out, biological and management time are not

1 always the same.

2 So sometimes it might take some years before an
3 impact is detected by monitoring, and then it might
4 take more time for mitigation to be implemented and
5 more monitoring to be done to see if it's working to
6 deal with the impact, and sometimes adaptive management
7 can take many of these cycles before it kind of gets it
8 right.

9 So, for example, in Clyde River's written
10 questions to Baffinland, they asked how many monitoring
11 seasons would Baffinland need to have in order to know
12 if shipping operations were impacting seal populations,
13 and Baffinland's written response was that right now
14 they don't know how many seasons would be needed; that
15 they would need to do more analysis after the 2021
16 monitoring is completed, and then that analysis will
17 tell them how many monitoring seasons would be needed
18 to detect if -- for example, if increased shipping was
19 having an impact on seal populations.

20 So it seems in any case that it could take
21 multiple years of careful monitoring to detect a
22 significant change in seal populations and maybe more
23 after that to understand what exactly is causing that
24 change so that it could be mitigated effectively.

25 So is it fair to say that it's possible that due
26 to these adaptive management timelines, the project

1 could have some significant negative impacts on the
2 marine environment, even with adaptive -- the adaptive
3 management system in place and working well?

4 And I guess a follow-up to that would be just --
5 could you discuss just a little bit how would the
6 adaptive management system respond in such a case, if a
7 monitoring program detected that project activities had
8 already been causing a significant harm in the marine
9 environment? Thank you.

10 THE CHAIR: This is also a seven-minute
11 warning.

12 Baffinland, Megan Lord-Hoyle.

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

14 Madam Chair, there were quite a few "what-if"
15 examples in the question, so I'll try and answer it the
16 best way that I can.

17 It is true what Dr. Hostetler was saying in terms
18 of some responses might require more than one season to
19 investigate and understand the changes that are
20 occurring. Those processes will be outlined in the
21 adaptive management plan. And for different aspects of
22 the environment, different time frames for
23 investigation or changes occurring would be understood
24 as part of the threshold and response action plan.

25 That said, that doesn't prevent Baffinland from
26 taking a precautionary approach while an investigation

1 is ongoing, while we're implementing the adaptive
2 management plan as proposed where we investigate the
3 cause, try to better understand the cause, and develop
4 the appropriate mitigation measure. In some instances,
5 a precautionary approach could be applied during that
6 process. So it doesn't prevent the company from taking
7 action, if the circumstances warrant it at the time;
8 otherwise, we might undertake the multiple seasons --
9 or the full investigation to ensure that the mitigation
10 being applied is the appropriate response.

11 So all of that is to say, no, we don't believe
12 that while the adaptive management plan is being
13 applied we could have a significant negative impact on
14 the environment, and we do believe that the adaptive
15 management responses can be applied in a timely manner.
16 Thank you.

17 THE CHAIR: Clyde River hamlet and hunters
18 and trappers association, Glen Hostetler.

19 DR. HOSTETLER: Thank you, Madam Chair, and
20 thanks, again, Megan for clarifying that.

21 I understand it's difficult to respond to
22 questions that are sort of hypotheticals, and my
23 questions are -- were exploring sort of extreme
24 situations or extreme scenarios, but I guess I'm trying
25 to get at a sense of how you -- how Baffinland
26 understands some of the risks that are inherent in

1 taking an adaptive management approach, and, you know,
2 of course, we would all hope that the adaptive
3 management system would work effectively so that, as
4 you described it, it would allow you to detect, you
5 know, early warning indicators and things like that so
6 that precautionary mitigation can be taken while
7 further study and further monitoring is done, and,
8 ideally, that can do a good job of protecting the
9 environment.

10 But I guess maybe where we would disagree a little
11 bit is just that from my understanding of adaptive
12 management, there is always a certain amount of risk
13 that comes with operating in the face of uncertainty
14 and in the face of things that are unknown regarding
15 impacts and monitoring and mitigation, and, in this
16 case, there is uncertainty in some areas and each of
17 those in some -- there is some uncertainty about
18 impacts and about the effectiveness of monitoring and
19 the effectiveness of mitigation, and that's where, you
20 know, you need sometimes multiple cycles of running
21 through that to get the mitigation right. And
22 certainly history of where adaptive management has been
23 used does show us that there are times when even acting
24 in good faith to apply adaptive management, there are
25 times that significant harm does occur to the
26 environment because of issues such as the timelines

1 that are involved and the level of uncertainty that's
2 involved.

3 So, anyway, I will leave it there, and I don't
4 have any further questions here. I guess we could turn
5 it back to Mayor Natanine, if he has anything further.

6 THE CHAIR: That brings us to 60 minutes
7 for the Clyde River hamlet and hunters and trappers
8 organization.

9 Next on the agenda, Amaruq Hunters and Trappers
10 Association, Jeetaloo Kakee.
11 Jeetaloo Kakee (Elder) and Amaruq Hunters and Trappers
12 Association Questions Baffinland Iron Mines
13 Corporation, Qikiqtani Inuit Association, Department of
14 Transportation Questions

15 MR. KAKEE: Thank you, Chairperson.

16 Jeetaloo Kakee from Iqaluit Hunters and Trappers
17 Association. As an Elder, we ran out of time when we
18 were talking about marine environment, so for that
19 reason, we wanted to mention we had a question
20 regarding marine animals because of those that have
21 flippers, seals -- bearded seal, fish, if they're in
22 the ocean. Those questions -- there seemed to be a lot
23 of questions around them, and for this -- for our way
24 we're not going to finish it all. I'll give it also to
25 Meeka who has some questions as well.

26 And for these, who will be the expertise?

1 Although the hunters know their environment and
2 environmental issues, they are the expertise, even
3 though they don't have scientific equipment. They're
4 probably more knowledgeable than those scientists that
5 have the monitoring equipment. Although they have the
6 scientist with expertise, if you're out on the land,
7 only the people who live -- who go out there on the
8 land will know what's going on.

9 And for the birds that are on the beach, and they
10 need to be protected. Just to make sure that we
11 understand this clearly, just recently the eiders are
12 coming in. They're going through here, and they go up
13 north towards Nattilik and on to the area where it's --
14 the land is kind of flat.

15 When there was good solid ice sometime before, it
16 used to be that we also believe it, that the eiders
17 would go to where the fish are, just opposite of us
18 around Clyde River and beyond when there was solid ice
19 and around Kangiqtugaapik, ice as well, the eiders
20 would be found there resting because they could not
21 find any water or food source. Sometimes hunters would
22 get them.

23 Just recently in the last few years, it is
24 indicated that around Pond Inlet -- on the floe edge of
25 Pond Inlet, the eiders there, when they -- the young
26 people went out there, they -- they found something and

1 the Elders knew about it, that out in the wilderness,
2 they didn't have -- the eiders didn't have anything to
3 eat, and these Elders know that it happens sometimes.
4 We don't want to give false information of people who
5 come here to visit and to obtain money and remove
6 whatever's in the land and to make money out of it and
7 take it back. So we don't want to -- make sure that
8 when we do tell about things, that we are telling
9 things of truth because the Elders are our expertise.
10 They're the ones that know. Do they have a sense of
11 knowledge? No. No. It's because not all people have
12 all that expertise. Not all Inuit have that expertise.

13 So believe when we make these statements, we want
14 to be welcoming, but we also want to make sure things
15 are not risky. For this reason, you need to believe.
16 Of course you want to get some money, but that's the
17 only thing you're trying to get. For us, it is our
18 food source. If we go out -- if we don't, you know,
19 the animals are linked, and if you lose them one by
20 one, we would be very sad, and we would be in grief,
21 perhaps even cry because you need to believe that.

22 For Phase 1, when there was consideration on that,
23 we have seen some problems already. Some -- we've
24 heard that animals are being threatened or bothered and
25 that there are some things that are not of good news,
26 and we know from Pond Inlet they seem to be not being

1 able to be limited to what they can catch, and it has
2 good, tangible evidence because of what has been said
3 and what has been seen.

4 So in terms of -- please understand that the
5 statements that are made, please try to trust them that
6 they are truthful. And if they try to do the work, and
7 the work that -- workers that want to work there -- we
8 know that workers want to work there, and we do want to
9 have jobs, but if there's going to be adverse effect on
10 this and affecting the animals and our food source, if
11 that is going to be an effect on that, trust us to --
12 or believe what we say.

13 So after this, there may be reports to talk about
14 what has happened and -- but from this end, some of the
15 workers for the -- that have -- may or may not have
16 knowledge on Inuit Qaujima jatugangit, even though they
17 are Inuit. Sometimes even though it's, like, really
18 cold and if you look at the oil drillers or something,
19 people don't know what the environment is, and they
20 cannot -- they don't seem to understand that they don't
21 have all that ability that -- if there is too much
22 impact on our food source, if we -- as Inuit, we have a
23 rule that -- with the hunters -- through the hunters
24 and trappers organizations, don't be chasing the
25 wildlife with motorized equipment. Don't be bothering
26 the animals by scaring them with motorized equipment,

1 and we make sure that people don't do that.

2 Why do we say that? Because if the animals are
3 rushing away too much with all their might, that in
4 Baffin Island, they would be an environment around the
5 island in the ocean, around Cape Dorset ocean. If
6 they're going to be affected that way, it will have an
7 adverse effect on it, and it would be worse.

8 We know of people who are in the boats on Baffin
9 Island. There are people on the ships 365 days a year,
10 and every day, whether it's summer or winter, they go
11 walrus hunting. They use motors and stuff. They're
12 not even here. They're not invited here.

13 When Phase 2 starts, they would be going through
14 that ocean of those hunters. This is not completed.
15 This project planning is not completed. We're not --
16 we know that the Inuit are not saying or agreeing to
17 this. Perhaps Environment Canada or Nunavut Impact
18 Review Board would not be agreeing to this.

19 What I was trying to say that for the marine
20 environment, we were not given an opportunity to ask
21 questions, so now we're meeting again, and everything
22 seems to be new. This is an old project. People have
23 been meeting about this and seeing about all this
24 information for many days now. We don't want to be
25 telling lies, and we don't want to make it less heavier
26 than it already is.

1 So I want to give it to Meeka because the
2 chairperson already has some stuff to do as well.

3 THE CHAIR: Meeka Mike.

4 MS. MIKE: Thank you, Chairperson.

5 Nunavut Impact Review Board, Chairperson, and
6 thank you, Jeetaloo, for providing an explanation and
7 allowing me to ask questions.

8 So if people can tell me, he also wanted an
9 opportunity with the hunters and trappers
10 organizations, a question.

11 MS. MEADOWS: My apologies, Madam Chair. I
12 didn't get the translation.

13 THE CHAIR: (INUKTITUT SPOKEN - NO
14 TRANSLATION)

15 MS. MIKE: Thank you for Jeetaloo's --
16 his comments and opening remark, I guess, for this part
17 of the hearing. And to -- the question is --
18 (INUKTITUT SPOKEN) Meeka Mike, technical advisor
19 support for Amaruq HTA, Jeetaloo -- and Jeetaloo Kakee.

20 So we would like to know if our witness members as
21 well from -- Amaruq Hunters and Trappers members, who
22 are hunters, if they could be sworn in now, or if
23 there's opportunity at the community roundtable.
24 Thank you.

25 THE CHAIR: NIRB legal counsel.

26 MS. MEADOWS: Thank you, Madam Chair.

1 My apologies, I missed that in the interpretation
2 feed.

3 Yes. If your members are here, if they wish to
4 state and spell their name for the record, and then I
5 can administer the affirmation, or if they would like
6 to swear on the Bible.

7 THE CHAIR: Amaruq Hunters and Trappers.

8 MS. MIKE: They would like to swear on
9 the Bible.

10 MR. IPEELIE: Lodie Ipeelie.

11 MS. MEADOWS: Oh, the microphone is not on
12 yet.

13 MR. IPEELIE: My name is Lodie Ipeelie, a
14 hunter from HTO Iqaluit, Lodie Ipeelie.

15 LODIE IPEELIE, Sworn

16 MS. MEADOWS: Thank you.

17 And, Ms. Mike, is there one more? You have one
18 more witness as well?

19 MS. MIKE: Yes, legal counsel.

20 Kevin Akpalialuk, a hunter from Iqaluit, grew up in
21 Pangnirtung, Cumberland Sound.

22 MS. MEADOWS: If I could have the witness
23 state and spell your name for the record, please.

24 MR. AKPALIALUK: My name is Kevin Akpalialuk.

25 I'm from Iqaluit. I'm with the hunters and trappers.

26 KEVIN AKPALIALUK, Sworn

1 MS. MEADOWS: Teresa Meadows, legal counsel
2 for the Nunavut Impact Review Board. Thank you, Madam
3 Chair. Those are all my matters.

4 THE CHAIR: (INUKTITUT SPOKEN - NO
5 TRANSLATION) Meeka Mike.

6 MS. MIKE: Thank you, Chairperson.

7 And from the Hunters and Trappers Association --
8 thank you -- Jimmy Akavak.

9 THE CHAIR: NIRB legal counsel.

10 MS. MEADOWS: Sorry, Madam Chair.

11 Teresa Meadows, legal counsel for the Nunavut
12 Impact Review Board. I'm obviously out of practice in
13 a couple of weeks.

14 Can I please have the witness state and spell
15 their name for the record.

16 MR. AKAVAK: Jimmy Akavak.

17 JIMMY AKAVAK, Sworn

18 MS. MEADOWS: Thank you, Madam Chair. I
19 believe those are my procedural matters.

20 THE CHAIR: (INUKTITUT SPOKEN - NO
21 TRANSLATION) Meeka Mike.

22 MS. MIKE: Thank you, Chairperson.

23 If I -- I seem to have a very low sound here.

24 (NO ENGLISH FEED) at this point. Because we only
25 have less than 60 minutes, I will read out the
26 questions, if the Chairperson would allow that. We

1 could get answers later. And also some questions that
2 may sound like a statement or preamble, just because --
3 in regard to the terrestrial working group, marine
4 working group and how that is related to part of the
5 statement from the Amaruq HTA.

6 Iksivauta, if I may read -- take up our time in
7 asking questions and get answers later, maybe in the --
8 during the community roundtable or written. Either
9 one. Thank you.

10 THE CHAIR: NIRB legal counsel.

11 MS. MEADOWS: Thank you, Madam Chair.

12 Teresa Meadows, legal counsel for the Nunavut
13 Impact Review Board.

14 So it's up to the intervenor as to how they wish
15 to use their time. So if you want to defer
16 Baffinland's questions or just ask all the questions
17 and then Baffinland will respond in the time that's
18 remaining, that's fine. Please proceed.

19 MS. MIKE: Qujannamiik, Iksivauta. Meeka
20 Mike.

21 (NO ENGLISH FEED)

22 THE INTERPRETER: Sorry. We had a technical
23 difficulty.

24 THE CHAIR: You may proceed.

25 MS. MIKE: For the first question that
26 is also from the board and Jeetaloo, the -- in regards

1 to the terrestrial working group -- marine working
2 group, the question is: Who is funding those for their
3 operation, or are those consisting of paid positions?
4 I have no clue what to call them in Inuktitut other
5 than they are on the side of the Nunavut land claim
6 agreement, and, yeah, who's the -- who's funding them
7 when they meet? Qujannamiik, my first question.

8 THE CHAIR: Would you like a response now?

9 MS. MIKE: That's a question from
10 Jeetaloo, yes.

11 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

14 I understood it as: Are the members of the
15 working group paid, and how are the working groups
16 funded.

17 So Baffinland hosts the working groups, and by
18 that, that means that Baffinland funds the organization
19 and logistics for the meetings. So we pay for the
20 meeting rooms, ensuring that the materials are
21 translated, getting any of the equipment that would be
22 needed or translation equipment that would be needed.
23 That is all provided directly by Baffinland, including
24 things like interpreters and other -- other resources
25 that would be required to run the meetings.

26 The members of the working group are largely

1 funded by their own organizations, so their
2 participation would be funded, their travel costs, and
3 any other costs that they may have would be funded by
4 their organization. So either the government, or in
5 the case of Oceans North or World Wildlife Fund who sit
6 as observers on the marine environment working group,
7 they pay their own costs.

8 Baffinland does pay, however, for the Mittimatalik
9 Hunters and Trappers Organization. We pay for their
10 travel, if it's required, to attend the meetings and
11 their time to attend the meetings as well as food and
12 lodging is also funded by Baffinland. Thank you.

13 THE CHAIR: Amarug HTO, Meeka Mike.

14 MS. MIKE: Thank you, Madam Chair.

15 Question 2: According to the Nunavut Agreement,
16 are Inuit involved in the working group? That's an
17 open question, so you can answer it at any point, the
18 representatives of NTI and QIA. Inuit Qaujimajatuqangit,
19 it's very important and one of the principles of the
20 Nunavut Agreement and the Constitution of Canada.
21 Thank you.

22 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

24 NTI, or Nunavut Tunngavik Incorporated, does not
25 participate in either working group, but the Qikiqtani
26 Inuit Association does, and typically at meetings,

1 there may be representatives of QIA staff as well as
2 their technical advisors. So I should also provide
3 Baffinland does provide funding to the Qikiqtani Inuit
4 Association for their technical advisors and the
5 support for those working groups as well. Thank you.

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

8 MR. OTTENHOF: Jared Ottenhof for Qikiqtani
9 Inuit Association.

10 Typically, our participation in the working groups
11 involves reviewing reports and different sources of
12 information, contributing to the discussions on the
13 agenda, as well as providing our recommendations and
14 technical comments, similar to what we do in the NIRB
15 review process.

16 We do have staff attending when we can. We have
17 community employees as well, who we also ask to attend
18 for note-taking and also just general community
19 involvement, and we have our technical support team as
20 well. Thank you.

21 THE CHAIR: Amaruq HTO, Meeka Mike.

22 MS. MIKE: Thank you, Madam Chair.

23 It's fine if I don't get an answer to this one
24 right away. My Question Number 3: Inuit Impact
25 Benefit Agreement, I think two part. I know that
26 Uqqurmiut were part of the -- during Prime Minister

1 Trudeau time that we were negotiating for a land claim
2 agreement, there was some funding agreements. As a
3 quasi-government -- QIA is, of course, a government.
4 I'm wondering if we can get a response by letter or if
5 we can have a meeting face-to-face with the
6 organization, with Amarug HTO, to get an answer. Thank
7 you.

8 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

10 Madam Chair, I may not have understood the
11 question properly, but I believe I understood it as a
12 request to meet with the Prime Minister for a
13 face-to-face meeting. If I could ask for a
14 clarification. Thank you.

15 THE CHAIR: Amarug HTO, Meeka Mike.

16 MS. MIKE: Thank you, Madam Chair.

17 Meeka Mike, Amarug HTO, technical advisor. Which
18 body or Inuit organization either put the IIBA as an
19 article or the current IIBA that is mentioned in this
20 hearing, who put that in place? And what's the amount
21 or the jurisdiction or the power and authority under
22 that amount, which is, in this case, 400 you're mining.
23 Whose authority is that under?

24 And to answer part of the question for who
25 established the IIBA, the Uqqurmiut Elders from the
26 '60s and '70s placed that, and Pierre Trudeau

1 recommended his team, that they not change that to --
2 and keep it as an article to protect Inuit and that we
3 benefit. That's one answer. But the question is also
4 for the Inuit organizations, DIOs, if, as well, they
5 could meet with the HTA to answer that in the future.
6 Thank you.

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

9 MR. OTTENHOF: Jared Ottenhof for Qikiqtani
10 Inuit Association.

11 Qikiqtani Inuit Association, under the Nunavut
12 Agreement, is the designated Inuit organization for
13 management of Inuit-owned lands in the Qikiqtani region
14 as well as for entering into Inuit Impact Benefit
15 Agreements for major projects on those parcels of land.
16 And, yes, we can meet with you at a later date to
17 further discuss, if you want. Thank you.

18 THE CHAIR: Amaruq HTO, Meeka Mike.

19 MS. MIKE: Thank you.

20 Number 4: Marine mammals and seabirds. Jeetaloo
21 sort of touched upon this earlier about -- or the
22 concern we have about impacts on our marine mammals,
23 and these are our questions for these public hearings,
24 and there's -- we use indicators to -- for these
25 issues, and the hunters and -- hunters organizations
26 have a lot of work to do, and even though we're far

1 between -- the communities are away from each other,
2 and we want an Arctic refuge, Alaska, NWT, and Nunavut,
3 and that's how far -- we are in communications with
4 hunters on everyday issues all over the Arctic, and our
5 Elders are our advisors. And Jeetaloo sort of touched
6 upon this Item Number 4, but I don't know how to ask
7 that question because -- I'll say it in English.

8 The question was around the eider ducks. There is
9 different kinds, but we'll use an English
10 classification, and we monitor these between Inuit --
11 between communities, between region. And Uqqurmiut
12 Elders in the '60s and '70s made sure that the Arctic
13 refuge became a refuge -- the one in Alaska, Yukon, and
14 NWT.

15 And in this area -- we considered their area the
16 homeland of the caribou, and Baffin Island is where
17 they come and get healthy, like most southerners go to
18 Caribbeans for their holidays. (INUKTITUT SPOKEN).

19 We have indicators -- the hunters have indicators.
20 They monitor full-time. Who is supplying them with the
21 resources needed? That's out of our own family time
22 and pockets, and they're the ones who don't work. I
23 guess that is my question. Under the different
24 articles mandated -- given to HTAs, very little
25 resource, and they do the most work. (INUKTITUT
26 SPOKEN).

1 Number 5: During oil exploration, oil drilling,
2 have you got any baseline information on how pollution
3 have affected eider ducks, seabirds, seagulls? Who is
4 doing the studies of the different types of migratory
5 birds? (NO ENGLISH FEED) is reference to in the time
6 when there was oil exploration, similar studies were
7 done, if they were at all even using Inuit
8 classification of our -- kingdom classification of
9 wildlife, and these -- this question is in regard to
10 who's monitoring and researching even down to each
11 marine bird or land bird, right down to the health of
12 their bone. Just like when we hunt, we always check
13 the bones or the livers. That's a guarantee. That's
14 automatic. Who is monitoring this?

15 And Number 7: Department of Transportation. So
16 do they have any statistics when there's ships or --
17 that have struck or killed wildlife, and wildlife that
18 may be struck by the ships?

19 Madam Chair, last one. We were not intervenors
20 during November 2019. We did make a written
21 submission, so we would like to include them in this
22 public hearing. On November 2, 2019, during the time
23 that Jeetaloo and I were given a chance to speak. And
24 that's all I have for now, and my peers will have
25 questions from Amaruq HTO. Thank you.

26 THE CHAIR: NIRB legal counsel.

1 MS. MEADOWS: Thank you, Madam Chair.

2 Given that Amaruq HTA still has time on the clock,
3 if maybe the questions that you asked can be answered
4 right now by the parties, if you would like to go to
5 answers.

6 THE CHAIR: Meeka, did you want to enter
7 them as an exhibit?

8 MS. MIKE: Yes. They're all exhibits, of
9 all the comments I made. It's not clear -- yes, if the
10 comments and questions would be exhibit -- exhibited.
11 It's confusing during the hearing here because some of
12 the issues are technical issues -- we understand -- but
13 there's Elders and hunters and Inuit knowledge, and
14 we're not separated. We should be included in all, so
15 that's it.

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 I haven't received any of the -- that information
21 in the form of an exhibit. If it's just spoken, it
22 does not need to be filed in writing because your
23 questions are already on the record as part of the
24 transcript, so we don't need to have an additional
25 filing in writing. But if you would like to file in
26 writing, please provide me with that written material,

1 and I can file it as an exhibit. Either is acceptable.

2 Thank you, Madam Chair.

3 THE CHAIR: Amaruq Hunters and Trappers,
4 Meeka Mike.

5 MS. MIKE: Thank you, Madam Chair.

6 The HTO are all complete now with the quorum with
7 the chair. David Alexander, chair; secretary
8 treasurer, Adamee Itorcheak. For those that been on
9 the longest, for -- Noel Alookie. New members,
10 Nash Nowdlak, Sageeatook; and Atsiaq Alashuaq. We are
11 all in place now, and Jeetaloo and I have been working
12 hard, and we actually had the first board meeting and
13 working with them on the side. So the new HTO that
14 were asked to be put in to speak here and ask
15 questions, if they wish, and Jimmy is our new
16 Chairperson.

17 THE CHAIR: Amaruq Hunters and Trappers
18 Association.

19 MR. IPEELIE: Thank you, Madam Chair.

20 They've been open since what? 2014 to 2019 before
21 they saw any kind of damage to the land. That was my
22 first question.

23 And the second one: Did you -- when did they ever
24 notice the ground was turning red, and the third one
25 is: Are they ever going to do anything about that
26 water resource they say they can't drink anymore?

1 Thank you.

2 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

4 Madam Chair, I wasn't quite sure. Is it all right
5 if I respond to Ms. Meeka Mike's questions at the same
6 time as the next questioner's?

7 THE CHAIR: Yes. You may proceed.

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

9 Madam Chair, for the first series of questions,
10 one of the questions was who is studying birds on
11 behalf of Baffinland, and we have a number of parties,
12 Madam Chair, that are studying birds and who have
13 provided baseline information for us.

14 Currently, both Golder Associates as well as
15 Environmental Dynamics Incorporated conduct bird
16 monitoring on behalf of Baffinland. We also have
17 collaborations with Environment and Climate Change
18 Canada, and we follow the Canadian Wildlife Services
19 methodology for studying seabirds. We also collaborate
20 with a research group in the University of Alberta to
21 conduct raptor research.

22 There was a question if there's been any recorded
23 wildlife strikes from ships, and there have been no
24 incidents of any marine mammal ship strikes. There has
25 been one recorded observation. A captain observed a --
26 a long-tailed duck fly into a support post on the

1 icebreaker, the Botnica, that's used by Baffinland.
2 That's the only recorded incident for the project.

3 We would be happy to respond to any additional
4 submissions in the form that it comes in.

5 And for the next series of questions, I believe
6 the first question was if there's been any
7 environmental damage recorded, and I can say that
8 although there has been more dust produced than
9 Baffinland originally predicted or modelled, we have
10 not seen any environmental impacts as a result of that
11 dust.

12 As for the ground turning red, the dust itself is
13 red, so as it's dispersed or spread in the environment,
14 you can see red on the ground around the mine site, but
15 there are also historical records of the area itself,
16 the ground being red before the mining began because
17 the area is so naturally rich in iron.

18 And the third question asked about the
19 contaminated drinking water, and I'd just like to
20 clarify, Madam Chair, that Baffinland has not measured
21 any instances in the freshwater around the mine site
22 that would consider the water undrinkable. So that
23 means any of the testing completed has not seen any
24 metals higher than the Canadian drinking water
25 guidelines.

26 So for that, we do not believe that this water is

1 contaminated. Thank you.

2 THE CHAIR: Amaruq Hunters and Trappers
3 organization, Meeka Mike.

4 MS. MIKE: Thank you, Meeka Mike.

5 Technical advisor, Kevin Akpalialuk has a
6 question.

7 THE CHAIR: Kevin Akpalialuk.

8 MR. AKPALIALUK: Thank you, Madam Chair.

9 My question: The ships are going up -- how many
10 ships are going up? And the ships, if they're
11 approved, they will go further down. And looking at
12 that, it's been used ever since the mining opened in
13 Pond Inlet area. Some of the animals and the fish are
14 not edible anymore, and rabbit -- I saw a rabbit. It
15 was all red, not edible.

16 And my question: In Pond Inlet HTO, are they
17 going to be assisted during the hunting, harvesting, if
18 they're going to contaminate our lands? As a hunter,
19 it's not good to see that red area, and, Baffinland,
20 you have surveyors. We had to hear later on why the
21 land was disrupted and all red, later on. We heard
22 from the hunters recently. It's not good.

23 And my question also, Baffinland: If Phase 2 goes
24 ahead, would you be using better equipment or better
25 ways of working with the mining because the land is
26 disrupted. And if Phase 2 should be approved and used,

1 the other communities, Igloolik and other area, they
2 have also -- would be impacted as well in their
3 wildlife, and the animals when they hear a noise, they
4 depart.

5 And so my question is that -- how many ships will
6 be going up and down shipping if Phase 2 is approved?
7 Thank you. That's my question.

8 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

10 For the question related to shipping, I'll provide
11 some context. In two thousand and -- in 2021, this
12 coming year, we're predicting to use 82 ore carriers,
13 and under the Phase 2, we had initially proposed to use
14 176 ore carriers, but more recently Baffinland has
15 committed to decrease that number to a total of 168 ore
16 carriers.

17 In addition to the ore carriers, we have assessed
18 24 freight and fuel vessels, and 10 -- and the use of
19 10 tugs.

20 There was some additional questions around will
21 Pond Inlet be helped or supported for hunting and
22 harvesting. The answer is yes. There are a number of
23 programs to support harvesting practices in Pond Inlet
24 under the Inuit Impact Benefit Agreement that includes
25 support for fuel -- additional fuel. In addition,
26 Baffinland will provide \$10,000 per ore carrier to the

1 Tasiuqtiit Working Group, which has received over
2 \$500,000 so far since 2018. And Baffinland will
3 continue to work with Pond Inlet to identify other
4 support programs for ways in which we can support
5 harvesting in the area.

6 You also asked if under Phase 2 we will use better
7 equipment or ways of mining to reduce the environmental
8 impacts, and the answer is yes. By switching from a
9 trucking to a rail operation, we reduce the amount of
10 fuel needed to move a tonne of ore. We also decrease
11 the dust that's produced from a trucking operation.

12 We're also changing our crushing practices where
13 currently all crushing of the ore is done at an outdoor
14 facility at the mine site, and under Phase 2,
15 approximately 30 percent of the ore will continue to be
16 crushed at the mine site, and the remainder --
17 remainder will be crushed in an indoor facility down at
18 the port site, which will help to reduce dust in and
19 around the mine.

20 There's other practices that we've put in place
21 right now, including spraying the stockpiles, which
22 will increase in size under Phase 2, but we plan on
23 continuing to use that product to reduce any dust blown
24 from the stockpiles or implement any additional
25 measures that would be needed.

26 You also asked about the dust on rabbits that you

1 had seen, and I'll ask Lou Kamermans to speak
2 specifically to that question and that point.

3 THE CHAIR: For Lou, Meeka would like to
4 use her five minutes instead.
5 Meeka Mike.

6 MS. MIKE: Thank you. And this is what I
7 wanted to hear from when we were talking about the
8 terrestrial animals. Six minutes, it's very small,
9 but -- I don't know when some of my questions will be
10 answered, and it's up to you how you're going to answer
11 them. Jayko Aloofoo and Inuit Qaujimaqatugangit
12 knowledge, and we, from here, cannot go up to Pond
13 Inlet area, but we wanted to get something concrete --
14 a meaningful way to submit things. Maybe we'll have
15 more opportunity to ask questions at the roundtable. I
16 was told by Elders they're seeing -- and we're
17 supporting the people of Pond Inlet, and the HTOs have
18 served the people in the communities, and a lot of
19 times we cannot inform everybody at one time, so we
20 need to relay the messages to our people in the
21 community levels, and we need to consider -- if you're
22 going to consider the caribou trails and other things
23 for caribou monitoring.

24 And I forget one thing. Amaruq Hunters and
25 Trappers, when they had their workshop, the Elders,
26 Simon Nattaq was involved, and people from -- gave them

1 papers to look through, and their Inuit own things, and
2 I forgot to mention that earlier, and this is our
3 homeland and our areas. It's in the Constitution of
4 Canada for us to be assisted, and when they're in the
5 Inuit level at the organizations and Inuk is mentioned
6 as a sole, maybe, owner, and I just wanted to bring
7 that matter up.

8 I asked the question when there was the
9 intervenors in the meetings concerning the caribou
10 trail. Mary Panikapakoocho [phonetic] is my aunt, and
11 in September I asked the question when we were in the
12 intervening statements. That's it, thank you.

13 THE CHAIR: Moving on to the next
14 registered intervenor, Oceans North, Christopher Debicki.
15 Oceans North Questions Baffinland Iron Mines
16 Corporation, Fisheries and Oceans Canada

17 MR. DEBICKI: Thank you, Madam Chair.

18 My first question -- Ms. Lord-Hoyle referred to a
19 change in the number of ore carriers requested, and my
20 first question is: Why has the proponent decreased the
21 number of ore carriers requested for Phase 2? Thank
22 you.

23 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

25 I'll ask Lou Kamermans to respond.

26 THE CHAIR: Lou Kamermans.

1 MR. KAMERMANS: Thank you, Madam Chair.

2 Lou Kamermans, Baffinland. The number's been
3 reduced in direct relation to conversations we've been
4 having with the Hamlet of Pond Inlet that started with
5 the release of their conditional support and proposals
6 around ice breaking and the gradual ramp up.

7 In part of these discussions we've considered the
8 number of vessels we put forward and assessed. As
9 we've explained a few times, the number of vessels we
10 put forward was meant to account for the risk of having
11 to contract vessels on the open market and not knowing
12 the size of the vessels we would be able to procure and
13 the possibility that we could need up to 176.

14 So the drop to 168 is taking out that contingency.
15 It's a risk we're willing to take because we understand
16 it's important to Inuit and to the Hamlet of
17 Pond Inlet. Thank you.

18 THE CHAIR: Oceans North, Christopher Debicki.

19 MR. DEBICKI: Qujannamiik, Iksivauta. Thank
20 you, Mr. Kamermans.

21 I'm turning now to the written response provided
22 by Fisheries and Oceans to Mittimatalik HTO,
23 Question 11. This is a question for the proponent, but
24 I'll just allow you a chance to follow along with me.

25 And in that response, Fisheries and Oceans stated
26 that the viability of the project was a reason for

1 changing their position on ice breaking, and Fisheries
2 and Oceans' language -- I'm just going to quote it:
3 (as read)

4 Given the scale of production and the level
5 of shipping proposed at the time, the
6 department believed it was reasonable to
7 propose the avoidance of ice breaking and
8 shoulder-season shipping as a mitigation
9 measure. The proponent has since stated on
10 multiple occasions that without the option
11 for ice breaking, the project is nonviable.
12 Given this position, DFO worked with the
13 proponent and other members of the MEWG to
14 develop additional mitigation measures and
15 monitoring methods to help us understand how
16 well the proposed mitigation measures will
17 work and how current ones are performing.

18 Now, my question is: Did the proponent, Baffinland,
19 provide any information to Fisheries and Oceans to
20 justify this change? Thank you.

21 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

23 Yes. We did provide additional information to
24 Fisheries and Oceans. Thank you.

25 THE CHAIR: Oceans North, Christopher Debicki.

26 MR. DEBICKI: Qujannamiik, Iksivauta.

1 What was that information, and how was it
2 provided?

3 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

5 I'll ask Lou Kamermans to respond.

6 THE CHAIR: Lou Kamermans.

7 MR. KAMERMANS: Lou Kamermans, Baffinland.

8 It essentially provided the supporting detail for
9 why we were proposing what we were proposing in terms
10 of an alternative approach. It's the transit
11 restrictions. It highlighted some of the technical
12 challenges with what had been provided as written by
13 Fisheries and Oceans, and in the same sense provided an
14 understanding of why our -- we believed our proposal
15 could be operationally feasible, standard information
16 you would share in dialogue negotiating the resolution
17 of a commitment, essentially. Thank you.

18 THE CHAIR: Oceans North, Christopher Debicki.

19 MR. DEBICKI: Qujannamiik, Iksivauta.

20 Christopher Debicki, Oceans North.

21 So I'm to understand that the proponent agrees
22 with the characterization by Fisheries and Oceans in
23 their response and that the proponent convinced
24 Fisheries and Oceans that without the option for ice
25 breaking, the project is nonviable.

26 Now -- and I'll let you answer that question, but

1 I'll also just follow up just in the -- in an effort to
2 be efficient.

3 What information -- assuming that Baffinland
4 provided information to Fisheries and Oceans to
5 convince them that without ice breaking the project is
6 nonviable, what information has been provided to the
7 Board and other intervenors and registered parties
8 regarding the viability of the project without the
9 option for ice breaking? Thank you.

10 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

12 I'll ask Lou Kamermans to respond.

13 THE CHAIR: Lou Kamermans.

14 MR. KAMERMANS: Lou Kamermans, Baffinland.

15 Thank you, Madam Chair.

16 The information regarding our shipping season as
17 well as the rationale for its language has been
18 provided since the proposal was submitted in 2018.

19 Our environmental impact statement and foods and
20 alternatives analysis includes a very detailed project
21 description, which goes into discussion of the shipping
22 season we were looking for, also providing rationale.
23 In support of that was our ice study -- that was
24 Technical Supporting Document 16 -- which went through
25 the various possible shipping seasons, gave detailed
26 ice data showing historical ice concentrations going

1 back 20 years. We've since updated that as the reviews
2 progressed in response to technical comments.

3 We more recently provided an analysis around the
4 feasibility of shortening the shoulder seasons,
5 specifically in the spring. That was part of a
6 Baffinland response to the Hamlet of Pond Inlet's
7 letter of conditional support, again for Phase 2, in
8 our discussion of what is and is not possible for the
9 viability of the project when it comes to the need for
10 ice breaking. That was submitted during the last
11 public hearing in January, February.

12 So Baffinland's been very transparent throughout
13 the review process about the requirements for the
14 project to ship in ice. It's important to understand
15 that ice creates a very dynamic situation for the
16 project. We can have good ice years, and we can have
17 bad ice years, and those bad or heavy ice years will
18 have a shortened season. Ultimately, we have a certain
19 amount of ore to move. It takes us a certain amount of
20 time to position vessels to be able to be loaded and
21 then get loaded.

22 So when we start talking about additional
23 restrictions on how we ship and when we ship, we have
24 to take into account the number of possible shipping
25 days we have in a bad year, a good year, and an average
26 year.

1 So that's all information we've shared to support
2 ongoing negotiations around commitments. Like I said,
3 the one with the Hamlet of Pond Inlet has been very
4 transparent and all put on the record, and what was
5 shared with Fisheries and Oceans, like I said, was
6 appropriate information to share in a negotiation, and
7 DFO, the Department of Fisheries and Oceans, accepted
8 that rationale. So I hope that other intervenors would
9 trust in their expertise in this area. Thank you.

10 THE CHAIR: Oceans North, Christopher Debicki.

11 MR. DEBICKI: Qujannamiik, Iksivauta. Thank
12 you, Madam Chair.

13 I would just note that we certainly haven't seen
14 any evidence with respect to the viability of this
15 project, and so I won't take it as an article of faith,
16 and I would suggest that if there is information being
17 shared to Fisheries and Oceans to satisfy that agency,
18 that without ice breaking the project is not viable,
19 that that information be shared with all parties.

20 In the Fishery and Ocean written response to that
21 question from Mittimatalik Hunters and Trappers
22 Organization, Response 11, DFO indicates that:
23 (as read)

24 It worked with the proponent and other
25 members of the MEWG, the marine environment
26 working group, to develop additional

1 mitigation measures and monitoring methods.

2 Now, given that this change in Fisheries and Ocean's
3 stance took place after their final written submission
4 on January 15 of this year, can the proponent identify
5 the meetings and marine environment working group
6 members with whom they worked and detail the additional
7 mitigation measures and monitoring methods that came
8 out of those meetings after January 15.

9 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

11 Madam Chair, I believe that that question would be
12 more appropriately answered by Fisheries and Oceans
13 Canada, as it was part of their response, and we don't
14 want to speak on their behalf. Thank you.

15 THE CHAIR: Fisheries and Oceans Canada,
16 Gabriel Bernard-Lacaille. There is no sound. There's
17 still no sound. Please check your mic. Still no
18 sound. Please try again.

19 MR. BERNARD-LACAILLE: Can you hear me?

20 THE CHAIR: Yes, you may proceed.

21 MR. BERNARD-LACAILLE: Gabriel Bernard-Lacaille with
22 Fisheries and Oceans Canada. My apologies for the
23 technical difficulties, Madam Chair. Thank you for the
24 question.

25 Just to clarify, Fisheries and Oceans Canada can
26 confirm that there were no marine environmental working

1 group meetings or, as Oceans North described them, MEWG
2 meetings since the submission of our updated final
3 written submission in January 2021.

4 However, the intent of what we wrote in our
5 responses is that we've been working with Baffinland to
6 develop additional mitigation measures in order to
7 address these uncertainties and to develop a more
8 robust adaptive management plan, and the intent of
9 Fisheries and Oceans Canada was always to use these
10 commitments and discuss them with the marine
11 environmental working group in order to ensure that
12 what we had proposed and recommended was also agreeable
13 to all members of the working group, including Inuit
14 members.

15 Thank you, Madam Chair.

16 THE CHAIR: Oceans North, Christopher Debicki.

17 MR. DEBICKI: Qujannamiik, Iksivauta.

18 Madam Chair, since we have DFO engaging with this
19 question, I will put it back to Fisheries and Oceans,
20 who indicated in their response that they have accepted
21 the proponent's position that without the option for
22 ice breaking, the project is nonviable.

23 First of all, am I to understand that they accept
24 that position, and how and what information are they
25 using to come to the conclusion that -- that they
26 accept that fact as stated?

1 THE CHAIR: Fisheries and Oceans Canada,
2 Gabriel Bernard-Lacaille.

3 MR. BERNARD-LACAILLE: Thank you, Madam Chair.
4 Gabriel Bernard-Lacaille with Fisheries and Oceans
5 Canada.

6 In regards to your question, Mr. Debicki, DFO did
7 not accept or decline the rationale that you proposed,
8 the rationale being that the project is not viable
9 without the ice breaking component. We believe that
10 the Nunavut Impact Review Board will do that. But
11 given the possibility that the Nunavut Impact Review
12 Board would accept the rationale that the project is
13 nonviable without the ice-breaking component, we
14 decided to work with Baffinland to develop some advice
15 for the NIRB to consider further mitigations and
16 monitoring programs that would be able to appropriately
17 manage the risk of the ice-breaking component, and we
18 would also like to clarify that we are not experts in
19 economic viability of projects. So when we had
20 meetings to discuss and negotiate with Baffinland when
21 they presented this rationale to us over multiple
22 meetings, we simply decided to take an alternate path.

23 So thank you, Madam Chair.

24 THE CHAIR: Oceans North, Christopher Debicki.

25 MR. DEBICKI: Thank you, Chairperson. Thank
26 you, Mr. Bernard-Lacaille.

1 So am I to understand, then, that if the project
2 was theoretically viable without ice breaking,
3 Fisheries and Oceans would then revert to their
4 original position, which is proposing the avoidance of
5 ice breaking and shoulder-season shipping; is that
6 correct, sir?

7 THE CHAIR: Fisheries and Oceans Canada,
8 Gabriel Bernard-Lacaille.

9 MR. BERNARD-LACAILLE: Thank you, Madam Chair.
10 Gabriel Bernard-Lacaille with Fisheries and Oceans.
11 DFO still maintains that the most conservative
12 mitigation measure is to avoid ice breaking, so I hope
13 that answers your question Mr. Debicki.

14 THE CHAIR: Oceans North, Christopher Debicki.

15 MR. DEBICKI: Thank you, Madam Chair.

16 We understand -- this is a question for the
17 proponent. We understand that the proponent,
18 Baffinland, has done significant research surrounding
19 market availability of vessels. Can the proponent
20 summarize what is known about likely available ice
21 class ships based on this research and current
22 contracts?

23 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

25 I'm going to ask Steven Douville to respond, and I
26 believe he has his own Zoom line.

1 THE CHAIR: Steven Douville. There is no
2 noise coming from your feed, if you can please check
3 your sound.

4 MR. DOUVILLE: Steven Douville, Baffinland,
5 Thank you, Madam Chair.

6 We -- there are a limited number of ice class
7 ships able to do this business, and for certainly the
8 beginning and the end of the season they're needed.
9 Slowly there are some coming on, but it's still a very
10 small part of the overall market. Thank you.

11 THE CHAIR: Oceans North, Christopher Debicki.

12 MR. DEBICKI: Qujannamiik, Iksivauta.
13 Christopher Debicki, Oceans North.

14 In the proponent's response to Mittimatalik HTO's
15 inquiry about contracted vessels, the proponent
16 indicated that -- and I'm just quoting: (as read)

17 Baffinland does not charter specific vessels
18 for multiple seasons.

19 Now, my understanding is that Baffinland does enter
20 into multi-year contracts with shipping companies,
21 which, in turn, operate vessels. Have any of these
22 companies taken any measures to create greater
23 certainty for Baffinland surrounding the availability
24 of larger vessels?

25 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

1 I'll ask Lou Kamermans to respond.

2 THE CHAIR: Lou Kamermans.

3 MR. KAMERMANS: Thank you, Madam Chair. Lou
4 Kamermans, Baffinland.

5 I just -- I would like to reiterate that point
6 that Baffinland does not charter specific vessels for
7 multiple years. We do have some long-term contracts
8 with shippers to provide a specific number of vessels
9 over time, but we don't know what those vessels would
10 be. This has come up elsewhere, so I would also
11 confirm that Baffinland does not time charter its
12 vessels. Baffinland voyage charters its vessels.
13 They're very different things.

14 In one case time chartering means we take on
15 significant responsibility with the vessel between set
16 dates, whereas voyage chartering means we have an
17 agreement in place that a vessel will be at a certain
18 place in time, will accept the cargo, and will deliver
19 it.

20 Now, as for the certainty any company can provide
21 us, it's no different than what we hope the market will
22 do in general, but as Phase 2 is developed, we hope
23 that the market will respond to the demand we'll create
24 for shipping. We can't guarantee that -- we can't
25 assess that -- but that's the hope. So the number of
26 vessels we put forward is based on the instance,

1 something we think we have reasonable evidence to
2 believe is something we can execute, but we hope that
3 our partners in shipping and partners we don't even
4 have yet will respond to the demand we create. But,
5 again, that's not something we can guarantee, and so
6 our assessments have been driven by the largest numbers
7 we thought were reasonable. Thank you.

8 THE CHAIR: Oceans North, Christopher Debicki.

9 MR. DEBICKI: Qujannamiik, Iksivauta. Thank
10 you, Mr. Kamermans. Christopher Debicki, Oceans North.

11 Now, I understand that Baffinland has a ten-year
12 contract with a company called Panjaya [phonetic] --
13 Pangaea Logistics. Media releases -- for example, on
14 May 6, 2019, a PR Newswire release as well as Security
15 and Exchange Commission filings describe Pangaea
16 commissioning the construction of two new post-Panamax
17 vessels both in the 95,000 deadweight tonne range, so
18 well above the Milne -- the present Milne average. And
19 in the media release these vessels are described as --
20 and now I'm quoting: (as read)

21 The expansion of its high class [sorry] high
22 ice class fleet niche with a new ten-year
23 contract with its customer Baffinland Iron
24 Mines Corporation in the signing of a
25 contract to build two new post-Panamax 95,000
26 DWT dry bulk vessels at Guangzhou Shipyard

1 International in China to support the new
2 business.

3 THE CHAIR: If you can please slow down --

4 MR. DEBICKI: Sorry.

5 THE CHAIR: -- for the interpreter.

6 MR. DEBICKI: Yes. I apologize to the
7 interpreter.

8 The CEO of Pangaea is quoted as saying that these
9 new ships will serve the new ten-year contract with
10 Baffinland and states: (as read)

11 Our relationship with Baffinland is special
12 because of the extra challenges presented
13 with high Arctic shipping. The cargo
14 contract, requiring the building of at least
15 two new vessels with Ice Class 1A
16 classification, marks a significant step
17 forward in our leadership in the ice class
18 part of our business.

19 And Mr. Brian Penney is also quoted stating: (as read)

20 We are excited about this new contract, as it
21 supports our plans for growth and extends our
22 cooperation with the Pangaea group. At
23 Baffinland, we have major expansion plans in
24 place and look to significantly expand our
25 supply chain capabilities to support those
26 plans.

1 The article also notes that Pangaea has reserved the
2 option to build several more ice class ships at the
3 shipyard.

4 So given that these 95,000 tonne ships are
5 effectively being purpose built to serve Baffinland,
6 can you now provide information about the expectation
7 surrounding their use in the years to come. Thank you.

8 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

10 It should be noted that the vessels that are being
11 referred to here will be going into use in 2021 with
12 Baffinland. Should Phase 2 proceed, we would look to
13 continue to use those vessels.

14 I think another important clarification, Madam
15 Chair, is the vessel sizes that were referred to have
16 been included in the assessment, so -- so the
17 assessment covers off this size vessels as well as the
18 larger sized vessels. Thank you.

19 THE CHAIR: Oceans North, Christopher Debicki.

20 MR. DEBICKI: Qujannamiik, Iksivauta.

21 Christopher Debicki, Oceans North.

22 One of the issues that the proponent has cited as
23 a limiting factor on the size of ships available is
24 that as the number of ships they need increases, the
25 average size may get smaller as they exhaust the large
26 vessel options available on the market. So aside from

1 the measures that Baffinland's contractors -- for
2 example, Pangaea -- are clearly taking to ensure
3 availability of larger vessels, there's also a general
4 trend toward the construction of increasingly larger
5 freighters in general. Baffinland acknowledges this in
6 their response to Mittimatalik Hunters and Trappers
7 Organization-11, in which they state that: (as read)

8 Older cape-sized ships tend to be smaller,
9 while newer builds tend to be larger.

10 We'd like to know how Baffinland accounted for this
11 trend in requesting 176 -- or I don't remember what the
12 new number is. Is it 168 now, transits?

13 Now, given that trend, the surplus number of
14 transits is likely to only increase year by year
15 further inflating Baffinland's shipping capacities over
16 what is required. So how -- have they accounted for
17 this trend at all, is my question.

18 THE CHAIR: Before we go to a response
19 from Baffinland, we're going to take a 20-minute break
20 and reconvene at 3:35.

21 (ADJOURNMENT)

22 THE CHAIR: Welcome back, everyone. Can
23 you please take your seats.

24 Continuing with questions from Oceans North and
25 responses. Baffinland, Megan Lord-Hoyle.

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

1 Madam Chair, I think a couple of things are
2 important to note before I provide my answer. The
3 trend that's being referred to here in that newer
4 vessels that are coming on the market tend to be
5 larger, that trend is -- is currently more seen with
6 non-ice class vessels, meaning those vessels that could
7 come into the project area in August or September
8 versus ice class vessels which could be used throughout
9 the shoulder seasons.

10 It's also important to note that within the
11 environmental assessment we considered a mix of
12 vessels, both larger and smaller vessels. So as larger
13 vessels become available, this could be used to
14 potentially offset the use of smaller vessels, but both
15 have been considered in the assessments.

16 And to the -- the more specific question, no, the
17 trend of larger vessels being the newer vessels that
18 are coming on to the market wasn't explicitly included
19 within the environmental assessment, but we believe
20 that that's appropriate because it meant that our
21 assessment was the most conservative it could be.

22 So we included the largest number of vessels that
23 we could predict based on the current information that
24 we have to complete the environmental assessment and to
25 predict the impacts that would occur as a result of
26 that number of ore carriers. Thank you.

1 THE CHAIR: Oceans North, Christopher
2 Debicki.

3 MR. DEBICKI: Qujannamiik, Iksivauta.
4 Christopher Debicki, Oceans North.

5 I'm going to return to a topic that we discussed
6 late in our presentation in the -- in the first part of
7 these final hearings and give the proponent a chance
8 to -- to explain, and I'm referring, Madam Chair, to
9 several tables at the same time: TSD-17, Table 2-4.
10 That's the propeller wash summary referring to 5.3.
11 It's not a table. And TSD-02, which also discusses
12 ship size; and also Table 2.4, a maximum number of ore
13 carriers calls; and TSD-4.

14 And I'll just ask the proponent first: Two of
15 these appear to be Golder tables, and -- and the -- the
16 list of vessels in TSD-2 appears to be produced by
17 Baffinland itself. Were these produced by -- by -- by
18 different people or by a single team? Thank you, Madam
19 Chair.

20 THE CHAIR: Baffinland, Megan Lord-Hoyle.

21 MS. LORD-HOYLE: Megan Lord-Hoyle. I'll ask
22 Lou Kamermans to respond. Thank you.

23 THE CHAIR: Lou Kamermans.

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

26 In this case, I can confirm the colour is the

1 trademark Golder green. But regardless of the look of
2 the tables, they're all -- form Baffinland's final
3 environmental impact statement, and the numbers used
4 for the assessments were provided to consultants by the
5 company. So regardless of, you know, the colour of the
6 table, the information was the responsibility of the
7 company to provide.

8 To this end, I -- I -- I just want to speak to
9 this point that kind of reaches back to the -- the
10 intervenor's previous presentation on the subject.
11 Baffinland acknowledged through the information request
12 phase and -- and in response to technical comments that
13 there were some inconsistencies in the tables included
14 in -- in the marine assessments.

15 There were multiple marine-related technical
16 supporting documents, and it was noted early on there
17 were some inconsistencies. Some of these were -- were
18 not intentional and needed correction, but others were,
19 and it's to what Megan was saying previously. We
20 carried out conservative assessments, and different
21 assessments require different numbers to be as
22 conservative as they could be.

23 Regardless, we addressed this, again, very early
24 on in the review process. We issued an overview of our
25 marine operations that superceded these tables. That
26 was meant to provide a single point of reference to

1 avoid this type of misunderstanding.

2 And this overview had included also a number of
3 different potential shipping schedules, and there's a
4 reason why there was a few. It's because there's no --
5 Baffinland's not committing to one single type of
6 shipping schedule in a season. We're going to have to
7 adapt to what's available to us. So that's why we've
8 provided ranges, and the provision of ranges is
9 entirely acceptable and advisable in an environmental
10 assessment.

11 But on top of this, we've also set a maximum
12 number of vessels we would use. We have also described
13 our project in terms of being a 12-million-tonne
14 project. That's part of the project description.
15 We've asked for operational flexibility. We've also
16 confirmed that flexibility would be carried out in the
17 stated activity limits.

18 So to bring it back, this -- I understand there's
19 some differences the intervenor would like to point out
20 in these tables, and Baffinland agreed early on that
21 there were differences, and -- and we issued a
22 correction to this. Thank you.

23 THE CHAIR: Oceans North, Christopher
24 Debicki. There's no sound.

25 MR. DEBICKI: Qujannamiik, Iksivauta. I
26 think -- I think I'm heard now.

1 As Mr. Kamermans anticipated, I do want to get
2 into some of these differences in the tables, and, as I
3 noted in the presentation, a core inconsistency emerges
4 when we look at the table in TSD-17, the propeller wash
5 summary and the presentation of ship class; the
6 description of -- of vessels, again, in TSD-02; and
7 then -- and if technical staff could assist me and
8 bring us to TSD-24, Table 2.4.

9 And to my reading, this is the only place in the
10 proponent's materials where we can understand how they
11 arrived at a calculation of 176 ships, and we'll forget
12 about the -- this -- the new 168th concession.

13 And as we discussed in our presentation, in that
14 Table 2.4, the proponent used the absolute minimum
15 deadweight tonnage for each respective category of ship
16 class when, in fact, the actual deadweight tonnage of
17 many of the ships calling at Milne Port 2019 exceeded
18 the maximum that they provided for their respective
19 ship classes provided elsewhere in the technical
20 documents. We know this because we've provided --
21 we've created a list of every single vessel that sailed
22 into Milne in that season.

23 Now, Baffinland grossly inflated the percentage of
24 Supramax ships in Table 2.4. Indeed, they project when
25 arriving at these numbers in Table 2.4, a sixfold
26 increase over 2019 over the number of voyages by the

1 smaller ships, those Supramax ships, despite the
2 increase in actual voyages being only 2.14. That's a
3 very dramatic change and one that requires data to
4 substantiate it.

5 It should be noted that only 2 of 41 ore-carrying
6 ships called in at Milne were Supramax or 5 out of 82
7 voyages, and yet according to TSD-24, they have a
8 prominent role in Phase 2 and in this expansion.

9 Now, as we also noted, despite post-Panamax ships
10 discussed at length elsewhere in the same technical
11 supporting document, this entire ship class -- the
12 largest ship class currently used by the project is
13 entirely omitted from the table. Now, this is the type
14 of vessel that Pangaea has constructed or is in -- and
15 is currently contracting to support Baffinland in their
16 ten-year contract.

17 Now, I'd like to understand what led to the
18 omission of that entire class, and who's responsible
19 for the development of those figures?

20 THE CHAIR: Just so you know, this is also
21 your seven-minute warning.

22 Baffinland, Megan Lord-Hoyle.

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

24 I think what has just been highlighted is -- is --
25 your -- your point that you're making just highlights
26 the conservatism in our assessment. So we thank you

1 for pointing that out. And I think --

2 Lou, did you want to add anything?

3 I think I'll ask Lou Kamermans to provide
4 additional information.

5 THE CHAIR: Lou Kamermans.

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

8 I would just come back to the point I provided
9 earlier. You know, there -- there -- there was a
10 summary issued to -- to correct the (AUDIO FEED LOST)
11 between some tables, but in some cases, no corrections
12 were required because they were the product of us
13 requiring or carrying out a conservative assessment.

14 What I can say was, you know, these -- these
15 vessel types were included in that summary. There was
16 no purposeful intention to omit this vessel class size
17 that's being asked, and, you know, we -- we appreciate
18 this point being highlighted because it really does
19 contribute to -- to what we've been saying, that we've
20 carried out conservative assessments. We've carried
21 out assessments based on the -- the most possible
22 vessels coming to site. We haven't tried to advertise
23 this project based on possible averages that we can't
24 guarantee. We advertised it based on what's possible
25 and what we have a duty to inform everyone about.

26 The same can be said is these numbers are

1 translated into our acoustics assessments, for
2 instance. Now, despite 168 vessels -- 176 vessels and
3 what we've been saying, that we may not have a large
4 portion of those be ice -- cape-size, our modelling
5 considered three-fifths of all vessels coming to site
6 being cape-side. So that's -- that's a gross
7 overestimate of what's going to be seen, but that gross
8 overestimate is to support a conservative assessment.
9 So that's all that's being pointed out here. Thank
10 you.

11 THE CHAIR: Oceans North, Christopher
12 Debicki.

13 MR. DEBICKI: Qujannamiik, Iksivauta.

14 I'm going to suggest to the -- the proponent that
15 they are inflating the number of ships required to ship
16 12 million tonnes, and I'll remind them that they're
17 under oath, and I'll suggest to them that this is not
18 supported -- 176 ships to ship 12 million tonnes is not
19 supported by their own data in terms of ship volumes.
20 2019 being an excellent example. Likely 2020 as well,
21 and we already know that baby capes are -- which is a
22 much larger ship size, are -- are now in the -- the mix
23 of shipping.

24 It's not supported by the long-term contracts into
25 which Baffinland has entered for larger vessels. It's
26 not supported by the trend in shipping or by their own

1 engineering, and I'd suggest that what instead we see
2 is an overestimation of ships that is deliberate and
3 concerted.

4 Baffinland, the proponent, has had an opportunity
5 to amend this table and to provide clear and accurate
6 information to this Board and to the public, and they
7 have elected not to do so. And I would suggest that it
8 is to their advantage because this number of shipping
9 allows the output of a far greater tonnage than what is
10 presently being proposed in front of the community and
11 to this board. Thank you, Madam Chair.

12 THE CHAIR: You have two minutes left.
13 Would you like a response, or do you have more to add,
14 Oceans North?

15 MR. DEBICKI: I would like a response to
16 that, Madam Chair. Thank you very much.

17 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

19 Madam Chair, we have explained any of the
20 discrepancies that have been seen within the documents
21 and have provided updated information to be available
22 to the Board as well as the intervenors throughout this
23 review process, and I believe the -- the rest of the
24 comment was more of a statement than a question. Thank
25 you.

26 THE CHAIR: Okay. Moving on to the next

1 registered intervenor. World Wildlife Fund, Paul
2 Okalik.

3 World Wildlife Fund Questions Fisheries and Oceans
4 Canada

5 MR. OKALIK: Thank you. Paul Okalik from
6 World Wildlife Fund. Good to be here. I just have a
7 question, and Andrew Dumbrille also will be asking
8 questions.

9 Firstly, for the Fisheries and Oceans, it's
10 just addition to the Hamlet of Mittimatalik. Frank
11 Tester originally asked a question about the coast
12 guards. He never got an answer.

13 And for the shipping and as to how it impacts the
14 narwhal, we are aware the ice -- it protects the
15 wildlife, the sea mammals. And we do seal hunting for
16 narwhal and other sea mammals, and we lose them because
17 of the ice, and so -- and -- and also the other farmers
18 also lose animals like we do with the sea ice and other
19 factors, and we know this coast guards, when they
20 arrive for a short time, the ice moves very quickly.

21 Where are they going to go, the wildlife, the sea
22 mammals, if they got lost? They -- we lose site of
23 them. And whichever ice is around is broken, and they
24 will melt faster.

25 And we often hear the -- the coast guards go up
26 early, and -- and it won't stop either with the coast

1 guards going up to break the ice, and if Phase 2 is
2 going to go ahead for the ships to come up, have you
3 done any studies that -- concerning the sea mammals
4 that uses the ice for protection? How are they going
5 to survive if Phase 2 is going to go ahead? And that
6 is my question. How are you going to protect the sea
7 mammals? Thank you.

8 THE CHAIR: Fisheries and Oceans Canada,
9 Gabriel Bernard-Lacaille.

10 MR. BERNARD-LACAILLE: Thank you, Madam Chair. It's
11 Gabriel Bernard-Lacaille with Fisheries and Oceans.

12 Thank you, Paul, for your question. If I may, we
13 would like to ask a quick clarification. Could you
14 repeat the question and clarify if you are asking what
15 Fisheries and Oceans has recommended to the Board to
16 ensure the safety of marine mammals, or are you asking
17 if the Canadian Coast Guard has done any studies in
18 regards to their icebreaking practices and protection
19 of marine mammals? Thank you.

20 THE CHAIR: World Wildlife Fund, Paul
21 Okalik.

22 MR. OKALIK: Thank you, Madam Chair. My
23 question is particularly this -- icebreakers, coast
24 guards, so that the ships can go through.

25 I know the ships will go up in numbers to carry
26 iron ore. Are they going to do more icebreaking with

1 the coast guards? 'Cause the sea mammals are protected
2 by the ice, particularly for narwhals, and also for
3 seals to hide. How -- have you considered this?
4 Particularly the sea mammals, where are they going to
5 go? Where are the sea mammals going to go? 'Cause
6 they are protected by the sea ice when there's foreign
7 objects coming around. What's going to happen to them?

8 What are you going to do to protect the sea
9 mammals, narwhals, and seals when the sea -- I mean,
10 the coast guard goes up to break up the ice for the
11 ships to come through? It's going to become bigger
12 with the ships coming up. Firstly, that is my
13 question. Thank you, Madam Chairperson.

14 THE CHAIR: Fisheries and Oceans Canada,
15 Gabriel Bernard-Lacaille. No sound.

16 MR. BERNARD-LACAILLE: Thank -- thank you, Madam
17 Chair. It's Gabriel Bernard-Lacaille with Fisheries
18 and Oceans. We -- I was on the waiting for the Zoom
19 call, and I only heard Paul's response in Inuktitut.
20 We've since managed to get an English feed
21 simultaneously.

22 So I'm very sorry, Paul, but can you ask the
23 question again?

24 THE CHAIR: World Wildlife Fund, Paul
25 Okalik.

26 MR. OKALIK: Thank you, Madam Chairperson.

1 And we used sea ice to hunt the sea mammals. When
2 we're hunting, the mammals and the seals and whales
3 uses the ice to -- to get away from the -- the
4 harvesting. For example, the orcas also follow the
5 narwhals, and they -- the narwhals hide from the killer
6 whales to get away for protection.

7 The mining company in Pond Inlet area, they use
8 the icebreakers to make a way for the other ships to
9 come through. So when the ice is broken, the ice melts
10 much faster in -- in this area in Frobisher Bay and
11 Hudson Bay. Do they -- how do you have protection
12 measures for this?

13 And the ice will move away much faster and melt
14 faster before the spring when they are broken up ahead
15 of time. So it's being used more and more. Where are
16 the sea mammals are going to go? The -- the
17 icebreakers are going -- they going to do more work in
18 breaking the ice in that area?

19 The sea mammals that uses this ice for protection
20 to hide away and get away from -- have you considered
21 these mammals to be protected? How would you use
22 measures to protect them in the near future if the
23 Phase 2 should go ahead?

24 THE CHAIR: Fisheries and Oceans Canada,
25 Gabriel Bernard-Lacaille.

26 MR. BERNARD-LACAILLE: Thank you, Madam Chair.

1 Gabriel Bernard-Lacaille with Fisheries and Oceans
2 Canada. Thank you, Paul, for those clarifications. I
3 think that will help me answer your questions.

4 So, first of all, I'd like to speak to the facts
5 of ice breakup and if, indeed, breaking ice would make
6 it melt faster. In the written response that we
7 provided to MHTO DFO 03, one of our ice experts
8 responded by saying it's uncertain if the timing of ice
9 breakup might be influenced by icebreaking. So,
10 therefore, we're not sure of those effects, so we can't
11 speak to them directly.

12 Second of all, in regards to your question about
13 killer whales, interactions between icebreaking and
14 Arctic killer whales, they haven't been extensively
15 studied, and they're not well understood. So it's hard
16 to predict what effect icebreaking would have on the
17 rates of predation by killer Arctic whales.

18 And, finally, in general terms in regards to what
19 DFO or what measures are we doing to protect marine
20 mammals in regards to the Phase 2 project, I think
21 that -- the work that DFO has done, we've provided
22 multiple requests and recommendations to help the
23 process in order to ask a significant amount of extra
24 monitoring and mitigation measures by the proponent.

25 We believe that with the commitments that
26 Baffinland has made to address some of these

1 recommendations and requests, that there will be
2 measures that will be put in place to address your
3 concerns.

4 And if I may, I would defer to Baffinland, if you
5 would want a full and detailed list of all the measures
6 that we've -- that will be put in place to protect
7 marine mammals in regards to Phase 2 operations. I
8 hope that answers your question, Paul. Thank you.

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

11 World Wildlife Fund Questions Baffinland Iron Mines
12 Corporation

13 MR. OKALIK: Thank you, Madam Chairperson.

14 You didn't exactly -- it wasn't clear, but you
15 will do monitoring and doing exercises to see how it
16 would work, but a lot of times we are too late for any
17 measures to be taken, and you will be too late to
18 protect the -- the narwhals and the seals and sea
19 mammals.

20 I brought up last meeting I love muktuk and in
21 only few months of summer, and I -- and I've eaten
22 muktuk from Pangnirtung area. I wasn't like -- we
23 weren't like that, but the narwhals are not in this
24 area, but they're moving up, and a lot of times we only
25 see them in springtime now because they're moving away.

26 And also the caribou area where we hunt and also

1 seal hunting, and also the narwhals, and many times we
2 haven't -- we never thought we would lose sight of them
3 in the -- in the past. We would do hunting until sea
4 animals, and at the time, we didn't have whales, and we
5 didn't have narwhals at the time in this area.

6 But they're moving away and going to different
7 areas to -- and where are they from? Why are they
8 acting this way, moving around? And the narwhals
9 are -- how are they going to act out? Have you studied
10 any of these kinds of measures we want you to do?
11 Madam -- thank you, Madam Chairperson.

12 THE CHAIR: Baffinland, Megan Lord-Hoyle.

13 MS. LORD-HOYLE: Megan Lord-Hoyle. I'll ask
14 Lou Kamermans to respond.

15 THE CHAIR: Lou Kamermans.

16 MR. KAMERMANS: Thank you, Madam Chair. Lou
17 Kamermans, Baffinland.

18 Baffinland has carefully designed its
19 environmental assessment and the project to ensure that
20 effects to the environment are minimized. These
21 effects have been studied and presented in detail
22 through our impact statement, through the supplemental
23 icebreaking assessment, and through multiple rounds and
24 exchanges of technical information, and responses to
25 community concerns.

26 Baffinland is committed to running a sustainable

1 project that works to align itself with community
2 interests and priorities. We understand the value of
3 marine mammals, particularly narwhal for the Hamlet of
4 Pond Inlet.

5 Through the assessment and our current operations,
6 we're implementing mitigations that go far above what's
7 implemented at other projects. We implement vessel
8 speeds that are only required in other areas of Canada
9 on a seasonal basis when endangered whales are in the
10 area. This is a full-time commitment we (AUDIO FEED
11 LOST) in our marine regional study area.

12 When it comes to icebreaking, a version of
13 icebreaking put forward in our icebreaking assessment
14 considered the potential effects it could have on
15 marine mammals. We came to the conclusions we did in
16 that report because it included important mitigations,
17 including transit restrictions in the springtime that
18 would limit the amount of noise disturbance from
19 vessels transiting through different ice conditions.

20 This was something we put forward, but at the same
21 time, we were hearing from the Hamlet of Pond Inlet
22 that 2018 saw low abundance of narwhal despite our
23 monitoring programs being in place to provide those
24 observations to us.

25 Moving forward for Phase 2, we are continuing to
26 propose very strong mitigations in the marine

1 environment to protect marine mammals. This includes
2 developing new transit restrictions for the fall based
3 on ice thickness but are, again, meant to limit the
4 potential noise disturbance to marine mammals when
5 they're migrating out of the area.

6 All of this is in line with a precautionary
7 approach to the development of this project and the
8 priority we put on protecting marine mammals which are
9 also a critically important source of food for Inuit.

10 I just wanted to be clear. We're committed to
11 running this project in a way that aligns with
12 community priorities, the priorities of Inuit, and we
13 know that means protecting the marine wildlife that our
14 project interacts with. We think we have the process
15 to set up through a project certificate term and
16 conditions and through the Inuit Certainty Agreement to
17 accomplish this. Thank you.

18 THE CHAIR: World Wildlife Fund, Paul
19 Okalik.

20 MR. OKALIK: Thank you, Madam Chair.

21 We also heard around 2019 and last year during the
22 summer months, my nephew caught a -- his first narwhal.
23 I tried to find out why the narwhal were going into
24 the Cumberland Sound area.

25 Now Baffinland intends to increase their ship --
26 their shipping of ore. I wonder if it's possible that

1 the narwhal are migrating to the southern part of
2 Baffin Island perhaps because of increased shipping.
3 It's -- the -- the -- the community of Pond Inlet
4 survive on narwhal, and now this -- this company,
5 Baffinland, wants to increase their -- their -- their
6 production by twofold. It's going to have further
7 impacts to the sea mammals, including narwhal. Thank
8 you, Madam Chair.

9 THE CHAIR: Baffinland, Megan Lord-Hoyle.
10 Fisheries and Oceans Canada, Gabriel
11 Bernard-Lacaille, you have raised your hand. Do you
12 have a response?

13 MR. BERNARD-LACAILLE: Thank you, Madam Chair. It's
14 Gabriel Bernard-Lacaille with Fisheries and Oceans
15 Canada.

16 I'm not exactly sure what Paul's last question
17 was, but, if possible, we would like to provide a
18 clarification on the answer that we gave Paul earlier,
19 if that's okay with you, Madam Chair.

20 THE CHAIR: You may proceed.

21 MR. BERNARD-LACAILLE: Thank you, Madam Chair. I
22 just want to provide a -- sorry. Gabriel
23 Bernard-Lacaille with Fisheries and Oceans Canada.

24 In regards to the earlier response we provided to
25 you, Paul, we just wanted to make it clear that it's
26 not Fisheries and Oceans Canada that's doing

1 icebreaking. It's the -- it's Baffinland that's
2 conducting icebreaking for their project. The Canadian
3 Coast Guard does not provide any icebreaking service
4 just for the mine, and, indeed, the Canadian Coast
5 Guard has a very different mandate than Baffinland.

6 It's -- it operates to service Canadians, and it
7 performs search-and-rescue operations. Therefore, it's
8 very difficult to compare the mine's icebreaking
9 operations to those of the Canadian Coast Guard.

10 And as far as the work that DFO would do in order
11 to ensure protection in regards to the Phase 2
12 operations, like I already mentioned, we provided
13 recommendations which will lead to increased
14 monitoring. Baffinland is responsible to conduct that
15 monitoring, and the Department of Fisheries and Oceans
16 would review and ensure that everything has been done
17 in a way that is up to respectable standards.

18 And I also heard you say the -- following my
19 response, that it would be too late to detect changes
20 if they were to occur based on monitoring programs.
21 I'd like to clarify. That's why Fisheries and Oceans
22 Canada has recommended that Baffinland implement early
23 warning indicators and, indeed, use at least a second
24 early warning indicator in order to help detect those
25 changes.

26 And as part of their responses to written

1 questions, Baffinland did provide a draft adaptive
2 management plan which includes multiple thresholds for
3 adaptive management measures, and I believe the intent
4 is for stakeholders who are interested to provide their
5 input in these, and we hope to see these early warning
6 indicators as part of these thresholds. Thank you,
7 Madam Chair.

8 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

10 Thank you for the question, and the answer is yes.
11 Narwhal -- potential narwhal displacement by the
12 project has been and will continue to be monitored
13 throughout Phase 2. We have a number of programs
14 already running that would continue under the Phase 2
15 project, including a narwhal tagging program run with
16 Fisheries and Oceans Canada as well as our own aerial
17 surveys that can help tell us information around not
18 only narwhal behaviour but their movements within the
19 area.

20 And we also have or will continue to collaborate
21 with or support larger regional monitoring programs
22 that would be able to understand where narwhal are
23 moving and, if there's any displacement from the
24 project, where those narwhal are going. Thank you.

25 THE CHAIR: World Wildlife Fund, Paul
26 Okalik.

1 MR. OKALIK: Thank you, Madam Chair.

2 It's already -- we know today the narwhal are
3 beginning to migrate to a different route. Phase 2
4 project proposal is -- aren't you concerned about the
5 impacts that shipping -- that shipping may impact even
6 more so when Phase 2 is -- is going to -- if it should
7 happen, it's really visible, and we all know that the
8 migration route of the narwhal are changing. There's
9 going to be more ships that are going to be going
10 through their shipping routes, and the increase is
11 going to impact the narwhal.

12 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

14 Yes. We are also concerned about additional
15 potential impacts to narwhal and how that may affect
16 the environment and the communities that rely on
17 narwhal as a food source. So that's why we have put in
18 place such strict mitigation measures, to reduce or
19 minimize any potential impacts from our shipping, and
20 why we have and will continue to run monitoring
21 programs that will continue to help us understand if
22 and how narwhal are being impacted.

23 It's understood that narwhal may be affected by
24 other -- other environmental concerns other than just
25 project shipping or other man-made issues, other
26 shipping in the area, and that's why a number of the

1 programs that have been committed to under the Inuit
2 Certainty Agreement will also help us strengthen our
3 relationship with the communities closest -- closest to
4 the project.

5 Inuit will lead monitoring in the area and be
6 better able to reflect the changes or experiences that
7 they have, whether it be from project shipping or other
8 experiences or other concerns, and Baffinland can help
9 support the community through funding, programs,
10 research so that project shipping and traditional
11 harvesting and hunting can continue at the same time.
12 Thank you.

13 THE CHAIR: World Wildlife Fund, Paul
14 Okalik.

15 MR. OKALIK: Thank you, Madam Chair.

16 Yes. It's not a new thing. It's a concern to the
17 Nunavut Impact Review Board. Yes. At -- at the
18 beginning, you had decided not to have mining happen
19 around 2018, but it was overturned by the Government of
20 Canada by 2 million. I am -- I am very positive that
21 I -- I recall that you had said that previously, and
22 now this -- Baffinland wants to increase mining and
23 shipping iron ore.

24 That -- I -- I am not the only one that has --
25 that wants to raise concerns. I want to give it to my
26 colleague, if he has -- he or she has any concerns.

1 Thank you. I'll stop here for now. Thank you, Madam
2 Chair.

3 THE CHAIR: World Wildlife Fund, Andrew
4 Dumbrille.

5 MR. DUMBRILLE: Thank you, Chair. Andrew
6 Dumbrille with the World Wildlife Fund.

7 First question -- I just have a couple -- would
8 Baffinland agree that vessel discharges outside the
9 regional study area like scrubber wash water, gray
10 water, sewage, and air emissions like black carbon
11 impact and affect the marine environment and wildlife
12 inside the regional study area? Thank you.

13 THE CHAIR: Baffinland, Megan Lord-Hoyle.

14 MS. LORD-HOYLE: Megan Lord-Hoyle. I'll ask
15 Lou Kamermans to respond.

16 THE CHAIR: Lou Kamermans.

17 MR. KAMERMANS: Thank you, Madam Chair. Lou
18 Kamermans, Baffinland.

19 While that is possible, it's an unlikely
20 hypothetical scenario. It was not considered the key
21 issue in the assessment given its low probability, high
22 dilution in those water depths for marine discharges,
23 and that the effects are likely undetectable on both
24 spatial and temporal scales.

25 Our environmental assessment was intended to focus
26 on key issues, and that's consistent with the

1 methodology (INDISCERNIBLE) original assessment carried
2 forward into this addendum consistent with the Mary
3 River impact statement guidelines which received a
4 positive -- a positive conformity determination from
5 the Nunavut Impact Review Board in October 2018. Thank
6 you.

7 THE CHAIR: World Wildlife Fund, Andrew
8 Dumbrille.

9 MR. DUMBRILLE: Thank you, Chair. Andrew
10 Dumbrille, World Wildlife Fund.

11 Lou, for black carbon, are you -- are you saying
12 or suggesting that black carbon emitted outside of the
13 regional study area won't or doesn't have impacts
14 within the regional study area? Thank you.

15 THE CHAIR: Baffinland, Lou Kamermans.

16 MR. KAMERMANS: Thank you, Madam Chair. Lou
17 Kamermans, Baffinland.

18 I -- I started my statement by saying it is
19 possible. There could be effects. But it's a matter
20 of scale.

21 Our environmental impact statement looked at all
22 the potential interactions between our projects and the
23 environment. It carried forward detailed effects
24 assessments based on key issues, what was most likely
25 to have measurable effects at a scale I don't believe
26 what you've outlined would fit within.

1 This is also a matter of scope for the assessment.
2 We carried out our assessment within the marine and
3 regional study area. It had clear boundaries, and
4 those were clear in the guidelines, and they've been
5 clear in our assessments since their submission in
6 October 2018. Thank you.

7 THE CHAIR: World Wildlife Fund, Andrew
8 Dumbrille.

9 MR. DUMBRILLE: Thank you, Chair. Andrew
10 Dumbrille, World Wildlife Fund.

11 Considering, you know, if Phase 2 were to move
12 ahead, the project would increase black carbon in the
13 Arctic by 157 percent. I think we'd all agree that
14 that's significant, as well as black carbon that's
15 emitted locally has a five times greater climate impact
16 than black carbon emitted internationally or globally.
17 Those are significant numbers.

18 I'll move to my next question. A Panamax ore
19 carrier is required to carry oil spill insurance of
20 approximately \$35 million Canadian. A WWF report found
21 a serious fuel oil spill could cost between 303 million
22 to 16.9 billion Canadian to clean up.

23 If the polluter, Baffinland in this case, isn't
24 required to pay the difference there, who would pay for
25 cleanup and restoration and compensation for damages?
26 Thank you.

1 THE CHAIR: Baffinland, Megan Lord-Hoyle.

2 MS. LORD-HOYLE: Megan Lord-Hoyle. I'll ask
3 Lou Kamermans to respond.

4 THE CHAIR: Lou Kamermans.

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

7 I just want to add a correction that vessel spill
8 insurance for protection and indemnity, which is a
9 liability insurance specifically designed to address
10 the unique needs of the marine industry, and it
11 practically covers all maritime liability associated
12 with the ownership and operation of a vessel, but that
13 value is or typically in the range of \$1 billion US.

14 The other correction is that, in this case,
15 Baffinland would not be the polluter. In the event of
16 a ship-source spill, it -- it would be the vessel.

17 As for the report produced by the World Wildlife
18 Fund, I can't speak to its accuracy, and I would ask
19 others to -- to consider how valid those results are.

20 I'd also like to point out that, you know, our
21 operations are compliant with all applicable maritime
22 regulations in Canada, and that a Tier 3, as we
23 describe it in our spill-at-sea response plan, would
24 require not just our third-party responder to assist,
25 but it would also involve coordination with the
26 Canadian Coast Guard as well as Transport Canada.

1 So to that end, I might suggest that Fisheries and
2 Oceans and/or Transport Canada could provide some input
3 on this subject as well and possibly some information
4 on Canada's ship-source pollution fund. Thank you.

5 THE CHAIR: Transport Canada, Jackie
6 Barker.

7 MS. BARKER: Jackie Barker, Transport
8 Canada.

9 I'm going to pass to Anita Gudmundson to respond.
10 Thank you.

11 THE CHAIR: Anita Gudmundson.

12 MS. GUDMUNDSON: Thank you, Madam Chair. Anita
13 Gudmundson with Transport Canada.

14 I can provide some additional information related
15 to Canada's spill response regime and marine liability.

16 Prior to doing so, I would like to clarify. In
17 our review of the report that was provided, which
18 provided the cost estimate of \$35 million for the
19 liability limit, we understand that the vessel that was
20 referenced in that report carried a gross tonne of
21 41,071. Regarding that tonnage, a correct estimate of
22 the marine liability insurance required would be
23 \$42 million. So I first wanted to provide that
24 clarification.

25 Baffinland has correctly stated that the
26 responsibility for the cleanup and cost of a spill lies

1 with the vessel operator. So the cost for those spills
2 would first be associated with that liability estimate
3 of \$42 million in this case for this vessel.

4 Following that cost, if there was an additional
5 cost that exceeded that, there are a number of
6 international and domestic funds that are available for
7 compensation, and I'll just give a fairly high-level
8 overview of those.

9 So first to say, again, that the regime is based
10 on the polluter-pays principle, and so it is not the
11 Government of Canada who funds or pays for this
12 compensation. The international funds are referred to
13 as the "International Oil Pollution Compensation
14 Funds", and if costs surpass what is available in the
15 oil pollution compensation funds, then there's a
16 domestic fund that is referred to as the "Ship-Source
17 Oil Pollution Fund".

18 Both of these funds are funded by industry based
19 on a levy that was imposed by the Government of Canada,
20 and, if required, this levy can be reinstated to -- to
21 regenerate those funds if they were to be depleted.

22 These conventions ensure shipowners are
23 financially responsible up to approximately \$162 million
24 depending on the size of their ship for -- and also a
25 total of \$1.37 billion would be available through the
26 various combination of sources of funds.

1 Currently, just for information, the Ship-Source
2 Oil Pollution Fund, so the domestic fund, is currently
3 available at \$410 million, and, as stated, if the cost
4 were to exceed the amounts that are available through
5 these funds, then the Government of Canada would impose
6 a levy to replenish that fund.

7 And the funds can be used to pay compensation
8 for -- for pollution damage, including the cost of
9 cleanup, but also any property damage, fisheries
10 lossage -- losses -- excuse me -- subsistence losses,
11 and environmental remediation, so there is a wide range
12 of compensation activities or -- or items that can be
13 secured through this funding.

14 So I think with that, I'll leave it there, and if
15 there's further questions, I can address those. Thank
16 you.

17 THE CHAIR: World Wildlife Fund, Andrew
18 Dumbrille.

19 MR. DUMBRILLE: Thank you, Chair. Andrew
20 Dumbrille with the World Wildlife Fund.

21 It should be noted that only one small indigenous
22 claim has been granted by that -- that pollution fund
23 in Canada. There's -- there's not a very good track
24 record of compensation to indigenous communities for
25 oil spills.

26 My next question is: Why has Baffinland been

1 unsuccessful in creating early warning indicators and
2 thresholds despite this being a project condition at
3 the beginning of current operations? The lack of
4 progress on this doesn't inspire confidence that it
5 will happen in the future.

6 As well, what new evidence is Baffinland putting
7 forward suggesting Baffinland can accomplish this task
8 by August of this year? Thank you.

9 THE CHAIR: Baffinland, Megan Lord-Hoyle.

10 MS. LORD-HOYLE: Megan Lord-Hoyle. I'll ask
11 Lou Kamermans to respond.

12 THE CHAIR: Lou Kamermans.

13 MR. KAMERMANS: Thank you, Madam Chair. Lou
14 Kamermans, Baffinland.

15 I'll just provide a brief preamble here before
16 passing to Patrick Abgrall with Golder & Associates.

17 I -- I want to start by just addressing the
18 terminology used in the question and -- and to imply
19 that we've been unsuccessful to date, I don't think
20 that's an appropriate view to take.

21 What Baffinland's done in developing early warning
22 indicators required us to lead the way on that subject
23 when it comes to marine mammals. There's no other
24 project in Canada that we could look to, and we are
25 applying this when marine mammal species like narwhal
26 that is incredibly data poor, the same can be said for

1 seal in the area.

2 To that end, it's taken us time to establish our
3 monitoring programs and confirm the predictions within
4 our original environmental impact statements to build
5 the base of knowledge that gave us the confidence to
6 put forward an early warning indicator last year.

7 For the same reason we were able to put forward an
8 early warning indicator last year, the same thing
9 giving us the confidence that we can do this for other
10 indicators as part of our adaptive management
11 commitments that have been put in front of the Nunavut
12 Impact Review Board, and they're also recognized in the
13 Inuit Certainty Agreement.

14 So with that being said, I'll pass it to Patrick
15 who can provide some details on what we've provided to
16 date and what some of the challenges were in developing
17 that and what's been put forward so far in the
18 development of our adaptive management plans around
19 marine mammal monitoring, and I would just remind the
20 Board and the intervenor that these were put on the
21 record on March 22nd to show the progress to date on
22 this issue as a matter of full transparency.

23 I'm passing it to Patrick now. Thank you.

24 THE CHAIR: Patrick Abgrall.

25 MR. ABGRALL: Thank you, Madam Chair.

26 Patrick Abgrall, Golder Associates.

1 So to expand on what Lou was just saying, to
2 clarify the statement, we do have an early warning
3 indicator that has been established, and it is the
4 proportion of immature narwhals in the population.
5 This is monitored through our Bruce Head shore-based
6 monitoring program.

7 The proportion of immatures that we use to qualify
8 immatures is calves and yearlings. This provides us
9 with an indication of calving success and calving
10 survival. It is particularly important because the
11 area is known through Inuit Qaujimajatuqangit as an
12 important calving area for narwhal.

13 We have a threshold for this value, which is based
14 on data that was collected prior to early revenue phase
15 shipping through monitoring that has been occurring at
16 Bruce Head prior to early revenue phase shipping.
17 We've been monitoring and we've been able to backtrack
18 from the shipping activities and can confirm that we
19 have not exceeded this threshold since operations,
20 including in 2020.

21 It's also important to note that in addition -- in
22 addition to the early warning indicators, we have a
23 number of other monitoring indicators that we use in
24 our project and that our threshold's associated with
25 them. So the monitoring for project impacts isn't
26 limited to one program or to early warning -- early

1 warning indicators. Sorry; it's a combination of all
2 these monitoring programs together.

3 And I also want to stress that the development of
4 the early warning indicators, as Lou has mentioned, is
5 a complex and difficult task. There are no other
6 marine projects in Canada that have an early warning
7 indicator for marine mammals for marine development.

8 It was consulting with the marine environmental
9 working group that was conducted. There was consulting
10 with the Mittimatalik Hunters and Trappers
11 Organization. The choice of the early warning
12 indicator was heavily reliant on Inuit input; on the
13 importance of the area; like I mentioned previously,
14 per calving; through Inuit Qaujimagatuqangit; and by
15 the fact that the data collected at Bruce Head is
16 collected and has been collected since the start of the
17 program heavily by Inuit observers and monitors.

18 THE CHAIR: That's a five-minute warning
19 for World Wildlife Fund.

20 MR. ABGRALL: That's all for my end. Thank
21 you, Madam Chair.

22 THE CHAIR: World Wildlife Fund, Andrew
23 Dumbrille.

24 MR. DUMBRILLE: Thank you, Madam Chair. It's
25 Andrew Dumbrille from World Wildlife Fund.

26 It -- it should be noted and -- and -- that the

1 one early warning indicator is a draft indicator. It
2 hasn't been agreed to. So in all these years that this
3 has been a term and condition for this project, here we
4 are in April 2021 with one draft early warning
5 indicator. It doesn't inspire confidence that with --
6 that this will -- that more drafts and more indicators
7 and thresholds will be developed in a timely manner,
8 and it's been WWF's recommendation that before Phase 2
9 is approved, many more indicators and thresholds need
10 to be developed.

11 Okay. Last question: How many vessel
12 transits treated their ballast water last year, and
13 does Baffinland anticipate any of their vessels in the
14 future applying for exemptions from treatment, and
15 would Baffinland allow vessels without functioning
16 treatment systems into the regional study area? Thank
17 you.

18 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

20 Before I pass to Lou Kamermans for the response to
21 the last question, I just wanted to clarify something
22 on the -- the final topic of the early warning
23 indicators.

24 As Patrick explained, this is a theoretical
25 concept that we've now put into practice, and we have
26 developed an early warning indicator, and, as far as

1 our programming is concerned and the implementation,
2 this is not seen as draft. This is an early warning
3 indicator that Baffinland will use through its
4 monitoring programs.

5 And now I will pass to Lou to provide an answer to
6 the last question. Thank you.

7 THE CHAIR: Okay. Lou Kamermans, you have
8 one minute.

9 MR. KAMERMANS: Thank you, Madam Chair. Lou
10 Kamermans, Baffinland. I will try to be brief.

11 To answer the -- the first question directly,
12 42 of our ore carriers had ballast water treatment
13 systems in place in 2020. That was 58 percent of
14 vessels calling on Milne Port. These vessels performed
15 both an exchange outside of Canada's exclusive economic
16 zone as well as treated release at Milne Port once they
17 passed the salinity test.

18 We note that ore carriers transiting from Canadian
19 ports to Milne also performed both an exchange in the
20 Gulf of the Saint Lawrence and treated the ballast
21 water as well. This is not required by domestic
22 regulations and shows how Baffinland continues to lead
23 the way with industry best practices with respect to
24 ballast water.

25 Baffinland's commitment around the requirement for
26 ballast water treatment moving forward is that vessels

1 will comply with the law. And in our view, in 2024,
2 all vessels should have onboard treatment systems.

3 Should vessels propose exemptions, Baffinland
4 would discuss the matter and its merits with the marine
5 environment working group but would not make that
6 decision to allow that exemption on its own. Thank
7 you.

8 THE CHAIR: It's now 5:00. We'll go for
9 supper. And we'll reconvene at 6:30 for questions from
10 the Nunavut Independent Television Network.

11
12 (PROCEEDINGS ADJOURNED UNTIL 6:30 PM)

13
14 (PROCEEDINGS COMMENCED AT 6:34 PM)

15 THE CHAIR: Welcome back, everyone. Can
16 you please take your seats. Continuing with the
17 agenda, from the Nunavut Independent Television
18 Network, Zachary Kunuk.

19 MR. KUNUK: Thank you, Madam Chair. We
20 don't have any -- NITV don't have any questions at this
21 time. Thank you.

22 THE CHAIR: Continuing on the agenda.
23 Questions from registered intervenors with their
24 allotted 30-minute slot time for follow-up questions.
25 First is Nunavut Tunngavik, NTI, James Eetoolook.

26 MR. EETOOLOOK: Thank you. Madam Chair,

1 James Eetoolook, NTI.

2 The first question will come from Paul Irngaut.
3 Nunavut Tunngavik Incorporated Questions Baffinland
4 Iron Mines Corporation, Fisheries and Oceans Canada,
5 Government of Nunavut, Crown-Indigenous and Northern
6 Affairs Canada

7 THE CHAIR: Paul Irngaut.

8 MR. IRNGAUT: Thank you, Madam Chair. NTI,
9 Paul Irngaut. I'll be speaking in English.

10 The question is to Baffinland. Baffinland has
11 stated in its written response that there's no current
12 requirement for early warning indicators for impacts on
13 Inuit harvesting. Given the critical importance of
14 Inuit harvesting and that Inuit have provided evidence
15 of impacts on harvesting from the project, the current
16 project, has Baffinland agreed to establish early
17 warning indicators for impacts on Inuit harvesting in
18 collaboration and agreement with Inuit organizations?
19 The first one.

20 THE CHAIR: Baffinland, Megan Lord-Hoyle.

21 MS. LORD-HOYLE: Megan Lord-Hoyle, I'll ask Lou
22 Kamermans to respond. Thank you.

23 THE CHAIR: Lou Kamermans.

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

26 We think harvesting-specific indicators would be

1 appropriate for the culture, resource, and land-use
2 monitoring program proposed under Phase 2. This would
3 be a program administered and implemented by the
4 Qikiqtani Inuit Association with the guidance of the
5 Inuit committees composed of representatives from the
6 North Baffin communities.

7 In monitoring that indicator, however it's
8 designed and implemented, would support our adaptive
9 management and should agreed-to thresholds be passed
10 with respect to harvesting, then adaptive management
11 responses could be implemented. Thank you.

12 THE CHAIR: Nunavut Tunngavik, Paul
13 Irngaut.

14 MR. IRNGAUT: Thank you for that answer.

15 My second question is to Baffinland, again. In
16 oral evidence in this hearing, we have heard Inuit say
17 that caribou are avoiding the project area right now.
18 Does Baffinland agree that based on Inuit Qaujimajatuqangit,
19 the current project is -- may already be impacting the
20 recovery of caribou?

21 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

24 THE CHAIR: Lou Kamermans.

25 MR. KAMERMANS: Lou Kamermans, Baffinland.

26 Thank you, Madam Chair.

1 I think I would just start by saying what we've
2 heard, that caribou may be avoiding the project area,
3 is not necessarily linked to whether or not Baffinland
4 is having an impact on the recovery of caribou. Our
5 monitoring programs have not shown that caribou are
6 avoiding the project area. That doesn't mean that we
7 don't take what we hear seriously.

8 As part of our ongoing monitoring programs, we're
9 proposing to modify what we do in 2020 to investigate
10 this effect further, and under Phase 2, this would be a
11 priority for monitoring and subject to additional IQ
12 studies as we've committed to the Qikiqtani Inuit
13 Association.

14 We've also committed to the Government of Nunavut
15 to look further into the project's potential zone of
16 influence on caribou. But I'd like to pass it to
17 Mike Setterington at this point, our caribou biologist,
18 to provide some additional information on this. Thank
19 you.

20 THE CHAIR: Mike Setterington.

21 MR. SETTERINGTON: Mike Setterington,
22 Environmental Dynamics for Baffinland.

23 The question was whether the project is impacting
24 the recovery of caribou. Madam Chair, we modelled
25 recovery of caribou populations in our impact
26 assessment with various levels of disturbance from low

1 levels of disturbance to high levels of disturbance.
2 We included levels of harvest from low levels of
3 harvest to high levels of harvest, and we see recovery
4 of caribou in all of those scenarios. I don't think as
5 a biologist that this project is affecting the recovery
6 of the caribou population at low densities right now,
7 and we also understand from our engagement with Inuit
8 knowledge holders, going back to the early days of this
9 project, that the caribou will recover and that we will
10 see caribou interacting more and more with the project
11 site. Thank you very much, Madam Chair.

12 THE CHAIR: Nunavut Tunngavik, Paul
13 Irngaut.

14 MR. IRNGAUT: Thank you, Madam Chair. NTI,
15 Paul Irngaut.

16 In the interest of time, I'll pass it on to David
17 Lee, our biologist. Qujannamiik.

18 THE CHAIR: David Lee.

19 MR. LEE: David Lee, Nunavut Tunngavik
20 Incorporated. Thank you, Madam Chair.

21 My first question is to Baffinland Mining
22 Corporation. With reference to the draft Golder 2020
23 narwhal monitoring report, does Baffinland consider
24 shipping in the non-shoulder season could have also
25 been a potential contributing factor to the decline in
26 numbers of narwhal observed in 2020 for the Eclipse

1 Sound stock?

2 THE CHAIR: Baffinland, Megan Lord-Hoyle.

3 MS. LORD-HOYLE: Megan Lord-Hoyle, I'll ask
4 Phil Rouget to respond to this question. Thank you.

5 THE CHAIR: Phil Rouget. There's no
6 sound.

7 MR. ROUGET: Thank you, Madam Chair. Phil
8 Rouget, Golder Associates. Thank you for that
9 question.

10 Just to repeat my understanding of the question,
11 does Baffinland consider that shipping during the
12 non-shoulder season, that being the open water season,
13 would that be part of the impact to the decline
14 observed in 2020 of the Eclipse Sound stock?

15 In summary, we do not believe that open water
16 shipping is a contributing factor to the observed
17 decrease of Eclipse Sound narwhal in 2020. The reason
18 being is that we have a number of years of project
19 monitoring looking specifically at the effects of open
20 water shipping on the Eclipse Sound stock. That
21 includes multiple programs focused on narwhal that look
22 at the issue from a macro lens at the population level,
23 all the way to a micro lens looking at individual
24 behaviour.

25 To date, what we can say is that a shipping
26 operation during the open water season, effects are

1 limited to minor temporary localized responses, so
2 behavioural responses at the local level at close
3 distances to the ship. And by "close distances",
4 that's between 1 and 5 kilometres.

5 Animals demonstrate that they return back to
6 pre-response behaviour shortly following exposure.
7 These are considered low-to-moderate severity
8 responses, so basically on the Southall et al.
9 severity scoring levels of 1 to 4.

10 These types of responses in animals are on the
11 lower end of possible reactions of animals to
12 anthropogenic activity. To date, we have not seen any
13 examples of large-scale avoidance or displacement due
14 to shipping. We have not seen any panic or flight
15 responses from narwhal to shipping, or any sort of
16 anti-predator avoidance behaviour. We have not seen
17 habitat abandonment. The low level effects that we
18 have seen to date don't qualify as significant
19 disturbance responses, that is to say that they're
20 unlikely to result in adverse effects on vital
21 activities such as reproduction or survival.

22 If we were to see moderate severity responses by
23 narwhal to shipping that were in -- that were expressed
24 at higher levels, such as beyond the exposure duration
25 or even high severity responses, which are known to be
26 tied to reproduction and survival metrics, then we

1 would be concerned, and we would also include open
2 water shipping as a possible contributor to the
3 observed decline.

4 So, in summary, based on four years of behavioural
5 data specific to open water shipping, we're confident
6 that that aspect of shipping is not the root cause.
7 Thank you, Madam Chair.

8 THE CHAIR: Nunavut Tunngavik Incorporated,
9 David Lee.

10 MR. LEE: Thank you, Madam Chair. David
11 Lee for Nunavut Tunngavik, and thank you, Phil, for
12 your response.

13 I understand we'll be discussing this further.
14 I'll just -- I appreciate your response, and I think
15 this requires extensive further discussion. For sake
16 of time, I'm going to move on to my next question.
17 Will Baffinland commit to establish a second or more
18 early warning indicators for narwhal, such as health
19 and body condition as recommended by DFO in the
20 immediate future? And, with all due respect, a brief
21 response would be appreciated because I have multiple
22 questions for DFO. Thank you.

23 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

26 THE CHAIR: Lou Kamermans.

1 MR. KAMERMANS: Thank you, Madam Chair. Lou
2 Kamermans, Baffinland.

3 Baffinland is open to including monitoring of body
4 condition in some form as part of the project and would
5 expect to discuss that with the marine environment
6 working group as well as the yet-to-be-formed Inuit
7 committee, but we can't commit to including that as an
8 early warning indicator.

9 Phil previously went over the challenges
10 associated with this, as did Patrick Abgrall, when we
11 discussed our critique of the cortisol study. The main
12 issue is that there are too many drivers of body
13 condition outside of our project for that to be a key
14 indicator of change that the project could be causing,
15 and, to further understand, that indicator requires a
16 greater regional body of knowledge that's currently
17 available that's outside of Baffinland's scope to
18 produce.

19 Baffinland's committed to implementing additional
20 early warning indicators in the form of low thresholds,
21 but they have to be able to tell us about the effects
22 the project is having in a way that let's us
23 meaningfully address them. Thank you.

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

26 MR. LEE: Thank you, Madam Chair. David

1 Lee for Nunavut Tunngavik, and thank you, Lou, for your
2 succinct response. It's greatly appreciated.

3 My next series of questions are for the Department
4 of Fisheries and Oceans. I have the same question that
5 I posed to Baffinland. Again, with reference to the
6 draft Golder 2020 narwhal monitoring report suggesting
7 that the number of narwhals have declined significantly
8 to about 5,000, does DFO consider that shipping in the
9 non-shoulder season could have been a potential
10 contributing factor to the decline in narwhal numbers
11 observed in 2020 or the Eclipse Sound stock? Thank
12 you, Madam Chair.

13 THE CHAIR: Fisheries and Oceans Canada,
14 Gabriel Bernard-Lacaille.

15 MR. BERNARD-LACAILLE: Thank you, Madam Chair.
16 Gabriel Bernard-Lacaille with Fisheries and Oceans
17 Canada. Thank you for the question, David.

18 At this time, given the short time frame as to
19 which the report was posted on the NIRB registry,
20 Fisheries and Oceans Canada has not had -- yet had time
21 to do a complete and thorough review of the report, so,
22 therefore, we're not in a position to -- to respond
23 directly to your question and -- but we can definitely
24 say that we -- it's not something that can -- that we
25 can rule out at this time. But, yet again, I just want
26 to emphasize that we need more time to complete our

1 review, and we'll provide comments per the NIRB's
2 direction that was issued a couple days ago. Thank
3 you.

4 THE CHAIR: Nunavut Tunngavik
5 Incorporated, David Lee.

6 MR. LEE: Thank you, Madam Chair. David
7 Lee for Nunavut Tunngavik Incorporated.

8 I have three other questions that are related to
9 the report, and thank you, Gabriel, for your response.

10 Could I just confirm, then, that any questions
11 related to the report would result in a response
12 similar to the one you just provided, in which case I
13 will defer those questions to a written format.

14 THE CHAIR: Nunavut Tunngavik
15 Incorporated, you have five minutes left in your
16 question period.

17 Fisheries and Oceans Canada, Gabriel Bernard-Lacaille.

18 MR. BERNARD-LACAILLE: Thank you, Madam Chair.

19 That's hard to -- thank you for the question,
20 David. That is hard to say without knowing the
21 question, so maybe it's best if you ask -- if you try
22 and ask them all at once, and I can see which ones we
23 can respond to in the time that's left. Thank you.

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

26 MR. LEE: Thank you, Madam Chair, and

1 thank you for the five-minute warning. Thank you,
2 Gabriel.

3 I'll ask you -- I'll provide the three questions,
4 and please respond to any that you're able to.

5 The first one is: Should the significant decline
6 in numbers be accepted, can DFO indicate which of the
7 actions that they provided to NTI in their written
8 response they would potentially be recommending, such
9 as transit restrictions.

10 The next question is: Can DFO explain how the
11 existing early warning indicator may not have provided
12 an indication of the decline in numbers, assuming that
13 the decline is accepted, and what actions DFO would be
14 recommending to address capturing any further changes
15 in the stock?

16 And the final question is: Can DFO detail the
17 components and timing of a monitoring program that
18 would allow either DFO or Baffinland to adequately
19 monitor cumulative impacts on marine mammals generally,
20 but narwhal specifically, given the content of the
21 draft report that indicates that there may have been
22 multiple factors contributing to the potential decline?

23 Thank you, Madam Chair.

24 THE CHAIR: Fisheries and Oceans Canada,
25 Gabriel Bernard-Lacaille.

26 MR. BERNARD-LACAILLE: Thank you, Madam Chair.

1 Gabriel Bernard-Lacaille with Fisheries and Oceans
2 Canada. I'll do my best to briefly respond to all
3 questions, David.

4 So for your first question, I think in regards to
5 if a determination is made that the reduction in
6 narwhal presented in the report is significant what
7 actions would DFO require, I think that the actions
8 that you're referring to are recommendations that we've
9 made as part of the Phase 2 process, and these should
10 be implemented regardless of observation in narwhal
11 numbers, be it a decline or not. So I think it's our
12 expectations that those recommendations be implemented
13 if the Phase 2 project is approved to proceed.

14 And as far as what kind of measures could be
15 implemented, I think that would be -- I would turn that
16 question back to Baffinland and also mention, I think,
17 that that is the objective in developing the adaptive
18 management plan that we've been mentioning multiple
19 times throughout the day.

20 For your second question regarding EWIs, a
21 potential reason that it could be -- that the EWIs
22 that's currently being used might not have detected the
23 change in narwhal abundance -- and, again, this is
24 information that's just been presented in a report, and
25 we have not completed a thorough review to see if we
26 agree with these findings or not. We can't take a

1 position on that right now. But we have provided a
2 recommendation for a second EWI, and the reason that
3 we've done so is that indicators that would be able to
4 detect changes prior to potential population level
5 project impacts being detected are important because
6 changes in factors that might impact the survival or
7 fecundity of narwhal may take several years to be
8 detected. Therefore, Fisheries and Oceans Canada
9 believe that a second EWI, not based on a population
10 level indicator, is important in order to adequately
11 detect early change.

12 And as far as your third question, in order -- if
13 DFO can detail components and timing of a program that
14 would allow for cumulative monitoring. I think that's
15 something that we would need to discuss with MEWG and
16 other parties, and I don't believe I'm able to provide
17 you with a thorough response at this time. I believe
18 that's something that would need to be discussed with
19 all involved stakeholders at this time. I hope that
20 answers your questions.

21 Thank you, Madam Chair.

22 THE CHAIR: Next on the list of registered
23 intervenors, Qikiqtani Inuit Association, Jared Ottenhof.
24 Qikiqtani Inuit Association Questions Fisheries and
25 Oceans Canada, Baffinland Iron Mines Corporation

26 MR. OTTENHOF: Thank you, Madam Chair. Jared

1 Ottenhof for Qikiqtani Inuit Association.

2 Our first question is to Fisheries and Oceans. In
3 Written Question Qikiqtani Inuit Association 34, we
4 requested that Fisheries and Oceans Canada provide
5 information on the steps it would take in response to
6 declines of marine mammal populations. The project
7 certificate gives Fisheries and Oceans the authority
8 under Condition 183 to provide direction to the
9 proponent issued in furtherance of their mandate for
10 any avoidance or mitigation measures, including
11 cessation of any activity for the protection of the
12 marine environment.

13 In Canada's Written Response Number 35d, Fisheries
14 and Oceans indicated that it is unable to describe the
15 steps it would take if marine mammal populations were
16 to decrease in the study area because those steps
17 depend upon a fully developed and operational adaptive
18 management plan.

19 Our question was in reference to steps Fisheries
20 and Oceans would take as a responsible management
21 authority. Qikiqtani Inuit Association considers it
22 imperative that Inuit have information on the possible
23 steps the Government of Canada could take to protect
24 marine mammal populations and Inuit harvesting rights
25 should marine mammal populations decline in the
26 regional study area.

1 Our first three questions are: What consideration
2 has Fisheries and Oceans given to its responsibility
3 under the project certificate, and what sort of
4 direction might Fisheries and Oceans consider in light
5 of significant declines in narwhal, ringed seals, or
6 other marine mammal species? Would Fisheries and
7 Oceans look to reduce allowable harvest of marine
8 mammals like narwhal, or institute quotas for species
9 like ringed seals. And what assurances do Inuit have
10 that their harvesting rights will be protected? Thank
11 you.

12 THE CHAIR: Fisheries and Oceans Canada,
13 Gabriel Bernard-Lacaille.

14 MR. BERNARD-LACAILLE: Thank you, Madam Chair.
15 Gabriel Bernard-Lacaille with Fisheries and Oceans
16 Canada.

17 In regards to Term and Condition 183, again, the
18 department would like to reiterate in regards to the
19 narwhal report that we are currently reviewing the
20 report, and we can't provide a direct answer as to what
21 steps we would take under the project certificate at
22 this time.

23 In regards to if this would lead to a reduced
24 quota for narwhal harvest and/or ringed seal harvest,
25 currently there is no total allowable harvest for
26 ringed seal as the Nunavut Wildlife Board has

1 established one, and I do not believe that it would be
2 an action sought by DFO to impose restrictions on seal
3 harvest.

4 In regards to narwhal, the same concept would
5 apply. Narwhal surveys are conducted by the department
6 on a regular basis in order to inform a recommendation
7 that the department would make to its comanagement
8 partners on the quota or total allowable harvest for
9 narwhal for each management stock, and, in this case
10 for Mittimatalik, that would be the Eclipse Sound
11 stock. We would not envision this to be an action we
12 would take forward without the full process that is set
13 within the Nunavut Agreement, comanagement partners,
14 and the Nunavut Wildlife Management Board.

15 You'll have to excuse me, I forgot your third
16 question. But before we move on to the third one, I
17 would like to see if our fisheries management expert
18 would have anything to add on what I've said about
19 harvest quotas.

20 THE CHAIR: What's their name?

21 MR. BERNARD-LACAILLE: Yeah. My apologies, Madam
22 Chair. It's Paula Smith.

23 THE CHAIR: Paula Smith.

24 MS. SMITH: Thank you, Madam Chair. This
25 is Paula Smith with Fisheries and Oceans Canada.

26 I don't think I have anything further to add in

1 regards to the information that was provided by
2 Gabriel. As he mentioned, any changes to the total
3 allowable harvest would be made by the Nunavut Wildlife
4 Management Board and would be after extensive community
5 consultations by Fisheries and Oceans Canada along with
6 Inuit organizations. Thank you, Madam Chair.

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

9 MR. OTTENHOF: Jared Ottenhof for the
10 Qikiqtani Inuit Association.

11 The response we were looking for was whether or
12 not Fisheries and Oceans would be actually exercising
13 their authority under 183 on the project. In the
14 interest of time, we'll move on.

15 This question is for Baffinland. To follow up on
16 the question which was asked by Nunavut Tunngavik
17 Incorporated about Inuit telling Baffinland and Nunavut
18 Impact Review Board that Inuit are already seeing
19 significant impacts of the project on caribou, we have
20 the opinion of the Baffinland biologist saying that
21 caribou recovery is not being impacted by the project
22 right now and input from Inuit saying they're observing
23 caribou avoidance of the project. The response appears
24 to dismiss the concerns that have been identified by
25 Inuit. There's a fallback on modelling of caribou
26 impacts from the project that is fraught with

1 assumptions and uncertainty. How does your response
2 give Inuit any assurance that you'll respond to their
3 concerns with appropriate mitigation measures? Thank
4 you.

5 THE CHAIR: Baffinland, Megan Lord-Hoyle.

6 MS. LORD-HOYLE: Megan Lord-Hoyle, I'll ask Lou
7 Kamermans to respond.

8 THE CHAIR: Lou Kamermans.

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

11 I first want to address the statement that there
12 was -- there was a dismissal of what we've heard from
13 Inuit, and that's -- that's what I tried to address
14 with my preamble before Mike responded that Inuit can
15 be telling us that they've seen caribou avoid the
16 project, and that doesn't mean we're dismissing that if
17 we say the project will not impede the recovery of
18 caribou. They're not necessarily the same thing.
19 Avoidance does not necessarily have a direct link
20 towards the recovery of caribou. And from our
21 operations, we've -- we've seen caribou interact with
22 our project more recently. For a time we haven't, but
23 we have seen caribou now cross the road -- I believe
24 twice in one instance -- and we hope to see more of
25 that as the project continues to operate and develop.

26 To talk about appropriate mitigations and to

1 provide certainty to Inuit, we believe we've worked
2 closely with the Qikiqtani Inuit Association to develop
3 meaningful commitments on this subject, that being a
4 commitment to carry out additional Inuit
5 Qaujimagajatuqangit studies focused on the railway to
6 better understand where caribou have historically and
7 may in the future cross the railway, and this would be
8 for the purpose of implementing project-specific
9 protection areas along the railway where we can
10 implement specific management measures, whether this is
11 modifying the design to the railway to make it easier
12 for caribou to cross or implementing speed restrictions
13 as an operational mitigation.

14 Above this, more recently we've proposed adding a
15 number of research stations that could also serve as
16 observation stations to be located along the north
17 railway. These would be located at heights of land
18 that would allow us to monitor for caribou presence in
19 the area and contribute to our ability to identify when
20 special mitigations need to be put in place for the
21 operation, whether that's advisement, a train stop very
22 cautiously that caribou are in the area, or when we're
23 able to work with the terrestrial environment working
24 group and the Inuit committee on a number for caribou
25 presence that would trigger temporary shutdowns.

26 These stations would be expected to be run by

1 Inuit and could employ up to 24 Inuit on a full-time
2 basis.

3 These are just some of the examples of how
4 Baffinland has listened to Inuit on this subject and
5 tried to address concerns and uncertainty of how
6 caribou may interact with the project as their numbers
7 return.

8 I could go into further detail around how we'll
9 also be developing adaptive management plans and
10 agreeing on the indicators, thresholds, and responses,
11 but I'll leave it at that for now. Thank you.

12 THE CHAIR: Qikiqtani Inuit Association,
13 Jared Ottenhof.

14 MR. OTTENHOF: Jared Ottenhof for Qikiqtani
15 Inuit Association. Thank you for explaining the
16 monitoring measures that are to be in place.

17 For the 2013 IIBA for the project, there was
18 supposed to be monitoring stations set up in the
19 project area. Those, to date, have not been
20 implemented or set up, so I think the -- using the
21 monitoring station as an assurance mechanism, I'm not
22 sure is acceptable to QIA right now.

23 In the interest of time, I'll move on to a
24 question to both the Government of Nunavut and the
25 Government of Canada.

26 Inuit Qaujimajatuqangit suggests that caribou

1 numbers could begin increasing at some point in the
2 near future as lichen recovers. Our question is about
3 what happens if caribou numbers do not recover as
4 expected. The first part of the question is to the
5 Government of Nunavut: If caribou numbers do not
6 recover as expected, based on Inuit Qaujimajatuqangit,
7 what actions will the Government of Nunavut take to
8 ensure populations recover?

9 And the second part of the question to the
10 Government of Canada: As the ultimate approval
11 authority, what steps will the Government of Canada
12 take to address infringements on Inuit harvesting
13 rights if caribou population numbers do not recover as
14 predicted? Thank you.

15 THE CHAIR: Government of Nunavut,
16 Natalie O'Grady.

17 MS. O'GRADY: Thank you, Madam Chair. Thank
18 you, Jared, for the question. It's a very important
19 topic.

20 So as I understand your question, if the herd
21 doesn't recover as expected, what actions will the GN
22 take.

23 GN will continue its regional research obligations
24 on the overall health of the Baffin Island caribou.
25 We're not so much as concerned with caribou numbers
26 around the project, rather, our primary objective is to

1 ensure that the Baffin Island herd recovers at a
2 regional population level.

3 However, this topic and this issue is a great
4 example, I think, of how together we can fill these
5 present knowledge gaps by continuing to pursue this
6 research that is also informed by Inuit
7 Qaujimajatuqangit and local knowledge.

8 Across the territory where caribou population
9 levels become a concern, we continue to manage our --
10 and will continue to manage caribou in partnership with
11 the Nunavut Wildlife Management Board and our
12 comanagement partners through potential measures such
13 as total allowable harvests or non-quota limitations,
14 for example, because currently the main factor you've
15 identified in contributing to the slow recovery of the
16 herd at a population level is harvesting pressures.
17 However, that's not the only factor.

18 So with respect to caribou in general on Baffin
19 Island, there's a lack of evidence available to
20 Baffinland in general to understand whether the project
21 is having an impact on recovery of the Baffin Island
22 herd at a population level. This is why we've
23 committed to partner research with Baffinland to better
24 understand the project's effects to the herd and
25 whether or not it is impacting recovery.

26 If and where Mary River is shown to have a clear

1 impact to the herd's recovery, the Government of
2 Nunavut would work within the Nunavut Impact Review
3 Board's monitoring framework, and we would work with
4 the terrestrial environment working groups to develop
5 adaptive management solutions.

6 And it should be noted that any party, including
7 the Government of Nunavut, could foreseeably apply for
8 a reconsideration of the Mary River Project
9 certificate, where terms and conditions were showing to
10 be insufficient to protect caribou.

11 However, this entire process, and what we're all
12 working towards together right now is to avoid that
13 situation altogether. We want the monitoring and the
14 management plans in place as best as we can to really
15 avoid any significant impediment to the herd's
16 recovery.

17 So as long as the herd recovers, there would not
18 necessarily be a concern about avoidance effects from a
19 herd overall health and management perspective. Some
20 degree of avoidance was predicted -- is predicted in
21 the final environmental impact statement through the
22 use of zone of influence.

23 Where we would be potentially concerned is a
24 situation where the measured zone of influence turns
25 out to be much greater in range and intensity than
26 predicted. This is why we've negotiated with

1 Baffinland to commit to periodically updating its zone
2 of influence analysis as a mitigation measure, and the
3 proponent has committed to do so. So I hope that
4 answers your question. Thank you.

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

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

10 I'm going to outline sort of how I think we
11 understood your question in the context of the project
12 before us.

13 So we're currently in the gathering of evidence
14 phase to present it before the Board, and that's what
15 we're doing here today. We fully suspect that, you
16 know, the Nunavut Impact Review Board will make a
17 recommendation to the ministers, and in that will be a
18 project certificate, which will outline certain steps,
19 terms, and conditions that will need to be abided by.

20 We fully expect that some of these conditions will
21 be related to the management of caribou, and once that
22 report is made, our ministers -- or the Minister of
23 Northern Affairs will review the report and the
24 significance of impacts and make a recommendation.
25 That recommendation will be based on consensus about
26 all the intervening ministers that are before us, but

1 we're not at that decision-making phase. We're still
2 gathering evidence. But, again, rest assured that the
3 report will be fully considered. The impact -- the
4 potential impacts to caribou will fully be part of any
5 decision-making that is made. Thank you.

6 THE CHAIR: Qikiqtani Inuit Association,
7 it's your six-minute warning. Jared Ottenhof.

8 MR. OTTENHOF: Thank you, Madam Chair. Jared
9 Ottenhof for the Qikiqtani Inuit Association. Thank
10 you for those responses.

11 We do have many more questions, which we'll, I
12 guess, have to file in writing in the appropriate time
13 following the public hearing, but we'll end off with
14 one more question to Baffinland.

15 Many of Baffinland's responses about adaptive
16 management highlight the Qikiqtani Inuit Association
17 would administer the Inuit committee and the Inuit
18 stewardship plan. Baffinland's responses also rely on
19 Qikiqtani Inuit Association to integrate Inuit
20 priorities and knowledge into the objectives,
21 indicators, thresholds, and responses for adaptive
22 management. The commitments made in the Inuit
23 Certainty Agreement to mechanisms such as the Inuit
24 committee and Inuit stewardship plan were required
25 because both the current project and the new Phase 2
26 proposal lack mechanisms -- sorry -- lack mechanisms

1 for Inuit input. This is a serious problem, which the
2 Inuit Certainty Agreement was attempting to address,
3 but the impacted communities have not accepted the
4 Inuit Certainty Agreement solutions as currently
5 framed.

6 The Qikiqtani Inuit Association is responsible for
7 administering the Inuit-owned land on which almost all
8 of the mine project is located.

9 Qikiqtani Inuit Association board of directors,
10 made up of elected representatives from Qikiqtani
11 communities, including the impacted communities, passed
12 a resolution that Qikiqtani Inuit Association does not
13 support the project or the use of Inuit-owned lands as
14 currently proposed.

15 With Baffinland placing such a heavy reliance on
16 Inuit to provide adaptive management information to
17 Baffinland, assuming that this project is approved to
18 proceed without Inuit support, how does Baffinland plan
19 to carry out a project without Inuit consensus for
20 support with no consent from Qikiqtani Inuit
21 Association and if Inuit are not willing to provide
22 this input to a project that they do not want? Thank
23 you.

24 THE CHAIR: Baffinland, Megan Lord-Hoyle.

25 MS. LORD-HOYLE: Megan Lord-Hoyle. I'll ask

26 Lou Kamermans to respond. Thank you.

1 THE CHAIR: Lou Kamermans.

2 MR. KAMERMANS: Thank you, Madam Chair. Lou
3 Kamermans, Baffinland.

4 Before I provide a response to the question just
5 asked, I do want to provide clarification based on a
6 statement that was made by the intervenor at the end of
7 my last response. It was in relation to the monitoring
8 stations we have proposed.

9 I want to clarify that the requirement in the
10 Inuit Impact Benefit Agreement is that the proponent
11 and QIA would work together to form a working group to
12 assess the need for additional monitoring stations and
13 that if those monitoring stations were established,
14 they could be used as emergency shelters, that they
15 would be staffed by Inuit, and passed off in management
16 to a community.

17 I note that this commitment was made when the
18 original project was being negotiated, that Steensby
19 Port and the railway have not been developed to date;
20 that when the early revenue phase was proposed,
21 reviewed, and approved, Baffinland's commitment to that
22 term within the Inuit Impact Benefit Agreement was no
23 more or less than the Qikiqtani Inuit Association's
24 commitment to it.

25 Regardless, what we've proposed today is specific
26 and can be considered a commitment that we would

1 execute, should Phase 2 be approved, and if the
2 Qikiqtani Inuit Association would like an amendment to
3 the Inuit Certainty Agreement to include this, to
4 ensure they were developed, then Baffinland would agree
5 to that.

6 As for moving forward with the project -- moving
7 the project forward, should the Nunavut Impact Review
8 Board approve Phase 2, I would remind the Qikiqtani
9 Inuit Association that the concepts of an Inuit
10 committee and a culture, resource, and land-use
11 monitoring program were not invented in the Inuit
12 Certainty Agreement. They were adopted from programs
13 Baffinland had proposed prior to the previous public
14 hearing.

15 What was integrated into the Inuit Certainty
16 Agreement was no doubt an evolution of that commitment
17 and an expansion, and that with the implementation of
18 that modified program, that there is resolution to many
19 of the Qikiqtani Inuit Association's outstanding
20 technical issues.

21 Should Phase 2 be approved, Baffinland is
22 committed to ensuring those programs are implemented.
23 If Qikiqtani Inuit Association believed in these
24 solutions when they signed the Inuit Certainty
25 Agreement, then we believe they would want a leading
26 role in those programs should Phase 2 be approved, and

1 Baffinland would remain committed to supporting them in
2 making sure they are. We're working with the
3 communities to finding an alternative means of
4 implementing them. Thank you.

5 THE CHAIR: Moving on to the next
6 registered intervenor with their follow-up questions,
7 the Government of Nunavut, Natalie O'Grady.

8 MS. O'GRADY: Thank you, Madam Chair.

9 From when we submitted our deferred written
10 questions and our responses to other intervenors, we
11 currently have no additional follow-up questions at
12 this time. We do look forward, however, to continuing
13 to really listen to concerns of parties, community
14 members, and we'll look forward to likely an updated
15 final written submission. Thank you.

16 THE CHAIR: Next on the list of registered
17 intervenors, the Government of Canada, Spencer Dewar.

18 MR. DEWAR: Qujannamiik, Madam Chair.
19 Spencer Dewar, Crown-Indigenous Relations and Northern
20 Affairs Canada. I guess we never thought this would
21 happen so fast.

22 So I would like to turn it over to DFO. They have
23 some prepared questions. Qujannamiik.

24 THE CHAIR: Thank you. Fisheries and
25 Oceans Canada, Gabriel Bernard-Lacaille.
26 Fisheries and Oceans Canada Questions Baffinland Iron

1 Mines Corporation

2 MR. BERNARD-LACAILLE: Thank you, Madam Chair.

3 Gabriel Bernard-Lacaille with Fisheries and Oceans

4 Canada.

5 These questions will be addressed to Baffinland in
6 regards to clarifying our -- their written responses to
7 our question.

8 So in regards to Question GOC-3. In the last
9 final hearing, Baffinland responded to the Qikiqtani
10 Inuit Association indicating that aquatic invasive
11 species found in ballast water would only disperse by a
12 few metres. Our written questions in GOC-DFO-3 was to
13 seek further clarification from Baffinland as we found
14 the answers to the Qikiqtani Inuit Association's to be
15 a bit unclear. Our question is: Based on the ballast
16 water discharge modelling, which shows ballast
17 dispersion extending to Eclipse Sound and beyond, can
18 Baffinland please confirm if they believe that spread
19 of organisms, including potential aquatic invasive
20 species and nonindigenous species, would be limited to
21 only a few metres from the ballast water discharge
22 location at Milne Port? Thank you.

23 THE CHAIR: Baffinland, Megan Lord-Hoyle.

24 MS. LORD-HOYLE: Megan Lord-Hoyle, I'll ask

25 Phil Rouget to provide the response.

26 THE CHAIR: Phil Rouget.

1 MR. ROUGET: Thank you, Madam Chair. Phil
2 Rouget, Golder Associates.

3 Yes. I'm happy to provide clarity to the Board,
4 the discrepancy there between the reference to aquatic
5 invasive species only pushing out to several metres
6 outside the source relative to -- further up in Milne
7 Inlet closer to Ragged Island.

8 So the difference -- we're talking about two
9 different things here. We're talking about how far the
10 physical water sample could travel under a modelling
11 scenario within the model domain, so within the
12 regional study area. We had extensive hydrodynamic
13 modelling completed for the project. The results of
14 that modelling indicated that under a worst-case
15 scenario, the smallest fraction of ballast water would
16 reach as far north as Ragged Island in the regional
17 study area. So that would be equivalent to the
18 smallest drop of water would reach that furthest
19 distance under a worst-case scenario.

20 The hydrodynamic modelling also indicated that
21 based on the amount of ballast water that is to be
22 discharged under a Phase 2 scenario, relevant to the
23 existing receiving environment, which is an estuary
24 with freshwater inputs and tidal influence, the
25 findings were that the detection of any changes in
26 salinity or temperature from ballast water relevant to

1 ambient conditions is almost unmeasurable at a
2 distance -- a very close distance to the vessel because
3 it's impossible to measure a droplet of water in that
4 big body of water.

5 So two things: Can't differentiate against
6 ambient at very close distances to the ship based on
7 the comparative volumes and the nature of both water
8 sources, (2) modelling information shows that the
9 physical water itself could move as far north as
10 Eclipse. That doesn't mean invasives will travel as
11 far north as Eclipse, the reason being the mitigation
12 that's introduced under a Phase 2 scenario, which
13 includes exchange for expulsion of organisms that were
14 being carried in the water from overseas, and then
15 treatment upon arrival in the regional study area,
16 which would work to kill off those organisms prior to
17 discharge happening.

18 Now, ballast water discharges happen in close
19 proximity to the port only. They do not occur anywhere
20 along the shipping corridor. They do not occur at
21 Ragged.

22 We are assuming that treatment and exchange will
23 be highly effective at eradicating organisms;
24 therefore, our response is as such: We don't believe
25 that they will reach to that level up to Ragged;
26 nonetheless, the modelling drives where we base our

1 aquatic invasive species monitoring program.

2 So, yes, we do monitor Ragged Island, and we
3 monitor Milne Inlet. The level of monitoring is
4 commensurate with the level of risk. We know that the
5 majority of the ballast water release and the volume is
6 in Milne Inlet proper or Assumption [phonetic] Harbour;
7 therefore, that's where the bulk of our aquatic
8 invasive species monitoring program is focused. So I
9 hope that helps explain the discrepancy.

10 Thank you, Madam Chair.

11 THE CHAIR: Fisheries and Oceans Canada,
12 Gabriel Bernard-Lacaille. There's no noise.

13 MR. BERNARD-LACAILLE: Thank you for your answer,
14 Phil. Thank you, Madam Chair.

15 Gabriel Bernard-Lacaille with Fisheries and Oceans
16 Canada. I think that answered our question. Just a
17 quick follow-up question for you. Could -- can you
18 confirm that it would be possible for an organism to be
19 transported as far as Ragged Island, even with the
20 mitigations in place?

21 THE CHAIR: Baffinland, Megan Lord-Hoyle.

22 MS. LORD-HOYLE: Megan Lord-Hoyle, I'll ask
23 Phil Rouget to provide the follow-up. Thank you.

24 THE CHAIR: Phil Rouget.

25 MR. ROUGET: Thank you, Madam Chair. Phil
26 Rouget, Golder Associates. Thank you, Gabriel, for

1 your question.

2 Yes. I guess it physically would be possible for
3 an organism to reach as high, if we know that a
4 molecule of water from ballast water could reach that
5 high. It would be very unlikely, but not impossible.
6 It's a bit of a moot point because invasive species do
7 not only come in ballast water, they also can come
8 attached to hulls. We have hulls sitting there at
9 anchorage at Ragged Island, which is another reason we
10 have an aquatic invasive species monitoring program in
11 that area. So it would be very unlikely, but possible.

12 THE CHAIR: Fisheries and Oceans Canada,
13 Gabriel Bernard-Lacaille.

14 MR. BERNARD-LACAILLE: Thank you, Madam Chair.
15 Gabriel Bernard-Lacaille with Fisheries and Oceans
16 Canada. Thanks for the response, Phil.

17 Moving to our second question: In their response
18 to GOC-3-DFOC, Baffinland states, and I quote that:
19 (as read)

20 Due to their proposed mitigation measures, no
21 species are expected to be introduced into
22 Milne Inlet through ballast water.

23 Would Baffinland agree that even with the mitigation
24 measures and best management practices that are
25 proposed for ballast water for Phase 2, risk of
26 introducing nonindigenous species remains as an

1 important consideration that requires additional
2 monitoring and response plans as indicated in DFO
3 recommendations DFO NEW 3.6.1 to 3.6.10. Thank you.

4 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

6 Yes, we agree. Although we believe that there is
7 low risk, there remains uncertainty, so that is why we
8 have agreed to extensive monitoring and follow-up
9 programs. Thank you.

10 THE CHAIR: Fisheries and Oceans Canada,
11 Gabriel Bernard-Lacaille.

12 MR. BERNARD-LACAILLE: Thank you, Madam Chair.
13 Gabriel Bernard-Lacaille with Fisheries and Oceans.
14 Thank you, Megan, for your response.

15 Moving to another set of questions, and these
16 relate to GOC-5-DFO.

17 So Baffinland states that *Marenzelleria viridis*
18 has been previously detected in the Arctic. Is
19 Baffinland aware of a recent extensive taxonomic
20 revision from Sikorsky and Bick, 2004, that indicates
21 that closely related *Marenzelleria arctica* and
22 *Marenzelleria wireni* occur in the Arctic, while
23 *Marenzelleria viridis* is restricted to East Coast and
24 Europe, thus implying the few records in the Canadian
25 Arctic noted by Baffinland, most of which predate this
26 revision, most likely represent misidentifications of

1 species of Marenzelleria. Thank you.

2 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

4 I'll ask Phil Rouget to provide the response.

5 THE CHAIR: Phil Rouget.

6 MR. ROUGET: Thank you, Madam Chair. Phil
7 Rouget.

8 Based -- there is a total of six separate
9 recordings of M. viridis throughout the Canadian Arctic
10 in different locations ranging from Gjoa Haven to
11 Churchill to Frobisher Bay on Baffin Island. I
12 believe -- I understand it's a total of six records,
13 all were confirmed to be species under the genus
14 species M. viridis. If I understand the question
15 properly from DFO, it sounds like there's a
16 hypothetical on DFO's part that those six instances
17 were misidentified to species level. I can't comment
18 on that. We go by what's in the data record. We're
19 assuming that six separate sighting records are
20 unlikely to mischaracterize that species sighting, but
21 we'd be open to dialogue with DFO further on that.

22 We are aware of the correction to a different
23 species that you're referring to, but it does seem like
24 a bit of a hypothetical on DFO's part, from my
25 perspective. Thank you.

26 THE CHAIR: Fisheries and Oceans Canada,

1 Gabriel Bernard-Lacaille.

2 MR. BERNARD-LACAILLE: Thank you, Madam Chair.

3 Gabriel Bernard-Lacaille with Fisheries and Oceans
4 Canada.

5 Based on that response -- thank you, Phil --
6 stating that you rely on what the data says, would
7 Baffinland then agree that other factors should be
8 considered in order to assess the potential
9 invasiveness of *M. viridis* in the regional study area
10 such as evidence of vast invasiveness, local spread,
11 and increases in relative abundance? Thank you.

12 THE CHAIR: Baffinland, Megan Lord-Hoyle.

13 MS. LORD-HOYLE: Megan Lord-Hoyle. I'll ask
14 Phil Rouget to provide the response. Thank you.

15 THE CHAIR: Phil Rouget.

16 MR. ROUGET: Thank you, Madam Chair. Phil
17 Rouget, Golder Associates.

18 The process Baffinland follows for determining if
19 a species is a project-related invasive species is
20 consistent with DFO's national invasive species
21 response framework. This is a tiered approach with
22 several steps. Those have been described in a
23 flowchart, which was provided as an attachment to our
24 response to the Government of Canada's written
25 Question Number 3, Attachment 1.

26 Two things for -- from our end for determining if

1 it's a project-related invasive is Number 1,
2 establishing if there are documented records of that
3 species in the Arctic region prior to pre-shipping,
4 which we just talked about. The second piece is to do
5 thorough monitoring in the project area to establish
6 whether the species is behaving like an invasive
7 species, which is precisely what we've done in the
8 project area for *M. viridis*.

9 Behaving like an invasive species would constitute
10 an expansion of that species in the project area, an
11 increase in abundance of that species, and a change in
12 community structure in the area where that species was
13 identified, likely relative to an increase seen in that
14 species.

15 We've monitored all three of those parameters, and
16 also introduced a targeted sampling program for
17 *M. viridis* to collect additional samples for genetic ID
18 or genetic barcoding. None of the monitoring completed
19 to date indicates that this species is behaving as an
20 invasive.

21 So because we have documented occurrences of that
22 species in the Arctic pre-shipping and because the
23 species is not behaving in an invasive manner, we do
24 not qualify it as a project-introduced invasive species
25 in the project area. Nonetheless, it's put on our
26 watch list. Species on the watch list are subject to

1 heightened monitoring on an annual basis as described
2 just now.

3 Furthermore, we've -- Baffinland's made
4 commitments to run biological monitoring of ballast
5 water in tanks, as opposed to what we currently do in
6 the receiving environment. The benefit of this program
7 will allow us to see what organisms are present in
8 ballast water prior to discharge, so this is another
9 step in the investigative program which we hope to
10 further inform this issue.

11 We'll continue to consult with DFO and the marine
12 environmental working group on this topic throughout
13 our monitoring program planning moving into 2021.

14 Thank you, Madam Chair.

15 THE CHAIR: Fisheries and Oceans Canada,
16 Gabriel Bernard-Lacaille.

17 MR. BERNARD-LACAILLE: Thank you, Madam Chair.
18 Gabriel Bernard-Lacaille with Fisheries and Oceans
19 Canada. Thank you, Phil.

20 I guess this finishes this part of our line of
21 questioning. We just want to note, before moving on,
22 that just because an introduced species was found
23 previously in the Canadian Arctic and that there is
24 some evidence, even though it's not definitive, that
25 these records might have been misidentifications and --
26 or was introduced in some other area of the Arctic

1 through shipping, that does not mean that an
2 introduction to Milne Inlet of the same species is not
3 related to Baffinland's operations and -- or that the
4 species is not invasive.

5 So, moving forward, we're looking for
6 clarification on the evidence that Baffinland has in
7 regards to the species -- in regards to the statement
8 that a species is not behaving as an aquatic invasive
9 species.

10 Our first question is: Can Baffinland confirm if
11 there was monitoring for aquatic invasive species and
12 nonindigenous species in 2020?

13 THE CHAIR: Baffinland, Megan Lord-Hoyle.

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

15 Yes. There was monitoring, and the results will
16 be provided in our annual report. Thank you.

17 THE CHAIR: Fisheries and Oceans Canada,
18 Gabriel Bernard-Lacaille.

19 MR. BERNARD-LACAILLE: Thank you, Madam Chair.
20 Gabriel Bernard-Lacaille with Fisheries and Oceans
21 Canada. Thank you for that clarification.

22 So if the species was observed at the same
23 proportion of sites in 2020, once those monitoring data
24 are available, as in 2019, geographic spread from the
25 original detection site and increase in relative
26 abundance at sites is also an important indicator of

1 the species establishment, spread, and potential for
2 invasiveness. DFO would like clarification on whether
3 the relative abundance of the species change at any of
4 the sites from 2019 to 2020 and clarification of where
5 the species was found in 2020 versus 2019. In that
6 regard, a map would be very helpful.

7 Can Baffinland commit to providing this
8 information when they provide their 2020 monitoring
9 data?

10 THE CHAIR: After a response from
11 Baffinland, we're going to conclude for the day.

12 Baffinland, Megan Lord-Hoyle.

13 THE CHAIR: Megan Lord-Hoyle.

14 Yes. We can provide a map in our monitoring
15 report. Thank you.

16 THE CHAIR: That concludes Day 1 of the
17 public hearing. Thank you all for your contributions
18 to a productive day. We will resume the hearing
19 tomorrow morning at 9 AM, and I hope to see you all
20 back here tomorrow, and we'll continue with questions
21 from the Government of Canada.

22 _____
23 PROCEEDINGS ADJOURNED UNTIL 9:00 AM, APRIL 13TH, 2021

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1 CERTIFICATE OF TRANSCRIPT:

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3 We, Sandra Burns and Andres Vidal, certify that
4 the foregoing pages are a complete and accurate
5 transcript of the proceedings taken down by us in
6 shorthand and transcribed from our shorthand notes to
7 the best of our skill and ability.

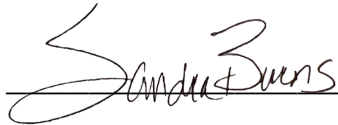
8 Dated at the City of Edmonton, Province of
9 Alberta, this 27th day of April 2021.

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14 Sandra Burns, CSR(A), RPR, CRR

15 Official Court Reporter

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21 Andres Vidal, CSR(A)

22 Official Court Reporter

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